

# PROSECUTION OF WILDLIFE CASES IN TANZANIA





# About Tanzania

- Situated south of the Equator and boarded by the Indian ocean and 8 countries of Kenya, Uganda, Burundi, Rwanda, DRC, Zambia, Mozambique & Malawi.
- 30% of Tanzania occupied with 38 protected areas, 16 National Parks, 28 Game reserve, 42 Game Controlled Areas, Forest Reserve and Forest nature Reserves.
- Tanzania has a rich & diverse spectrum of fauna and flora including a wide variety of endemic species and sub-species.

Ngorongoro Crater-  
named one  
of the Africa's  
Seven  
Natural  
Wonders



# Wildlife Trafficking

- Illegal Wildlife Trade has been a serious conservation problem in Tanzania having negative effects on the existence of wildlife populations.

# Catastrophic Decline of Rhinoceros in Africa

- Declared extinct in 2011 by IUCN
- In March, 2018 Sudan witnessed her last male Rhino dying due to poor health in Kenya, remaining with only two female at the conservancy.
- Only 127 Rhinos remain in Tanzania due to poaching.



# Elephant poaching crisis

“Eastern Africa has been badly affected by the surge in poaching over the last 10 years and has experienced an almost 50% reduction in elephant population”

John Scanlon,  
Secretary General of  
CITES(2010-2018)





# Prosecution of Wildlife Trafficking cases

Tanzania has successfully managed to prosecute various wildlife trafficking cases. Amongst them concerned four (4) Chinese Nationals who were arrested with 11 rhino horns weighing 53.3kg at Customs check point @ Kasumulu border Tanzania-Malawi border. The accused persons were convicted and sentenced to 20 years imprisonment, and fine of \$4,180,000 Each. It is worth to note that their trial took less than 21 days

# Prosecution of Wildlife Trafficking cases



On 2/11/2013, Ant-Poaching TF Seized 706 ivory tusks weighing 1889 Kgs involving 2 Chinese Nationals at Dsm. They were convicted and sentenced to pay fine of \$24m each or in default 30 years

# Prosecution of Wildlife Trafficking cases

Prosecution of a Mali citizen, based in Uganda, namely, Gakou Fodie following a Seizure of 6 Tonnes of Pangolin Scales in Morogoro Tanzania.



# Prosecution of Wildlife Trafficking cases

The arrest and prosecution of a Chinese national, Yang Feng Glan, dubbed “The Ivory Queen” for smuggling 706 elephant tusks.





# Regional Cooperation

Tanzania has been collaborating well with other countries in the region on matters relating to wildlife trafficking cases. The modes which are employed by the Tanzania Government involve formal and informal cooperation.



# Use of Formal Cooperation

In Gakou Fodie's case the DPP's office in Uganda assisted the Tanzania government in processing an Extradition Request in which a warrant for the apprehension of the said accused person was issued.



# Use of Formal Cooperation

Ibrahim Dra Imelka a Mali citizen and associate of Gakou Fodie was arrested in Kigali-Rwanda trying to abscond. A red Notice was once issued against him so the DPP's TZ office was notified accordingly.

Extradition request was lodged through the Rwanda Ministry of Foreign Affairs.

However, we faced an obstacle as one of the Interpol official in Uganda tried to intervene the process by lodging an objection to the extradition request.

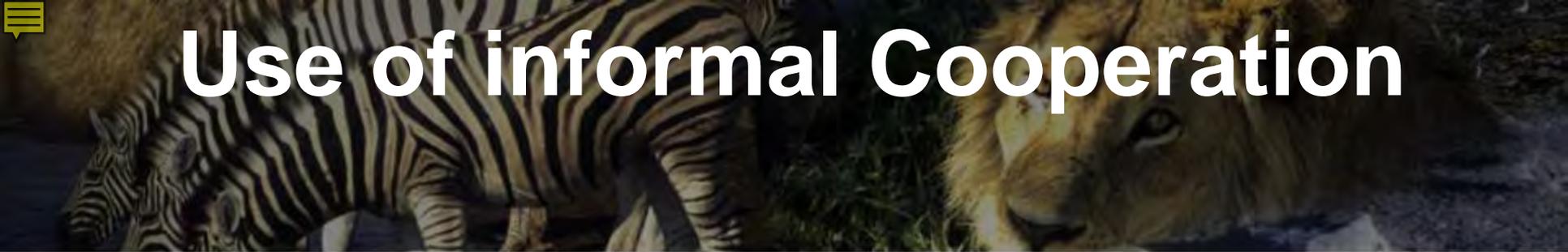
Communications with the Uganda DPP's office were made and they assisted in making a follow up of the matter. The Interpol official was advised to withdraw his objection as he was not an appropriate authority to make such an intervention.

