THE REPUBLIC OF UGANDA
IN THE CHIEF MAGISTRATE'S COURT OF BUSHENYI AT RUBIRIZI
BUS-24-CR-CO-0214 OF 2018 CRB 438 - 2018

UGANDA ..... PROSECUTOR

VERUSUS

MABARA ELIAS ..... ACCUSED

JUDGMENT BEFORE HIS WORSHIP BOSSA MICHAEL MAGISTRATE GRADE ONE.

The accused was charged with two counts of killing a wild animal and unlawful possession of a wild life protected species s. 27 (a) / 74 (a) and s. 75b of the wild life Act Cap 200 respectively

It is alleged that the accused committed the same offences on 13/5/18 at Kakoni village in the Rubirizi; District.

At the hearing, the prosecutor was represented by a one Patrick B. Prosecutor UWA. The prosecution called 4 witnesses including one expert.
One the other hand, the defence had no legal representation and called 4 witnesses.

The accused totally denied the charges.

B.O.P -On the Prosecution.
S.O.P -Beyond reasonable doubt

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RUBIRIZI COURT
21/10/2021

See S.101 evidence Act.

- Wool Mington Vs DPP

Elements of killing a wild animal - S. 27 (a) & 4 b

1. Death of a wild animal caused by the accused.

Elements of unlawful possession of wild life protected species c/s 75 (b).

Being in possession of a wild life trophy with out lawful excuse.

21/10/2021

RESOLUTION

According to PW1 & PW. 2 on 13/05/18, they went on patrol at the boundaries of Queen Elizabeth national park. While there and having laid an ambush 4 came out of the National Park with a load of items.

On noticing the ambush 3 of the suspects allegedly run off leaving behind only the accuses.

Among the items they hand that were while exhibited in court were spears, wire snares and pangas.

According to PW2 Twikirize Moses and PW2 Kirunda James the accused had a big load of meat which after scientific examination by PW4 – ludwing was found to be Hippo Meat.

PW1 and PW2 testified that the accused was well known to them before and after the arrest.

His relationship with UWA is that of a reformed poacher and in fact this was not the 1st time he has been arrested. No wonders when he finally escaped as per the evidence of PW2 , they knew where to find him and indeed arrested him several days later from his home.

On the other hand, the accused put a solid alibi and called 3 witnesses besides himself to prove it .One could almost believe him completely except that from the evidence of PW 1 & PW 2 , the accused was arrested in the Queen Elizabeth National Park with a load of 500kgs of meat and by people who knew him very well before, during and after.

Because of this evidence, I will consider the accused alibi merely as a well orchestrated plan to help him get off the hook.

That said, I found him guilty for un lawfully possessing a wild life trophy or protected spiece c/s 75 (b).

As far killing a wild animal, there is no envidence to prove this. Note that possessing the trophy deos not mean that he killed it himself. Some one else could have done it. Accordingly therefore I acquit the suspect on court 1 and convict him only on count 2 .

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BUBIRIZI COURT

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H/W BOSA MIICHAEL
Magistrate g.1
13/7/19

04/12/2019
Accused present
State – Mpaka
Nelson -C/C
Pros -Matters is for judgment
Court -Judgment is delivered in open court before the prosecutors accused and the public in open court.

Pros -Unless court is aware of the accused's previous conviction, he is a first offender. The offence the accused committed involves the killing of wild animals. The protecton of the wild is to ensure this very valuable resource is kept for positively and the echo system its paramount that court complements the efforts of the state in this regard by way of punishing the offenders.

The law provides for a fine of 1m and 3m maximum or 5 years in prison or both.

I pray for about 1 year in prison.

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RUBIRIZI COURT
21/10

Accused – (Mitigation) – I am a father of 7 children all of them teenager. I also have 2 other children whom I take case of belonging to my late brother. I will not go back to hunt in the National Park. I pray for mercy.

Court- Unlawful possession of wild life species c/s 75 b of the UWA CAP 200, attracts a minimum fine of Ugx 1m or a maximum of 5 years in prison or both. The convict seems remorseful, a first offender but has taken court through a long trial including the time he was on W/A.

Be as it may the life of wild will go to extinction if no one endeavors to protect them .

Note must be made that the wild animals are important for nature and environment not to mention the economy. In that regard we protect the wild not just for but especially for posterity .

21/10/2021

Accordingly the convict shall serve a prison sentence of 23 months.
Right of appeal explained on both conviction & sentence.

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H/W BOSA MIICHAEL
MAGISTRATE G.1
4/12/19

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RUBIRIZI COURT
21/10/2021