

**IN THE HIGH COURT OF THE UNITED REPUBLIC OF TANZANIA**

**CORRUPTION AND ECONOMIC CRIMES DIVISION**

**(AT ARUSHA SUB REGISTRY)**

**ECONOMIC CASE NO.13 OF 2020**

**THE REPUBLIC**

**VERSUS**

**1. PASCHAL JOHN MUNISI**

**2. JOSEPH JOHN @ YESE**

**JUDGMENT**

15<sup>th</sup> and 17<sup>th</sup> June, 2021

**BANZI, J.:**

Paschal John Munisi and Joseph John @ Yese, the first and second accused person respectively, stand charged with the offence of unlawful possession of government trophy contrary to section 86 (1) (2) (b) of the Wildlife Conservation Act, No. 5 of 2009 ("the Wildlife Conservation Act") read together with paragraph 14 of the First Schedule to, and sections 57 (1) and 60 (2) of the Economic and Organised Crime Control Act [Cap 200 R.E. 2019].

It is alleged that, on 21<sup>st</sup> July, 2018 at Poland - Mto wa Mbu area, within Monduli District in Arusha Region, the first and second accused persons were found in possession of four pieces of elephant tusks

equivalent to two elephant tusks which is equivalent to one killed elephant valued at USD 15,000 equivalent to Tshs.34,209,900/=, the property of the Government of the United Republic of Tanzania without permit from the Director of Wildlife. Both accused persons pleaded not guilty to the charge.

In a bid to establish the case against the accused persons, the prosecution side led by Ms. Adelaide Kassala, learned Senior State Attorney and assisted by Ms. Janeth Masonu, and Mr. Innocent Rweyemamu learned State Attorneys lined up five (5) witnesses namely, G.7421 PC Hija (PW1), Juma Nyabaiga Mwita (PW2), Novatus Hillary Haule (PW3), Valerian Joseph (PW4) and Elisamehe Ayubu Saul (PW5). They also tendered four (4) exhibits, which were admitted, thus: Exhibit P1, Exhibit Book PF.16; Exhibit P2, four pieces of elephant tusks with its package; Exhibit P3, certificate of seizure and Exhibit P4, certificate of valuation of trophy.

On the other hand, the first accused person under the services of Mr. Muhammadou Majura, learned Advocate testified under oath as DW1 and did not tender any exhibit. On his side, the second accused person under representation of Mr. Sylvester Kahunduka, learned Advocate, also testified under oath as DW2. Besides, he tendered two exhibits, to wit; Exhibit D1, previous statement of G.7421 PC Hija and Exhibit D2, previous statement of Juma Nyabaiga Mwita.

Basically, the body of evidence by the prosecution side presented a case that, on 21<sup>st</sup> July, 2018, PW3 was assigned to conduct patrol within Monduli District. While he was at Mto wa Mbu area, he was tipped off by his informant that, there is a person with elephant tusks looking for purchaser. He asked the informant to meet the potential vendor in order to confirm about the tusks. Around afternoon, the informant informed PW3 that, he had already arrived at Mto wa Mbu but the vendor demanded to wait until dark hours. About 7:45 pm, PW3 received a call from the informant with information that, he was about to meet the vendor. Following the call, PW3 with his colleagues including PW2 and Joel Mathias Mng'ong'o planned on how to accomplish the mission whereby they agreed that, PW3 should pose as purchaser. Thereafter, the informant told PW3 to go to Engaruka corner area. In a view of disguising themselves, they took a civilian car make Escudo and went to Engaruka corner area. On arrival, they tried to look for local leader to act as independent witness but their efforts proved futile. Therefore, they decided to ask PW4 who by then was a motorcycle driver commonly known as *bodaboda*. PW2, PW3, PW4 and Joel Mathias Mng'ong'o boarded in the Escudo and went to Poland area under the direction of the informant while their other colleagues remained at Engaruka corner area

with another motor vehicle, Land Cruiser Pick-up which carried PW4's motorcycle.