The Extradition request was granted under Special Reciprocal Agreement because by then we did not have a bilateral Agreement with Rwanda.

# Use of Formal Cooperation

On 2/06/2014, 2152 Kgs of Ivory tusks were seized in Tudor, Mombasa Kenya. Suspect Feisal Mohamed absconded to Dar es Salaam-TZ and a red notice request was issued against him. Kenya sent an extradition request to Tanzania where it was successfully processed by the TZ DPP's Office and the suspect sent back to Kenya to face trial. On 22/07/2016, Kenyan Court sentenced him to serve unprecedented 20 years jail term. He has recently won appeal case





# Use of informal Cooperation

Informal Cooperation in Tanzania is mainly done through Interpol on Joint Investigation.

The use of informal cooperation is usually done before formal requests are made by requesting states.

In such circumstances, we allow investigators from other countries to come to Tanzania and do the initial investigation.

The DPP's office assist in coordinating their investigation.

Tanzania has been using informal cooperation with Kenya, Mozambique, Uganda and Rwanda.

The use of informal cooperation in Tanzania extend to other offences like terrorism, genocide etc.



# Challenges

- Non existence of Treaty scheme for Extradition and Mutual Legal Assistance between nation States.
- Capacity constraint on Extradition and International cooperation matters to some of the Law Enforcement officers on how to draft cogent and legally sound requests.



# Challenges

- Challenge in detection of some of trophies. In-Gakou's case the bags containing pangolin scales were transported from Uganda to Tanzania without being detected as such. The transporters claimed they were cows' hoofs and believed to be so by officers who were inspecting them at check points.
- Corruption and Lack Accountability to some of law enforcement officials.



# Practical Cases

- On 5/07/2015, three (3) Chinese Nationals namely Hu Yang, Qi Liu, and Hao Wu (en route to Peking, China via Zurich) with help of Local Security Staff at Julius Nyerere International Airport, DSM managed to board SWISS AIR bound to Zurich
- They had eight suitcases full of ivory tusks, lions' teeth & nails
- At Zurich Int Airport, a carry on luggage which had lion's teeth & nails was discovered after screening. . .on further search, Customs Officials discovered that all 8 bags were full of trophies. . .Tz Govt was not officially informed
- Seized wildlife products worth more than \$750,000
- They were released on same day and fined less than \$3,000
- In Tanzania, they would be sentenced to 20 years and possible fine of ten times the value of trophies

# Zurich Case





# Challenges

- Traditional/Language Barrier of nation States
- Limited Budget and Resources in execution of Mutual Legal Assistance and pursuing Extradition requests.
- Reluctance in some of state nations to cooperate
- Requests taking too long through diplomatic channels as other country's central authority for extradition matters isn't the DPP.



# Solutions

- Strive to have Bilateral agreement on issues pertaining to Wildlife Trafficking with other nation states.
- Capacity building on Wildlife trafficking cases and use of SOPs in prosecution of wildlife cases.
- Seeking assistance from donors who can assist in building capacity to law enforcement officials on wildlife trafficking cases and international cooperation.



# Solutions

- Breaking down barriers and enter era of cooperation and flexibility between
- Amendment of Laws relating to Extradition and Mutual Legal Assistance so as to remove the requirement of using of diplomatic channels in processing extradition requests.



# How the Network can Support the Cooperation

- Conduct regular Meetings/forums that may assist nation states to share challenges and best practices of international cooperation on wildlife trafficking cases.
- Create a Regional online platform on focal points so as to share data on wildlife trafficking cases.
- Assist in conducting trainings on prosecution and cooperation of wildlife trafficking cases.



# How the Network can Support the Cooperation

- Promote Bilateral, sub-regional, regional and international cooperation to on illicit traffic in of wildlife



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