

CASE-LAW ANALYSIS
POACHING AND ILLEGAL WILDLIFE TRADE IN TANZANIA

GENERAL INFORMATION ABOUT THE CASE	
Case number	Economic Case No. 06 of 2012
Court	Resident Magistrate's Court of Arusha
Year (date)	2012
Name of the judge	Msoffe, D-RM
Name of the parties	R v Alfonse Misanga
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, 42 years
History of the case	<p>On 31st March 2012 at Ilmolok Village, Longido District of Arusha region the accused was found in possession of Grant gazelle carcass. On the material day, 2 game reserve officers saw the accused saw the accused person carrying a sulphate bag. Upon being stopped, the accused started to run and the bag fell down. He was apprehended and returned to where the bag fell. When accused was asked about the content of the bag he claimed that the bag contained potatoes. When the bag was opened Grant gazelle carcass was found in it. Since the accused did not have any authorize document for possessing the meat he was taken to the Olmorok Police Station and in the following day he was taken to Anti-Poaching Office in Arusha.</p> <p>At the Anti Poaching Unit office, the meat was identified as that of Grant gazelle and</p>

	valuation report issued. During trial the accused person maintained that he was carrying potatoes and not gazelle meat. He further acclaim that the prosecution failed to tender the said meat as evidence.
Facts	
Charges	Unlawful possession of the government trophy contrary to section 86 (1) (2) (b) of the Wildlife Conservation Act No. 5 of 2009 read together with para 14(d) of the First schedule and section 57 (1) and section 60 (2) of the Economic and Organized Crimes Control
SPECIES	
Name	Grant gazelle carcass
Value	Tshs. 720,000/=
Processed/Not processed	Not processed
LEGAL REFERENCES	
Legislation (principal and ancillary legislation)	Wildlife Conservation Act, No. 5 of 2009 Economic and Organized Crimes Control Act Cap 200 RE 2002
Cases cited	-
International instruments	-
DECISION/OPINION	
Decision	Acquittal
Basis of the decision (reasons)	Despite the fact that prosecution side was able to produce three witnesses and valuation report, it failed to produce the said meat as evidence. Further, due to perishable nature of the subject matter, prosecution failed to tender even an inventory to that effect. According to the Hon. RM this is a serious doubt on the guilty of the accused person
Legal issues raised in judgment	Whether the accused was found in unlawfully possession of Grant Gazelle meat as charged
Penalty	-

OTHER CONTEXTUAL INFORMATION	
Context	
Appealed/Not appealed	
Bail	Granted to the accused
Opinion on the case	