

SADC REGIONAL PROGRAMME FOR RHINO CONSERVATION

Learning from Rhino Crimes Outcomes in East and Southern Africa

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- The Secretariat of the Southern Africa Development Community (SADC)
- IUCN-ROSA (The World Conservation Union - Regional Office for Southern Africa)
- The IUCN African Rhino Specialist Group
- WWF-SARPO - (World Wide Fund for Nature - Southern Africa Regional Programme Office)
- CESVI (Cooperazione e Sviluppo)

The **Programme goal** is to contribute to maintain viable and well distributed metapopulations of Southern African rhino taxa as flagship species for biodiversity conservation within the SADC region.

The **Programme objective** is to implement a pragmatic regional rhino strategy within the SADC region following the acquisition of sound information on, firstly, the constraints and opportunities for rhino conservation within each range state and secondly, the constraints and opportunities for rhino metapopulation management at the regional level.

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The information, opinions and materials presented herewith do not necessarily reflect the official views of any of the organisations involved, including the Italian Ministry of Foreign Affairs, SADC, CESVI, IUCN-ROSA, WWF-SARPO, AfrSG or governments of SADC member countries.

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LEARNING FROM RHINO CRIMES OUTCOMES IN EAST AND SOUTHERN AFRICA

LOVEMORE MUNGWASHU

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EXECUTIVE SUMMARY

Generally there are few accurate sources of information about the number, nature and outcome of rhino crime cases going through the courts in East and Southern Africa. Furthermore there are no accurate records of court proceedings on rhino crime trials that can be systematically used for post mortem purposes and thereby providing insights into future investigation and prosecution processes. Given the institutional deficiencies facing most of the wild life agencies in the region it is recommended that a project along the lines of Environment Justice Project in the United Kingdom funded by "WWF" among other partners be started in the region to fill this debilitating gap.

The penalties provided for in the various pieces of national legislation in most of the countries in the current study are rendered irrelevant most of the times as they are always lagging behind the phenomenal rates of inflation reigning in these nations. This situation has resulted in laughable penalties being meted out to criminals such involved in rhino crimes in the region. This situation has been aggravated in cases where the courts have handed down optional penalties of either fines or custodial jail sentences, the offenders have invariably opted to pay the fines for obvious reasons resulting in the minimum applicable penalties being given to rhino crime offenders.

With the exception of Swaziland and Tanzania where mandatory sentences are provided for on conviction, legislation in the other states gives discretionary powers to judges and magistrates. This has been the most frustrating aspect to wildlife law enforcement officers in the region and the world over as this discretion has often resulted in less than satisfactory penalties being given to rhino crime offenders.

Such legislative shortfalls highlight the need for rhino range states in East and Southern Africa to urgently engage in a process to achieve wild life legislation harmonisation. A trend was observed that rhino crimes are prevalent in those countries or in the case of South Africa those provinces where penalties for rhino crimes are lenient. The urgency with which this exercise should be undertaken is underpinned by the fact that it has been amply demonstrated that efforts at physically protecting the region's remaining rhino populations in the wild as well as local and international trade bans have proven to be insufficient to protect these charismatic species from extinction in certain countries. Such a process would be supported by already existing regional protocols that encourage wild life legislation harmonisation.

There is a paucity of wildlife crime experts in general and rhino crimes specifically in the region who can be relied upon to make sure that justice to rhino crimes is adequately carried out. According to the study only 37% of the known rhino crimes make it to the courts. This applies to the various aspects of justice delivery system such as evidence gathering, court case preparations, witness preparation, giving of relevant evidence in aggravation as well as the actual trial itself. The efficiency and thoroughness of the investigative process and subsequent court case presentation by the prosecutor has been demonstrated in the selected case studies to have a positive effect on the outcome of rhino crime court cases. Such a situation again calls for an immediate institutional capacity building programme to be undertaken in the region. The exact components and nature of the capacity building programme will have to be guided by the specific deficiencies identified. There are a few interesting examples provided in the text of this report that can be used as starting points.

The available case studies analysed indicate that the critical success factors in ensuring successful outcomes for rhino crimes, under the current operating environment in the East and Southern African region, are diligent investigations, thorough evidence gathering, use of expert witnesses and well informed prosecutors.

INTRODUCTION

The illegal trade in endangered wildlife species has continued to grow unabated over time. Kathleen E. du Bois (1997) estimated this trade at a value of US \$10 billion per annum and at that time it was said to be the third largest contraband business world wide following trade in illegal drugs and weapons. Warchol et. al. (2003) states that, "According to Interpol, wild life trafficking is the second largest form of black market commerce, behind drug smuggling and just ahead of illegal arms trade" and yet any news of wildlife crime does not attract the kind of political excitement that is generated by the mention of any of these other forms of contraband. According to figures presented by the chairman of Interpol Environmental Crime Working Group, Mr Andrew Lauterback at a recent Interpol workshop held in Lyon, France, the annual value of wild life contraband has risen to US\$22 billion. Thus illegal trade in wild life has more than doubled in less that a decade- a chilling fact to anyone involved in wild life protection

Africa, unfortunately, has not been spared this sceptre as populations of elephant and rhino among the major species continue to be decimated. According to Vollers (1987) the rhinoceros species dates back some 55 million years and is one of the earth's oldest species. At present there are five remaining species of the rhinoceros – black, white, Sumatra, Indian, and Javan. These species are all endangered because of poaching. In Eastern/ Southern as well as Central Africa where the black rhino was originally dominant, less than 4 000 remain from a population of 65 000 in 1970(Vollers, 1987). The IUCN/SSC African Rhinos Specialist Group at their most recent meeting held in Kenya in June of 2004 put the figure of black rhino at 3610 animals as at 31st December 2003. The rhino was once reported to be extinct in Zambia, this situation only changed with the re-introduction of five animals into North Luangwa in 2003 and its existence in other Eastern and Southern African countries is under serious threat. The overall black rhino population has decreased by about 83% since 1980 and the currently 90% of remaining black and white rhinos are found in the southern African countries of Namibia, South Africa and Zimbabwe.

Factors such as continued weak economies, limited resources for wild life protection and management as well as competition with local farmers for land together with the politics of wild life legislation and a lucrative global illicit market for rhino horn has made it very difficult for governments in these countries to protect their rhino populations (Knox 1989).

Emslie and Brooks (1999) again argue that "Controlling the illegal supply of horn through anti poaching measures is a very expensive strategy, and its long term effectiveness is threatened by declining budgets" Most countries in Eastern and Southern Africa are currently plagued by ailing economies and under such circumstances it is a well known phenomenon that issues of conservation and wild life are the first to be marginalized in national budgets. Consequently resources that are set aside for rhino conservation have been dwindling over the years in the two regions.

Leader – Williams in Emslie and Brooks (1999) notes that despite the inclusion of both the black and southern white rhino in CITES Appendix I in February of 1977, there have been massive population declines of both species and Warchol et. al. (2003) concurs that international trade bans under CITES have not been effective in protecting the rhinoceros in East and Southern Africa.

Emslie and Brooks (1999) state “ Without doubt, demand for rhino horn has been primarily responsible for the catastrophic decline in rhino numbers, particularly in the second half of the 20th century. Despite international legislation and domestic bans on trade in rhino horn, the lure of seemingly easy money to be made by poaching means that rhinos are always under threat” This is becoming more serious as it appears that currently the trade is now being driven by stockpiling for investment purposes over and above the traditional demands of eastern medicine and Yemeni dagger handles.

Rhino poaching is inadvertently supported by weak legislation and judiciary systems in most countries in East and Southern Africa and as result rhino crime offenders who are brought before the courts and convicted are often handed down insubstantial fines that are surpassed by the value of the horn that they will have got. While there have been attempts to review legislation in Swaziland and Zambia as well as introduction of increased stiffer maximum sentences in countries such as Namibia and South Africa, the meting out of heavy sentences to rhino crime offenders is still not widely adopted in East and Southern Africa (Emslie and Brooks, 1999).

The battle against the decimation of these "charismatic mega herbivores" by international crime syndicates has suffered major draw - backs from, among other factors, unrealistic penalties provided for by the various pieces of national legislation, in the range states. As du Bois (1997) states " The illegal trade is typified by the high rewards obtained, the relative lack of risk of capture, and insufficient legislative penalties, and as such, is increasingly being infiltrated by organised crime networks."

It therefore becomes very important for the survival of the rhino species in East and Southern Africa that an alternative strategy is found for acting as a deterrent to poaching of this majestic species.

OBJECTIVES OF STUDY

This study has three main objectives, which are:

- 1) To identify and describe examples of successful and unsuccessful court case outcomes from rhino – related cases in East and Southern Africa and make recommendations on best practices.
- 2) To understand the outcomes of the cited case examples the study also seeks to understand and analyse the legislative framework under which the trials are being conducted and how the said framework influences the trial outcomes.

3) To analyse quantitative data pertaining to rhino crime detection in East and Southern Africa within the context of the support rendered by the legislative framework as well as to understand the magnitude of the rhino crimes in the region.

METHODOLOGY

Quantitative and Qualitative Data

Due to the regional nature of this study it was imperative that information be sought from rhino range states in the Eastern and Southern African regions. The information sought for was of two types, qualitative and quantitative. The qualitative information had to do with narratives of examples of successful and unsuccessful rhino crime court cases, availability or otherwise of wildlife expertise in the judiciary systems as well as sensitivity to rhino poaching issues by the judiciary.

To this end explanatory e – mail messages were sent to thirty-six (36) key contacts in the various countries of East and Southern Africa. These contacts included senior officers from state agencies dealing with rhino crime monitoring and law enforcement as well as officers sitting in regional and international wild life organisations working in the region under study. Due to the limited number of contacts available from the Eastern African region the Harare Interpol Environmental Crime desk was requested to send the request for information to its counterpart bureau in East Africa however, up to the time of compiling this report no information had been received in spite of several request for information having been send. The environmental crime desk officer for Interpol Sub Regional Bureau in Harare was requested to send the same information to Southern Africa countries as a way of triangulating the information obtained from other sources in southern Africa. Request for information was also sent to Nairobi to the office of the Lusaka Agreement task Force, however despite repeated promises to supply the required information no information was received.

In addition to the qualitative information a set of eight templates dealing with different aspects of rhino crimes were developed in order to obtain more quantitative information. The templates developed were in the following categories:

- a) Rhino Poaching Incidents
- b) Illegal Rhino Horn Possession
- c) Illegal Rhino Horn Sale Incidents
- d) Illegal Rhino Horn Purchase Incidents
- e) Illegal Rhino Trophy Hunting
- f) Illegal Rhino Horn Import/ Export Incidents
- g) Incidents Involving Fake Rhino Horn
- h) Incidents of Illegal Intention to Buy/ Sell Rhino Horn

These templates together with explanatory notes on how to complete the templates in the different fields were again sent to the contacts that had been send the first e- mail. The information obtained was then used to carry out the analyses that guided the conclusions and recommendations contained in this report.

Legislation review

It was not possible to get hard copies of the relevant legislation from the various rhino range states in the area of study owing to time and cost implications. However, in order to get an idea of the relevant legislation and applicable penalties the country reports submitted to the SADC Regional Programme for Rhino Conservation as part of (Semester 2: Task 1.2-1 report) was made use of. This only contains part of the legislation for some Southern African countries. The results of the legislation review are given in the relevant results section.