On arrival at the directed area, the informant called PW3 and asked him if it was them. Thereafter, they saw a person with a parcel on his shoulder coming towards the motor vehicle. Upon seeing that, PW3 got off and went towards him. After meeting him he was allowed to see what was in the parcel. Upon confirming that there were elephant tusks, PW3 gave signal to his colleagues by shouting "*ndiyo yenyewe*". Upon hearing that, they went quickly towards them and managed to arrest the first accused person with polyethene bag commonly known as sulphate bag containing four pieces of elephant tusks tied together with a black rubber. After the arrest, they took him to the vehicle and PW2 called his colleagues with Pick-up. Upon being asked by PW2 about his name and permit, the first accused person introduced himself by the name of Paschal John Munisi and told them that, he had no permit. On inquiry, the first accused person revealed that, he took the elephant tusks from his colleague by the name of Yese (the second accused person). After arrival of the Pick-up, PW2 took and filled in the certificate of seizure, Exhibit P3. After filling, he signed it together with the first accused person, PW3, Joel Mathias Mng'ong'o and independent witness, PW4.

After the seizure exercise, they took the first accused person together with the seized exhibits to Mto wa Mbu Police Station. On arrival, PW2 handed over the seized exhibits to PW1, the custodian of exhibits in the presence of the first accused person. After receiving, PW1 recorded the exhibits in Exhibits Register Book, Exhibit P1. Thereafter, he labelled the tusks with Investigation Register Number (IR), MMB/IR/408/2018 and Report Book Number (RB) MMB/RB/756/2018. He also labelled the sulphate bag with IR number and Exhibit Register number, 08/2018. Then he stored them in the exhibits room.

On 23<sup>rd</sup> July, 2018, PW1 handed over the sulphate bag containing four pieces of elephant tusks (Exhibit P2) to PW5 for identification and valuation. According to his profession and experience, PW5 identified four pieces as elephant tusks basing on the following features, which are only found in elephant tusks; they had small lines technically called Schreger lines; they were heavier than other bones; they have hole from the base to the middle part and they are white in colour. After identifying and being satisfied that they were indeed the elephant tusks, he carried out valuation by using the Wildlife Conservation Act and Regulations concerning Valuation of Trophy, 2012. According to him, he joined the pieces and realised that they were two tusks from one elephant whose value is USD 15,000 equivalent to

Tshs.34,209,900/= at the prevailing exchange rate of Tshs. 2,280/66 of that day provided by the Bank of Tanzania. He then completed the valuation certificate, Exhibit P4. After that, he handed over Exhibit P2 to PW1 who stored the same until he brought them before this Court. Nevertheless, during the cross examination of PW1 and PW2, their previously recorded statements were tendered by counsel for second accused person and admitted as Exhibits D1 and D2 respectively, in a bid to impeach their credibility.

In their defence, the accused persons denied to have been found in possession of the elephant tusks in question or to be involved in the business of government trophy. The first accused person claimed to be arrested on 21<sup>st</sup> July, 2018 at Nanja area. According to him, there is no place by the name of Poland within Mto wa Mbu area. They both denied to have known each other prior to the incident.

It was the defence of the first accused person (DW1) that, on 21<sup>st</sup> July, 2018 around 5:00 pm, he was at his wife's work place located at Nanja area. Around 5:30 pm, he was called by his neighbour of Mto wa Mbu one Haji Shaibu Msosa who is a park ranger at Tanzania National Parks (TANAPA). He told him that, he was headed there from Arusha with his colleague Novatus Haule (PW3). He knew Haji Shaibu Msosa because he worked for

him in roofing, painting and fixing the windows of his house. After he arrived, he asked him to talk with PW3 because he had a job for him. Thereafter, the said Haji and PW3 took him to their motor vehicle and boarded in. They drove straight to Ngorongoro. Upon arriving, Haji told him that, he will know what he will do to him because he went to claim his money to his boss at TANAPA. Thereafter, they put him in a cell at Ngorongoro Police Station where he was severely beaten by the said Haji and PW3. He also lost his front teeth after being pushed to the sink. He was beaten from 21<sup>st</sup> July, 2018 until 6<sup>th</sup> August, 2018 and on 7<sup>th</sup> August, 2018, he was arraigned before the court. He insisted to have never been involved in government trophy and he prayed to be acquitted.

