

NATIONAL REPORT 2022



Wildlife Protection and Law Enforcement



in Namibia

for the Year 2022



NATIONAL REPORT

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for the Year **2022**

This report covers the period 1 January 2022 to 31 December 2022



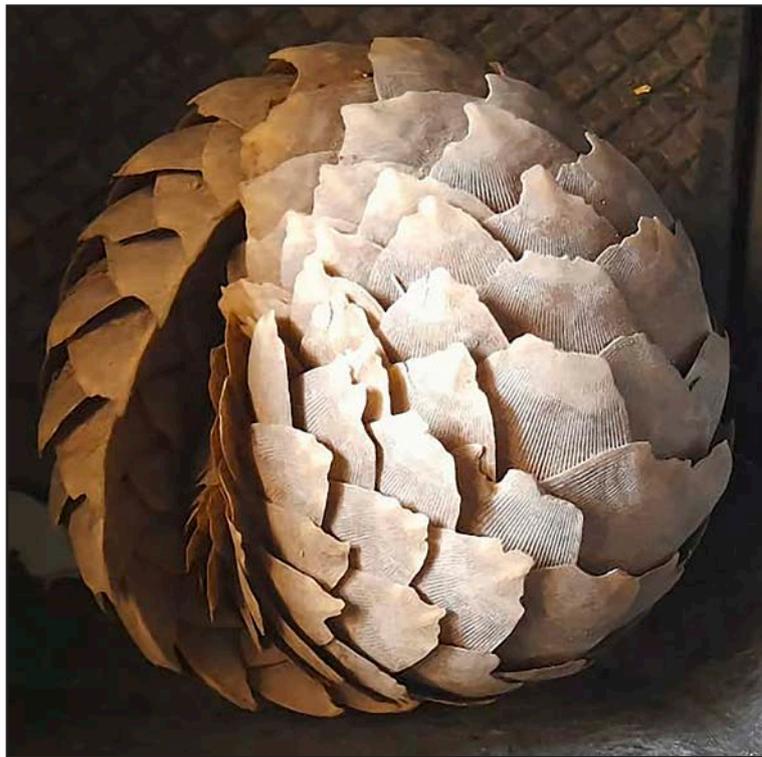
Criminals are members of the public –

when the public is vigilant and reports suspicious behaviour and openly condemns all crime, criminal activities become very difficult.

Crime becomes near impossible when good people from all sectors work together to fight it.

Report wildlife crime via sms at this number: 55 555

[all messages are strictly confidential]



Ministry
of Environment, Forestry and Tourism

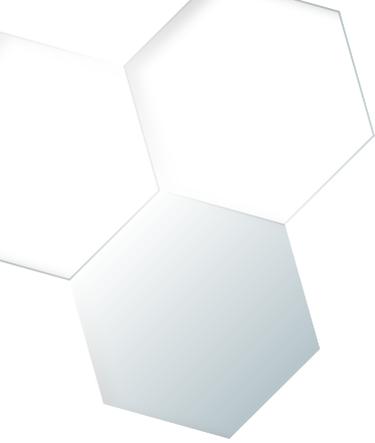


Namibian
Police Force



Office
of the Prosecutor General





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I. INTRODUCTION

Wildlife crime continues to evolve. Namibia continues to adapt. As a nation, we possess great pride in our natural resources. When threats to wildlife populations and other environmental resources escalate, we respond to defend our natural heritage.

The year 2022 saw the most rhinos poached in our country since 2015, when the first major poaching wave in independent Namibia peaked. We were able to rebut that initial assault, and we are implementing a range of innovative responses to the current spike.

As the data in this report shows, law enforcement interventions continue to be highly effective. During the year, 15 pre-emptive cases led to the arrest of 47 suspects who were conspiring to poach rhinos, but had not yet killed an animal. Rhinos were saved and culprits were arrested. In total, 75 suspects were arrested in 106 cases related to rhinos during 2022.

Yet this is clearly not enough. We need to do more to protect our wildlife. Anti-poaching and crime-prevention initiatives form the front line for our rhino ranges. Our premier park, Etosha, was particularly hard hit during the past year. Questions regarding rhino-protection efforts in Etosha were justified. Steps have been taken to implement additional measures in response. Those that can be shared with the public are outlined in Section 5, starting on p. 18.

Rhinos are of course not our only resources being targeted. Elephant ivory and pangolin products continue to be trafficked, and we are experiencing an expansion of the criminal onslaught into new sectors, such as trafficking of our rare and endemic plants. In all, 693 suspects were arrested in 430 wildlife cases during 2022. Meat poaching continues to make up around half of all registered cases.

While crime prevention is the ultimate goal, the prosecution of suspects – leading to appropriate sentences for perpetrators – is the immediate aim of

law enforcement in response to crimes that have been committed. The sudden, massive increase in cases and arrests over the past eight years has resulted in a huge backlog of cases on the court roll, as the judiciary was overwhelmed by the spike.

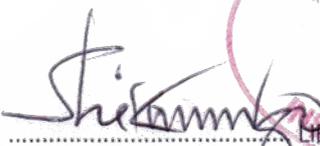
An urgent solution to the prosecution challenge was required. The Office of the Prosecutor General initiated it in 2022 – Special Courts dedicated to wildlife cases were held in priority regions during the year. The initiative resulted in the finalisation of 121 cases in month-long interventions in four locations. While a significant backlog of wildlife cases remains on the court roll, this is no longer increasing at the rate experienced in earlier years.

The finalisation of rhino cases remains frustratingly low. Only four rhino cases were finalised during the past year. To compound matters, suspects released on bail in drawn-out rhino trials have been re-arrested in new cases. On the positive side, the sentence passed in one prominent rhino-poaching case finalised in 2022 is highly commendable, making a loud and clear statement that wildlife crime will not be tolerated, regardless of whether it is perpetrated by influential individuals or the rural poor.

While we must counter all criminal activity, we need to ensure that our rural communities have access to – and are able to generate benefits from – the natural resources of their land within the legal framework Namibia has created. This includes legal wildlife off-takes through conservation hunting and game harvesting, legal harvesting of other natural resources, and tourism use. Alienation from resources was a bane of colonial rule. We need to ensure that all Namibians – now and in future generations – are able to benefit from Namibia's healthy environments – directly through sustainable resource use, and indirectly through rejuvenative leisure time in our wonderful countryside.



TEOFILUS NGHITILA Office of the
EXECUTIVE DIRECTOR
EXECUTIVE DIRECTOR, MINISTRY OF ENVIRONMENT,
FORESTRY AND TOURISM



JOSEPH S. SHIKONGO
INSPECTOR GENERAL, NAMIBIAN POLICE FORCE

Namibia's strength lies in partnerships. We work together to achieve results. Namibian Partnerships against Environmental Crime continue to be strengthened, with three government agencies forming the integrated focal points of wildlife protection and law enforcement:

- The **Ministry of Environment, Forestry and Tourism** is the custodian of wildlife and other terrestrial natural resources and has wildlife management and protection as a core mandate.
- The **Namibian Police Force** is mandated with maintaining law and order, including laws related to wildlife.
- The **Office of the Prosecutor General** is responsible for prosecuting suspects in the name of the state in criminal proceedings, including those related to wildlife crimes.

To counter the unprecedented threat of ongoing, highly organised poaching of high-value species, the **Namibian Defence Force** continues to play a unique role within its mandate of defending the state and its resources against threats.

Other government agencies are playing an increasingly active role in countering wildlife crime and bringing perpetrators to book. These include the Financial Intelligence Centre and the Namibia Revenue Agency. Wildlife crime is about gaining illegal income that is laundered into the legal economy – which the FIC is able to uncover. Through Customs, NamRA forms the last (or first) line of defence for illicit products leaving (or entering) Namibia. NamRA also ensures that due taxes are paid.

Numerous non-government entities are making vital contributions to protecting Namibia's natural resources and supporting law enforcement. While individuals can not be mentioned within the limits of this report, all contributions are gratefully acknowledged. The cumulative impacts of all these sectors and entities are elaborated on in this report.



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Adv. OLYVIA M. IMALWA
PROSECUTOR GENERAL – REPUBLIC OF NAMIBIA



Extensive trafficking of live plants was uncovered during 2022



Protecting wildlife against a broad onslaught that includes meat-poaching and high-value targets is challenging.



2. WILDLIFE PROTECTION AND LAW ENFORCEMENT STATUS SUMMARY FOR 2022

2.1 The year 2022

The year 2022 saw the slow emergence of our world from the diverse local, regional and global constraints of the COVID-19 pandemic. The tourism industry and various other key sectors showed important recoveries, yet many far-reaching effects of the pandemic continued to be felt. The global political climate, dominated by the war in Ukraine that was started in February 2022, created further unforeseen economic, political and social challenges. These and other factors continue to influence the status of wildlife protection and law enforcement in Namibia.

2.2 Status of fundamental pillars

WILDLIFE CONSERVATION

Namibia's conservation systems and approaches have received wide-ranging international recognition in recent decades. While the legislative framework is strong and the fundamental approaches have proven successful over many years, practical conservation activities in the field – and the management frameworks for these – are being severely tested by diverse current challenges. Key issues include conflicting land uses that hamper conservation (e.g. mining in core wildlife areas); misappropriation of natural-resource returns that limit conservation effectiveness (e.g. fraudulent conduct by conservancy office bearers); human-wildlife conflicts that result in community resentment towards conservation (e.g. killing of predators); government funding limitations that constrain conservation activities (e.g. vehicle and manpower constraints); and widespread wildlife crime at subsistence, commercial and organised-crime levels, which impacts the health of the resource base in various ways (see also individual species sections, below).

WILDLIFE PROTECTION

The renewed spike in rhino poaching experienced in 2022 has highlighted the vulnerability of Namibia's valuable natural resources, as well as limitations regarding the effectiveness of wildlife-protection measures. National security forces continue to be deployed in priority state-protected areas and also support anti-poaching measures in high-value-species ranges in communal areas. Conservancy rhino rangers and anti-poaching units in private reserves play an equally important role in rhino protection. Crime-prevention initiatives by NAMPOL, including pre-emptive arrests in rhino cases, make vital contributions. Unfortunately, the allure

of quick cash – fuelled by a rapid increase in market demand – continues to solicit some insider involvement in wildlife crime. Together with the sheer size of wildlife ranges requiring security measures, this makes effective wildlife protection across Namibia extremely challenging (see also individual species sections, below).

WILDLIFE LAW ENFORCEMENT

The high number of wildlife-crime cases and arrests registered during 2022 – and particularly those related to rhino crimes – indicates active law enforcement. Proactive interventions such as pre-emptive arrests, which intercept suspected rhino poachers before they are able to kill an animal, were once again important in limiting rhino losses. Yet charging a suspect for an apparent crime is only the first step in upholding the laws of the land. Prosecutions that result in equitable judgements and appropriate sentences represent the conclusion of criminal proceedings. Prosecution of wildlife cases has presented a central challenge in countering wildlife crime in Namibia. Reasons have included the sudden, massive increase in wildlife-crime charges that resulted in huge backlogs on court rolls; a judiciary already under severe strain from the high case loads of various other criminal sectors; delay tactics employed in complex court cases; and shortcomings in investigations. During 2022, Special Courts dedicated to wildlife crimes deliberated on cases in several priority areas and were able to finalise a significant number of cases, while also delivering important deterrent sentences (see details throughout this report).

