Confronting Child Sacrifice in Uganda: A Multi-Layered View

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1.0 Introduction

This year the African Committee of Experts on the Rights and Welfare of the Child (ACERWC) selected the theme “Eliminating Harmful Social and Cultural Practices Affecting Children: Our Collective Responsibility” for the commemoration of the 23rd Day of the African Child. In terms of this theme, it is difficult to imagine a practice more horrific and worthy of elimination than child sacrifice. In fact, the practice is so hideous that many people have a difficult time believing it persists. Unfortunately it does.

Child sacrifice is disturbingly commonplace in Uganda. Despite various efforts to combat this scourge, Ugandan children continue to suffer and die. The social, religious, economic and cultural roots that sustain child sacrifice in Uganda run deep. Engaging the challenge of eliminating child sacrifice requires a multi-layered assessment of the problem.

This paper covers a broad swath. It begins by providing readers with some sense of the scope and intensity of child sacrifice in Uganda. Next it catalogues certain duties and obligations relevant to child sacrifice arising from international and regional treaty commitments. The paper then presents the domestic legal framework relevant to child sacrifice matters and outlines responses by various actors and stakeholders seeking to counter and prevent child sacrifice in Uganda. Finally, the paper concludes with recommendations for combating and addressing child sacrifice going forward.

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1 This paper springs from field research conducted by Frieda Faith Letacie and Heather Pate in conjunction with an internship conducted with Kyampisi Childcare Ministries during July and August of 2013. Heather Pate is a law student pursuing her Juris Doctorate at Regent Law School (Virginia Beach, Virginia USA). Frieda Faith Letacie is a law student pursuing her LLB at Uganda Christian University. Ms. Pate’s internship was funded and supported by Regent Law School’s Center for Global Justice, Human Rights and the Rule of Law. Co-author Brian Dennison is a lecturer at Uganda Christian University’s Faculty of Law and is pursuing his PhD in Private law from the University of Cape Town.
2.0 Child Sacrifice

Child sacrifice is the ritual murder and/or mutilation of children performed for the presumed mystical benefit of another. Humane Africa defines child sacrifice as “[t]he harmful practice of removing a child’s body parts, blood or tissue while the child is alive. These body parts, blood or tissue are either worn, buried or consumed by the individual in the belief they will assist with a number of issues including overcoming illness, gaining wealth, obtaining blessings from ancestors, protection, initiation, assisting with conception and dictating the gender of a child.”\(^2\) Kyampisi Childcare Ministries (KCM) describes child sacrifice as “the act of murdering a child by a witch-doctor or their accomplices in order to use the child’s blood, organs, and/or limbs mixed with herbs and other elements in a ritual witchcraft ceremony.”\(^3\)

Child sacrifice is a genuine threat to children in Uganda and other parts of Africa. Every year children are killed and mutilated based on the suggestion and direction of witchdoctors. Individual body parts, most often facial features and genitals, are cut off for ceremonial use in the belief that these body parts will appease spirits, leading to riches, the solution of problems or other personal benefits.\(^4\)

There are archetypal scenarios that lead to the performance of child sacrifice in Uganda. These scenarios begin with witchdoctors consulting with the spirit world for clients willing to pay a fee. After this spiritual consultation, the witchdoctor will relate purported sacrificial demands of the spirits. Typically domestic animals such chickens and goats are sacrificed. However, when the client fails to get the result the client seeks or if the initial client request is of particularly great magnitude (e.g. success in a large building project) the witchdoctor might convey that the spirits demand a human sacrifice.

\(^3\) See www.kyampisi.org
\(^4\) ibid, accessed on Feb 15 2013.
Young children make relatively easy targets for human sacrifice in Uganda. They are unable to put up serious physical resistance. In Uganda many parents leave young children unattended for extended periods. Children are often required to perform tasks that take them away from the home. Water collection points and paths on the way to water sources are common places of child abduction.

In addition, economic pressures push some Ugandans to make tragic choices. The prospect of supernaturally assisted wealth accumulation creates a ready market for children. Children have become a commodity of exchange. Child sacrifice is more than a religious or cultural issue; it has become a commercial business.\(^5\) Given that child sacrifice is often called for in the context of substantial real estate development projects, the individuals seeking the child have the means to pay amounts that seem quite considerable to poorer Ugandans.

Often the individuals furnishing children for sacrifice are people close to the child such as neighbours and family friends. In many instances, family members offer up the child. This heartbreaking phenomenon is reflected in several of the scenarios reported in Appendix “A” to this paper.

### 3.0 The Extent of Child Sacrifice in Uganda

It is difficult to gauge the present extent of child sacrifice in Uganda. UNICEF, the Anti-Human Sacrifice and Trafficking Task Force, the Ugandan Human Rights Commission and Kyampisi Childcare Ministries report varying statistics concerning the extent of child sacrifice in Uganda. The Anti-Human Sacrifice and Trafficking Task Force reports, three ritual murders in 2007, 25 child sacrifice cases in 2008 and 24 child sacrifice cases from January to November of 2009.\(^6\) In a report published by UNICEF, Uganda police statistics only show conclusive evidence of child sacrifice in 1999 and in 2009. In each of those years, 15 children were reported to be sacrificed. From 2006 through 2008, UNICEF

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\(^5\) Chris Rogers ‘Where Child Sacrifice is a Business’ *BBC News Africa* (Kampala, 11 October 2011), <http://www.bbc.co.uk/news/world-africa-15255357>

captured only police statistics for children who were reported missing. The numbers are as follows: 230 children disappeared in 2006, 103 disappeared in 2007 and 318 disappeared in 2008. The 2011 annual crime report for Uganda shows eight instances of child sacrifice in 2011. While the Uganda Human Rights Commission does not report official statistics of the incidence of child sacrifice, it has shown an increase in the cases of child sacrifice. A 2009 report from Uganda’s online newspaper, New Vision Online also shows an increase in child sacrifice from 2006 to 2009, by 83%.

A 2010 investigation by the British Broadcasting Corporation (BBC) into human sacrifice in Uganda found that ritual killings of children are more common than Ugandan authorities admit. The BBC reports that observers associate the rise in child sacrifice with growing prosperity. Politicians and powerfully connected wealthy businessmen are involved in sacrificing children in practice of voodoo and traditional religion. Moses Binoga, head of Uganda’s Anti-Human Sacrifice Task Force, contends that child sacrifice is directly linked to rising levels of development and prosperity and an increasing belief that witchcraft can help people get rich quickly.

According to official police figures, there was only one reported case of child sacrifice in 2006. Uganda police say they investigated 25 alleged ritual murders in 2008 and 29 in 2009. However, the African Network for the Prevention and Protection against Child Abuse and Neglect (ANPPCAN) reports that 125 suspects of human sacrifice had been arrested at the end of January 2010. Of those who were arrested, 54 were taken to court and charged with criminal offences such as murder, abductions,
kidnap, causing harm and attempting to sell children. However, according to ANPPCAN, none of those charged had been convicted as of December of 2012.\textsuperscript{14}

Child sacrifice’s public profile in Uganda increased dramatically with the high level of interest in the Kajubi case.\textsuperscript{15} This matter involved a rich businessman who orchestrated the brutal beheading and emasculation of a twelve-year old boy. Initially, Kajubi had the charges brought against him dismissed. Kajubi’s early success resulted in a public uproar. Ugandans saw the Kajubi case as emblematic of a legal system that favours the rich and fails to deliver justice. However, the Uganda Court of Appeals overturned the trial courts dismissal of the charges against Kajubi\textsuperscript{16} and a second trial resulted in Kajubi’s conviction and a life sentence.\textsuperscript{17}

4.0 True Stories of Child Sacrifice

In order to appreciate the tragedy of child sacrifice, one must look beneath raw data and consider the stories of the victims. Here are three stories that the authors of this paper have personally investigated.

4.1 G’s Story:

G is a four-year old boy who was attacked on the 15th of February 2009 by witch doctors. G’s father had gone for Church that morning and the mother was attending a funeral service in the neighborhood. G stayed with his two older brothers at home and they later went to play with neighborhood friends. His attackers whisked him from his friends as they were playing football and took him to a nearby bushy area. G was later found lying in a pool of blood, unconscious, with his genitals badly mutilated. He was rushed to a hospital where a tube that he uses to pass urine was inserted in his body. Now G suffers


\textsuperscript{15} For an overview of the Kajubi case and a timeline of relevant events see Sadab Kitata Kaaya ‘Kajubi Jailed for Life for Ritual Murder’ The Observer (Masaka, 27 July 2012)<http://www.observer.ug/index.php?option=com_content&view=article&id=20060&Itemid=114>


\textsuperscript{17} Uganda v. Godfrey Kato Kajubi, High Court of Uganda at Masaka, Session Case No. 28/2012.
from excruciating pain and trauma. G’s survival is miraculous, but he suffers from horrible permanent injuries and requires medical care. G requires an operation for genital reconstruction.

