

CASE-LAW ANALYSIS
POACHING AND ILLEGAL WILDLIFE TRADE IN TANZANIA

GENERAL INFORMATION ABOUT THE CASE	
Case number	CRIMINAL APPEAL NO. 422 "B" OF 2013
Court	COURT OF APPEAL
Year (date)	14th day of March 2014
Name of the judge	Mjasiri J.A.
Name of the parties	1. EMMANUEL SAGUDA @ SULUKUKA 2. SAHILI WAMBURA APPELLANTS VERSUS THE REPUBLIC RESPONDENT
Prosecuting authority (DGOs, state attorney, police...)	State Attorney
Representation of accused person (lawyer?)	No
Transnational elements (Citizen/non-citizen, cross-border offence...)	
DESCRIPTION	
Defendants (age, gender...)	
History of the case	<p>The accused were convicted by a District court and sentenced to 12 months imprisonment or a fine of Tshs. 10,000/= on the first count; two years imprisonment or a fine Tshs. 20,000/= on the second count; three (3) years imprisonment on the third count and 30 years imprisonment or a fine of Tshs. 13,617,000 on the fourth count. Having being aggrieved by the decision they appealed to the High court which reduced the fourth sentence from 30 years to 20 years imprisonment. The appellants decided to appeal such a decision to the Court of Appeal on three grounds:</p> <ol style="list-style-type: none"> 1. PW1, PW2 and PW3 were not credible witnesses 2. It was not proved that the appellants were caught in the National Park by PW2 and PW3. 3. The court wrongly admitted the evaluation report and the inventory form, Exhibits P1 and P2.

Facts	The appellants were found at Serengeti National Park without any written authorization. They were also armed with bows and arrows, knives, bush knives and trapping wires. It was also alleged by the prosecution that they were found in possession of government trophies.
Charges	<ol style="list-style-type: none"> 1. Unlawful entry into the National Park contrary to section 21(1) and (2) of the National Parks Act Cap 282 RE. 2002 (the Act) 2. Unlawful possession of weapons in the National Park contrary to section 24(1) (b) and (2) of the Act. 3. Unlawful hunting in a National Park contrary to section 23 (1) of the Act. 4. Unlawful possession of Government trophies contrary to section 86(1) and (2)(c) of the Wildlife Conservation Act (Act No. 5 of 2009) read together with paragraph 14(d) of the First Schedule to the Economic and Organised Crime Control Act, Cap 200 R.E. 2002.
SPECIES	
Name	Zebra and warthog meat
Value	Tshs. 1,361,700/=
Processed/Not processed	Not processed
LEGAL REFERENCES	
Legislation (principal and ancillary legislation)	Wildlife Conservation Act No. 5 of 2009 Economic and Organized Crime Control Act, Cap. 200 R.E 2002 National Parks Act, Cap 282 RE. 2002 (the Act) Criminal Procedure Act, Cap. 20 R.E 2002
Cases cited	Browne v Dunn [1893] 6R. 67 Rex v Hart [1932] 23 Cr. App. R. 202 Hussen Bakari Kadogoo v Republic, Criminal Appeal No. 54 of 2006 CAT (unreported)
International instruments	
DECISION/OPINION	
Decision	The appeal was allowed in respect of the third and fourth counts, the conviction is quashed and set aside the sentences of twenty (20) years. The appellants having already completed serving the one and two year sentences in the first and second counts the Court ordered that they be released from prison unless they were lawfully held.
Basis of the decision (reasons)	Failure of the prosecution to tender the government trophies as exhibits.

Legal issues raised in judgment	
Penalty	Finished serving sentence
OTHER CONTEXTUAL INFORMATION	
Context	
Appealed/Not appealed	This was an appeal
Bail	
Opinion on the case	