

CASE-LAW ANALYSIS
POACHING AND ILLEGAL WILDLIFE TRADE IN TANZANIA

GENERAL INFORMATION ABOUT THE CASE	
Case number	06 of 2015
Court	Kilosa District Court
Year (date)	2015
Name of the judge	Hon. S. Fimbo SRM
Name of the parties	Republic vs Said Abdalah
Prosecuting authority (DGOs, state attorney, police...)	Inspector of Police Peter Nassoro
Representation of accused person (lawyer?)	Not represented
Transnational elements (Citizen/non-citizen, cross-border offence...)	Citizens
DESCRIPTION	
Defendants (age, gender...)	Male, Adults
History of the case	Accused was arrested at Mihanda Village in Mikumi Ward within Kilosa District on allegations of been in possession of the Government trophies contrary to the provisions of the law. He was charged at Kilosa District court.
Facts	Accused was found in possession of the Government trophy to wit 10 pieces of the elephant meat valued at Tshs. 24, 127, 500 the property of the Government of the United Republic of Tanzania and without permit or license.
Charges	Accused was arrested and charged for an offense of possessing the Government Trophies contrary to section 86 (10), (2) (b) and (30) of the Wildlife Conservation Act, No 5 of 2009 Cap 283 read together with paragraph 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	Elephant
Value	Tshs 24,127,500

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	Acquitted
Basis of the decision (reasons)	Prosecution failure to prove the case in the required standard of proof. i.e. difference of the accused names in the charge sheet and the accused person's name in the court of law.
Legal issues raised in judgment	Whether accused was guilty of the offence he was charged with
Penalty	NIL – Acquittal
OTHER CONTEXTUAL INFORMATION	
Context	This one of the cases which proves the importance of recording witness credential properly to be able to successfully prosecute Wildlife cases in court. It also presents the issue of conducting search by following all required standards of search.
Appealed/Not appealed	No appeal
Bail	No information
Opinion on the case	NIL