

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

<b>GENERAL INFORMATION ABOUT THE CASE</b>	
Case number	Economic Case No. 17 of 2011
Court	District Court of Iringa
Year (date)	2011
Name of the judge	Mareng
Name of the parties	Republic vs John Omary Gandaga
Prosecuting authority (DGOs, state attorney, police...)	State Attorney
Representation of accused person (lawyer?)	Not represented
Transnational elements (Citizen/non-citizen, cross-border offence...)	Citizen/ Offence committed in Tanzania (Iringa Region)
<b>DESCRIPTION</b>	
Defendants (age, gender...)	Male, No indication of Age
History of the case	-
Facts	The accused was found in possession of elephant meat after receiving information from an informant that the accused was in such possession.
Charges	Being in an unlawful possession of government trophies contrary to sections 86(1)(2)(b) of the Wildlife Conservation Act, Act No. 5 of 2009 and Paragraph 14(a) of the first schedule to and section 60(2) of the Economic and Organised Crimes Control Act, Cap 200, R.E., 2002.
<b>SPECIES</b>	
Name	Elephant
Value	Fourteen Million shillings (Tshs 14,000,000/=)

Processed/Not processed	Not processed
<b>LEGAL REFERENCES</b>	
Legislation (principal and ancillary legislation)	Wildlife Conservation Act, No. 5 of 2009 Economic and Organised Crime Control Act, Cap. 200 R.E. 2002
Cases cited	No case cited.
International instruments	No international instrument cited.
<b>DECISION/OPINION</b>	
Decision	Not guilty
Basis of the decision (reasons)	The prosecution failed to prove beyond reasonable doubt particularly for failure to bring witnesses who the prosecution had claimed could prove involvement of the accused in the crime.
Legal issues raised in judgment	Whether or not the meat involved was elephant meat or not.
Penalty	-
<b>OTHER CONTEXTUAL INFORMATION</b>	
Context	-
Appealed/Not appealed	No information available
Bail	No indication in the judgment
Opinion on the case	The judgment is rather disjointed. The issue raised could not take care of the charges raised even if it was answered in the affirmative. There had to be more issues. Moreover, the issue raised was not itself answered probably because it was not the most relevant one to dispose the case. Finally, the information in the judgment is very scant as to make it difficult to understand what really transpired.