

CASE-LAW ANALYSIS
POACHING AND ILLEGAL WILDLIFE TRADE IN TANZANIA

GENERAL INFORMATION ABOUT THE CASE	
Case number	Criminal Appeal No. 37 of 2009
Court	High Court of Tanzania in Arusha
Year (date)	2009
Name of the judge	Hon. Sambo,J.
Name of the parties	Hamisi Ramadhan v. Republic
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...)	No information
History of the case	The case originated from the District Court of Arusha, Economic Case No. 18 of 2006
Facts	The appellant stood charged with the offence of unlawful possession of government trophy c/s 59 (2) of the Economic and Organized Crimes Control Act, Cap 200 R.E 2002 and section 67 (1) & 2 (b) of the Wildlife Conservation Act [Cap 283 R.E 2002]. The District court found him, guilty, convicted and sentenced him to eleven (11) years in jail imprisonment.
Charges	Unlawful possession of government trophy c/s 59 (2) of the Economic and Organized Crimes Control Act, Cap 200 R.E 2002 and section 67 (1) & 2 (b) of the Wildlife Conservation Act [Cap 283 R.E 2002].

SPECIES	
Name	Zebra
Value	No information
Processed/Not processed	Not processed
LEGAL REFERENCES	
Legislation (principal and ancillary legislation)	Wildlife Conservation Act [Cap 283 R.E 2002] Economic and Organized Crimes Control Act, Cap 200 R.E 2002 Tanzania Evidence Act [Cap 6 R.E 2002] Criminal Procedure Act [Cap 20 R.E 2002]
Cases cited	Yohanis Msigwa vs. R [1990] T.L.R 148 Otto Kalist Shirima vs. R (Criminal Appeal No. 234 of 2008 (CAT) Arusha Registry) (unreported)
International instruments	-
DECISION/OPINION	
Decision	The appeal was allowed, conviction quashed and sentence set aside.
Basis of the decision (reasons)	All the grounds raised by the appellant failed. However, the Hon. Judge upon perusal of the lower court records, found out that the matter was tried by the District Court of Arusha while the Certificate of Order for Trial of an Economic Offence issued by the Acting Learned State Attorney in charge on 18 th May, 2007 ordered the offence to be tried by the Resident Magistrate's Court of Arusha. The District Court had no power to deal with the matter which has been ordered to be tried by the Resident Magistrate's Court. In addition, the Hon. Judge encountered a jurisdiction issue. The incident took place within Simanjiro District in Manyara but the learned State Attorney in charge ordered the offence to be tried in the Resident Magistrate's Court of Arusha. There is no law under the Economic and Organised Crime Control Act which empowers the Director of Public Prosecution or State Attorney to order offence to be tried in another territorial jurisdiction while in place the offence has been committed there is a court which has powers to try the offence.
Legal issues raised in judgment	The appellant raised four grounds of appeal: 1. The learned trial magistrate erred in law and in fact by relying on the

	<p>uncorroborated evidence adduced by PW1 to convict the appellant</p> <ol style="list-style-type: none"> 2. The learned trial magistrate erred in law and fact by accepting as an exhibits the things alleged to be found in the appellant's house through search which was not properly conducted 3. The learned trial magistrate erred in law and fact by failing to consider that the alleged search was conducted without involving the independent witness (neighbour) 4. The learned trial magistrate erred in law and fact directly by failing to comply with the provisions of the Criminal Procedure Act [Cap 20 R.E 2002]
Penalty	-
OTHER CONTEXTUAL INFORMATION	
Context	-
Appealed/Not appealed	-
Bail	-
Opinion on the case	-