

CASE-LAW ANALYSIS
POACHING AND ILLEGAL WILDLIFE TRADE IN TANZANIA

GENERAL INFORMATION ABOUT THE CASE	
Case number	Economic Case No. 17 of 2015
Court	District Court of Dodoma
Year (date)	2015
Name of the judge	Hon. Fovo
Name of the parties	Republic, Hamisi Juma Ramadhani, Husen Juma Bakari, Hilali Jafalo Omary
Prosecuting authority (DGOs, state attorney, police...)	State Attorney
Representation of accused person (lawyer?)	Represented
Transnational elements (Citizen/non-citizen, cross-border offence...)	Citizens/ crime committed in Tanzania, at Artha Village in Kondoa District in Dodoma Region
DESCRIPTION	
Defendants (age, gender...)	All Male
History of the case	-
Facts	The accused persons on 19 May 2014 at Artha Village in Kondoa District in Dodoma Region were found in possession of two elephant tusks weighing 43 kilograms. That on 10 June 2014 the third accused sent an amount of Tshs. 6,000,000/= to first accused to facilitate procurement of the elephant tusks.
Charges	Being in an unlawful possession of government trophies contrary to sections 86(1) and (2) of the Wildlife Conservation Act, No. 5 of 2009 and paragraph 14(d) of the first schedule to and section 57(1) and 60(2) of the Economic and Organised Crimes Control Act, Cap 200 R.E. 2002. 3 rd accused - unlawful dealing in government trophies, contrary to section 80(1) and 86(1) and (2) of Wildlife Conservation Act, No. 5 of 2009 read together with paragraph 14(d) of the first schedule to and section 57(1) and 60(2) of the Economic and Organised Crimes Control Act, Cap 200 R.E. 2002.

SPECIES	
Name	Elephant
Value	Tshs. 38,549,500/=
Processed/Not processed	Not processed
LEGAL REFERENCES	
Legislation (principal and ancillary legislation)	Wildlife Conservation Act, No. 5 of 2009 Economic and Organised Crimes Control Act, Cap 200 RE 2002 Criminal Procedure Act, Cap 20 RE 2002
Cases cited	Mkubwa Saidi Omary v Serikali ya Mapinduzi ya Zanzibar (1992) CAT, Zanzibar (Kissanga, Ramadhani, JJA) Republic v ACP Abdallah Zombe & 12 others, 2006 R v Kamau (1924) 10 KLR 8 Munubhai Hira v The Crown (1945) 72 LR, \$ TEACA, 229
International instruments	None
DECISION/OPINION	
Decision	1 st and 2 nd accused persons - Guilty 3 rd accused person - Not guilty
Basis of the decision (reasons)	The prosecution was able to prove beyond doubt that the two were indeed found in possession of the trophies. There was no independent conclusive evidence against the 3 rd accused person.
Legal issues raised in judgment	Whether the accused persons were found in possession of the tusks. Whether possession was unlawful.
Penalty	20 years prison term and five million fine for each accused. Forfeiture of motor vehicle used in commission of the offence.
OTHER CONTEXTUAL INFORMATION	
Context	
Appealed/Not appealed	No indication
Bail	No indication
Opinion on the case	-