INTERSECTORAL COOPERATION

The Revised National Strategy on Wildlife Protection and Law Enforcement (2021–2025) sets clear parameters for intersectoral cooperation. Close liaison and active collaboration between MEFT, NAMPOL, NDF, FIC, NamRA, ACC, OPG and other government and non-government entities have created a broad front against criminal activities. The Blue Rhino Task Team represents the focal point for this collaboration. The first conference of the National Stakeholder Forum on Wildlife Protection and Law Enforcement was held in mid-year. This was attended by over 100 delegates from various government agencies, NGOs, funding partners and local communities. The forum provided important guidance on national and international stakeholder collaboration and further cemented the national partnership approach (see also pp. 8, 11 & 82).

2.3 Status of key species

ELEPHANT

Namibia's elephant population has been steadily increasing and expanding into former ranges over the past three decades, and is currently estimated at around 24,000¹ animals in four partly interlinked sub-populations. The dynamics and vulnerabilities of these sub-populations vary. The population of the Kavango East and Zambezi regions is the largest, but exhibits considerable seasonal transboundary movements and is currently the most susceptible to poaching impacts – in neighbouring countries as well as in Namibia. The small, partly fragmented population of desert adapted elephants in the Erongo–Kunene Community Conservation Area is the most vulnerable to diverse human-induced influences. The presence of national security forces in key elephant ranges continues to deter poaching. After a peak in poaching in 2016, losses have been curbed to low levels that are currently considered to have a negligible impact on the population, although it is important to ensure regular and accurate monitoring to assess population health. Tusk seizures in Namibia have also dropped to the lowest levels since 2016, with much of the ivory still being seized believed to originate from outside the country. The drop in seizures is believed to have been driven at least in part by the deterrent sentences delivered by the Special Courts held during the year (see also pp. 50–57).

RHINOS

Rhinos are the primary target for specialised criminal syndicates exploiting Namibian wildlife. During 2022, rhino poaching escalated alarmingly, with the highest number of poaching losses recorded since 2015. Namibia has healthy overall numbers of both black and white rhinos, but it must be emphasised that the animals are distributed across the country in numerous sub-populations of various sizes. The effect of poaching on small, isolated populations is increasingly severe. The white rhino population, which was only re-established over the past half-century after local extinction in the 1800s, remains smaller than the black rhino population, and is more vulnerable to impacts. At a combined total of around 3,500² animals, the national populations of both species currently remain viable, though 2022 has exposed new vulnerabilities (see also pp. 58–67).

PANGOLIN

The health of the Namibian pangolin population remains poorly known. Pangolin seizures have dropped significantly during 2022, reaching the lowest level since 2016. The reduction may be attributed at least in part

to the deterrent sentences delivered by the Special Courts held during the year. Pangolin protection in the wild is challenging, as the species is secretive and largely nocturnal, and occurs in uneven densities across much of Namibia. Detailed research and post-release monitoring of animals seized from traffickers is improving our understanding of pangolin ecology and the dynamics of the national population, as well as the needs of seized animals (see also pp. 44–49).

MEAT-POACHING TARGETS

Poaching of giraffe, buffalo, zebras, antelopes and warthog for meat accounts for around half of all registered wildlife-crime cases and is affecting the population health of the targeted species. While the statistics in this report define the above species as the most common meat-poaching targets, a variety of birds, reptiles and other mammals are also poached for meat. Examples of species that have featured in meat-poaching cases at the subsistence level include armadillo, monitor lizards, cane rat and white-faced duck. Most historically occurring wildlife in Namibia is still present in healthy populations in suitable habitat in some parts of the country, although various human influences are increasingly impacting on biodiversity health (see also pp. 38–43).

PLANTS

Trafficking of live plants, particularly rare and endemic succulents and pachycauls, has exploded as a burgeoning sector threatening rare species. First cases were only registered in 2022, but high volumes of live plants have already been seized and numerous suspects arrested. Namibia is home to diverse endemic succulents that appear to be particularly popular amongst international collectors, with the illicit trade fuelled via internet platforms. Impacts of the trade are currently difficult to quantify, but may be severe, especially on rare species with highly restricted ranges. Illegal exploitation of Namibia's timber resources continues to present significant challenges. Despite a 2018 moratorium on harvesting, illegal use continues, further depleting Namibia's already limited and heavily impacted timber resources, as well as some non-timber forest resources (see also pp. 68–73).

OTHER SPECIES

Wildlife criminals are targeting all species of indigenous fauna and flora that may make money, or in subsistence-poaching cases, provide food to eat. The protection of all of Namibia's indigenous biodiversity against crime and other human impacts is becoming increasingly challenging (see also pp. 74–75).



3. KEY CHARACTERISTICS, ACTIVITIES AND EVENTS SUMMARY FOR 2022

3.1 Characteristics of the year

REGISTERED CASES, ARRESTS AND SEIZURES

Registered wildlife-crime cases and arrests were lower than those recorded during 2021 for most categories. The overall number of registered cases has decreased by 5.6 per cent, while arrests have decreased by 21.2 per cent. The number of registered cases related to high-value species has decreased by 11.2 per cent, with sharp decreases in pangolin and ivory trafficking making the most significant difference. Cases related to high-value species made up 40.7 per cent of all registered cases.

The number of rhinos known to have been poached in Namibia during 2022 increased by 97.9 per cent from 2021, reaching the highest losses since 2015. Yet the number of rhino horns seized by law enforcement has decreased substantially – only 5 horns were recovered while 93 rhinos were poached (horns can not always be matched to carcasses). The 47 pre-emptive arrests achieved in 2022 (out of a total of 75 rhino-related arrests) again saved numerous rhinos. While rhino syndicates have clearly placed a renewed focus on Namibia, criminals continue to run the gauntlet – many perpetrators are caught before they can kill a rhino, numerous others are arrested after the fact.

Compared to 2021, elephant losses to poaching dropped by 50 per cent to 4 animals. Seizures of ivory also dropped by 48.6 per cent. Much of the ivory seized in Namibia is believed to originate from elephants poached in other countries.

Pangolin seizures showed the most dramatic decrease – 54 per cent – to 40 animals. This is the lowest total since 2016, when pangolin trafficking first began to escalate in Namibia.

Meat poaching remains a perpetual challenge right across the country. Registered cases have dropped by only 4.3 per cent, while arrests have dropped by 19.4 per cent over the past year (i.e. significantly fewer suspects were arrested per case registered). Meat-poaching cases made up 46 per cent of all cases registered in 2022.

FINALISED CASES AND SENTENCES

Case finalisation is one of the most pressing current challenges in the fight against wildlife crime in Namibia. The sudden rise in wildlife crime over the past decade – and the related rapid increase in the arrests of suspects – temporarily overwhelmed the capacity of

the judiciary to deal with all the cases appearing on the court rolls. The year 2019 saw the biggest gap between registered and finalised cases: 548 cases were registered, but only 139 finalised, a ratio of 3.94 to 1. By 2021 the annual ratio had been reduced to 2.43. The introduction of temporary Special Courts during 2022, dealing only with wildlife cases, has further decreased the annual ratio to 1.45 to 1 (355 cases registered, 244 cases finalised). While this means that the backlog is still increasing each year, it is growing at a much slower rate than four years ago.

Significant variations exist in the time needed to finalise cases dealing with different species. The finalisation of rhino cases currently causes the biggest concern: Since 2015, a total of 236 rhino court-cases have been opened, but only 25 of these (10.6 per cent) had been completed at the end of 2022. The current legal status of individual suspects arrested since 2015 is similarly concerning: Of the 682 suspects arrested between 2015 and 2022, only 40 (5.9 per cent) have been convicted to date. Clearly, effective rhino prosecutions represent a massive challenge and an extremely urgent priority.

Inconsistent sentences in cases with similar circumstances have been identified as an issue of concern in the past. This has been particularly obvious in pangolin cases, where the seriousness of the crime, the circumstances of the accused and the interests of society all tend to be comparable. Cases of ivory trafficking often involve transnational elements and tend to be more complex than pangolin trafficking. The origin of ivory and the linkages to the poaching incidents that were the original source of the tusks are often unclear. These differences may lead to substantial variations in sentences. Meat-poaching cases vary significantly in terms of the target species involved (which may have vastly different values and conservation statuses), as well as in the motivations of the poachers. This requires a highly nuanced approach, which will result in sentences that are not directly comparable. Rhino crimes tend to be the most complex, as they involve a large number of actors with different roles. Average sentences for pangolin and ivory trafficking have increased significantly during 2022. Sentences for rhino poaching have also increased considerably, while rhino-horn trafficking sentences have shown great variations. Very few rhino cases have been finalised in recent years, which tends to skew statistics.



OMUSATI REGIONAL COUNCIL

The Special Courts held during 2022 were amongst the stand-out activities of the year. The Office of the Prosecutor General, through its Environmental Crime Unit, was the driving force of the Special Courts initiative; the ECU also facilitated many broader achievements in investigations and prosecutions.

Prosecution team, Outapi Special Court, September 2022.



3.2 Activities

WILDLIFE CONSERVATION

Human–wildlife conflict

Human–wildlife conflict remains one of the biggest conservation challenges in Namibia. Convergence between human–wildlife conflict and wildlife crime is known to occur at several levels. Preventative or retaliatory killings of conflict animals are regularly carried out and may contravene against wildlife legislation. Communities who are adversely affected by conflicts with wildlife are also more likely to condone or actively participate in wildlife crime¹. Participation in meat poaching appears to be particularly prevalent amongst disgruntled communities, but high-value species crimes also tend to increase. Human–wildlife mitigation measures are a priority component of conservation initiatives in Namibia.

Species management

Management interventions for priority species that are rare and vulnerable to human impacts, have specific habitat preferences or other special conservation needs, continue to be carried out. This includes research into species threats and needs and the formulation of species management plans. Resultant actions from management plans include translocations, range expansion, protective measures and other activities.

WILDLIFE PROTECTION

Anti-poaching

Weaknesses in the protection of high-value species, particularly rhinos, have been exposed during the year. Rhino protection is extremely challenging in Namibia's vast rhino ranges, in state parks, private reserves and community conservation areas. While protection in rhino ranges and other crime-prevention measures are being intensified, the cost of protection is undermining the ability to conserve the animals, particularly on freehold land, where individual land-holders must shoulder all protection costs. Rhino de-horning continues to be carried out to reduce the incentive for poaching. The protection of rare and endemic plants against poachers trafficking these to supply international demand for ornamental plants has been identified as another priority area that is receiving attention.

WILDLIFE LAW ENFORCEMENT

Investigations and prosecutions

The primary focus of this report is to provide comprehensive data and interpretive information on investigations, arrests, seizures and prosecutions, as well

as other pertinent aspects of countering wildlife crime. The Integrated Database of Wildlife Crime in Namibia (see pp. 80–81) enables the presentation of detailed data, which is used to improve public understanding of the complexities and challenges of law enforcement, and successes achieved in countering crime. Special Courts dedicated to wildlife cases were amongst the stand-out activities of 2022 (see pp. 33–37). Detailed results of other law enforcement interventions are presented throughout this report.

INTERPOL Operation Golden Strike

INTERPOL coordinates regular, focussed counter-trafficking initiatives at a global scale, in which Namibia participates in close liaison with INTERPOL's National Central Bureau in Windhoek. During 2022 Namibia took part in the operation code named Golden Strike. Participating agencies in Namibia included INTERPOL National Central Bureau, NAMPOL, MEFT, NamRA, Immigration, NAC and Namport (see also p. 12).

INTERAGENCY COLLABORATION

Strengthening of collaboration between the MEFT, NAMPOL, NDF, Office of the PG, FIC, NamRA, Namport, NGOs and other key partners is ongoing. Regional MEFT–WPSD, NAMPOL–PRSD, NDF and OPG units responsible for wildlife protection and law enforcement play a particularly important role in ensuring that countermeasures are effective right across the country. To facilitate effective communication and information sharing amongst all relevant stakeholders, the first meeting of the National Stakeholder Forum on Wildlife Protection and Law Enforcement was held in Windhoek during the year (see also p. 11).

