

CASE-LAW ANALYSIS  
POACHING AND ILLEGAL WILDLIFE TRADE IN TANZANIA

<b>GENERAL INFORMATION ABOUT THE CASE</b>	
Case number	Criminal Appeal No. 01 of 2014
Court	High Court of Tanzania – Tanga Registry
Year (date)	2014
Name of the judge	Msuya J.
Name of the parties	Machako Athumani vs R
Prosecuting authority (DGOs, state attorney, police...)	State Attorney
Representation of accused person (lawyer?)	Advocate for the appellant
Transnational elements (Citizen/non-citizen, cross-border offence...)	Citizen
<b>DESCRIPTION</b>	
Defendants (age, gender...)	Adult
History of the case	This is an appeal originating from Handeni District Court on Economic Case No. 13 of 2013.
Facts	Appellant appealed the conviction by the Handeni District Court on case No. 13 of 2013 in which he was charged and convicted of the offense of unlawful possession of Government trophy contrary to section 86(1) of the Wildlife Conservation Act of 2009 read together with Paragraph 14 (d) of the first Schedule and Section 57 (1) of the Economic and Organized Crime Control Act, Cap 200 R.E 2002.
Charges	Unlawful possession of Government trophy contrary to section 86(1) of the Wildlife Conservation Act of 2009 read together with Paragraph 14 (d) of the first Schedule and Section 57 (1) of the Economic and Organized Crime Control Act, Cap 200 R.E 2002

<b>SPECIES</b>	
Name	Lesser kudu meat
Value	Tshs. 4,179,448/=
Processed/Not processed	Not processed
<b>LEGAL REFERENCES</b>	
Legislation (principal and ancillary legislation)	Wildlife Conservation Act of 2009 Economic and Organized Crime Control Act, Cap 200 R.E 2002
Cases cited	Mwita and Other vs. R (2012) 2 EA 232 Ryoba vs. R (2010) 1 EA 342
International instruments	NIL
<b>DECISION/OPINION</b>	
Decision	Appeal was allowed and conviction was quashed and sentence set aside. The court also ordered return of the confiscated motor cycle.
Basis of the decision (reasons)	Contradiction as to the type of the specie involved in the crime. Evidence in record showed it to be lesser kudu while some of the witnesses testified it to be swala and common duiker. The appellant contended it to be cow meat.
Legal issues raised in judgment	1. Whether the court had jurisdiction in determining the case as provided for under section 12(3) of the Economic and Organized Crime Control Act, Cap 200 R.E 2002 2. Whether evidence in record was contradictory as to the type specie
Penalty	NIL
<b>OTHER CONTEXTUAL INFORMATION</b>	
Context	NIL
Appealed/Not appealed	Not appealed
Bail	No information
Opinion on the case	Importance of expert evidence in proving the type of specie involved in a case