

CASE-LAW ANALYSIS
POACHING AND ILLEGAL WILDLIFE TRADE IN TANZANIA

GENERAL INFORMATION ABOUT THE CASE	
Case number	No. 04 of 2012
Court	Kilosa District Court
Year (date)	2012
Name of the judge	S.B. Fimbo SRM
Name of the parties	Republic vs John Kidasi and 3 Others
Prosecuting authority (DGOs, state attorney, police...)	Police Inspector
Representation of accused person (lawyer?)	In person (No legal representation)
Transnational elements (Citizen/non-citizen, cross-border offence...)	Citizens
DESCRIPTION	
Defendants (age, gender...)	Adults
History of the case	Both accused were arrested at Ilakala area Mikumi National Park within Kilosa District in Morogoro having possession of government trophy to which was the hippopotamus meat. They were jointly charged in Kilosa District Court.
Facts	On 28 th day of February 2002 accused were found in possession of the government trophies to wit were 96 kilograms of hippopotamus meat valued at Tshs. 1,815,000 the property of the United Republic of Tanzania without permit or license.
Charges	All accused were charged with one offence of unlawful possession of the government trophy contrary to section 86 (1) (2) (c) (ii) and (3) of the Wildlife Conservation Act No. 5 of 2009 (Cap 283) read together with para 14 (d) of the 1 st schedule to and section 57 (1) and 60 (2) of the Economic and Organized Crime Control Act Cap 200 R.E. 2002

SPECIES	
Name	Hippopotamus
Value	Tshs. 1,815,000
Processed/Not processed	Not processed
LEGAL REFERENCES	
Legislation (principal and ancillary legislation)	Wildlife Conservation Act, No. 5 of 2009 (Cap 283) Economic and Organized Crime Control Act Cap 200 R.E. 2002
Cases cited	NIL
International instruments	NIL
DECISION/OPINION	
Decision	Court found all four accused guilty as charged and convicted them as charged
Basis of the decision (reasons)	Ability of the prosecution to prove their case beyond reasonable doubt
Legal issues raised in judgment	Whether the accused committed the offence charged with which is unlawful possession of the government trophy without permit or licence
Penalty	Fine of Tshs. 3,630,000 of five years imprisonment in default
OTHER CONTEXTUAL INFORMATION	
Context	Both accused were found within Mikumi National Park and in possession of the government trophy.
Appealed/Not appealed	Not appealed
Bail	They were given bail but 2 nd and 3 rd accused jumped bail and the case was heard ex-party against them.
Opinion on the case	There is a typical case of the people hunting in National Parks and the court reaction to this type of cases.