

CASE-LAW ANALYSIS
POACHING AND ILLEGAL WILDLIFE TRADE IN TANZANIA

GENERAL INFORMATION ABOUT THE CASE	
Case number	ECONOMIC CASE NO. 10 OF 2010
Court	DISTRICT COURT OF SERENGETI DISTRICT
Year (date)	24/04/2013 and 05/09/2013
Name of the judge	KISWAGA F.S (RM)
Name of the parties	THE REPUBLIC V. ITEMBE RHOBI
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 06/09/2010 at 20:00 hours the park rangers while on patrol at Muchuri area within Ikorongo/Grumeti Game Reserve, they saw torch lights and decided to make follow ups, they succeeded in arresting one person in possession of one killed Thomson Gazelle, one knife and the torch. He was arrested and taken 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	Thomson gazelle
Value	Tshs 240,000/=
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	
International instruments	
DECISION/OPINION	
Decision	Convicted on the first and second counts and acquitted on the third count.
Basis of the decision (reasons)	The prosecution proved their case beyond reasonable doubt on the first and second count but failed to prove their case beyond reasonable doubt on the third count.
Legal issues raised in judgment	Whether the accused unlawfully entered the game reserve Whether the accused were found possessing weapons within game reserve Whether the accused were unlawfully found possessing government trophies
Penalty	On the first count: to pay 80,000/= or serve 5 months imprisonment On the second count: to pay 120,000/= or serve 7 months imprisonment On the third count: Acquitted
OTHER CONTEXTUAL INFORMATION	
Context	
Appealed/Not appealed	Not appealed
Bail	
Opinion on the case	