4.2 A Mother’s Account:

Here is an account of child sacrifice in the words of a victim’s mother:

“In the middle of the night as I was sleeping, my husband kidnapped our two month old baby. He locked me in the house and took the child to a witchdoctor to be sacrificed. I woke up at about 5 a.m. and my husband and my child were not in the house. I pushed the door and it was locked so I decided to make a loud noise to which my neighbors responded. They broke the door to our house to let me out. Two days later we found the torso of my child lying by the roadside with ears, genitals and tongue missing. He also had a deep stab in the neck that they used to drain blood. Police with the staff of Kyampisi Childcare Ministries helped me in the search for the child and my husband. My husband disappeared for a whole year until he was arrested in January 2013 with the help of KCM and police. He pleaded guilty of kidnapping and offering the child for sacrifice to get money. They also arrested the witchdoctor who was involved and the case is still pending in court.”

4.3 Allan’s Story\textsuperscript{18}

Seven-year-old Allan\textsuperscript{19} was kidnapped on his way back from school with friends in October 2009. After countless hours searching, someone heard a whimpering from under a bush. They rushed to find Allan barely alive and laying in a pool of his own blood. His wounds were horrific. His skull had been ripped open by the heavy blow of an axe, and a section of his skull had been removed. He suffered a deep stab wound to the neck, and was castrated. Yet he was alive. It was a month before Allan woke from a

\textsuperscript{18} Although this information incorporates reporting from the BBC, two of the authors of this paper have been personally involved in this case in terms of monitoring, advocacy and care.

\textsuperscript{19} The authors have included Allan’s name as his name was made public in the BBC story referenced herein.
coma after being dumped near his village home. Allan was able to identify his attackers, including a man called Awali. However, the police found Allan's eyewitness account unreliable.

Awali was the subject of an investigation conducted by BBC reporter Chris Rogers. Rogers relates a chilling encounter with Awali:

We posed as local businessmen and asked around for a witch doctor that could bring prosperity to our local construction company. We were soon introduced to Awali. He led us into a courtyard behind his home, and as if to welcome us he and his helpers wrestled a goat to the ground and slit its throat. This animal has been sacrificed to bring luck to us all," Awali explained. He then demanded a fee of $390 (£250) for the ritual and asked us to return in a few days.

At our next meeting, Awali invited us into his shrine, which is traditionally built from mud bricks with a straw roof. Inside, the floor is littered with herbs, facemasks, rattles and a machete. The witch doctor explained that this meeting was to discuss the most powerful spell - the sacrifice of a child.

"There are two ways of doing this," he said. "We can bury the child alive on your construction site, or we cut them in different places and put their blood in a bottle of spiritual medicine." Awali grabbed his throat. "If it's a male, the whole head is cut off and his genitals. We will dig a hole at your construction site, and also bury the feet and the hands and put them all together in the hole."

Awali boasted he had sacrificed children many times before and knew what he was doing. After this meeting, we withdrew from the negotiations. We handed our notes to Rogers (n 5).
the police. Awali is still a free man. Allan's father, Semwanga, has sold his home to pay for Allan's medical treatment, and moved to the slums near the capital.

Sitting on the steps of their makeshift house, built from corrugated sheets of metal, I showed the footage of our meeting with the witch doctor to Allan on my laptop. He pointed to the screen and shouted "Awali!" confirming he is the man who attacked him.

Criminal proceedings failed to bring about justice. The prosecution of Awali for his acts against Allan was a non-event. Despite earnest efforts to be engaged in Awali’s case, Allan’s father was not informed of the date when court would be in session by the prosecuting attorney. In fact, it took a great deal of energy to simply learn the fate of the case. After months of attempts to view the criminal file, the clerk permitted one of the authors of this article to see it. The file contained a notice of dismissal of the case. Subsequently this notice of dismissal was removed from the file for some unknown reason but its effect remained. Thus Allan and his family were disenfranchised from the process and justice was not served.

### 4.4 Exhibit A: A Compilation of Short Overviews of Instances of Child Sacrifice in Uganda

Unfortunately, the occurrences reflected above are not unique instances in Uganda. Appendix “A” to this report provides a compilation of descriptions and information regarding specific instances of child sacrifice in Uganda. The cases reported in Appendix “A” are not comprehensive. However, the information in Appendix “A” offers perspective concerning the extent of the problem and the contexts in which it arises. To preserve anonymity, we only listed the initials. We have also removed the names of the suspects to avoid any claims of false allegations or improper influence of court proceedings.
5.0 Uganda’s Obligations to Address and Combat Child Sacrifice Based on International and Regional Instruments

Child sacrifice is an ongoing menace in Uganda. The illegality and immorality of these practices is undisputed. There are questions, however, about the government of Uganda’s response to the continuing practice of child sacrifice.

In order to inform our assessment of the government’s response, we will consider Uganda’s obligations under international and regional human rights instruments. Although there are many instruments that are relevant to the rights of children to care and protection, for the purpose of this paper we will limit our assessment to the two most relevant instruments: 1) The Convention on the Rights of the Child; and 2) The African Charter on the Rights and Welfare of the Child.

5.1 The Convention on the Rights of the Child

Uganda ratified the Convention on the Rights of the Child (hereinafter the “CRC”) in 1990. Thus the requirements and obligations set forth in the CRC are binding on Uganda. A review of the CRC reveals many key provisions that require Uganda to address and combat the scourge of child sacrifice.

The CRC’s Preamble provides that State Parties bear in mind “that the child, by reason of physical and mental immaturity needs special safeguards and care, including appropriate legal protection, before as well as after birth.”

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21 See e.g. Geneva Declaration of Rights of the Child of 1924, Declaration of the Rights of the Child adopted by the General Assembly in 1959, University Declaration of Human Rights, the International Covenant of Civil and Political Rights (ICCPR (arts 23 and 24) and the International Covenant of Economic, Social and Cultural Rights (ICESCR) (art 10).
24 CRC, Preamble.
Article 3, Subsection (1) provides that “in all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative or legislative bodies, the best interest of the child shall be a primary concern.”

Article 6 concerns the right to life. Subsection (1) provides that every child has the “inherent right to life.” Subsection (2) provides that State Parties “shall ensure to the maximum extent possible the survival and development of the child.”

Article 19 is especially pertinent to the problem of child sacrifice. Subsection (1) provides that State Parties “shall take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child.” Subsection (2) provides that “[s]uch protective measures should, as appropriate, include effective procedures for the establishment of social programmes to provide necessary support for the child and for those who have the care of the child, as well as for other forms of prevention and for identification, reporting, referral, investigation, treatment and follow-up of instances of child maltreatment described heretofore, and, as appropriate, for judicial involvement.”

Article 24 addresses harmful cultural practices in the context of the right to health. Subsection (3) requires State Parties to “take all effective and appropriate measures with a view to abolishing traditional practices prejudicial to the health of children.”

Articles 35, 36, 37 and 39 pronounce certain duties of State Parties that apply in context of widespread child sacrifice. Article 35 provides that State Parties “shall take all appropriate national, bilateral and
multilateral measures to prevent abduction of, sale of or traffic in children for any purpose or in any form.”

Article 36 requires State Parties to protect “the child against all other forms of exploitation prejudicial to any aspects of the child’s welfare.” Article 37 calls on State Parties to ensure that no child is “subjected to cruel, inhuman or degrading treatment or punishment.” Article 39 requires State Parties to “take all appropriate measures to promote physical and psychological recovery and social reintegration of a child victim of: any form of neglect, exploitation, or abuse; torture or any other form of cruel, inhuman or degrading treatment . . .”

5.2 The African Charter on the Rights and Welfare of the Child

The African Charter on the Rights and Welfare of the Child (hereinafter the “Children’s Charter”) provides additional authority for state obligations to address and combat child sacrifice. The Preamble of the Children’s Charter recognizes that the child, “due to the needs of his physical and mental development, requires particular care with regard to health, physical, mental, moral and social development, and requires legal protection in conditions of freedom, dignity, and security.”

