

CASE-LAW ANALYSIS
POACHING AND ILLEGAL WILDLIFE TRADE IN TANZANIA

GENERAL INFORMATION ABOUT THE CASE	
Case number	Economic Crime Appeal No. 01 of 2002
Court	High Court of Tanzania at Mtwara
Year (date)	2002
Name of the judge/Magistrate	Hon. Lukelelwa, J.
Name of the parties	Ausi Hassani Nampali versus The Republic
Prosecuting authority (DGOs, state attorney, police...)	State Attorney (Mr Masaju)
Representation of accused person (lawyer?)	Represented by an advocate
Transnational elements (Citizen/non-citizen, cross-border offence...)	NIL
DESCRIPTION	
Defendants (age, gender...)	Not stated
History of the case	The appellant Ausi Hassani Nampali was on 24 th October, 2001 convicted by the Lindi District Court on two counts of unlawful possession of government trophy contrary to section 67(1) and (c) (d) (iii) and (2A) of the Wildlife Conservation Act No. 12 of 1974 as amended by Act No. 10 of 1989 read together with section 56(1) of the Economic and Organized Crimes Control Act, No. 13 of 1984 and paragraph 16(d) of the first schedule thereof as amended by Act No. 10 of 1989. The appellant was sentenced to an omnibus sentence of ten years imprisonment on the two counts. Aggrieved by the decision of the trial court, appeals to the High Court of Mtwara at Mtwara.

Facts	
Charges	Unlawful possession of government trophies
SPECIES	
Name	One horn of buffalo (1,650 grams) and another one horn of wildebeest (800 grams)
Value	US Dollars 696.6 or Tshs. 592,110/=
Processed/Not processed	Not processed
LEGAL REFERENCES	
Legislation (principal and ancillary legislation)	Wildlife Conservation Act, No. 12 of 1974 Economic and Organized Crimes Control Act, No. 13 of 1984
Cases cited	No case cited
International instruments	NIL
DECISION/OPINION	
Decision	The appeal is partly allowed. The appellant sentence and imprisonment is reduced into a fine of 25,000/= or two years imprisonment.
Basis of the decision (reasons)	Charging the appellant with two counts concerning the two trophies was unnecessary. The two trophies could have been included into a single count.
Legal issues raised in judgment	Whether the value of the trophies was correct one.
Penalty	Fine of twenty five thousand shillings or two years imprisonment
OTHER CONTEXTUAL INFORMATION	
Context	-
Appealed/Not appealed	No appeal preferred
Bail	No bail granted
Opinion on the case	NIL