

CASE-LAW ANALYSIS
POACHING AND ILLEGAL WILDLIFE TRADE IN TANZANIA

GENERAL INFORMATION ABOUT THE CASE	
Case number	ECONOMIC CASE NO. 18 OF 2012
Court	MAGISTRATE COURT OF MOROGORO AT MOROGORO
Year (date)	22/04/2015
Name of the judge	M. Hamduni - RM
Name of the parties	THE REPUBLIC VS. SELEMANI ALLY MAGAGA & OTHERS
Prosecuting authority (DGOs, state attorney, police...)	STATE ATTORNEY
Representation of accused person (lawyer?)	NOT REPRESENTED
Transnational elements (Citizen/non-citizen, cross-border offence...)	CITIZENS
DESCRIPTION	
Defendants (age, gender...)	All defendants were male and adults
History of the case	Suleiman Ally and Rehani Magani were on 03/09/2015 at Mkuta within the Mvomero District in Morogoro Region were found in possession of Government trophies to wit fifty lug of buffalo meat valued Tshs 2,945,000 the property of the Government of United Republic of Tanzania without permit or license
Facts	Suleiman Ally and Rehani Magani were on 03/09/2015 at Mkuta within the Mvomero District in Morogoro Region were found in possession of Government trophies to wit fifty lug of buffalo meat valued Tshs 2,945,000 the property of the Government of United Republic of Tanzania without permit or license. Upon been charged the accused persons in this case Selemani Ally Mgaga and Rehani Magani were jointly and together charged with the offence of unlawful possession of Government trophies. The accused persons pleaded not guilty to charges. To prove their case prosecution side called three witnesses.

Charges	Both accused were jointly and together charged with the offence of unlawful possession of Government trophies c/s 86(1)(2)(b) and (3) of Wildlife Conservation Act No.5 of 2009 Cap283 (R.E 2002) read together with paragraph 14 (d) of the first schedule t and section 57(1) of Economic and Organized Crime Control Act Cap 200 (R.E 2002)
SPECIES	
Name	Buffalo
Value	Tshs 2,945,000
Processed/Not processed	Not processed
LEGAL REFERENCES	
Legislation (principal and ancillary legislation)	Wildlife Conservation Act No.5 of 2009 Cap 283 (R.E 2002) Economic and Organized Crime Control Act Cap 200 (R.E 2002)
Cases cited	Jonas Nkize vs. R (1992) TLR 213
International instruments	NIL
DECISION/OPINION	
Decision	First accused was found guilty and sentenced to pay Tshs 29,045,000 or fifteen years imprisonment while second accused was found not guilty and acquitted.
Basis of the decision (reasons)	First accused was found guilty due to overwhelming evidence provided by the Pw1 and Pw2 which read together with other evidence in record proved beyond reasonable doubt that he did kill the animal he was found in possession of.
Legal issues raised in judgment	Whether the accused persons were found in possession of the buffalo meat as they were charged
Penalty	To pay a fine of Tshs 29,045,000 or fifteen years imprisonment
OTHER CONTEXTUAL INFORMATION	
Context	
Appealed/Not appealed	NOT APPEALED
Bail	Were provided with bail but jumped the bail
Opinion on the case	