On the other hand, it was the evidence of the second accused person (DW2) that, he was arrested on 24<sup>th</sup> July, 2018 by Haji Shaibu Msosa at his work place within Mto wa Mbu area. Upon the arrest, since Haji had no motor vehicle, his manager offered him to take them and hence, they went up a petrol station. While they were refilling their motor vehicle, another motor vehicle, Land Cruiser LX arrived and he was transferred to it. He boarded in with Haji and found another three persons. After boarding, they took his sweater and blind folded him. They went up to Mto wa Mbu centre where Haji disembarked from the motor vehicle. They proceeded with their journey

and before approaching Ngorongoro gate, they drove off the road to a place where there was no human settlement. They led him to climb the stairs and upon entering, they uncovered his face and put him in a room. After a while, they took him to another bigger room where he found persons with clubs. They undressed and handcuffed him. Thereafter, they hanged him on the windows and started to beat him. They interrogated him about trophy and he couldn't reply because he knew nothing about it. He stayed at Ngorongoro from 24<sup>th</sup> July, 2018 until 7<sup>th</sup> August, 2018 when he was arraigned before the court. He denied to have ever seen Exhibit P2 prior to the testimony of PW1. He also denied to be involved in dealing with government trophy and prayed for his acquittal.

In a nutshell, that was the evidence of the prosecution and defence side. Having considered the evidence for the prosecution and defence, there are two issues for determination, **one**, *whether the accused persons were found in possession four pieces of elephant tusks* and **two**, *whether chain of custody was maintained*.

It is worthwhile noting here that, since the case at hand involves wildlife offence under section 86 (1) (2) (b) of the Wildlife Conservation Act, it is upon the prosecution side to prove beyond reasonable doubt that both accused persons were found in possession of four pieces of elephant tusks.



Possession can either be actual or constructive. However, it was stated in the case of **Moses Charles Deo v. Republic** [1987] TLR 134 that;

*"for a person to be found to have had possession, actual or constructive, of goods it must be proved either that he was aware of their presence and that he exercised control over them, or that the goods came, albeit in his absence, at his invitation and arrangement".*

See also the cases of **Nuridin Akasha v. Republic** [1995] TLR 246, **Simon Ndikulyaka v. Republic**, Criminal Appeal No. 231 of 2014 CAT (unreported), **Song Lei v. The Director of Public Prosecutions and Others**, Consolidated Criminal Appeals No. 16 A of 2016 & 16 of 2017 [2019] TZCA 265 at [www.tanzlii.org](http://www.tanzlii.org) and **Yanga Omari Yanga v. Republic**, Criminal Appeal No. 132 of 2021 [2021] TZCA 220 at [www.tanzlii.org](http://www.tanzlii.org).

In that view, it is upon the prosecution side to prove beyond reasonable doubt that the accused persons were found either in actual or constructive possession of four pieces of elephant tusks. Likewise, since the accused persons are charged with the offence of unlawful possession of government trophy, it is their duty under section 100 (3) (a) of the Wildlife Conservation Act that, such possession was lawful that is with a permit from the Director of Wildlife. However, since the burden is shifted on them on this

aspect, it is a settled principle that such proof is on balance of probabilities. See the case of **Said Hemed v. Republic** [1987] TLR 117.

