



New Zimbabwe



Court Acquits Villagers Busted With US\$1 400 Ivory

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A KAROI magistrate has cleared two Karoi villagers for charges of unlawful possession of raw ivory valued at US\$1 467,10.

Whynos Dzutso (23) and Knowledge Nyamukondiwa (25) who both reside under Chief Kazangarare, Karoi were this Tuesday acquitted by Magistrate Felix Chauromwe who made the ruling following the defence's application for discharge at the close of the state case.

The pair, which denied the charge under the Parks and Wildlife Act, was freed after the presiding magistrate, Felix Chauromwe rapped the state for banking on unreliable evidence adduced from vexatious witnesses.

Chauromwe's judgment in part reads; "The state failed to perform satisfactorily. No evidence was led against the accused persons. Accused contended that they picked the ivory and that they intended to handover the ivory to parks (Zimbabwe Parks and Wildlife Management Authority) officials.

"They accused, therefore, denied possession of the ivory for illegal intentions. The state alleged that accused persons intended to sell the ivory to them. They, however, sought to rely on the evidence of an informer who was not called to testify."

The state called three witnesses who labelled each other liars and gave highly inconsistent versions of the story.

"The evidence adduced on behalf of the state was manifestly unreliable. No reasonable court acting carefully can safely act on it."

The state led by Gerald Dhamusi said on 6 March this year, police detectives got a tip-off to the effect Dzutso and Nyamukondiwa were in possession of an elephant tusk at Washayanyika village, Chief Kazangarare in Karoi and were looking for a buyer.

The following day, the cops teamed up with a ZimPark's intelligence security officer, Christopher Mashingauta, and proceeded to the village posing as prospective clients.

The court heard Dzitso, through his cellphone, was in constant touch with the cops and gave them directions leading to Kazangarare shopping centre where the deal was to be sealed.

Dzitso met the cops at a bush near the shops where he indicated his ivory was going for US\$40 per kilogramme.

The detectives said they were interested in buying the merchandise, prompting Dzitso to sneak into the nearby bushes to get the ivory.

He emerged with Nyamukondiwa who was helping him carry the contraband wrapped in a tobacco bale and loaded it into the car belonging to the investigation team.

The cops immediately identified themselves and demanded a permit from the duo who failed to produce valid documents allowing them to possess the ivory.

This led to their arrest and recovery of ivory weighing 8, 630kg valued at US\$1 467, 10.