

CASE-LAW ANALYSIS
POACHING AND ILLEGAL WILDLIFE TRADE IN TANZANIA

GENERAL INFORMATION ABOUT THE CASE	
Case number	Economic Case No. 01 of 2010
Court	District Court of Monduli
Year (date)	2010
Name of the judge	Hon. M.P Mrio-RM
Name of the parties	R v Festo Stambuli
Prosecuting authority (DGOs, state attorney, police...)	State Attorney
Representation of accused person (lawyer?)	-
Transnational elements (Citizen/non-citizen, cross-border offence...)	-
DESCRIPTION	
Defendants (age, gender...)	Male
History of the case	
Facts	On 11.01.2010 at Meserani Duka Bovu area within Monduli District in Arusha the accused was found in unlawful possession of six dik-dik meat values at USD 260, one impala meat valued at USD 170 and Tommy gazelle meat valued at USD 140 property of the Tanzania Government. The prosecution alleged that on the material day the police received information that at Meserani bus station there was a person who had boxes with foul smell. The police went there and found the accused with boxes which contained government trophies. The accused was arrested, taken to the police but later escaped. The case was conducted under section 226 of the Criminal Procedure Act whereas prosecution produced four witnesses.

Charges	Unlawful possession of the government trophy contrary to paragraph 14 (d) of the 1 st schedule of section 60(2) of the Economic and Organized Crimes Control Act Cap 200 RE 2002 read together with section 70(1) (2) (d) of the Wildlife Conservation Act Cap 283 R.E 2002, G.N No. 265 and 274 of 1974.
SPECIES	
Name	Dik-dik, Thompson Gazelle and Impala
Value	570 USD
Processed/Not processed	Not processed
LEGAL REFERENCES	
Legislation (principal and ancillary legislation)	Wildlife Conservation Act, Cap 283 R.E 2002 Economic and Organized Crimes Control Act Cap 200 RE 2002 G.N. No. 265 and 274 of 1974
Cases cited	-
International instruments	-
DECISION/OPINION	
Decision	The accused was found guilty and convicted.
Basis of the decision (reasons)	The Hon. Magistrate reasoned that the accused person was found in possession of the Government Trophy. Further, the prosecution has managed to prove that the accused person was guilty by bringing credible witnesses and tendering of exhibits.
Legal issues raised in judgment	Whether the accused persons committed the offence of unlawful possession of Government Trophy Whether the prosecution managed to prove the guilty of the accused beyond reasonable doubt.
Penalty	The accused was sentenced to 20 years. The Hon. Magistrate imposed that minimum sentence after considering the serious nature of the offence of poaching which negatively impacts tourist sector and deplete natural resources.
OTHER CONTEXTUAL INFORMATION	
Context	

Appealed/Not appealed	
Bail	
Opinion on the case	