

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

**(Coram: Catherine Bamugemereire, JA, Christopher, JA, Eva K.
Luswata, JA)**

CRIMINAL APPEAL NO. 0219 OF 2021

BETWEEN

- 1. MALONG LAWRENCE LAUL YOR**
- 2. OKITALUNYI LOTA MIKE**
- 3. GAVANA THEDEUS ZIKUSOOKA:.....APPELLANTS**

VERSUS

UGANDA:.....RESPONDENTS

*(Appeal from the Judgment of Gidudu Lawrence, J, sitting in the High
Court of Uganda, Anti-Corruption Division delivered on 16th August,
2021)*

JUDGEMENT ON APPEAL

Introduction

1] The appellants were charged and tried on ten counts of offences contrary to the **Penal Code Act, CAP 120 (PCA)** and the **Anti-Money Laundering Act, 2013**. For constraints of space, we shall not reproduce the ten counts, which were well documented in the judgment of the trial Court and indictments found at pages 531 to 533, and 15 to 19 of the record of appeal (respectively). The appellants were convicted on counts 1, 3, 4, 5, 6, 9 and 10. Counts 2, 7 and 8 were dismissed as they were not proved beyond reasonable doubt. The facts admitted at the trial were also well summarized by

the trial Judge in his judgment. We provide an abridged version for the purposes of this appeal

- 2] Sometime during June 2017 while in South Africa, A1 approached PW2 Abebe Belay Engda an Ethiopian national with a proposal of business dealings in Juba, South Sudan. Both visited that country but PW2 declined to commit to any investment. The two continued to communicate on social media a result of which A1 introduced a gold business to PW2. The latter in turn interested PW1 Wagnaw Gashaw Dessie in the trade, which the latter reluctantly agreed to try. Both PW1 and PW2 travelled to Entebbe in Uganda where they met A1 who introduced them to A2, A3, one who purported to be an army General from the Democratic Republic of Congo (DRC), and others at large.
- 3] A2 held out as the General's son or relative, and A3 as a clearing agent and one who would assist with exploring the gold, and its export. Others introduced by the appellants to PW1 and PW2 were the army General as owner of the gold, Emmanuel an interpreter, Patrick who posed as a URA officer, Hannington who posed as the General's lawyer, Oyino who posed as a Kenya Revenue Authority officer, another man from Interpol, and others.
- 4] PW1 and PW2 (hereinafter the complainants) were convinced that the deal was genuine and as a result, PW1 made several payments to the appellants for the purchase of gold all adding to a sum of USD 1,900,000. The transaction which the trial Court found to be a scam, was transacted in Kampala, Entebbe, Nairobi, Zambia and Hong