Among the challenges encountered in accessing information required for this study were the issues of failing deliveries of e- mails due to inaccurate or out-dated addresses or even in some cases non – operational systems. This problem was compounded by the fact that the time available for the exercises made e- mail communication the only possible mode of communication as other modes would have been time consuming as well as too expensive. Very few of the colleagues contacted by e – mail and subsequently by phone responded – resulting in quite a number of gaps appearing especially in the quantitative analysis section of this report. Case study of the South African scenario was based on information from the Farmers Weekly magazine of the 5th November 2004 and Simon Millege of Traffic kindly supplied information for the Swazi case. Getting information from the relevant state agencies would have probably provided more details for analysis of these case thereby allowing more useful insights to be gained.

Data analysis methodology

Trends analysis was done using tables and bar graphs using Microsoft Excel. The data was obtained from the completed templates that were received.

Case study compilation was done using the following framework: Country, date and place of court, investigator, prosecutor, court reference, charges trial details (defence and state outlines and court outcome), and case analysis.

FINDINGS OF THE STUDY

Table 1. Legislation Review: Summary of country legislation and relevant penalties

Country	Principal wildlife legislation	Supplementary legislation	Penalties
Angola			
Botswana	Wildlife Conservation and National Parks Act, 1992		<p>Illegal Killing (c/s 67(6)) On conviction to liable to a fine of P100 000 and to imprisonment for 15 years.</p> <p>Illegal Horn Possession (c/s70) On conviction to liable to a fine of P100 000 and to imprisonment for 15 years.</p>
Democratic Republic of Congo			
Lesotho			
Malawi	National Parks and Wildlife Act 1992	National Parks and Wildlife (Protected Species)(declaration) Order 1994	<p>Illegal Killing(c/s47 (1)(2)) On conviction to a fine of K10, 000 and to imprisonment for a term of five years, and in any case the fine shall not be less than the value of the specimen involved in the commission of the offence.</p> <p>Illegal Horn possession(c/s91 (1)(2)) On conviction to a fine of K10, 000 and to imprisonment for a term of five years, and in any case the fine shall not be less than the value of the specimen involved in the commission of the offence.</p> <p>Illegal Import/Export(c/s 98(a) (b) as read with Section 99(1)(2)) On conviction to a fine of K10, 000 and to imprisonment for a term of five years, and in any case the fine shall not be less than the value of the specimen involved in the commission of the offence</p>
Mozambique	Forest and Wildlife Act 1999 (<i>Lei de Florestas e Fauna Bravia</i>)		i) On conviction for poaching any endangered species to a fine of one billion meticaís (which is about US\$53000)
Namibia	Nature Conservation Ordinance, 1975 as amended by the Nature Conservation General Amendment Act of 1990 (Act 31 of 1990)	Controlled Game Products proclamation (proclamation AG 42 of 1980, as amended).	Illegal Killing (c/s 26 (1)(2)(3)) i) On conviction to a fine not exceeding N\$200,000 and / or imprisonment for a period not exceeding 20 years.
South Africa	National Parks Act, 1976 Biodiversity Act, 2004 National Environment Management Act, 1998 Protected Areas Act, 2004	<p>i) KwaZulu-Natal Gazette 1997: Local boards for Protected Areas.</p> <p>ii) North West Parks Board Act</p> <p>iii) Natal Nature Conservation Ordinance 15/1974</p>	<p>i) On conviction to a fine not less than R30000 and not more than R100000 or, in default of payment of such a fine, to imprisonment for a period not less than three years and not more than ten years: or</p> <p>i) If such a person has been previously convicted under this subsection or subsection (2), he may be sentenced to such imprisonment without the option of a fine, and on a first or subsequent conviction-to a further fine not exceeding three times the commercial value of the</p>

Country	Principal wildlife legislation	Supplementary legislation	Penalties
		<p>iii) Orange Free State Nature Conservation Ordinance No 8 of 1969</p>	<p>animal in respect of which the offence was committed.</p> <p>Illegal Killing c/s 31 On first conviction to a fine not exceeding R50000 or imprisonment for a period not exceeding five years or in the case of a second or subsequent conviction to such imprisonment without the option of a fine.</p> <p>Black rhino On first conviction to a fine not exceeding R100000 or imprisonment for a period not exceeding 10 years or in the case of a second and subsequent conviction for imprisonment without option of a fine for a period not exceeding fifteen years.</p>
Swaziland	The Game (Amendment) Act 1991 and Order 1993	The Non-Bail able Offences Order 1993	<p>Illegal killing white rhino (c/s 5(1) of the Game Amendment Act) On conviction for poaching to imprisonment for a term of not less than five years but not exceeding fifteen years, without the option of a fine</p> <p>Illegal trade (c/s 5 (3) of the Game Amendment Act) On conviction for trading / trafficking to imprisonment for a period of not less than seven years but not exceeding fifteen years without the option of a fine</p> <p>Illegal Horn Possession (c/s 5 (4) (5)) On first conviction to a fine not less than 4000 Emalangeni but not exceeding 30000 Emalangeni or in default of payment to imprisonment for a term not less than one and not exceeding five years</p> <p>NB: In all the above cases on conviction the offenders will in addition be required by the Court to either replace that game or to compensate fully for its replacement value, failing such person shall be</p>

Country	Principal wildlife legislation	Supplementary legislation	Penalties
			<p>liable to a further period of imprisonment of not less than two years but not exceeding six years.</p>
Zambia	Zambia Wildlife Act (No 12) of 1998		<p>Illegal Killing (c/s 133(1)(a)) i) On first conviction to imprisonment for a period of not less than seven years but not exceeding twenty years without the option of a fine. ii) On second or subsequent conviction not less than ten years but not exceeding twenty-five years</p> <p>Illegal Possession/ Selling/ buying/ importing/Exporting (C/s 136 (1) (2)(a) (b)) On first conviction to imprisonment without option of a fine for a term not less than five years but not exceeding ten years. On second or subsequent conviction to imprisonment without option of a fine for a term not less than seven years but not exceeding fifteen years.</p>
Zimbabwe	Parks and Wild Life Act Chapter 20:14	Parks and Wild Life (General) Regulations. Statutory Instrument 362 of 1990 Protection of Wildlife (Indemnity) Act (Chapter 20:15) Criminal Penalties Amendment No. 22 of 2001	<p>Illegal Killing, possession and trade (c/s45 (1)(a)(b) as read with section 43 of Criminal Penalties Amendment No.22 of 2001) i) On conviction to a fine not exceeding Z\$2500000 or to imprisonment for a period not exceeding twenty years or to both such fine and such imprisonment.</p>
Tanzania	Wildlife Conservation Act, 1974 (No. 12 of 1974). Wildlife Conservation (Amendment) Act, 1978 (No.21 of 1978)	i) Wildlife Conservation (Amendment) Act, 1978 (No.21 of 1978). ii) Wildlife Conservation (Dealing in Trophies) Regulations, 1974 (GN.268 of 1974 iii) Wildlife Conservation (National Game) Order, 1974 (GN.274 of 1974) iv) Wildlife Conservation (Registration of Trophies) Regulations, 1974 (GN.276 of 1974). v) Wildlife Conservation (capture of Animals)	<p>Illegal killing, dealing (c/s 31) i) On conviction to imprisonment for a term not less than three years but not exceeding seven years and the court may impose a fine not exceeding TSH 100,000 (Wildlife Conservation Act, 1974 (no. 12 of 1974</p>

Country	Principal wildlife legislation	Supplementary legislation	Penalties
		<p>Regulations, 1974 (GN.278 of 1974)</p> <p>Ngorongoro Conservation Area Ordinance (No. 14 of 1959)</p> <p>National Parks Ordinance (No. 12 of 1959)</p> <p>National Parks Ordinance (Amendment) Act, 1974 (No. 20 of 1974)</p> <p>Economic and Organised Crime Control Act, 1984 (No 13 of 1984)</p>	

In so far as providing for all forms of rhino related crimes The Game (Amendment) Act 1991 of Swaziland is comparatively more up to date and more progressive with current wildlife crime and activities of wildlife crime syndicates. Not only does it provide for the usual crimes of rhino poaching and illegal possession of wildlife products but also it also clearly caters for payment of commensurate rewards to informers who provide information that leads to the arrest and conviction of wildlife criminals. Although this is a fact that is always difficult to prove beyond reasonable doubt, the Swaziland wildlife legislation has a unique provision that makes intention to commit a wildlife crime an offence. It however, has a major deficiency in that in a world in which most wildlife crimes are trans national, and therefore illicit wildlife products are often exported to consumer markets the subject of illegal importation and illegal exportation is not adequately covered under this act, although this is not to say it is not covered under other national statutes in Swaziland. Section 98(a) (b) and section 99(1) (b) of the National Parks and Wildlife Act, 1992 of Malawi is instructive in this case. Swaziland' s legislation does not provide for entrapment, as is the case with the Republic of South Africa. The Swazi Police have to operate in terms of the Roman Dutch law when trapping criminals selling/buying rhino horn and this can be quite cumbersome when dealing with less experienced court officials.

Swaziland and Tanzania' s legislation are now the only pieces of national legislation in the two regions under review that provide mandatory sentences for rhino poaching following the repeal of section 128 of Zimbabwe' s Parks and Wild Life Act (chapter 20:14) and its replacement by section 43 of the Criminal Penalties Amendment No. 22 of 2001.

Section 124 of The Zambia Wildlife Act, 1998 provides for the appointment of officers of the Zambia Wildlife Authority as prosecutors in cases involving contravention of the country' s wildlife legislation. This is a positive development, which ensures that the prosecutors are experts at wildlife law, and are sufficiently knowledgeable about their subject.

Although South Africa recently promulgated the Biodiversity Act, of 2004 in an attempt to bring about some form of uniformity to the laws governing the management and utilization of the nation' s wildlife resources the various provincial Nature Conservation Ordinances have yet to be harmonised with this new Act. According to du Bois, (1997) in South Africa " the frequency of illegal trade is dependant to a greater or lesser degree on the area in which it is committed, due to the fact that penalties vary from province to province. Section 102(1)(2) of the National Environmental Management: Biodiversity Act, 2004 introduces an element of making fines for crimes involving listed or threatened species more deterrent by setting them at three times the commercial value of the specimen in respect of which the offence was committed. The question that arises, however, is how this commercial value is arrived at if the species concerned is not being commercially traded in.

Table 2a. Sources of expertise available for Investigating, Prosecuting and Trying Rhino Crime Offenders in East and Southern Africa.

