

# WILDLIFE JUDICIAL AND PROSECUTORIAL ASSISTANCE TRAININGS SERIES (TANZANIA)

**THEME:**

**“STRENGTHENING LEGAL MECHANISMS TO COMBAT WILDLIFE  
CRIME”**



**HELD AT OCEANIC BAY HOTEL, BAGAMOYO**

**24<sup>TH</sup> TO 26<sup>TH</sup> MAY 2016**



**WILDLIFE JUDICIAL AND PROSECUTORIAL ASSISTANCE TRAININGS SERIES (TANZANIA)  
PROCEEDINGS**

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# WILDLIFE JUDICIAL AND PROSECUTORIAL ASSISTANCE TRAININGS SERIES (TANZANIA)

## TABLE OF CONTENTS

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	<u>PAGE</u>
LIST OF ACRONYMS.....	(i)
INTRODUCTION TO PROCEEDINGS.....	(ii)
<b>OPENING REMARKS</b>	
By Daniel Gumbo.....	1
<b>REMARKS</b>	
By Hon Euphemia H. Mingi.....	2
<b>REMARKS</b>	
By Credo Ragaju.....	2
<b>REMARKS</b>	
By Lydia Slobodian.....	3
<b>REMARKS</b>	
By Philip Muruthi.....	3
<b>REMARKS</b>	
By Julie Thomson.....	4
<b>OVERVIEW AND OBJECTIVES OF THE TRAINING</b>	
By Didi Wamukoya.....	5
<b>STATE OF POACHING AND WILDLIFE TRAFFICKING</b>	
By Philip Muruthi.....	6
<b>NATURE AND PREVALENCE OF WILDLIFE CRIMES IN TANZANIA</b>	
By Canisius Karamanga.....	9
<b>DYNAMICS OF ILLEGAL WILDLIFE TRADE IN TANZANIA</b>	
By Julie Thomson.....	12
<b>INTRODUCTION TO WILDLIFE LAW</b>	
By Lydia Slobodian and Lorélie Escot.....	15
<b>OVERVIEW OF TANZANIA’S WILDLIFE POLICIES AND LAWS</b>	
By Annamaria Mkama.....	18
<b>KENYAN EXPERIENCE IN USE OF OTHER LAWS TO STRENGTHEN WILDLIFE CRIME PERSECUTIONS</b>	
By Katto Wambua.....	20
<b>ANALYSIS OF WILDLIFE CRIME CASES IN TANZANIA AND LESSONS LEARNT</b>	
By Lorelie Escot and Prof. Hamudi Majamba.....	22

**PROJECT WISDOM: COMBATting POACHING AND TRAFFICKING OF ELEPHANT IVORY AND RHINO HORN**  
By Christian Plowman .....24

**UNODC TOOLS TO COMBAT WILDLIFE AND FOREST CRIMES**  
By Stephen Thurlow.....26

**INTERAGENCY COLLABORATION (UGANDA CASE STUDY)**  
By Chemonges Sabilla.....29

**SOME OF THE CURRENT TECHNOLOGY TO COMBAT WILDLIFE CRIME**  
By Julie Thomson .....32

**SECURING OUR ENTRY/EXIT POINTS THROUGH USE OF CANINES**  
By Abraham Jullu .....34

**INTERAGENCY CHALLENGES.....36**

**MOCK TRAIL ACTIVITIES.....37**

**WAY FORWARD.....42**

**TRAINING ASSESSMENT .....43**

## LIST OF ACRONYMS

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AWF	African Wildlife Foundation
CCC	Command and Coordination Centre
CCP	Container Control Programme
CITES	Convention on International Trade in Endangered Species
CNA	Competent National Authorities
CPA	Criminal Procedure Act
CTS	Cargo Targeting System
CTS	Cargo Targeting System
DNA	Deoxyribonucleic Acid
DPP	Directorate of Public Prosecution
DRC	Democratic Republic of Congo
ELC	Environmental Law Centre
FOCAC	Forum for Cooperation between China and Africa
ICCWC	International Consortium on Combatting Wildlife Crime
INL	US Department of State, International Narcotics and Law Enforcement Affairs
INTERPOL	International Criminal Police Organization
IO	Investigating Officer
IUCN	International Union for Conservation of Nature
JKIA	Jomo Kenyatta International Airport
JNIA	Julius Nyerere International Airport
KWS	Kenya Wildlife Service
MATT	Multi-Agency Task Team
MP	Member of Parliament
MPRA	Marine Parks and Reserves Act
NCAA	Ngorongoro Conservation Area Act
NGO	Non-Governmental Organization
NPA	National Parks Act
PA	Protected Areas
RASCO	Remote Air Sampling for Canine Olfaction
SOPs	Standard Operating Procedures
TANAPA	Tanzania National Parks
TAWA	Tanzania Wildlife Authority
TAWIRI	Tanzania Wildlife Research Institute
UNCTOC	United Nations Convention against Transnational Organised Crime
UNODC	United Nations Office on Drugs and Crime
UWA	Uganda Wildlife Authority
WCA	Wildlife Conservation Act
WCO	World Customs Organization
WD	Wildlife Department
WJPATs	Wildlife Judicial and Prosecutorial Assistance Trainings
WWF	World Wide Fund for Nature

## INTRODUCTION TO THE PROCEEDINGS

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One of the greatest threats to wildlife today is poaching and trafficking in wildlife and Wildlife products. AWF, IUCN and TRAFFIC partnered to deliver this Wildlife Judicial and Prosecutorial Assistance Training (WJPAT). The AWF Law Enforcement Program seeks to address wildlife crimes in African countries by working with all arms of their criminal justice systems. One important way of engaging them is through the series of trainings known as the WJPATs. The IUCN Environmental Law Centre (ELC) runs an Environmental Law Programme which is an integrated programme of activities that assists decision makers with information, legal analysis, advisory services, legislative drafting, mentoring and capacity building at national, regional and global levels. TRAFFIC is the leading non-governmental organization working globally on trade in wild animals and plants in the context of both biodiversity conservation and sustainable development. TRAFFIC specialises in investigating and analysing wildlife trade trends, patterns, impacts and drivers, informing, supporting and encouraging action by governments, and developing insight into consumer attitudes among other activities.

Funded by GIZ, IUCN, TRAFFIC and AWF together with the Wildlife Division and the Judiciary Training Institute brought together officials from the Wildlife Division, the Judiciary, the Police and the National Prosecution Service to be sensitised on wildlife crimes in Tanzania, wildlife legislation, interagency collaboration and strategic interventions to curb wildlife crime. The key outcome of the training was to strengthen the judicial, prosecutorial and investigative sectors in the fight against wildlife crime. Enhanced capacity in the judiciary and law enforcement sectors will ensure effective investigations, prosecutions, and sentences that are deterrent enough to discourage criminals from committing wildlife crimes. The training also aimed to bring stakeholders together to commence discussions on their roles and contributions towards fighting wildlife crime, the gaps in wildlife enforcement legislation and the weaknesses in investigations and prosecutions. The Training was delivered in the form of focused presentations, group discussions and a mock trial.

The presentations and discussions contained herein constitute the proceedings of the Wildlife Judicial and Prosecutorial Assistance Training held in Bagamoyo Tanzania from 24<sup>th</sup> to 26<sup>th</sup> May 2016.

## **OPENING REMARKS**

**BY DANIEL GUMBO**

**WILDLIFE OFFICER**

**WILDLIFE DIVISION**

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### **WILDLIFE CRIMES**

Wildlife crimes continue to pose adverse impacts towards survival of wildlife resources. Wildlife poaching not only affects large iconic species like rhinos and elephants but also a wide range of other wildlife species. Populations of most wildlife species are pushed towards alarming rates. For instance in early sixties Tanzania had 250,000 to 300,000 elephants. The census reports of 2014 conducted by TAWIRI indicated that elephant population countrywide is less than 50,000. This calls upon all stakeholders to act together before elephant population decline beyond recovery.



In October 2014, the Ministry of Natural Resources and Tourism launched the National Strategy to Combat Poaching and Illegal Wildlife Trade. This was very important step in response to the rapid rise in wildlife crime, including poaching, illegal wildlife trade experienced in Tanzania. The National Strategy intends to significantly reduce wildlife poaching and trafficking due to combination of high risk of severe penalty and reduction of demand. This cannot be achieved without full involvement of the judiciary, prosecution and other stakeholders. It is quite significant that the theme of this training workshop is in line with the objectives of National strategy.

### **STRENGTHENING WILDLIFE LAW ENFORCEMENT**

This training aims at strengthening wildlife law enforcement through judicial intervention. The role of the judiciary in combating poaching and illegal wildlife trafficking cannot be undermined or marginalized in any way. It plays a corner stone role in securing wildlife resources. Nevertheless, its output relies on proper detection and investigation of wildlife offenders. The composition of participants in the workshop will ensure that vibrant discussions and deliberations will prevail which will result in enhancing capacity of judicial and other law enforcement sectors and ensuring effective investigation, prosecution and deterrent sentencing of wildlife offenders. It is hoped that this workshop will be used as a forum for enhancing capacity in the respective institutions and collaboration in their daily undertakings. Poaching and illegal wildlife trade will thrive if the various law enforcers do not play their part effectively.

**REMARKS**  
**BY HON. EUPHEMIA H. MINGI**  
DEPUTY REGISTRAR OF THE HIGH COURT OF TANZANIA  
JUDICIARY

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**WEAK LEGISLATION**

Wildlife crimes have now reached unprecedented rates and if unchecked, wildlife in Tanzania will disappear. Products made from wild animals especially elephants and rhinos encourage illegal killing and wildlife trafficking. The question now is what should be done to protect Tanzania's wildlife heritage? One of the first steps is to amend the wildlife laws in order to impose severe punishments on wildlife. An example of the weakness in the legislation is Section 10 of the Wildlife Conservation Act (Cap 283 RE 2002) which provides for a penalty of a fine not exceeding Tshs. 5,000 or imprisonment for a term not exceeding 6 months for the offence of entering a game reserve without a permit. The same penalty is given for the offence of negligently causing bush or grass fires in a game reserves. These penalties are very paltry and do not serve to protect wildlife or their habitats at all.



**JURISDICTION OF COURTS**

Section 88 of the Wildlife Conservation Act talks about jurisdiction of courts. Resident Magistrates courts are given the jurisdiction to adjudicate over wildlife cases. However, wildlife offences take place countywide and there is need to amend the law to allow all Primary Courts in the county to have jurisdiction over wildlife cases. This will also reduce backlog of cases of this nature which are only being filed in Resident Magistrates courts.

**REMARKS**  
**BY CREDO RUGAJU**  
SENIOR STATE ATTORNEY  
ATTORNEY GENERAL'S CHAMBERS

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This a training on strengthening legal mechanisms to combat wildlife crime. The AG Chambers is grateful to be in attendance because the training is useful to prosecutors, investigators and the judiciary. We are all witnesses of the increasing wildlife crimes. Further, the methods and techniques used by offenders to commit wildlife crime are becoming more and more technical keep changing from day to day. The hope is that after this training, the investigator will be able to investigate the crimes thoroughly and the prosecutors will be able to properly prosecute the offenders.





**REMARKS**  
**BY LYDIA SLOBODIAN**  
LEGAL OFFICER  
IUCN ENVIRONMENTAL LAW CENTRE

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IUCN is the world's oldest and largest international environmental organisation. It was founded in 1948 and it has over 1,000 member organisations, over 11,000 scientists and 1,000 staff in 62 offices worldwide. IUCN is a neutral forum for governments, NGOs, scientists, business and local communities to find pragmatic solutions to environmental problems. It has UN Observer Status.



The total number of members is 1350 which include 89 states, 128 government agencies, 112 international NGOs, 973 NGOs and 48 affiliates. The members deliberate on the budget and the main orientations and policies of the IUCN during the World Conservation Congress which takes place every four years. The volunteer scientists and specialists around the world are brought together around 6 areas of expertise. These are ecosystem management, education and communication, environmental, economic and social policy, environmental law, protected areas, species survival and setting and validating scientific standards. They form an integral part of IUCN activities around the world.

The Environmental Law Centre is located in Bonn, Germany and works on 3 key areas namely effective and equitable governance of nature's use, deploying nature based solutions to climate, food and development and valuing and conserving nature. Activities include land-use, water, marine protected areas and species.

**REMARKS**  
**BY PHILIP MURUTHI**  
VICE PRESIDENT SPECIES CONSERVATION  
AFRICAN WILDLIFE FOUNDATION

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Law enforcement has been ignored in wildlife conservation. Conservationists work with many stakeholders including communities but key stakeholders that has been missing are the judiciary, prosecutors and other law enforcers. It is important to recognise that just looking at habitat alone will no longer works in conserving wildlife. There is need to look at all spheres including livelihood and law enforcement. When it comes to law enforcement, there is need to engage judicial, prosecutorial and investigative agencies beyond the crisis times.



There is also need take a holistic approach in the engagement of law enforcers. This is because wildlife crime not only impacts the affected animal or plant, it also erodes biodiversity, erodes ecosystems, is a driver for species extinction, fuels conflict, creates insecurity, feeds corruption, undermines national cohesion, rule of law, political stability and is a serious transnational crime. It is hoped that through

this workshop the position of Tanzania is wildlife conservation can be enhanced. Tanzania is already a leader in conservation and development and there is need to sustain the momentum that has already been created in fighting wildlife crimes by declaring zero tolerance on wildlife poaching.