CAPACITY BUILDING

Appropriate capacities for conservation, wildlife protection and law-enforcement agencies to carry out their mandated duties are a vital component of effective interventions. During 2022, a variety of capacity building interventions were carried out in the following spheres:

Tools, technologies and equipment for law enforcement

Latest technologies and equipment, combined with a range of modern and traditional tools, have been used to great effect in detecting and countering wildlife crime in Namibia. Diverse technical support for central and regional offices is facilitating effective interventions by law-enforcement personnel. The availability of vehicles, digital technologies and tactical gear continue to be vital for effective law enforcement throughout the country.

Training

Numerous training events related to various aspects of wildlife protection and law enforcement were held during 2022, including (participant numbers in brackets):

Wildlife Protection

- Regular induction training of MEFT, NAMPOL, NDF personnel deployed in APU capacity [all personnel]
- Training of new recruits to MEFT Wildlife Protection Unit [36]

Investigations and prosecutions

- Wildlife crime investigation & prosecution, money laundering & application of POCA training [38]
- Wildlife crime scene & investigations training for prosecutors [20]
- Data analysis & software trainings

Customs

- Standard operating procedures to counter wildlife crime for border control personnel training [82]
- Plant species identification training for border-control personnel [43]

Judiciary

- Basic trial advocacy training for prosecutors [20]
- Advanced trial advocacy training for prosecutors [28]
- Wildlife crime induction/refresher training for prosecutors & magistrates [39]

Information materials

Access to information is central to wildlife protection and law enforcement. A variety of information materials for wildlife protection and law enforcement continue to be produced and distributed.



Training events in 2022 included awareness creation of wildlife-crime impacts amongst the judiciary.



Induction training for MEFT, NAMPOL and NDF personnel is a vital component of wildlife protection.

B1. Understanding the serious impacts of wildlife crime

One of the most important components of ensuring effective countermeasures against wildlife crime is an understanding of its wide-ranging impacts amongst all stakeholders. Central stakeholders are law-enforcement personnel, prosecutors and magistrates/judges. A series of training events were held under the auspices of the PG-ECU, with active support from other government agencies and non-government partners, to enable a better understanding of the many facets of wildlife cases amongst these stakeholders. Focus areas included:

- close collaboration between agencies and activities, particularly investigations and prosecutions
- case analyses
- crime-scene and evidence management
- understanding of applicable legislation
- formulation of applicable charges
- importance of POCA
- effective docket preparation and finalisation
- litigation skills, including case presentation, witness examination, opening & closing arguments, motivation for appropriate sentences
- importance of case law
- handling bail applications
- specific roles of investigators, prosecutors, defence lawyers and magistrates
- ethics principles and the role of the judiciary
- effects of corruption
- direct and indirect impacts of wildlife crime on biodiversity, communities, livelihoods, local and national economies, national security.



3.3 Events

INTERNATIONAL EVENTS AND EXCHANGES

Global

CITES CoPI9

The 19th Conference of the Parties to CITES was held during the last quarter of 2022 in Panama to, amongst other matters, deliberate on 52 proposals for changes to CITES Appendix listings¹. An MEFT delegation attended the conference to represent Namibia's interests at this important global level. Rulings relevant to Namibia include:

- transfer of Namibia's white rhino population from Appendix I to Appendix II for the sole purpose of international trade in live animals within the animal's historic range for in-situ conservation [supported by Namibia] was accepted
- revisions related to the listings of several tree species being commercially harvested/traded (& illegally trafficked) in or via Namibia [supported by Namibia] were accepted
- controlled trade in registered ivory from stockpiles held by Botswana, Namibia, South Africa & Zimbabwe [supported by Namibia] was rejected
- transfer of elephant populations of Botswana, Namibia, South Africa & Zimbabwe from Appendix II to Appendix I [opposed by Namibia] was rejected
- transfer of hippo from Appendix II to Appendix I [opposed by Namibia] was rejected.

UNODC WIRE

A UNODC Wildlife Interregional Enforcement Meeting was held in Bangkok, Thailand, during the last quarter². This was attended by personnel from MEFT, NAMPOL and NamRA. The aim of the meeting was to bring together counterparts from source, transit and end-market countries to discuss details of countering the illicit trade in wildlife and wildlife parts. The event enabled constructive bilateral meetings between Namibia and Vietnam, Malaysia, Hong Kong and China. The establishment of direct contacts with counterparts laid the groundwork for mutual legal assistance and exchange of information, including consensus regarding notifications of seizures and the exchange of forensic information to link poaching cases in Namibia with seized goods. Constructive exchanges were held on aspects such as forensics (particularly elephant DNA analyses to determine the region of origin) and

trafficking trends and countermeasures (e.g. criminal concealment strategies).

Southern Africa

SARPCCO

A delegation of the Southern African Regional Police Chiefs Cooperation Organisation (SARPCCO) visited Namibia during the second quarter of 2022. Environmental crime forms one of the priority crime areas of SARPCCO. Namibia was praised for its proactive role in countering transboundary crime, including wildlife crime. The SARPCCO delegation also noted Namibia's active contribution to and participation in INTERPOL operations. The visit provided important recognition of Namibia's efforts to counter wildlife trafficking at a regional level.

The SARPCCO 27th Annual General Meeting was held in South Africa, during the same quarter and was attended by a delegation from Namibia.

VukaNow

The five-year, regional VukaNow activity was initiated in southern Africa in 2018. The project spans Angola, Botswana, Malawi, Mozambique, Namibia, South Africa, Zambia, and Zimbabwe. The aim is to catalyse learning and share information and best practices to enhance collaborative efforts to combat wildlife crime in southern Africa. As part of the project, a regional workshop was held in Kasane, Botswana during the third quarter of 2022, which Namibian stakeholders attended to share best practices.

SADC LEAP Strategy

An SADC Law Enforcement and Anti-Poaching (LEAP) Strategy meeting was held in Botswana during the last quarter, which was attended by Namibian representatives. The objective was to improve wildlife protection and sustainable use of natural resources, counter wildlife crime and illegal trade, enhance law enforcement and judicial processes through a common understanding of wildlife-crime trends amongst SADC countries.

Angola

A bilateral meeting between Namibia and Angola was held at Oshikango in far northern Namibia during the first quarter of 2022. The objective of the meeting was to discuss transboundary crime. BRTT personnel provided information and case studies on wildlife crime.

A strategic meeting between wildlife-crime law-enforcement counterparts from Angola and Namibia was held in Windhoek during the last quarter of 2022. The meeting was attended by 29 representatives from the two countries and established direct contacts that enable closer collaboration and information sharing in counter-trafficking initiatives.

Botswana

The International Law Enforcement Academy in Botswana provides practical wildlife-crime training for law-enforcement personnel to strengthen capacities to deliver criminal justice, strengthen law-enforcement cooperation amongst African countries to address transnational crime, discuss operational structures and approaches in SADC countries, and identify criminal trends, trade routes and linkages. Namibian wildlife protection and law-enforcement personnel attended a training session during the last quarter of 2022.

South Africa

A bilateral meeting between Namibia and South Africa was held in Windhoek during the first quarter of 2022 to discuss transboundary crime between the two countries. BRTT personnel provided information and case studies on wildlife crime.

Namibia

The first meeting of the National Stakeholder Forum on Wildlife Crime and Law Enforcement was held during the year. This is a vital step in bringing together stakeholders from all sectors to strengthen information-sharing and collaboration (see details below).



The UNODC WIRE meeting in Bangkok created important linkages to counterparts in end-market countries.



International exchanges included an important meeting with law-enforcement counterparts from Angola.

B2. The value of stakeholder engagement at all levels

Partnerships have proven crucial in Namibia's conservation, wildlife protection and law-enforcement successes. Stakeholder collaboration is a central component of the Revised Strategy on Wildlife Protection and Law Enforcement 2021–2025, which includes the establishment of a national stakeholder forum to facilitate collaboration and information sharing.

The first meeting of the National Stakeholder Forum on Wildlife Crime and Law Enforcement was held in June. The event brought together representatives from:

- **Government:** MEFT, NAMPOL, OPG, NDF, NamRA, ACC, NCIS, Office of the President, government projects (64% of participants)
- **NGOs:** Rooikat Trust, WWF, NNF, IRDNC, NDT, NACSO, CCFN, SRT, LAC, NARREC (17%)

- **Funding partners:** USAID, US Embassy, KfW (12%)
- **Community representatives:** Rhino custodians, conservancy associations, others (9%)

Over 100 participants from different parts of the country convened to discuss wildlife protection and law-enforcement developments, challenges and needs, resulting in:

- improved understanding of wildlife crime
- improved collaboration amongst stakeholders
- understanding of strategy action plan objectives, achievements and gaps
- identification of priority actions to address gaps.¹

The establishment of the forum is a major achievement that can facilitate a more coordinated front against wildlife crime.



4. KEY SECTORS AND NOTEWORTHY CASES SUMMARY FOR 2022

4.1 Investigations and arrests

RAPID RESPONSE CAPABILITIES

Pre-emptive arrests of poaching gangs targeting rhinos, as well as rapid follow-up arrests of poachers who have managed to kill rhinos, have again shown that law enforcement in Namibia is vigilant and highly effective. Flexible external funding and technical support channelled directly to the law-enforcement operations of the mandated government agencies has enabled this capability. Despite this, rhino poaching has escalated to the highest levels recorded in Namibia since 2015. It is clear that the onslaught of rhino poaching and the challenge of protecting rhinos against it will be unrelenting – until market demand is abolished.

PRE-EMPTIVE ARRESTS

Pre-emptive arrests in conspiracy-to-poach-rhino cases continue to be a vital intervention to reduce rhino losses, while still dismantling poaching gangs. During 2022, 15 pre-emptive cases resulted in 47 arrests. Rhino ranges in different parts of Namibia are being targeted, with Etosha National Park and a number of private reserves being the focus of poachers' attention. Arrested suspects are prosecuted on charges of conspiracy to poach rhinos, illegal possession of firearms, illegal entry into protected areas, and other transgressions. Under Namibian law, conspiracy to commit a crime is treated with the same seriousness as actually committing the crime. Although poaching gangs planning to poach elephant have been arrested in isolated cases in the Zambezi region, pre-emptive arrests are rarely possible related to a conspiracy to poach other species.

ARRESTS IN OLD CASES

Suspects continue to be arrested in older cases, as investigations remain ongoing. During the year, a total of 15 suspects were arrested in relation to seven cases registered prior to 2022. The most impressive of these involved the arrest of a suspect in a rhino case registered in 2016, and another arrest in a case involving a mountain zebra, registered in 2018. These arrests once again highlight that criminal offences are not forgotten and the law will catch up with perpetrators.

ARRESTS OF INSIDERS

Wildlife crimes often rely on insiders who provide information about poaching targets and wildlife-protection measures, or who assist in smuggling

contraband through check points. Those entrusted with protecting valuable wildlife may become involved in poaching or trafficking activities. Such insider involvement and collusion is an unfortunate reality, not just in wildlife crime, but most criminal sectors all over the world¹. It must be noted that the use of positions of privilege for personal gain is highest in countries with high levels of corruption and involvement of state actors in crime². The arrests of members of the Namibian security forces, as well as private nature reserve personnel, give the clear message that collusion will not be tolerated. A number of such arrests were again carried out in 2022, while training, background checks and surveillance are continually being strengthened to reduce the risks of insider involvement in wildlife crime.

