

CASE-LAW ANALYSIS  
**POACHING AND ILLEGAL WILDLIFE TRADE IN TANZANIA**

<b>GENERAL INFORMATION ABOUT THE CASE</b>	
Case number	CASE NUMBER 2 OF 2009
Court	DISTRICT COURT OF PANGANI AT PANGANI
Year (date)	10/03/2015
Name of the judge	HAMIS B. BALLY
Name of the parties	REPUBLIC VERSUS JOSEPH MANYEHE
Prosecuting authority (DGOs, state attorney, police...)	STATE ATTORNEY
Representation of accused person (lawyer?)	NO REPRESENTATION
Transnational elements (Citizen/non-citizen, cross-border offence...)	CITIZEN
<b>DESCRIPTION</b>	
Defendants (age, gender...)	ADULT MALE
History of the case	The accused person on 20/09/2009 on or about 1:00 hours at Mbulizaga village within Pangani District in Tanga city was found unlawfully in possession of killed/dead animal known as pongo (bush bull) worth Tshs 800,000/= the property of Tanzania Government and without permit or license to kill such animal.
Facts	On 20 <sup>th</sup> day of September, 2009 the accused person was found in unlawful possession of the killed animal known as Pongo (Bushbull) worth Tshs 800,000. Beside that, the accused person was found in unlawful possession of one Mizzle known as Gobore. The accused was arrested and charged for contravening various sections of the laws which were Wildlife Conservation Act, Economic

	and Organized Crime Control Act and Arms and Ammunition Act. He pleaded not guilty as charged.
Charges	On been charged he was charged on various offenses as follows: a) Unlawful Possession of the Government Trophy c/s 70(1) and (2)(c) (iii) of the Wildlife Conservation Act, (Cap 283 R.E 2002) read together with section 1 and paragraph 14 of the First Schedule of Economic and Organized Crime Control Act, (Cap 200 R.E 2002) b) Unlawful possession of arms c/s 4(1) and 34 (1)(2) of the Arms and Ammunition Act (Cap 223.R.E 2002) read together with Section 19 of the First Schedule of the Economic and Organized Crime Control Act, (Cap 200 R.E 2002).
<b>SPECIES</b>	
Name	Pongo (bushbull)
Value	Tshs 800,000
Processed/Not processed	Not processed
<b>LEGAL REFERENCES</b>	
Legislation (principal and ancillary legislation)	Wildlife Conservation Act, (Cap 283 R.E 2002) Economic and Organized Crime Control Act, (Cap 200 R.E 2002) Arms and Ammunition Act (Cap 223.R.E 2002)
Cases cited	NIL
International instruments	NIL
<b>DECISION/OPINION</b>	
Decision	The accused was found guilty on the first charge and acquitted on the second charge.
Basis of the decision (reasons)	The prosecution managed to prove the case beyond reasonable doubt by tendering in court evidence adduced by Pw1, Pw2, Pw3 and the tendered exhibits P1,P2,P3

Legal issues raised in judgment	Whether the prosecution had proved its charges against the accused person on the required standards of proof in criminal law.
Penalty	Sentenced to fine of Tshs 1, 680,000 or in default to serve ten years imprisonment.
<b>OTHER CONTEXTUAL INFORMATION</b>	
Context	
Appealed/Not appealed	Not appealed
Bail	NIL
Opinion on the case	