

CASE-LAW ANALYSIS
POACHING AND ILLEGAL WILDLIFE TRADE IN TANZANIA

GENERAL INFORMATION ABOUT THE CASE	
Case number	Economic Criminal case No. 01 of 2014
Court	District Court of Mpanda, at Mpanda
Year (date)	2014
Name of the judge/Magistrate	Hon. C.M Tengwa
Name of the parties	Republic versus Matheo Kayanda and Damiani Kayanda.
Prosecuting authority (DGOs, state attorney, police...)	State Attorney
Representation of accused person (lawyer?)	Unrepresented
Transnational elements (Citizen/non-citizen, cross-border offence...)	
DESCRIPTION	
Defendants (age, gender...)	MALES (brothers)
History of the case	
Facts	On 29 th January, 2014 at Kawajense area within Mpanda District accused person was arraigned of unlawful possession of government trophies. Then brought before the court to answer the charge.
Charges	Unlawful possession of government trophies contrary to section 86(1) and (2)(b) of the Wildlife Conservation Act No. 5 of 2009 read together with paragraph 14(d) of the 1 st Schedule and section 57(1) and 60(2) of the Economic and Organized Crime Control Act Cap 200 RE 2002.

SPECIES	
Name	3 elephant tusks
Value	Not stated
Processed/Not processed	Not processed
LEGAL REFERENCES	
Legislation (principal and ancillary legislation)	Wildlife Conservation Act No. 5 of 2009 Economic and Organized Crime Control Act Cap 2002
Cases cited	Moses Charles Deo versus Republic (1987) TLR 134
International instruments	NIL
DECISION/OPINION	
Decision	First accused was convicted and second accused was acquitted.
Basis of the decision (reasons)	Basing on the prosecution proving of the case.
Legal issues raised in judgment	Whether the elephant tusks were found into the bedroom of the first accused. Whether the first and second accused persons were in possession of the three pieces of elephant tusks.
Penalty	First accused sentenced to twenty (20) years imprisonment and second accused was acquitted.
OTHER CONTEXTUAL INFORMATION	
Context	-
Appealed/Not appealed	No appeal
Bail	NIL
Opinion on the case	NIL