

PHOTOS BY SHAMIM SAAD



Kwagala (right) speaking during a press briefing held at CEHURD offices in Ntinda, Kampala on Wednesday. Beside her are Musimenta and her husband Michael Mubangizi

COUPLE WAITING FOR SH85M MULAGO HOSPITAL COMPENSATION

Michael Mubangizi and Jennifer Musimenta sued Mulago Hospital following the disappearance of one of their twins, **Carol Kasujja and Vivian Agaba** write

In January 2017, Justice Lydia Mugambe ordered Mulago Hospital to pay sh85m to a couple, Michael Mubangizi and Jennifer Musimenta, as compensation for depriving them of the joy of having twins. Unfortunately, the couple has not received any money or communication from the hospital to date.

What is disturbing the couple and their lawyers is that the Mulago administrators do not reply their emails and they have not shown any concern to their requests.

WHAT HAPPENED?

On March 14, 2012, Musimenta, accompanied by her husband, went to Mulago Hospital to give birth.

She gave birth to twins, but on the day she was discharged, the couple went home without the second baby.

A few days later, the couple was given a dead baby, but upon carrying out a DNA test, the results did not match the couple.

Since then, life has been hell for the couple, as the only twin they have, Babirye Atuhairwe, keeps on asking where her sister is.

"Babirye keeps on asking us where her sister went, she thinks we just do not want to tell her. Sometimes, she refuses to eat food, saying she wants to see her sister," Musimenta said.

Musimenta said whenever Atuhairwe is

playing with her peers at home or school, they ask her to explain why she is called Babirye. She runs back to her parents to ask where her twin sister is.

In 2013, the couple filed a case at the civil division of the High Court suing the Mulago Hospital executive director, Dr Byarugaba Batera, together with the Attorney General, seeking orders to compel the duo to produce their



baby, dead or alive.

In her judgment early this year, Justice Mugambe ruled that the hospital staff negligently failed to account for the missing baby. The couple was awarded sh85m in general damages.

The judge further made directives to the effect that; the Police must investigate the disappearance of the baby and file a report on the same to court within six months from the judgment date. The couple sued Mulago with the help of a local human rights organisation, Centre for Health, Human Rights and Development (CEHURD)

This decision won Justice Mugambe an international award, the People's Choice Gavel Award, gaining the most votes in the annual Gender Justice Uncovered Awards hosted by Women's Link Worldwide.

However, Mubangizi said they are yet to receive any money.

"Mulago should give us what is rightfully ours. We have been patient with them, but they are taking us for granted," Mubangizi said.

The CEHURD programme manager,

Prima Kwagala, called on the Police to avail them with a copy of the report on the missing baby, adding that the time within which to implement the judgment was long overdue.

The organisation also appealed to Mulago to take requisite steps to implement the judgment or else they go back to court to seek assistance.

LAWYERS SPEAK OUT

James Zeere, a programme

SPEAKS

POLICE WE ARE INVESTIGATING "We are about to finish the investigations. We shall communicate in a week's time," George Nkurunziza, a Police officer at Wandegaya Police Station said.

manager for strategic litigation at CEHURD, said Mulago has gone silent ever since the directive to take steps to enhance the respect, movement and safety of babies, dead or alive in its facility, was made.

"Mulago is supposed to provide counselling to our clients, provide us with a report every four months, regarding the steps or measures taken in fulfilling safety of babies, but they have not done any of this. The hospital has also denied us access to the premises to oversee the implementation of the measures," Zeere observed.

He noted that following Mulago's failure to work with them, they were going to ask court to attach some of the hospital's properties so that the couple can recover their money or have some officials from the hospital arrested for failing to comply with court directives.

MULAGO HOSPITAL REACTS

Enoch Kusasira, the hospital spokesperson, said he was not aware of the e-mails the couple's lawyers had sent to the hospital regarding payments.

"Since it is a court case, I do not want to comment. However, I am not aware that we are frustrating any couple. I do not know of any legal fee we are supposed to pay. Who are those people communicating to?" Kusasira asked.

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