SEIZURE OF VEHICLES AND FIREARMS

Vehicle and firearm seizures are an important component of wildlife-crime law enforcement. Vehicles used to carry out crimes are regularly forfeited to the state as part of a guilty verdict. The loss of an expensive vehicle represents a significant further penalty in addition to fines and prison terms, and thus acts as a crucial crime deterrent. The seizure of firearms forms part of vital evidence presented in poaching cases, such as proving criminal intent or enabling matches with bullets retrieved from carcasses. The removal of illegal firearms from the criminal sector is another important aspect. During 2022, 37 vehicles and 52 firearms were seized.

INTERNATIONAL OPERATIONS

During 2022, another INTERPOL global law-enforcement operation, codenamed Golden Strike, was conducted. Namibia took part in the operation during the third quarter of 2022, with participating agencies including the INTERPOL National Central Bureau, NAMPOL, MEFT, NamRA, Immigration, NAC and Namport. The aim of the operation was to disrupt transcontinental illicit trade, prioritise investigations related to the most-targeted species in Namibia and combat environmental crime through active, focussed collaboration of key entities. Outcomes in Namibia included 32 arrests and the seizure of 5 vehicles, 3 firearms and various wildlife products. A case of note was the discovery of an extensive transnational abalone trafficking scheme at Warmbad in southern Namibia. While dismantling the scheme, law-enforcement personnel seized more than 8,000 abalone and arrested three Namibians and two Chinese (see also p. 74).

*Poached white rhino, central Namibia,
December 2022.*



Rhinos were the most-targeted high-value species in 2022, with poaching losses at their highest since 2015; in contrast to 2015, pre-emptive arrests during 2022 saved numerous rhinos.

4.2 Prosecution and sentencing

IMPORTANT SENTENCES

Of the 380 convictions in 503 cases of individual suspects concluded during 2022 (76 per cent conviction rate), some of the most noteworthy sentences were delivered by the Special Courts, discussed in detail on pages 33–37. A remarkable sentence in a rhino case is discussed in detail on page 17. Other noteworthy sentences and case finalisations during the year include:

Court case Katima Mulilo 41/2022 [04.22]*

Ivory trafficking (1 Zambian perpetrator)

- 126 months direct imprisonment

Court case Ondangwa 1087/2022 [07.22]*

Pangolin trafficking (1 Namibian & 1 Angolan perpetrator)

- 60 months direct imprisonment (Namibian)
- N\$ 2,000 or 66 months imprisonment (Angolan)

Court case Ruacana 116/2020 [09.22]*

Pangolin trafficking (3 Namibian & 1 Angolan perpetrator)

- N\$ 65,000 or 96 months imprisonment (Namibians)
- N\$ 69,000 or 102 months imprisonment (Angolan)

Court case Katima Mulilo B351/2015 [04.22]*

Steenbok & reedbuck poaching (5 Namibian perpetrators)

- N\$ 80,000 or 50 months imprisonment (accused 1)
- N\$ 10,000 or 14 months imprisonment (all others)

* Indicates month and year of sentence

RAPID CONCLUSION OF COURT CASES

During 2022, a considerable number of meat-poaching cases, as well as some cases involving high-value species, were finalised within days, including:

Court case Outjo 745/2022 [10.22]*

Ostrich poaching

- 2 days between arrest and verdict

Court case Gobabis 734/2022 [03.22]*

Aardvark poaching

- 3 days between arrest and verdict

Court case Outapi 374/2022 [09.22]*

Pangolin trafficking

- 8 days between arrest and verdict

* Indicates month and year of sentence

4.3 Targeted species

MEAT POACHING

As in 2021, meat poaching made up close to half of all registered cases during 2022. Meat poaching presents a complex challenge with significant variations regarding the motivations and methods for poaching. The data currently does not distinguish between subsistence and

commercial meat-poaching for financial gain. As markets for poached meat are almost entirely local, it is important to identify poaching motives and market drivers to better counter this problematic sector. A broad range of interventions that reach beyond law enforcement is urgently required (see details pp. 38–43).

HIGH-VALUE SPECIES POACHING/TRAFFICKING

Rhinos

Rhinos were the most-targeted high-value species in Namibia during 2022, comprising 24 per cent of all registered wildlife cases, with poaching losses at their highest since 2015. Rhino syndicates have clearly returned their attention to Namibia with altered tactics, possibly influenced by a reduction in accessible targets in other countries. The largest rhino populations left in Africa are found in South Africa (over 15,000) and Namibia (around 3,500)¹, and the two countries are the primary focus of rhino syndicates. While substantial law-enforcement successes have continued in 2022, and one of the most significant court rulings in a rhino-poaching case was passed during the year (see p.17), rhino protection is clearly more challenging than ever (see details pp. 58–67). Rhino protection and law-enforcement strategies are continuously being adapted and strengthened to counter changing criminal methods, while challenges regarding prosecutions in rhino cases are being addressed (see also pp. 18–19).

Pangolin

The substantial reduction in pangolin trafficking in Namibia during 2022 comes as a welcome respite for the most-trafficked wild animal on the planet. Pangolin featured as the most-targeted species in Namibia since the trafficking peak in 2019 until 2021. The significant reduction in seized animals during 2022 is likely due to a combination of factors. There appears to be a very limited market for pangolin in Namibia, as most products are confiscated from rural people looking for a buyer, rather than from middlemen seeking to smuggle the products out of the country. The misperception that there is a high local demand is likely to stem from media coverage about the global plight of pangolins, as well as local awareness campaigns. Data shows that the stern deterrent sentences handed down by the Special Courts during 2022 were followed by immediate dips in pangolin seizures. It is hoped that this trend can be sustained (see details pp. 44–49).

Elephant

The year 2022 saw the lowest number of elephant tusks seized in Namibia since 2016, while recorded

poaching losses are at their lowest in at least a decade. Namibia's elephant population, currently estimated at around 24,000 animals², remains at its highest levels for over a century. The Namibian population is divided into four only partly linked sub-populations, with the large transboundary population in the Kavango East and Zambezi regions being the most susceptible to wildlife crime. Poaching in Angola, Botswana, Zambia and Namibia affects these elephants, while human–wildlife conflicts and habitat destruction within their range represent urgent challenges on par with poaching impacts (see details pp. 50–57).

Large predators

Africa's large cats are amongst the continent's most sought-after tourist attractions. Concomitant with the growth of the Namibian tourism industry, the popularity of captive predators as tourist attractions has flourished in the country, as has the demand for trophy hunting of large cats. It is legal to keep large cats in captivity if strict permit conditions are met, although captive breeding is illegal. The legal hunting of large cats is regulated by strict legislation and reporting requirements. During the latter half of 2021, the National Predator Task Team identified a high prevalence of transgressions against legislation pertaining to the keeping of large predators in captivity. This motivated active investigations and the registration of a number of cases. Arrests had to be carried out in several instances and included the arrest of a well-known Namibian medical doctor. Transgression in the trophy-hunting industry have become another cause for concern (see also p. 74).



Meat-poaching again made up close to half of all cases registered in 2022



Firearm seizures are an important aspect of countering crime; 52 firearms were seized during 2022

B3. Public awareness through weekly media

Namibia prides itself in basing conservation approaches and interventions on sound data. The near real-time compilation of wildlife-crime data via the Integrated Database of Wildlife Crime in Namibia (see also pp. 80–81) has enabled an extremely powerful data-analysis and information-dissemination tool. Data from MEFT, NAMPOL and OPG related to wildlife cases is actively collated on a daily basis. This enables the distribution of weekly wildlife-crime statistics to a range of stakeholders, including the media.

With this information at hand, the media has been commendable in publishing regular articles that provide detailed statistics on wildlife crime. The coverage is raising awareness of the prevalence of wildlife crime across Namibia and is keeping the public informed

about particular transgressions, arrests, convictions and sentences (including the names of perpetrators).

Published media articles also provide an indication of public interest in the impacts, countermeasures and trends in wildlife crime. Articles are tracked and filed by the BRTT for historic reference. This extensive archive of wildlife-crime articles is available online at <http://the-eis.com/elibrary/search-wildlife-crimes>.

Proactive communications, and the ability to provide hard data, have been extremely valuable in Namibia's approach to countering wildlife crime. The status of a wide range of indicators is unflinchingly presented, facilitating pragmatic interventions. This report, published on an annual basis since 2020 (covering the year 2019), is one of many outputs.



Human–wildlife conflict incidents

Conflicts between people and wildlife continue to create incidents in which high-value species are killed. Rural communities faced with a direct danger to human life or the potential destruction of crops, livestock or infrastructure may resort to preventative or retaliatory killings of elephants, large predators, hippos and other wildlife. Although people have the legal right to defend themselves and their property against threats, the killing of protected wildlife in such a scenario is subject to clear reporting requirements. A number of human–wildlife conflict incidents resulting in the killing of high-value wildlife took place during 2022. Such cases are investigated by law-enforcement personnel and the decision on whether an offence has taken place and prosecution is justified is usually referred to the OPG.

PLANT POACHING AND TRAFFICKING

Proactive investigations have uncovered extensive trafficking of live plants in Namibia, with a focus on rare and endemic succulents. This is being coordinated in part via social media platforms and other online activities with a global reach, creating high demand and driving up prices. Important arrests were achieved during the year, which also resulted in the seizure of large volumes of live plants. Illicit harvesting and trafficking of timber also remains prevalent, despite a moratorium on timber harvesting. Transboundary schemes targeting Namibian timber have been uncovered, a number of illicit shipments were seized, and cases related to illegal cutting of trees in the charcoal industry were opened during 2022 (see details pp. 68–73).



Meat-poaching cases made up close to half of all wildlife cases registered during 2022; motivations for meat poaching vary significantly and include poor people securing food to eat.

The high-profile case of Jackson Babi

The self-proclaimed prophet and preacher, Jackson Babi, was arrested in connection with rhino poaching and rhino-horn trafficking in 2020, together with several accomplices. During initial investigations, rhino horns, an illegal firearm and ammunition were seized at Babi's house. Follow-up investigations proved that Babi had been involved in two separate rhino-poaching incidents, and was involved in racketeering and money laundering (the latter two offences falling under the Prevention of Organised Crime Act).

Babi was charged in two separate cases of rhino poaching, and was denied bail. During the legal proceedings, Babi instructed an accomplice to offer a bribe to an investigating officer in an attempt to evade justice. The accomplice was arrested, the vehicle in which he was travelling was seized, and Babi and the accomplice were charged with attempted bribery.

As the state had a thoroughly investigated case with compelling evidence, and a lengthy trial would only

aggravate matters, Babi pleaded guilty to all charges. In his ruling, the magistrate read: '[The accused] is an abled preacher, motivational speaker and singer who was able to sustain himself and his family [...] clearly driven by greed in the commission of his offences which no court shall tolerate. [The illegal activities are] well thought out and carefully planned and hence a deterrent sentence [is required]. [...] options of fines and periods of direct imprisonment are justified given the nature of the offences. A message to offenders be that they need to feel the financial pinch whilst [receiving] a clear message that in view of the prevalence of the offences, imprisonment is [appropriate].'¹ The case illustrates the complexity of wildlife crime, the greed of individuals and the effectiveness of the law.

As part of his legal rights, Babi has lodged an appeal against the severity of the sentence. If the sentence is upheld, it will serve as important case law and a stern deterrent.

