

CASE-LAW ANALYSIS
POACHING AND ILLEGAL WILDLIFE TRADE IN TANZANIA

GENERAL INFORMATION ABOUT THE CASE	
Case number	CRIMINAL APPEAL NO. 204 OF 2013
Court	COURT OF APPEAL
Year (date)	24th Day of September 2014
Name of the judge	KILEO, J.A., ORIYO J.A. And MMILLA J. A.
Name of the parties	MATHEW GWANDU LEONS GWANDUAPPELLANTS <p style="text-align: center;">VERSUS</p> THE REPUBLIC.....RESPONDENT
Prosecuting authority (DGOs, state attorney, police...)	STATE ATTORNEY
Representation of accused person (lawyer?)	NOT REPRESENTED
Transnational elements (Citizen/non-citizen, cross-border offence...)	
DESCRIPTION	
Defendants (age, gender...)	-
History of the case	
Facts	The appellants were alleged to have been found in the Tarangire National Park in unlawful possession of three swala pala meat valued at Tshs 1,813,500/-, three dik-dik meat valued at Tshs 1,162,500/- and three reedbuck meat valued at Tshs 2,092,500/- all valued at Tshs 5,068,500/- the property of Tanzania Government. Upon conviction they were sentenced to pay a fine of two million shillings or to serve a prison term of twenty years. Their appeal to the High Court was unsuccessful hence this second appeal.
Charges	Unlawful possession of government trophy contrary to section 86 (1) and (2) (c) (ii) of the Wildlife Conservation Act, No. 5 of 2009 read together with 1st Schedule of the same Act.

SPECIES	
Name	Three swala pala meat, Three dik-dik meat , Three reedbuck meat
Value	Three swala pala meat valued at Tshs 1,813,500/-, Three dik-dik meat valued at Tshs 1,162,500/- Three reedbuck meat valued at Tshs 2,092,500/- All valued at Tsh 5,068,500/- the property of Tanzania Government.
Processed/Not processed	NOT PROCESSED
LEGAL REFERENCES	
Legislation (principal and ancillary legislation)	Wildlife Conservation Act, No. 5 of 2009 Economic and Organized Control Act, Cap 200 of the 2002 Revised Edition
Cases cited	None
International instruments	None
DECISION/OPINION	
Decision	Appeal allowed, quashed their convictions, set aside their sentences and ordered their immediate release from prison.
Basis of the decision (reasons)	The cases were litigated in a wrong court for failure to adhere to the provisions of the law giving original jurisdiction of all economic offences to the high court and any lower court can exercise jurisdiction of such offence with the certificate from the DPP.
Legal issues raised in judgment	The offence which the appellant was charged with falls under paragraph 14 of the 1st Schedule to the Economic and Organized Crimes Control Act which made it an economic offence and hence requires adherence to section 26 of the Economic and Organized Crimes Control Act.
Penalty	-
OTHER CONTEXTUAL INFORMATION	
Context	-
Appealed/Not appealed	-
Bail	-
Opinion on the case	-

