

CASE-LAW ANALYSIS
POACHING AND ILLEGAL WILDLIFE TRADE IN TANZANIA

GENERAL INFORMATION ABOUT THE CASE	
Case number	Economic Case No. 06 of 2010
Court	Resident Magistrate's Court of Arusha
Year (date)	2010
Name of the judge	Hon. C.A Chitanda
Name of the parties	R vs. Saimon Charles and 6 others
Prosecuting authority (DGOs, state attorney, police...)	State Attorney
Representation of accused person (lawyer?)	The accused persons had legal representation
Transnational elements (Citizen/non-citizen, cross-border offence...)	nil
DESCRIPTION	
Defendants (age, gender...)	No information
History of the case	-
Facts	<p>On or about 12th February, 2010 at Ngorongoro Conservation area within Ngorongoro district in Arusha region, the accused persons were found in unlawful possession of government trophy to wit, one buffalo which was carried in a vehicle owned by the Government of Tanzania. The 1st accused person was a Game Officer, 2nd, 4th and 7th accused persons were District Executive Officers, 3rd accused person was a driver, 5th accused person was a peasant and 6th accused person was a clerk.</p> <p>The 1st accused person testified during the trial that he received information about the presence of dangerous animal within residential premises. He went to scene and found buffalo endangering people's lives. One buffalo was shot dead. Due to its size, it was cut into pieces loaded into the car and transported to the Karatu Council. Before reaching</p>

	the designated destination, they were stopped and arrested by Ngorongoro Game Rangers.
Charges	<ol style="list-style-type: none"> 1. Unlawful possession of government trophy c/s 14 (d) of the 1st schedule and section 60 (2) of Economic and Organized Crimes Control Cap 200 R.E 2002 read together with section 70 (1) (2) of the Wildlife Conservation Act Cap 283 R.E 2002 2. Unlawful hunting c/s 34 (a) of the Wildlife Conservation Act Cap 383 R.E 2002 read together with paragraph 14 (a) of the 1st schedule to and section 60 (2) of the Economic and Organized Crimes Control Cap 200 R.E 2002 3. Unlawful entry in Ngorongoro Conservation Area c/s 21 (1) of the Ngorongoro Conservation Act Cap 284 R.E 2002
SPECIES	
Name	Buffalo
Value	Tshs. 2,489,000/=
Processed/Not processed	Not processed
LEGAL REFERENCES	
Legislation (principal and ancillary legislation)	Economic and Organized Crimes Control Cap 200 R.E 2002 Wildlife Conservation Act Cap 383 R.E 2002 Ngorongoro Conservation Act Cap 284 R.E 2002
Cases cited	Jonas Nkize vs. R (1992) TLR
International instruments	-
DECISION/OPINION	
Decision	All accused persons were acquitted
Basis of the decision (reasons)	<ol style="list-style-type: none"> 1. It was clear that the accused persons were found with buffalo carcass; 2. On the second issue, the 1st accused person being a Game Officer has a duty under the Wildlife Conservation Act to protect peoples's lives from being attacked by dangerous animals and also to prevent illegal hunting; 3. The prosecution witnesses were unable to prove that the accused persons were found within Ngorongoro Conservation area; 4. The prosecution failed to prove the case against the accused persons. They did not consider the issue of how the accused came in possession of the trophy. The

	accused persons were not in illegal hunting. The killing of the buffalo is in line with section 73 (1) of the Wildlife Conservation Act.
Legal issues raised in judgment	Whether accused persons were unlawful found with possession of the Government trophy Whether the accused persons had a valid hunting permit Whether the accused persons were found unlawfully within Ngorongoro Conservation Area Whether the prosecution side managed to prove their case to the standard required.
Penalty	-
OTHER CONTEXTUAL INFORMATION	
Context	-
Appealed/Not appealed	-
Bail	-
Opinion on the case	-