**REMARKS**  
**BY JULIE THOMSON**  
**TANZANIA HEAD OF OFFICE**  
**TRAFFIC**

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TRAFFIC was founded in 1976 by the IUCN Species Survival Commission to gather and analyse wildlife trade data and identify illegal trade. It is operated by WWF and IUCN. It is a research driven, action oriented global network committed to delivering innovative and practical conservation solutions based on the latest information. TRAFFIC’s Mission is to ensure that trade in wild plants and animals is not a threat to the conservation of nature. TRAFFIC employs around 120 staff based in nearly 30 countries worldwide. Its focus areas are research, support to enforcement, advocacy and demand reduction.



This workshop is important because the judiciary and institutions that support the judiciary are very critical in helping combat illegal wildlife trade. TRAFFIC is available to this institutions even beyond the workshop a technical asset on wildlife crime and illegal wildlife trade issues.

## OVERVIEW AND OBJECTIVES OF THE TRAINING

BY DIDI WAMUKOYA  
AWF

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### OBJECTIVES

The objectives of the training are to:

- Get a clear perspective of wildlife crimes in Tanzania
- Understand the Tanzanian wildlife legislation
- Overcome weaknesses in wildlife crime investigation and prosecution
- Come up with inter-agency collaborative frameworks
- Come up with innovative ways to support legislation in fighting wildlife crimes.



### OUTCOMES

The key outcome of the training is to strengthen the judicial, prosecutorial and investigative sectors in the fight against wildlife crime. Enhanced capacity in the judiciary and law enforcement sectors will ensure effective investigations, prosecutions, and sentences that are deterrent enough to discourage criminals from committing wildlife crimes. The training also aims to bring stakeholders together to commence discussions on their roles and contributions towards fighting wildlife crime, the gaps in wildlife enforcement legislation and the weaknesses in investigations and prosecutions.



# STATE OF POACHING AND WILDLIFE TRAFFICKING

By PHILIP MURUTHI

AWF

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## INTRODUCTION

Africa is the world's second largest continent with a landmass of 30,065,000 km<sup>2</sup> and a human population of about 1.03 billion people. It has unique biodiversity but at the same time is looking to achieve economic development. To this end, Africa is adopting new technologies and is welcoming globalisation to hasten development. Development, technology and globalisation seem to be a huge threat to wildlife conservation. Globalisation, for example, is opening the continent up for many visitors some of whom include wildlife criminals. However, development, technology and globalisation should not be a threat but a catalyst for wildlife conservation. Everybody now is interested in Africa as the place where development is happening.



## GOAL FOR SPECIES

Africans must ask what goals they need to set for their populations to recover. The size of the population is important but so is the condition. Condition includes geographical spread, age-sex class composition and ecological functionality. The populations should be able to bounce back after a natural disaster. There are about 20,000 white rhino and 5,150 black rhinos in Africa. 3 rhino are killed each day in Africa. We also has 475,000 elephants in Africa today. In 1970 there were up to 1.2 million elephants on the continent. We therefore have less than half of what we had in 1970. About 35,000 elephants are killed in Africa every year. The elephants in West Africa and Central Africa are almost gone. The PIKE (proportion of illegally killed elephants) shows that there are more elephants being poached than those dying out of natural causes and conflict.



Predators are important to have a natural balance in the wild. In Africa, lions have suffered massive loss of range and those remaining are about 25,000 to 35,000. A third of the world's lions are found in Tanzania. There is need to maintain a continental pride of 37,500 individuals. Cheetahs have experienced a 90% population drop. Only 10,000 cheetah remain in the wild. Kenya has a very small population of cheetahs left. For great apes, the numbers have recovered over the years. There are about 15,000 to 20,000 bonobos, 150,000 gorillas, 10,000 eastern gorillas and 375,000 chimpanzees.

The end goal for wildlife in Africa is to maintain viable functional populations so as to achieve socio-economic development. There is need to put wildlife at the centre stage of development. Human population is going up and demand for space is causing pressure. Economic reasons to protect wildlife



include the fact that wildlife tourism is an African brand that brings in revenue and leads to economic stability. Wild lands represent the last places to provide essential ecological services and goods for now and future development and for human well-being. Ecological services include provision of water, raw materials, food, pollination, soil protection, pest control, pastures for livestock, building materials, cooking fuel, undiscovered biodiversity banks, insurance for future needs and medicines.

### WILDLIFE TRAFFICKING

20% of Tanzania has been set aside as wildlife management areas but we are in a poaching crisis.



Wildlife loss is driven by high demand from consumer countries. There is now connectivity between Africa and Asia through transport and communication networks. Kenya, Uganda and Tanzania are trafficking hubs that need to be addressed. They have been classified as the gang of 8 in CITES.

Poachers are now using silent methods of killing including darts and silenced firearms to avoid ranger response. Traffickers are very innovative and they keep coming up with new ways of trafficking ivory and rhino horns e.g. in form of powder, beads to avoid detection. Traditional trafficking routes are being abandoned and new ways are being used to avoid law enforcers. TRAFFIC has demonstrated that movement of ivory from Tanzania goes to Uganda where it is containerized and then exported through the port of Mombasa. Kenya contributes to about 30% of the ivory seizures internationally. This is a clear indication that Kenya is being used as a trafficking route and this needs to stop.

One way of being ahead of poachers and traffickers is through having a robust intelligence system. KWS in partnership with AWF has strengthened its canine unit. The canine unit at JKIA has had more than 12 seizures since January. The people arrested are usually on transit but are able to pay fines instantly. Intelligence teams need to find out who is paying the fines on behalf of these suspects and whether they have further connections in Kenya.

### ADDRESSING THE POACHING CRISIS



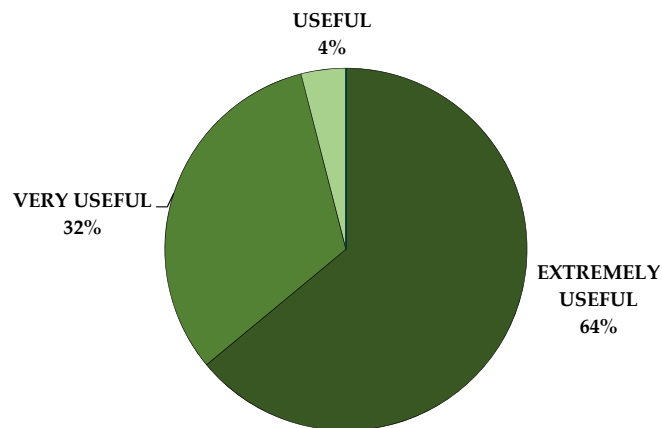
At the current rates of loss, elephants, rhinos and other iconic African wildlife may be gone within 10 years. We are addressing this crisis by stopping the killing, stopping the trafficking and stopping the demand. After dealing with habitat issues which are a major threat to conservation, then we can be able to address poaching by beginning at the root which is the killing. If the poachers manage to kill, then they should not be able to move the trophy out of the country. Demand should also be stopped and there is need to work together with the demand countries on this. There are also trophy markets in some African countries including Angola, Sudan and Nigeria which need to be addressed.

## DISCUSSION

1. The problem of poaching is caused by poor management of wildlife. In Tanzania, the law gives too much power to a single person to manage wildlife. Under the Wildlife Conservation Act, the Director is given all the power. This may lead to abuse of powers by the Director. Under Sec 9 the Director is responsible for giving all the permission for hunting. Other examples of absolute power are Section 12 and 32. If you give a single person so much power, he is likely to abuse it. TANAPA is given very little power within national parks. We should change the way we legislate against this issue.
  - a. *The suggestion would be to give the powers to an agency as opposed to an individual.*
  - b. *The powers under the WCA are given to the Office of the Director and not to the Director as an individual. The Director is further answerable to the Minister which ensures checks and measures.*
2. Focussing on demand reduction is a waste of time. The main issue is to stop the killing as that is where we are losing our wildlife. Tanzania's main problem is that the persons who are supposed to protect wildlife are the ones responsible for destroying it. Blaming the consumer will not bring our wildlife back to life.
  - a. *The problem has to be tackled throughout the supply chain. We have to tackle the poacher, the trafficker and the demand. If we ignore any one of these, we shall be fighting a losing battle.*
  - b. *Africans should not blame only the Chinese for demand. These are African resources and African leaders should take responsibility for their protection. However, you will find that the African leaders are also involved in poaching and trafficking.*
3. Some countries burn ivory as a way of stopping the demand. Won't this just reduce the availability of ivory in the market and pose a threat to live elephants as they will now be killed for their ivory?
  - a. *There are 2 types of wildlife trade. There is legal trade done through CITES and the illegal trade. The legal trade is governed by the CITES Convention. Illegal trade is what is concerning us here and is what is leading to the loss of our wildlife. The illegal trade is now worth much more than the legal trade.*
  - b. *There is a CITES provision for destruction of contraband ivory because one cannot trade in contraband.*

## USEFULNESS OF THIS CONTENT

Trainees rated the content of this topic as being extremely useful to their work.





# NATURE AND PREVALENCE OF WILDLIFE CRIME IN TANZANIA

BY CANISIUS KARAMANGA

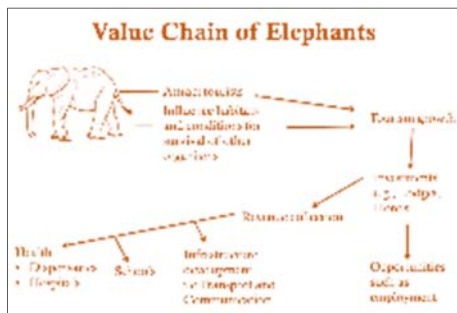
PRINCIPAL WILDLIFE OFFICER, WILDLIFE DIVISION TANZANIA

## INTRODUCTION

Tanzania has a large network of Protected Areas (PAs) comprising, 16 National Parks, one Conservation Area, 28 Game reserves, 42 Game Controlled Areas, 19 Wildlife Management Areas, 4 Ramsar sites and 143 hunting blocks. Tanzania is one of the world's 20 biodiversity hotspots and is rich in mammal species with at least 316 species, at least 1100 bird species of which 25 are endemic, about 405 amphibian and reptile species and about 10,008 species of higher plants, of which 11.2% are endemic.



## TANZANIA'S STRENGTHS IN WILDLIFE CONSERVATION

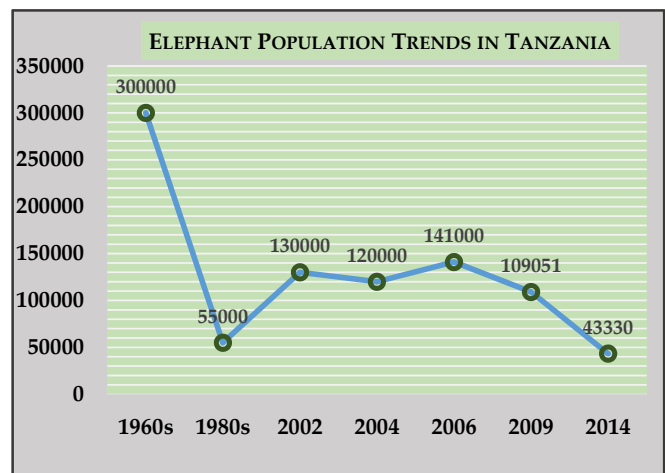


Tanzania boasts political will and stability which is a key contributing factor to successful wildlife conservation. It also has in place a policy and legal framework to ensure proper conservation and protection of wildlife. There is also plenty of local community and private sector support in wildlife conservation. Wildlife in Tanzania also had a great tourism potential. Tanzania is one of the best destinations for wildlife based tourism and this industry contributes over 17% of

country's GDP. The sector offers employment to over 500,000 and over 2,000,000 people direct and indirectly respectively.

## BIODIVERSITY LOSSES

Tanzania suffers from commercial and subsistence poaching. Commercial poaching is mainly done to acquire trophies of higher value. Targeted species include elephants for their ivory and rhinos for their horns. This is due to high prices of these trophies in illegal market. Commercial poaching has created poaching and trafficking syndicates in and outside the country. Elephants have been greatly affected by poaching and recent census results indicate that elephant populations in Selous-Mikumi and Ruaha-Rungwa ecosystems reduced to 13,084 and 20,090 respectively from 38,795 and 31,625 respectively in 2009.



Subsistence poaching is also a problem. This type of poaching is basically for the pot, whereby the poor local people poach wildlife as a source of protein. It is common in the communities located adjacent to the Protected Areas. In many parts of the country this type of poaching is growing into a commercial activity

### WILDLIFE CRIME

Wildlife crimes are committed through syndicates which are organized and transnational in nature, are linked to corruption, arms trade and money laundering. Such crimes undermine the rule of law and good governance. They impact both at national and international level in terms of loss of species and



biodiversity, loss of habitats, loss of resource base (wildlife, forests, fishery and minerals), environmental degradation and pollution and loss of revenues. The drivers of poaching and illicit ivory trade include the fact that these crimes are “low risk” to criminal syndicates, corruption in law enforcement agencies, high profit from the illegal ivory trade, poverty of the local people around protected areas and moral decay among officials entrusted in safeguarding natural resources.