Reverting to the issue at hand, before determining the same, it is important to determine if Exhibit P2 are really elephant tusks and thus government trophy. According to the testimony of PW5, he identified four pieces as elephant tusks basing on the following features, which are only found in elephant tusks; they had small lines technically called Schreger lines; they were heavier than other bones; they have hole from the base to the middle part and they are white in colour. After identifying and being satisfied that they were indeed elephant tusks, he carried out valuation by using the Wildlife Conservation Act and Regulations concerning Valuation of Trophy, 2012. According to him, he joined the pieces and realised that they formed two tusks from one elephant whose value is USD 15,000 equivalent to Tshs.34,209,900/= at the prevailing exchange rate of Tshs. 2,280/66 of that day provided by the Bank of Tanzania. His testimony is supported by Exhibit P4, Trophy Valuation Certificate. It is therefore the considered view of this Court that, basing on the descriptions stated by PW5 there is no doubt that Exhibit P2 are elephant tusks whose value is Tshs.34,209,900/=. Although during cross examination, PW5 admitted not to have filled in on the place where valuation was conducted but that in itself does not vitiate

the whole trophy valuation certificate, Exhibit P4 considering the fact that, the important parts like his name, designation, type of trophy, value in USD, exchange rate, total value in TZS and date were duly filled. In that regard, there is no doubt that, Exhibit P2 are elephant tusks and thus government trophy in the ambit of sections 3 and 85 of the Wildlife Conservation Act.

I now turn to the first issue. The prosecution evidence shows that, the first accused person was looking for purchaser of elephant tusks. Through the informant, PW3 and his colleagues went up to Engaruka corner area where they took independent witness, PW4 after they failed to locate local leader of the said area. Thereafter, they were directed by the informant up to Poland area where they stopped after passing human settlement. After stopping, they saw a person coming towards the motor vehicle while carrying a parcel on his shoulder. On seeing that, PW3 got off the motor vehicle and went to meet him. After being shown and confirming there were elephant tusks, PW3 gave signal to his colleagues by shouting "*ndiyo yenyewe*" and that caused them to run towards PW3 and the person with parcel. As a result, they managed to arrest the first accused person with sulphate bag containing four pieces of elephant tusks tied together with a black rubber. After the arrest, they took him to the vehicle and PW2 called his colleagues who remained at Engaruka corner area waited for their call. Upon being asked by

PW2 about his name and permit, the said introduced himself by the name of Paschal John Munisi (the first accused person). He also told them that he had no permit. After arrival of their colleagues with another motor vehicle, PW2 took and filled in certificate of seizure. After filling and signed by PW2, PW3, Joel Mathias Mng'ong'o and independent witness PW4, the first accused person also signed it by his handwritten signature and endorsing his thumb print.

From the evidence above, it is clear that the first accused person was found in actual possession of four pieces of elephant tusks in the course of selling them to PW3. PW2 and PW3 identified the first accused person at the dock as the one they arrested with the tusks in question on 21<sup>st</sup> July, 2018 in the presence of independent witness, PW4 who also identified him by pointing at him. Apart from that, PW1 also identified the first accused person as the one he saw on 21<sup>st</sup> July, 2018 at Mto wa Mbu police station when he received Exhibits P2 from PW2 in his presence.

The first accused person claims to be arrested on 21<sup>st</sup> July, 2018 around 5:30 pm at Nanja area while he was at his wife's business place. Looking closely at his defence, the first accused person has attempted to introduce and rely on the defence of *alibi* because he claimed not to be at the crime scene on the time of the incident. However, his defence of *alibi*

flawed the procedure stipulated under section 42 (1) (2) of the EOCCA which reads as follows;

*"(1) Where a **person charged** with an economic offence **intends to rely upon an alibi** in his defence, **he shall first indicate to the Court the particulars of the alibi at the preliminary hearing.***

*(2) Where an accused person does not raise the defence of alibi at the preliminary hearing, **he shall furnish the prosecution with the particulars of the alibi he intends to rely upon as a defence at any time before the case for the prosecution is closed.**"* (Emphasis supplied).

