JUDICIARY OF
ENGLAND AND WALES

In the Crown Court at Oxford

43SP0089923

R v Mugambe

Sentencing Remarks

1. Lydia Mugambe, you may remain seated until I ask you to stand.

2. On 13 March 2025, after a trial, you were convicted of four offences:

   (1) Count 1: Conspiracy to do an act to facilitate the breach of UK immigration law by a non-UK national, contrary to s.1(1) of the Criminal Law Act 1977.

   (2) Count 2: Arranging or facilitating the travel of the complainant with a view to exploitation, contrary to s.2(1) of the Modern Slavery Act 2015.

   (3) Count 3: Requiring the complainant to perform forced or compulsory labour, contrary to s.1(1)(b) of the Modern Slavery Act 2015.

   (4) Count 4: Conspiracy to intimidate a witness, contrary to s.1(1) of the Criminal Law Act 1977.

3. It now falls to me to sentence you for these offences.

4. The victim in this case is entitled to lifelong anonymity under section 1 of the Sexual Offences (Amendment) Act 1992. That prevents publication of the victim's name or material which might identify the victim in any way, across all platforms and all mediums.

5. This is a very sad case. You are now 50 years' old and of previous good character. You have held office as a High Court Judge in Uganda since 2013, and as a Judge of the United Nations International Residual Mechanism for Criminal Tribunals since May 2023. Those appointments followed a successful legal career, which you worked very hard to achieve. In the course of your practice as a lawyer, and your time as a judge, you have made a material contribution to the protection of human rights, particularly through your decision in the Mulago National Referral Hospital case, a contribution

which was recognised when you received the Vera Chirwa human rights award in 2019. You have won other awards to which I was referred.

6. In 2020, you won a scholarship to further your interest in human rights law by undertaking a D Phil at Oxford University. You arrived in the UK to continue your studies in person in May 2021, and in September 2021 you were joined by your three children. That welcome reuniting of your family brought with it the challenge of reconciling the demands of parenting and running a home alongside your commitments as a postgraduate student, and as a judge of the United Nations, in which role you were expected to undertake a number of overseas workshops. However sympathetic one might be to the difficulties of managing these competing demands on your time, it is impossible to condone or excuse the criminal means by which you set about securing help.

7. You had met the victim in Uganda when she was 19 years' old, and experiencing considerable hardship. You provided the victim with employment and accommodation as a nanny and maid in Uganda, as well as supporting her in her studies. You decided to bring the victim to the United Kingdom to act as the children's live-in nanny and your maid, while you were completing your course. As you explained to a friend in a message of 14 July 2022 shortly before the victim's arrival, "I don't have to teach her. She knows us well".

8. You had no legal right as the holder of a Tier 4 student visa to sponsor anyone to come and work for you in the UK. You initially planned to bring the victim to the UK on a tourist visa. However, a fateful encounter with the Deputy High Commissioner of the Republic of Uganda, John Leanord Mugerwa, at a reception held by the High Commission for Ugandan students studying in the UK on 20 March 2022, led you to embark on a serious breach of the UK immigration laws, through the use of a thoroughly dishonest scheme. In short, you agreed with Mr Mugerwa that he would sponsor the victim's visa under a special immigration scheme for personal servants of accredited diplomats, on the basis that the victim would take up a job as Mr Mugerwa's housekeeper, and live with him. However, there was no such job. The intention all along was that, once she arrived in the UK, the victim would live in your house and work for you as your nanny and maid, and you paid the necessary fees for the visa. To assist in this dishonest scheme, you and Mr Mugerwa worked together to produce a false contract of employment between the High Commission and the victim, giving particulars of a job which did not exist, and intending that this document and a similarly false Certificate of Sponsorship from Mr Mugerwa for the non-existent job would be used to obtain a visa for the victim. You arranged for the victim to sign those documents, and carefully managed the application process. Those false documents were, as you intended, filed in support of the victim's visa application, and a visa under the special immigration scheme was in due course issued on the basis of those documents.

