**Batala v Uganda**

[1974] 1 EA 402 (CAK)

**Division:** Court of Appeal at Kampala

**Date of judgment:** 25 September 1974

**Case Number:** 27/1974 (113/74)

**Before:** Spry V-P, Mustafa and Musoke JJA

**Sourced by:** LawAfrica

**Appeal from:** High Court of Uganda – Kakooza, J

*[1] Evidence – Confession – Co-accused – Only slight evidence.*

*[2] Evidence – Confession – Admissibility – Against co-accused in joint trial – Exculpatory statement*

*not a confession admissible against co-accused.*

*[3] Evidence – Witness – Hostile – Evidence is unreliable.*

**Editor’s Summary**

In convicting the appellant of murder, the trial judge relied heavily on a statement made by a co-accused

implicating him and the judge treated the statement as irresistible evidence of guilt.

The judge also relied on the evidence of a witness who had been declared hostile.

On appeal

**Held –**

(i) the confession of a co-accused is only of slight evidential value;

( ii) the statement of the co-accused was exculpatory and therefore not a confession and not admissible

against the appellant;

(iii) treating a witness as hostile is equivalent to a finding that the witness is unreliable and his

evidence can be given little if any weight.

Appeal allowed.

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**Case referred to Judgment:**

(1) *Alowo v. Republic*, [1972] E.A. 324.