Article 1, Subsection (1) requires State Parties to “undertake to the necessary steps, in accordance with their Constitutional processes and with the provisions of the present Charter, to adopt such legislative or other measures as may be necessary to give effect to the provisions of this Charter.”

There are several fundamental provisions in the Children’s Charter that are parallel to the CRC.

Article 4, Subsection (1) provides that “[i]n all actions concerning the child undertaken by any person or

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28 ibid, art 35.
29 ibid, art 36.
30 ibid, art 37.
31 ibid, art 39.
33 Children’s Charter, Preamble.
34 Compare e.g. art 4 of the Children’s Charter with art 3 of the CRC, art 5 of the Children’s Charter with art 6 of the CRC, and art 14 of the Children’s Charter with art 24 of the CRC.
authority the best interests of the child shall be the primary consideration.\textsuperscript{35} Article 5, Subsection (1) provides that every child has “an inherent right to life” and “[t]his right shall be protected by law.”\textsuperscript{36} Article 14, Subsection (1) provides that “every child shall have right to enjoy the best attainable state of physical, mental and spiritual health.”\textsuperscript{37}

Several relevant state obligations set forth under the Children’s Charter are also similar to those proclaimed by the CRC. Article 5, Subsection (2) provides that State Parties “[s]hall ensure, to the maximum extent possible, the survival, protection and development of the child.”\textsuperscript{38} Article 16, Subsection (1) provides that State Parties “[s]hall take specific legislative, administrative, social and educational measures to protect child from all forms of torture, inhuman or degrading treatment and especially physical or mental injury or abuse, neglect or maltreatment including sexual abuse, while in the care of the child.”\textsuperscript{39} Subsection (2) of Article 16 explains that “[p]rotective measures under this Article include effective procedures for the establishment of special monitoring units to provide support for the child and those who care for the child, as well as other forms of prevention and for the identification, reporting, referral, investigation, treatment and follow up of instances of abuse and neglect.”\textsuperscript{40} In addition, Article 29 requires State Parties to “[t]ake appropriate measures to prevent: (a) the abduction, the sale of, or traffic of children for any purpose or in any form, by any person including parents or legal guardians of the child.”\textsuperscript{41}

Article 21 of the Children’s Charter requires State Parties to “[t]ake appropriate measures to eliminate harmful social and cultural practices affecting the welfare, dignity, normal growth and development of

\textsuperscript{35} Children’s Charter, art 4(1).
\textsuperscript{36} ibid, art 5(1).
\textsuperscript{37} ibid, art 14(1).
\textsuperscript{38} ibid, art 5(2), compare with CRC art 6(2).
\textsuperscript{39} ibid, art 16(1), compare with CRC art 19(1).
\textsuperscript{40} ibid, art. 16(2), compare with CRC art 19(2).
\textsuperscript{41} ibid, art. 29, compare with CRC art 35.
the child, especially (a) customs and practices prejudicial to the health or life of the child . . .

Article 21 reads more generally and expansively than Article 24(3).  

6.0 The Domestic Legal Framework Pertaining to Child Sacrifice in Uganda

Law reform is often seen as a potential cure agent for societal ills in the majority world. Some proffer that law reform is needed to address Uganda’s child sacrifice problem. However, in Uganda, laws are not the problem. The existing legal framework is more than capable of addressing the scourge of child sacrifice.

What follows is an exposition on the key laws of Uganda that can be used to combat child sacrifice. This exposition should demonstrate the existing laws are sufficient. While the laws might be somewhat scattered and capable of generating some confusion due to their labeling, the necessary substance is there. The real challenge is conveying relevant laws to law enforcement so that police and prosecutors are aware of the relevant laws and know where to find them. This challenge can be done administratively without having to amend or supplement the existing laws.

6.1 Substantive Law

The substantive law of Uganda addresses child sacrifice. The killing and mutilating of children is a clear affront to Ugandan law. A review of the law demonstrates clear prohibitions of such actions along

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42 ibid, art 21.
43 Arguably art 24(3) only concerns negative practices that impact the right to health.
44 The Ministry of Gender and UNICEF propose that the Children Act be amended to include provisions in order to better address child sacrifice.

The have issued a proposed amendment to the Children Act that would provide for the following:
a) The right for children to be protected against all forms of violence including child sacrifice.
b) Mandatory reporting of children who are victims who are in need of care. Mandatory reporters are labor officer, inspector, legal practitioners, medical practitioners, social service professionals, social workers, and teachers. They must report to police, probation and social welfare officers, or LC.
c) A requirement that child protection organizations must (1) ensure safety and well-being of child. (2) Make initial assessment of report, (3) investigation truthfulness or cause to be investigated and (4) without delay, initiate proceedings if substantiated.
d) A requirement that probation and social welfare officers to monitor progress and see that child gets holistic services.
e) The establishment and operation of prevention and intervention programs through psychological and counseling services and involvement of family and care-givers in the programs.
f) Access to protective services if victim of violence, including prevention, intervention, proceeding of court cases, implementation of court orders, investigations and any social work.
with general commitments to the rights and wellbeing of children. The following is a brief overview of substantive provisions in the law of Uganda that are relevant to the prohibition and criminalisation of child sacrifice.

6.1.1 The 1995 Constitution of Uganda

The Constitution of Uganda speaks generally against the practice of child sacrifice. Article 22 provides general protection for the right to life. Article 24 provides that “[n]o person shall be subjected to any form of torture or cruel, inhuman or degrading treatment or punishment.” Article 34 provides for the rights of children include the entitlement “to be protected from social or economic exploitation and shall not be employed in or required to perform work that is likely to be hazardous or to interfere with their education or to be harmful to their health or physical, mental, spiritual, moral or social development.”

In addition, Article 17 of Uganda Constitution pronounces certain affirmative duties on its citizenry. These include the duty “to protect children and vulnerable persons against any form of abuse, harassment or ill-treatment.”

6.1.2 The Penal Code Act

Uganda’s Penal Code Act includes basic criminal provisions that outlaw the harmful conduct associated with child sacrifice.

First, there are extensive provisions outlawing murder, manslaughter, and offenses connected with murder. These offenses come with substantial punishments including the death penalty for murder and life imprisonment for manslaughter.

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46 ibid, art 17(1)(c).
48 ibid, ch XVIII, s 188.
49 ibid, ch XVIII.
50 ibid, ch. XX.
51 ibid, s 189.
The Penal Code Act criminalises offenses against liberty such as kidnapping and abducting.\textsuperscript{53} The maximum punishment for kidnapping is ten years.\textsuperscript{54} Those convicted of the offense of kidnapping or detaining with intent to murder are liable to suffer death on conviction.\textsuperscript{55}

The Penal Code Act also establishes certain offenses involving the endangerment of life or health\textsuperscript{56} such as doing grievous harm\textsuperscript{57} and wounding.\textsuperscript{58} The maximum punishment for doing grievous harm is seven years and the maximum sentence for wounding is three years.

The Penal Code Act includes the substantive provisions needed to prosecute conspirators\textsuperscript{59} and accessories after the fact\textsuperscript{60}, to punish criminal attempts\textsuperscript{61}, and to punish people in contexts where the specific intended result was not accomplished.\textsuperscript{62} Moreover, the Penal Code has provisions that punish those who fabricate\textsuperscript{63} and destroy\textsuperscript{64} evidence, conspire to defeat justice\textsuperscript{65} or obstruct and hinder judicial proceedings.\textsuperscript{66}

Although the Penal Code Act includes all the offenses needed to criminalise the core wrongful conduct associated with child sacrifice, the Act was not drawn to specifically address child sacrifice. Thus ritual practices are not mentioned in the Act and there is no specific provision addressing the nefarious taking and use of the body parts.

\textsuperscript{52} ibid, s 190. 
\textsuperscript{53} ibid, ch XXIV. 
\textsuperscript{54} ibid, s 242. 
\textsuperscript{55} ibid, s 243. 
\textsuperscript{56} ibid, ch XXI. 
\textsuperscript{57} ibid, s 219. 
\textsuperscript{58} ibid, s 222. 
\textsuperscript{59} See e.g. ibid, ch XLI and s 208. 
\textsuperscript{60} ibid, ch XLII. 
\textsuperscript{61} ibid, ch XL. 
\textsuperscript{62} ibid, s 8(2). 
\textsuperscript{63} ibid, s 99. 
\textsuperscript{64} ibid, s 102. 
\textsuperscript{65} ibid, s 103. 
\textsuperscript{66} ibid, s 107.
6.1.3 The Children Act

Section 7 of the Children Act prohibits child sacrifice. Specifically Section 7 provides that “[i]t shall be unlawful to subject a child to social or customary practices that are harmful to the child’s health.” This provision mirrors Article 24(3) of the CRC.