9. What was in it for Mr Mugerwa? I am sure on the basis of the evidence heard by the jury that, in return for him providing a means for your nanny and maid to enter the UK unlawfully, you agreed to help him out in a court case in which he was a defendant in Uganda, by speaking to the judge about the case. You made a number of attempts to do

so. To her credit, the judge who you tried to contact refused to take your calls. Your attempt in evidence to suggest that you were acting entirely appropriately in these attempted contacts, under an "open door" policy by which litigants were encouraged to make direct contact with judges about the status of their cases in Uganda, is belied by your suggestion in a message to Mr Mugerwa that the reason the judge you had tried to contact had not returned your calls was because the judge "fears talking on the phone".

10. Not only did you engage in a dishonest conspiracy with Mr Mugerwa to obtain a UK visa for the victim on a false basis, but you brought the victim to the UK intending to force her to work for you, under the threat of a penalty if the victim did not do what you wanted. You did not intend to pay the victim for her work for you in the UK, as you had in Uganda, and you did not do so. Instead the victim was required to undertake a wide range of household tasks, including cooking, cleaning, and childcare responsibilities, in return for her food and board, and the opportunity to take paid employment outside the home, which you initially helped her secure.

11. Over time you increasingly limited the victim's opportunities to work outside your home because this interfered with the unpaid work you wanted her to do for you, and the victim felt that she had no alternative but to comply with your demands. When you allowed the victim to work, outside the home, it was only on terms which suited you – for example when you and your youngest son went back to Uganda, or, at a late stage in the offending, in a job with anti-social hours after the children were in bed.

12. From the time when you were first approached by the police about the victim on 10 February 2023, and at all material times thereafter including in your evidence in this court, you have given a thoroughly dishonest account of how the victim came to the UK and the circumstances in which she came to be living and working in your house. While that does not aggravate your offending, your complete lack of remorse and inability to take responsibility for your actions necessarily has some impact on the personal mitigation advanced on your behalf.

13. As you became increasingly desperate about your forthcoming trial, you organised a number of attempts to contact the victim through your niece, through the victim's pastor and through her family, for the purpose of intimidating her so she would not give evidence against you. This was a clear breach of your bail conditions and something which you must have appreciated involved a serious interference with the administration of justice.

14. The victim has provided a wide-ranging personal statement. She gives evidence as to the impact which reporting these offences to the police and giving evidence against you have had on her life. She describes herself as living in fear and isolation in this country, being concerned about the effect of her giving evidence against you on her family back in Uganda and on herself. The case has attracted considerable comment in Uganda, some of it critical of the victim, which has been a source of distress to her. This has occasioned her considerable anxiety, for which she has received treatment. The victim refers to reports of unwanted attempts to contact her family members, and she expresses the fear that what she describes as powerful people in Uganda might take actions against

her if she ever returned to Uganda. She states that, for that reason, she feels unable safely ever to return to Uganda to see her family. In addition, her inability to give the address of the safe house where she is staying is making it difficult for her to obtain employment.

15. It is essential, however, that I keep in mind the specific offences I am sentencing you for, and the evidence adduced before this court in relation to those offences. To the extent that the victim's statement refers to other alleged events, those matters have not been tested in this court and I place no reliance upon them. However, there can be no doubt that the victim's concerns are genuinely felt, and that the sense of a fear and isolation she feels is an entirely predictable consequence of these offences, including the efforts you made to cause her not to give evidence.

16. Against that background I now turn to the specific offences. I intend to begin by considering the sentences which I would impose by reference to the features of the particular offences and the applicable sentencing guideline, reflecting considerations of totality along the way. I will consider the effect of more general issues of mitigation at the end of these remarks.

17. I am going to take Counts 2 and 3 first and treat them as the "lead offences" for sentencing purposes. I will refer to the Sentencing Council Guideline for these offences, which came into force on 1 October 2021, as the MSA Guideline. While all three types of offending covered by the MSA Guideline – slavery, servitude and forced or compulsory labour –are serious, I accept that the offence of forced or compulsory labour at issue here is the least serious of the three forms: see *Attorney General's Reference Nos 2, 3, 4 and 5 of 2013* [2013] EWCA Crim 324, [56].