Country/Agency	Area of Expertise	Name	Contact details
KZN Wildlife, South Africa	Rhino biology/rhino ecology	Dr Richard Emslie	KZN Wildlife P.O. Box 13053 Cascades 3202 Pietermaritzburg e-mail; kernic@absamail.co.za +27 33 845 1472
KZN Wildlife, South Africa	Evidence collection and court preparations, Wildlife crime investigations	Mr Roderick Potter	KZN Wildlife P.O. Box 243 MERRIVALE 3291 RSA e-mail; rpotter@kznwildlife.com
Ministry Of Justice South Africa	Wildlife Crimes Prosecutor	Mr Rob Mortassagne	Private Bag X54360 Durban 4000 South Africa e-mail; rmortassagne@justice.gov.za +27 31 302 4205

Table 2b. List of wildlife prosecutors in Zambia

	Name	Position	Qualification
1.	Mfenyeho James	Head of prosecutions	Magistrates diploma
2.	Malimbu Kalaluka	Senior Prosecutions officer	Diploma
3.	Prosper Lukwesa	Senior Prosecutions officer	Diploma
4.	Kaivwa Anthony	Senior Prosecutions officer	Advanced Certificate
5.	Phakati Nester	Senior Prosecutions officer	Advanced certificate
6.	Mulomba Mulomba	Senior Prosecutions officer	Advanced certificate
7.	Joseph Phiri	Senior Prosecutions officer	Advanced certificate
8.	Amos Tembo	Senior Prosecutions officer	Advanced certificate
9.	Kelvin Nasilele	Prosecutor	Diploma
10.	Mwanagombe Justin	Prosecutor	Diploma
11.	Kadingi Maureen	Prosecutor	Diploma
12.	Naluui Timothy	Prosecutor	Diploma
13.	Katele William	Prosecutor	Diploma
14.	Zulu Lameck	Prosecutor	Basic certificate
15.	Kauseni Felix	Prosecutor	Basic certificate
16.	Banda George	Prosecutor	Basic certificate
17.	Mulonga Kennedy	Prosecutor	Basic certificate
18.	Skangila M. Mukonde	Prosecutor	Basic certificate
19.	Ruth Muyunda	Prosecutor	Advanced certificate
20.	Nyambe Simakumba	Prosecutor	Basic certificate
21.	Sikoma Christon	Prosecutor	Basic certificate
22.	Chobochoi Boyd	Prosecutor	Basic certificate
23.	Mushimbalume Evans	Prosecutor	Advanced certificate
24.	Mtimba Keith	Prosecutor	Basic certificate
25.	Liwanga G	Prosecutor	Basic Certificate
26.	Mushoke James	Prosecutor	Basic certificate
27.	Mudenda Mick	Prosecutor	Basic certificate
28.	Phiri Zuzen	Prosecutor	Basic certificate
29.	Simwale Fred	Prosecutor	Basic certificate
30.			

- e) Information on rhino crimes for Tanzania was obtained from the proceedings of the 7th meeting of the IUCN African rhinos Specialist Group.
- f) Information on illegal possession of rhino horn in the Free State obtained from an article in the Pretoria News of 2 June 2005 as well as an e-mail response by My Werner Boing.

Illegal Sales

Illegal sale figures for Namibia are assumed as these were obtained from a paper presented to Cites Cop13 by the Namibian Authorities.

KZN figures on rhino crimes were provided by Mr. Roderick Potter whose submission was very comprehensive

Rhino Poaching Incidents

Poaching incidents in Zimbabwe were compiled from Parks and Wild Life Authority' s response to the template sent out for this study as well as records kept by the Conservator for Bubiana conservancy. It should be noted however, that the submission from Zimbabwe Parks and Wildlife Management Authority was far from being complete as there are confirmed cases of poaching at Sinamatella and in the Midlands for 2002 that were not included in the Authority' s submission The author added these in based on his recollection. This could be an indicator of a general lack of properly consolidated records in the various nature conservation agencies.

Illegally sold rhino horns

The number of horns illegally sold in Namibia is assumed. This information was obtained from a report submitted to Cites COP 13 by that country.

Poached rhinos

Figures for poached rhinos in Zimbabwe were obtained from completed template by the Parks and Wild Life Authority as well as a report by the Conservator of Buziana Conservancy. Figures for poached rhinos in 2004 for Zimbabwe are suspected to be inaccurate as there are cases of rhino poaching incidents in Midlands Province known to the author, that were not included in the submission.

Number of illegally possessed rhino horns

The horn recorded for 2004 as illegally possessed in Zimbabwe was as a result of an authorised trap and as such should not be classified as an illegal possession *sensu stricto* but appears so in court records hence its inclusion here.

Illegal activities according to rhino species

In Namibia all the recorded incidents of illegal activities involving rhino were restricted to the white rhino species.

In Botswana the recorded incident of poaching involved a white rhino while that of illegal possession involved a black rhino that had actually been poached in Matobo National Park of Zimbabwe.

In KZN all recorded illegal activities involving rhino were restricted to white rhino.

Of the 36 reported poached rhino in Zimbabwe only 3 of these are white rhino and the rest are black

Poaching Methods

Out of the total reported poached rhino in this study only eight rhino were poached by snaring, stoning/stabbing while the rest were poached by means of firearms.

Horn recovery from poached rhinos

Of all the recorded rhino poaching incidents only six horns were found on the carcasses and these were from snared animals in KZN.

During the period under review the majority of the poaching cases were reported in Zimbabwe. Two horns were recovered from a poaching incident in Twin Springs area of the Midlands conservancy while an interesting recovery was made in poaching in Hwange National Park, where the horn was recovered with the assistance of a radio transmitter from the garage of a certain house in Hwange town.

The status of the incident in Chiredzi is a bit ambiguous as the animal in question was purportedly shot in defence of crops. It would therefore appear that the majority of rhino poaching incidents are motivated by lucrative international trade in rhino horn.

Value of horns from rhino crimes

Information pertaining to the valuing of rhino horn by different countries in the region is scanty. Where this has been provided there are huge disparities giving rise to the question of whether these values are based on market or just arbitrarily determined state compensation

values. For instance the figures provided by Botswana and Namibia for 2005 give the respective values for a kilogram of rhino horn as US\$26 000 (approximately) and US \$7 000 (approximately) for the respective countries. No doubt such values influence the varying perceptions of rhino crimes by the judiciary in the two countries. In Botswana rhino crimes carry a heavier penalty than in Namibia for instance.

Nationalities of rhino crime offenders

Information on nationalities of rhino crime offenders is very scanty. It would however appear that for Namibia and Botswana rhino crimes are mainly perpetrated by locals while in the case of Zimbabwe the picture is different. Of the rhino crimes documented for Zimbabwe foreigners have been positively identified as perpetrators of the crimes in nine cases whilst in two cases locals have been positively identified as being responsible. There are also numerous cases of non-discriminate setting of snares by Zimbabweans, which kill rhinos, and Zimbabweans collect the horns. Owing to the nature of the crime the perpetrators are never caught as the carcasses are found long after the rhino has been dead and the horns taken. In the remaining cases the suspects have been identified as foreigners albeit, based on circumstantial evidence- that is mostly human spoor from the poaching gang being tracked up to the point it crosses into a neighbouring country. South Africa also experiences some cross-border poaching incursions into Kruger national Park by Mozambican nationals.

Table 5. Summary of committed rhino crimes and outcomes in East and Southern Africa from 2002 to 2005

Country	Number of Known Rhino Crimes	Number of Cases Taken to Court	Number of Cases Pending	Number of Cases Convicted
Botswana	2	2	1	1
Kenya	12	Nil	Nil	Nil
Namibia	7	7	1?	1?
Eastern Cape	1	1	1	Nil
Northern Cape	Nil	Nil	Nil	Nil
KZN	20	7	5	Nil
Free State	2	2	2?	
Mpumalanga				
Gauteng				
North West Province	Nil	Nil	Nil	Nil
Northern Province				
Swaziland	Nil	Nil	Nil	NIL
Zambia				
Tanzania	3	2	2	Nil
Zimbabwe	22	4	1	2
ESPU	9	9	5	3

Even though the completed templates for Zimbabwe show a higher number of known cases the majority of these are suspected to be cross border incursion that are detected well after the commission of the crime and the suspects are unknown.

From Table 5 it would appear that KwaZulu Natal Province of South Africa account for the greatest number of rhino crimes in East and Southern Africa but in terms of the biggest proportion of known crimes being taken through to court it would appear that Namibia and the ESPU of South Africa are more efficient. At the regional level though only 37% of known rhino crimes make it to the courts.

From the available data it would appear that the Namibian courts are very lenient in terms of meting out sentences to rhino crime offenders as shown by the one instance where the fine imposed by the court was way below the estimated value of the horns despite the possibility that even that stated value of the horns did not even match the true market value. To add to this, the imprisonment term of four years was optional. It goes without saying that the offender would quickly raise the fine to escape the imprisonment, as the fine is very light when compared to the value of the horn. This has the effect of not imposing sufficient deterrence and hence does not adequately protect the rhino. In the case of Botswana though an eight - year imprisonment term was imposed for rhino horn valued at P567 735. There was no option for a fine in this case making the sentence deterrent enough.

RHINO CRIMES CASE STUDIES FROM EAST/SOUTHERN AFRICA

Case No. 1

Country: Zimbabwe

Date and Place of Court: 28th October 2004 at Gwanda Magistrates Court

Investigator: Detective Assistant Inspector Kenny Nhliziyo assisted by Mr. Felix Matenda (Senior Park Warden Investigations)

Prosecutor Mr. Elias Nyoni, (Public Prosecutor)

Court Reference: Gwanda C. R. 26/904

Charges:

Contravention of section 45(1) (b) of the Parks and Wild life Act (chapter 20:14)

Crime Details:

On the 30th August 2004 Israel Ngarira and other four rhino scouts from Bubiana Conservancy, were at Gaha Township in Gwanda to grind maize. Israel Ngarira who was wearing his conservancy uniform. While waiting for their maize to be ground they went to drink some beer in Fakadzi Bottle Store. As they were seated facing the counter in the bottle store there was another man, whom they later learnt was called Zondiwe Ngwenya was sitting at the other end of the counter. Ngwenya then beckoned to Ngarira to come to him. The gesture went unnoticed by Ngarira who was then informed by one of his colleagues about it. Ngarira then asked Ngwenya to confirmed indeed if the man wanted him to which the lone men responded positively.

Ngarira moved to where the man was and introductions followed. Ngarira decided to be cautious and introduced himself as Wellinsky. Ngwenya bought Ngarira a beer and then started engaging Ngarira in conversation about the hard times and how he was failing to make ends meet with his business of buying and selling cattle. Ngwenya also indicated to Ngarira that he needed more money to be able to support his two wives and afford a better life like being able to buy a car like the hilux that Ngarira was driving. (It has to be noted that Ngarira was actually wearing the Bubiana Conservancy uniform, which clearly identified him as a rhino monitor!).

After confirming with Ngarira that he sometimes comes into contact with rhino horns, Ngwenya then asked Ngarira to supply him with a rhino horn. He even advised Ngarira to get him a horn before he registers it with the Parks and Wild Life Authority. Ngarira expressed his concern about not being familiar with Ngwenya and the possibility of both of them ending up in jail. Ngwenya reassured him that he had experience in buying and selling rhino horn as he had taken one to Parktown, Johannesburg in South Africa before without any problems. After having exchanged information on how they were to contact each other in the future they parted.

Ngarira informed his superior at the Conservancy who in turn informed the police. The police decided to set up a sting operation to trap and arrest Ngwenya immediately after the rhino horn sale transaction.

After this incident Ngwenya met Ngarira at the same township on three more occasions within the ensuing two weeks to further fine-tune "their plan".

