IN THE HIGH COURT OF TANZANIA

MUSOMA DISTRICT REGISTRY

AT TARIME

CRIMINAL SESSIONS CASE No. 28 OF 2019

REPUBLIC

VERSUS

1. **MWITA KOROSO MWITA JOHANES_____1ST ACCUSED**
2. **THOBIAS NYAITIMO MAKURI_____2ND ACCUSED**
3. **MARWA CHACHA GEKONDO KOCHA_____3RD ACCUSED**
4. **JOSEPH GHATI RYOBA_____4TH ACCUSED**
5. **CHACHA GHATI GESABO MWITA_____5TH ACCUSED**
6. **MKAMI MAKURI MLIMI NYAMOSI_____6TH ACCUSED**

JUDGEMENT

Date of last order; 21.02.2020
Date of Judgment; 06.03.2020

GALEBA, J.

According to the information charging the accused persons in this case, it is alleged that at around 19:00 hours on 11.01.2015 at Itiryo village in the district of Tarime in Mara region, the accused persons, murdered **MWITA GESERO** (the deceased) contrary to sections **196** and **197** of the **Penal Code [Cap 16 RE 2002].**

The brief background to the case is that at or around 19:00 hours on 11.01.2015 certain bandits armed with traditional weapons and firearms invaded **MR. KOHE AMOSI's** bar which is located at Itiryo village center. The thieves terrorized those at the bar and robbed them of various items including cash and a crate of beer. Before they escaped they opened fire at **RHOBI MAKORI MRIMI,** one of those at the bar, and shot him in the leg. On their way from the scene of the robbery they met the deceased riding on his motorcycle and gunned him down. In the same night the deceased

was taken to Tarime Government Hospital but he died as soon as he arrived at the hospital. The next day, on 12.01.2015 the body of the deceased was examined at the Hospital and a Report on Postmortem Examination **(EXHIBIT P1)** revealed that the cause of death was a penetrating wound from behind through to the front of the left thigh which injury led to excessive bleeding. Following those organized chain of atrocities, investigations commenced and the 6 accused persons were apprehended and arraigned to court charged of the unlawful killing of the deceased.

The accused persons denied the charge so the prosecution called 10 witnesses to substantiate its allegations. Briefly the evidence of **PW1 (Rhobi Makori Mrimi), PW3 (Marwa Mtatiro Kiusi)** and **PW4 (Chacha Paulo Chacha)** was that they identified the **1st, 2nd** and **4th** accused persons. **PW2 (Bernard Makonyu)** was a medical doctor who tendered **EXHIBIT P1.** From PW5 to PW10 were all police officers of various ranks with various participations in this case. **PW5** (**G8319 Detective Constable Nicolas Emmanuel**) went to Ntimaru Police Station in the Republic of Kenya to procure the presence of the **2nd** and **4th** accused persons for prosecution in Tanzania. **PW6** (**D 8661 D/SGNT Harrison)** was the investigator of the case and he did not testify on anything specific. The rest of witnesses tendered the caution statements of the accused persons. **PW7** (**D6298 D/SSGT Rabiel**) tendered **EXHIBIT P2** the caution statement of **DW4** (**Mr. Joseph Ghati Ryoba**), **PW8** (**D8841 Detective Sargent Felix**) tendered **EXHIBIT P3** the caution statement of **DW6 (Mr. Mkami Makuri Mlimi Nyamosi), PW9** (**WP 3639 Detective Coplo Flora**) tendered **EXHIBIT P4** the caution statement of **DW1 (Mr. Mwita Koroso Mwita)** and **PW10** (**G2737 Detective Constable John**) tendered **EXHIBIT P5** the caution statement of **DW5 (Mr. Chacha Ghati Gesabo Mwita).** The accused persons testified on their own with no additional witnesses.

The issue in this case for determination is whether the evidence tendered did demonstrated beyond reasonable doubt that the accused persons murdered or participated in the murder of the deceased.