It is apparent from the extract above that, the first accused person ought to have notified the Court his intention to rely on *alibi* as his defence during the preliminary hearing. But he did not do so. He also failed to furnish the prosecution with the particulars of his *alibi* before the closure of prosecution case as required by subsection (2) above. If his *alibi* was genuine, it was expected to be revealed from the beginning at the preliminary hearing considering the fact that, his counsel was present during plea taking and preliminary hearing. If he was not at the crime scene, he could have told his counsel from the beginning who is conversant with the procedure of notifying the court to that effect.

Apart from that, if his *alibi* was genuine, it was expected to be revealed in the course of testimony of PW1, PW2, PW3 and PW4. But the questions pertaining his *alibi* were not asked by his counsel when the seizing officer (PW2), arresting officer (PW3) and independent witness (PW4) were testifying. In other words, the first accused person through his counsel did not cross-examine PW2, PW3 and PW4 in this aspect which ordinarily connotes acceptance of the truth of the witness's evidence. (See the case of **Issa Hassan Uki v. Republic**, Criminal Appeal No. 129 of 2017 [2018] TZCA 361 at [www.tanzlii.org](http://www.tanzlii.org)). This alone is a clear indication that, his so-called *alibi* is nothing but an afterthought. Likewise, a complaint by the first accused person about being framed by the said Haji Shaibu Msosa is also an afterthought because it was not revealed during cross examination of PW2 and PW3. Apart from that, the said Haji Shaibu Msosa was not a material witness to the prosecution side as he was not at the crime scene when the incident occurred. Besides, the defence was not barred from calling him so as to challenge the prosecution account. Therefore, taking this all together, it is the considered view of this Court that, the first accused person's *alibi* is an afterthought other than genuine one. Thus, I accord no weight to his defence and I completely reject it.

Moreover, in his defence, the first accused person did not deny to have signed the certificate of seizure, Exhibit P3. Exhibit P3 shows that, the first accused person signed it by handwritten signature and thumb print. However, the fact about the first accused person signing in Exhibit P3 was revealed in the course of testimony of seizing officer, PW2, arresting officer, PW3 and independent witness, PW4. But once again, questions pertaining the first accused person signing Exhibit P3 were not asked by him through his counsel. In other words, the first accused person through his counsel did not cross-examine PW2, PW3 and PW4 in this aspect. This implies that, they were comfortable with the contents of testimony of PW2, PW3 and PW4 in respect of signing the certificate of seizure. It is a settled principle that, failure to cross-examine a witness on a relevant matter ordinarily connotes acceptance of veracity of the testimony. (See the case of **Haruna Mtasiwa v. Republic**, Criminal Appeal No. 206 of 2018 [2020] TZCA 230 at [www.tanzlii.org](http://www.tanzlii.org)). Since PW2 stated that the first accused person signed the certificate of seizure on 21<sup>st</sup> July, 2018 in the presence of independent witness, PW4 and he was not cross-examined on that aspect, it is the considered view of the court that, the first accused person signed Exhibit P3 to acknowledge that, Exhibits P2 was actually found in his possession. See the case of **Song Lei v. The Director of Public Prosecutions and**

**Others** (*supra*) where it was insisted that upon signing the certificate of seizure, the accused person acknowledges to be found with the exhibit in question.

As stated herein above, learned counsel for the second accused person tendered previous recorded statement of PW2 in a bid to impeach his credibility. The statement was admitted as Exhibit D2. According to him, there was contradiction between PW2's testimony and Exhibit D2 concerning communication between PW3, the informant and the first accused person. It was his contention that, PW2 in Exhibit D2 stated that, PW3 was communicating with the accused person, whilst, in his testimony, he said PW3 was communicating with the informant. I had opportunity of perusing Exhibit D2. Admittedly, in Exhibit D2, PW2 stated that, on their way to the crime scene, PW3 was communicating with the accused person. But throughout his testimony and when he was cross examined by Mr. Kahunduka, PW2 insisted that PW3 was communicating with the informant and not the accused person; and what appears in his statement is a mere typing error of the recording officer. In the considered view of this Court, such contradiction was inconsequential and does not go to the root of the matter considering the fact that, PW3 himself testified that, he was



communicating with the informant and not the first accused person. Thus, I find nothing to impeach the credibility of PW2.