18. The MSA Guideline first requires me to determine your level of culpability. While you played the leading role in bringing the victim to the UK for the purpose of exploiting her here, this was not a case in which the relevant offending involved some form of criminal hierarchy, but one in which you essentially acted alone. As the MSA Guideline notes, "where the level of the offender's role is affected by the very small scale of the operation, the court should balance these characteristics to reach a fair assessment of the offender's culpability". None of the other "Category A" high culpability factors are present. I accept that you were intending to secure an advantage for yourself in the form of an unpaid nanny and housekeeper, for whom you provided board and lodging. I am not persuaded, however, that the gain you were seeking to secure can be described as "substantial" in the context of the MSA Guideline.

19. However, none of the indicators of lower culpability are present. This was clearly an offence involving significant planning and pre-meditation, and you were the moving spirit behind the offending. Accordingly this is a case of medium culpability for MSA Guideline purposes, which falls within Category B.

20. So far as harm is concerned, the victim was not exposed to physical harm, but was undoubtedly caused psychological harm in being forced to work for you without pay, and in the position of vulnerability and isolation which being brought to the UK on that basis entailed. This type of offending is always serious (*R v Martin Rooney* [2019]

EWCA Crim 681, [70]), and involved exploiting the vulnerability of someone you brought to the UK, and who you knew to be wholly dependent on you. I also accept that there was financial loss or disadvantage to the victim, who was forced to work long hours without remuneration beyond the food and board she received. However, when the victim did work outside the house, there was no attempt on your part to take any part of her wages or charge her for food and board and there were periods of time when your youngest child was away when the victim was free to work as she wished. In these circumstances, I am not persuaded that the financial harm to the victim can be characterised as "significant".

21. It is accepted that one Category 2 harm factor is present here: "substantial and long-term adverse impact on the victim's daily life after the offending has ceased". This arises from the victim's ongoing fear that she is not able safely to return to Uganda including to visit her family, her continuing anxiety for her own safety and that of her family, and the ongoing difficulties she is experiencing in obtaining the work. These were not the immediate consequence of the modern slavery offences themselves, but of the reports the victim made to the police and her evidence at trial. However, they form a natural and wholly predictable consequence of your offending.

22. In these circumstances, there is one Category 2 factor present, but with the distinct feature I have identified, one Category 3 factor in the form of some psychological harm and one Category 4 factor in the form of financial harm falling short of significant financial harm. Taking everything into account, I am satisfied that Category 3 harm best reflects the particular features of this case. On that basis, the MSA Guideline indicates a starting point for a sentence of imprisonment of 6 years' custody, and a range of 5 to 8 years' custody.

23. So far as aggravating factors are concerned, the offending took place over some eight months, albeit (as I have mentioned) the degree of exploitation varied during that period. I accept that there was some control of the victim's passport and identity documents, and at least one identity document was taken by you, but one again this was not continuous, with the victim having control of her own documents while the family was away, and being able to ask for them when required for an identified purpose. The evidence does not establish that the heated conversation which took place on the day the victim left your house involved an attempt to prevent her reporting the offending to the authorities, and I am not therefore persuaded that this aggravating factor is made out in this case. Nor am I persuaded that there is a further aggravating factor in the form of an abuse of trust. On the basis of the victim's evidence, she had largely lost touch with your family when the issue of her coming to work for you in the UK first arose, and the victim's personal statement denied that she had the status of a family member. Nor does the modern slavery offending involve conduct in your capacity as a judicial officeholder.

24. Further, it is clear that the victim enjoyed some measure of autonomy, particularly when your youngest child was staying elsewhere, and generally in relation to the use of the phone you provided, and having her own set of house keys. It is also necessary to have regard to the rather unique circumstances of this particular case, which involved a single

victim who had previously worked for you in Uganda, trafficked by you to do similar work in the UK. The victim knew you and your family well, and at least for some purposes, was treated in the same way as your children.