Count	Charge (Gobabis CRM 442/2022)	Sentence (9 September 2022)
1	Poaching of rhino	36 months direct imprisonment plus N\$ 100,000 fine in default of payment 24 months imprisonment
2	Poaching of rhino	36 months direct imprisonment plus N\$ 100,000 fine in default of payment 24 months imprisonment
3	Theft of rhino horn	24 months direct imprisonment
4	Theft of rhino horn	24 months direct imprisonment
5	Illegal supply of firearm	N\$ 5,000 fine or 12 months imprisonment unfit to own firearm for 4 years
6	Illegal supply of ammunition	N\$ 5,000 fine or 12 months imprisonment unfit to own firearm for 4 years
11	Racketeering (POCA)	N\$ 30,000 fine in default of payment 24 months imprisonment
12	Money laundering (POCA)	N\$ 30,000 fine in default of payment 24 months imprisonment
17	Illegal possession of rhino horn	N\$ 50,000 fine in default of payment 36 months imprisonment
18	Money laundering (POCA)	N\$ 30,000 fine in default of payment 24 months imprisonment
19	Corruptly giving gratification as inducement	N\$ 20,000 fine in default of payment 24 months imprisonment
Total		120 months direct imprisonment N\$ 360,000 direct fines in default of payment 180 months imprisonment Additional N\$ 10,000 fine or 24 months imprisonment



5. CHALLENGES FACED IN 2022

... and how they are being addressed

5.1 Organised wildlife crime

THREAT OF ORGANISED CRIMINAL NETWORKS –
A report by INTERPOL has highlighted that 'Understanding how criminal convergences, digitalization and new technologies enable crime [...] and empower threat actors requires continuous and concerted efforts, and these activities need to be an integral part of crime prevention and disruption strategies.'¹ The renewed spike in rhino poaching experienced during 2022 has underlined the extent to which rhino crimes are driven by organised criminal gangs who do the poaching, and extensive criminal networks that facilitate horn trafficking. Poaching and trafficking of live plants appears to be coordinated via well-organised online platforms and linkages that enable products to be offered to potential markets at a global scale. This enables important insights into market dynamics, yet allows criminals to operate via fake accounts and identities.

... being addressed

Investigations into rhino crimes and plant trafficking are focussing on dismantling entire criminal networks, rather than simply arresting individual suspects. The use of wide-ranging surveillance and all available technologies is vital in enabling the detection of criminal activities, gathering of evidence, arrests and prosecutions. The use of POCA charges against criminal gangs, racketeering activities and money laundering are central to convictions with appropriate penalties.

REPEAT OFFENDERS AND ORGANISED CRIME –

The ongoing involvement of 'career criminals' in the wildlife-crime sphere is a major challenge. Overlap with other criminal sectors is regularly recorded. Repeat offenders, who are out on bail or have served their sentence for previous transgressions, continue to be re-arrested in connection with new cases. This further underlines the extent of organised crime elements within the wildlife crime sphere.

... being addressed

The data gathered through the Integrated Database of Wildlife Crime in Namibia enables tracking of all identified suspects and their legal status. The use of POCA charges (criminal gang activity, racketeering, money laundering) against repeat offenders is important, as is awareness of the seriousness of organised wildlife crime amongst the judiciary to ensure appropriate convictions.

5.2 Wildlife protection

VULNERABILITIES IN RHINO PROTECTION –

The renewed spike in rhino poaching experienced during 2022 indicates vulnerabilities in rhino protection, both in state-protected areas and private reserves (poaching in community conservation areas has been less severe in recent years, after significant increases in protection measures). Insiders are playing a significant role, facilitating access to rhino ranges or carrying out poaching themselves.

... being addressed

A variety of countermeasures are being implemented to improve the effectiveness of anti-poaching units and other security measures. Much closer alignment between wildlife protection and law enforcement is being initiated; surveillance and wildlife-monitoring data is being more effectively applied, and cutting-edge technologies are being used to enable the identification of insiders.

VULNERABILITIES IN PLANT PROTECTION –

The protection of indigenous and endemic succulents that are poached and trafficked to feed a global demand for ornamental plants is particularly challenging. The plants occur at low densities in vast, arid landscapes, often outside protected areas.

... being addressed

Sensitisation amongst all stakeholders to the sudden, massive threat posed by live-plant trafficking is an important initial step, while strengthening of laws and closer alignment between plant conservation, protection and law-enforcement activities are vital.

5.3 Investigations and arrests

LATE DISCOVERY OF RHINO CARCASSES –

The discovery of carcasses of poached rhinos in some of the vast, inaccessible ranges in which rhinos occur is challenging and costly. Yet late discovery of carcasses makes successful investigations very difficult, as evidence is obscured and lost over time.

... being addressed

Close collaboration between APUs and investigators, and more strategic monitoring and patrolling in all rhino ranges are keys to stronger rhino protection and improved carcass detection. Specialised tools and technologies are being used to locate and monitor poaching hotspots and expedite the discovery of carcasses.

5.4 Prosecution and sentencing

REDUCING THE BACKLOG OF COURT CASES –

The challenging backlog of wildlife cases on the court rolls has been induced by the massive increase in wildlife crime over the past decade. In extreme years, 3.94 times as many court cases were registered as finalised.

... being addressed

During 2022, Special Courts dedicated to hearing wildlife cases proved to be an effective tool in reducing the backlog. During the year, registered court cases still exceeded finalised cases, but only by a ratio of 1.45 to 1. Initiatives are now underway to expand and entrench the use of dedicated wildlife-crime courts.

LOW CASE-FINALISATION RATES FOR RHINO –

Rhino poaching was again brought to the fore during 2022 as one of Namibia's most pressing wildlife-crime challenges. While poaching numbers have again risen alarmingly after declines from 2018 to 2021, case finalisation and convictions in rhino cases remain alarmingly low. Of 682 suspects arrested since the start of 2015, only 40 (i.e. 5.9%) had been convicted at the end of 2022. The causes for the low rate of case finalisation and conviction are complex, yet require urgent redress.

... being addressed

Special Courts dedicated to wildlife cases have proven highly effective in reducing court-case backlogs and achieving convictions with appropriate penalties. Very few rhino cases were handled by the Special Courts in 2022. Special Courts dedicated to rhino cases are envisaged for 2023. Investigation teams are carrying out detailed 'case autopsies' to address any outstanding issues as a matter of priority and ensure that case dockets are complete and ready for trial.

INAPPROPRIATE SENTENCING –

Substantial variations in sentences for offences with similar circumstances, as well as inappropriate sentences, were highlighted as a matter of concern in the past. While variations still exist, the year 2022 saw a significant improvement in this regard.

... being addressed

One of the most significant sentences delivered during 2022 was in a rhino case (see p.17), while the Special Courts delivered a number of stand-out sentences during the year (see details pp. 34-37). Close cooperation between the ECU and regional prosecutors is continually strengthening prosecutions and ensuring that the serious impacts of wildlife crime are being highlighted and more appropriate sentences are being motivated (see also p. 9).

5.5 General

PERSONNEL AND FINANCIAL CONSTRAINTS –

Wildlife crime has become one of the most pervasive criminal sectors in Namibia. While government has implemented diverse countermeasures and has received wide-ranging local and international support, personnel and financial constraints continue to exist.

... being addressed

Namibian Partnerships against Environmental Crime are continually striving to address funding constraints and other capacity gaps through wide-ranging intersectoral cooperation and external funding and technical support. Ongoing international collaboration remains a vital component of the partnership (see also p. 82).



Late discoveries of rhino carcasses inhibit investigations.



Extensive trafficking of live plants was uncovered in Namibia.



6. WILDLIFE CRIME STATISTICS SUMMARY 2018–2022

Key wildlife crime indicators

- 'Wildlife crime cases registered' include some cases in which only the carcass of a poached animal was discovered, but no arrests or seizures were made; this is particularly relevant for rhino cases, which often start with the discovery of a carcass without any suspects.
- Individual totals for pangolin, elephant and rhino 'cases registered' and 'suspects arrested' may add up to more than the totals in the 'high-value species cases' categories, because a number of cases and arrests may have involved more than one of the above species.
- Statistics are aggregated from all parts of the country, resulting in some cases being incorporated after the publication of a particular report. There may thus be minor differences in numbers between weekly, monthly, quarterly and annual reports.
- The number of elephant tusks seized does not relate directly to the number of elephants killed in Namibia, as tusks may originate from elephants killed in other countries.
- Cases finalised during 2022 may have been registered in previous years
- Individuals convicted during 2022 may have been arrested in previous years.

* Meat species are defined in this report as giraffe, buffalo, zebras, antelopes and warthog.

** High-value species are defined in this report as elephant, rhinoceroses (black and white rhinos combined) and pangolin.

*** One ground pangolin has around 380 scales ($\pm 8\%$)¹; juvenile and adult pangolins have the same average number of scales

6.1 Key wildlife crime indicators during 2022:

INDICATOR	2018	2019	2020	2021	2022
Cases registered (all categories):	308	558	430	456	430
meat-poaching* cases	94	265	219	209	200
high-value species** cases	177	250	152	197	175
pangolin cases	63	95	60	71	36
elephant cases	37	53	33	56	34
rhino cases (total of both species)	82	106	63	73	106
conspiracy to poach rhino cases (pre-emptive)	7	24	8	7	15
plant cases	0	0	0	0	11
Suspects arrested (all categories):	549	1,101	884	880	693
in meat-poaching* cases	208	587	492	501	404
in high-value species** cases	266	432	312	300	193
in pangolin cases	124	176	105	129	57
in elephant cases	67	129	64	98	64
in rhino cases (total of both species, all cases)	83	142	151	82	75
in conspiracy-to-poach-rhino cases (pre-emptive)	26	79	50	25	47
in plant cases	0	0	0	0	22
Products seized:					
pangolin – live animals	26	51	8	21	12
– dead animals/skins	63	79	67	66	28
– scales***	33	101	926	186	873
elephant – complete tusks	93	115	62	107	55
rhinos – complete horns	13	8	21	15	5
plants	0	0	0	0	4,165
Rhinos dehorned:	139	310	195	115	145
Estimated number of animals poached:					
elephant	27	13	12	8	4
rhinos	84	62	43	47	93
Instrumentalities seized:					
firearms	60	69	75	55	52
vehicles	17	39	48	33	37

Targeted species

- Meat species are defined in this report as giraffe, buffalo, zebras, antelopes and warthog.
- Meat species make up the majority of targeted species.
- During 2022, rhinos (both species combined) became the most-targeted high-value species, making up 24 per cent of all registered cases; this includes pre-emptive cases where targeted animals were saved, as well as cases of discovered carcasses without arrests.
- Pangolin trafficking dropped considerably, making up less than ten per cent of registered cases.
- The number of elephant cases dropped considerably; very few animals are known to have been poached in Namibia, while ivory trafficking dropped to the lowest levels since 2016; it is rarely possible to link an ivory seizure to a particular carcass; a significant proportion of ivory seized in Namibia is believed to originate from elephants killed in other countries.
- Ratios are calculated using the number of cases registered per category, not the number of individual animals involved.

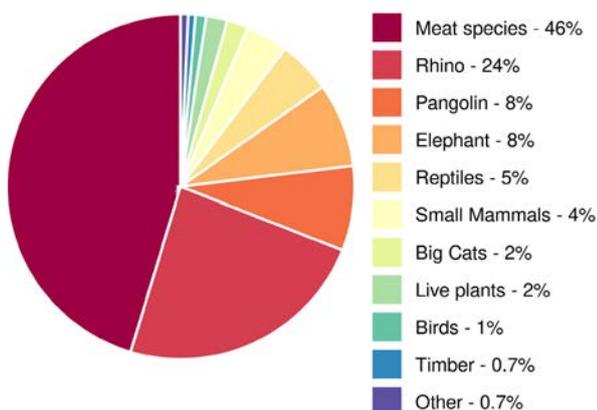
Nationality of suspects

- Most wildlife crimes in Namibia are being carried out by Namibians.
- Suspects from neighbouring countries make up the majority of other nationalities.
- Contrary to widespread beliefs, Asians only make up a very small proportion of suspects arrested in Namibia.
- The composition of nationalities will obviously differ substantially as one moves up the crime chain to international middlemen, dealers and kingpins.