On the fourth occasion on The 17th September 2004 immediately after the actual "transaction" CID Gwanda arrested Ngwenya. It must be noted that on this occasion Ngwenya only paid Ngarira only one million six hundred thousand Zimbabwean dollars and promised to pay the balance after he had sold the horn. Ngwenya was duly charged for contravening Section 45 of the Parks and Wild Life Act Chapter 20:40 for illegally possessing a rhino horn.

Trial Details:

Upon arrest Ngwenya was remanded in custody until the 26th September when he first appeared in court after the state had successfully opposed bail. On the first appearance in court the state gave its outline and the court was adjourned at the request of defence lawyers who wanted time to study the state' s case. Judgement on this case was finally handed on the 28th October 2004 after court had been postponed on two more occasions during the intervening period.

Mr Felix Matenda who is a senior investigation officer in the Parks and Wildlife Management Authority gave evidence in aggravation.

The court found Ngwenya guilty as charged and he was sentenced to six (6) months in jail and the money paid to Ngarira was forfeited to the State.

During trial the defence argued that the accused was not guilty of the offence as he had actually been enticed into committing the crime.

Case Analysis

According to Section 45(1)(b) as read with Section 45 (2) of the parks and Wild Life Act Chapter 20:14 as read with Section 43 (b) of the Criminal Penalties Amendment (No 22/2001) any person who is found in unlawful possession of or trades in rhino horn " shall be liable to a fine not exceeding Zimbabwe \$2500000 or to imprisonment for a period not exceeding twenty years or both such fine and such imprisonment"

However the trial magistrates based on the argument proffered by the defence that the accused was enticed imposed a paltry penalty of six months imprisonment in a case, which would have attracted a maximum custodial penalty of twenty-five years.

The Parks and Wild Life Authority sought to appeal against the sentence but the office of the Attorney General declined to prosecute on the basis that:

- "(a) That the accused person was a first offender
- (b) That accused was trapped
- (c) That accused did not benefit from the offence because he was immediately arrested after the hand over of the rhinoceros horn"

The attorney General' s Office further argued that Ngwenya had not benefited from the crime as money paid for the horn was forfeited to the State.

The Zimbabwean Criminal Procedure and Evidence Act Chapter 9:07 does not provide for trapping of criminals as a method of obtaining evidence. Actually the act is silent on this aspect, were as under Section 252(A) of the South African Criminal Procedure Act (51/1977) the State is authorised to make use of traps and undercover operations as lawful methods of detection, investigations, prevention and recovering of crime.

Had the same case been tried in a South Africa, a stiffer and more deterrent penalty would have been handed down. This is particularly so when the plans that Ngwenya had for the rhino horns are taken into consideration. The possible benefits accruing to the accused if he had succeeded in carrying out his crime to its intended conclusion far outweigh the penalty handed down by the Gwanda magistrate. This is but one example which illustrates the need to harmonise legislation within the various States, as recommended by the Protocol on Wildlife Conservation and law Enforcement in the Southern African Development Community (1999), to ensure that penalties meted out for the similar offences are uniform. A comparison can be made with McIntyre case in Swaziland where the defence counsel tried to point out the illegality of trapping offenders but this did not deter the courts as they relied on the provisions of the Roman Dutch Law instead. Clearly this could also have been applied in the Ngwenya case to the advantage of the rhino but perhaps ignorance on the part of prosecution could be blamed for letting an opportunity slip by.

The prosecutor contributed in making a weak State case by failing to emphasise the fact that Ngwenya made repeated approaches to Ngarira to buy the rhino horn which makes the argument of enticement or entrapment irrelevant in this case. By failing to point out the fact Ngwenya actually made repeated and concerted effort to organise the acquisition of the horn in question the Public Prosecutor failed to adequately present a water tight case indicating lack of adequate preparation and for this it turned out to be an expensive omission.

Furthermore the prosecutor in Gwanda did not help the State' s case as he ignored the fact that Ngwenya actually engaged a uniformed member of staff about the commission of a crime – a very daring offender who obviously had weighed the costs and benefits of the crime he was intending to commit.

The court obviously ignored the fact that Ngwenya is probably part of an organised gang of contraband traffickers. Even the investigator could have assisted this had he spent some time to try and obtain more facts about Ngwenya' s South Africa contraband links.

The indifference of the AG' s office is astounding. This is particularly so given the fact that Zimbabwe has suffered a drastic reduction in rhino numbers since 1980 and also the fact that Zimbabwe' s economy is heavily dependent on tourism of which mega - herbivores are a major attraction. Maybe specialist expert advice to the AG' s Office would have helped.

Rhino crime offenders and would - be rhino crime offenders would have been encouraged by the paltry sentence imposed on such a highly organised and profitable contraband business.

Case No. 2

Country:	Namibia
Date and Place of Court:	July 2000 at Windhoek Magistrates Court
Investigator:	Detective Chief Inspector Routh of Namibia Protected Resources Unit
Prosecutor:	Miss M. Van Zyl
Court Reference:	CR Otjiwarongo23/07/2000
Charges:	Contravention of section 26(1)(2)(3) of the Nature Conservation Ordinance, 1975 as amended by the nature conservation general Amendment Act of 1990 (Act 31 of 1990)

Crime details:

Information was received about people who were planning to poach rhino' s, at Otjiwa Game Ranch near Otjiwarongo.

The accused were Batholomeus Vineya (33), Richard Katjure (34), Rudolf Katjure (40) and Moynihan Heigan (22)

One of the accused was an ex employee at the mentioned game ranch. The accused visited the Game Ranch, booked a Game drive so that they could establish which side of the Ranch the rhino' s could be found when they come back later for the actual poaching.

On the day the accused were anticipated to carry out their poaching activity a team of Protected Resources Unit (PRU) members and the Game Ranch officials were positioned at strategic positions on the Ranch at suspected entry points to ambush the suspects and they stayed in these positions for two days. The accused did not enter the Ranch on these dates and as a result the operation was called off.

Approximately 3 weeks after the pull out of the PRU information relating to the poaching of two rhino' s at Otjiwa Game Ranch was received. One rhino carcass was found near the Northern boundary and the other one near the Southern boundary of the Ranch. One of the rhino carcasses was identified as that of a cow and the other as that of a young bull.

The carcass on the Northern boundary was quite fresh while the one on near the Southern boundary was badly decomposed.

A state veterinarian was called in to assist with the investigation. He had to determine approximately when the rhino' s were killed. A metal detector was used which led to the finding of a projectile in the head of the cow.

Suspects were known to the investigating team through information gained from informers and exhibits that were found in their possession were seized immediately. These included items such as clothes, shoes, trousers, saws, axe, car boot mat and a rifle. Blood and skin sample were collected from the cow carcass for comparison purposes and forensic analysis.

The rhino horns from both carcasses were removed after the poaching incident.

Trial Details:

Four Namibians males were charged for contravening Ordinance No. 4 of 1975 sec 26 (1) hunting of specially protected game products. The accused were released on bail at a later stage, as the horns could not be found. Police agents were tasked to monitor the accused so as to try and recover the horns to be used as evidence.

Approximately 4 months after being released on bail one rhino horn was recovered through a police operation. Two of the first four suspects were arrested again. One of the accused passed away before trial. However, the other one was convicted for dealing in rhino horns and alternatively illegal possession of rhino horn, but was not charged with the actual killing of the rhino, which is a more serious offence.

A month following the recovery of one horn, another police operation led to the arrest of another suspect and recovery of the other rhino horn. This accused was not part of the first four who were arrested earlier for the poaching. The Namibian National Laboratory was not able to assist with DNA testing on the samples that were collected from the carcass and forensic analysis of the exhibits. Arrangements were made to take the exhibits to Irene Laboratory in South Africa but due to logistical reasons this was not done. Funds were not made available by the State for the forensic testing, the results of which could link the accused to the poaching at Otjiwarongo and hence the State could not prove beyond reasonable doubt the case against the accused. As a result the State withdrew the case from court for lack of sufficient evidence.

Case Analysis:

Although the investigators started well in their evidence gathering procedure in that a veterinarian was brought in to examine the carcasses of the rhinos and they also made use of a metal detector to recover the bullet heads. This case was nonetheless brought before the courts in hasty manner before conclusive evidence had been gathered. This points to investigator inefficiency.

Actually this is a case of inadequate investigations combined with state machinery red – tape as forensic testing failed to take off due to logistical reasons. It is surprising that with all the international focus on rhino conservation funds could not be made available for forensic testing driving the state to withdraw its charges due to insufficient evidence. Information gathered from SADC Regional Programme for Rhino Conservation (RPRC), indicate that funds to pay for these samples to be processed at Irene Laboratories in South Africa were offered but the police did not take up this offer.

One cannot even blame weak legislation, as this was a case of inefficiency on the part of the agency responsible for leading investigations.

Investigators had been informed of the plans to poach before hand but even so it took them three weeks to get information about the poached rhinos.

Had it been properly investigated, this case had a potential of linking rhino poaching to rhino horn trafficking. In the process a rhino crime syndicate would have been busted creating the desperately needed deterrent effect for would be rhino poachers. As it is the case received some publicity and it is not difficult to imagine both practicing and would be rhino crime offenders watching with glee as the whole saga was reduced to a damp squib!

Case No. 3

Country:	South Africa
Date and Place of Court:	2004-10-18 Durban Magistrates Court
Investigator:	Mr. Rod Potter KZN Wildlife
Prosecutor:	Mr. Rob Mortassagne
Court Reference:	41/2966/2003
Charges:	<ol style="list-style-type: none">1. Theft2. Fraud3. Hunt specially protected game without a permit4. Sell specially protected game without a permit5. Prof. Hunter fails to ensure lawful hunting6. Prof. Hunter fails to record necessary information in register

7. Prof. Hunter fails to conclude written agreement with client

Crime details:

On 21 November 2000, Geffert Pretorius, a northern Zululand professional hunter allowed his German client Dr Christian Schippers to hunt and kill a white rhino on a safari at his Nonile hunting concession near Mkuze. Although the animal was on his hunting concession it was jointly owned by an American businessman Mr Eric Skrmetta and his South Africa partner a Mr Tim Rudman who is a rancher from Bloemfontein. The two partners purchased the white rhino bull at the annual Ezemvelo KZN Wildlife game auction in 1999. After buying the animal they took it to Nonile for safaris and breeding purposes.

Pretorius sold the animal to Dr Schippers for R190000 who successfully hunted and killed the rhino. Besides selling an animal that did not belong to him Pretorius did not obtain a permit to hunt protected game as required by law and he also failed to complete the necessary documentation for the hunting trip.

Trial details

Owing to the overwhelming evidence against him, Pretorius entered a plea of guilty and the Magistrate found him guilty as charged and revoked his hunting licence for three years and ordered him to pay R125000 compensation to each of the owners of the rhino. He was also ordered to pay R200000 compensation to Dr Schippers. These amounts included R10000 to each of the above-mentioned witnesses to cover legal and travelling costs. For hunting protected game without the requisite permit Pretorius was fined R40000, with the alternative of a two-year jail sentence and he was also sentenced to two years imprisonment for selling protected game without a licence (this was wholly suspended for five years) The magistrate also imposed another fine of R30000, or alternatively 36 months in prison on Pretorius for conducting an illegal hunt and for failure to submit the necessary documentation after the hunt thus, the total fine amounted to R520000.