25. Having regard to all of those factors, I am satisfied that it is not necessary to raise the sentence for Count 2, which I will treat as the lead offence, above the 6 years starting point. I will impose a concurrent sentence of three years on Count 3. There are no offence-specific mitigating factors which justify reducing the sentence below that starting point. I will address general mitigating factors once I have considered all four offences.

26. I now turn to Count 1. There is currently no sentencing guideline for this offence, and I have had regard to the general factors identified in s.63 of the Sentencing Act 2020 and referred to by the Court of Appeal in *R v Noor Ullah* [2022] EWCA Crim 777.

27. This offence involved a pre-mediated and carefully planned agreement to breach UK immigration laws through the creation and deployment of false documents. It was an offence in which you played a leading role. The significance attached by Parliament to this type of offending is clear from the successive increases in the maximum penalty for offences contrary to s.25 of the Immigration Act 1971 (from seven years, to 10 years, to 14 years, and, after this offence had been committed, to life imprisonment). It is also a type of offence where deterrence is important (*R v Kuznetsov* [2024] EWCA Crim 1121, [17]).

28. However, the sentence must reflect the particular facts of the offence. Count 1 involved facilitating the unlawful entry of a single person, known to you beforehand, for domestic purposes rather than as a business operation, albeit you were acting for selfish rather than humanitarian motives. It involved using a wholly safe means of transportation. The involvement of Mr Mugerwa is an aggravating factor. It is, however, important to avoid any double counting with the sentence imposed on Count 2, which was also concerned with the facilitation of the victim's arrival into the UK, and which reflects your leading role and careful planning to that end. The benefit you derived from Count 1 has already been reflected in the sentence on Counts 2 and 3.

29. Having regard to the need to avoid any overlap with the sentences on Counts 2 and 3, I am satisfied that this offence is appropriately dealt with by raising the sentence on Count 2, treating the immigration offence as a distinct aggravating feature of the modern slavery offences. As to the amount of that increase, Count 1 involved distinct criminality, in the form of an offence directed against the UK immigration system, and an abuse of the immigration privilege afforded to diplomatic personnel, which would have required a significant sentence of imprisonment even if there had been no trafficking involved. In my view, a sentence of two years' imprisonment would have been appropriate in those circumstances. The overlap with features of Count 2 justifies reducing the sentence in respect of Count 1 to 18 months. Having regard to considerations of totality, I will deal with this offence by increasing the sentence on Count 2 to one of 7 years imprisonment, and imposing an 18 month concurrent sentence on Count 1, all subject to matters of general mitigation to which I will return.

30. That brings me to Count 4. When you were bailed by the police, it was on the condition that you must not contact the victim, whether directly or indirectly, by any means whatsoever. Two electronic devices were seized from you on 7 August 2024 and messages recovered which showed the following:

(1) On 11 July 2024, at 7:47am, you were in contact with your niece and personal assistant, Gloria Serugga, who reported to you that she had been in contact with a Pastor. It is clear on the evidence that the Pastor in question was the victim's Pastor. Ms Serugga asked you to contact her about the conversation when she was in the office.

(2) On 17 July 2024, at 6:51am, Ms Serugga asked you for the victim's email, which you provided by return.

(3) Six minutes later, you called the victim's Pastor.

(4) At 9.09am on the same day, Ms Serugga contacted the victim on the email address you had provided her with. The victim forwarded that email to the police.

(5) At 9.37am, Ms Serugga sent you an email attaching a recording of a conversation she had had with the Pastor, in which the Pastor was asked to contact the victim, including by email because "Auntie Lydia's reputation is at stake. We are worried and we have tried everything."

(6) Twenty three minutes later, you sent Ms Serugga an email stating "tell him" – clearly an instruction to tell the victim's Pastor – "the police wants to take me to court in like 2 weeks. But if [the victim] tells them she has dropped interest they have no case to take to court. ….. around Feb." (sic). This case was due to start (and did start) in February 2025.