### EFFORTS TO COMBAT WILDLIFE CRIME

Tanzania has put in place efforts to combat wildlife crime and these include cross border cooperation with neighbouring countries, concurrent patrols in PAs along borders and increased capacity and capability which includes boots on the ground, field gears and specialised training. Other strategies include cooperation with national and international law enforcement agencies, establishment of a national strategy to combat poaching and illegal wildlife trade and establishment of a Multi-Agency Task Team (MATT). Tanzania has also stepped up its implementation of the National Anti-Poaching Strategy adopted in October 2014 and is in the process of setting up the Tanzania Wildlife Authority (TAWA – Oct, 2015).



### DISCUSSION

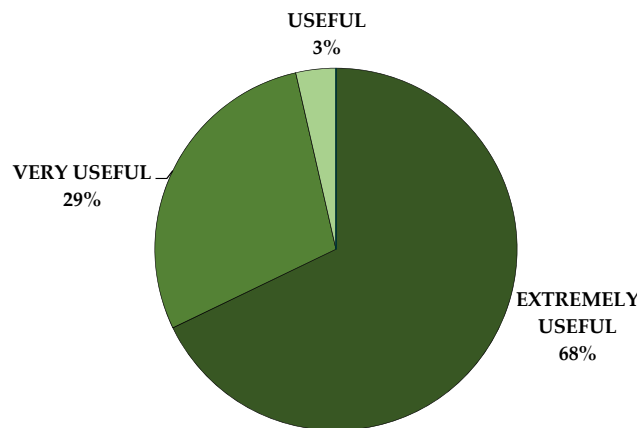
1. WD should consider collaborating with other agencies e.g. the army to help with elimination of the poachers.
  - a. *The WCA provides for the Wildlife Protection Unit as a paramilitary unit to deal with poaching as poachers have become militarised.*
2. We should focus on preventing the killing before bringing someone to court because the magistrate will consider mitigation, previous offences etc. before sentencing. It is better to find the means to prevent poaching than to bring people to court.
  - a. *Tanzania still has a shortage of rangers to prevent wildlife crime. WD is working on equipping the rangers to enhance their detection capacity*
  - b. *Tanzanian wildlife agencies are doing prevention through surveillance and intelligence led operations. However, should a crime be committed and a culprit arrested, the law provides that he or she must be taken before a court of law.*



- c. *WD offers several trainings to law enforcement especially to prosecutors and investigators. There are also specialised skill trainings to rangers in Pasiansi Wildlife Training Institute. These helps improve the rangers' enforcement capability and enhances prosecution and adjudication of wildlife crimes.*
3. If I legally buy ivory ornaments in another country and come with them to Tanzania, is it an offence?
    - a. *Trade in ivory is regulated under CITES and one must have a CITES import and export permit. If you do not have the permits, then you commit an offence.*
  4. There is a directive from DPP that if someone is caught with small ornaments, the responsible person should compound them instead of taking them to court.
    - a. *Under the WCA, the Director of wildlife is not allowed to compound offences against endangered species even if the quantity is small. Even the smallest ivory ornament means that an elephant has died.*
  5. There is a concern about misuse of government vehicles in Tanzania to commit wildlife crimes. What is being done?
    - a. *There are inter-agency collaboration including the MATT to ensure that all offenders are arrested. WD has arrested several government officials including MPs, military officials and public officials and they are before court.*
  6. There are also Chinese military vessels which come to the harbour in Dar-es-Salaam, load their goods and leave without being inspected. How sure are we that they are not exporting wildlife products?
    - a. *All vessels are inspected thoroughly including vessels of foreign governments who are working in Tanzania.*

### USEFULNESS OF THIS CONTENT

Trainees rated the content of this topic as being extremely useful to their work.



# DYNAMICS OF ILLEGAL WILDLIFE TRADE IN TANZANIA

BY JULIE THOMSON

TRAFFIC HEAD OF OFFICE, TANZANIA

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## KEY SPECIES IN THE WILDLIFE TRADE

Some of the species affected by the illegal wildlife trade in Tanzania are the savannah elephant, black rhino, African pangolins, lions, cheetahs, birds and reptiles. Due to demand for ivory in East and South East Asia, elephant numbers in Tanzania have declined from ~109,000 animals in 2009 to 43,000 animals in 2015. There has been a tremendous decline in rhino numbers due to an extensive and protracted poaching for horns. Historically, there may have been as many as 850,000 black rhinos in Africa, but by 1970 numbers had fallen to approximately 65,000. In Tanzania, there are only 127 animals remaining.



Intensive hunting, poaching, and habitat degradation threaten African pangolins. They are commonly consumed as bush meat, and their keratin scales with other body parts are used in traditional African and Chinese medicine. The lion has undergone a 43% decline in numbers over the past 21 years, mainly because of indiscriminate killing in defence of human life and livestock, habitat loss, and prey base depletion. Trade in bones and other body parts (body fat, skins, teeth and claws) for traditional medicine is an emerging threat on the conservation of African lions.

## STRUCTURE OF POACHING & TRAFFICKING NETWORKS



Wildlife poaching and trafficking is a highly organized crime, often well networked and using sophisticated financial, intelligence sharing transportation networks. In Tanzania, poachers are mainly from local communities adjacent to protected areas who often know the areas well. In some cases these communities host poachers from elsewhere, including neighbouring countries.

Local poachers are linked to middlemen who provide logistics, intelligence and supplies. The middlemen usually pay the poachers and benefit much more financially than the poachers on the ground. The middlemen also connect the poacher to local transport. Transportation can be private or public transport such as buses, taxis and motorcycles. The transport will then deliver the contraband to other middlemen for onward delivery to the patron or kingpin.

The kingpins finance the poaching network using financial means and using corrupt connections with people in the government or private sector, the contraband is moved across country borders and other exit points such as airports and sea ports. They use complex transportation routes that frequently change to take advantage of the most porous borders and lax enforcement. They bundle illegal and legal cargo together on transport vessels and falsify documents so that illegal wildlife can enter legitimate supply chains. They exploit internet retailers and also make use of hidden chat rooms.

Combined, these strategies make it difficult for law enforcement to monitor, detect and predict the transit routes through which illegal wildlife is trafficked.

### TANZANIA'S ROLE IN THE TRADE & AN INTRODUCTION TO TRADE ROUTES

Tanzania is one of the major source and transit countries in Africa for illegal wildlife products partly because of its wealth in wildlife resources but also because of its geographical location. Information collated on seizures locally and internationally of sources of wildlife products trafficked through Tanzania are:



- Kenya (mainly ivory) particularly through Mombasa Sea port
- Malawi (mainly rhino horn) with a recent confiscation in Mbeya City, south-western Tanzania
- Mozambique (mainly ivory)
- Burundi (mainly ivory)

Information compiled by TRAFFIC from seizure records indicates that more ivory, at least 45 tonnes, has flowed from Tanzania to international markets in Asia than any other African country since 2009. Forensic analyses have confirmed that seizures made in Uganda and Kenya have also involved ivory originating from Tanzania.

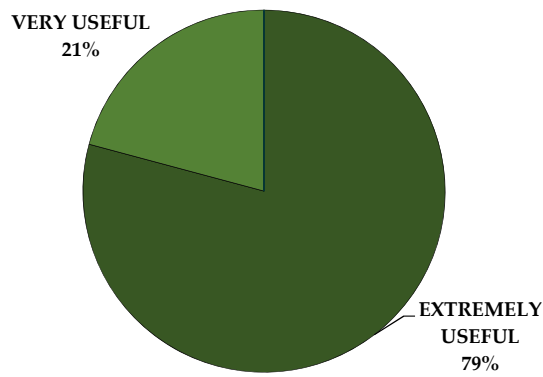
### DISCUSSION

1. The Chinese have very stiff penalties for poaching. However, it is China which receives most of the poached ivory. What has TRAFFIC done to ensure China steps up its efforts in stopping import of illegal wildlife products into the country?
  - a. *The Chinese government has tried to address illegal wildlife trade. When you look at Chinese customs and port security, their efforts are great. For example, they have excellent record keeping. There is need for more engagement on the African side and encouragement of more collaboration with China will help to reduce demand.*
  - b. *There are long term traditions of consuming wildlife in China that cannot be wished away. The best way to engage China is in a friendly manner to change their mentality. They are being engaged with education campaigns which provide important scientific information that disproves their traditional beliefs.*
  - c. *There is the Forum for Cooperation between China and Africa (FOCAC) where China is willing to assist Africa and African countries can engage China more directly. China is giving support to conservation in parks and investing in stopping trafficking.*
  - d. *AWF is planning to bring 4 key Chinese media companies to Tanzania to see and report on the wildlife destruction. It has been agreed that the media houses will then provide free space for messages on wildlife conservation.*
  - e. *The Chinese embassy in Tanzania has been very supportive. WD received 50 vehicles, container scanners and other equipment to help combat wildlife trafficking.*
  - f. *TRAFFIC has submitted a proposal to USFWS to look at Chinese ecological and wildlife crime footprint in collaboration with Chinese businesses and the Confucius Institute.*
2. What is the connection between wildlife crime and terrorism?
  - a. *UNODC looked at the link between wildlife trade and terrorism and what they found in Kenya is that Al Shabaab was making money from illegal charcoal trade. There are terrorist groups e.g. the Lord Resistance Army and Boko Haram that are making money from ivory trade.*

3. What is the motivation of the different actors in the illegal wildlife trade chain?
- a. *Many of the poachers are very poor and are motivated by basic desperation.*
  - b. *The King-pins and traffickers are motivated by greed.*
  - c. *The consumers are motivated by different things e.g. traditional beliefs, status symbols etc.*
  - d. *We can be able to convince the consumers not to consume. Maybe we can find another way for the poachers to make a living and stop poaching. But the people who are motivated by greed are the correct focus for the full force of the law.*

**USEFULNESS OF THIS CONTENT**

Trainees rated the content of this topic as being extremely useful to their work.

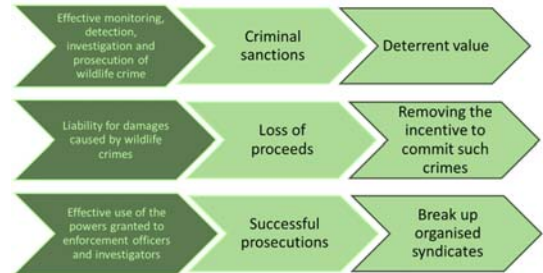


**INTRODUCTION TO WILDLIFE LAW**  
**BY LYDIA SLOBODIAN AND LORÉLIE ESCOT**  
 IUCN ENVIRONMENTAL LAW CENTRE

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**WHY THE CRIMINAL LAW APPROACH?**

The use of criminal sanctions as an effective deterrent requires five components namely; legislation that provides for effective powers to enforce and investigate, effective detection, enforcement and investigation of environmental crime, successful prosecution, appropriate sentences and additional orders by the judiciary and public awareness of successful prosecutions.



One shortcoming of using criminal sanctions in the protection of the wildlife resources is that it is a reaction to offences that have already been committed and thus, has already failed in its purpose of protecting the resource. However, the deterrent value of criminal sanctions should not be underestimated. Secondly, in many jurisdictions criminal law now also makes provision for liability for damages caused by such crimes, and the forfeiture of the proceeds and instrumentalities of the crime following on a conviction. Thirdly, the effective use of the powers granted to enforcement officers and investigators, followed by successful prosecutions, can break up organised syndicates by arrests, seizure of instrumentalities and the incarceration of offenders.

**ASPECTS AND ELEMENTS OF CRIMINAL LIABILITY**



Criminal law consists of rules and principles that lay out elements of criminal offences, rules regarding liability, general defences, burden of proof and penalties. Wildlife offences are created via original legislation enacted by the legislature, which can be found in a single statute or a series of laws. This is often complemented by delegated legislation that usually regulate in greater detail matters provided for by the original enactments

Requirements for criminal liability are that the alleged conduct is recognized by law as a crime, there was the performance of an act in the form of voluntary human conduct, the act complied with the definitional elements of a crime, the act was unlawful and the conduct was culpable. Some legal systems provide for "strict liability" where conduct is criminalised irrespective of whether the accused intended the outcome or subjectively willed the outcome.

**DEFINING WILDLIFE CRIME**

"Wildlife" can be defined as any animal which is now or historically has been found in the wild, i.e. in an uninhabited area in a primitive state. Wildlife crime can therefore be defined as any conduct relating to wildlife that has been criminalised by the legislature. Such criminalised conduct, usually relate to the following five categories; offences



relating to the illegal exploitation of wildlife, offences relating to the illegal possession of wildlife or wildlife products, offences relating to the illegal trade in wildlife or wildlife products, offences relating to the illegal export of wildlife or wildlife products and offences relating to the illegal import of wildlife or wildlife products.

**RELATIONSHIP WITH OTHER CRIMES**



Wildlife crime will link to other statutory offences under legislation dealing with protected areas, unlicensed firearms and ammunition, narcotics, customs and excise and public health, as well as commercial and organised crime.

Wildlife crime is often linked with commercial crime. This includes committing customs offences as well as fraud in an effort to ensure an income from their illegal activities. The proceeds of illegal trade are usually the subject of some form of money laundering as well as tax evasion. Another unfortunate complication is that these circumstances where large amounts of money can be generated quickly and easily create a breeding ground for corruption.