Case Analysis:

The fact that Pretorius had no option but to plead guilty to the charges levelled against him points out to the efficiency of the investigations process.

Whilst the court ordered Pretorius to pay a huge amount of money as compensation to the owners of the rhino and the client for inconveniences, the fine for illegally hunting the rhino is very small when compared to the maximum penalty for illegally killing rhinoceros as provided for under section 55 of the Natal Nature Conservation Ordinance 15/1974. Given the large negative publicity and potential damage to the South African hunting industry the trial magistrate should have gone for maximum penalty. This brings to question the issue of allowing discretionary powers in determining fines given to court presiding officers.

If one accepts the argument that Pretorius had his sight on illegal trophy hunting, which is big time contraband business, rather than cheating a business partner, then this sentence is not deterrent enough really. One would not be surprised if other illegal trophy hunting offenders would continue with their antics as these would still be considered profitable given the

potential returns from the hunts and the sentences imposed if one is unfortunate enough to be caught!!

Case No. 4

Country:	Swaziland
Date and Place of Court:	26 th February 2002 Mbabane
Investigator:	Mickey Jubela Reilly
Prosecutor:	Sergeant SL Dlamini
Court Reference:	RCCI 187/2001 Lavumisa
Charges:	Contravention of Section 8(3) and Section 8(1) of the Game Act of 1991.

Crime Details:

Based on information gathered over a long time, on the 28th April 2001, game rangers from Swaziland Big Game Parks carried out an undercover sting operation that resulted in the arrest of Peter McIntyre 63 years, Aaron Vilane 36 years, Nkhosinathi Mpandza 32 years, Patrick Mkaliphi 26years, Jabulane Mhlabane 32 years and Azarius Matsimbe 48 years. The six accused were arrested for being in illegal possession and trafficking of two white rhino horns.

Information in the hands of Big Game Park rangers indicated that most of the group was involved in trafficking of horns from Mozambique through Swaziland to South Africa.

Of the six accused, Peter McIntyre is a South African national and Azarius Matsimbe is a Mozambican national while the rest are Swazi nationals.

Trial Details:

Upon arrest the six accused were held in custody for the whole duration of the trial as contravention of Section 8 of the Game Act of 1991 is treated as a serious crime and as such falls under the Non – Bailable Offences Act of Swaziland together with other serious crimes such as rape, murder, possession of arms of war, stolen vehicles, illicit drugs, and etc.

The trial was heard in the High Court of Swaziland and presided over by Chief Justice Stanley Sapire. The accused were represented by Collin Ntiwane, Mbutfo Mamba, Leo Gama from Swaziland, and Advocate Piet Van Wyk who were instructed by Louis Benn both from Pretoria in South Africa.

McIntyre pleaded not guilty to the charge stating that although the parcel containing the horn was kept in his locked storerooms he did not know what the parcel contained. He told the

court that when he later found out what the parcel contained he still kept the parcel because Vilane owed him a huge sum of money and he hoped to recover his money after Vilane had sold the horn. McIntyre denied any involvement in the negotiations to sell the horn and said Patrick Mkhali and Aaron Vilane did this. McIntyre stated that he left the storeroom to receive a telephone call while the deal was in progress.

The defence also pointed out that there was reasonable doubt that the horns in question were that of a northern white rhino which is not indigenous to Swaziland and therefore not specially protected under the Game Act of 1991. The defence then argued that in this case the accused had no case to answer any way, as the rhino species was not indigenous to Swaziland.

The prosecution pointed out that as a former magistrate McIntyre should have called the police to which McIntyre conceded but stated that he did not do so because he wanted to get his money back from Vilane after the deal. He also claimed that the rhino horns before the court were not the same horns he had seen being dealt with at Lavumisa on the 28th April 2001.

On the 31st January 2002 the three rangers and four police officers involved in the sting operation gave their evidence followed by Dr. Richard Emslie of the IUCN's Species Survival Group. Dr. Emslie gave evidence in his capacity as a member of the IUCN/SSC African Rhino Specialist Group. In his evidence he dwelt at length on the differences between the northern white rhino and southern white rhino. This adequately addressed the defence's argument that the horns produced as evidence in court may have been from a northern white rhino, which was not native to Swaziland and therefore could not be regarded as specially protected under the Swazi Game Act of 1992. Dr. Emslie explained to the court that internationally it was important to protect rhinoceros as taxa and that *Ceratotherium* as a genus was far more important than the issue of subspecies. He highlighted the fact that under CITES Resolution 10.14 (revised) rhinoceros protection is dealt with as taxa and not as a genus. Mrs Helena Ras of South Africa Police Service's forensic laboratory also gave expert evidence on the identification of the rhino horns

Based on the evidence provided by the expert witnesses the Chief Justice made a landmark decision and ruled that the Game Act protected all rhinoceros and that *Ceratotherium simum* included both subspecies being *Ceratotherium s. simum* and *Ceratotherium s. cottoni*.

In their defence outline, Azarius Matsimbe and Jabulane Mhlabane claimed that they were forced at gunpoint to sign an agreement of sale after they had stopped to speak to Aaron Vilane and a group of strangers on the side of the road. They testified under oath that they had been shown two rhino horns and forcibly taken by the rangers.

The rangers stated that Matsimbe and Mhlabane were the owners of the horn and produced a tape recording that was made during the trap. Mickey Jubela Reilly who was leading the ranger team during the operation was called to testify about the recording of the tape. The defence council for Matsimbe and Mhlabane contested the provision of the tape as non-admissible evidence but the Chief Justice ruled in favour of the state although the tapes were only played in the court after the accused had given their version and had been cross examined. The recordings of the tape revealed contradictions to the version given by the accused and the defence failed to point out at what stage their clients were allegedly held at gun point by the game rangers and forced to sign the agreement of sale.

On 7th February 2002 the Chief Justice acquitted Patrick Mkhalihi, Aaron Vilane and Mpandza of all charges. Peter McIntyre was also acquitted of the charge of dealing in rhino horn on the grounds that it had not been proved that a deal ever took place at the Lavumisa Hotel and that the same accused had never been in possession of the horns. However, the charge for possession of the rhino horns against McIntyre, Matsimbe Mhlabane was upheld while Matsimbe and Mhlabane were kept in custody on charges of dealing in the rhino horns,

The Directorate of Public Prosecutions appealed against the acquittal of Patrick Mkhalihi, Aaron Vilane and Nkhosinathi Mpandza on the charge of dealing in rhino horns.

On the 27th February 2002 the Chief Justice found Peter McIntyre (South Africa) guilty of possession of rhino horn and sentenced him to five years in prison without the option of a fine. Azarius Matsimbe (Mozambican) and Jabulane Mhlabane (Swaziland) were found guilty of dealing and trafficking in the two white rhino horns. They were sentenced to seven years imprisonment without the option of a fine.

Case Analysis:

The first accused Mr. Peter McIntyre was a former police officer in South Africa where he had served for 15 years and had also served as a magistrate in Vryheid (KwaZulu Natal) up until 1983. At the time of his arrest he was running several businesses including Lavumisa hotel, Hamburger Hut and a petrol station as well as a workshop in Lavumisa - a well-known person in the border town. It was therefore easy for Peter McIntyre to freely traffic contraband, as his vehicles were not searched – pointing out to laxity on the part of customs officials.

What is also worth noting is that during 1999 Benn (who is part of the defence team), together with his girlfriend were arrested by the Endangered Species Protection Unit (ESPU) of the South Africa Police Service for possession of white rhino horns. He escaped a heavier penalty for this offence by agreeing to an out-of-court settlement which included paying WWF R5000 and making an indication of the location where he had picked up the horns to the police. In this case the same Piet Van Wyk who is also part of the defence team in this trial represented Benn.

Several other points are worth noting in this case.

Firstly, the fact that the Big Game Parks rangers only effected the arrest after a long period of intelligence gathering shows the effectiveness of this agency and goes without saying that this effort contributed immensely to the successful outcome of the case for the benefit of the rhino.

Secondly, this case also brings to fore the fact that rhino horn trafficking is an organised crime and is crosses borders in the Southern African region. This should act as a warning to other judiciary systems in the region when dealing with similar case so that all possible links are thoroughly investigated. This in turn will ensure that commensurate and deterrent sentences a meted out to rhino offenders.

Thirdly, the stringent legislation in Swaziland that classifies rhino crimes as non - bailable offence also contributed positively to the outcome of this case. The accused has no opportunity to interfere with witness/es whilst in custody. The legislation takes away the

discretionary powers of court officials – discretion of which has been allegedly abused before, (Ted Reilly in Stoddard 2001).

Furthermore the high profile of the defence team in this case shows the high level of financial liquidity of the accused and therefore showing the high level of sophistication of this gang. This demonstrates that this was crime of greed and not desperation.

Finally the use of specialist expert witness Dr. R. Emslie in this case strengthened the State' s case for the benefit of the rhino. As a result of Dr. Emslie' s evidence the Chief Justice ruled that, " even Javan rhinos were protected by the Game Act", (Reilly 2002). This landmark decision sets a very important ant positive precedent that should be emulated by all courts in East and Southern Africa as it gives a much needed global perspective to rhino conservation.

Case No. 5

Country: South Africa (Free State Province)

Date and Place of Court: 01/06/2005 Kroonstad Magistrate' s Court

Investigator:

Prosecutor:

Court Reference:

Charges:

1. Selling rhino horns without a permit
2. Possession of rhino horn without a permit

Crime details:

On 1st June 2005 two men, Mr. M.W. de Jager (39 years of age) and Mr. Johan Kruger (37 years of age) were arrested by the Free State' s precious metals and diamond unit of South African Police Service. At the time of arrest the two accused had 21 rhino horns in their possession, which they were trying to sell. The horns weighed 30.5kgs with the biggest horn weighing 6.84kgs. According to Inspector Harry Nagel of the Free State police the value of the horns was R457000.00

Mr M.W. de Jager is a very wealthy and well-known farmer from a place called Ellisrus in the Free State province of South Africa. On the other hand Mr Johan Kruger used to work for a well-known game dealer a Mr Coena Smit.

One of the rhino horns recovered in this operation was micro chipped and as result was easy to trace its origin which was identified to be a game farm in the Limpopo province whose owner died sometime in 2004.

Trial details:

The two were brought before a magistrate at Kroonstad Magistrate Court on 1st June 2005 who released them on both on payment of R5000.00 bail each and remanded their case to September 2005.

Case Analysis

This case involves an unusually large seizure and it is unclear as yet where these horns could be originating. The possibility of a sophisticated and well-connected crime syndicate is highly likely given the profiles of the two accused. This profile also exclusively points out to greed as the motivation for this crime.

While the crime is still pending it is important to note that the magistrates found it prudent to grant only R5000 bail for a crime that had a market value of about half a million rand. This is a clear example of where a conservationist would wish every wild life criminal were tried in Swazi courts! The discretion allowed to the courts here certainly works against the interest of conservation. In Swaziland the issue of bail would not have been an option since this is a non-bailable offence in the kingdom and it is recommended that it should be treated as such in the rest of the region if rhino crimes are to be combated effectively. This aside, the fact that bail was granted despite all indications that this is a well orchestrated crime and there is the very real possibility of witness interference makes sad reading.

