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**THE REPUBLIC OF UGANDA**  
**IN THE CHIEF MAGISTRATE COURT OF KAMPALA AT BUGANDA ROAD**  
**CRIMINAL CASE NO. 0928 OF 2021**

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

**VERSUS**

**WANICAN IDDI AND ANOTHER                   :.....                   ACCUSED.**

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

**CHIEF MAGISTRATE**

The two accused Wanican Iddi (A1) and Afudu Deldone (A2) are charged with unlawful possession of protected species contrary to section 36(1) and 71(1) (b) of the Uganda Wildlife Authority. The prosecution contends that the two accused on 19<sup>th</sup>/09/2020 at Pakanyi Sub-County in Masindi District had in their possession two pangolin skins and pangolin scales without a valid wildlife Use Right.

The accused are presumed innocent until proven guilty. The prosecution bears the burden of proving their guilty.

The standard of proof has always remained beyond reasonable doubt. The prosecution bears the burden of proving their guilty. The standard of proof has always remained beyond reasonable doubt.

To succeed the prosecution must prove beyond reasonable doubt the following ingredients.

1. The Pangolins are protected species.
2. There was possession of species without a valid wildlife Use Right.
3. That the accused were in possession.

Section 1 of the Uganda Wildlife Authority provides for a detailed definition of what protected species are. PWIII the expert who examined the specimens

confirmed to Court that the verified specimen and using the features on the skin and the scales confirmed they were pangolin scales and skin for Pangolin. And these were protected species. I am not in doubt the ingredient has been proved.

I will consider the 2<sup>nd</sup> and 3<sup>rd</sup> ingredient together.

Whether the accused were in possession of the said species without any valid wildlife Use Right.

PW1 D/CPL Adyeri Alfred arrested the accused upon getting information from the wildlife staff that the accused had the skin and the Pangolin scales. The witness testified that the white sack was out on the road side and the accused were bargaining the price with the wildlife staff.

A1 was the grabbed by the staff while A2 remained sitted and PWIII D.C Okello did not add any useful evidence to that of PW1.

The accused in their defence denied the allegation. A1 clearly stated that he was taking his brother A2 to hospital. They did not know why they were arrested. They both saw the exhibits from Police and there were many passerby on the road.

I have carefully evaluated the evidence of both the accused and the state. PW1 testified that the accused were bargaining the price with the Uganda Wild Life Authority staff. None of the staff came to give a detailed account of what took place. State did not corroborate PW1's evidence. The two accused were consistent in their defence. A2 had a problem with his leg and PW1 confirmed that. I am convinced they were going to the hospital.

The evidence adduced by the prosecution does not squarely place accused at the scene of crime. PW1 in his evidence does not show how the two were in possession. He simply stated that the sack loaded with Pangolin Scales was put on the road side. Many people use the road. There mere fact that the Uganda

Wildlife Authority staff who was with the accused could not clarify by any evidence in Court leaves doubt in my mind and once such doubt checked the benefits goes to the accused. Possession has not been proved.

In the premises therefore I find the burden against the prosecution to prove beyond reasonable doubt that the accused committed the offence not met. I find the two accused not guilty and acquit them forthwith. Case is dismissed.

Accused is set free unless held on other charges.

.....*MOkello*.....  
**Sgd: Ayo Miriam E. Okello**  
**Chief Magistrate**  
**20<sup>th</sup> /01/2021**