6.1.4 The Witchcraft Act

The Witchcraft Act dates back to 1957. The Act seeks to prohibit and criminalise certain conduct associated with witchcraft while not outlawing African Traditional Religion or the work of traditional healers. Thus the Witchcraft Act provides that “witchcraft” does not include bona fide spirit worship or the manufacturer, supply or sale of native medicines.

The Witchcraft Act establishes certain offenses. These include: 1) directly or indirectly threatening another with death by witchcraft or by any other supernatural means; 2) directly or indirectly threatening to cause disease or any physical harm to another, or to cause disease or harm to any livestock or harm to any property of whatever sort or another by witchcraft or by any other supernatural means; 3) practising witchcraft or who holding himself or herself out as a witch; and 4) hiring or procuring another person to practise witchcraft or who for evil purposes consulting or consorting with another who practises witchcraft or holds himself or herself out as a witch.

This list of offenses is certainly broad enough to encompass behavior associated with child sacrifice. However, like the Penal Code Act, the Witchcraft Act was not drafted with an eye towards addressing child sacrifice. The most serious offense of threatening another with death by witchcraft, which is subject to life imprisonment, is not applicable to most instances involving child sacrifice. The second

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67 Children Act 1997
68 ibid, s 7.
69 The Witchcraft Act 1957.
most serious offense of threatening or causing disease or physical harm to another by “witchcraft or other supernatural means”, which is subject to a ten year sentence, might not necessarily encompass harm caused by child sacrifice as it seems to require the damage be caused through some mystical or paranormal means. Arguably killing or harming for the sake of causing a mystical result is not the same as killing or harming through some mystical power.\(^{70}\)

If these first two offenses are not available to check most instances of child sacrifice, the Witchcraft Act is rendered relatively weak in punitive terms. The other two offences under the Witchcraft Act, practicing witchcraft or holding oneself out to be a witch or hiring, consulting or consorting with such a person, entail maximum sentences of five years.

### 6.1.5 The Prevention of Trafficking in Persons Act of 2009

Unlike the Witchcraft Act, the Prevention of Trafficking in Persons Act\(^{71}\) (hereinafter the PTPA) is well equipped to combat and effectively punish child sacrifice. The PTPA casts a wide net. The PTPA makes anyone involved in any aspect of child sacrifice eligible for the death penalty as a perpetrator of “aggravated trafficking in children.”\(^{72}\) Under the PTPA involvement ranges from the securing, moving, holding and transferring of the child to the performance of ritual acts on a child.\(^{73}\)

The PTPA defines trafficking in persons broadly as the “recruitment, transportation, transfer, harbouring or receipt of persons, by means of threat or use of force or other forms of coercion, of abduction, fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of

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\(^{70}\) The element of supernatural causation is worth further historical, legal and anthropological study to determine if it has been proven in court and how, if it has been proven, that has been accomplished especially in light of the demanding burden of proof in criminal matters.

\(^{71}\) The Prevention of Trafficking in Persons Act (PTPA) 2009.

\(^{72}\) ibid, s 5.

\(^{73}\) If anything the scope of the PTPA is too broad when it comes to criminalising ritual acts involving children. Section 5(f) of the Act provides that aggravated trafficking includes using “a child or any body part of a child in witchcraft, rituals and related practices.” Thus one could assert that the baptism of a child or circumcision of a male child would amount to a violation of this section. However, one would hope that the rule that statutes should not be interpreted to create absurd and unintended results would prohibit a court or prosecutor from interpreting the section so broadly.
payments to achieve the consent of a person having control over another person, for the purpose of exploitation.”

The PTPA includes a more expansive application of trafficking in the context of children. Per Section 5 “the recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation shall constitute ‘trafficking in persons’ even if this does involve any of the means of set forth in subsection (1)” of Section 3. In other words the “how” is irrelevant. There need not be coercion, force or deception involved for child trafficking to occur. Mere recruitment, transportation, transfer, harbouring or receipt of a child is sufficient to prove the offence of trafficking. This expansive modification to the base prohibition against human trafficking takes into account the trusting and compliant nature of some children and does not allow offenders to use such tendencies as a defense to their criminal conduct. In addition, the consent of a parent or guardian is not a defense to child trafficking. Thus situations where parents or guardians offer up their children for child sacrifice will not prevent the government from prosecuting those involved in the child sacrifice under the PTPA.

The Act has expansive provisions as to what amounts to trafficking in children. Section 5 sets forth six cumulative grounds that amount to “trafficking in children.” These include “removing any part, organ or tissue from the body of a child for purposes of human sacrifice” and the use of “a child or any body part of a child in witchcraft, rituals and related practices.” These provisions are not among the grounds listed under Section 3 of the PTPA. Section 5 also takes an aggressive approach in terms of punishment. The section provides that one who commits trafficking in children “commits an offence of aggravated trafficking in children and may be liable to suffer death.”

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74 ibid, s 2(r).
75 The PTPA defines a “child” as someone below the age of 18 years. ibid, s. 2(b).
76 ibid, s 3(3).
77 ibid, s 3(4).
78 ibid, s 5(c).
79 ibid, s 5(f).
80 Arguably the biggest loophole in the PTPA concerns adults who are the victims of human sacrifice. The expansive provisions in Section 5 do not apply to adults victims of human sacrifice. Also, adults of limited capacity arguably need the same protections as children. However, these concerns are outside the scope of this paper as our focus is combating child sacrifice.
One critique of the PTPA’s effectiveness to combat child sacrifice is the lack of prosecutions under the PTPA. The reasons for the infrequency of child sacrifice prosecutions under the PTPA are unclear. Perhaps, police and prosecutors are not familiar or comfortable with the PTPA. Speaking from personal experience one of the authors of this text had a very difficult time obtaining a copy of the PTPA. Hopefully, the PTPA is being made available to those responsible for enforcing it.

The name of the PTPA might be another reason for its disuse in the context of child sacrifice. Perhaps police and prosecutors are unaware of the extensive provisions regarding the prohibition and punishment of child sacrifice in the PTPA because the phrase “child sacrifice” does not appear in the Act. Perhaps others believe that a child must be moved or transported in some substantial way in order for human trafficking to occur. Also, there might be a sense that the trafficking of persons is somehow technical or requires a greater level of expertise or training to address. Regular police forces might view the PTPA as outside their work-a-day criminal jurisdiction. This perception might be strengthened by the fact that the International Crimes Division of the High Court is now expanding its jurisdiction to take on human trafficking cases. Finally, there is the age of the PTPA. It has only existed on the books for four years. Perhaps it is too early to assess its effectiveness.

Nonetheless, given its recent arrival the PTPA needs to be made known to law enforcement that can put its provisions to effective use in prosecuting those involved with child sacrifice. This is especially true in light of the name of the PTPA. Those looking to prosecute acts connected with child sacrifice might not realize that such offenses amount to human trafficking under the law. In addition, many might not be aware of the weighty punishments available under the PTPA. Training and education can fill the knowledge gap and make the PTPA a powerful weapon against perpetrators of child sacrifice.

6.2 Relevant Laws Pertaining to Reporting, Procedure, Sentencing and Aftercare
Addressing and combating the scourge of child sacrifice involves more than establishing laws outlawing the act of child sacrifice. The following laws include requirements for reporting of child sacrifice, a provision the establishment of a special court with jurisdiction over child trafficking offenses, sentencing enhancements for those involved in child sacrifice, and state obligations relating to the care and rehabilitation of victims of child sacrifice.

6.2.1 The Children Act

The Children Act includes several provisions that can help to address and combat child sacrifice.

