

National Director of Public Prosecutions

National Prosecuting Authority

VGM Building

123 Westlake Avenue

Weavind Park, Silverton

Pretoria, 0184

email: communication@npa.gov.za

Tuesday 9th July 2019

Attention: Advocate Shamila Bathohi

WILDLIFE CRIME IN SOUTH AFRICA IN 2019

On the 1st February 2019, The National Director of Public Prosecutions Advocate Shamila Bathohi accepted her role as bestowed upon her by President Ramaphosa with the following remarks:

“Our country needs all of us. Poised as we are, a people and a nation upon the precipice of corruption and a state of capture, let us not succumb to despair at the thought that the challenges we face are insurmountable. We in the NPA have important work to do which includes devoting our efforts to holding accountable those who have corrupted our institutions, who have betrayed the public good and the values of our constitution for private gain, especially those in the most privileged positions of government”.

We believe that the need to protect our endangered wildlife species in South Africa should be a national priority. Rampant wildlife crime has led to immense human and financial loss. Weak penalties and poor legal enforcement have made wildlife crime a lucrative and low-risk activity for criminal syndicates.

These facts were clearly highlighted in November 2018 when eight people were arrested, a ninth person handed himself over to the police, after an illegal lion and tiger bone syndicate was uncovered in the North West Province.

The accused were arrested on charges relating to the illegal possession of game products belonging to approximately 40 predators, they were also charged with the crime of carrying out restricted activities involving listed, threatened or protected species. They were arrested with a large quantity of freshly cut lion meat and bones, a tiger skin and bones, gas cylinders, gas burners, saws, knives and other equipment used to process predator carcasses and bones.

In response to these crimes committed against our country and its wildlife, an open letter was submitted to the Department of Justice and Correction Services, care of the Honourable Minister TM Masutha and signed by 19 animal welfare and conservation organisations under one collective banner - the Coalition To Stop the Captive Breeding and Keeping of Lions and other Big Cats for Commercial Purposes, in December 2018 (<https://greengirlsinafrica.com/2018/12/03/an-open-letter-to-the-honourable-minister-tm-masutha/>).

Despite the above mentioned communication and the excellent work carried out by the Directorate for Priority Crime Investigative Task Force on their successful operation, on the 30th of June 2019 the six accused Vietnamese nationals paid fines in lieu of imprisonment. The judicial process was carefully monitored by Vietnamese Embassy representatives. **We do not believe that this punishment fits the crime and it certainly does not send out a strong enough message to wildlife crime syndicates.**

Wildlife crime is the fourth most lucrative form of organized crime in the world and is worth an estimated \$23 billion per year. South Africa is front and center of this organized criminal activity with its rich biodiversity, including pangolin, rhino, lion and elephant however, these once rich populations are fast dwindling. Wildlife crime has increased over the past ten years with a noticeable increase in the past five.

The protection of the wildlife contained within the Kruger National Park costs an approximate R200 million per annum. The lack of environmental law enforcement throughout the greater parts of South Africa have resulted in many private wildlife owners having to finance their own security with no financial assistance from government.

Criminal networks are taking advantage of resource-constrained policing. Syndicates pay handsome bribes to officials that receive modest and inconsistent wages in a process that deepens corruption and undermines development. Illegal wildlife crime makes us all poorer, we are all being robbed of our natural inheritance and the rich diversity of our living world, we must treat this criminal enterprise in the same way we do other serious and organized crimes.

We believe that we need to raise and enforce the penalties for wildlife crime and expose the danger to the stability of our country where international criminal gangs are operating.

Wildlife crime is not just a wildlife issue, it is an issue that cripples economies, poisons and degrades ecosystems, corrupts our judiciaries and weakens our rule of law and ruins lives. This is a critical issue for South Africa, poaching is an economic crime against ordinary people and their future.

Page three/Wildlife Crime in South Africa in 2019

We, the undersigned, agree with Advocate Shamila Bathohi, our strong alliances consist of diverse non-profit organizations and were established to assist South Africa with the welfare and protection of its wild animals. Our alliances comprise of bodies of considerable expertise from the scientific, conservation, legal, welfare, rights, social justice, faith and public advocacy sectors.

In light of the escalation of wildlife crime carried out in South Africa we believe that there is a need to establish specialist wildlife criminal courts staffed by highly skilled wildlife criminal prosecutors and magistrates. We believe that there should be the opportunity of specialized training for prosecutors made possible especially in magisterial areas in close proximity to key national provincial game reserves.

The jurisdictions of Skukuza magistrates court and Mbombela regional courts have had tremendous success in obtaining successful prosecutions in poaching cases. We have been told that prosecutors with the necessary experience in biodiversity and poaching related criminal offences are rare and that amendments need to be made to certain legislation especially with regard to bail and length of sentence.

We have unfortunately not witnessed a positive result from the national integrated strategy to combat wildlife crime that was apparently implemented by Jacob Zuma in 2017. Wildlife crime needs to be highlighted as a serious crime, the day to day running of the South African Police Services have suffered during the state capture period and reports from the field suggest a lack of effective environmental law enforcement. Police investigative units need to be given the necessary knowledge and skills required in order for them to acquire sufficient evidence to prove beyond reasonable doubt that an environmental crime has been committed.

The real perpetrators of wildlife crime are the organized criminal networks, who recruit poachers, the corrupt government officials and members of the wildlife and conservation industries, who facilitate the flow of illicit wildlife products such as rhino horn, pangolin scales, ivory and lion bone. Our law enforcement agencies also need to focus on the buyers and the intermediaries not only on the poachers.

Nearly 120,000 concerned individuals have signed a petition to your office requesting the re-investigation of suspicious rhino poaching related crimes committed in northern Kwa-Zulu Natal. These crimes have affected our important rhino populations, but equally have disrupted lives (<http://chnng.it/V5RDp7bB5q>).

We await your reply with interest.

AUTHOR Megan Carr

Global March for Elephants, Rhinos and Lions

Email: gmfersocialmedia@gmail.com



The contents of this communication addressed to Advocate Shamila Batohi are supported by the conservation, welfare and advocacy organisations listed below.

These organisations and individuals all belong to the Coalition to Stop the Breeding and Keeping of Lions and Big Cats for Commercial Purposes and/or the Wildlife Animal Protection Forum South Africa

Animal Law Reform South Africa

Animal Studies Africa

Animal Talk Africa

Baboon Matters

Ban Animal Trading

Beauty Without Cruelty South Africa

Blood Lions

Born Free International

Campaign to Ban Animal Trophy Hunting

Captured in Africa Foundation

Claws Out

Centre of Animal Rehabilitation and Education

Centre for Environmental Rights

EMS Foundation

Elephant Specialist Advisory Group

Elephant Reintegration Trust

For The Love of Wildlife

Four Paws South Africa

Future 4 Wildlife

Global White Lion Protection Trust

Green Girls in Africa

Humane Society International - Africa

Institute for Critical Animal Studies Africa

Landmark Foundation

OSCAP

OIPA International

Panthera Africa

Pit-Track Anti-Poaching Unit

Ross Harvey

Page six/Wildlife Crime in South Africa in 2019

Southern African Faith Communities Environment Institute

Sea Shepherd

Southern African Fight for Rhinos

Voice 4 Lions

Wild Law Institute

WILDTRUST