Touching on the 1st accused person are three pieces of evidence. **First** is the evidence of **PW1**, **RHOBI MRIMI** and **PW4 CHACHA PAULO CHACHA** taken together, **second** is his own caution statement and **third** are admitted caution statements of the co-accused persons except that of **DW6 MR. NYAMOSI** which does not refer to him. According to **PW1, RHOBI MRIMI,** while at Mr. **KOHE**'s bar, the place was invaded and he identified two robbers, **MWITA KOROSO** and **JOSEPH GHATI DW4. DW4** had a gun and he shot him in the leg. He added that both of them were in long black over-coats and **MWITA KOROSO** being like 3 paces away he had a machete and a club. As there was a lit tube light, he identified him properly. **PW4, CHACHA PAULO** stated that in the same evening while at **MS. BHOKE MARWA**'s place he heard a gunshot, and suddenly he saw two people one of them being **MWITA KOROSO** who was in a maroon jacket armed with a machete and a club. He said he was like 6 paces away and there was enough light illuminating the area so he very well identified him. Later he heard a motor bike riding towards Manyata and at the same time he heard a gunshot. It is this gunshot, according to this witness, that killed the deceased. That was the first set of the ***viva voce*** evidence against **MWITA KOROSO**.

Next is **P4** which was **MR. KOROSO's** own confession. According to **P4,** around 7 o'clock in the evening on the fateful day, he was in his house and **MNIKO MKWAYA** knocked on his house and when he got out he found him accompanied with the other 5 accused persons all being in long overcoats. He was himself in a grey trousers and a black t-shirt with stripes on the sleeves and at the front. They went to Itiryo center to the shop of **MR. KESERO** but it was closed so they launched a crackdown on the bar which was just opposite the shop. During the raid at the bar **THOBIAS MAKURI (DW4)** shot **RHOBI MRIMI (PW1)** in the leg. They left with a crate of beer. On the way they met, a riding motorcyclist who they thought was **MR. KESERO** and **MNIKO**

MKWAYA, shot the motorcyclist, who lost control of the riding and entertained an accident instantly. They proceeded to go to the residence of **MR. KESERO**, where they robbed items that **MWITA KOROSO** could not identify. That was the summary of his confession.

The confessions of the co-accused persons were the caution statements of **JOSEPH RYOBA** (PW4) and **CHACHA MWITA** (PW5) which were implicating **MWITA KOROSO** as a person who participated in both robberies and that he was present at the time the deceased was being shot.

In his defence, **MWITA KOROSO** generally denied the allegations of murder and as for his confession he stated that at the police he was tortured and the statement they tendered was not authentic as the same was not read over to him before he could sign it. This, in law, is called retraction of a confession.

Mr. Onyango Otieno submitted that the prosecution did not prove the case beyond reasonable doubt against this accused because, **first** according to section 32 (1) of the **Criminal Procedure Act [Cap 20 RE 2002] (the CPA)**, a suspect is supposed to have been taken to Court in 24 hours of his arrest but for his client it took 20 days to take him to Court. **Secondly**, he submitted that the deceased died of being shot but there is no evidence that his client had gun so his client cannot be the one who killed the deceased. **Thirdly** he submitted that the 4 cartridges of ammunition were not tendered. **Fourthly**, according to him there was evidence that the deceased was shot by **MNIKO MKWAYA.** With those points he moved the court to acquit **MR. KOROSO**.

In reply, **Ms. Monica Hokororo**, learned State Attorney for the prosecution stated that section 32 (1) of the CPA is not applicable because the accused persons were charged of murder whose sentence is death. She submitted that the evidence tendered showed common intention between all the accused persons who were destined to commit a robbery and that is enough to bring his client within the offence of murder without having to have physically

shot the deceased. She stated that as the gun which was used to commit the murder was not traceable, it would be useless to tender the cartridges. According to her the evidence of **PW1, PW3** and **PW4** together with the caution statements, all the accused persons had common intention to commit the offence of robbery.

The evidence in this case is entirely circumstantial in respect of an offence which was committed at night and for such evidence to be authentic it must meet the conditions that were adopted by the Court of Appeal in **CRIMINAL APPEAL NO 247 OF 2008; NDALAHWA SHILANDA AND BUSWELU BUSARU VS REPUBLIC** where it was held that for circumstantial evidence to ground a valid conviction, the following three 3 conditions must be met;

> ***"(i) the circumstances from which an inference of guilt is sought to be drawn, must be cogently and firmly established.***
>
> ***(ii) those circumstances should be of a definite tendency unerringly pointing towards the guilty of the accused; and***
>
> ***(iii) the circumstances taken cumulatively, should form a chain so, complete that there is no escape from conclusion that within all human possibility the crime was committed by the accused and no one else."***

