

CASE-LAW ANALYSIS  
POACHING AND ILLEGAL WILDLIFE TRADE IN TANZANIA

GENERAL INFORMATION ABOUT THE CASE	
Case number	03 of 2013
Court	Kilosa District Court
Year (date)	2013
Name of the judge	S.B. Fimbo RM
Name of the parties	Republic vs Boniface Aloyce
Prosecuting authority (DGOs, state attorney, police...)	Police Prosecutor – Gerald
Representation of accused person (lawyer?)	In Person – No legal representation
Transnational elements (Citizen/non-citizen, cross-border offence...)	Citizen
DESCRIPTION	
Defendants (age, gender...)	Adult – Male
History of the case	The accused was arrested at Ituka areas within Mikumi National Park in while he was in possession of various species specified as Government trophies to wit were elephant tusks and hippopotamus teeth. He was also found in possession of various other weapons believed to be used in poaching activities. He was charged in Kilosa District court.
Facts	On 26 <sup>th</sup> February, 2013 the accused was found and arrested at Ituka area within Mikumi National Park while he was in possession of weapons and Government trophies contrary to the laws of the country. He was charged and prosecuted within Kilosa District Court.
Charges	Accused was charged on five counts as follows: 1. Unlawful possession of the Government trophies contrary to section 86(1) (2)(b) and 3 of the Wildlife Conservation Act No 5 of 2009 read together with

	<p>para 14(d) of the 1<sup>st</sup> Schedule to and section 5791) and 60(2) of the Economic and Organized Crimes Act, Cap 200 R.E 2002.</p> <ol style="list-style-type: none"> <li>Unlawful possession of the Government trophies contrary to section 86 (2) (b) and 3 of the Wildlife Conservation Act No 5 of 2009 read together with para 14(d) of the 1<sup>st</sup> Schedule to and section 5791) and 60(2) of the economic and Organized Crimes Act, Cap 200 R.E 2002.</li> <li>Unlawful entry into the National park contrary to section 21(1)(a)(b), (2) and section 29(1) of the National Park Act, Cap 282 R.E 2002</li> <li>Unlawful capturing of fish into the National Park contrary to section 23 (1),(2) of the National Park Act Cap 282 R.E 2002.</li> <li>Unlawful possession of weapons into a national park contrary to Cap 282 R.E. 2002</li> </ol>
<b>SPECIES</b>	
Name	Fish, elephant and hippopotamus
Value	<p>Fish: Tshs. 1,262,375</p> <p>Elephant tusks: Tshs. 24,292,350</p> <p>Hippopotamus teeth: Tshs. 2,427,645</p>
Processed/Not processed	Not processed
<b>LEGAL REFERENCES</b>	
Legislation (principal and ancillary legislation)	<p>Wildlife Conservation Act No 5 of 2009</p> <p>Economic and Organized Crimes Act, Cap 200 R.E 2002</p> <p>National Park Act Cap 282 R.E 2002</p>
Cases cited	NIL
International instruments	NIL
<b>DECISION/OPINION</b>	
Decision	The accused person was convicted on all five counts as charged.
Basis of the decision (reasons)	The prosecution managed to prove their case beyond reasonable doubt and the accused failed to mitigate evidence tendered before the court against him.
Legal issues raised in judgment	Whether the accused person was guilty of the offences charged with .

Penalty	<p>Upon conviction the accused was sentenced as follows:</p> <ol style="list-style-type: none"> <li>1. On the first count – payment of fine Tshs. 48,584,700 or five years imprisonment in default</li> <li>2. On the second count – payment of fine Tshs. 4,855,290 or five years imprisonment on default</li> <li>3. On the third count – payment of fine Tshs. 10,000 or one year imprisonment on default</li> <li>4. On the fourth count – payment of fine Tshs. 100,000 or three years imprisonment on default</li> <li>5. On the fifth count – payment of Tshs. 20,000 or two years imprisonment on default</li> </ol> <p>Imprisonment years on default was ordered to run concurrently.</p>
<b>OTHER CONTEXTUAL INFORMATION</b>	
Context	This is the case which called the court to closely balance the line or arguments between the prosecution and the accused. It required the court to assess the evidence tendered before it before conviction.
Appealed/Not appealed	No information
Bail	No information
Opinion on the case	Even though the prosecution tendered evidence before the court, the accused failed to cross examine the prosecution which made it easier for the court to go ahead and convict. I was personally not convinced that the prosecution managed to prove the case beyond any shadow of doubt.