INDICATOR	2018	2019	2020	2021	2022	
Individual's cases finalised in court (all categories):	142	277	307	378	503	
meat-poaching* cases	57	179	192	257	286	
high-value species** cases	71	69	87	96	146	
plant cases	0	0	0	0	0	
Individuals convicted (all categories):	114	242	243	303	380	76% conviction rate
in meat* poaching cases	47	157	152	211	210	73% conviction rate
in high-value species** cases	55	59	65	69	116	79% conviction rate
in plant cases	0	0	0	0	0	
Convictions resulting in custodial sentence (total):	86	215	213	265	369	average 25 months
in meat* poaching cases	39	137	127	174	206	average 14 months
in high-value species** cases	42	59	62	68	111	average 48 months
in plant cases	0	0	0	0	0	
Convictions resulting in monetary fine (total):	95	210	235	288	342	average N\$ 19,970
in meat* poaching cases	46	138	147	205	204	average N\$ 6,716
in high-value species** cases	37	51	63	63	87	average N\$ 55,080
in plant cases	0	0	0	0	0	

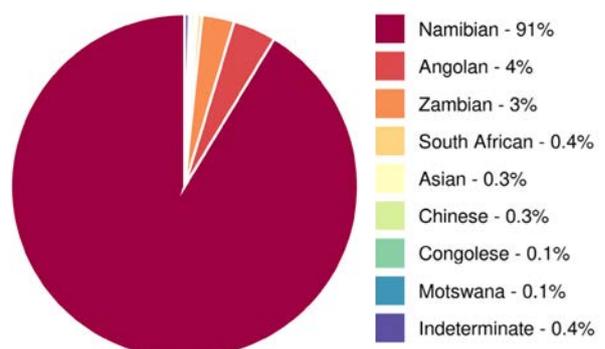
6.2 Ratios of targeted species:

for all registered cases recorded in 2022



6.3 Ratios of suspects' nationalities

for all arrests recorded in 2022

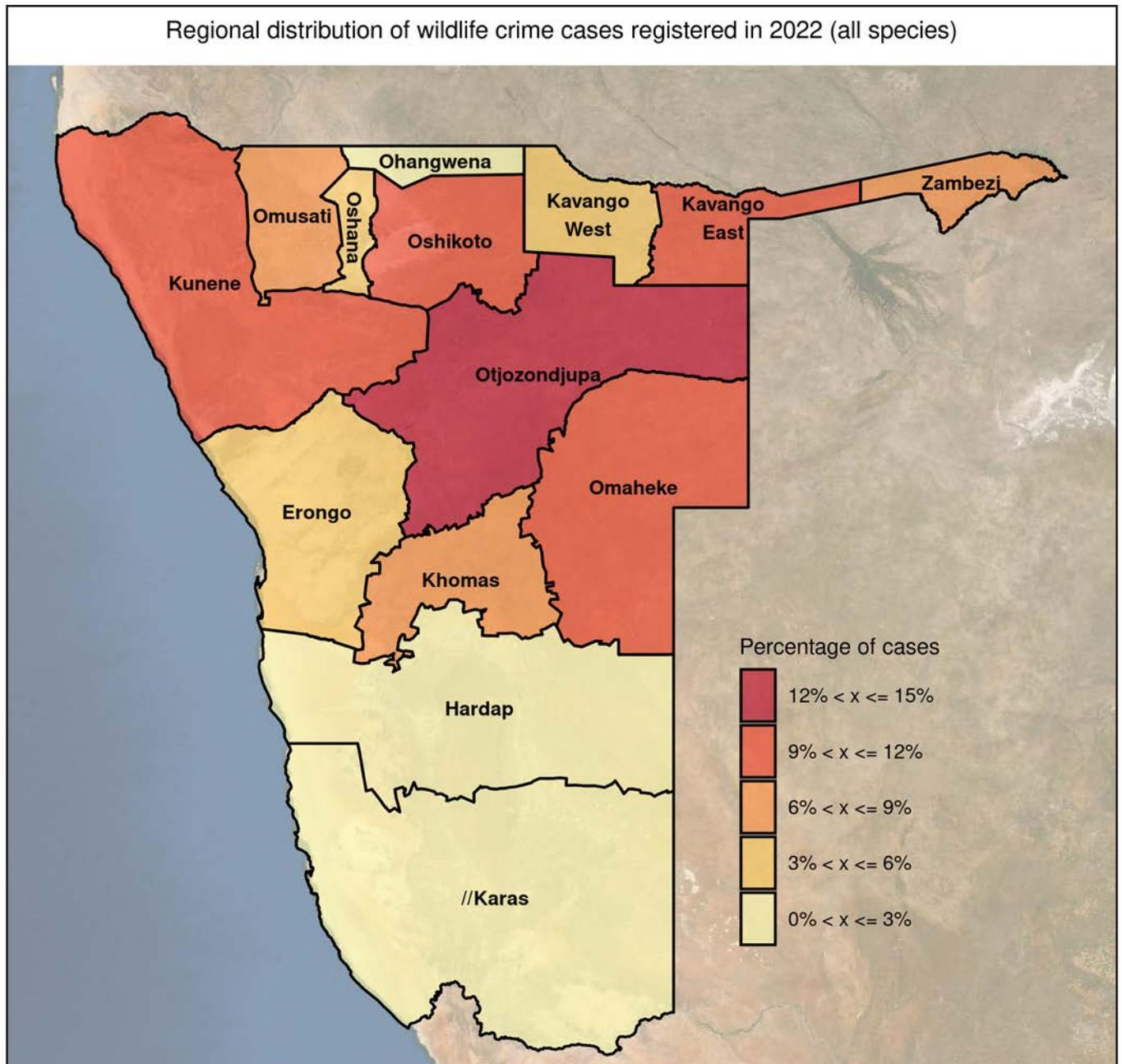


7. GENERAL WILDLIFE CRIME TRENDS 2015–2022

7.1 REGIONAL DISTRIBUTION of ALL REGISTERED CASES during 2022:

Regional distribution of registered cases

- The map shows the total number of wildlife crime cases registered during 2022 and includes all types of wildlife crime.
- The map indicates the regions in which cases were registered, not necessarily where the crime was committed. Cases are generally registered at the police station nearest to the place of arrest, which may be in another region than where an incident occurred.
- Wildlife crime is clearly prevalent in all regions of Namibia.
- During 2022, the highest number of cases was registered in the Otjozondjupa Region.
- Cases may involve poaching, possession, trafficking and other transgressions, or a combination of offences.
- Wildlife densities are generally lower in the south and central north than other parts of the country, resulting in fewer opportunities for poachers.
- Trafficking of high-value-species products is generally more prevalent in the north of the country; this is influenced by the proximity of the northern borders, which represent known trafficking routes for smuggling contraband in or out of the country.





*Seized proceeds of crime,
northern Namibia, June 2022.*

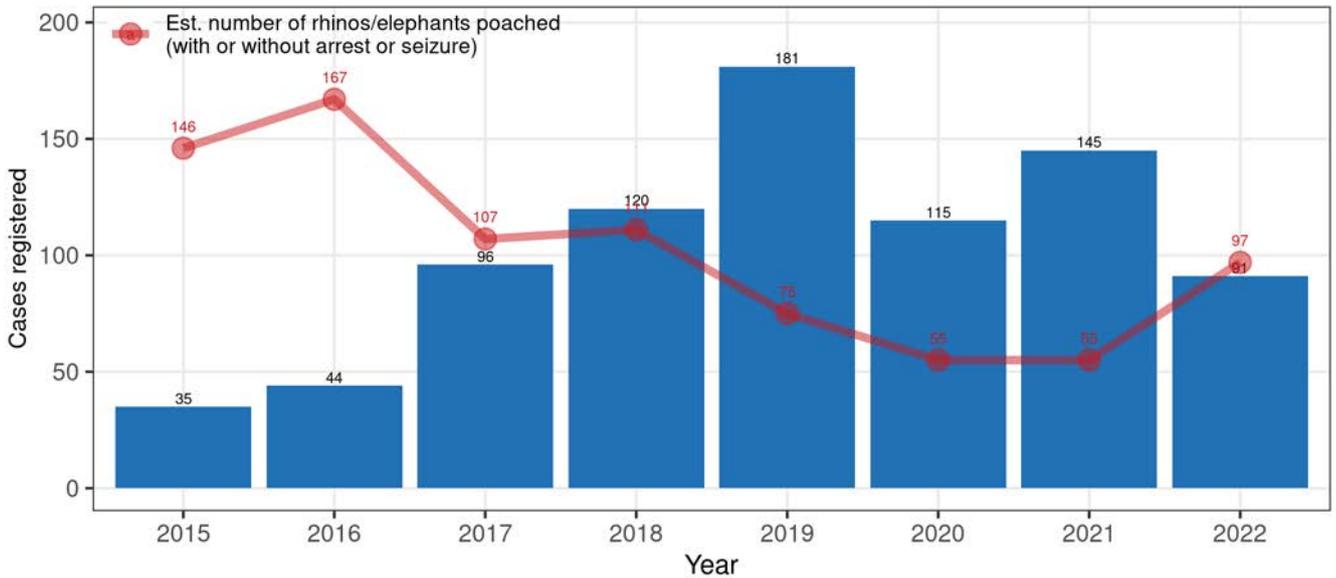
The allure of quick cash draws people into participating in wildlife crimes, yet risks far outweigh rewards – fines, jail terms and criminal records have a severe impact on the lives of the individuals involved, as well as on their families and communities.

Trends in the number of high-value-species cases registered

- It is important to note that the registered cases in the below graphs include only those cases in which arrests or seizures were made; all discovered carcasses of rhinos and elephant are investigated, and are indicated separately on the graphs to reflect overall poaching prevalence.
- While poaching of elephant has clearly decreased from a peak in 2016, rhino poaching continues to exhibit new spikes.
- The number of cases registered per year has fluctuated since a peak in 2019; this may be influenced by various factors, including external funding and technical support channelled directly to investigations (since 2017), launch of Operation Blue Rhino (2018) and fluctuating crime.
- Meat-poaching cases made up around half of all registered wildlife-crime cases since 2019.
- High-value species are defined in this report as elephant, rhinoceroses (black and white rhinos combined) and pangolin.
- Meat species are defined in this report as giraffe, buffalo, zebras, antelopes and warthog.