While there are weaknesses in the some of the legislation which allows judicial discretion in determining levels of penalties in this case, the obvious strength of the South African legislation in terms of permitting trapping and undercover operations as lawful methods for detection, investigation, prevention and uncovering of crime certainly played a positive role in bringing the accused to book (see Section 252 (A) of the South African Criminal Procedure Act 51 of 1977).

DISCUSSION

A) Legislation Review

While the different countries in East and Southern Africa each have their own distinct rhino populations, in terms of the SADC Regional Programme for Rhino Conservation, this different sub – populations of rhinoceros should be managed as a metapopulation.

Furthermore it has been observed that most rhino crimes in the region are transnational in nature. Whilst in Zimbabwe a lot of rhino are killed opportunistically in snares set for bush meat the horns from the rhinos killed in this way invariably get into the hands of well organised crime syndicates who traffic the horn to the end user markets.

As a result of this, wildlife legislation in general and that pertaining to rhino conservation specifically would better achieve its conservation goals by being harmonised. Harmonising the rhino conservation legislation in the region would have the advantage of combining the

most stringent elements of the different national legislation to form a more robust piece of legislation and one that supports national efforts at rhino protection.

This becomes urgent given the devastation that the rhino populations in the region and globally have and continue to suffer even up to now at the hands of organised crime syndicates.

A cross analysis of the case examples presented in this study demonstrates gross lack of uniformity in the way penalties are meted out to rhino crimes. For instance illegal possession of rhino horn in Swaziland received heavier penalty while recently a more serious crime of illegal possession of 21 rhino horns worth about half a million rand was treated very lightly and the accused were granted a paltry bail of R5000 only. It goes without saying that such widely varying penalties for the same crime is not very logical.

When it is recognised that the SADC Protocol on Wildlife Conservation and Law Enforcement was signed in 1999, and that this protocol paves the way for the harmonisation of wildlife legislation, it becomes unnecessary that the region' s rhino populations should continue to suffer from inadequacies in national pieces of legislation.

There is an emerging trend that suggests that rhino crimes are prevalent in those countries, or provinces in the case of South Africa, where penalties for rhino crimes are lenient. Swaziland has not had a single case of poaching since 1992 whilst South African Provinces that surround it continue to lose rhino from poachers. Another example is that of poaching of rhino by Mozambican nationals who go on poaching missions into Kruger and go back to Mozambique with their loot relying on the weak domestic wildlife legislation and worse still no – enforcement of that legislation. South Africa has also witnessed an upsurge of rhino trafficking cases in Free State and the Eastern Cape provinces that have comparatively small rhino populations but more lenient penalties for people transgressing the wildlife laws.

B) Case Studies

i) Effect of Case Presentation on Court Outcomes: The efficiency and thoroughness of the investigative process and subsequently case presentation by the prosecutor has been demonstrated in the case studies to influence the outcome of the rhino crime court cases. Where thorough investigations have been made the trials have resulted in convictions. On the contrary a shoddy investigative process has resulted in court cases either being withdrawn or acquittals.

For instance the case against Mr. Pretorius of KwaZulu Natal, a conviction was secured basically on the strength of a thorough investigation that left the accused with no option but to plead guilty to the charges preferred against him. The success of the Big Game Parks rangers in the McIntyre case is also attributed to the fact that the rangers took their time to investigate before effecting an arrest. The case against Bartholomeus Vineya and three others in Namibia is a clear example of a case being lost due to slack investigations. This case had to be withdrawn due to insufficient evidence. Another example is the Zondiwe Ngwenya case in Zimbabwe where the prosecution failed to present facts of the investigation properly resulting in the magistrates failing to acknowledge the fact that Ngwenya was not an innocent victim of a trap but a determined rhino criminal

ii) Effect of Interpretation of Legislation: Whilst it is a common cause and it is expected of magistrates and judges to be impartial in trying a case, it is also apparent that where court presiding officers are ignorant of the gravity of wildlife crimes they tend to mete out the minimum sentences permissible. This is often the case where expert witnesses are not called upon to give evidence in court or evidence in aggravation is not proffered. A number of countries in the area of study allow discretionary powers to Court presiding officers in determining sentences that can only be a good thing if these court officials have sufficient information on the nature of the crime they are dealing with.

The Pretorius case in KZN demonstrates a case where while Pretorius was charged large sums of money, the component that was charged for illegal hunting was the minimum permissible by the legislation. Given the fact that these legislated fines are always lagging behind local inflationary realities the net result is that these fines become irrelevant and do not have the desired deterrent effect.

The McIntyre case in Swaziland demonstrates an example whereby the use of expert witness proved pivotal in not only deciding the verdict for this case but also instrumental in the landmark decision whereby it was decided that all rhino species in the world were protected in Swaziland by the Swazi Game Act. The use of expert witness helped the court officials in interpreting legislation to the advantage of rhino conservation where the opposite could have actually happened.

iii) The Need for Training in Ensuring Successful Court Outcomes: The observations made on the successes and failures of rhino crime court cases show that there is a need for focused trainings for the investigators, prosecutors as well as magistrates and judges involved in rhino crimes.

The case against Vineya and three others in Namibia and that against Ngwenya in Zimbabwe highlighted weaknesses in investigations as well as prosecutors due to inadequate skills. The Namibian case was hurriedly taken to court before adequate evidence had been gathered while the case against Ngwenya needed a skilled prosecutor to realise that the issue of trapping could be discounted in terms of the Roman Dutch law. This is more so when one considers the fact that the issue of trapping could also have derailed the Swazi case (The Crown vs. McIntyre and others) were it not for the fact that the prosecutors and investigators relied on the provisions of the cumbersome Roman Dutch law to justify the use of a trap.

The Pretorius case in KZN shows how court officials can undermine the cause of rhino conservation by imposing the lowest possible fines thereby sending inappropriate signals to would be offenders. The granting of an inconsequential bail to De Jager and Kruger in Free State for being found in possession of 21 rhino horns illegally also highlights this. In granting bail the court did not consider the gravity of the crime in terms of impact on rhino conservation in the region neither did they consider the real possibility of the accused interfering with state witnesses.

C) Data Analysis

The amount of data available for analysis was scanty due to low levels of response from counterparts. The reasons for the low levels of response to questionnaires despite repeated e-mails and subsequent follow-up telephone calls are not very clear. However there are several possible explanations for the low rate of response.

Firstly the questionnaires demanded that detailed and disaggregated data pertaining to rhino crimes be provided. This could have meant that agencies set aside dedicated staff for lengthy periods of time since it appears that there are no centralised databases containing this information serve perhaps KZN Wildlife in South Africa. Given the generally acknowledged fact that wildlife agencies in the region suffer from inadequate institutional capacity it would then had been very difficult for counterparts to meet the deadlines set for this study.

It is also possible that some of the non-responses were deliberate as the information requested would expose internal management weaknesses which then tarnishes the image of the concerned agencies. Wildlife agencies in the region would be sensitive to the creation of negative image especially given the far reaching implications in fora such as CITES and other bi- and multi-lateral partnerships.

Fear of giving away sensitive albeit, historical information about poaching activities, which can compromise future investigations, could also account for low questionnaire returns.

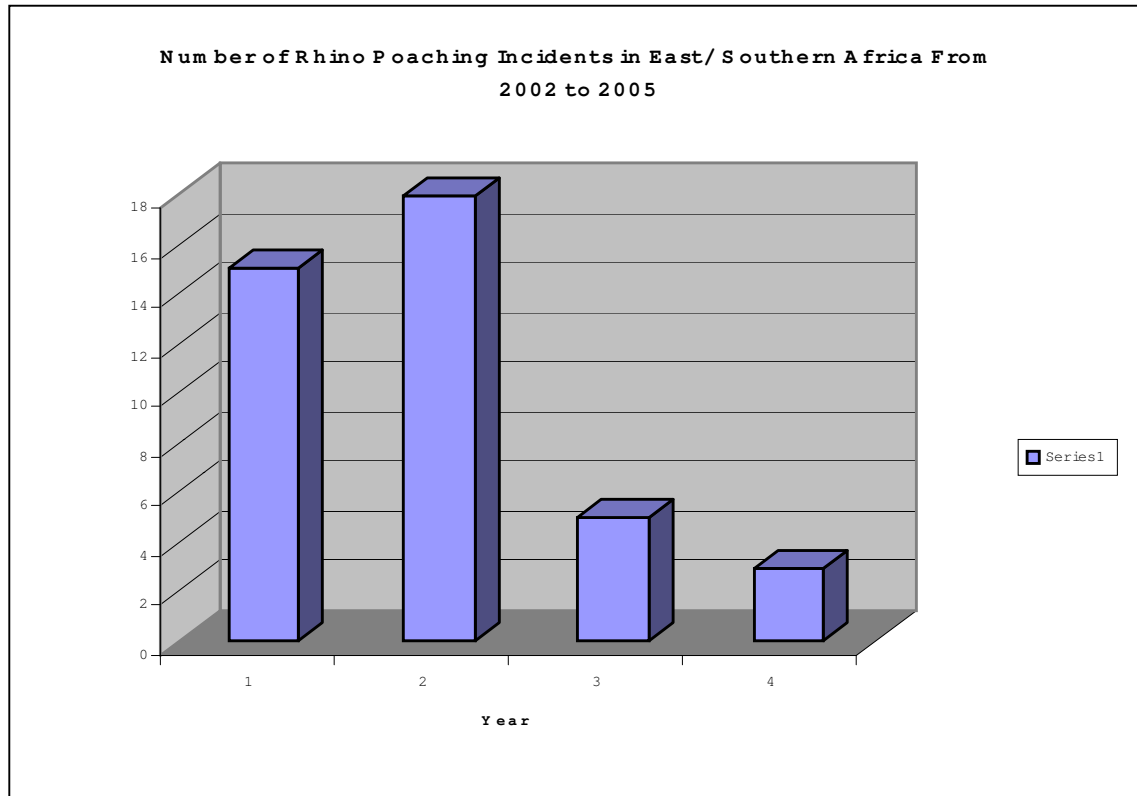
However, the data that was made available seems to indicate that the different pieces of legislations in the different countries in East and Southern Africa recognise three out of the eight categories of rhino crimes suggested in this study. These recognised categories are rhino poaching, illegal rhino horn selling and illegal rhino horn possession

Whatever the cause for the poor response to the questionnaires could have been, it is quite definite that data that is crucial for long term conservation of the rhinoceros is not available in the quantities and quality that would clearly instruct the formulation of strategic law-enforcement policies.

The existence of such data will not only help understand the success and failures of the past but most importantly inform the strategy to be taken in the future.

The obvious impediments brought about by the absence of data in the region can be addressed by the creation of a centralised database specifically created to generate information that will inform strategies for combating rhino crimes in the East and Southern Africa. Institutions like Interpol sub-regional offices, which by their nature are supposed to have this information, were also wanting in this regard. The centralised database will need to link to the various agencies in the different countries. The establishment of such a database would also call for focussed training to ensure that the relevant data is collected at source.

