

CASE-LAW ANALYSIS  
**POACHING AND ILLEGAL WILDLIFE TRADE IN TANZANIA**

<b>GENERAL INFORMATION ABOUT THE CASE</b>	
Case number	Economic Crime case No. 03 of 2014
Court	Resident Magistrate Court of Mbeya at Mbeya
Year (date)	2014
Name of the judge/Magistrate	Hon Mhanusi J.J
Name of the parties	Republic versus Bahati s/o Michael Ngirama and Juma s/o Ally Patric @ Kalumanzila
Prosecuting authority (DGOs, state attorney, police...)	State Attorneys
Representation of accused person (lawyer?)	Unrepresented
Transnational elements (Citizen/non-citizen, cross-border offence...)	NIL
<b>DESCRIPTION</b>	
Defendants (age, gender...)	Male
History of the case	
Facts	Sometimes between June 2009 and 18 <sup>th</sup> August, 2014 in different occasions (at Ruaha National parks in Iringa Region and Madibira within Mbarali District in Mbeya Region) alleged to bought, accepted, transported and hunted unlawfully government trophies property of United Republic of Tanzania. They were also found with unlawful possession of the firearms. Then brought before the court to answer a charge.
Charges	1 <sup>st</sup> count was unlawful dealing in trophies contrary to Section 80 (1) and 84(1) of the

	<p>Wildlife Conservation Act No. 5 of 2009 read together with paragraph 14(b) of the First schedule to Section 57 (1) and 60(2) both of Economic and Organized Crime Control Act Cap 200 RE 2009.</p> <p>2<sup>nd</sup> count was unlawful hunting of specified or scheduled animal contrary to section 47 (a) of the Wildlife Conservation Act No. 5 of 2009.</p> <p>3<sup>rd</sup> count was unlawful possession of firearms c/s 4(1) read together with sections 34(1) and (2) of the Arms and Ammunitions Act Cap 223 RE 2002 as amended by Act No.2 of 2007.</p>
<b>SPECIES</b>	
Name	Elephant tusks, 12 hunted elephants
Value	<p>Tusks (Tshs. 60,300,000/=)</p> <p>Hunted elephants (Tshs. 280,800,000/=)</p> <p>Total: 341,100,000</p>
Processed/Not processed	Not processed
<b>LEGAL REFERENCES</b>	
Legislation (principal and ancillary legislation)	<p>Wildlife Conservation Act No. 5 of 2009</p> <p>Economic and Organized Crime Control Act</p> <p>Arms and Ammunitions Act Cap 223 RE 2002</p>
Cases cited	Moses Charles Deo versus Republic 1987 TLR 134
International instruments	Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) 1973
<b>DECISION/OPINION</b>	
Decision	Accused persons were convicted on the 3 <sup>rd</sup> count.
Basis of the decision (reasons)	Prosecution side failed to prove the case on count of unlawful possession and hunting of trophies but proved beyond reasonable doubt on unlawful possession of the firearms.
Legal issues raised in judgment	Whether the accused persons committed an offence of unlawful dealing in trophies. Whether the accused persons were hunting of specified or scheduled animals. Whether the accused persons were in possession of the firearms.
Penalty	Sentenced under 3 <sup>rd</sup> count to serve three years (3) imprisonment and two fire arms be forfeited by Government under Police officer.

<b>OTHER CONTEXTUAL INFORMATION</b>	
Context	
Appealed/Not appealed	No appeal preferred
Bail	NIL
Opinion on the case	NIL