Wildlife crime can also be linked to organised crime. Participation in an organised criminal group is also known as racketeering in some jurisdictions and involved deliberate, purposeful contributions to criminal organisations or playing an active part in activities of the organised criminal group. Organised crime is often of a transnational nature. The United Nations Convention against Transnational Organised Crime (UNTOC) sets out a separate offence for participation in an organised criminal group. It attaches liability to deliberate, purposeful contributions to criminal organisations. The offence requires that an accused must have taken "an active part in" certain activities of the organised criminal group. The participation of the accused may be in the group's criminal activities or in other, non-criminal activities if the accused knows that his or her contribution would contribute to achieving the criminal aim. Many jurisdictions have incorporated a similar offence into their domestic legislation.



**DISCUSSION**

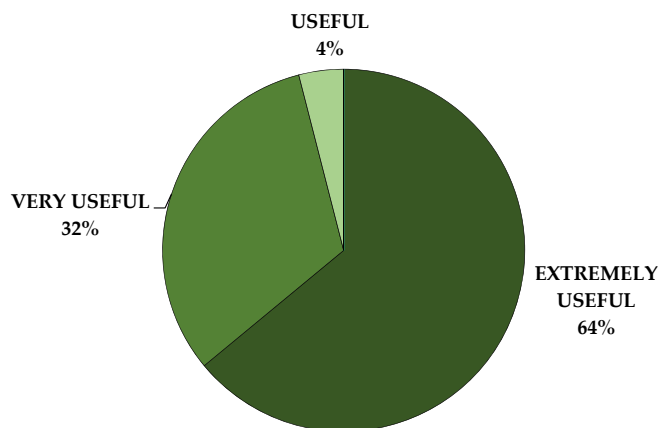
1. Is harmonising national and international law is a difficult thing to do?
  - a. *It is a difficult thing that we are struggling with right now. It is a matter of having the same things criminalised and the penalties at the same level. The enforcement also has to be equivalent.*
  - b. *There are regional protocols which are avenues and vehicles for implementation of international wildlife conventions.*
2. In the Tanzanian Constitution there is a provision that all state agencies have a duty to make sure that all human rights are enforced. Can we impute this duty to wildlife cases?
  - a. *From the international perspective there have been many cases where they found a violation of a human right because of an environmental crime. In some cases they found the right of an indigenous community was violated because there was destruction of the resources they depend on.*
  - b. *In Tanzania there is a decision by the High Court which has imputed the right to life in the right to a clean and healthy environment. This was further legislated in the National Environmental Management Act.*
3. Are there cases of prosecuting corporations in Tanzania?
  - a. *There have been cases in the recent past of charging of hunting companies.*



4. Does Tanzania make use of mutual legal assistance when enforcing wildlife laws?
  - a. *Mutual Legal Assistance is difficult with Asian countries. There are sometimes no extradition agreements or mutual legal assistance agreements between Asian countries and Tanzania.*
  - b. *Within the region, there are no problems. Tanzania works closely with Kenya and Uganda in solving wildlife cases.*
5. Is there a possibility for a court of another country to collect evidence and bring it to Tanzanian courts?
  - a. *In Kenya for example, under the Kenyan Mutual Legal Assistance Act, a court in another country can take evidence on behalf of the Kenyan court.*
  - b. *The Prosecutor makes a mutual legal assistance request which is processed through the Ministry of Foreign Affairs. If the other country is willing to take evidence, then the prosecution files an application to the High Court where evidence can be taken in that foreign countries.*
  - c. *The Court can move to that country to take evidence or it can get a corresponding court in that country to take evidence in relation to that case.*
  - d. *A public notary can also take evidence in a foreign country through this process and such evidence will be acceptable in Kenyan courts.*
6. One problem is that when foreigners are granted bail, they abscond. The issue is that the law allows for them to be granted bail.
  - a. *Sometimes the prosecution objects to issuing of bail because the foreigner has not fixed aboard but the courts still go ahead and grant bail.*
  - b. *In Kenya, all offences areailable. This includes murder and other serious crimes. There is now a new practice that the Investigating Officer makes an affidavit swearing in objection to any bail request.*
  - c. *Use the system including appealing decisions to grant bail or applying for revision of decisions to grant bail.*
7. The Criminal Procedure Act (CPA) was amended in 2014 to provide for plea bargaining in Tanzania (Section 184A and B).

**USEFULNESS OF THIS CONTENT**

Trainees rated the content of this topic as being extremely useful to their work.



## OVERVIEW OF TANZANIA'S POLICIES AND LAWS

BY ANNAMARIA MKAMA  
WILDLIFE DIVISION

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### INTRODUCTION

The Wildlife Policy of 2007 emphasizes on the socioeconomic contribution wildlife to the development of Tanzania. This Policy led to enactment of the Wildlife Conservation Act No. 5 of 2009 (WCA) whose main objective is to make better provisions for the conservation, management, protection and sustainable utilisation of wildlife and wildlife product. The WCA makes provision for the management and conservation of biodiversity and wildlife. It also provides rules relative to consumptive and non-consumptive wildlife utilization. The Act also creates the office of Director of Wildlife, who is the officer in charge of the Wildlife Division



assisted by wildlife officers, wildlife wardens and wildlife rangers.

Section 10 of WCA, gives the minister the mandate to establish a paramilitary unit known as the Wildlife Protection Unit (WPU) in consultation with authorities responsible for defence and security. The law gives authorized officers powers to use fire arms and ammunition in the course of executing the Act. Unlike other criminal laws, the WCA sometimes shifts the burden of proof to the offender.

### CHALLENGES IN EXECUTING THE WCA

Despite having well-articulated wildlife laws in Tanzania, there are challenges in implementation. Handling of exhibits is often now well managed. Sometimes, the exhibits get lost or altered or even changed in the course of court proceedings which leads to loss of cases. There are some oversights during arrests which weaken the evidence e.g. failure to prepare certificates of seizure and lack of independent witness. There are inadequate Public Prosecutors from the wildlife sector in comparison with the number of crimes. Further, there is often lack of availability of key witnesses. The courts usually lack funds to facilitate court attendance for witnesses. There is also inadequate environmental awareness by some judicial officers.



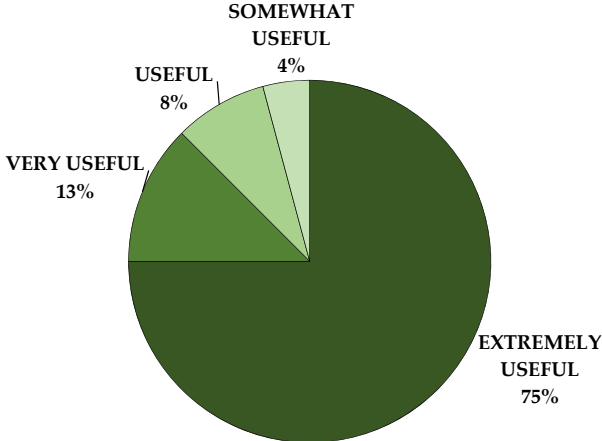
### DISCUSSION

1. People are not aware of the legislation on wildlife crime. It is important to find the means to make all government institutions aware of the laws.



**USEFULNESS OF THIS CONTENT**

Trainees rated the content of this topic as being extremely useful to their work.



**KENYAN EXPERIENCE IN USE OF OTHER LAWS TO STRENGTHEN WILDLIFE CRIME  
PRSECUTIONS**  
**By KATTO WAMBUA**  
**ODPP KENYA**

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**WHY EMPLOY 'OTHER LAWS' AGAINST WILDLIFE CRIMES?**

The world has experienced poaching cycles which have greatly affected wildlife. One of the most significant was the 'Great Poaching' of the 1970s and 1980s when elephant population in Africa was cut from 1.3 million to 600,000. Kenya lost 88% of its elephant population between 1973 and 1987. Numbers went down from 120,000 to 15,000 individuals. As a response, Kenya enacted the Wildlife (Conservation and Management) Act of 1976 (WCMA). This law Kenya's 1989 ivory burn marked a new era against poaching.



The second great poaching cycle of post-independent Africa of 1997-2014 was driven by demand fuelled by economic boom in China, Vietnam, Thailand and Singapore. The 'One-Off Sales' to legal ivory/rhino horn markets offers opportunities for illegal poaching and trafficking, to service the booming global black market. Kenya's response to this poaching cycle was to revise the wildlife law. The new Wildlife and Conservation Act was enacted in 2013. It introduced stiffer species-specific minimum penalties. Law enforcers also adopted a robust inter-agency and "full-range of the law" approaches to combating wildlife crimes. As a result, elephant poaching reduced by 84%, while Rhino Poaching dropped by 81.4% from the 2012-2013. Further, conviction rate for wildlife crimes rose to 94%.

**THE 'OTHER LAWS'**

The aim of using other laws is to effect a "full range of the law" and "follow the money approaches." The other laws used include the Prevention of Organized Crime Act, 2010, the Proceeds Of Crime and Anti-money Laundering Act, 2009, the East African Community Customs Management Act, 2004, the Anti-Corruption and Economic Crimes Act, 2003, the Firearms Act, the Forests Act, 2005, the Kenya Citizenship and Immigration Act, 2011, the Mutual Legal Assistance and Extradition Acts and all tax laws including the Tax Procedure Act, 2015.

**INTER-AGENCY COOPERATION**

Kenya has in place the Rapid Reference Guide for Investigation and Prosecution of Wildlife Crimes in Kenya. It includes draft charges on relevant laws including statement of offence, applicable sentence, points to prove and ancillary powers. There are also the Standard Operating Procedures which give guidance on the decision to charge, cooperation, minimum file requirements.



**CASE STUDY**

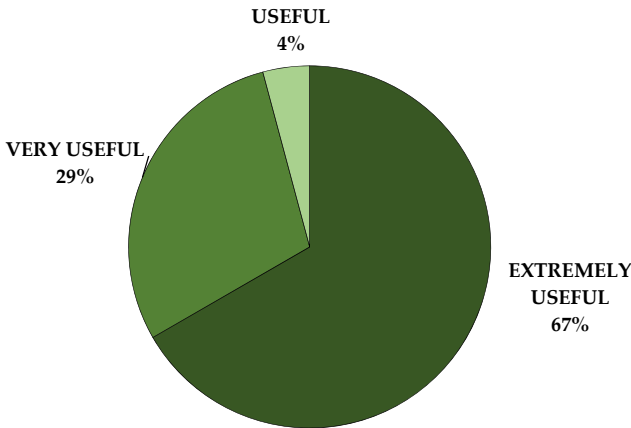
In *R v Sheikh M. Abdulrahman & 8 Others* the case involved 4 tonnes of ivory worth USD 5.6 million. The ivory was intercepted in Thailand. The accused were charged under 6 laws including the Wildlife Conservation and Management Act, the Proceeds of Crime Act, the Proceeds of Crime and Anti-Money Laundering act, the East African Community Customs Management Act and the Anti-Corruption and Economic Crimes Act among others. Assets worth Kshs. 250 million were frozen and tax inquiries commenced. There was international legal cooperation with Interpol and Thailand. In Kenya, there was inter-agency collaboration between, KWS, NPS, KRA, FRC, Immigration Department, EACC, ODPP and the Judiciary. The challenges experienced were that the laws were inadequate, the case is taking too much time to investigate, there are lack of resources to carry out concrete investigations, institutional inadequacies and poor international legal cooperation.

**DISCUSSION**

- 1. Are there any high profile people in Kenya being prosecuted for wildlife crimes?
  - a. *Kenya has been able to prosecute high profile cartels in wildlife cases and high government officials in corruption cases.*
- 2. What is the interaction between prosecution and the bench in Kenya?
  - a. *At first the dialogue with magistrates was difficult because they thought they were too learned to sit with investigators. But now this has changed and the agencies work closely with each other.*
- 3. If there are problems in getting witnesses in Kenya, how tolerant is the court?
  - a. *The ODPP created the SOPs to avoid a situation where there no witnesses. There are pre-trial requirements for the case preparation.*
- 4. What is the involvement of the army in wildlife crimes in Kenya and are they prosecuted?
  - a. *The Kenyan army has little involvement in wildlife law enforcement. We have been able to arrest several low ranking army officials for wildlife crimes and they are currently in court.*

**USEFULNESS OF THIS CONTENT**

Trainees rated the content of this topic as being extremely useful to their work.

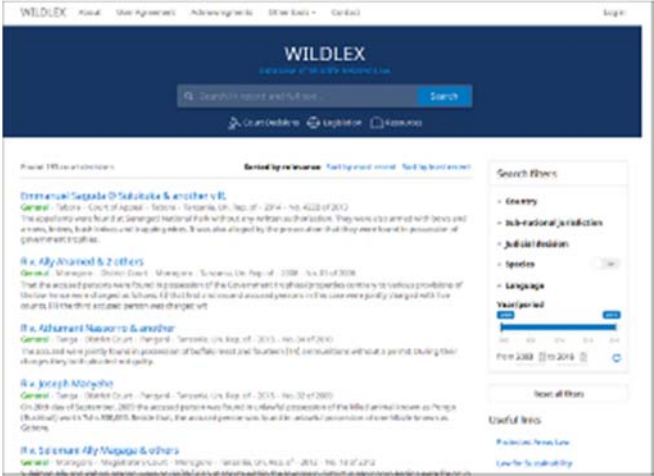




failure to follow rules of evidence in recording confessions and defective charges, error of fact and error of law.

