

CASE-LAW ANALYSIS
POACHING AND ILLEGAL WILDLIFE TRADE IN TANZANIA

GENERAL INFORMATION ABOUT THE CASE	
Case number	ECONOMIC CASE NO. 09 OF 2010
Court	DISTRICT COURT OF SERENGETI DISTRICT
Year (date)	15/06/2011 and 20/05/2013
Name of the judge	KISWAGA F.S (RM)
Name of the parties	THE REPUBLIC V. CHARLES MWITA
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...)	MALE
History of the case	The case lasted for three years from the date it was instituted to the date of the judgment.
Facts	On 05/10/2010 at 18:00 hours at Warangi area within SENAPA when park rangers were on patrol, they saw people running from the bush. They chased them and managed to arrest one of them. They took him back to the bush that he was running from. When he was searched he was found in possession of one knife, one spear and four animal trapping wires and, two pieces of dried meat, one of zebra and one of wildebeest. He was taken to Lobo Rangers Park and then to Mugumu Police station.
Charges	<ol style="list-style-type: none"> 1. Unlawful entry into the National Park contrary to section 21(1), (2) 29(1) of the National Parks Act (Cap 282 R.E 2002) 2. Unlawful possession of weapons in the National Park contrary to section 24(1)(b) and

	(2) of the National Parks Act (Cap 282 R.E 2002) 3. Unlawful possession of government trophies contrary to section 70(1) and (2)(c)(iii) of the Wildlife Conservation Act No. 5 Of 2009, read together with paragraph 14 (d) of the first schedule and Sections 57 (1) and 60 (2) of the Economic and Organized Crimes Act Cap 200 R.E 2002
SPECIES	
Name	Wildebeest Zebra
Value	Wildebeest: Tshs 400,000/= Zebra: Tshs. 740,000/= Total: Tshs. 1,140,000
Processed/Not processed	Not Processed
LEGAL REFERENCES	
Legislation (principal and ancillary legislation)	Economic and Organized Crimes Control Act [Cap 200 R. E. 2002] Wildlife Conservation Act No. 5 of 2009 National Parks Act (Cap 282 R.E 2002)
Cases cited	NO
International instruments	NO
DECISION/OPINION	
Decision	Found guilty and convicted on all the three counts
Basis of the decision (reasons)	The prosecution proved their case beyond reasonable doubt on all the three counts
Legal issues raised in judgment	Whether the accused entered SENAPA unlawfully Whether the accused were found possessing weapons within Senapa Whether the accused were unlawfully found possessing government trophies
Penalty	On the first count: to pay Tshs 10,000/= or serve one year imprisonment in default On the second count: to pay Tshs 20,000/= or serve two years imprisonment in default On the third count: 10 years imprisonment
OTHER CONTEXTUAL INFORMATION	
Context	
Appealed/Not appealed	Not appealed

Bail	
Opinion on the case	