CASE-LAW ANALYSIS

POACHING AND ILLEGAL WILDLIFE TRADE IN TANZANIA

GENERAL INFORMATION ABOUT THE CASE	
Case number	Economic Case No. 10 of 2012
Court	District Court of Arusha
Year (date)	2012
Name of the judge	HON. H.A MNGURUTA
Name of the parties	R v Aidano Chapite
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	The prosecution alleged that on 23rd March, 2012 at Kambi ya Fisi within city and region of Arusha, the accused was found in possession of one cheetah skin. According to the prosecution, the accused was in police lock up facing charges of breaking with intent to steal. The police decided to search his house in an attempt to recover some stolen items. During the search, a bag containing cheetah skin was found in the accused house. The accused denied to know the content of the bag and told the police that it belonged to a person who is visiting him. He gave the name and mobile phone number of the guest.
Charges	Unlawful possession of government trophy contrary to section 86 (1) of the Wildlife Conservation Act, 2009 read together with section 57 (1) and paragraph 14 (d) of the

	First Schedule of the Economic and Organized Crime Control Act, Cap 200 R.E 2002.
SPECIES	
Name	Cheetah
Value	Tshs. 5,600,000/=
Processed/Not processed	Not processed
LEGAL REFERENCES	
Legislation (principal and ancillary legislation)	Wildlife Conservation Cap 283 R.E 2002 Economic and Organized Crimes Control Act Cap 200 RE 2002
Cases cited	Masilompane and Others v. The Tate 1997 BLR 1201 Manizuku Hamisi v. Republic 1997 TLR 1 (HC)
International instruments	-
DECISION/OPINION	
Decision	The accused was found not guilty
Basis of the decision (reasons)	The story of the accused that he had a guest who was the owner of the bag which had a trophy, though need not to be believed, it raised a serious doubt as to his guiltiness. The prosecution side failed to take some valiant efforts to trace the said guest.
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	-
OTHER CONTEXTUAL INFORMATION	
Context	
Appealed/Not appealed	No information
Bail	
Opinion on the case	Judgment was given on 25.06.2015