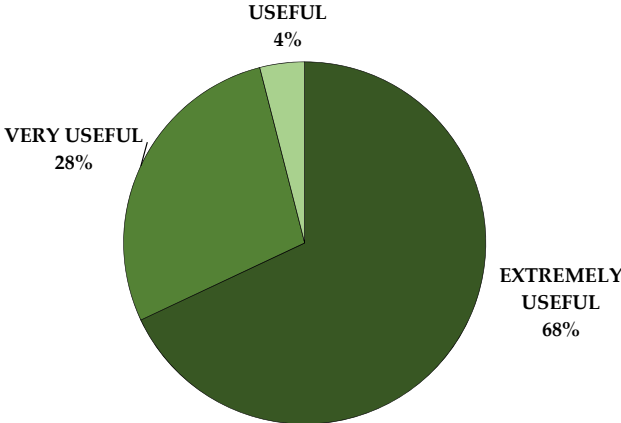
**ONLINE DATABASE OF CASES**

The next stage in this project is the publication of these 260 cases on WILDLEX. WILDLEX will be freely available to the public, researchers and the judiciary. Some of its features include easy filters and downloadable documents. WILDLEX is linked to ECOLEX and gives access to the legislation cited in the cases.



**USEFULNESS OF THIS CONTENT**

Trainees rated the content of this topic as being extremely useful to their work.



**PROJECT WISDOM**  
**COMBATTING POACHING AND TRAFFICKING OF ELEPHANT IVORY AND RHINO HORN**  
**By CHRISTIAN PLOWMAN**  
**INTERPOL**

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**PROJECT WISDOM**

The initial project mandate of this project was to establish in Sub-Sahara Africa a comprehensive program to effectively disrupt and dismantle the major transnational criminal syndicates engaged in the illegal trade of African elephant ivory and Rhino horn. The project aims to promote and support intelligence led enforcement in member countries facing the challenge of addressing wildlife crime which in turn is endangering biodiversity. The project will be implemented by providing field assistance and appropriate training supporting investigations on agreed targets based on previous criminal analysis on information provided by the Countries.

The aims of Project Wisdom are to provide investigative and criminal analysis, strengthen international wildlife law enforcement co-operation, create operational response prioritization, build capacity and raise awareness. The expected outcomes of the project are improved case file analysis, more targeted operational analytical assessments, better case follow-up with LEAs, operationally focused training, law enforcement operations coordination and better identification of multi-national criminal links between cases.



**COMMAND AND COORDINATION CENTRE (CCC)**

This centre has offices in Lyon, Buenos Aires and Singapore. The CCC provides services in Arabic, English, French and Spanish. It operates round the clock and is never shut down. Its key activities include issuing notices, monitoring message traffic and media sources, coordinating exchange of information among member countries and providing crisis support and deployment of incident response teams, Interpol major events support teams or disaster victim identification teams.



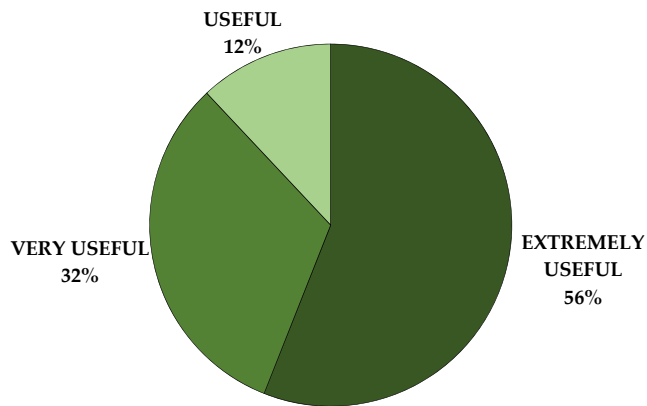
**DISCUSSION**

1. How does Interpol intervene in some cases if the countries do not approach it?
  - a. *Interpol does not intervene where a country has not asked for any help.*
2. What is the level of interaction with Interpol and the judiciary and what are the main challenges faced?
  - a. *Interpol does not have investigative powers and its officers cannot testify before court. Its interaction with the judiciary is therefore minimal. In French speaking Africa, the judiciary directs investigations and so Interpol has interactions with them.*
  - b. *The interaction with prosecutors is slightly more involved as prosecutors direct investigations.*

3. In Tanzania there is the Mutual Assistance in Criminal Matters Act (Cap 254) and there is also the Proceeds of Crime Act (Cap 255). One important area is that there is an assets recovery section under the office of the DPP. There is a ruling in the court of appeal in relation to assets recovery.

**USEFULNESS OF THIS CONTENT**

Trainees rated the content of this topic as being extremely useful to their work.





## UNODC TOOLS TO COMBAT WILDLIFE AND FOREST CRIMES

BY STEPHEN THURLOW  
UNODC

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### UNODC GLOBAL PROGRAMME FOR COMBATING WILDLIFE AND FOREST CRIME

This Programme was launched in May 2014 and covers wildlife, timber and fisheries crimes. It focuses on the key areas of the toolkit and integrates the best practices of UNODC. It incorporates review of legislation, training programmes for prosecutors, law enforcement and judiciary and the Container Control Programme (CCP). Under review of legislation, the program has reviews the laws of several countries including Botswana, Malawi, Namibia, Swaziland and Tanzania. The program has also held trainings for prosecutors, law enforcers and judiciary in Botswana, Tanzania, Kenya, Bangkok, Uganda and Tanzania. On the job mentors have been deployed to Botswana, Lesotho, Malawi, Mauritius, Namibia, Tanzania, Swaziland and Zambia. The trainings bring together all relevant stakeholders, including prosecutors, investigators, police officers, customs officers, representatives from asset recovery agencies, specialized organisations and wildlife authorities.

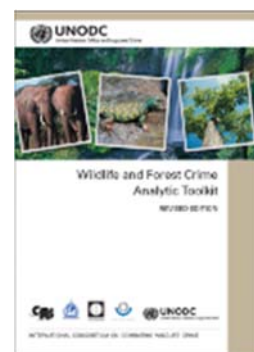
### THE INTERNATIONAL CONSORTIUM ON COMBATING WILDLIFE CRIME (ICCWC)

This is a partnership between the CITES Secretariat, Interpol, UNODC, the World Bank and the World Customs Organization (WCO). ICCWC was officially launched in November 2010 in Saint Petersburg, Russia at the International Tiger Forum. It is a unique pool of technical and programming expertise to address wildlife and forest crime. UNODC activities under ICCWC include the implementation of the Wildlife and Forest Crime Analytic Toolkit development of guidelines on ivory cases, development of guidelines on timber cases, DNA analysis of ivory, joint law enforcement capacity building activities and prosecution and judiciary capacity building activities.

### WILDLIFE AND FOREST CRIME ANALYTIC TOOLKIT

This is a technical resource for Member States to undertake a national analysis of wildlife and forest crimes. The toolkit gives guidance for the analysis of the strengths and weaknesses of preventive, law enforcement, and criminal justice responses to wildlife and forest crimes. The toolkit is aimed at creating evidence based programmes for technical assistance and capacity building. It is a government led process. The toolkit has five parts.

1. Legislation – covers international and domestic law, wildlife and forest offences, related offences and regional and specialized initiatives.
2. Enforcement – covers enforcement agencies, human resources, intelligence, enforcement powers investigation procedures and techniques, border control and customs, international cooperation in criminal matters, technical assistance and aid and accountability and integrity.
3. Judiciary and Prosecution – covers the judicial process and prosecution of wildlife and forest crimes, international cooperation in criminal matters, sentencing and sanctions and restitution, compensation and restoration.
4. Drivers and Prevention – which covers context analysis, wildlife and forest management, social capacity building, trade and legal markets and awareness raising.





5. Data and analysis – covers data collection, databases, performance indicators and analytic research.

**CONTAINER CONTROL PROGRAM (CCP)**



The program involves getting information from cargo manifests and bills of lading (pre-arrival phase), customs declaration (arrival and post arrival phase), proactive use of Cargo Data Systems, use of open sources and cooperation with the private sector. WCO gives technical support through ContainerComm which is a secure web-based global communication platform for the exchange of intelligence and information. It has preformatted messages for warning, feedback and seizures in various languages. It is a Global port control communication system that relies only on internet access and is free of charge and has no maintenance costs. There is also the Cargo Targeting System (CTS) which is an electronic risk assessment and targeting system for import, export and trans-shipment data of shipping lines. The software is free of charge and has low maintenance costs.

The CCP operations have resulted in uncovering commercial fraud, wildlife crime, counterfeit medicines, weapons and other contraband. Between 2006 and 2014 recoveries included 3 metric tonnes of heroin, 100 metric tonnes of cocaine, 60 metric tonnes of cannabis and 1,275 metric tonnes of precursor chemicals. In 2015 there were theoretical trainings undertaken in the region including Incorporation of CITES training elements. 70 officers were trained from Kenya, Uganda and Tanzania. There was also a demonstration done to a high-level delegation in Kenya.



**SHERLOC KNOWLEDGE MANAGEMENT PORTAL**



SHERLOC (Sharing Electronic Resources and Laws on Crime) is an initiative to facilitate the dissemination of information regarding the implementation of the UN Convention against Transnational Organized Crime (UNTOC) and its three Protocols. It contains a bibliographic database, case law database, database of legislation and Competent National Authorities (CNA) database.

Currently, SHERLOC contains more than 4000 legal provisions of 187 countries covering 14 types of crimes which one can search by country, UNCTOC Article, crime type or cross-cutting issue. There are 290 bibliographic abstracts on smuggling of migrants covering 33 countries which one can search by country or region, keyword or expansion of all crime types. There are more than 1800 court cases from 102 countries covering 14 types of crimes which one can search by country, crime type or cross-cutting issue. The CNA directory is for UNCTOC and the 1988 Drug Convention. It lists CNAs for mutual legal assistance, extradition, transfer of sentenced persons, smuggling of migrants and trafficking in firearms.

**GOTRACE**

goTrace is a free and secure tool for investigators which can help them to find vital leads in the databases of other partner agencies, both nationally and internationally. Finding these leads can mean the success or failure of complex investigations. The benefits of goTrace are that it is secure, simple, free, flexible, powerful and fast.

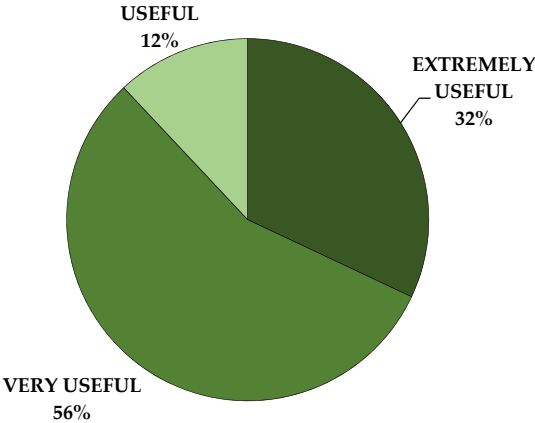


**DISCUSSION**

1. Does UNODC have any motivation systems to encourage member countries to use the trace system?
  - a. *UNODC sensitises and encourages countries to use the system because it is secure.*
2. Poaching and trafficking has the ability to move from one country to another. In northern Cameroon they poach using horses and bazookas. The poachers move from South Sudan, Central African Republic and other areas and take back the illegal ivory to their countries.

**USEFULNESS OF THIS CONTENT**

Trainees rated the content of this topic as being very useful to their work.



## **INTERAGENCY COLLABORATION (UGANDA CASE STUDY)**

**BY CHEMONGES SABILLA**

**UWA**

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### **INTRODUCTION**

Collaboration merely means working with another person or group of persons or organizations in order to achieve a common goal; in this essence to combat wildlife crime. Wildlife' means all fauna and flora. 'Wildlife Crime', refers to acts committed contrary to national laws and regulations intended to protect natural resources and to administer their management and use. Such acts include illicit exploitation of natural resources like poaching of an elephant, unauthorized logging of trees, processing of fauna and flora into products, their transportation, offer for sale, sale, and possession, among others. Wildlife is a component of the environment and the legal framework treats it as an important part of human life. The Government of Uganda has developed several policies, laws, regulations and guidelines with many institutions and agencies response for the various functions of enforcing the law on wildlife among others.

### **APPROACHES TO CONSERVATION**

The Ugandan laws have established several approaches to wildlife conservation which include ownership approach, licensing, protection and prohibition, offence and penalty approach, participatory approach, precautionary approach, collaborative wildlife management, sustainable management and management plans approach. The offences and penalties approach is the most relevant to this discussion. All efforts against wildlife crime fall under this approach to wildlife conservation. It has become popular because their other approaches seem not to be effective enough and this explains the high trends of crime in the world today. This approach requires collaboration of all law enforcement agencies for it to achieve success. Efforts of one agency will always be frustrated by others if there is no teamwork.

### **RELEVANT AGENCIES AND THEIR ROLES IN COMBATING WILDLIFE CRIME IN UGANDA**

The law in Uganda establishes many institutions that enforce the law and they are key in combating wildlife crime. Citizens by the Constitution and other laws are the owners of all natural resources and they have a mandate to enforce the law with powers to arrest. Uganda Wildlife Authority (UWA) is the lead agency established by the Uganda Wildlife Act in the enforcement of the wildlife crime law. However, its mandate is highly limited and it cannot work alone. It must collaborate with all the other relevant agencies so as to achieve its law enforcement goals.

