

**THE REPUBLIC OF UGANDA  
IN THE COURT OF APPEAL OF UGANDA AT MBARARA**

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**CRIMINAL APPEAL NO.46 OF 2006**

**CORAM: HON. JUSTICE A. TWINOMUJUNI, JA  
HON. JUSTICE S.B.K. KAVUMA, JA  
HON. JUSTICE M.S. ARACH AMOKO, JA**

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**WEITIRE ASANASIO.....APPELLANT**

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**V E R S U S**

**UGANDA .....RESPONDENT**

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**JUDGMENT OF THE COURT:**

The appellant was convicted of two counts of defilement C/s 123(1) of the Penal Code Act. He was sentenced to 12 years on each of the counts to run concurrently. The victims were each aged 10 years. The appellant himself was aged 63 years old. The offence of defilement is a very serious offence. It carries with it a penalty of death. This particular offence is actually aggravated defilement in that both victims were under 14 years old.

We have heard from the defence counsel that the appellant is very old (67 years) and that he is suffering from liver disease. As human beings we are all bound to sympathise with any old person with such a medical condition. However, we must also see the other side of the coin. The appellant defiled two defenceless children in a very cruel and most barbaric manner. He would tie one on a tree while defiling the other. Thereafter, he would tie on a tree the defiled girl and tie on a tree the one defiled while defiling the other. To us a person of the age of 63 who conducts himself in such a manner is not even fit to be called an animal because no animal has ever committed such an offence in such a manner. He is not fit to return to the society where he is still capable of doing the same thing to other young girls. We condemn this sort of behaviour in the strongest terms and we think that since the appellant is receiving free medical care from

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the State, he should stay in custody for much longer in order to protect the young girls growing up in the village where he grew up. We feel that in the circumstances that a sentence of 12 years was too lenient. We hereby quash the sentences and substitute a sentence of life imprisonment on each count to run concurrently.

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Dated at Mbarara this 17<sup>th</sup> November 2010.

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Hon. Justice A. Twinomujuni  
**JUSTICE OF APPEAL**

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Hon. Justice S.B.K. Kavuma  
**JUSTICE OF APPEAL.**

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Hon. Justice M.S. Arach Amoko  
**JUSTICE OF APPEAL.**

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