

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

<b>GENERAL INFORMATION ABOUT THE CASE</b>	
Case number	ECONOMIC CASE NO. 229 OF 2008
Court	DISTRICT COURT OF SERENGETI DISTRICT
Year (date)	10/05/2012
Name of the judge	KISWAGA, F.S (RM)
Name of the parties	REPUBLIC V. JUMA MWITA @JOMBA & 2 OTHERS
Prosecuting authority (DGOs, state attorney, police...)	State attorney
Representation of accused person (lawyer?)	No representation
Transnational elements (Citizen/non-citizen, cross-border offence...)	
<b>DESCRIPTION</b>	
Defendants (age, gender...)	MALE
History of the case	
Facts	On 08/08/2008, while park rangers were on patrol they saw the accused persons seated in the bush. They were found in possession of one panga, three knives, three pieces of dried meat of wildebeest, one dried skin of hartebeest and one dried skin of swala impala, on interrogations they admitted to have no permit, they were then arrested.
Charges	1. Unlawful entry into the National Park c/s 21(2)(1) and 29(1) of the National Parks Act, Cap 282 Of the Laws

	<p>2. Unlawful possession of weapons in the National Park c/s 24(1) (b) and (2) of the National Parks Act, Cap 282 Of the Laws</p> <p>3. Unlawful possession of government trophies c/s 86(1) and (2)(c) of the Wild life Conservation Act No. 5 of 2009 read together with Paragraph 14(d) of the first schedule to and Section 57(1), 60(2) of the Economic and Organized Crime Control Act (Cap 200 R.E 2002)</p>
<b>SPECIES</b>	
Name	<p>Wildebeest</p> <p>Hartebeest</p> <p>Swala impala</p>
Value	<p>Wildebeest: skin and dried meat Tshs 800,000/=</p> <p>Hartebeest: Tshs 465,000/=</p> <p>Swala impala: Tshs 300,000/=</p> <p>Total: Tshs 1,565,000/=</p>
Processed/Not processed	Processed
<b>LEGAL REFERENCES</b>	
Legislation (principal and ancillary legislation)	<p>Economic and Organized Crimes Control Act [Cap 200 R. E. 2002]</p> <p>Wildlife Conservation Act, No. 5 of 2009</p> <p>National Parks Act, Cap 282 of the Laws</p>
Cases cited	-
International instruments	-
<b>DECISION/OPINION</b>	
Decision	Accused convicted
Basis of the decision (reasons)	The prosecution proved the case beyond reasonable doubt; however the magistrate was lenient on the sentence for the third count due to the fact that the accused had stayed in custody for more than three years before their judgment.
Legal issues raised in judgment	Whether evidence tendered by the prosecution proves the case beyond reasonable doubt
Penalty	<p>1<sup>st</sup> count: Each pay Tshs 10,000/= or six months imprisonment in default</p> <p>2<sup>nd</sup> count: Each pay Tshs 20,000/= or serve six months imprisonment in default</p> <p>3<sup>rd</sup> count: 10 years imprisonment</p>

<b>OTHER CONTEXTUAL INFORMATION</b>	
Context	
Appealed/Not appealed	Not appealed
Bail	
Opinion on the case	The third accused was not apprehended since the commencement of the case to the judgment day.