These principles were not met by the evidence of **PW1, PW3** and **PW4** in implicating not only **DW1** but also **DW2** and **DW4**. This is so because, **first, PW3** did not see the 1st accused, but also whereas **PW1** saw him in a long overcoat, **PW4** saw him around the same time in a maroon jacket. This contradiction on the issue of the clothing of **DW1** is critical on the aspect of identification. If there was sufficient light as alleged by **PW1** and **PW4**, their versions on that aspect would not have been that different. **Secondly**, the evidence of those witnesses does not state the definite direction of where the 1st accused headed after each had seen him. This evidence being circumstantial falls short of attaining the standards of being water tight and does not unerringly and irresistibly point to the guilty of the accused and no one else, see **SIMON MUSOKE VERSUS REPUBLIC (1958) EA 715.** Therefore, by elimination that leaves the caution statement and the statements of co-accused persons.

In order to convict an accused person based on his confession, that confession must meet two tests and pass both of them. **First** it must have been obtained voluntarily and **secondly** it must be of sufficient weight or value and not retracted at the trial. If it is retracted during the trial for whatever reason, such confession requires corroboration, unless the Court is satisfied that the confession could contain nothing else but the truth as per the case of **KASHINDYE MELI VERSUS REPUBLIC [2002] TLR 374.** However in this case, this Court has no grounds upon which to hold a 100% that **EXHIBIT P4** contains nothing but an absolute truth upon which it can wholly heartedly convict the 1st accused. It is the opinion of this Court that the caution statement of the 1st accused person ought to have been corroborated by another piece of independent evidence as held in **NDALAHWA SHILANDA AND BUSWELU BUSARU VS REPUBLIC** (supra). It would have been argued that this confession could be corroborated by the evidence of **PW1** and **PW4,** but I explained a while ago that the evidence of those witnesses is not reliable as far as it relates to the 1st accused; it was contradictory as to his identification in a very bright light and other weaknesses pointed out. It, can therefore, not corroborate **EXHIBIT P4.**

The only remaining option in the circumstances would have been to be corroborated by the other caution statements of the co-accused persons, which are **EXHIBITS P2, P3** and or **P5.** This way again is closed. There are several reasons for the closure. First, **EXHIBIT P3** which is a confession of **PW6, MKAMI NYAMOSI** we indicated already that it does not refer to him. **Secondly** the remaining **EXHIBITS P2** and **P5** which are confessions of co-accused persons were also retracted. The prevailing legal position is that a retracted confession cannot corroborate another retracted confession see **CRIMINAL APPEAL NO. 189 OF 1989 JOHN CHEREHANI AND ANOTHER VERSUS THE REPUBLIC** and **MKUBWA SAID VERSUS SMZ [1992] TLR 365.** Even if the same would not have been retracted, being confessions of co-accused persons, those confessions themselves needed corroboration for them to have authenticity to corroborate any

other evidence, because the law is that the evidence that needs corroboration cannot corroborate another evidence see **CRIMINAL APPEAL NO 159B OF 2017 JIMMY RUNANGAZA VERSUS REPUBLIC CA (UNREPORTED).**

In the circumstances with the concurring opinion of Mr. Gabriel and Mr. Ochieko, the gentlemen assessors, this Court finds comfort in holding that there is no evidence with sufficient weight upon which this Court can ground a conviction of the 1st accused for the offence of murder.

Next was **THOBIAS NYAITIMO MAKURI** who had no confession. The evidence touching on him was the ***viva voce*** testimony of **PW3, MARWA MTATIRO KIUSI** who stated that on 11/1/2015 at 7:00 pm he met him in the company of **JOSEPH RYOBA, DW4** who told him that they were going to drink ***gongo*** at **MR. MUGESI GHATI'S** place. This witness did not tell the court whether these men had any weapons, although after like 4 minutes he heard gunshots at **AMOS KOHE's** bar and at Palestina. Other than this evidence, there remained only caution statements of co-accused persons. In his defence **DW2** denied the charge and stated that in criminal case No. 85 of 2015 for which he was charged of one of the robberies he was acquitted for want of evidence. He pleaded for acquittal from the charge.

Mr. Tumaini Kigombe learned advocate for the 2nd accused submitted that the prosecution did not manage to establish the case beyond reasonable doubt because of contradictions in the evidence of the prosecution and that his client was not identified anywhere in the vicinity of the scene of crime.

