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**THE REPUBLIC OF UGANDA**  
**IN THE CHIEF MAGISTRATE COURT OF KAMPALA AT BUGANDA ROAD**  
**CRIMINAL CASE NO. 0935 OF 2020**

**UGANDA:..... PROSECUTOR**

**VERSUS**

**OKUMU CHARLES ..... ACCUSED.**

**JUDGMENT BEFORE HER WORSHIP AYO MIRIAM E.OKELLO**  
**CHIEF MAGISTRATE**

Okumu Charles is charged with 11 Counts of unlawful possession of protected species contrary to section 36(1) and 71(b) of Uganda Wild Life Authority.

It is the prosecution that Okumu Charles on 23<sup>rd</sup>/09/2020 at Uribo Village in Bulisa District had in his possession Pangolin scales, 4 pieces of Hippo teeth, Buffalo tails and ear, 10 dry skin of the Uganda Kob and dry Hyena skull and was also found in possession of Porcupin spikes, Python oil and Tropical yams. And did not have any valid wildlife use Right.

Accused denied the charge and the prosecution relied on the evidence of 4 witnesses to prove their case. Also admitted as prosecution exhibit were assorted species that is to say; Pangoline scales, Hippo teeth, Hippo tails, dry skins of Uganda Kob, wathhog, porcupine spikes, Python oil and hyena skull.

Photos of accused and exhibits, Report from the expert and a search certificate.

The presumption of an accused's innocence is paramount.

**The prosecution must prove the following ingredients beyond reasonable doubt.**

1. That the exhibits Listed above belong to the protected species.
2. Accused was in possession and had no valid wildlife use right.

**First ingredient: whether the exhibits belong to the protected species.**

The defence did not contest the exhibit and from the evidence and report of PWIV the expert witness, there is no doubt that the said exhibit belonged to the animal species listed in the 3<sup>rd</sup> schedule. They are protected species.

**Whether the accused was found in possession and had no valid licence:**

PWIII ASP Mangeni Denis told Court that they got information about accused having in his possession protected species and they went to his home, condoned the place and carried out a search.

Indeed they found the listed species in his house. Photos were taken from accused's home. He did not deny the home.

Both PW1, Okello Charles a ranger and PWII Sgt Lubega Christopher corroborate PW1's evidence that they got information that 2 buffalo were killed and some birds poisoned. They found all these in accused's home.

Accused himself signed on the search certificate throughout. In the trial, I observed accused. He has not been truthful. He told Court nothing but a pack of lies. The photos of his house, the search certificate he signed and the evidence adduced equally places him at the scene. And did not show any proof that he was possessing the exhibits legally. He had no valid licence. Therefore he was found in unlawful possession of protected species without a valid wildlife Use Right.

I find the burden cast on the prosecution discharged. I find accused guilty of all the offences charged and convict him on all the Counts.

.....*Mcell*.....  
**Sgd: Ayo Miriam E. Okello**  
**Chief Magistrate**  
**24<sup>th</sup> /05/2021**

**24/05/2021**

Accused in Court

Akello for state

Andrew counsel for accused

Flavia Interpreter.

**Court:** Judgment read in Court.

**Respond:** The Convict is a first offender. The charges are serious in nature. They involve assorted species of wildlife. The animals and birds died through poisoning. I pray for deterrent sentence to send a strong message to the people bounding Murchison. So many Pangolin, birds, lost their life. We pray for an order handing over the exhibit to Executive Director Uganda Wild Life Authority.

**Mitigation:**

The convict is a first offender. We pray Court to consider that he is the bread winner. The convict is remorseful. He has been on remand for sometime.

**SENTENCE:**

The Convict is a first offender who has played for a second chance. The convict's act of poisoning the birds and keeping all these assorted spices in his house certainly shows that he has been dealing/engaging in such unlawful acts. This must be discouraged.

I have considered the prayer of both parties and the time spent on remand.

I will give him a chance to reform, reflect and distance from such unlawful act by sentencing him to serve 2 years imprisonment on each count.

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**Sgd: Ayo Miriam E. Okello**  
**Chief Magistrate**

24<sup>th</sup> /05/2021

**Court:** Sentences to run concurrently.

.....MOkello.....  
**Sgd: Ayo Miriam E. Okello**  
**Chief Magistrate**

**Court:** Right of appeal explained.

.....MOkello.....  
**Sgd: Ayo Miriam E. Okello**  
**Chief Magistrate**  
**24<sup>th</sup> /05/2021**