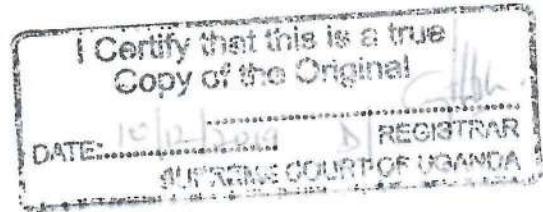


**THE REPUBLIC OF UGANDA
IN THE SUPREME COURT OF UGANDA AT KAMPALA
CRIMINAL APPEAL NO. 18 OF 2011**

BETWEEN

10 **MALIRO ABASI alias MABALE:..... APPELLANT**

=VERSUS=



UGANDA:.....RESPONDENT

15 **(CORAM: ARACH-AMOKO; MWANGUSYA; OPIO-AWERI; MUGAMBA;
BUTEERA; JJ.S.C).**

RULING OF THE COURT

20 According to the decision of this Court in **Attorney General v Susan Kugula (Constitutional Appeal No. 3 of 2006,**
followed in **Ambaa Joseph v Uganda, Criminal Appeal No. 10 of 2001 Supreme Court,** all appeals against the
mandatory death sentence in capital offences which were
lodged in the Court of Appeal and in the Supreme Court
25 between 2005 and 21st January, 2009, when the Supreme
Court confirmed the decision in **Kigula** (supra), should be
and have been remitted to the High Court for submissions in
mitigation of the death sentence.

30 This case fall in that category since the appeal was lodged in
the Court of Appeal within the said period.

For the foregoing reason, we set aside the order of the Court
of Appeal.

We order that the file be remitted to the High Court for the
appellant to make submission in mitigation of sentence.

5 Since Katutsi J, the trial Judge has since retired, this aspect
of the case can be heard by any other Judge of the High
Court.

Dated at Kampala this **10th** day of **December**, 2019.

10

Hon. Justice M.S. Arach-Amoko,
JUSTICE OF THE SUPREME COURT.

15

Hon. Justice Mwangusya,
JUSTICE OF THE SUPREME COURT

20

Hon. Justice Opio-Aweri,
JUSTICE OF THE SUPREME COURT

25

Hon. Justice Paul Mugamba,
JUSTICE OF THE SUPREME COURT

30

Hon. Justice Richard Buteera,
JUSTICE OF THE SUPREME COURT

