

CASE-LAW ANALYSIS
POACHING AND ILLEGAL WILDLIFE TRADE IN TANZANIA

GENERAL INFORMATION ABOUT THE CASE	
Case number	Economic Case No. 05 of 2015
Court	Resident Magistrate Court of Mbeya, at Mbeya
Year (date)	2015
Name of the judge/Magistrate	Hon. Z.D Laizer
Name of the parties	Republic versus Matokeo Hansikari Manga @ Nguvu
Prosecuting authority (DGOs, state attorney, police...)	State Attorney
Representation of accused person (lawyer?)	Not represented
Transnational elements (Citizen/non-citizen, cross-border offence...)	NIL
DESCRIPTION	
Defendants (age, gender...)	Male
History of the case	
Facts	The accused on diverse dates between March, 2015 and 30 th June, 2015 at Mazombe village and Ruaha National Park within Mbarali District in Mbeya Region was found in unlawful possession and unlawful dealing in Government trophies also was found with unlawful possession of Ammunition respectively. Then brought before the court to answer the charge.
Charges	1 st count was unlawful possession of government trophies c/s 86(1)(2)(b) and (3)(a) and (b) of Wildlife Conservation Act No. 5 of 2009 read together with paragraph 14(d) of the First Schedule to and Section 57(1) and 60(2) of the Economic and Organized

	<p>Crime Control Act Cap 200 R.E 2002.</p> <p>2nd count was unlawful dealing in trophies c/s 80 and 84 of the Wildlife Conservation Act No. 5 of 2009 read together with paragraph 14 (b) of the First schedule to and section 57 (1) and 60(2) of the Economic and Organized Crime Control Act Cap 200 R.E 2002</p> <p>3rd count was unlawful possession of ammunition c/s 4(1) read together with Section 34(1) and (2) of the Arms and Ammunitions Act Cap 223 R.E 2002.</p>
SPECIES	
Name	23 Elephant tusks (37 kg) 18 Elephant tusks
Value	Tshs. 157,800,000/= Tshs. 284,040,000/= TOTAL Tshs 441,840,000
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 Arms and Ammunitions Act Cap 223 R.E 2002
Cases cited	Janta Joseph Komba and 3 others versus Republic, Criminal Appeal no. 95 of 2006 Christopher Chengula versus Republic, Criminal Appeal no. 215 of 2010 CA at Iringa United States versus Nenadich, 689 F. Supp. 285 (S.D.N.Y 1988)
International instruments	NIL
DECISION/OPINION	
Decision	Accused person was acquitted
Basis of the decision (reasons)	The prosecution failed to prove the case beyond reasonable doubt
Legal issues raised in judgment	Whether the accused person committed the said offence Whether the accused person gives the cautioned statement voluntarily and if the law was followed. Whether the accused found in possession of those 23 pieces of Elephant tusks
Penalty	No penalty imposed

OTHER CONTEXTUAL INFORMATION	
Context	
Appealed/Not appealed	No appeal
Bail	NIL
Opinion on the case	NIL