CASE-LAW ANALYSIS

**POACHING AND ILLEGAL WILDLIFE TRADE IN TANZANIA**

| **GENERAL INFORMATION ABOUT THE CASE** | |
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| Case number | Economic Case No. 15 of 2001 |
| Court | Resident Magistrate's Court of Arusha |
| Year (date) | 2001 |
| Name of the judge | Hon. P.M Kente-SRM |
| Name of the parties | R vs. Joseph Patto and 2 others |
| Prosecuting authority (DGOs, state attorney, police…) | Public Prosecutor |
| 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 | - |
| Facts | On 2nd June 2001 in Serera Controlled area, Mto wa Mbu , Monduli District in Arusha region, the accused persons alleged killed three buffaloes using poisoned spears whilst not possessing a hunting permit from the Director of Wildlife. The accused persons denied to be in possession of the said buffalo meat. The 1st and 2nd accuseds were arrested while busy keeping the security of a maize field from monkeys. The 3rd accused person was arrested at a distant place but was also doing the same job as the other accused persons. The person who employed them testified that he saw three buffalo carcasses on the way to his farm to supply food to his workmen. |

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| Charges | 1. Unlawful possession of government trophies c/s 67 (1) and (2) (b) of the Wildlife Conservation Act No.12 of 1974 read together with sections 59 (2) and paragraph 15 (d) of the 1st schedule to the Economic and Organized Crimes Control Act No. 13 of 1984 as amended by Act No. 10 of 1989 and No. 3 of 1992<br>2. Unlawful hunting in a game controlled area c/s 10 (1) and 2 (b) of the Wildlife Conservation Act No. 12 of 1974 read together with para 15 (d) of the 1st schedule to and section 59 ( 2) of the Economic and Organized Crimes Control Act No. 13 of 1984 as amended by Act No. 10 of 1989 and No. 3 of 1992<br>3. Unlawful hunting during a closed season c/s 18 (1) and 2 (c) of the Wildlife Conservation Act No. 12 of 1974 read together with paragraph 15 (a) of the 1st schedule to and section 59 ( 2) of the Economic and Organized Crimes Control Act No. 13 of 1984 as amended by Act No. 10 of 1989 and No. 3 of 1992 |
| **SPECIES** | |
| Name | Buffalo |
| Value | Tshs. 1,050,000/= |
| Processed/Not processed | Not processed |
| **LEGAL REFERENCES** | |
| Legislation (principal and ancillary legislation) | Wildlife Conservation Act, No. 12 of 1974<br>Economic and Organized Crimes Control Act No. 13 of 1984 |
| Cases cited | - |
| International instruments | - |
| **DECISION/OPINION** | |
| Decision | Acquittal from all charges |
| Basis of the decision (reasons) | The accused persons were arrested in a maize field during farming season<br>The accused persons were arrested at different locations<br>There is no any direct evidence to link the accused persons with the offence charged. |
| Legal issues raised in judgment | Whether prosecution proved the charges against the accused beyond reasonable doubt |
| Penalty | - |

| OTHER CONTEXTUAL INFORMATION | |
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| Context | - |
| Appealed/Not appealed | - |
| Bail | - |
| Opinion on the case | - |