Getting to decide the fate of this accused person does not present much complication. First, unless, there be other evidence, which is not the case, the evidence of **PW3** that he met him in the company of **JOSEPH RYOBA** and they told him that they were going to drink ***gongo*** and that soon thereafter he heard gunshots are not serious pieces of evidence to implicate the accused in the murder. This evidence is too weak to support the charge, because it does not

show that he participated in the murder and too, the fact that they were going to drink ***gongo,*** does not suggest that they are the ones who must have killed the deceased. Other than that evidence there are only caution statements of accused persons upon which this court cannot base a conviction because, **first**, section 33(2) of the **Tanzania Evidence Act (Cap 6 RE 2002]** forbids conviction based solely on a confession of a co-accused or confessions of co-accused persons, **secondly** the caution statements were all retracted and no corroboration efforts were made. In the circumstances, this Court is unable to convict the 2nd accused person of the murder as charged.

The evidence incriminating **DW3, MARWA CHACHA GEKONDO** also called **KOCHA** is only the statements of co-accused persons. There was no caution statement nor any ***viva voce*** evidence tendered to incriminate **DW3**. This Court has already observed above that a confession of a co-accused person or persons cannot ground a valid conviction of a co accused see **THADEI MLOMO AND OTHERS VERSU REPUBLIC [1995] TLR 187** as well as section **33(2)** of the **Evidence Act [Cap 6 RE 2002]**. It is more so when the confessions which would corroborate the evidence were retracted by their respective alleged makers. This Court is therefore in agreement with **Ms. Rebecca Magige** learned advocate and all the 3 assessors who opined that this accused needs to be acquitted.

JOSEPH RYOBA, the 4th accused was incriminated by his own caution statement, the statements of co-accused persons and also the ***viva voce*** evidence of **PW3, MARWA KIUSI** who stated that on 11/1/2015 at around 7:00 pm he met him in the company of **THOBIAS MAKURI** while going to have local spirit called ***gongo.*** In his defence he challenged the authenticity of the caution statement that the same was procured by coercion after a lot of torture and suffering from the Tanzanian police officers. By that the accused retracted his confession. In this case, for the evidence of **MARWA KIUSI** to be strong enough to base a conviction, it needed a lot more evidence because, there is nothing criminal about meeting the accused and hearing gunshots a while later. The other evidence against the 4th accused was his caution statement, however although elaborate as

it was, but the same was retracted by him. As it was a retracted confession the same was supposed to be corroborated for it to gain some evidential value. The evidence that would corroborate it would be either that of PW3 we just stated to be of the weakest value or that of fellow co-accused in their confessions. When discussing the case against the 1st accused we stated that a retracted confession cannot corroborate a retracted confession and we cited the cases of **JOHN CHEREHANI** and **MKUBWA SAID** (supra). So like for the 1st accused, with this accused person the evidential mathematics does not add up for this Court to convict him of the offence charged.

The 5th accused, **CHACHA MWITA** was implicated by two pieces of evidence; his own caution statement **EXHIBIT P5** and the co-accused persons' confessions. No ***viva voce*** evidence was tendered.

In his defence he testified that on 11/1/2015 at around 7pm he was at his home as he had a funeral of his own child. He was given this case by the police because he had protested against his hamlet chairman's move to shift his father's land boundary as the community wanted to build a new road through his father's land. He therefore denied to have involved himself in the killing of the deceased or any related robberies. As for his caution statement he stated that after he had denied all allegations he requested that his statement be read over to him but he was told that the same would be read in court although he was given the statement to affix his thumb print. The accused therefore retracted the authenticity of the statement incriminating him.

If this happens there must be credible evidence to corroborate it, if not, there is nothing that we can do. In this case what is there to corroborate his confession are the confessions of co-accused persons, which we stated already that the evidence of a co-accused needs to be corroborated first, for it to corroborate another piece of evidence. That is the position of the law and definitely, of this Court.

That then leaves in place the statements of the co-accused persons implicating the 5th accused person, which according to section 33(2) of the Evidence Act, they cannot on their own found a lawful conviction. In other words they cannot corroborate the confession of the accused and they cannot on their own ground any sound conviction. That said I am constrained to rule in respect of the 5th accused person that there is no strong evidence to find him liable for the death of the deceased.