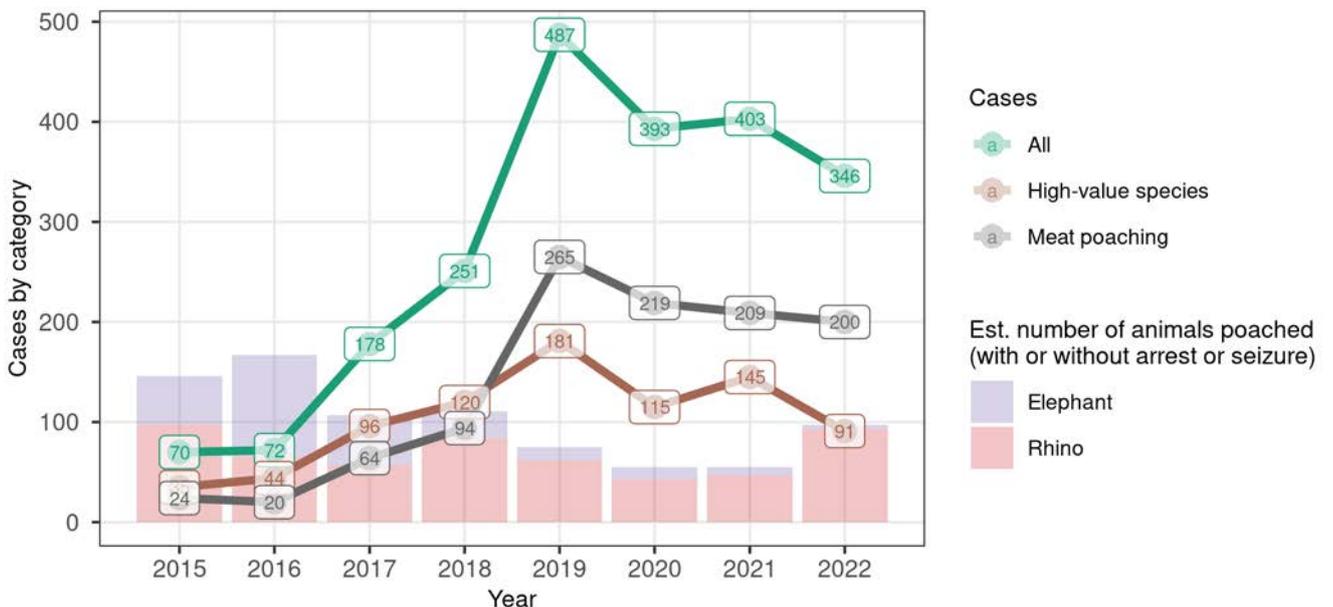
7.2 Wildlife crime CASES REGISTERED (high-value species)

Annual wildlife crime cases registered (high-value species cases only) vs. annual poaching figures



7.3 Wildlife crime CASES REGISTERED divided BY SPECIES CATEGORIES

Number of cases by category per year (only cases with arrests made)



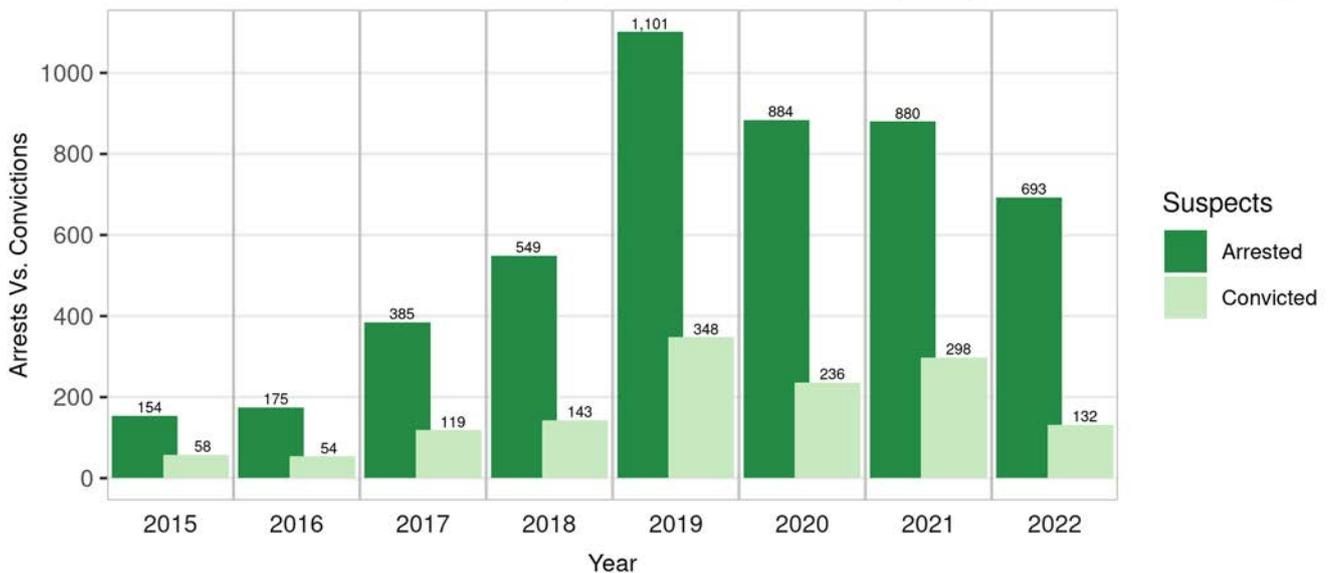
Trends in the total number of wildlife-crime arrests, as well as related convictions

- Annual arrests have dropped gradually from a peak in 2019; this may be influenced by a number of factors, including external funding and technical support channelled directly to investigations (since 2017), launch of Operation Blue Rhino (2018) and fluctuating crime.
- The low number of convictions (as at 15 May 2023) for arrests made in any year is caused by the lengthy process of finalising cases, rather than low conviction rates (see p. 29 for the annual conviction rate of finalised cases)
- The decrease in arrests from 2019 to '22 may have a variety of causes, including law-enforcement success, the effects of heightened police checks and movement restrictions during the COVID-19 pandemic, and decreased involvement in crime.
- High-value species are defined in this report as elephant, rhinoceroses (black and white rhinos combined) and pangolin.
- Meat species are defined in this report as giraffe, buffalo, zebras, antelopes and warthog.

7.4 Wildlife crime ARRESTS versus CONVICTIONS (all categories) [current status on 15 May 2023]

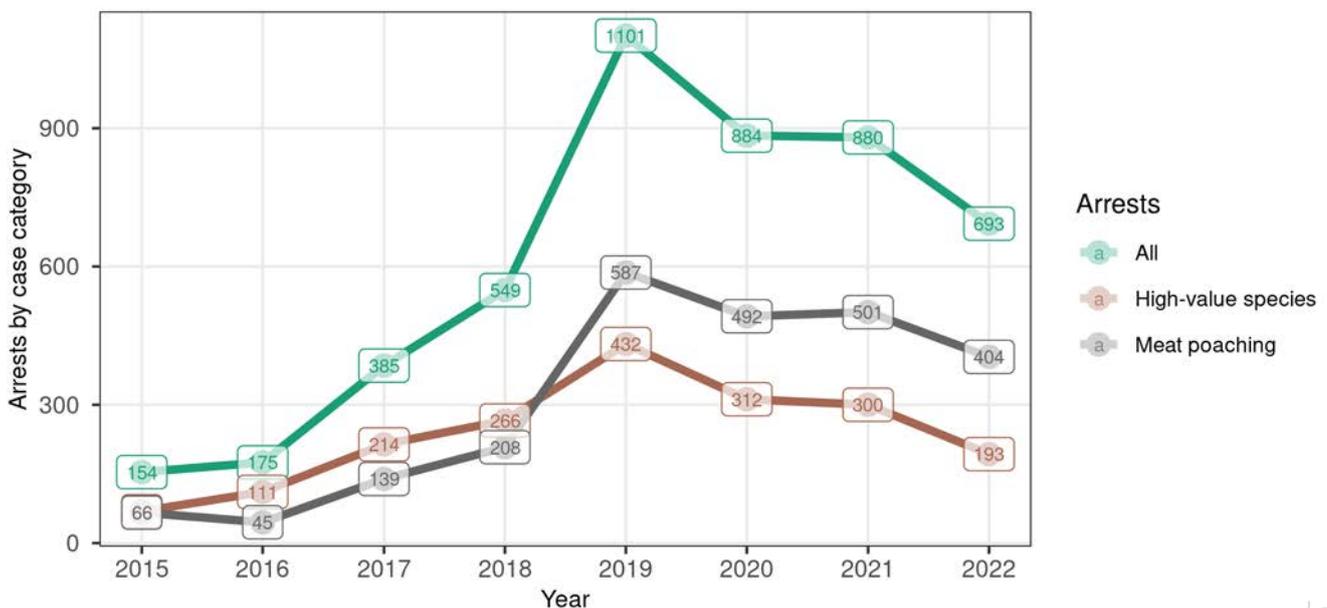
Annual arrests vs. their current conviction status (all cases)

The bars "Convicted" indicate the number of suspects who were arrested in the respective year and have been convicted by now.



7.5 Wildlife crime ARRESTS divided BY SPECIES CATEGORIES

Number of arrests by case category



Seizures of firearms and vehicles

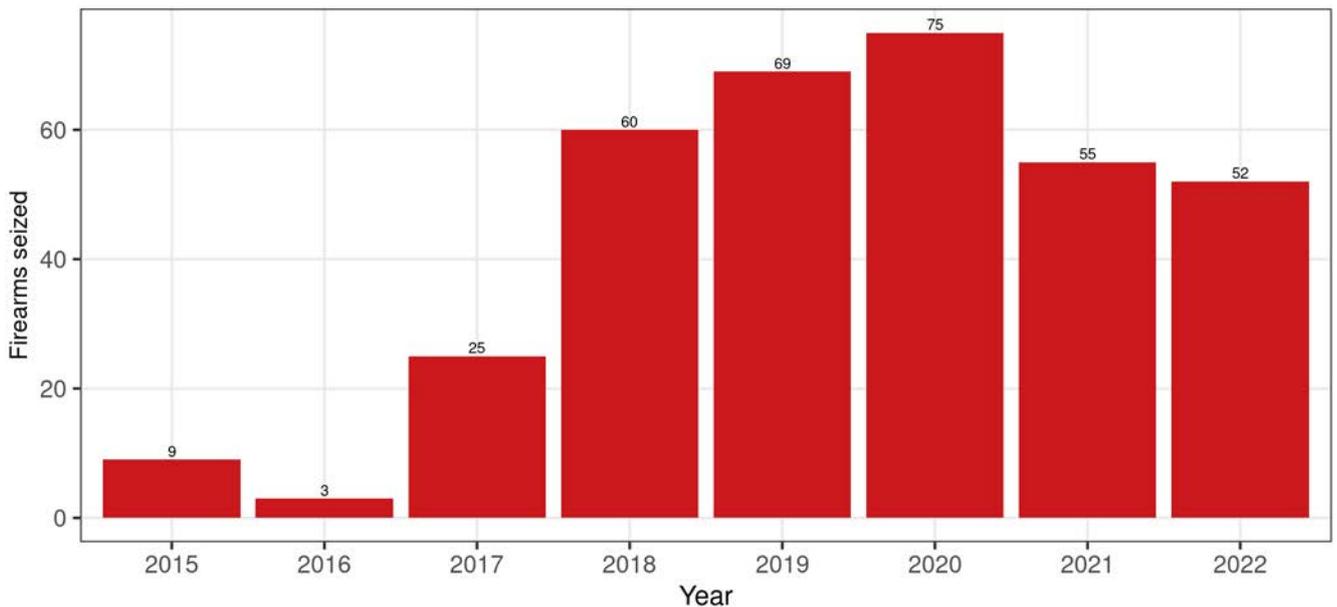
- When suspects are found in possession of contraband such as illegal wildlife products, firearms or ammunition, the items as well as the vehicles in which the items were transported may be seized as **instrumentality** in the commission of an alleged offence.
- If suspects are convicted as charged, vehicles or other property that has been impounded in relation to the charges may be forfeited to the state.
- The forfeiture of expensive vehicles represents a significant additional punishment for criminals.
- Fluctuations in the number of firearm and vehicle seizures are influenced by the complexity of registered cases in any given year.