6.2.1.1 The General Duty to Report Crimes Committed Against Children

Under Section 11\(^81\) of the Children Act, any member of the community who has evidence that a child’s rights are being infringed shall report to the local government council of the area. Under this law, everyone has a duty to report.\(^82\)

6.2.1.2 The Special Duty of Local Council and the Secretary of Children’s Affairs to Report Crimes Committed Against Children

Section 10 of the Children Act provides that every local government council has duty to safeguard and promote the welfare of the local children. In order to practically operationalise this duty, each local government council must designate one of its members as the secretary for children’s affairs for that council.\(^83\)

6.2.1.3 The Prohibition on Delay

Section 2 of the First Schedule to the Children Act states that “in all matters relating to a child, whether before a court of law or any other person, regard shall be had to the general principle that any delay in

\(^{81}\) The Children Act 1997, s 11.
\(^{82}\) ibid.
\(^{83}\) ibid, s 10.
determining the question is likely to be prejudicial to the welfare of the child.” 84 Unfortunately, there is little indication that this mandate is adhered to. The short case descriptions compiled in Appendix “A” would lead one to the opposite conclusion.

6.2.2 Reporting under the Prevention of Trafficking in Persons Act

The PTPA establishes an affirmative duty to report human trafficking. Section 10(1) of the Act provides that “[e]very member of the community, who knows that any person has committed or intends to commit an offense under this part of the Act, shall report the matter to the police or other authority for appropriate action.” 85 Unlike, the Section 11 of the Children Act, Section 10 of the PTPA comes with express punitive measures for those who fail to report. Section 10(2) provides that “[a] person who knowing or having reason to believe that a person has committed or intends to commit an offense and does not report to the police or other relevant authority, commits an offense and is liable to a fine of five thousand currency points or imprisonment for six months.” 86

6.2.3 Aftercare for Victims of Child Sacrifice under the Prevention of Trafficking in Persons Act

The PTPA provides for the protection, assistance and support for victims of trafficking under Section 12. Sub-section 12(6) provides that “[a] victim of trafficking in persons will be accorded the available health and social services, medical care, counseling and psychological assistance, on a confidential basis and with full respect of his/her privacy, in a language he/she understands.” 87 Sub-section 12(7) provides that “[a] victim of trafficking shall be considered for provision of safe and appropriate accommodation and material assistance, where necessary and possible.” 88 Per sub-section 12(11) “[t]he protection, assistance and support subscribed in (Section 12) shall be provided by Government and other

84 ibid, 1st sch, s 2.
85 PTPA 2009, s 10(1).
86 ibid, s 10(2).
87 ibid, s 12(6).
88 ibid, s 12(7).
If followed, Section 12 would go along way in Uganda’s meeting its obligations to child victims of human sacrifice as set forth in the CRC and the Children’s Charter.

6.2.4 The International Crimes Division of the High Court

One of the more intriguing procedural developments in the context of child sacrifice cases concerns the special jurisdiction and operational mandate of the International Crimes Division of the High Court (the “ICD”). The ICD has jurisdiction over serious international crimes as prescribed by the Practice Directions of the ICD. These crimes include “any offense relating to genocide, crimes against humanity, war crimes, terrorism, human trafficking, piracy and any other crime prescribed by law.”

As noted above, essentially all material actions associated with child sacrifice are included as trafficking offenses under the PTPA. Going forward, it will be interesting to see if prosecutors assigned to the ICD use the ICD as a special legal forum for waging war on child sacrifice in Uganda. Regardless of the approach the prosecutors assigned to the ICD adopt, the prosecutors must send a clear message as to their intentions to police and other prosecutors so that law enforcement will be on the same page as to who should be handling matters of child sacrifice and where such cases should be brought.

6.2.4 Sentencing Guidelines

Chief Justice Benjamin Odoki issued The Constitution (Sentencing Guidelines for the Courts of Judicature) (Practice) Directions on 26 April 2013. The Sentencing Guidelines were established in exercise of the powers conferred upon the Chief Justice by Article 133(1)(b) of the Constitution of

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89 ibid, s 12(11).
90 Children’s Charter, art 16; CRC, art 39, “State Parties shall take all appropriate measures to promote physical and psychological recovery and social reintegration of a child victim of: any form of neglect, exploitation, or abuse; torture or any other form of cruel, inhuman or degrading treatment or punishment; or armed conflicts. Such recovery and reintegration shall take place in an environment which fosters the health, self-respect and dignity of the child.”

91 Practice Directions of the International Crime Division of the High Court (Legal Notice No. 10 of 2011, gazetted 31 May 2011).
Uganda. Article 133(1)(b) provides that the Chief Justice “may issue orders and directions to the courts necessary for the proper and efficient administration of justice.”

The stated objectives of the Sentencing Guidelines are as follows: “(a) to set out the purpose for which offenders may be sentenced or dealt with; (b) to provide principles and guidelines to be applied by courts in sentencing; (c) to provide sentence ranges and other means of dealing with offenders; (d) to provide a mechanism for considering the interests of victims of crime and the community when sentencing; and (e) to provide a mechanism that will promote uniformity, consistency and transparency in sentencing.”

The Sentencing Guidelines are officially tough on child sacrifice. According to Paragraph 18(e) of the Guidelines, cases where “the victim was killed in order to unlawfully remove any body part of the victim or as a result of the unlawful removal of a body part of a victim” are among the “rarest of the rare” cases where, according to Paragraph 17, “the alternative of imprisonment for life or other custodial sentence is demonstrably inadequate.” Therefore, the death penalty is a recommended sentence in capital offenses that result in the death of a victim of child sacrifice.

There are no similarly worded provisions for sentencing enhancements in the context of non-capital offenses. Moreover, there are no sentencing guidelines addressing assault, human trafficking offenses or kidnapping. Instead judges sentencing offenders for those crimes in the context of child sacrifice are left to consult the general sentencing provisions under Paragraph 6 of the Guidelines. Paragraph 6 asks the courts to take into account “the gravity of the offence”, “the nature of the offence”, “any information provided to the court concerning the effect of the offense on the victim and the community, including victim impact statements or community impact statement”, and “any other circumstance court considers

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96 Sentencing Guidelines, paras 17 and 18.
Surely, these provisions give sentencing judges the license to be tough on child sacrifice, but there is not special direction outside of the context of capital offenses.

7.0 Responses to Child Sacrifice

The broader response to child sacrifice has been largely disconnected and uncoordinated. Most Ugandans from all walks of life oppose the practice. However, it persists despite widespread opposition and goes largely unpunished. In this section we consider the responses of various actors in Ugandan society to the scourge of child sacrifice.

7.1 Government Efforts in Response to Child Sacrifice

This paper does not reflect a formal study of the Government of Uganda’s response to child sacrifice. Instead the paper merely reports on the anecdotal experiences and selected qualitative evidence obtained by authors as they attempted to advocate for the rights of victims of child sacrifice and their families. However, the information and impressions gathered in that process are worth relating in the paper to offer a fuller description of the challenges faced by those hoping to combat child sacrifice in Uganda.

7.1.1 The Uganda Police Force

The authors conducted selected police interviews concerning the investigation of child sacrifice cases. According a police officer in the town of Mukono, good evidence is difficult to produce in child sacrifice cases. First, police cannot assume when taking evidence that it belongs to a particular person or that it is the “right blood.” The officer stated that they must know that it belongs to the scene of the crime and connects to the event. Regardless of the merits of the reasons put forward by this police officer, these answers demonstrate a problem with training, capacity and forensic capabilities.

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97 ibid, para 6.
98 Pate and Letacie, Police Officer Interview Session, Mukono, Uganda, July 2013.
There is also the problem of limited resources. Many police officers require a so-called “facilitation” payment to perform investigations. Without such a payment police officers will claim that they do not have the resources for the transport needed to conduct the investigation or collect evidence. This facilitation requirement is a substantial barrier to justice for those of limited financial means. In addition, police departments are also understaffed. One officer stated that there are about five hundred people to every police officer in Mukono.

Police say that family relationships within the community also make information hard to obtain in close-knit clans. If a member of the community committed the act, the other members chose to protect that community member. In many instances the community member may be a relative or clan member.

The police interview process also uncovered an element of fear. Many police officers fear the perceived powers of the witchdoctors. They are concerned that the witchdoctors can curse the officer and the officer’s family. This makes officers hesitant to investigate, arrest and process witchdoctors.

7.1.2 The Anti-Human Sacrifice Task Force

The Anti-Human Sacrifice Task Force was formed by the government to tackle the growing numbers of cases of child sacrifice. Unfortunately, the Task Force consists of only one officer with a motorcycle who works on a limited operational budget.\(^99\) The poor funding of this initiative underlines a lack of political will to stamp out the practice of child sacrifice. Greater funding and commitment is needed. The extent and gravity of child sacrifice in Uganda requires greater funding and a stronger commitment from Government.

