THE REPUBLIC OF UGANDA
IN THE CHIEF MAGISTRATE'S COURT OF BUSHENYI AT RUBIRIZI
BUS-24-CR-CO- 0259 – 2017- CRB – 639 - 2017

UGANDA ..... PROSECUTOR

VERUSUS

KATUSABE KIZITO ..... ACCUSED

JUDGMENT BEFORE HIS WORSHIP BOSSA MICHAEL MAGISTRATE GRADE ONE.

The accused was charged with one count of unlawful possession of wild life protected species c/s 75 (b) & 74 (a) UWA ACT.
It was alleged that accused committed the said offence on 20th */06/17 at Nyabubare village in Rubirizi where the suspect he was found in possession of 10kgs of Hippo meat without authority

At the hearing, the procesution was represented by one counsel Bushendik Patrick – UWA prosecutors prosecution called 2 witnesses.

On the other hand , the defence which only had alone witnesses was not represented.

According to both prosecution witness i.e PW 1 Ocaaya Kennedy as well as PW 2 Kirunda James, an operation was mounted at the accused's home on the night of 20th June 2017 at about 5:00am.

Among other , PW , Pw2 Katuramu and Wafula Kennedy carried out the operation.

At the accused's home, 10kgs of meat belived to have been wild meat , specifically Hippo meat was recovered.

The accused was then charged accordingly under Cap 200 UWA Act for unlawful possession of wildlife protected species.

14/10/2021

For his defence, the accused insisted that the meat was actually found at his place was park and not Hippo meat as alleged by the prosecution.

Burden of proof. It is the duty of the prosecution to prove all crminal cases against accused person.
Standard of proof. This duty is only charged at a standard beyond reasonable double .

See : 5 101 evidence Act
- Woolmington Vs SPP

Elements of unlawful possession of a wildlife trophy c/s 75b & 74 a UWA Act
1. A person must be found in possession of wildlife trophy
2. Such possession must be without permission i.e. illegal

ISSUES

(a) Whether the evidence on record is enough to sustain a charge of unlawfully being in possession of a wildlife trophy.

(b) What remedies are available to the successful party?

RESOLUTION

Issues 1 :Whether the evidence on record is enough to sustain a charge of unlawful possession of wildlife trophy.

According to PW1, & PW2 a seize & search operation was conducted by police at the home of the accused at Nyabubare in Kichwamba S/C.

According to them 10kgs of meat allegedly Hippo meat i.e wild life trophy was recovered from the said home.

In his defence however, the accused pointed out no wild life trophy was found at his place and that the meat found was actually pork.

Note : According to PW1 & Pw2 the piece of meat that was recovered was sent for forensic analysis although the report never came to court.

It is important to also note that it is the duty of the prosecution to ensure evidence is brought to court and the duty to prove a criminal case against an accused person lies on the prosecution.

16/10/2021

The piece of meat that was allegedly recovered from the S.O.C was never brought to court for observation. Therefore while the operation may have been successful, the expert forensic report is very necessary for court to determine the trophy that may have allegedly been found at the S.O.C Without such a report and in light of the accused defence, the prosecution case can not succeed. I therefore acquit the accused person of my wrong doing.

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H/W BOSA MIICHAEL
MAGISTRATE G.1
18/2/17

14/10/2021