

CASE-LAW ANALYSIS  
POACHING AND ILLEGAL WILDLIFE TRADE IN TANZANIA

<b>GENERAL INFORMATION ABOUT THE CASE</b>	
Case number	No. 01 of 2013
Court	District Court of Hai – At Bomang’ombe
Year (date)	2013
Name of the judge	Regina S. Moshi RM
Name of the parties	Republic vs. Phares Christopher
Prosecuting authority (DGOs, state attorney, police...)	Sargent Max
Representation of accused person (lawyer?)	In person – No legal representation
Transnational elements (Citizen/non-citizen, cross-border offence...)	Citizen
<b>DESCRIPTION</b>	
Defendants (age, gender...)	Adult – Male
History of the case	This case is on the prosecution of the accused who was arrested having been found in possession of the government trophy to wit the hyrax. He was charged and prosecuted at Hai District court.
Facts	On 13 <sup>th</sup> December, 2012 at Kishisha Village, Siha District at Kilimanjaro region, the accused was arrested by the Kinapa Park rangers on allegations of possessing government trophy which was hyrax. This was contrary to the Wildlife Conservation Act, No. 05 of 2009. He was charged for the first time at Hai District Court on 24 <sup>th</sup> January, 2013.
Charges	Unlawful possession of the government trophy contrary to Section 86 (1), 2(b) and (3) of the Wildlife Conservation Act No 05 of 2009 read together with para 14(d) of the

	first schedule to and section 57 (1) and 60(2) of the Organized Crime Control Act. Cap 200 R.E. 2002.
<b>SPECIES</b>	
Name	Hyrax
Value	Not ascertained
Processed/Not processed	Not Processed – Seem alive
<b>LEGAL REFERENCES</b>	
Legislation (principal and ancillary legislation)	Wildlife Conservation Act, No. 05 of 2009 Economic and Organized Crime Control Act, Cap. 200 R.E. 2002
Cases cited	NIL
International instruments	NIL
<b>DECISION/OPINION</b>	
Decision	Convicted as charged
Basis of the decision (reasons)	Prosecution proved the case beyond reasonable doubt. The accused was habitual offender on these crimes.
Legal issues raised in judgment	Whether accused committed offences as charged.
Penalty	Payment of fine in the tune of Tshs. 1,240,000 or five years imprisonment in default.
<b>OTHER CONTEXTUAL INFORMATION</b>	
Context	Accused found in possession of the wild animal while not in National Park. He was arrested and charged in possession of the government trophy.
Appealed/Not appealed	No information
Bail	No information
Opinion on the case	The case lacks details on how the prosecution proved the case beyond reasonable doubt.