(7) On 2 August 2024, a legal researcher who worked for you in Uganda named Anne sent you a message stating that she had had found someone who could give her the contact details to approach the victim's mother. You replied, saying "we need [the victim's] mum to convince [the victim] to stop betraying us".

31. These events reflected a conspiracy between you, Ms Serugga and your researcher to try and contact the victim through your niece, the victim's mother and her pastor, in an effort to intimidate the victim so that she would not give evidence against you. This is a serious offence, and as a judge you must have been fully alive to the criminal nature of this conduct. Deterrence is a particular feature when sentencing for an offence of this type.

32. The Sentencing Council Guideline on Witness Intimidation (effective from 1 October 2023) requires me first to determine the level of culpability.

33. I am satisfied that this offence was one of high culpability. There was a breach of a bail condition imposed to protect the victim, who was obviously vulnerable. The facts giving rise to the offence involved sophisticated and planned conduct, in which you involved two other people, using various routes to contact the victim for the purpose of pressurising her into not giving evidence against you – direct contact, contact through

the victim's family and contact through the victim's Pastor. No lower culpability factors are present – this was not unplanned contact, you were not subject to coercion, intimidation or exploitation, and there is no factor which substantially reduces your responsibility.

34. So far as harm is concerned, the victim stated that she was put in fear by the one communication which did reach her. I am also satisfied that these efforts at contact have made a significant contribution to the feelings of anxiety and isolation which the victim describes in her personal statement, including the fact that she now feels cut off from her Pastor who you sought to use as a channel to put pressure on her, and has become suspicious that those seeking to contact her may be doing so at your instigation. This has all contributed to her feelings of anxiety and isolation.

35. I am satisfied that these features of the offending are fairly reflected by placing the offending at the midpoint of the starting points between Categories 1A and 2A, namely 18 months, before taking considerations of totality into account. Having regard to that matter, and the need to pass an overall sentence which is just and proportionate while reflecting your offending taken as a whole, I am satisfied that a consecutive sentence of one years' imprisonment is appropriate for this offence,

36. At this point I consider your personal mitigation, which I accept is significant. There is not simply your lack of previous convictions, but your previous positive good character and public service prior to these offences. Your achievements in this regard are apparent not simply from your career record, but from the character evidence adduced on your behalf at trial and at this sentencing hearing, which I have carefully considered. These include references from judicial bodies, fellow judges and individuals you have helped in various ways over the years. The references speak to your personal and professional qualities, and your commitment to the cause of human rights.

37. This evidence of good character gives rise to significant mitigation, and I accept that the fall you have experienced will itself have caused you significant distress, loss of esteem and opportunity, and had an adverse financial effect on you. As noted in the Pre-Sentence Report, your experience of time on remand has been very challenging. However, it is also necessary to record that it is apparent from the Pre-Sentence Report that you have shown absolutely no remorse for your conduct. Instead you continue, wholly unjustifiably I am afraid, to depict yourself as the victim of these events, and falsely to blame the real victim for your own wrongdoing. As a result, the mitigating factor of remorse is not present.

38. I have also had regard to your role as the primary carer of your three children, and the effect of your prolonged imprisonment upon them. I have carefully considered the report of Dr Aisha Ali, a chartered psychologist, and the statement of Marion Nyina Nadwula, who is currently looking after your children, and who describes herself as a psychiatric health professional. Your eldest child is currently in the sixth form, your middle child is 16 years old, and your youngest child eight. I accept that your absence has had and will continue to have significant adverse effects on their wellbeing, and has led to a marked change in their outlook and demeanour. That effect has, perhaps, been most acute on your youngest child, who is experiencing certain difficulties. Your middle child

has become withdrawn, and your eldest child has also clearly been impacted. I accept that prolonged separation risks inculcating feelings of abandonment in the children, and that those adverse effects and the trauma experienced by your children are likely to be more profound, the longer the period of imprisonment is.

