

CASE-LAW ANALYSIS
POACHING AND ILLEGAL WILDLIFE TRADE IN TANZANIA

GENERAL INFORMATION ABOUT THE CASE	
Case number	ECONOMIC CASE NO. 16 OF 2010
Court	DISTRICT COURT OF SERENGETI DISTRICT
Year (date)	01/10/2012 and 27/06/2013
Name of the judge	KISWAGA F.S (RM)
Name of the parties	THE REPUBLIC V. MANENO MANYINYI MUNYOBWA & ANOTHER
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 10/09/2010 at 13:00 hours the SENAPA park rangers while on patrol at Sonzo area within the national park. They saw carnivore birds roaming around a certain tree, when they made follow-ups they found wires set across the trees to trap animals. They then abruptly saw three men running away, they succeeded in arresting two of them. They were caught also in possession of one knife, one spear and three animal trapping wires, also with one piece of dry meat and one piece of dry skin of wildebeest.
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
Value	Tshs 400,000/=
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 whether the fresh meat the accused were caught with was really of the wildebeest or of any other animal, a mere statement on the same was not enough to convict the accused.
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: each to serve one year imprisonment On the second count: each to serve two years imprisonment On the third count: acquitted
OTHER CONTEXTUAL INFORMATION	
Context	
Appealed/Not appealed	Not appealed

Bail	
Opinion on the case	