**Katumba v Uganda**

**Division:** Supreme Court of Uganda at Mengo

**Date of judgment:** 9 May 2000

**Case Number:** 45/99

**Before:** Wambuzi CJ, Oder, Tsekooko, Kanyeihamba and

Mukasa-Kikonyogo JJSC

**Sourced by:** B Tusasirwe

**Summarised by:** M Kibanga

*[1] Criminal law – Rape – Corroboration – Whether corroboration was in respect of particular*

*ingredients of offence or of the offence as a whole.*

*[2] Evidence – Corroboration – What constituted corroboration.*

*[3] Evidence – Rape – Penetration – Corroboration – Whether a requirement of law to corroborate*

*evidence of penetration specifically.*

**Editor’s Summary**

On 8 March 1997 at about 3:00 pm, the complainant was walking along a village path when she noticed the Appellant following her. He ran after her and demanded to have sex. She refused and the Appellant dragged her into some bushes a few metres from the path where he forcefully raped her. During the rape, the complainant raised an alarm which was responded to by two persons. The Appellant ran away, but was later arrested and charged with rape contrary to sections 117 and 118 of the Penal Code. During trial the complainant testified that the Appellant penetrated her during rape. The doctor who examined the complainant after the rape did not give evidence. One of the persons who answered to the complainant’s alarm testified that he recognised the Appellant at the time of the offence and in fact saw him between the open legs of the complainant. The High Court convicted and sentenced the Appellant of rape. His appeal to the Court of Appeal was dismissed and he appealed to the Supreme Court on the ground that the Court of Appeal did not re-evaluate the evidence and had therefore arrived at the wrong conclusion. During the appeal, the Appellant’s advocate submitted that there was no corroboration of the complainant’s testimony that the Appellant had penetrated her and therefore a major ingredient of rape had not been satisfied. The advocate argued that it was a mandatory requirement that the evidence of penetration by the complainant be corroborated.

j**Held** – A court was not prevented from convicting a person of a sexual offence on the evidence of the complainant alone, if she was believed by the court to be a truthful witness, although the practice in such a case was that the complainant’s evidence be corroborated. It was generally unsafe to base a conviction on the evidence of a complainant only, in sexual offences; *George Bangirana v Uganda* [1975] HCB 361 cited with approval. Corroboration was additional independent evidence which connected the accused with the crime, confirming in some material particular not only the evidence that the crime had been committed, but also that the accused had committed it. Corroboration was therefore in relation to the offence of rape as a whole and not the ingredient of penetration only. Appeal dismissed. **Case referred to in judgment**

(“**A**” means adopted; “**AL**” means allowed; “**AP**” means applied; “**APP**” means approved; “**C**” means

considered; “**D**” means distinguished; “**DA**” means disapproved; “**DT**” means doubted; “**E**” means

explained; “**F**” means followed; “**O**” means overruled)

*George Bangirana v Uganda* [1975] HCB – **APP**