39. I have also had regard to certain further factors relied upon, although they carry significantly less weight than those which I have just addressed.

40. I accept that the shattering consequences your criminal conduct has entailed has had an adverse impact on your own mental health as recorded in Dr Ali's report. Dr Ai has diagnosed that you are suffering from generalised anxiety disorder, panic disorder, major depressive disorder and prolonged grief disorder, the latter following the death of your mother in August 2022 and your father the following year. In particular, it is clear that your continuing separation from and anxiety about your children has had a significant adverse impact on your mental wellbeing.

41. I also accept that serving a sentence of imprisonment in current prison conditions is especially onerous, and that this is particularly the case for female prisoners, given the relatively few female prisons in the estate, which can create significant challenges for regular visits by family members. I was helpfully referred to the Court of Appeal decisions in *R v Ali* [2023] 2 Cr App R (S) 25 and *R v Foster* [2024] 1 Cr App R (S) 19 in this regard.

42. Finally, a period of 18 months elapsed between your initial arrest in February 2023 and August 2024. I am not persuaded that this delay can be said to be unjustified. Issues of immunity from arrest were raised and had to be resolved, and there was a significant volume of material which had to be assembled from various sources. In addition, the offences which were the subject of your initial arrest were Counts 2 and 3. Count 1 came to light at a later stage, raising complications in relation to the position of Mr Mugerwa. Count 4 occurred at the very end of this period. Nonetheless, I have made some limited allowance for the period of time this prosecution has been hanging over you.

43. Taking all of these matters into account, and making full allowance for the personal mitigation I have referred to, I have decided that the lowest sentence which I can impose which is commensurate with the seriousness of your offending is one of six years and four months imprisonment. This will be reflected in individual sentences for the four offences as follows:

    (1) A sentence 5 years and 6 months imprisonment on Count 2, with concurrent sentences of 18 months and three years respectively on Counts 1 and 3.

    (2) A consecutive sentence of 10 months' imprisonment on Count 4.

44. You will serve up to one half of the total sentence of six years and four months in custody. You will serve the remainder on licence. As against the part of the sentence you are required to serve in custody, you will receive full credit for the period of time you have spent in custody on remand.

45. The Crown also seeks a restraining order under s.360 of the Sentencing Act 2020 to prevent you from contacting the victim, whether directly or indirectly, until further order of the court. That order is not opposed but I must satisfy myself that the order sought is appropriate.

46. Applying the four stage test in *R v Khellaf* [2016] EWCA Crim 1297, I am sure that such an order is necessary to protect the victim:

    (1) It is clear that the victim is fearful of any further attempts by you to contact her, and that she supports the making of the order.

    (2) I am satisfied, against the events which gave rise to Count 4, that this order is necessary to protect the victim. The contents of the Pre-Sentence Report do not lessen those concerns, because you continue to blame the victim for your predicament.

    (3) The proposed order is limited in scope, will occasion no harm or prejudice to you, and is proportionate to the harm sought to be protected.

47. Any breach of that order is a serious criminal offence with substantial criminal penalties which may include imprisonment of up to 5 years. You will be given a written record of the terms of the order. If for any reason the order is no longer necessary and appropriate then either you or the victim may apply to the court for the order to be amended or removed. But until that time, which may never come, the order will remain in force and must be complied with to the letter.

48. I will also make a compensation order under s.133 of the Sentencing Act 2020 in terms agreed between the parties. That requires the payment of £12,160 within a period of six months from today.

49. Lydia Mugambe, please stand.

50. I therefore sentence you to a period of 6 years and 4 months imprisonment. You will be released from custody no later than half of the way through the sentence and the remainder of the sentence will be served on licence, in the community. You must comply with the conditions of your licence, failing which you will be at risk of recall to prison to serve the remainder of the term in custody.

51. I also impose the restraining order in the terms I have already set out and make the compensation order in the terms agreed by the Crown and the Defence. The statutory surcharge must also be paid.

52. You can now be taken down.

Mr Justice Foxton

2 May 2025