

# **CATHOLIC UNIVERSITY OF MBEYA**



## **FACULTY OF LAW**

### **INTERCLASSES MOOTCOURT COMPETITION 1<sup>st</sup> Edition**

**THEME; “Valuing our minerals for economic and social development”.**

#### **(Questions relating to a disappearing diamond case)**

In the bustling city of Mwangaza located at Karabao state , the high-profile robbery of a rare diamond valued at TZS 3 Billion has been captured a national attention. The stolen diamond famously known as the “Kilindi Star” belonged to Ms. Mlimbwende Mzuri a prominent Tanzanian jeweler and philanthropist. Its disappearance has left authorities, Medias and the public demanding justice. The case has now been brought to the High Court of Tanzania- Mbeya Sub-Registry at Mbeya and the matter of jurisdiction is undisputed.

On 15<sup>th</sup> October 2024, Mwangaza was abuzz with excitement of the auction process of the “Kilindi Star” a rare and priceless diamond. The Kilindi Star was displayed at an exclusive charity gala hosted at Kificho Hotel. The event was

organized by Ms. Mlimbwende Mzuri, aimed to raise funds for youth education and children get pregnancy at school in Tanzania. However the night took a dramatic turn when the diamond disappeared during a fire alarm-induced evacuation. The theft being both daring and well planned has sparked a high profile trial with Ms. Chausiku Gizani a 32 years old, living within the outskirts of Sae in Mwangaza Region, a journalist and a freelancer.

On the night of October 15, 2024, the gala prepared was attended by over 200 prominent guests, including business moguls inside Tanzania and those from neighboring countries, government officials, celebrities and International dignitaries. The “Kilindi Star” was displayed in a reinforced glass case under constant surveillance by cameras and security personnel. Also the event was secured with armed guards, surveillance cameras and metal detectors and all guests were pre-screened. At approximately 10:45 PM on the material date, the Hotel’s fire alarm was triggered, causing a brief evacuation of the venue. This caused chaos as guests were ushered out of the venue. The evacuation lasted for 15 minutes before it was declared a false alarm, attributed to smoke detected in a nearby corridor. When the guests returned, it was noticed that, the glass case containing the diamond was shattered and the diamond is gone.

The Regional Police Commander of Mwangaza region ordered a quick investigation on the spot. The Police launched an investigation, interviewing guests and analyzing the crime scene. The report from the Investigation officer revealed that the theft was premeditated. This was grouped into the following;

- 1. CCTV footage;** it was stated that, the CCTV cameras was tampered and that it was disabled five minutes before the fire alarm was triggered. The Hotel’s IT expert confirmed the camera feed was hacked remotely. On the same, the CCTV Footage also Shows Ms. Chausiku Gizani standing close to the display case shortly before the alarm. However, the footage does not clearly show her breaking the case or taking the diamond.

- 2. Triggering the Fire Alarm;** investigators found burnt fabric near a smoke detector in a storage room adjacent to the exhibition hall. The fabric was the piece of cloth worn by Ms. Chausiku Gizani on the night of the event.
- 3. The escape route;** foot prints leading to an emergency exit behind the exhibition hall were identified but the prints could not be matched conclusively to any guest.
- 4. The Forensic report;** the fingerprints on the shattered glass belonged to Ms. Chausiku Gizani but her defense argues this is because she was examining the display earlier for her story.
- 5. The guest list;** it was observed the investigators that, Ms. Chausiku Gizani was not within the guests invited since she is a freelancer, but her defense argues representing one of the biggest televisions in Tanzania and she was there as a part-time journalist to such television.
- 6. Witness Statements;** the security guard claimed that, Ms. Chausiku Gizani was acting suspiciously and lingered near the display case longer than other guests and was the last to leave the hall during the evacuation. Also the event organizer testified that, Ms. Mtembo was seen making a phone call near the fire alarm moments before it went off.

Ms. Chausiku Gizani a journalist known for her fearless investigative reporting was identified as the prime suspect from the given testimonies. Further suspicion arose when the police conducted search at Ms. Gizani's apartment and discovered TZS 50 Million in cash hidden in a drawer. When Ms. Gizani questioned claimed the money was an advance payment for an upcoming investigative documentary. However no supporting documentation or transaction records were submitted by Ms. Mtembo to prove her allegations. Ms. Gizani tried vehemently to deny the suspicions claiming she is being framed as was being targeted for her recent exposed on corruption involving senior government officials.

On 16<sup>th</sup> October 2024, the Police Officers continued to investigate and revealed that, the phone call made by Ms. Gizani revealed that, 15 seconds call to an

unknown number shortly before the alarm. This is believed to be a signal to an accomplice to execute the theft. The defense contends it was unrelated and challenges the lack of evidence linking the number to the crime. Nevertheless an anonymous person tipped the police officers that, A week before the event, Ms. Mlimbwende Mzuri received an anonymous warning that someone would attempt to steal the diamond. Security was heightened but no specific individual was identified.

It was so suspicious to another guest known as Mr. Maneno Mengi, a diamond dealer with a history of smuggling allegations was seen leaving the gala abruptly after the evacuation. Maneno Mengi claimed he left due to a business emergency. However no concrete evidence has tied him to the crime. The alleged accomplice was a security guard, Mr. Mjuzi Mambo aged 35 years was arrested two days after the incident for withdrawing a large sum of money (TZS 40 Millions) from Free Bank. The prosecution alleges that he was bribed to disable the cameras. He denied involvement claiming the money was part of his personal savings for two years since employed at Kificho Hotel. The Free Bank once interrogated they stated that, Mr. Mjuzi Mambo is their customer for a period of 1 year and he had no saving accounts. On the cause of all process of investigation was done in accordance with the law, but the caution statement given by Ms. Chausiku Gizani was not in accordance to the law.

The Charges against Ms. Chausiku Gizani are; Theft under Section 258 of the Penal Code of Tanzania, Money Laundering under the Anti-Money Laundering Act, 2006 and Cybercrime under the Cybercrimes Act, 2015 for allegedly hacking the security system.

#### **Legal Issues for the Court to Determine.**

- 1. Is the evidence sufficient to establish Ms. Chausiku Gizani involvement in the theft beyond reasonable doubt?**
- 2. Does the anonymous tip and evidence suggest alternative suspects warranting further investigation?**

- 3. Can the cash and phone records be conclusively linked in the crime committed?**
- 4. Whether Ms. Gizani's rights were violated during the investigation?**