### **AREAS OF COLLABORATION**

Information gathering and sharing on wildlife crime detection should be done by all security agencies. There are also joint investigations where police take the lead and UWA, customs and UPDF cooperate and ensure files are completed. There is also collaboration in conducting searches aimed at recovering exhibits and evidence. Courts issue search warrants where needed and police, UWA, Aviation Authority and Customs cooperate in carrying out the searches. Other areas of collaboration include custody of wildlife crime suspects and sanctioning and confirmation of charges.

## CASE STUDIES ON INTER-AGENCY COLLABORATION IN COMBATING WILDLIFE CRIME

1. On 21 January 2015, authorities at Entebbe Airport detected a concealment of 791 kilograms of ivory and 2029 kilograms of pangolin scales in a consignment declared as telecommunications equipment being exported for repair. The contraband was concealed in wooden boxes sealed with aluminium wrappers to avoid detection by an X-ray machine. The declared exporter was MTN Uganda and the falsely declared telecommunications equipment was registered for shipment to EMEA Warehouse in Eindhoven, the Netherlands.

2. On 3 July 2013 authorities at Mombasa Port seized 1478.4 kilograms of ivory concealed in a consignment of sundried fish maws. The ivory was in 69 bundles and placed inside the fish maws bags. Shipping documents from PIL indicate the exporter name to be Bajje Investments (U) LTD, fish maws dealers, Kampala Uganda. According to the documents, the consignee was Spektra Marketing, No. 3 Jalan SS18/4 47500 Subang Jaya Selangor Darul, of Malaysia. Shipping container PCIU1522740, URA seal number 01924560.



3. On 17 October 2013, 2903kg of ivory were seized at Bweyogerere outside Kampala by URA. The ivory was purportedly on transit from DRC to Mombasa. The owner of the ivory, Kayumba Emile Ogane (Congolese) petitioned the High Court at Kampala to have the ivory returned to him on the basis that he had a licence to trade and transport the ivory from the DRC government. He informed court that he was given the authority to collect this ivory from culled and dead elephants in and around the national parks of DRC (Lubero, Walikale, Masisi in N Kivu). Mr Emille Ogane engaged a Kenyan national Mr Owino Odhiambo to transport the ivory from Goma, DRC to Mombasa where Mr Odhiambo's company Silver Line Shipping would send it onward to China and UAE. Following Mr Kayumba Ogane's petition, the High Court Judge in Kampala made a ruling allowing him to take his ivory on grounds that he had trade and travel licenses from DRC Government. That URA was unable to prove that the consignment had entered Uganda illegally despite it being disguised as coffee, and secondly the goods in transit cannot be impounded by the URA or UWA. The prosecution could not arrest the suspects because they always appeared in court through their lawyers.

## CHALLENGES IN COLLABORATION

- Lack of interest in wildlife crime cases by officers of non-lead agencies
- Ignorance on the importance of wildlife by officers (need for sensitization)
- Busy schedules of other agencies on their other mandates paralyse cases (Government to provide for wildlife crime specialization in all relevant agencies)
- Lack of a specialized investigation team on wildlife cases
- Limited number of wildlife crime prosecutors (need to appoint more)
- Lack of judicial activism in wildlife and conservation (dialogues and lobby avenues and more interactions with the judiciary).
- Weak penalties in the laws; (amendment to enhance sentences)

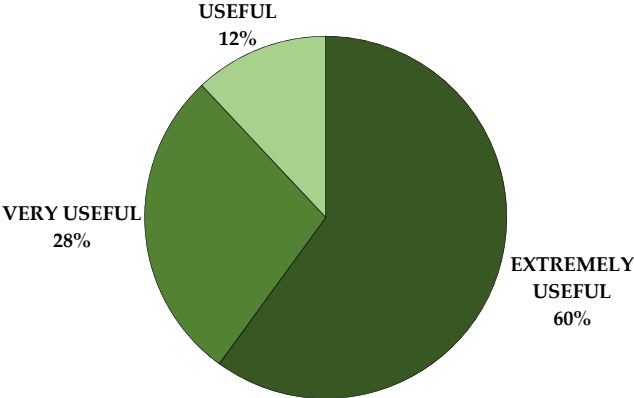
- Limited budget allocations to efforts of investigation and prosecution as efforts are geared to patrols and other management mechanisms (need for more funds in combating wildlife crime efforts)

**DISCUSSION**

1. It is a high time that all agencies in Tanzania work together to make the enemy of wildlife crime stop.
2. The Tanzania Law Reports has no wildlife cases to guide prosecutors and courts.
  - a. *There need to be properly investigated and prosecuted cases leading to well written judgments to create jurisprudence for wildlife crime cases.*
3. When the prosecution presents its case and when the magistrate is delivering justice they are bound by proof beyond reasonable doubt. It is therefore important for agencies to work together to ensure that investigations are thorough. Prosecution guided investigations are also important.

**USEFULNESS OF THIS CONTENT**

Trainees rated the content of this topic as being extremely useful to their work.



## SOME OF THE CURRENT TECHNOLOGY TO COMBAT WILDLIFE CRIME

BY JULIE THOMPSON  
TRAFFIC

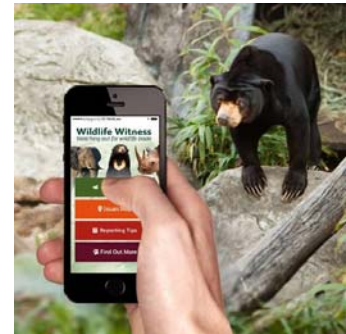
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### REMOTE AIR SAMPLING FOR CANINE OLFACTION

A new technology that works hand in hand with sniffer dogs is RASCO (Remote Air Sampling for Canine Olfaction). The great thing about this technology is that one can sample hundreds of containers in a day. The technology involves using air filters attached to a vacuum cleaner to suction the air from a container and collect the air samples from the containers and then present the filters to the dogs. This technology has been successful in the UK and the USA and TRAFFIC will soon be trialling this technology at the port in Mombasa.

### WILDLIFE WITNESS

This is an Australian-built app to report and crack down on wildlife trafficking. The app allows tourists and locals to report the illegal wildlife trade by taking a photo, recording the exact location of an incident and sending the details to TRAFFIC. TRAFFIC then uses a wildlife crime data analyst to scan and compile reports for authorities. The app has generated more than 500 intelligence reports in the last year and proved so successful that it is now going global.



### TRADE MAPPER

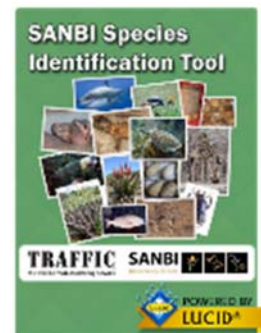


TRAFFIC and WWF-UK have developed a simple, web-based tool called TradeMapper for mapping wildlife trade data (CITES data, Customs, ETIS, etc.). This allows users to easily visualise and explore their data, as well as create animations of change over time or static maps for reports and presentations. Although it was developed with wildlife trade data in mind, it is suitable for any kind of flow data

(money, people etc.). The code for TradeMapper has been made open-source via GitHub to encourage further development and use.

### SANBI SPECIES IDENTIFICATION TOOL

The SANBI Species ID Tool, which includes an electronic cycad identification key, is a decision support and easy reference tool that assists customs officials, law enforcement officers, border police and environmental management inspectors with the identification of CITES listed species.



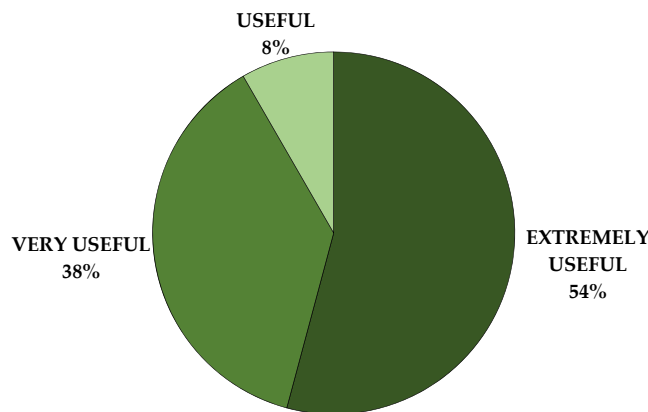
### DISCUSSION

1. The court can accept sniffer dog evidence as expert evidence. In one case, a dog sniffed out ivory powder under a bed and the problem was finding a DNA laboratory to confirm the substance.

2. Honeyguide Foundation stated that they had been having a problem with poaching and when sniffer dogs were brought in, the poachers left.
3. When is RASCO going to be tested in Mombasa?
  - a. *TRAFFIC will try to get the program started on 15<sup>th</sup> June 2016. There will be a trial and a small training program for Port Staff*
4. What kind of safeguards do you have in case of handling the sampling canisters under ROSCO in order to prevent questions of chain of custody from defence counsels?
  - a. *TRAFFIC will not be doing this sampling for court purposes specifically but for intelligence purposes to alert authorities that a particular container has contraband in it.*
5. Is evidence recovered by sniffer dogs admissible in Tanzanian courts?
  - a. Technology and law in most jurisdictions are always problematic because technology changes faster than the law.
  - b. There is no specific provision in Tanzanian law that allows for admissibility of evidence recovered by sniffer dog. However, lawyers follow precedent as Tanzania is a common law country. There is no judicial pronouncement on this matter in Tanzanian courts. However, some common law countries have made decisions on whether or not such evidence is admissible. In India there is a judicial decision saying that evidence recovered by sniffer dog is hearsay evidence. There is a decision in Canada's Supreme Court that states that police powers of search and seizure by sniffer dogs should be provided for by statute law. In South Africa the court provided that such evidence is not admissible. In Kenya and Uganda, the court have stated that such evidence is admissible but the training and antecedents of the particular dog also have to be stated in court.

**USEFULNESS OF THIS CONTENT**

Trainees rated the content of this topic as being extremely useful to their work.





## SECURING OUR ENTRY/EXIT POINTS THROUGH USE OF CANINES

By ABRAHAM JULLU  
WILDLIFE DIVISION

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### WHY GO FOR SNIFFER DOGS?

The sniffer dog unit is an animal work force which supplements the challenge of inadequate human force. The sniffer dogs work further where human "senses" end. They help to solve the problem of some dishonest staff. An example is the case of R –vs- Hussein Ahmed Ally Mansour (EC.O1/2015) in which the accused person tried to illegally transport 149 Monitor lizards worth TZS 6,332,500. The parcel containing the monitor lizards passed through the scanner but the person manning the scanner pretended not to notice the anomaly. The dogs subsequently sniffed out the contraband. The accused was sentenced 2yrs in jail or to a fine TZS 10,000,000.

### OPERATION

The WD Canine Unit has been in place since September, 2015. It consists of 4 Sniffer dogs and 6 handlers. They are stationed at the Julius Nyerere International Airport (JNIA). On 28<sup>th</sup> November 2015, the unit started operating at the Dar es Salaam Port. The Unit has had some challenges accessing the baggage at the JNIA. On 2<sup>nd</sup> December 2015 the Unit started operating at the sorting



area of the JNIA but were then asked to move. In February 2016 the Unit was allowed to work at the "check in luggage" area. There was some difficulty here as well and in May 2016, the Unit was allowed by TAA to work at the "Airside".

### SUCSESSES

The sniffer dog Unit has managed to deter many potential wildlife offenders from trafficking through JNIA. The sniffer dogs are also called upon to help with ivory identification.

### CHALLENGES

There has been a bit of bureaucracy in trying to get an appropriate place for the Unit to work at JNIA. At the "airside", the Unit cannot access cabin luggage. At the Port, there is a huge volume of containers averaging about 500 per day and the Unit cannot keep up with this. Tanzania also has a large number of unofficial ports (about 300).

### DISCUSSION

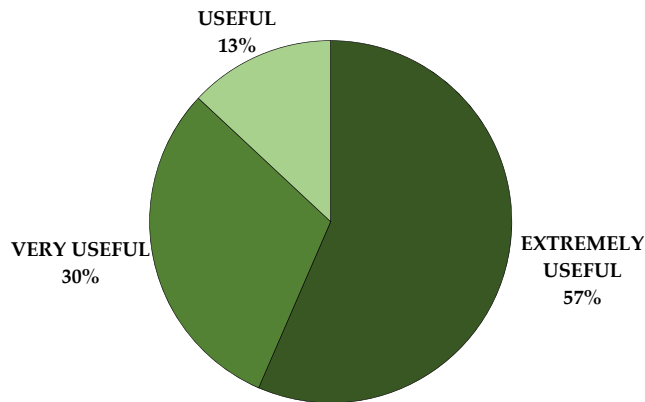
1. In Tanzania how do you set the value for animals or trophies?
  - a. *It is set according to the regulations in under the WCA*
2. What are the reasons advanced by the airport officials to deny the canine unit working at the sorting area?
  - a. *There are dogs from the national security unit working there that are sniffing drugs and explosives. The security units first complained that the WD dogs were making their dogs lose concentration. They later came up with another complaint that WD dogs would transmit diseases to their dogs.*
3. Do you have refresher courses for the dogs?



