

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

<b>GENERAL INFORMATION ABOUT THE CASE</b>	
Case number	CRIMINAL APPEAL NO. 100 OF 2014
Court	THE HIGH COURT OF TANZANIA, AT MWANZA
Year (date)	12th October, 2015
Name of the judge	M.R. GWAE, J
Name of the parties	DAUDI S/O CHACHA @ MARWA.....APPELLANT <p style="text-align: center;">VERSUS</p> THE REPUBLIC..... RESPONDENTS
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	This was an appeal against the original criminal case no. 48 of 2013 of the Tarime District court, where the accused was alleged to have been caught with four pieces of dried meat of a wildebeest. And therefore charged and convicted of an offence of being in possession of government trophies, namely wildebeest meat worth Tshs. 1,040,000/=.
Facts	On the material date, the appellant is alleged to be seen carrying a luggage by the patrol officer, when he was asked to stop he ran. He was chased and eventually caught, arrested and searched where he was found in possession of four pieces of dried meat. The accused denied the possession by simply stating that he was carrying a luggage of maize and that on the material date when the court order allowing destruction of the alleged dried meat was about to be tendered, he raised an objection stating that it was not wildebeest meat, it

	was cow's meat. His objection was not considered. He was found guilty and sentenced to 15 years imprisonment. The appellant was dissatisfied with the trial decision and therefore appealed on the grounds inter alia, that the trial magistrate erred in law and that the case was poorly investigated.
Charges	Charged of unlawful possession of government trophy contrary to Section 86 (1) and (2)(c)(11) of the Wildlife Conservation Act No. 5 of 2009 read together with paragraph 14 (d) of the 1 <sup>st</sup> Schedule and sections 57 (1) and 60 (2) of the Economic and Organized Crimes Control Act [Cap 200 R. E. 2002]
<b>SPECIES</b>	
Name	Wildebeest
Value	Tshs. 1,040,000/=
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] The Wildlife Conservation Act No. 5 of 2009
Cases cited	Emmanuel Saguda @Sulukuka and Another v. Republic, Criminal Appeal No. 422 B of 2013 (CA) at Tabora
International instruments	
<b>DECISION/OPINION</b>	
Decision	Appeal allowed
Basis of the decision (reasons)	The trial court magistrate erred in law by not requiring the alleged government trophy possession of the appellant to be tendered in court instead, inventory and certificates of valuation were received and that the prosecution did not prove their case beyond reasonable doubt.
Legal issues raised in judgment	Whether the prosecution proved its case beyond reasonable doubt and whether witnesses brought were good witnesses for the case and whether there was proper tendering of evidence.
Penalty	The Conviction was quashed and the imposed sentence was set aside. The court ordered that the appellant shall be released from prison.
<b>OTHER CONTEXTUAL INFORMATION</b>	
Context	

Appealed/Not appealed	This was an appeal
Bail	
Opinion on the case	