The last accused person was **DW6, MKAMI NYAMOSI.** The evidence touching on him was his own caution statement and the statements of the co-accused persons. In the caution statement it is stated briefly that he was voted as a criminal by Itiryo village meeting of elders which was convened on 4.2.2015. He is very brief in his statement that he participated in the atrocities of 11.1.2015 along with all other accused persons except **MWITA KOROSO**. However in that caution statement, the person who died is not mentioned, and there is virtually nothing that the accused admitted in his confession. It is a document upon which a Court properly directing itself cannot convict a person of the offence of murder. That is one, secondly the statement was retracted and no corroboration was attempted by the prosecution. We stated also that he is mentioned in the confessions of the co-accused, which evidence, as elaborated abundantly above that it cannot found a conviction unless corroborated. I have already highlighted that the evidence that needs corroboration cannot corroborate another evidence, see also **CRIMINAL APPEAL NO 43 OF 1991 SWELU MARAMOJA VERSUS REPUBLIC CA (UNREPORTED).** In the circumstances, there is no way that this Court can lawfully convict the 6th accused person of the charged offence.

Before settling on the final position of this Court in this matter, it is important to clarify three issues and make one advice. The first thee will be about confessions, the doctrine of common intention and the

defence of ***alibi***. The advice will be based on recording suspects' statements.

On the aspect of validity of the caution statements or confessions in this case, the learned state was of the view that the accused persons were supposed to cross examine the police officers who tendered the confessions but they did not and because they did not, then they were bound by the statements. In grounding her submission counsel relied on the decision of the Court of Appeal in **CRIMINAL APPEAL NO 212 OF 2016 BETWEEN ISMAIL ALLY VERSUS THE REPUBLIC, CA (UNREPORTED)** where it was held that if a party fails to cross examine a witness from the adverse party on a certain matter, that party failing to cross examine, is deemed to have accepted that matter and shall be estopped from asking the court to disbelieve the truthfulness of it. That is true and good law, but that decision does not negate the legal right of the accused to retract an illegally procured confession during the trial. It is also not intended to negate the timeless principles and guidelines holding together the fabric of our criminal jurisprudence and court practice in criminal justice delivery namely; **firstly** that in all criminal trials, unless otherwise specified (like in cases of insanity), the burden of proof lies on the prosecution without shifting throughout the trial as per the case of **JOSEPH JOHN MAKUNE VERSUS R [1986] TLR 44**; **secondly**, that the standard of proof required of the prosecution is beyond reasonable doubt see the case of **SIMON KILOWOKO VERSUS REPUBLIC [1989] TLR 159** and **thirdly,** an accused person cannot be convicted based on his inability to defend himself, or any weaknesses in his defence; **fourthly** it is the strength and credibility of the evidence led by the prosecution upon which the accused can be convicted and not otherwise and **fifthly**, it is not the duty of the accused to defend his innocence in a criminal trial as per the decision in **SAMWEL SILINGA VERSUS REPUBLIC [1993] TLR 149** and **MOHAMED SAID MTULIA VERSUS REPUBLIC [1995] TLR 3.**

All these stiff requirements on the part of the prosecution is to ensure protection of the Presumption of Innocence to all criminal suspects standing trial before courts in Tanzania. The presumption is provided for and protected by Article 13(6)(b) of the **Constitution of the United Republic of Tanzania [Cap 2 RE 2002]**. So to hold that an accused should be held liable of a criminal offence because he failed to cross examine on a particular aspect would be to offend one or more of the above principles which are very useful for our criminal practice. However, this Court is not establishing a principle that persons accused of committing crimes have no duty to cross examine on crucial matters. They have both rights and duties to defend themselves. What should not be expected of the defence is for their failure to cross examine to create strength to the prosecution case, which could otherwise be weak.

To conclude, the secure way of rectifying or making good a retracted confession is not the possibility of cross examining the person who recorded it; rather it is having in place another independent evidence to corroborate the confession.

The second point which I need to highlight about briefly is the aspect of Common Intention. The point did not feature on many occasions in this judgment because the same is a conclusion. There must exist facts which should be established by evidence for such intention to be inferred. In this case I endeavored to explain the deficiencies that each piece of evidence suffered from. It was impossible from the evidence as tendered and analyzed to infer common intention in the circumstances. That is to say Common Intention can only be inferred from credible evidence, which evidence did not exist in this case.

