

CASE-LAW ANALYSIS
POACHING AND ILLEGAL WILDLIFE TRADE IN TANZANIA

GENERAL INFORMATION ABOUT THE CASE	
Case number	Economic Case No. 03 of 2013
Court	Resident Magistrate's Court of Arusha
Year (date)	2013
Name of the judge	HON. D.J MSOFFE, RM.
Name of the parties	R v Alois Yeusebi
Prosecuting authority (DGOs, state attorney, police...)	State Attorney
Representation of accused person (lawyer?)	nil
Transnational elements (Citizen/non-citizen, cross-border offence...)	nil
DESCRIPTION	
Defendants (age, gender...)	Male
History of the case	
Facts	<p>On 24th February 2013 at Amboseli Villaage within Simanjiro District in Manyara Region, the accused was found in unlawful possession of one carcass of lesser kudu, the property of the Tanzania government. The prosecution alleged that on the material day, game reserve officers received information that there was a camp set up for illegal hunting within the game controlled area. Game reserve officers ambushed the camp and arrested the accused with the government trophy and some items that are used for illegal hunting.</p> <p>On defence, the accused person alleged that he was arrested in his farmland. He further avers that items that were found during the arrest are used for charcoal production.</p>
Charges	Unlawful possession of the government trophy contrary to section 86(1), (2) (b) and (3) of the Wildlife Conservation Act, 2009 read together with section 57 (1) and

	paragraph 14(d) of the 1 st schedule to the Economic and Organized Crimes Control Act Cap 200 R.E 2002
SPECIES	
Name	Lesser Kudu
Value	Tshs. 4,160,000/=
Processed/Not processed	Unprocessed
LEGAL REFERENCES	
Legislation (principal and ancillary legislation)	Wildlife Conservation Act, No. 5 of 2009 Economic and Organized Crimes Control Act Cap 200 R.E 2002
Cases cited	-
International instruments	-
DECISION/OPINION	
Decision	The accused was found not guilty and acquitted
Basis of the decision (reasons)	All three prosecution witnesses failed to prove that the accused was in unlawful possession of government trophy due to contradictory testimonies. The witnesses differed about the place where the accused was allegedly captured. Also, there was a contradiction about the date of signing the Trophy valuation report which was tendered as exhibit.
Legal issues raised in judgment	Whether accused person was found in unlawful possession of government trophy as alleged by the prosecution?
Penalty	-
OTHER CONTEXTUAL INFORMATION	
Context	
Appealed/Not appealed	No information
Bail	
Opinion on the case	