7.2 Efforts of Organisations in Response to Child Sacrifice

\(^99\) Marco Vernaschi, ‘Uganda: Child Sacrifice not a Cultural Issue’ Pulitzer Center on Crisis Reporting (Kampala, 16 April 2010) <http://pulitzercenter.org/blog/untold-stories/uganda-child-sacrifice-not-cultural-issue>
Certain nongovernmental organizations and civil society initiatives have targeted child sacrifice and worked to address and publicise the problem. Examples include KCM, Lively Minds, The Jubilee Campaign, UNICEF and VSO. Going forward we can expect various actors with interest in combating child sacrifice to coordinate efforts to develop a coherent and unified strategy that includes government involvement. This process has already begun.

7.3 The Community Response to Child Sacrifice

The response of the wider community to child sacrifice is mixed. On the one hand the practice of child sacrifice generates abhorrence and moral indignation. The general public’s interest in and outrage over the Kajubi case reflected these emotions. When the story became national virtually everyone joined in decrying the practice of child sacrifice.

On the other hand, community members often fail to combat child sacrifice when it is close to home and outside the public spotlight. Many ordinary citizens fear the powers of the witchdoctors. In addition, there is a general tendency of individuals to just “keep quiet” when people become aware of some wrongdoing going on around them. Instead, moral outrage and bravery seem to spring from the collective in Uganda.

One striking exception to this tendency is mob justice. On occasion community members take matters of justice into their own collective hands. Perceived perpetrators are summarily executed by mob members that are generally held unaccountable for their actions. This rough form of justice feeds off the belief among community members that the government lacks the capacity and will to investigate, prosecute and punish bad acts.

8.0 Recommendations Going Forward
It is a common refrain to say that Uganda has good laws but poor implementation and enforcement of those laws. Like many common refrains, the statement is rooted in truth.

This same refrain applies to the issue of child sacrifice. The persistence of child sacrifice does not lie with existing legislation or the absence thereof. The laws on the books address child sacrifice quite adequately. Instead, child sacrifice persists due to inaction, limited resources, fear and a lack of political and collective will.

The obligations established under the CRC and the Children’s Charter run deeper than the mere making of laws. These instruments require State Parties to act affirmatively to improve the plight of their children. For Uganda to meet its international and regional obligations it needs to start performing in line with its laws and rhetoric. Such government performance necessarily includes the allocation of resources to services and initiatives that Uganda is committed to perform pursuant to the CRC and the Children’s Charter.

Culture change is always a daunting challenge. Those who want to see the end of child sacrifice in Uganda must work to change the way the public responds to and countenances child sacrifice. This should include enhancing the way that children are protected and cared for within homes and communities. Moreover, Ugandans must overcome irrational fears and beliefs that undergird the continued practice of child sacrifice and the effective immunity that many practitioners and users of child sacrifice enjoy.

8.1 The Need for Legal Clarity Regarding the Content of the PTPA

As noted above, the laws on the books are sufficient to prosecute those involved in child sacrifice. In particular Section 5 the PTPA provides a broad statutory avenue for the potent prosecution of those
involved with child sacrifice. However, there might be a problem in terms of branding and communication when it comes to the PTPA.

The name of the PTPA makes no reference to child sacrifice. It is the “Prevention of Trafficking in Persons Act.” It is possible that those who are looking for a means to prosecute those involved with child sacrifice do not know where to look. In order for the PTPA to live up to its potential in the battle against child sacrifice, the substantive content of the Act must be shared with all police and prosecutors.

8.2 Increasing Investigative and Enforcement Capacity

Certainly one man on a motorcycle does not a task force make. The current allocation of resources to combat child sacrifice is inadequate. If Uganda is to meet its obligations to protect and care for children under the CRC and the Children’s Charter, it must do more to combat child sacrifice in terms of human capital and resources.

8.3 The Need for Jurisdictional Clarity

The jurisdiction of the International Crimes Division of the High Court over matters of human trafficking is a double-edged sword. One the one hand, the ICD can become a place where expertise can be developed in the prosecution of child sacrifice cases. Moreover, the prosecutorial staff at the ICD is blessed with the expertise and capacity to effectively prosecute child sacrifice cases.

On the other hand, the ICD’s special jurisdiction over trafficking offenses might lead other police, prosecutors and judges to consider child sacrifice matters outside their purview. The result could be a hesitancy to take on the investigation and prosecution of matters that might entail child sacrifice.

Ultimately, there is a need for communication and clarity. If the ICD is not going to take the mantel of handling all cases of human sacrifice, the rest of the law enforcement machinery in Uganda needs to

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100 PTPA 2009, s 5.
receive a clear message about their role in the process. If those outside the ICD believe that the PTPA

\[\text{can only be prosecuted in the ICD of the High Court, other prosecutors will fail to utilise a potentially}\]

\[\text{effective set of criminal laws and sanctions in the battle against child sacrifice. These problems require}\]

\[\text{a coordinated national strategy for the investigation and prosecution of all human trafficking and child}\]

\[\text{sacrifice cases.}\]

8.4 Streamlining Court Proceedings to Prevent Corruption and Meet the Obligations Owed to Child Victims

According to the Children Act, Uganda is legally committed to conducting cases involving crimes against children promptly. Child victims are entitled to timely justice. Whether or not there is a special court to deal with cases of child sacrifice — police, prosecutors and judges must make a concerted effort to investigating and trying child sacrifice cases in a reasonably expedited manner. Judicial closure is important for the emotional recovery and well being of child victims. Moreover, prompt prosecutions can help to dissuade community members from practicing mob justice.

8.5 Addressing the Fear Factor and De-legitimising Child Sacrifice

Fear is a key factor that sustains the impunity many practitioners of child sacrifice enjoy. Occult practices that call for the sacrifice of human beings cause fright and terror. It is impossible to make such horrid practices psychologically benign. However, people need to be freed of their fear of the spiritual power attributed to the practitioners of such acts. Whether this comes from religious doctrine (e.g. the Lordship of Jesus Christ over the demonic realm\(^{101}\)) or from philosophical outlooks such as modern rationalism and scientific empiricism, there is a need for a consciousness movement that will bring Ugandans out from the bonds of fear.

\(^{101}\) See Mark 1:23-24.
Ultimately it is a battle for the hearts and minds of the community. KCM and other organizations have been hosting public campaigns to end child sacrifice. These campaigns seek to change community attitudes and replace fear with empowerment and indignation.

One practical way to reduce the impact of fear concerns witnesses. Currently, witnesses of child sacrifice who report or testify regarding child sacrifice are left with little, if any, State protection. Uganda has no formal witness protection programme. Without protection, many potential witnesses choose not to come forward. The fear of reprisals can fuel impunity.

Another practical way to empower communities to overcome fear is through community impact statements. Uganda’s new Sentencing Guidelines have provisions for the judicial consideration of community impact statements in the sentencing process. The impact statement can be a tool for the community to rally around the victim and to let their voices be heard concerning the evil and harm of child sacrifice. If these concerns can be voiced to the perpetrator through the community impact statement in a context where the perpetrator is being sentenced this process can empower the community and reduce the fear community members have about the powers of witchdoctors.

8.6 Creating a Culture of Reporting and Enforcement

Ultimately Uganda must build a culture of reporting and enforcement. Communities must understand their obligation to protect children by reporting abuse. African communities are known for their culture of communal child rearing. This cultural tradition must include the willingness and duty to report child sacrifice.

The successful prosecution of high profile cases can go a long way to encouraging reporting. If the people believe that the government has the capacity to hold the perpetrators of child sacrifice criminally

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responsible for their actions, the people will be more willing to report. Convictions like the one in the Kajubi can help to increase the people’s faith in the effectiveness of “the system” even when the defendant is rich and powerful.

In an effort to reduce situations of mob justice, attorneys, advocates, judges and police officers must show that cases are being taken seriously. By increasing investigative efforts, increasing communication between prosecutors and victims and decreasing the amount of time cases spend in court, individuals may recognize law enforcement officials are serious about promoting justice and leave the punishing to the government officials.

8.7 Addressing the Systemic Threat of Bribery and Corruption

One particularly ominous hurdle standing in the way of enforcement is the problem of bribery. The tendency of cases to “go away” when money changes hands is a well known phenomena in Uganda. Police, court staff and others are considered to be susceptible to bribes. The threat of bribes is heightened in the case of child sacrifice as in many cases the individuals arranging for the sacrifice are financially empowered business people.

