

THE REPUBLIC OF UGANDA
IN THE CHIEF MAGISTRATE'S COURT OF BUSHENYI AT RUBIRIZI
BUS-24-CR-CO - NO 00264/2017
CRB. NO - 401/2017

UGANDAPROSECUTOR

VERSUS

NDINZIRE JULIUS.ACCUSED.

JUDGMENT BEFORE H/W BOSSA MICHAEL MAGISTRATE GRADE ONE

The accused was charged with unlawful possession of wildlife protected species c/s 75(b) UWA Act cap 200.

It was alleged that the accused committed the said offence on 21/03/2012 at Mbuga village - Katerera where he was found in possession of 300kgs of buffalo meat.

According to pw2, pw3 & pw4 all testified to the fact that on the alleged day at about 12:00 am they (i.e UWA officials) way laid the accused at Mbuga area in Katerera as they loaded and attempted drive off with their loot.

The accused and two others on spotting the ambush took off leaving behind 2 motorcycles and a load of 300kg of buffalo meat.

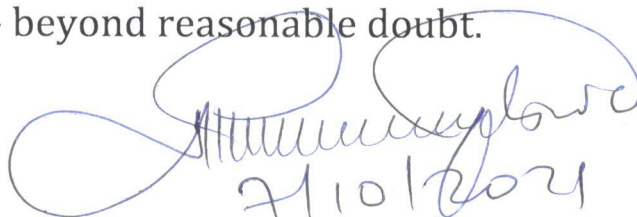
Accordingly to Pw1 - Sunday Keres- also the owner of one of the motorcycles , the meat belonged to the accused person . It is him who had invited the 2 motorcycles to carry it off.

Pw1- was owner of motorcycle No. UEO 001K.

At the hearing counsel Patrick Bushendeki represented the prosecution - he called 3 witnesses while the accused who appeared by himself called one witness for the defence.

Burden of proof - on the prosecution.

Standard of proof - beyond reasonable doubt.


7/10/2021

See S101- Evidence Act

Woolmington vss DPP.

Ingredients of unlawful possession of wildlife trophy

- a) Being in possession of wildlife trophy.
- b) The possession must be without permission.

Issues.

1. Whether the evidence on record is enough to sustain a convict against the accused?
2. Remedies available.

Resolution.

On the 21/03/2017 , the officials of UWA mentioned an ambush at Mbuya area in Katerera at 12:00am.

According to Pw2 one Kirunda James and Pw3 – Magezi Richard this was done on information from informer during the ambush , several people including the accused were seen loading meat on the motorcycle.

Apparently when an attempt was made at arresting them, all the suspects took off leaving their motorcycles behind.

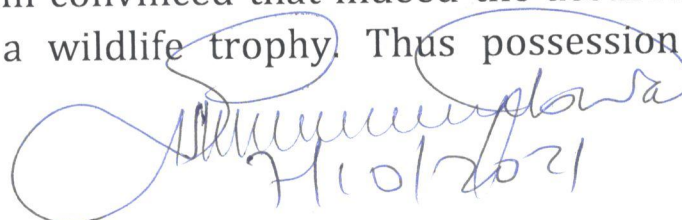
Pw1 who owns one of the motorcycles appeared the following day. It is him who identified the accused.

Apparently accused hired Pw1 and his colleague on another motorcycle trying to persuade them to carry his meat. It is in this process that the UWA official found them.

In his defense , nothing much was raised by the accused.

Even then, the prosecution produced impeccable evidence pinning the accused first at the S.O.C but most importantly, he was identified by Pw1, the owner of motorcycle No. UEO 001K with whom he was at the S.O.C.

Accordingly therefore, I am convinced that indeed the accused was found in possession of a wildlife trophy. Thus possession was


11/03/2017

unlawful since the accused doesn't have a hunting permit, I therefore find him guilty of the said offence and convict him as such.

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HW BOSSA MICHAEL

MAGISTRATE GRADE 1

25/10/2017

Pros: matter is for judgment

Court: judgment read in open court before prosecution, the accused and the public.

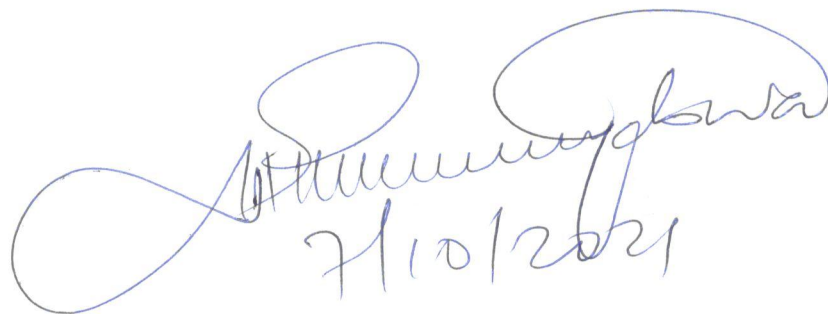
Pros. I have no previous record on the accused however the offence the accused is convicted of is rampant, especially where the accused comes from.

His actions deprived Uganda Government colossal sums of money gained from tourism.

This court is endowed with judiciary power to protect this natural resource by way of the sanction.

In the premises I pray for a custodial sentence.

Convict(mitigation)- I pray for a lenient sentence , I am a father of 4 children as well as 5 orphans. I pray you consider the period I have spent on remand.


7/10/2017

SENTENCE

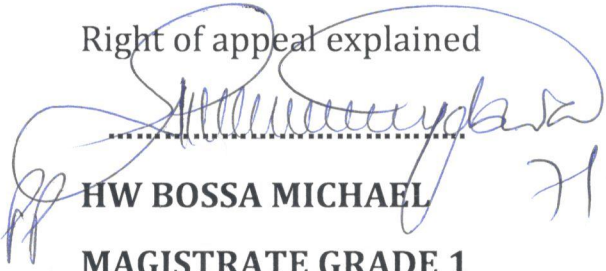
Unlawful possession of wildlife c/s 75(b) of the UWA act – it attracts a maximum sentence of 5years imprisonment or a fine of not less than one million shillings or both.

The accused seems remorseful, a first time offender but took court through a long tedious trial.

In addition, offences against wildlife in this region are rampant and all departments operating in this region, including court of law must take note if wildlife is to be saved. This court is no exception to this, it is also noted that the convict has been on remand for some time although this can only be blamed on him for he had options available to him.

Accordingly the convict and putting in mind the amount of buffalo meat which the convict carried, he is sentenced to pay a fine of Ugx. 3.5m or in default serve a prison sentence of 24 months.

Right of appeal explained


HW BOSSA MICHAEL 7/10/2017

MAGISTRATE GRADE 1

25/10/2017