

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

<b>GENERAL INFORMATION ABOUT THE CASE</b>	
Case number	ECONOMIC CASE NO. 57 OF 2010
Court	DISTRICT COURT OF SERENGETI DISTRICT
Year (date)	17/09/2012 and 23/05/2013
Name of the judge	KISWAGA F.S (RM)
Name of the parties	THE REPUBLIC V. MARWA MAGESA MNIKO
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 three years from the date it was instituted to the date of the judgment.
Facts	On 08/10/2010 at 15:00 while SENAPA park rangers were on patrol at Sonzo area within the park, they saw a people hidden in the bush, they surrounded them and managed to arrest one of them, he was in possession of one machete, 3 animal trapping wires, one dry skin of reedbuck, one dry skin of impala and three pieces dry meat of wildebeests. He was then taken to Mugumu police station.
Charges	<ol style="list-style-type: none"> <li>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)</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> </ol>

	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
<b>SPECIES</b>	
Name	Reedbuck Impala Wildebeest
Value	Reedbuck: Tshs. 365,000/= Impala: Tshs. 300,000/= Wildebeest: Tshs. 400,000/= TOTAL: Tshs. 1,065,000
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	Found guilty and convicted on all the three counts.
Basis of the decision (reasons)	The prosecution proved their case beyond reasonable doubt
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 50,000/= or serve one year imprisonment in default On the second count: to pay Tshs 100,000/= or serve two years imprisonment in default On the third count: to pay Tshs 10,650,000/= or serve 20 years imprisonment
<b>OTHER CONTEXTUAL INFORMATION</b>	
Context	
Appealed/Not appealed	Not appealed

Bail	
Opinion on the case	