- a. *The dog trainer is with the dogs at the airport and the dogs are trained every day.*
- 4. We should now enact some law relating to sniffer dogs because when they are performing their duties, one can assault the dog or stop it from performing its duty and that should be criminalised.
- 5. What safeguards do you have to prevent a dog from getting sick during its duty?
  - a. *The dogs are treated like any other workforce and there is need to ensure that their performance is in top condition. They are given reasonable working hours and a conducive working area is created for them.*
- 6. WD should consider small non-threatening dogs that can work in passenger lounges and areas without creating fear.
  - a. *This is possible but persons of the Islamic faith do not interact with dog and it will be violating their religious beliefs if you introduce dogs among them.*

**USEFULNESS OF THIS CONTENT**

Trainees rated the content of this topic as being extremely useful to their work.



## INTERAGENCY CHALLENGES

CATEGORY	CHALLENGE	JUDICIARY	PROSECUTION	INVESTIGATION
INTERNAL CHALLENGES	Lack of knowledge on wildlife matters			
	Lack of working tools (electronic libraries, statute books)			
	Budget constraints			
	Poor infrastructure and facilities			
	Inadequate personnel			
	Limited capacity on emerging crimes			
	Limited time for case preparation			
	Poor exhibit management			
CHALLENGES AMONG AGENCIES	Poor investigations			
	Poor exhibit management by investigators			
	Poor trial advocacy skills by prosecutors			
	Delay in cases (failure of witnesses to attend court, change of prosecutors, slow processing of expert reports)			
	Poor drafting of charges			
	Inadequate collaboration with other agencies			
	Limited time to complete investigations			
	Poor recording of court proceedings			
	Low sentences compared to gravity of offence			
LEGAL CHALLENGES	Scattered wildlife laws (WCA, NCAA, NPA, MPRA)			
	Too many and too frequent amendments to laws			
	Consent of DPP needed for court to handle wildlife case			
	Lack of operationalization of witness protection laws			
	Conflicting laws			
	Provisions for bail even for foreigners and flight risks			
	Inadequate legal framework (no wildlife law in Zanzibar)			
	Lack of investigative powers for wildlife officers under the WCA			

## MOCK TRIAL ACTIVITIES

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During a routine inspection customs officials in Hong Kong Harbour note that the contents of a container, shipped from Dar-es-Salaam, Tanzania, consists of old, seemingly worthless furniture. The waybill describes the contents simply as "furniture". This looks suspicious, and they measure the inside of the container, only to find that the inside is half a meter shorter than the outside length of the container. They find a hidden compartment in the back of the container, in which they find 7 rhino horns, apparently destined for Vietnam. The combined weight of the rhino horns is 13.5 kg.

The Tanzanian authorities send over a team of investigators to Hong Kong, who obtains statements from the custom officials and brings back the rhino horn to Tanzania, where an expert confirms that it is the horns of Black Rhino ("*Diceros bicornis*"). The only information they can obtain on the sender of the container is that it was sent by a certain Mr Johnny Jones, whose address was provided as the Polana Hotel in Dar-es-Salaam. A visit to the Polana Hotel reveals that there was indeed such a person staying there at the time of the sending of the container, but that he is a South African citizen who has returned to South Africa in the meantime.

In a further joint investigation with the South African authorities forensic examination shows that the seven rhino horns originates from four rhino that were killed in the Kruger National Park (South Africa) in four separate incidents over a period of three months before the consignment was exported from Dar-es-Salaam. Ballistic tests show that all four rhino were killed with the same firearm. The South African authorities arrest Mr Johnny Jones at his home in Johannesburg and eventually he is extradited to Tanzania.

In a seemingly unrelated incident the Tanzanian authorities arrest a Tanzanian citizen, Mr Sammy Smith, while he is trying to sell a rhino horn to an authorised undercover policeman. On searching his house, they find a high calibre firearm, and take samples from his luxury vehicle's boot of a substance that appears to be blood. Further ballistic tests show that this firearm was used in the killing of the four rhino of which the horns were exported to Hong Kong, and that samples of the blood find in the vehicle's boot corresponds to the DNA of three of the killed rhino. The firearm as well as the luxury vehicle is seized by the Tanzanian authorities.

After obtaining the necessary authorisations both the bank accounts of Mr Jones and Mr Smith are obtained. It does not show any transactions between Mr Jones and Mr Smith, but

four instances of huge amounts of money that was transferred from the account of Mr Jones to the bank account of a certain Mrs Angelina Anderson. The amounts, in each case, were transferred a few days after the individual shooting of the four rhino.

A warrant is obtained to search Mrs Anderson's house in Dar-es-Salaam and during the search the police confiscate Mrs Anderson's personal computer. In her e-mails they find communication with both Mr Jones as well as Mr Smith. The e-mails refers to meetings to discuss "the transaction" and also refers to a price per kilogram, corresponding to the black market price of rhino horn. After obtaining the necessary authorisation to obtain Mrs Anderson's bank accounts, it shows the four payments made into her account by Mr Jones, as well as four payments made to Mr Smith by Mrs Anderson shortly after.

Mrs Anderson enters into a plea and sentence agreement with the State, in terms of which she pleads guilty to all charges and agrees to testify against Mr Jones and Mr Smith. In her testimony she confirms that she acted as "facilitator" of these transactions and bought the rhino horn from Mr Smith and sold it to Mr Jones. All these transactions took place in Dar-es-Salaam. Four of such transactions took place over a period of three months - in three cases there were two horns involved, and in one case only one horn.

### **For the purpose of the exercise, accept that -**

- There were no permits or authorisations for any of the activities performed by the accused.
- All evidence was obtained in a legally defensive manner and is therefore admissible in court.
- The value of rhino horn and poaching figures provided are accurate for 2014/2015.
- Both the accused are around 40 years old, have no previous convictions, are not married and do not have any children;
- Both the accused have their own businesses and derives a generous income from their respective businesses;
- The current black market value of rhino horn is USD 60,000/kg;
- Poaching of rhino (both black and white rhino) in Kruger National Park escalated to more than 800 rhino's in the previous year;

A forensic investigation shows that Mr Smith made a profit of USD112 000 from the sale of the rhino horn and that Mr Jones was paid a deposit of USD 300 000 USD (50% of the selling price) by the Vietnamese buyers, while he paid Mrs Anderson USD 224 000 for the horns.

### CASE STUDY ACTIVITY 1 – CHARGES

The prosecution brings the following charges against Mr. Smith and Mr. Jones:

<b>CHARGE COUNT 1</b>	1. Johnny Jones 2. Sammy Smith	Dealing in a Trophy of a Schedule 1 Part 1 Animal Contrary to Section 86(2)(b) of the Wildlife Conservation Act
<b>CHARGE COUNT 2</b>	1. Johnny Jones 2. Sammy Smith	Possession of a Trophy Without a Certificate of Registration Contrary to Section 79(1) of the Wildlife Conservation Act
<b>CHARGE COUNT 3</b>	1. Sammy Smith	Unlawful Permission of Firearm Contrary to Section 20 of the Firearms and Ammunition Control Act
<b>CHARGE COUNT 4</b>	1. Johnny Jones 2. Sammy Smith	Money Laundering Contrary to Section 12 of the Anti-Money Laundering Act
<b>CHARGE COUNT 5</b>	1. Johnny Jones 2. Sammy Smith	Participation in Organised Crime Contrary to the Economic and Organised Crime Control Act
<b>ALTERNATIVE CHARGE TO COUNT 5</b>	1. Johnny Jones 2. Sammy Smith	Conspiracy to Commit Offence Punishable with Imprisonment for Three or More Years of Imprisonment Contrary to Section 384 of the Penal Code

### CASE STUDY ACTIVITY 2 – WHAT EVIDENCE NEEDS TO BE BROUGHT FOR EACH CHARGE

COUNT	POINT TO PROVE	WITNESSES	EXHIBITS
<b>COUNT 1</b>	Act of dealing – selling, buying, importing or exporting	Mrs. Andersen	<ul style="list-style-type: none"> <li>Trophies</li> <li>False declaration by Mr. Jones from customs authority in TZ</li> </ul>
		Investigating Officers	<ul style="list-style-type: none"> <li>Blood samples found in Mr. Smith’s car</li> <li>Trophies</li> <li>Photographs of container that was intercepted by Hong Kong authorities</li> </ul>
		South African Officers	<ul style="list-style-type: none"> <li>Photographs of rhino carcasses</li> </ul>
		Trophy Identification Expert	<ul style="list-style-type: none"> <li>Expert report on rhino horn identification</li> </ul>
		DNA Expert	<ul style="list-style-type: none"> <li>DNA expert report of blood samples</li> </ul>
		Customs Officials	<ul style="list-style-type: none"> <li>Seizure note</li> <li>False declaration by Mr. Jones from customs authority in TZ</li> </ul>
		Shipping Agents	<ul style="list-style-type: none"> <li>Shipping documentation indicating importation, exportation</li> </ul>
<b>COUNT 2</b>	Actual or constructive possession of trophies without a certificate of registration	Mrs. Anderson	<ul style="list-style-type: none"> <li>E-mails indicating contractual nature of transaction between Mr. Jones and Mr. Smith</li> </ul>
		Shipping Agents	<ul style="list-style-type: none"> <li>Shipping documentation – manifest indicates Mr. Jones was the one who shipped out these trophies</li> </ul>
<b>COUNT 3</b>	Actual or constructive possession of firearms without a permit	Arresting Officers	<ul style="list-style-type: none"> <li>Firearm</li> <li>Seizure note of the gun</li> </ul>
		Ballistics Expert	<ul style="list-style-type: none"> <li>Ballistics report from police indicating that this is a gun and where it was found</li> </ul>
<b>COUNT 4</b>	Proceeds of crime	Mrs. Anderson	<ul style="list-style-type: none"> <li>Bank account records of Mr. Smith and Mr. Jones and Mrs. Anderson</li> <li>E-mails showing the communication in relation to the transaction that led to each of 3 parties receiving proceeds of crime in USD</li> </ul>
<b>COUNT 5 &amp; ALTERNATIVE TO COUNT 5</b>	2 or more persons organised for an illegal purpose	<ul style="list-style-type: none"> <li>Mrs. Anderson</li> <li>Investigating officers</li> </ul>	<ul style="list-style-type: none"> <li>Emails indicating transaction between group</li> </ul>

### CASE STUDY ACTIVITY 3 DEFENCE

COUNT	JOHNNY JONES	SAMMY SMITH
COUNT 1	<ul style="list-style-type: none"> <li>Mrs. Anderson is not a credible witness as she is a co-accused and her testimony should only be accepted with caution.</li> <li>Prosecution has not demonstrated that Jones is a trophy dealer.</li> <li>Jones sent furniture to Hong Kong from his furniture business and not trophies.</li> <li>Legal steps were followed by Jones to ship furniture.</li> <li>Prosecution has not demonstrated that shipping agent did not tamper with the container.</li> <li>No witness from Hong Kong testified before the court.</li> </ul>	<ul style="list-style-type: none"> <li>Mrs. Anderson is not a credible witness as she is a co-accused and her testimony should only be accepted with caution.</li> <li>Blood samples from vehicle were illegally obtained as the vehicle was hired to another person</li> </ul>
COUNT 2	<ul style="list-style-type: none"> <li>No evidence to prove possession.</li> <li>Evidence from Mrs. Anderson's emails does not prove actual or constructive possession.</li> <li>Prosecution has failed to demonstrate how the emails were retrieved, procedures followed and whether they were genuinely obtained</li> </ul>	<ul style="list-style-type: none"> <li>Only evidence on possession is that of a co-accused and is uncorroborated</li> <li>No direct evidence connecting Mr. Smith to the trophies.</li> <li>Shipping bills are in the name of Mr. Jones and Mr. Smith does not feature.</li> </ul>
COUNT 3	-	<ul style="list-style-type: none"> <li>Prosecution has not demonstrated that Mr. Smith did not have a permit for the firearm</li> <li>Mr. Smith had a number of guests in his house on the day of the search and the firearm could belong to one of them.</li> <li>Prosecution has failed to establish possession of the firearm on the part of Mr. Smith.</li> <li>There is no independent witness to demonstrate that the firearm was recovered in Mr. Smith's possession.</li> </ul>
COUNT 4	<ul style="list-style-type: none"> <li>Mr. Jones is a successful businessman and always has a lot of money in his bank account.</li> <li>It is not a criminal offense to have a lot of money in one's bank account.</li> <li>The prosecution have failed to prove that the amount paid to Mrs. Anderson is related to the trophies and not to the furniture business.</li> <li>Prosecution has failed to demonstrate how the emails were obtained.</li> <li>No evidence that the profits from Mr. Jones' business are proceeds of crime.</li> </ul>	<ul style="list-style-type: none"> <li>No direct evidence that Mr. Smith received money which he laundered</li> <li>Mr. Smith is a businessman and the money in his account is from lawful businesses</li> <li>The emails to Mrs. Anderson refer to a lawful business.</li> </ul>
COUNT 5 & ALTERNATIVE TO COUNT 5	<ul style="list-style-type: none"> <li>No evidence that Mr. Jones and Smith conspired.</li> <li>Charges brought charges without consent of DPP as is required by the law and the court therefore has no jurisdiction.</li> </ul>	<ul style="list-style-type: none"> <li>No direct evidence connecting Mr. Smith with the rest of the offenders.</li> <li>Cannot put offence of conspiracy as alternative offence.</li> </ul>

### CASE STUDY ACTIVITY 4 – JUDICIAL OPINION

COUNT	VERDICT	REASONS
COUNT 1	Guilty	Prosecution has proved the elements of this charge. It has presented shipping documents showing that there was transportation of rhino horns from South Africa through Tanzania to Hong Kong. It has proved that both accused persons were involved in the shipping.
COUNT 2	Guilty	The accused person were not found in actual possession but prosecution has proved constructive possession. It is not disputed that the trophies were found in Hong Kong. The prosecution has proved that there were transactions between the accused persons regarding the trophies. It is clear that accused persons had knowledge of trophies and knew that the transporting of the trophies to Hong Kong was for their benefit.
COUNT 3	Guilty	The prosecution has proved that the firearm was found in the Mr Smith’s house. They also demonstrated that the proper search and seizure procedures were followed and produced certificate of seizure for the firearm. There is no strong evidence to the contrary that Mr Smith was in possession of the firearm.
COUNT 4	Guilty	The evidence has clearly showed that the transaction from which money was obtained was poaching and illegal wildlife trade. There is also evidence of laundering the money through legitimate businesses such as a furniture business owned by Mr Jones.
COUNT 5 & ALTERNATIVE TO COUNT 5	Guilty	The defence raised a question of jurisdiction of the court. If the case was before a subordinate court then consent of the DPP is necessary before charges are brought. But if it is before the High Court then consent is not necessary. The prosecution has proved common intention by the accused persons. The evidence shows that the accused persons were communicating through emails.