The third point was on ***alibi***. This Court is in agreement with the learned state attorney, that because each accused person alleged not to be at Itiryo center at the time the robberies and the murder were being committed, then essentially what the accused were

pleading is the defence of ***alibi.*** This Court is also in full agreement that because the defences were not preceded with the notices of ***alibi*** under section 194(1) of the CPA, then this Court is unable in any way to attach any weight on such defence at all under section 194(6) of the CPA.

The last aspect is advisory. It is an advice or a reminder to those in criminal justice administration dealing with investigation of crimes particularly those whose official duties include recording of statements of criminal suspects. This Court has been constrained to give this advice because of the technical course that this case has taken. The point is that there is currently a modified and less controversial manner of recording suspects' confessions under the provisions of the CPA.

On 10.09.2018, in its wisdom, the National Assembly enacted the **Written Laws (Miscellaneous Amendments) Act (No. 2) Act No. 7 of 2018** including PART III in which that Act was amending the CPA. The CPA was amended by section 9 of that Act adding subsections (5), (6) and (7) to the then existing section 57. That Act was assented to by His Excellence the President on 24.09.2018. To appreciate the gist of the additional subsections, I will reproduce the full substance of the current section 57(5), (6) and (7) of the CPA. Section 9 of the above Act provides as follows;

"9. The principal Act is amended in section 57 by adding immediately after subsection (4) the following new subsections;

(5) An interview of a person by a police officer under this section, if available, and subject to sections 53, 54 and 55 be undertaken by using an audio or video recording device and in such circumstances;

> ***(a) any machine which can make an audio or video recording may be used;***
>
> ***(b) the person being interviewed shall be informed of the use of such recording device;***
>
> ***(c) a copy of the recording shall be made available to the person or his legal representative immediately after that interview and;***

(d) a certificate of completion of the interview shall be filled in by the police officer in accordance with the requirements of subsection (3) and the person shall sign the certificate and be supplied with a copy of that certificate, save that, the requirement to read, initial each page of the record and sign the certificate at the end shall not apply.

(6) The recording shall be used as evidence of the content and conduct of the interview without the requirement for a written record.

(7) The Chief Justice may make rules for carrying out the provisions of subsection (5)."

Invoking and putting to use of the provisions of the above law is timely. It is opportune, because then a witness will not be able to tell the court that he was tortured while he was not, because the scenes and circumstances would be recorded in a device showing his moving picture and even voice. If subsections (5) and (6) of section 57 of the CPA would be put to use, repudiations and retractions will come to an end, or if they will not, deciding on them will be a lot easier than now and with less a hassle of litigation.

That said, the investigation authorities, if they have not, are advised to come out of tradition and embrace this scientific and sure way of recording suspects' statements and confessions. The authorities should not wait for the rules to be made under subsection (7) of section 57 of the CPA, because subsection (5) with its paragraphs (a), (b), (c) and (d) give sufficient guidelines to record statement by using video and audial recording devices. That is so because, as far as courts are concerned, it is not mandatory that subsection (7) must be acted upon first for subsection (5) to come into force. There is no such requirement in that Act.

To conclude this judgment, in view of the evidence tendered and its analysis, this Court takes the position that the prosecution did not manage to prove the case beyond reasonable doubt as required in criminal cases against the accused persons or any of them. Accordingly the accused persons namely **MWITA KOROSO MWITA** also called **JOHANES, THOBIAS NYAITIMO MAKURI, MARWA CHACHA GEKONDO** also called **KOCHA, JOSEPH GHATI RYOBA, CHACHA**

GHATI GESABO MWITA and **MKAMI MAKURI MLIMI NYAMOSI** are hereby acquitted of the offence of murder under the provisions of sections 235(1) of the CPA with further orders under sections 312(3) of the same Act that all the 6 accused persons be released immediately from prison and set to liberty unless they are or any them is held for any other lawful cause.

It is so ordered.

DATED at TARIME this 6th March 2020

Z. N. Galeba
JUDGE
06.03.2020

This judgment has been delivered this 6th March 2020 in the presence of Mr. Yese Temba assisted by Mr. Peter Ilole learned state attorneys for the prosecution on one hand and learned advocates Mr. Onyango Otieno for the 1st accused, Mr. Tumaini Kigombe for the 2nd accused, Ms. Rebeca Magige for the 3rd accused, Mr. Paulo Obwana for the 4th and 6th accused persons and Ms. Mary Samson for the 5th accused person.

Z. N. Galeba
JUDGE
06.03.2020