Figure 1



Figures 1 to 3 seem to suggest that rate of commission of rhino crimes had been slowing down over the last two years of the study period. However in the absence of information to indicate whether the wildlife agencies have maintained the same levels of law enforcement effort during the same period this reduction in detection of rhino crimes maybe indicative of reduced capacities resulting from budgetary and other constraints. This is a very likely possibility given the fact that most of these countries have been suffering sustained declines in their national economies.

Figure 2

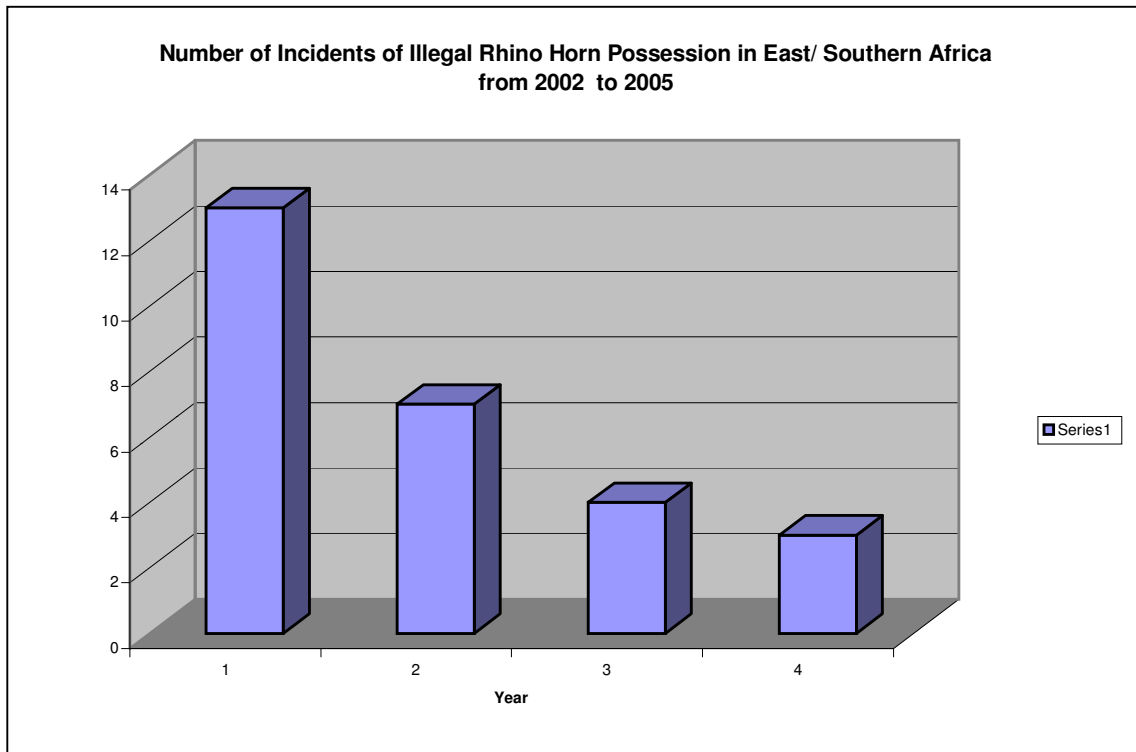
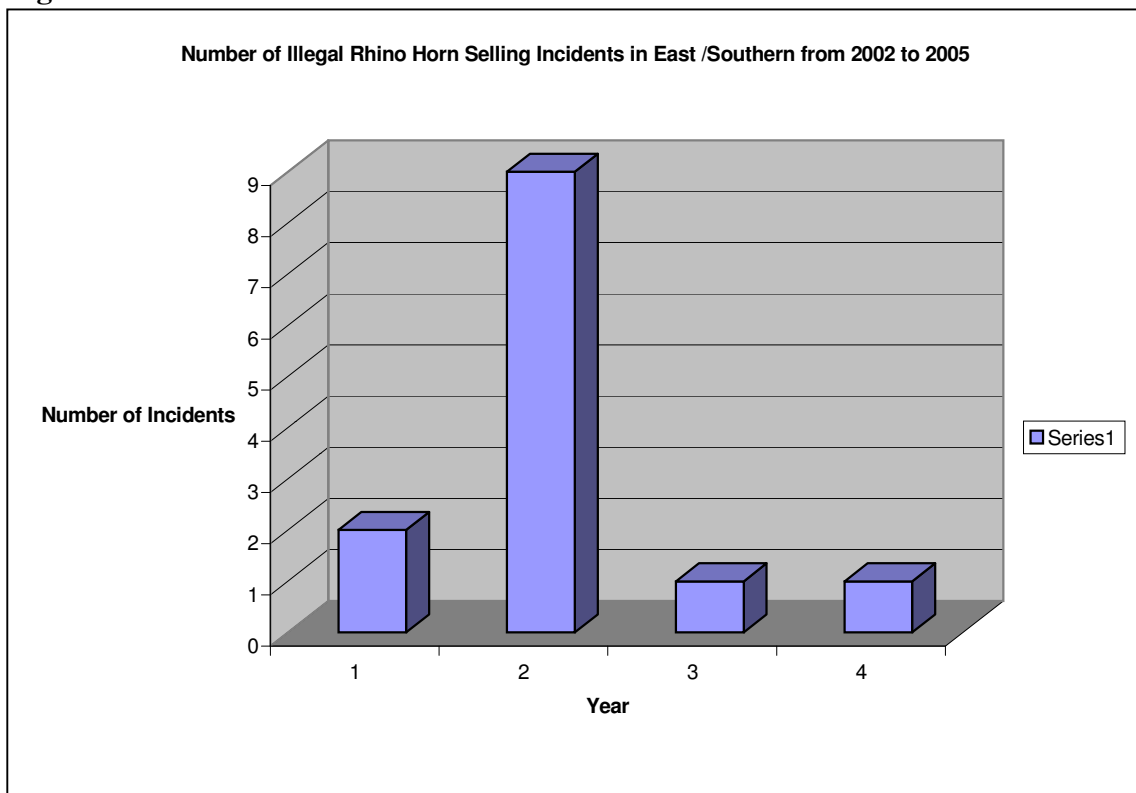


Figure 3



Looking at the second set of figures, figures 4 to 6, there does not seem to be a relationship between the trends in numbers of rhino horns being traded and trends in numbers of poached rhinos. Actually there is an anomaly in figure 6, which shows an upsurge in numbers of

illegally possessed rhino horns in 2005 without a corresponding upsurge in rhino poaching for the same period. This jump is accounted for by the recent seizure of 21 horns in the Free State province of South Africa. The question then is where are these horns originating?