### CASE STUDY ACTIVITY 5 – SENTENCING

➤ *Evidence in Aggravation of Sentence*

The crimes committed by the accused persons endanger our environment and our future

➤ *Mitigation for Mr. Jones*

Mr. Jones is a first time offender. He owns a big company that employs many citizens and pays taxes. If Mr. Jones is given a custodial sentence, the company will lose business and will collapse. This will lead to loss of jobs by many people. He is aged 40 years and has been sick for 5 years. A custodial sentence will inevitably lead to his death as he requires special care at home.

➤ *Mitigation for Mr. Smith*

Mr. Smith is a taxpayer and has contributed to the welfare and economic growth of Tanzania. He is the sole breadwinner in his family. He regrets the damage that his actions have caused to the country and he promises never to repeat the crimes again.

➤ *Opinion of the Court*

The court has considered the evidence in aggravation and the mitigating circumstances and is of the opinion that the nature of the crimes committed by the accused persons are on the increase in Tanzania and negatively impact the economy.

➤ *Sentence*

COUNT	FINE (USD)	IMPRISONMENT (YEARS)
COUNT 1	-	20
COUNT 2	120,000	10
COUNT 3	10,000	5
COUNT 4	-	10
COUNT 5 & ALTERNATIVE TO COUNT 5	-	7

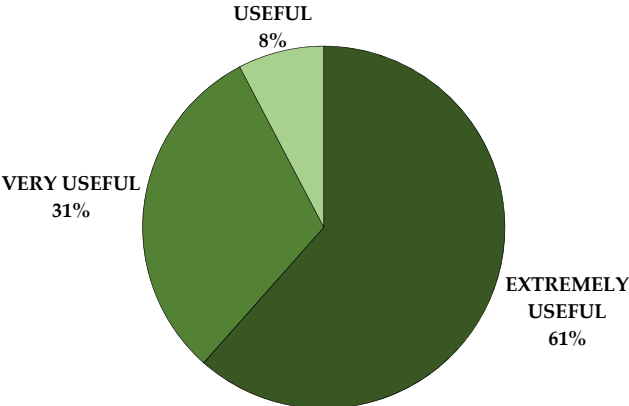
➤ *Further Orders*

Imprisonment sentences to run concurrently

Motor vehicle and all accounts of accused persons are forfeited to government

**USEFULNESS OF THIS CONTENT**

Trainees rated the content of this topic as being extremely useful to their work.





## WAY FORWARD

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### WAY FORWARD FOR JUDICIARY

1.	Members of judiciary will cooperate in disseminating this information to their fellow magistrates
2.	They will discuss the Wildlife Laws and related laws in their professional meetings
3.	Cooperation with prosecutors and investigators when dealing with wildlife crimes
4.	Judicial officers will use their discretionary powers when dealing with sentencing with the effects and gravity of wildlife crimes in mind
5.	Keep updated with current laws and amendments and wildlife sector should disseminate wildlife statutes to courts
6.	We advise the wildlife agencies to work with Ministry of Education to impart knowledge on wildlife to students right from primary schools
7.	Disseminate the knowledge to judicial officers near wildlife areas

### WAY FORWARD FOR PROSECUTION

1.	Capacity building – we need to have specialised training on wildlife and other emerging crimes; need to train others who have not attended the trainings
2.	Regularly collect and analyse court decisions and have access to the judicial database for wildlife cases
3.	Commitment to feel that the case is part of your life; to own the case; do thorough research on the cases
4.	Take time to prepare the case before going to court by having a prosecution plan
5.	Undertake prosecution led investigations by leading investigators from the beginning of the case up to the end
6.	Close cooperation with the judiciary and investigative agencies. Bench-bar meetings with judiciary and teaching investigators where they err in investigations in order to make cases successful

### WAY FORWARD FOR INVESTIGATION/WILDLIFE AGENCIES

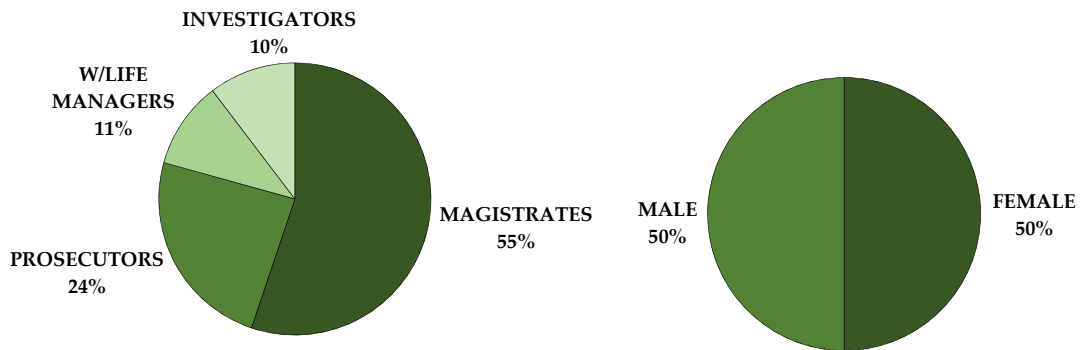
1.	Enhanced collaboration in terms of investigation; good relationship between prosecution, investigation and the judiciary and use of various laws to determine criminality
2.	Use of various investigative tools like Interpol, financial crimes, technology etc.
3.	Training to wildlife, police and other investigative agencies especially in the area of skills, exhibits, chain of custody of exhibits, management of crime scenes (within each institution and among agencies)
4.	Awareness creation and community engagement – we are targeting other agencies and the general public including MPs who make laws

## TRAINING ASSESSMENT

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### 1. TRAINEES

There were a total of 45 participants. These were made up 28 trainees, 8 trainers, 4 secretariat, 4 guest speakers and 1 facilitator. The trainees were drawn from the Judiciary, the Attorney General's Office, the Ministry of Natural Resources and Tourism Legal Department, the Wildlife Division and the police.

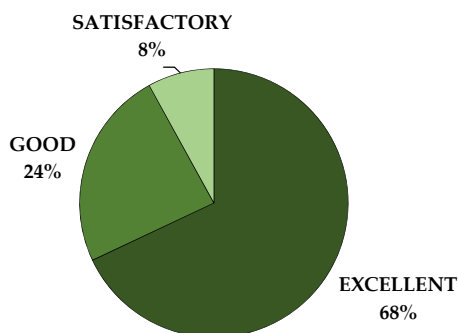


### 2. TRAINERS

The trainers were experts from the legal, law enforcement and conservation sectors. They were drawn from IUCN Environmental Law Centre, AWF, TRAFFIC, Interpol, UNODC and the University of Dar es Salaam. There were also guest speakers who shared their experiences from the Office of the Director of Public Prosecution in Kenya and the Uganda Wildlife Authority.

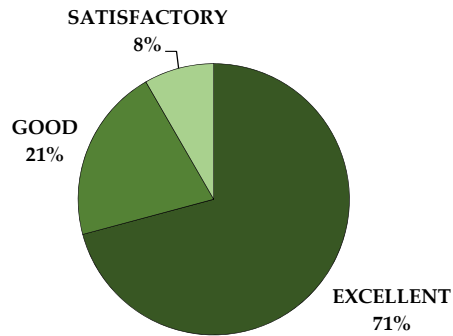
### 3. COURSE CONTENT

The trainees rated the course content as being excellent.



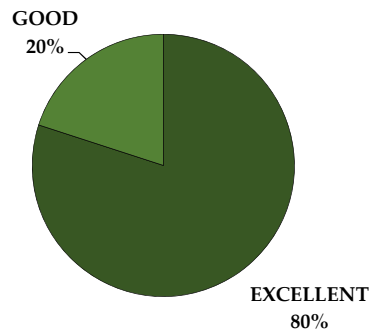
#### 4. UNDERSTANDING THE SUBJECTS

The trainees rated their understanding of the subjects as excellent.



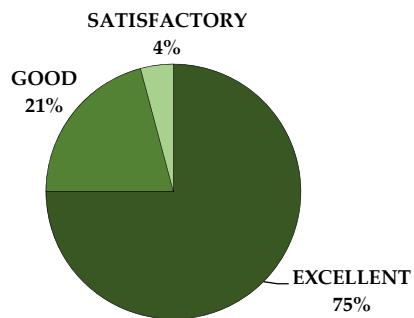
#### 5. RELEVANCE TO THE TRAINEES' WORK

The trainees rated the relevance of the course to their work as excellent.



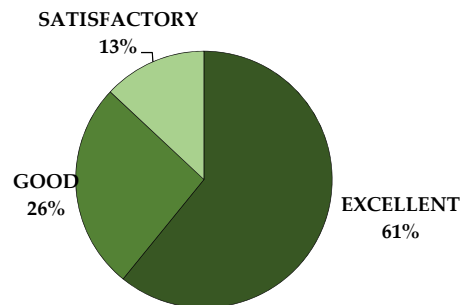
#### 6. DISCUSSION SESSIONS

The trainees rated the discussion panels as excellent.



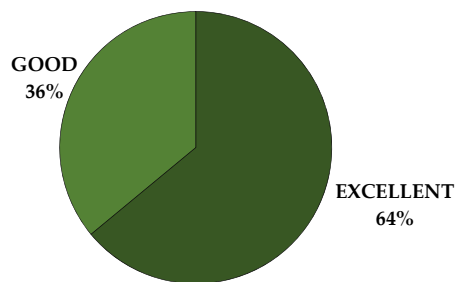
## 7. TIME MANAGEMENT

The trainees rated the time management as excellent.



## 8. COMPETENCE OF PRESENTERS

The trainees rated the competence of presenters as excellent.



## 9. WHAT TRAINEES FOUND MOST IMPORTANT ABOUT THE TRAINING

The trainees found the following aspects of the training very important:

- The statistics on the loss of wildlife through poaching and trafficking.
- Interpol tools for investigation of wildlife crime.
- Current technology used to combat wildlife crime.
- The role of the judiciary in tackling wildlife crime.
- Open discussions by participants on their challenges and agreement on a common way forward.
- The value of wildlife to the economy of Tanzania.
- The cooperation between Tanzania, Kenya and Uganda in tackling wildlife crime.
- Interagency collaboration
- Overview of Tanzania's wildlife policies and laws.

## 10. WHAT TRAINEES LEARNED THAT WAS NEW TO THEM

The trainees stated that they learned the following new things from the training:

- The gravity of wildlife crimes in Tanzania

- The use of modern technology to fight wildlife crimes.
- The statistics on illegal wildlife trade in Tanzania.
- Various techniques used for trafficking wildlife products.
- How other agencies are involved and take part in the protection of wildlife.
- Application of different laws to get higher penalties.
- Interpol tools for investigation of wildlife crime.
- UNODC tools for combatting wildlife crime.
- The experience from Uganda and Kenya in the fight against wildlife crime.
- Tanzanian legal framework on wildlife crimes.
- Uganda’s interagency collaboration mechanisms.
- Securing entry and exit points through use of canines.
- Kenyan experience on admissibility of evidence recovered by canines.
- The entire content of this training which is not taught in schools or universities.

#### 11. WHAT TRAINEES WOULD LIKE TO LEARN MORE ABOUT

The trainees stated that in future trainings they would like to learn more about:

- Involvement and engagement of local community in prevention of wildlife crime.
- Interpol’s role in combatting wildlife crimes.
- Current technology used to combat wildlife crime.
- Court decisions concerning wildlife, especially decisions from Tanzania and East Africa.
- How to conduct proper investigation for successful prosecutions.
- New techniques and tools used in wildlife trafficking.
- Issues of mutual legal assistance and extradition.
- Forfeiture of proceeds of crime.
- Wildlife law.

#### 12. IMPROVING FUTURE TRAININGS

The trainees suggested the following improvements to future trainings:

- Involvement of the law makers in the trainings.
- More time for the scenario and role play.
- Comply with the scheduled training program.
- Increase training period.
- Increase the number of similar trainings.
- Provide copies of all relevant laws to trainees.
- Provide more discussion time.
- Use the national language.

#### 13. LIST OF PARTICIPANTS

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