So far as the second accused person is concerned, the only evidence against him is the allegation by PW2 and PW3 that, on the inquiry following the arrest, the first accused person revealed that, he took the tusks in question from Yese, the second accused person. The second accused person in his testimony denied to have known and ever involved in any business of tusks with the first accused person. There is no evidence from the prosecution to establish how and when the tusks in question were transferred from the second accused person to the first accused person. There is no any evidence to establish that the second accused person was aware of the presence of the tusks in question and that he exercised control over them in order to prove constructive possession against him. In the absence of cautioned statement or extra judicial statement of the first accused person, what has been stated by PW2 and PW3 remains to be a mere allegation. Thus, I find no sufficient evidence to connect the second accused person with the alleged offence.

Basing on the foregoing analysis in the light of the position of the law above, it is clear that the certificate of seizure, Exhibit P3 is valid, and it proves that Exhibits P2 was seized from the first accused person by PW2 on

21<sup>st</sup> July, 2018 at Poland – Mto wa Mbu area. Thus, it is the considered view of this Court that, the first accused person was found in actual possession of four pieces of elephant tusks. In that regard, the first issue is answered in affirmative in respect of the first accused person and negatively in respect of the second accused person.

Returning to the second issue, it is a settled principle that, elephant tusk is among the exhibits which cannot change hands easily, and thus it cannot be easily altered, swapped or tempered with. In that regard, the principle of documentation in establishing chain of custody laid down in the case **Paulo Maduka and Four Others v. Republic**, Criminal Appeal No. 110 of 2007, CAT (unreported) can be relaxed. Thus, oral testimony will be sufficient to establish how the exhibit was handled from the moment of seizure to the time when it was tendered in court. Refer to the case of **Issa Hassan Uki v. Republic** (supra) and **Anania Clavery Betela v. Republic**, Criminal Appeal No. 355 of 2017 [2020] TZCA 245 at [www.tanzlii.org](http://www.tanzlii.org).

In the matter at hand, the tusks in question were seized by PW2 from the first accused person at the crime scene on 21<sup>st</sup> July, 2018 around 9:45 pm via Exhibit P3. After seizure, the same were in custody of PW2 until he handed over to PW1 at Mto wa Mbu Police station on the same night. PW1

labelled them by writing Investigation Register (IR) number and Report Book (RB) number and then stored the same in exhibits room until 23<sup>rd</sup> July, 2018, when he handed over to PW5 for identification and valuation. It was on the same date when PW5 after completing the valuation process, handed back the tusks to PW1 whereby, PW1 stored them until he brought and tendered before this Court. Thus, every person who was involved in the entire process of the movement of the exhibit from seizure to tendering at the trial appeared before this Court and testified to that effect.

As to the complaint on contradiction concerning labelling of exhibit, according to the testimony of PW1, upon receiving Exhibit P2 and registering the same in Exhibit P1, he labelled the sulphate bag with IR number MMB/IR/408/2018 and register number 08/2018. When he was led further to describe the label he put in the tusks, PW1 stated that, he labelled the tusks with IR number and RB number which is MMB/RB/756/2018. It is undisputed that, in his previous recorded statement, Exhibit D1, PW1 stated in general that, after receiving the exhibits, he gave them reference number 08/2018. During cross examination, he admitted not to mention about labelling of exhibits with IR number and RB number. However, he was quickly to admit that, he forgot to record about that aspect. The same answer he repeated when he was re-examined. In my view, witness's

statement is like a blueprint on what is expected on the testimony of such witness. When PW1 was explaining in details about labelling of exhibits, it was just a response to the question from learned counsel for prosecution. Thus, in my considered view, the omission to record about labelling of exhibits in Exhibit D1 was inadvertent and did not adversely impact on the chain of custody neither does it impeach the credibility of PW1. Besides, during the trial, the tusks in question were identified by PW1, PW2, PW3, PW4 and PW5.