Figure 4

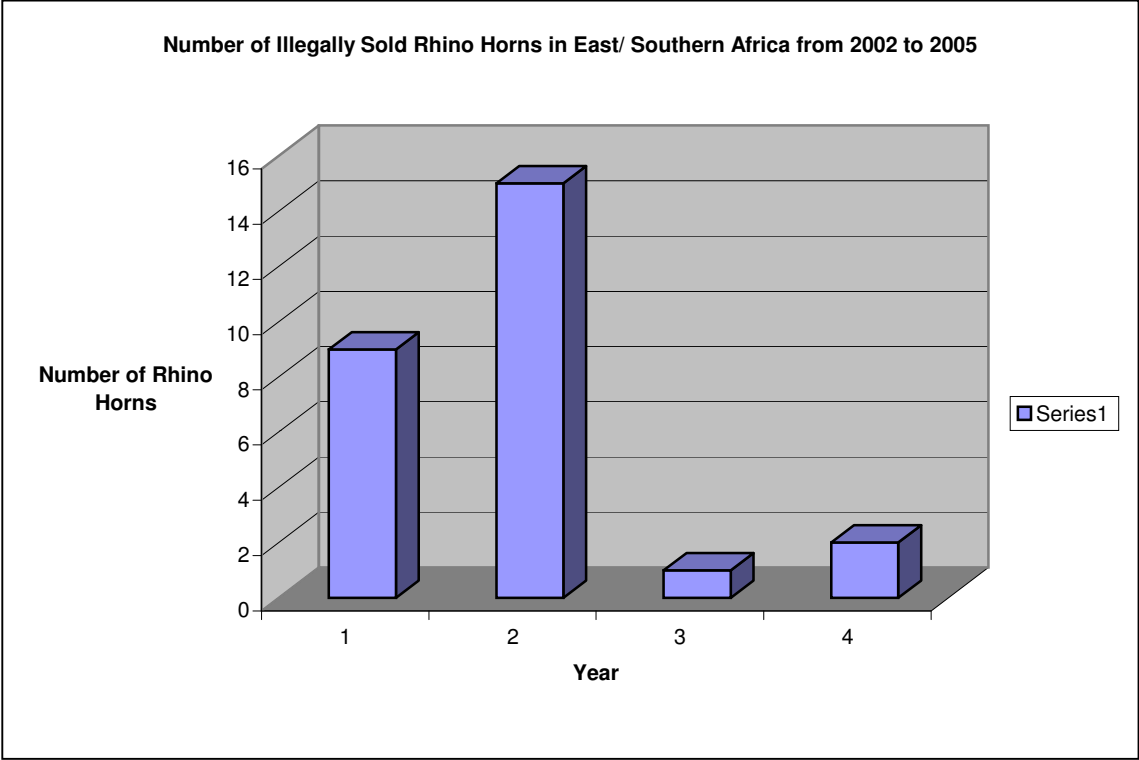


Figure 5

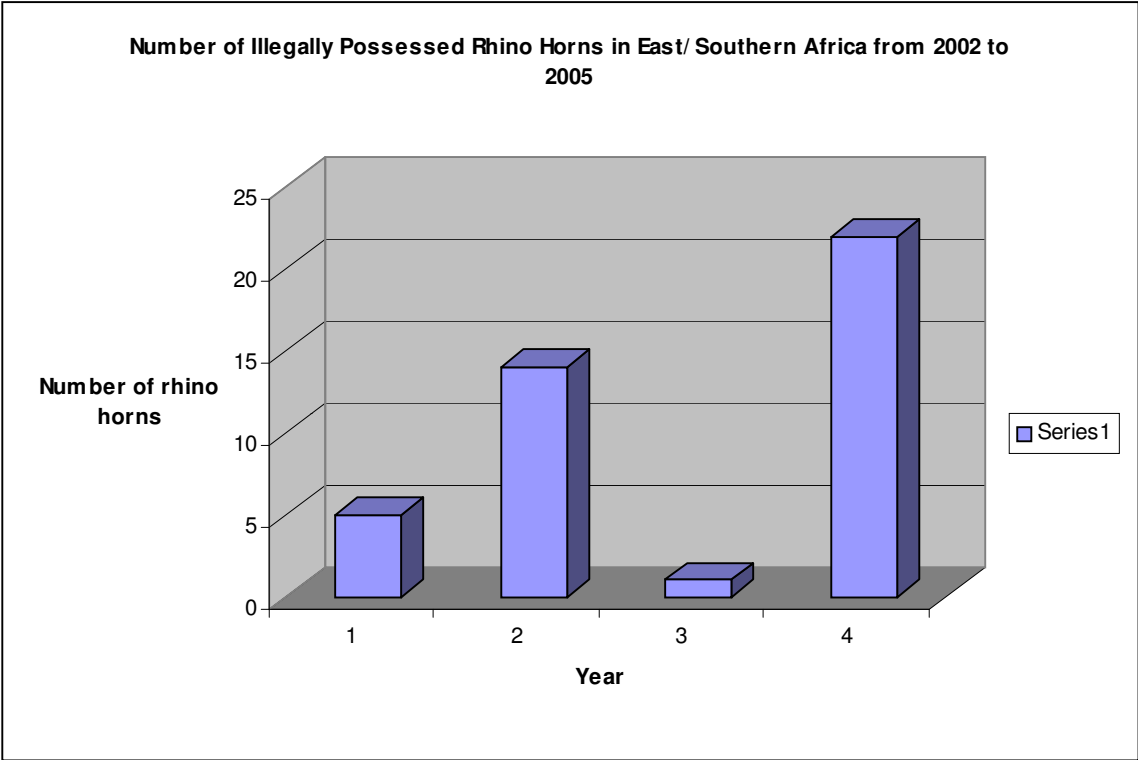
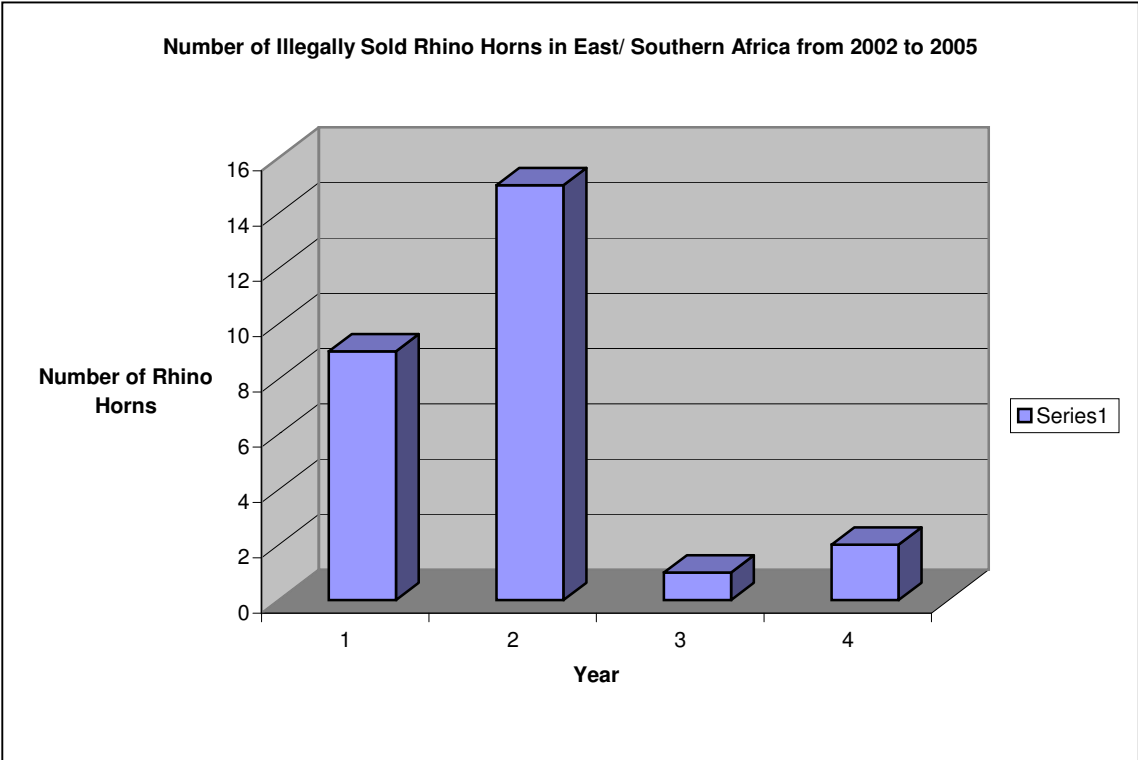


Figure 6



This increase of rhino horns detected on the market seems to tie in with the observation made by Emslie and Brooks (1999) that there is rhino horn stockpiling for investment purposes over and above the usual demands for traditional medicine and Yemeni dagger handles.

In spite of the issue of horns being released into the rhino supply chain and thereby boosting numbers available, table 6 below shows only half of the rhino horns poached are being recovered by law enforcement officers and the rest of the horns are still getting to the intended market unimpeded.

Table 6: Comparison of Poached Rhinos and The Number of Horns Detected.

Year	Poached Rhinos	No. Illegal Horns Sold	No. Horns Illegally Possessed
2002	15	9	5
2003	33	15	14
2004	10	1	1
2005	5	2	22

From the above table during the period under review a total of 63 rhino were poached resulting in 122 rhino horns getting onto to the market but only 69 horns were recovered.

RECOMMENDATIONS

1) Wildlife Agencies should continuously lobby the appropriate authorities in their respective countries to review levels of penalties, particularly in those cases where the courts are obliged by national legislation to mete out fines as penalties. This is because in many of the countries in the area of study inflation is very high and the fines and compensation values for poached animals stipulated by legislation quickly become outdated.

2) Rhino crimes rank amongst the most profitable in the realm of world crime syndicates even though the police agencies in East and Southern Africa may not necessarily be clear about this position (Institute of Security Studies, 2001). Therefore, there is a need to lobby and educate the police agencies in the region in order to highlight the fact that rhino crime is actually an internationally organised crime and should be in the same manner as narcotics or motor vehicle theft.

3) In addition to advocating for stiffer penalties for rhino crime offenders a concerted effort should also be made to create awareness among the would be offenders by publicising arrests and punishments. As LAGA (The Last Great Ape Organisation) is doing in Cameroon in effort to save the remaining gorillas, the situation with the rhino warrants creating public debate using the media such as television, radio and press. This is essential for raising awareness as well and for deterrence.

4) As has been discovered during the current study, it would appear that there are no readily available records of the number, nature and outcome of rhino cases going through the courts in the region. The establishment of a project that will among other things mobilise the concerned stakeholders to canvass for a judicial review in order that rhino crimes and indeed other environmental crimes receive a sympathetic hearing from the courts can fill this gap in. Such a project would not be unique to the Eastern and Southern African Region as a similar project has been undertaken in the United Kingdom after similar problems in environmental justice had been discovered (Hatton 2004).

5) Customs officials should be educated on the effects of illegal trade of endangered species on both biodiversity and the national economy. Very little cases of illegal exportation/importation are detected at customs check -points primarily because the emphasis for custom officials is collection of revenue.

6) Anti-poaching personnel and other wildlife law enforcement officers should be trained and allowed to attend court sittings in order to gain knowledge and experience in court procedures. A lot of junior and inexperienced scouts find the court procedures very intimidating and often fail to give credible evidence in court due to fear.

7) There is need for judicial environmental training. This training should be targeted at prosecutors, magistrates as well as high and Supreme Court judges. Sympathetic NGOs in the region can be approached for funding and expertise for this training. The region can pluck a leaf from the Scottish experience where a seminar in the format of a mock wildlife crime trial was undertaken in October of 2003 (Scottish Executive News 1 June 2005). Participants to this particular seminar were “police wild life crime officers who gave evidence from specially prepared scripts and Procurators Fiscal who prosecuted and defended the cases” It was hoped from this seminar that the participants would be better equipped to detect and prosecute wild life crimes.

8) Although there are a number trans national and regional agreements which give due recognition to the need for co-operation amongst wildlife law enforcement agencies in Africa, very little if any is being done to harmonise wildlife legislation and penalties amongst the various parties to these agreements. This should be done urgently if the wildlife law enforcers are to succeed in dealing with crime syndicate ringleaders who often remain 'untouchable' by operating in countries with weak legislation against their nefarious activities.

9) Stringent national legislation has been credited with saving Swaziland' s rhino population from extinction. The Swazi Game (Amendment) Act of 1991, reputed to be the toughest anti poaching law in Africa, has reversed a situation where from 1988 to 1991 25 rhinos were being slaughtered by poachers every year to a situation where, as Ted Reilly, chief executive officer of Swaziland' s Big game Parks says " Since December 1992, we have not lost a single rhinoceros or elephant to poachers" (Stoddard, 2001). It would be recommended that as other conservationists in Africa have already noted that Swaziland' " no – nonsense approach" be adopted by other African countries in order to save the continent ' s rhinos from extinction. This becomes even more urgent given that the SADC region for example has a protocol that calls for the harmonisation of wildlife laws (SADC, 1999)

10) Establishment of specialist wild life crime investigations unit within the South African Police Services (SAPS) named the Endangered Species Protection Unit (ESPU) is reported by Rob Krott (2001) to have “turned the tide in South Africa’s war against poachers”. It is sad though to note that the Espu has since been turned into a wildlife crime co-ordinating desk rather than a fully-fledged crime-fighting unit. Nevertheless, other countries in the region can draw lessons from this and form their own specialist wild life investigations units within their police units as a way of combating poaching.

REFERENCES

- du Bois K. E. (1997): The illegal trade in endangered species 1. African Security Review Vol. 6, No1, 1997 16p.
- Emslie R. and Brooks M. (1999): African Rhino. Status Survey and Conservation Action Plan. IUCN/SSC African Rhino Specialist Group. IUCN Gland. Switzerland and Cambridge, UK. ix + 92pp
- Government of Zimbabwe (2001): Criminal Procedure and Evidence Act Chapter 9:07 (Criminal Penalties Amendment No. 22 of 2001. Government Printers Harare.
- Government of Zimbabwe (1996): Parks and Wild Life Act Chapter 20:14. Government Printers, Harare.
- SADC (1999): Protocol on Wildlife Conservation and Law Enforcement in the Southern African Development Community (1999),
- Hatton C. (2004): Rough Justice for the Environment? The Aarhus Rough Justice for the Environment - 24 March 2004 Convention. A report Published by the Environmental Justice Project.
- Knox M.L. (1989): "Horns of dilemma" Sierra, 74 (November/December): 59 – 67
- Vollers M. (1987): "A war to save the Black Rhino" Time, September 7: 62 –3
- News Release (2003): Mock wildlife crime trials. Scottish Executive News, 14th October 2003
- LAGA (2004): Wildlife Law Enforcement in Cameroon. LAGorilla Journal 29 December 2004.
- The Institute for Security Studies (2001): Organised Crime in the SADC Region, Police Perceptions. Monograph No. 60. August 2001.
- Krott R. (2001): Creature Features. Alberta Game Warden. Summer 2001.
- Stoddard E. (2001): Tough laws saving rhino populations. Reuters, 6th December 2001
- Warchol G. L., Zupan L. L. and Clack W (2003): Transactional Criminality: An Analysis of the Illegal Wildlife Market in Southern Africa. International Criminal Justice review, Vol. 13, 2003.
- Anon. (2004): Illegal rhino hunter hit hard. Farmers Weekly 5th November 2004.
- Reilly M. (2002): The Crown VS. Peter McIntyre and five others with particular reference to the species argument and the importance of preventive rather than remedial legislation. Pachyderm (Journal of the African Elephant, African Rhino and Asian Rhino Specialist Groups). Jan. – June 2002 Number 32.

Mulama M. (2002): Kenya' s rhino conservation efforts. *Pachyderm* (Journal of the African Elephant, African Rhino and Asian Rhino Specialist Groups). Jan. – June 2002 Number 32.