

CASE-LAW ANALYSIS  
**POACHING AND ILLEGAL WILDLIFE TRADE IN TANZANIA**

| <b>GENERAL INFORMATION ABOUT THE CASE</b>                             |   |
|---|---|
| Case number   | 08 of 2013  |
| Court   | Kilosa District Court   |
| Year (date)   | 2013  |
| Name of the judge   | Hon. S. Fimbo SRM   |
| Name of the parties   | Republic vs Agnas Selestine and 2 others  |
| Prosecuting authority (DGOs, state attorney, police...)               | Inspector of Police   |
| Representation of accused person (lawyer?)                            | Not represented   |
| Transnational elements (Citizen/non-citizen, cross-border offence...) | Not citizens  |
| <b>DESCRIPTION</b>  |   |
| Defendants (age, gender...)   | Male, Adults  |
| History of the case   | Both three accused were arrested on 23 <sup>rd</sup> August 2013 at Msimba Village within Kilosa District Morogoro region. They were found in possession of the Government trophy and were arrested and charged at Kilosa District Court.   |
| Facts   | Three accused were found in possession of the Government trophy to wit the leopard skin believed to be attempting to sell it.   |
| Charges   | Before the District Court they were charged with an offense of possessing the Government trophy without a permit contrary to Section 86(1) (b) and (3) of the Wildlife and Conservation Act, No of 2009 Cap 283 R.E 2002 read together with paragraph 14(d) of the 1 <sup>st</sup> schedule to and section 57(1) and 60(2) of the Economic and Organized Crime Control Act, Cap 200 R.E 2002. |
| <b>SPECIES</b>  |   |
| Name  | Leopard   |

|   |  |
|---|--|
| Value   | Tshs. 5,654,250  |
| Processed/Not processed                           | Not processed  |
| <b>LEGAL REFERENCES</b>                           |  |
| Legislation (principal and ancillary legislation) | Wildlife and Conservation Act, No 05 of 2009 Cap 283 R.E 2002<br>Economic and Organized Crime Control Act, Cap 200 R.E 2002  |
| Cases cited                                       | Elias Mwandungu vs. Republic 2000 TLR 277  |
| International instruments                         | NIL  |
| <b>DECISION/OPINION</b>                           |  |
| Decision  | Convicted as charged   |
| Basis of the decision (reasons)                   | Prosecution proved their case beyond reasonable doubt  |
| Legal issues raised in judgment                   | Whether accused persons were guilty of the offence as charged  |
| Penalty   | Payment of 56,542,500 or 15 years imprisonment in default  |
| <b>OTHER CONTEXTUAL INFORMATION</b>               |  |
| Context   | The case involves the transportation of the animal skin for the purposes of selling it. It is also a case involving public officials (police) as accused in the commission of the offence. |
| Appealed/Not appealed                             | Not appealed   |
| Bail  | No information   |
| Opinion on the case                               | NIL  |