

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

<b>GENERAL INFORMATION ABOUT THE CASE</b>	
Case number	ECONOMIC CASE NO. 52 OF 2012
Court	DISTRICT COURT OF SERENGETI DISTRICT
Year (date)	21/05/2014 & 09/06/2014
Name of the judge	KISWAGA F.S (RM)
Name of the parties	THE REPUBLIC V. JACKSON SINDA NYAMHANGA & ANOTHER
Prosecuting authority (DGOs, state attorney, police...)	State attorney
Representation of accused person (lawyer?)	Not represented
Transnational elements (Citizen/non-citizen, cross-border offence...)	
<b>DESCRIPTION</b>	
Defendants (age, gender...)	MALE
History of the case	The case lasted for two years from the date it was instituted to the date of the judgment.
Facts	On 08/06/12 at 18:00 hours while park rangers of SENAPA were on patrol around Nyanderema area within SENAPA, they saw people hidden in the bush. They surrounded the bush and successfully arrested them. When they were searched they were found in possession of one panga, two knives, and five snares plus, three pieces of fresh wildebeest meat and two skins of the wildebeest. On interrogations they were asked if they had permit, they both didn't have. The accused states that they had entered SENAPA to bring back their cattles that had entered the park. They were then arrested and taken to Mugumu police station.

Charges	<ol style="list-style-type: none"> <li>1. Unlawful entry into the National Park contrary to section 29(1) of the National Parks Act (Cap 282 R.E 2002)</li> <li>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)</li> <li>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</li> </ol>
<b>SPECIES</b>	
Name	Wildebeest
Value	Tshs 1,950,000/=
Processed/Not processed	Not Processed
<b>LEGAL REFERENCES</b>	
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	
<b>DECISION/OPINION</b>	
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 whether the fresh meat the accused were caught with was really of the wildebeest
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: the first accused to pay Tshs 100,000/= or serve one year imprisonment in default and the second accused to receive 2 strokes of canning On the second count: the first accused to pay Tshs 200,000/= or serve one year imprisonment in default and the second accused sentenced to receive 2 strokes of canning On the third count: acquitted

<b>OTHER CONTEXTUAL INFORMATION</b>	
Context	
Appealed/Not appealed	Not appealed
Bail	
Opinion on the case	