

Perspective



An illustration of Christopher Okello Onyum. He was convicted of the murder of four toddlers by the High Court in Kampala. ILLUSTRATION: DORMI ARTS

Making sense of Okello's murders

BY DR SYLVESTER ONZIVUA



On April 2, at the Gaba Early Childhood Development Centre, Christopher Okello Onyum hacked to death four children. The infants were aged between one year and two years, three of whom were male and one was female.

Okello was subsequently found guilty of four counts of murder by the High Court in Kampala and sentenced to death (He has since appealed against the sentence). During the trial, Okello did not deny killing the four children, but stated that he did not act intentionally or deliberately. He stated that although he had been examined and declared mentally sane, he had a mental illness that was undetected, which caused him to kill the children.

Once a defendant raises the issue of insanity, the prosecution has the burden of proving beyond reasonable doubt that the accused was sane when the act was being committed. In law, an accused person is excused from punishment if, as a result of mental illness, he did not know the nature and quality of his act, or if he did know it, he did not know that the act itself was wrong. In some cases, however, the accused is exempted from punishment only in cases of extreme insanity involving a total loss of understanding.

The rule of insanity has further given the "irresistible impulse" test by the courts of law. Under this rule, the defendant is immune from the consequences of his criminal act if it is proved that he was compelled to do the act by an irresistible impulse. That is, if his reasoning powers were so far dethroned by his diseased mental condition as to deprive

him of the willpower to resist the insane impulse to perpetrate the deed, though knowing it to be wrong, he is not criminally responsible.

The case of Okello bears some similarity to that of Richard Trenton Chase, who killed six people in a span of a month, from December 29, 1977, to January 27, 1978. Chase earned the nickname "The Vampire" because he drank the blood of his victims and ate their internal organs.

On December 20, 1977, Chase shot a 51-year-old man twice in the chest as he was retrieving groceries from his car. On January 23, 1978, he again shot dead a 22-year-old woman as she came out of her home carrying some garbage, and he then savagely mutilated her body. Four days later, police were called to a home in which the whole family was discovered killed. The woman of the house, a 36-year-old, was shot three times and her internal organs removed. Her 52-year-old companion was also shot in the head, as was the woman's six-year-old son. A 22-month-old baby, whom the woman was babysitting, was missing from a bloodstained crib. The baby was later discovered dead.

Okello and Chase had a history of mental illness, and both were admitted to psychiatric units at some time in their lives. That Okello and Chase had a mental disorder at some time in their lives was, therefore, not in doubt.

The second pointer to a crime of insanity is the lack of motive in the commission of

the offences; Okello and Chase apparently picked their victims at random. In all six murders that Chase committed, he acted alone. In the four murders that Okello committed, there was no evidence that he had any accomplices.

Crimes of insanity are typically bizarre and ghostly. Police investigating these murders committed by Chase were horrified to discover that he was carrying fast-food containers stuffed with human body parts and blood when he was arrested. Okello slashed the necks of four infants in the most bizarre and ghostly manner. Both killers made no attempts to hide the evidence of their crimes.

A crime in law consists of the mental aspect as well as the actual conduct. These two elements are derived from the Latin maxim *actus non facit reum nisi mens rea*, which, translated, means a person does not incur liability for a crime by virtue of an act unless he or she has, as well, a guilty mind. *Mens rea* refers to the state of mind, while *actus reus* is the act itself. Mentally ill persons may, however, experience a temporary period of resolution of the illness and during such a period, the patient may be held criminally liable if in conflict with the law.

In Uganda, the Penal Code Act states that a person is not criminally responsible if, at the time of the act, they are suffering from a disease of the mind that renders them incapable of understanding what they were doing or knowing

that it was wrong. This principle reflects one of the foundations of criminal law, that liability requires both the act itself (*actus reus*) and the guilty mind (*mens rea*). Without intent, punishment loses its moral justification.

The cause of most of the mental disorders may not be pinpointed or remains unknown. However, a number of these illnesses have been associated with drugs such as cannabis, alcohol and cocaine. Stress conditions such as sudden bereavement or financial loss, may also trigger mental illness. Failure of the maturation of the brain may result in mental disorders that have their onset during infancy or childhood.

Psychopathy or psychopathic personality is a recently recognised mental disorder and is characterised by impaired empathy and remorse, persistent antisocial behaviour, along with bold, disinhibited and egocentric traits. It is now classified as an antisocial or dissocial personality disorder.

For a long time, the psychopath was thought to be or was considered an essentially normal individual who had deep-rooted abnormalities of personality, as a result of which he or she was unable to conform to conventional standards of behaviour. What was also known was that this personality disorder was often associated with criminal behaviour, without accompanying feelings of guilt or remorse.

The psychopath has an inclination to violence and psychological manipulation, impulsivity and narcissism. These traits are often masked by superficial charm and immunity to stress, which create an outward appearance of normality.

Causes of the psychopathic personality include genetic factors or experiencing neglect or maltreatment. Risk factors associated with the disorder include family history and adverse environmental stressors.

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