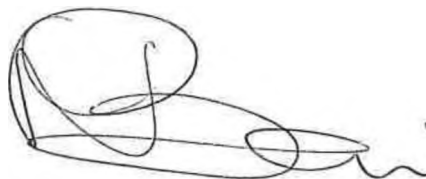
Therefore, it is the considered view of this Court that, in the case at hand the chain of custody has been established through prosecution evidence from the time the elephant tusks were seized from the first accused person until they were brought before this Court. This has been established through the testimonies of PW1, PW2 and PW5. In that regard, there is no any missing link or possibility of tampering with Exhibit P2 as evidence is very clear how they changed hands from one person to another and how they remained in the custody of PW1 who tendered the same to the Court. Thus, the second issue is also affirmatively answered.

That being said, since there is no evidence connecting the second accused person with the alleged offence, it is the finding of this Court that, the prosecution side has failed to prove the case beyond reasonable doubt

against the second accused person. Thus, I find the second accused person Joseph John @ Yese not guilty and he is accordingly acquitted of the offence charged of unlawful possession of government trophy and is hereby set free.

In respect of the first accused person, since both issues were answered in the affirmative, and considering the fact that he did not adduce any evidence to prove the possession of the government trophy was lawful as required under section 100 (3) (a) of the Wildlife Conservation Act, apparently, the prosecutions have managed to prove the case against the first accused person beyond reasonable doubt.

In the upshot, I find the first accused person, Paschal John Munisi, guilty and I hereby convict him with the offence of unlawful possession of government trophy; contrary to section 86 (1) (2) (b) of the Wildlife Conservation Act, No. 5 of 2009 read together with Paragraph 14 of the First Schedule to and sections 57 (1) and 60 (2) of the Economic and Organised Crime Control Act [Cap. 200 R. E. 2019].

A handwritten signature in black ink, appearing to be 'I. K. Banzi', written in a cursive style.

**I. K. Banzi**  
**JUDGE**  
**17/06/2021**

## **SENTENCE**

I have considered the mitigation factors as submitted by learned counsel for first accused person. I have also considered the submission by learned Senior State Attorney. The accused person being the first offender, in normal circumstances deserves lenient sentence.

Nevertheless, this being an economic offence, section 60 (2) of the Economic and Organised Crime Control Act [Cap.200 R.E. 2019] imposes a minimum sentence of twenty (20) years imprisonment unless the law creating offence imposes greater penal measure than the one at hand. The sentence imposed under section 86 (2) (b) of the Wildlife Conservation Act, No. 5 of 2009 is less but almost similar with minimum sentence under section 60 (2) of the Economic and Organised Crime Control Act [Cap.200 R.E. 2019].

In that regard, since the first accused person is the first offender, I hereby sentence Paschal John Munisi to serve twenty (20) years imprisonment.



A handwritten signature in black ink, appearing to read 'I. K. Banzi'.

**I. K. Banzi**  
**JUDGE**  
**17/06/2021**

## **ORDER**

Exhibit P2, four pieces of elephant tusks are hereby forfeited to the Government of the united Republic of Tanzania through the Director of Wildlife.



A handwritten signature in black ink, appearing to be "I. K. Banzi".

**I. K. Banzi**  
**JUDGE**  
**17/06/2021**

### **Court:**

Right of appeal against conviction, sentence and order is fully explained.



A handwritten signature in black ink, appearing to be "I. K. Banzi".

**I. K. Banzi**  
**JUDGE**  
**17/06/2021**