Here is where centralisation might help. If child sacrifice cases are handled by an elite team of investigators and prosecutors that are not susceptible to bribes the enforcement of the laws prohibiting child sacrifice can be improved. This could be done in conjunction with the increased jurisdictional mandate of the ICD. This can also be done in High Courts all over Uganda through the involvement of an elite team in all child sacrifice cases. The key would be to find individuals who are so committed and passionate about the eradication of child sacrifice in Uganda that they would be outraged by the mere innuendo that they could be bribed. Given the horror of child sacrifice such “true believers” could surely be assembled thus greatly reducing the ability of bribery and corruption to detail child sacrifice investigations and prosecutions.
8.8 Seeing that Victim Supports are Implemented

The government of Uganda must appreciate that addressing the scourge of child sacrifice goes beyond criminal investigations and enforcement. The government must make good on its commitment to care for the victims of child sacrifice. If the government simply meets its declared commitments under Section 12 of the PTPA, it will go a long way in improving the plight of victims of child sacrifice. It is simply a matter of the government following its own laws.

9.0 Conclusion

Child sacrifice is a scourge that the children are ill equipped to fight. As stated by Pastor Peter Sewakiryanga “[t]he children do not have voices, their voices have been silenced by the law and the police not acting, and the people who read the newspapers do nothing, so we have to make a stand and do whatever it takes to stamp out this evil, we can only pray that the government will listen.”

On a hopeful note, former High Court Judge Mike Chibita, the judge who convicted and sentenced Mr. Kajubi in 2012, is now the Director of Public Prosecutions. On the day then Justice Chibita handed down his sentence in the Kajubi case he said, “I want the children of Uganda to sleep happy tonight, knowing that one of their tormentors is now in prison for life.” It is comforting to know that this same man will now be taking the fight to child sacrifice on behalf of the children of Uganda on a wider scale.

It is up to the adults and institutions of Uganda to protect their children from this horrible wrong. There is much to be done. It is time to begin. The children of Uganda deserve to sleep happy in the nights to come.

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103 Rogers (n 5).
APPENDIX A

Note: This Appendix is a Compilation of Various Reported Instances of Child Sacrifice in Uganda. It is not intended to be a comprehensive list of such instances. Original research Bruno Tumwesigye presented in his report *Child Sacrifice in Uganda* was used to compile this report.

<table>
<thead>
<tr>
<th></th>
<th>Initials:</th>
<th>Age:</th>
<th>From:</th>
<th>Date of Attack:</th>
<th>Update:</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>A.S.</td>
<td>7 years old</td>
<td>Mukono, a village about 30</td>
<td>October 2009</td>
<td>Case record was recently recovered. Suspects were acquitted of attempted murder counts.</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>kilometers east of Kampala</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2</td>
<td>G.M.</td>
<td>4 years old</td>
<td>Iganga District</td>
<td>15th February 2009</td>
<td>Traditional doctor was arrested for kidnap with intent to murder. He was later released on court bail. The compilers of this report are not aware of this matter being set down for a court date at the time of creating this appendix.</td>
</tr>
<tr>
<td>3</td>
<td>S.N.</td>
<td>unknown</td>
<td>Ganda District</td>
<td>25th November 2002</td>
<td></td>
</tr>
<tr>
<td>4</td>
<td>J.K.</td>
<td>12 years old</td>
<td>Masaka District</td>
<td>27th October 2008</td>
<td></td>
</tr>
<tr>
<td>5</td>
<td>E.M.</td>
<td>3 years old</td>
<td>Buikwe District</td>
<td>13th June 2010</td>
<td></td>
</tr>
<tr>
<td>6</td>
<td>N.I.</td>
<td>13 years old and</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

33
<table>
<thead>
<tr>
<th>No.</th>
<th>Initials</th>
<th>Age</th>
<th>From</th>
<th>Date of Attack</th>
</tr>
</thead>
<tbody>
<tr>
<td>34</td>
<td>N.N.</td>
<td>9 years old</td>
<td>Near Kyampisi</td>
<td>2nd January 2003</td>
</tr>
<tr>
<td>7</td>
<td>R.J.</td>
<td>One year and a half years old</td>
<td>Kibuli in Kampala district</td>
<td>2008</td>
</tr>
<tr>
<td>8</td>
<td>S.K.</td>
<td>6 years old</td>
<td>Nyamwezi in Jinja district</td>
<td>5th July 2009</td>
</tr>
<tr>
<td>9</td>
<td>M.N.</td>
<td>2 and a half years old</td>
<td>Busala village, Iganga District</td>
<td>12, August 2007</td>
</tr>
<tr>
<td>10</td>
<td>V.S.</td>
<td>10 years old</td>
<td>Kakira, Jinja District</td>
<td>October 13, 2008</td>
</tr>
<tr>
<td>11</td>
<td>C.O.</td>
<td>3 years old</td>
<td>Koma village, Oyam District</td>
<td>December 15, 2008</td>
</tr>
<tr>
<td>12</td>
<td>J.N.</td>
<td>19 years old</td>
<td>Mbale Municipal Council</td>
<td>April 25, 2008</td>
</tr>
</tbody>
</table>

4 suspects including grandfather and his wife were charged with murder. The High Court proceedings in his matter have been suspended.

Update: 9 suspects arrested on suspicions but later released on Police Bond by Resident State Attorney’s advice. *Investigation continues

Update: Suspect arrested and on remand in Lira prison. The compilers of this report are not aware of this matter being set down for a court date at the time of creating this appendix.

Update: Case file with CP General Crimes and Anti Sacrifice Task Force. This matter is pending submission to the DPP.
<table>
<thead>
<tr>
<th>Number</th>
<th>Initials</th>
<th>Age</th>
<th>From</th>
<th>Date of Attack</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>13.</td>
<td>S.M.</td>
<td>9 years old</td>
<td>Kisalosalo, Kawempe division, Kampala</td>
<td>December 28, 2008</td>
<td>Case was taken to court and charged with kidnap with intent to murder. Three suspects are on remand. Suspects sentenced to 15 years in March 2011.</td>
</tr>
<tr>
<td>14.</td>
<td>M.K.</td>
<td>3 weeks old</td>
<td>Bulenga, Wakiso district</td>
<td>January 8, 2009</td>
<td>Body was found at Gagonya, Nsambya West Zone, Kampala. Head was separated from trunk and tongue cut off. Victim’s mother was contacted but she would not take DNA test.</td>
</tr>
<tr>
<td>15.</td>
<td>P.K.</td>
<td>6 years old</td>
<td>Nsambya, Kampala</td>
<td>January 27, 2009</td>
<td></td>
</tr>
<tr>
<td>17.</td>
<td>Unidentified</td>
<td>Unknown</td>
<td>Kawempe, Kampala</td>
<td>February 9, 2009</td>
<td>*Truck and body parts found</td>
</tr>
<tr>
<td>18.</td>
<td>Unidentified</td>
<td>estimated at 10 years old</td>
<td>Makenke, Mubende town</td>
<td>February 12, 2009</td>
<td>Update: Body not identified or claimed. No useful evidence, so the file was put away.</td>
</tr>
<tr>
<td>19.</td>
<td>Unidentified</td>
<td>few weeks old</td>
<td></td>
<td></td>
<td>*Beheaded, tongue removed</td>
</tr>
<tr>
<td>From: Nsambya West, Kampala</td>
<td>Date: February 23, 2009</td>
<td></td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>-----------------------------</td>
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<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
| **20.** Initials: Unidentified Female  
Age: estimated 18 years old  
From: Angagura, Pader district  
Date: March 10, 2009 | Recovered in rubbish pit. Breast and private parts cut off. Victim’s identity was subsequently established. No arrests were made and no serious evidence received, so the case was filed away. |
| **21.** Initials: S.K.  
Age: 12 years old  
From: Nitunda B village, Kiboga  
Date: March 21, 2009 | 12 suspects, including a traditional healer were arrested and charged with murder. Case was committed to High Court and some samples of evidence were submitted to Government. The matter is awaiting the assignment of a trial date in High Court. |
| **22.** Initials: J.M.  
Age: 5 years old  
From: Kimaka camp, Jinja  
Date: May 13, 2009 | Child killed and ear, penis and tongue removed.  
5 suspects including grandfather were arrested to assist in investigations. Suspects have been related on Police Bond on advice of DPP. Investigation continues. A traditional healer is among the suspects. |
| **23.** Initials: M.O.  
Age: 1 year old  
From: Paromo village, Gulu  
Date: April 14, 2009 (disappeared) | Update: Reported on April 17, 2009. 4 suspects were arrested and taken to court. They were put on remand in Gulu Prison. One died in prison and the others are on remand. The matter is awaiting the assignment of a trial date in High Court. |
| **24.** Initials: E.K.  
Age: 6 years old  
From: Njeru town council, Mukono district  
Date: July 16, 2009 | |
| **25.** Initials: S.O.  
Age: 3 years old  
From: Apac  
Date: August 23, 2009 | *Kidnapped 23rd of Aug, 2009  
*Found 26th floating in water.  
*Private parts cut and taken  
UPDF No. 199009 Pte. A.O.T. attached to 37 battalion was arrested to help with |
<table>
<thead>
<tr>
<th>No.</th>
<th>Initials</th>
<th>Age</th>
<th>From</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>26.</td>
<td>A.K.</td>
<td>2 years old</td>
<td>Madi Opei trading centre, Kitgum District</td>
<td>August 17, 2009</td>
</tr>
<tr>
<td>27.</td>
<td>B.G.</td>
<td>Unidentified</td>
<td>Kyamusi village, Mityana district</td>
<td>September 21, 2009</td>
</tr>
<tr>
<td>28.</td>
<td>Identified</td>
<td>Estimated 1 and a half years old</td>
<td>Kahoko Cell, Ibanda district</td>
<td>September 25, 2009</td>
</tr>
<tr>
<td>29.</td>
<td>N.R.</td>
<td>6 years old</td>
<td>Gwatiro village, Mpigi district</td>
<td>September 15, 2009</td>
</tr>
<tr>
<td>30.</td>
<td>Identified Female</td>
<td>4 months old</td>
<td>Bwaise, Kampala</td>
<td>December 21, 2009</td>
</tr>
<tr>
<td>31.</td>
<td>L.F.</td>
<td>Unidentified</td>
<td>Kibuye village, Nakasongola district</td>
<td>December 9, 2009</td>
</tr>
</tbody>
</table>

