

THE REPUBLIC OF UGANDA

IN THE CHIEF MAGISTRATES COURT OF KASESE AT KASESE

UWA CASE NO. 001/2018

UGANDA -----PROSECUTOR

VERSUS

1. BWAMBALE JOB -----ACCUSED

2. KAKURU SWALIK

JUDGMENT

BEFORE HER WORSHIP AGWERO CATHERINE, CHIEF MAGISTRATE

On the 2<sup>ND</sup> March 2018 DC Tegomuhangi Celestino received information that there were people having hippo teeth in Katunguru trading center and looking for a buyer.

On the same day at around 3.00pm with the help of his informant he proceeded to Katunguru.

It's a prosecution evidence that on his way at Kahendero junction he picked A2 Kakuru Swaliki proceeded to Katunguru where A2 called A1 Bwebale Job who later led him to a house where he (a A1 picked hippo teeth 25 in number and one wathehogo teeth entered the car and that is when the two accused persons were arrested and charged with being in possession of wild life species c/s 75(b) and 74(a) of the UWA Act Cap 200.

In their defence each of accused persons denied dealing in hippo teeth A1 Bwebale Job told court that yes he was found in possession of the hippo teeth but it was a



one Denis who had called him and told him to get the hippo teeth as he wanted to use them for making cups.

A2 Kakuru Swaliki told court that a man called Denis who is his friend called him telling him to escort him to Katunguru where he had some work for him and when he entered in the premio vehicle Denis and others proceeded to katunguru where they met A1 Bwebale who showed the house where the hippo teeth were got. The two with hippo teeth entered the vehicle and that is when they were handcuffed.

The prosecution bears the duty of proving the guilt of accused beyond reasonable doubt by proving all the ingredients of the offence used under section.

The prosecution is to prove the following ingredients

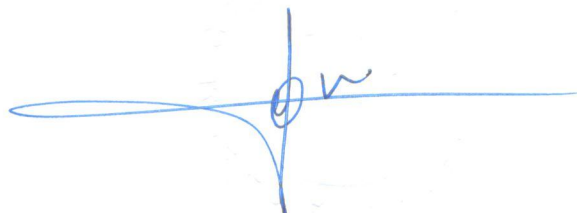
1. Being found in possession of wild life species
2. Participation of the accused.

### **Resolution**

The prosecution has to prove whether the two accused persons were found in possession of wild life species.

In order to answer the above question, the prosecution produced a total of (6) six witnesses. PW1 DC Talemwa told court that on 2<sup>nd</sup> March he together with DC Illumat and DC Tegomuhangi proceeded to Katunguru after a tip off that there were some people in possession of hippo teeth and were looking for a buyer. That for him he moved on a boda and A2 Swaliki joined in the vehicle at Kahendero junction, proceeded to Katunguru, picked A1 with the Hippo teeth moved for about 500 meters for weighing and that is where they were arrested.

PW4 DC Tegomuhangi corroborated the evidence of PW1 DC Talemwa and confirmed that after receiving the tip off some people possessing hippo teeth in Katunguru together with Dc Talemwa and other officers proceeded to Katunguru.

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He further confirmed that at Kahendero junction proceeded to Katunguru where A2 called A1 Bwebale Job who talked to him (Tegomuhangi) led him to a house at Katunguru where A1 Bwebale picked the 26 hippo teeth

PW3 Ludwig Siefert an expert in scientific analysis of exhibits told court that is a qualified veterinary medicine Doctor majoring in wild life species. He told court that by use of visualization he confirmed these were hippo teeth and made a report admitted as pexh1.

PW5 Waisonga the store keeper at Kasese CPS confirmed to have received the 26 pieces of hippo teeth from DC Talemwa and exhibited them and marked with letter A on 26 hippo teeth were admitted as pexh2

In their defence A1 Bwebale Job (DWI) testified that he is a tour guide and admitted being found in possession of hippo teeth but said the same belonged to a one Denis who had called him and told him (AI) to get for him ( Denis) the hippo teeth as he wanted to use them for making cups.

He further told court that on the 2<sup>nd</sup> March 2018 the man (Denis) came and he showed him the hippo teeth and that is when he was arrested for dealing in hippo teeth. A1 further confirmed that he has known A2 for a long time as is a born of Katunguru.

A2 Kakuru Swaliki in his defence told court that he was called by a friend of his Denis, who requested to be directed to Katunguru. That Denis picked him from Kahendero junction hence together proceed to Katunguru. As Denis had told him he had a job for him. That when Denis called him saying he wanted hippo teeth.

That at Katunguru, they told A1 who showed the house where the hippo teeth were. A1 entered the house, got hippo teeth and entered with them in the car.

In cross examination A2 Kakuru confirmed having known A1 before and also confirmed having given Denis A's number.

From the above evidence of both prosecution and defence, I found that both A1's & A2's to have got the teeth, in the circumstances each accused is to pay fine of 7,000,000= in default 36 months imprisonment.

4/10/2018

2 accused present

Patrick UWA

Gladys UWA

Chan for accused absent

Kabebi clerk

State: Matter for judgment delivery

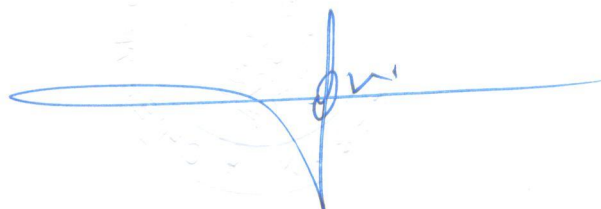
A1 I pray that he just deliver the judgment in the absence of the counsel

Court: Judgment delivered

**State: Antecedents**

I have no previous record of conviction, the convicts stay just adjacent to the park. We found the park is under the threat by the acts of convicts, UWA in particular gives a lot of money to the neighbours to which I believe the convicts are beneficiaries of. Other than taking UWA's acts in good faith they reward UWA with poaching.

A1 who is a tour guide has always had a chance of entry and exist of the park. In the circumstances I pray that the accused be given a custodial sentence because

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they had wasted a lot of courts time and also pray that court issues orders burning  
A1 pleaded that in his defence that the teeth belonged to the hippos that had died  
out of anthrax something that was not disputed by the state but that is not a  
licence to possess them and they created doubts to whether they had had the  
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A2 for accessing the park for a period of 2 years because they have become a  
threat. I so pray.

### **Allocutus**

### **Accused I**

I pray for a lenient sentence so that I go back to look after my family. I have 10  
children.

### **Accused 2**

Am requesting court for forgiveness I was just arrested alongside those with the  
hippo teeth.

### **Court: Sentence**

Under section 75 & (b) (d) of UWA provides for a fine of not less 1,000.000= and  
in default of not more than 5 years to get the teeth in circumstances, each accused  
to pay a fine of 7,000,000 in default 36 months imprisonment.

  
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**CHIEF MAGISTRATE**