

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

<b>GENERAL INFORMATION ABOUT THE CASE</b>	
Case number	Economic Case No. 01 of 2015
Court	District Court of Chunya, at Chunya
Year (date)	2015
Name of the judge/Magistrate	Hon. O.N Ngatunga
Name of the parties	Republic versus Festo s/o Erineo
Prosecuting authority (DGOs, state attorney, police...)	Police
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	Sometime on 25 <sup>th</sup> March, 2015 at Gua village within Chunya District in Mbeya region was found in unlawful possession of the government trophies. Also was found in unlawful possession of firearms. Then brought before the court to answer the charge.
Charges	1 <sup>st</sup> count was unlawful possession of government trophies contrary to section 86(1)(2)(c)(i) of the Wildlife Conservation Act No.5 of 2009 read together with paragraph 14(d) of the First Schedule, sections 57(1) and 60(2) of the Economic and Organized Crime Control Act Cap 200 R.E 2002. 2 <sup>nd</sup> count was unlawful possession of firearms contrary to Section 4(1) and 34(2) of the

	Arms and Ammunition Act Cap 223 R.E 2002 as amended by written Laws (Miscellaneous Amendments) No. 3 of Act No. 17 of 2010.
<b>SPECIES</b>	
Name	Warthog meat (0.5 kg)
Value	TZS. 893,250/=
Processed/Not processed	Not processed
<b>LEGAL REFERENCES</b>	
Legislation (principal and ancillary legislation)	Wildlife Conservation Act No. 5 of 2009 Economic and Organized Crime Control Act, Cap 200 R.E 2002 Arms and Ammunition Act, Cap 223 R.E 2002 as amended by Written Laws (Miscellaneous Amendments) No. 3 of Act No. 17 of 2010
Cases cited	No cases cited
International instruments	NIL
<b>DECISION/OPINION</b>	
Decision	Accused person was convicted
Basis of the decision (reasons)	Prosecution side proved beyond reasonable doubt to the standard of proof.
Legal issues raised in judgment	Whether the prosecution proves their case beyond reasonable doubts.
Penalty	For the 1 <sup>st</sup> count was sentenced to pay fine of Tshs. 900,000/= or to serve eight (8) years imprisonment. 2 <sup>nd</sup> count was sentenced to pay fine of Tshs. 100,000/= or five (5) years imprisonment of which both sentence to run concurrently.
<b>OTHER CONTEXTUAL INFORMATION</b>	
Context	
Appealed/Not appealed	No appeal
Bail	NIL
Opinion on the case	NIL