In all cases, investigations were released on bond with advice of Resident State Attorney. Investigation continues.

7 suspects were arrested for interrogation and 2 of them were taken to court for murder. Evidence was recovered but has not been brought to Government Chemist. Body is to be resumed and investigations continue.

Went missing on September 18, 2009.

*Missing upper part of her body.

Found with head cut off and buried under the bed and in the garden.
<table>
<thead>
<tr>
<th>No.</th>
<th>Initials</th>
<th>Age</th>
<th>From</th>
<th>Date</th>
<th>Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>32.</td>
<td>R.M.</td>
<td>12 years old</td>
<td>Mbarara District</td>
<td>October 9, 1998</td>
<td></td>
</tr>
<tr>
<td>33.</td>
<td>M.N.</td>
<td>1 year old</td>
<td>Mukono District</td>
<td>January 22, 1999</td>
<td></td>
</tr>
<tr>
<td>34.</td>
<td>S.M.</td>
<td>5 years old</td>
<td>Naminya village, Kyaggwe County, Mukono District</td>
<td>April 4, 1999</td>
<td>Witchdoctor named as a suspect.</td>
</tr>
<tr>
<td>35.</td>
<td>N.</td>
<td>10 years old Female</td>
<td>Entebbe, Nateete,</td>
<td>2000</td>
<td>*Suspects: 70 year old woman, 20 year old man arrested by Entebbe Police.</td>
</tr>
<tr>
<td>36.</td>
<td>E.M.</td>
<td>5 years old</td>
<td>Masanafu, Lugal</td>
<td>July 20, 2006</td>
<td>*Suspect sent to prison and is being held on remand.</td>
</tr>
<tr>
<td>37.</td>
<td>A.S.</td>
<td>9 years old</td>
<td>Kisekka, Mahad Primary School</td>
<td>June 6, 2007</td>
<td>*Suspects include an aunt and traditional healer.</td>
</tr>
<tr>
<td>38.</td>
<td>J.K.</td>
<td>12 years old</td>
<td></td>
<td></td>
<td>'The victim in the Kajubi case.</td>
</tr>
<tr>
<td>No.</td>
<td>Initials</td>
<td>Age</td>
<td>Location</td>
<td>Date</td>
<td>Update</td>
</tr>
<tr>
<td>-----</td>
<td>----------</td>
<td>-----</td>
<td>----------</td>
<td>------------</td>
<td>------------------------------------------------------------------------</td>
</tr>
<tr>
<td>39</td>
<td>A.S.</td>
<td>Not Established – Senior 2 student</td>
<td>From: Soroti District</td>
<td>October 27, 2008</td>
<td>Four people were arrested and charged in court for murder on February 23, 2009. The compilers of this report are not aware of this matter being set down for a court date at the time of creating this appendix.</td>
</tr>
<tr>
<td>40</td>
<td>S.C.</td>
<td>Unidentified</td>
<td>From: Kulubi village, Ntenjer subcounty, Mukono District</td>
<td>February 16, 2009</td>
<td>Update: Four men implicated by a tradition witchdoctor. Suspects taken for kidnap but release on bail. Inquiries are still ongoing.</td>
</tr>
<tr>
<td>41</td>
<td>B.W.</td>
<td>17 years old</td>
<td>From: Bupendi-Budulu village, Nawaikoke Subcounty, Kaliro District</td>
<td>March 1, 2009</td>
<td>Update: Post mortem report ruled out suicide. Deceased’s brother, a traditional healer, was charged with murder and is being held on remand. The compilers of this report are not aware of this matter being set down for a trial date in the High Court at the time of creating this appendix.</td>
</tr>
<tr>
<td>42</td>
<td>A.R.</td>
<td>1 and a half year old</td>
<td>From: Alidi ‘A’ Village Loro Subcounty Oyoam district</td>
<td>September 7, 2009</td>
<td>Update: 3 suspects were arrested and 2 of them were taken to court for murder but released on court bail. The compilers of this report are not aware of this matter being set down for a trial date in the High Court at the time of creating this appendix.</td>
</tr>
<tr>
<td>43</td>
<td>B.M.</td>
<td>10 years</td>
<td>From: Kasinini forestry, Katugwe village, Wakiso district</td>
<td>January 25, 2010 (found)</td>
<td>Update: 4 suspects a traditional healer W.M.K. were arrested and taken to court on a murder charge. Circumstantial evidence was submitted to the Government Chemist, but the investigation continues.</td>
</tr>
<tr>
<td>44</td>
<td>L.C.</td>
<td>8 years old</td>
<td>From: Njeru town council, Mukono district</td>
<td>January 26, 2010</td>
<td>Update: 3 suspects were arrested but later released on advice of the DPP.</td>
</tr>
<tr>
<td>45</td>
<td>O.D.</td>
<td></td>
<td></td>
<td></td>
<td>Update: 4 suspects including the mother of the victim were arrested and charged for murder</td>
</tr>
<tr>
<td>Age: 6 years old</td>
<td>on May 5, 2010. Suspects were remanded as investigations continue.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>-----------------</td>
<td>------------------------------------------------------------------</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>From: Amolatar Police Station, Lake Kyoga Shores</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Date: April 14, 2010</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>46. Initials : M.E.</th>
<th>Update: 5 suspects were arrested including a grandmother, grandfather, aunt, uncle and LC member. 3 of the suspects were charged with murder. 2 traditional healers are on the run. Investigations are ongoing.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Age: 3 years old</td>
<td></td>
</tr>
<tr>
<td>From: Lugazi Police State Buikwe District (Nyenga sub county)</td>
<td></td>
</tr>
<tr>
<td>Date: June 17, 2010</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>47. Initials : A.C.B.</th>
<th>Update: There are 7 suspects. The 2 principle suspects are a neighbor a traditional healer. They have been charged with murder. One other suspect R. is on the run. The DPP is awaiting analysis by Government Chemist.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Age: 13 years old</td>
<td></td>
</tr>
<tr>
<td>From: Palisa District</td>
<td></td>
</tr>
<tr>
<td>Date: June 30, 2010</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>48. Initials : M.J.</th>
<th>2 suspects were arrested and charged with murder</th>
</tr>
</thead>
<tbody>
<tr>
<td>Age: 7 years old</td>
<td></td>
</tr>
<tr>
<td>From: Nyakabirizi village Kibingo district</td>
<td></td>
</tr>
<tr>
<td>Date: July 18, 2011</td>
<td></td>
</tr>
</tbody>
</table>