

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

<b>GENERAL INFORMATION ABOUT THE CASE</b>	
Case number	ECONOMIC CASE NO. 92 OF 2012
Court	DISTRICT COURT OF SERENGETI DISTRICT
Year (date)	10/04/2014
Name of the judge	KISWAGA F.S (RM)
Name of the parties	THE REPUBLIC V. NYAHIRI WANSATU CHECHE & 2 OTHERS
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. The accused applied for bail of which was granted they however jumped bail and the judgment was delivered in their absence.
Facts	On 11/09/2012 at 01:40 hours at Hingira area within SENAPA when park rangers were on patrol, they saw torch lights, they made follow up and surrounded the area and arrested the accused, they were in possession of one knife and three snares and two fresh legs, ribs and the head of a wildebeest. They were arrested taken to Machochwe's rangers post then to Mugumu police station on the following day.
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</li> </ol>

	(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
<b>SPECIES</b>	
Name	Wildebeest
Value	Tshs 975,000/=
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 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 pay Tshs 100,000/= or serve one year imprisonment in default On the second count: each to pay Tshs 200,000/= or serve two years imprisonment in default On the third count: acquitted
<b>OTHER CONTEXTUAL INFORMATION</b>	
Context	

Appealed/Not appealed	Not appealed
Bail	Was granted
Opinion on the case	