Prevention of Organised Crime Act (POCA) charges

- Wildlife crime can be categorised as organised crime under POCA when it is carried out by two or more people repeatedly working together, and when it includes any of the following organised-crime categories: racketeering; criminal gang activity; money laundering.
- The escalation of transnational organised crime since 2015 has led to a steep increase in the number of suspects charged under POCA.
- The reduction of POCA charges after a peak in 2020 may be due to a range of factors related to the complexity of crime cases.

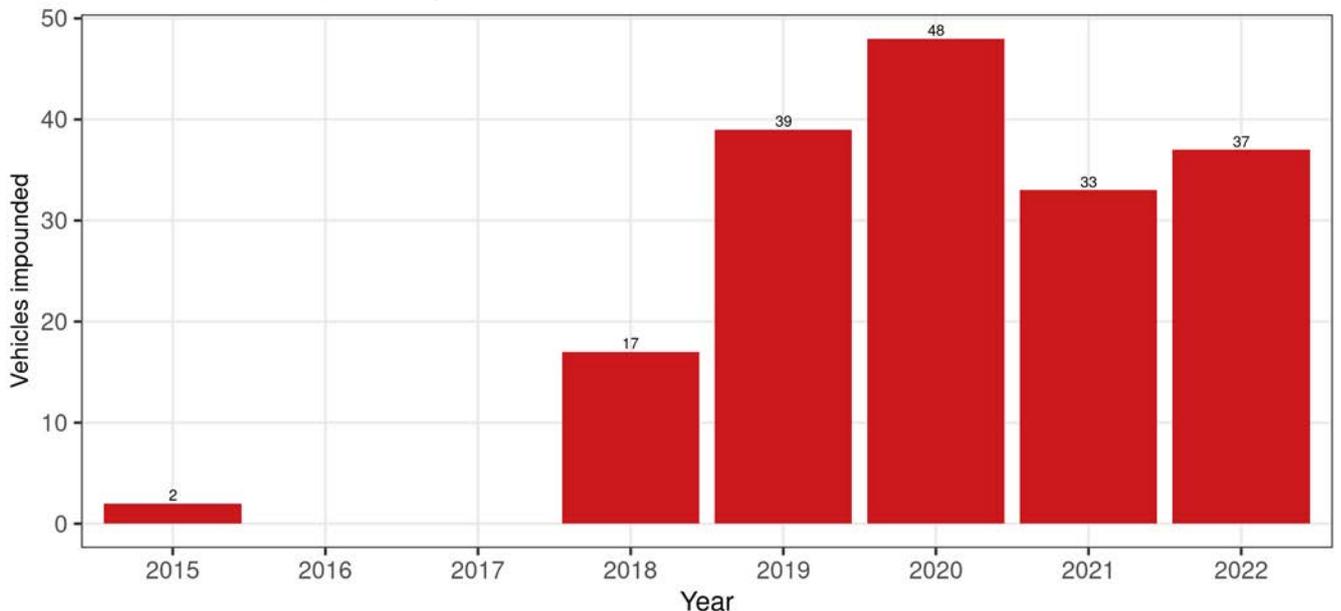
7.6 Wildlife crime FIREARM SEIZURES (all categories)

Annual number of firearms seized in line with wildlife crime cases



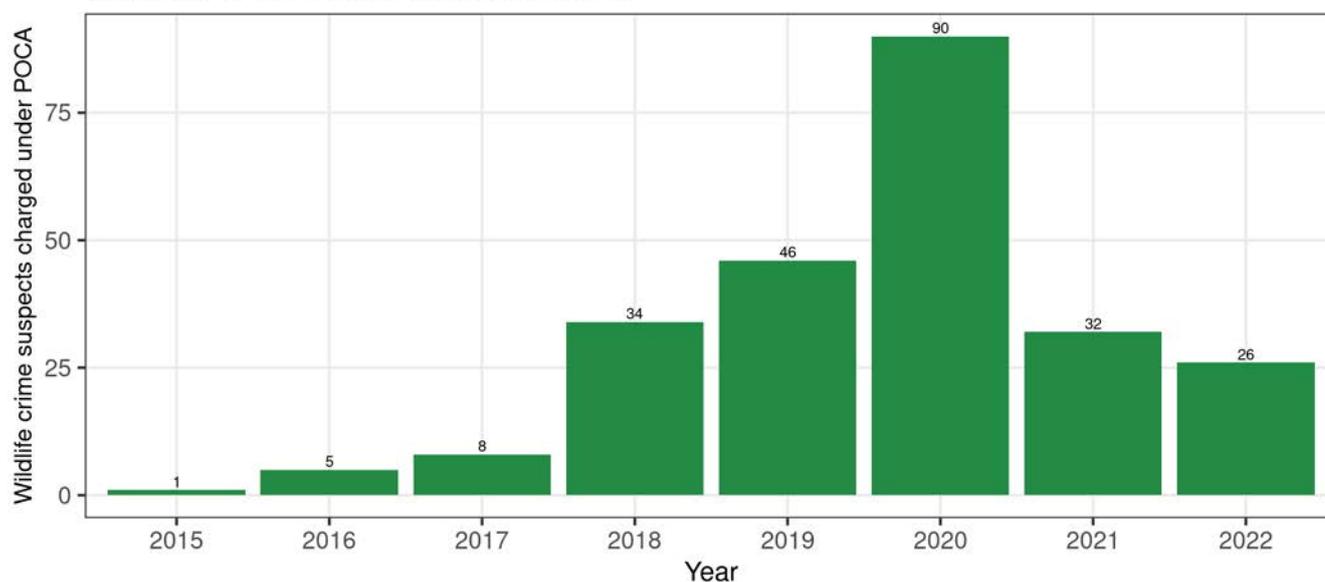
7.7 Wildlife crime VEHICLE SEIZURES (all categories)

Annual number of vehicles impounded in line with wildlife crime cases



7.8 PREVENTION OF ORGANISED CRIME ACT (POCA) CHARGES (all categories)

Annual number of wildlife crime suspects charged under the Prevention of Organized Crime Act 29 of 2004



B5. The important role of the Financial Intelligence Centre (FIC)

As the financial intelligence unit of the Government of Namibia, the FIC plays a vital role in countering organised wildlife crime. The FIC is an operationally autonomous and independent statutory agency within the portfolio of the Bank of Namibia and the Ministry of Finance. The FIC is guided by the Financial Intelligence Act (FIA) and is mandated with providing assistance in combatting money laundering, financing of terrorism and proliferation activities.

Organised wildlife crimes, such as rhino crimes and other poaching and trafficking of high-value wildlife products, rely heavily on money laundering. Illegal income is transferred into legal financial systems, with the origins of the illicit funds concealed through multiple financial transactions. The illicit funds are then integrated into the legal economy through payouts via legitimate entities.

The FIC is able to detect potential cases of money laundering and other financial crimes by evaluating financial transaction information from various financial institutions and related entities. Financial intelligence that indicates criminal activity is shared with law-enforcement agencies such as NAMPOL and ACC. As the focal point for high-value species crimes, the BRTT actively liaises with the FIC and OPG during investigations of cases that may involve financial crimes.

In recent years, the FIC has processed dozens of requests from NAMPOL for information related to wildlife crimes¹, which has provided critical information to prosecute suspects.

This has led to some money-laundering convictions related to controlled wildlife products. Detailed investigations proving the illicit origin of funds can also enable the recovery of the proceeds of wildlife crime, for example by seizing assets purchased with funds of illegal origin. POCA provides the legal framework to charge, prosecute and convict perpetrators of money laundering, which carries severe penalties.

The FIC also identifies and catalogues trends and typologies (specific methods used for financial crimes), and carries out risk assessments of criminal sectors. Research findings are published as detailed reports to guide countermeasures by mandated agencies. The last trends and typology report on high-value-species crimes was published in 2017² to help guide responses to the poaching spike experienced in 2015–16. The latest risk assessment for money laundering, terrorist and proliferation financing was published in 2021. The report rates the potential impact of wildlife poaching and trafficking as ‘major’ and the overall threat as ‘extreme’³.

Namibia’s effectiveness in countering money laundering is periodically assessed by ESAAMLG, with findings published in mutual evaluation reports⁴. The most recent report on Namibia was published in 2022 and found that ‘Namibia has a good understanding of ML threats emanating largely from proceeds of serious fraud, tax crimes, wildlife crimes and corruption and bribery’, but also highlighted a variety of capacity limitations⁵, which are now being addressed.



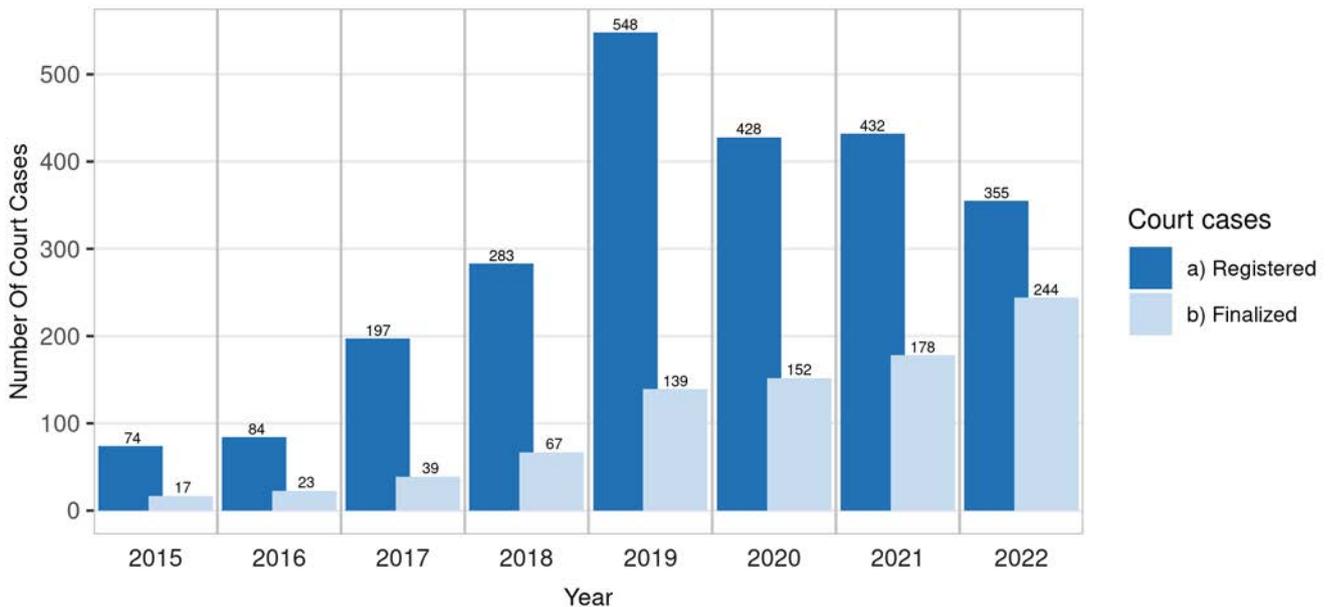
Annually registered versus finalised cases, and annual conviction rate

- **Registered vs. finalised cases** indicates how many cases are registered in a particular year, and how many cases are finalised in the same year (irrespective of when they were registered); as cases may take several years to finalise, links between registered and finalised cases are not made in these graphs; while the rate of case finalisation is improving, many more cases are registered than finalised in any particular year, leading to an increasing build-up of ongoing cases and a growing strain on the judiciary.
- The Special Courts held during 2022 significantly reduced the gap between registered and finalised cases; for every case finalised in 2019, 3.94 new cases were registered; in 2022 that ratio was reduced to 1.45.
- Finalised pangolin cases exceeded registered pangolin cases for the first time in 2022; this shows that it is possible to clear the backlog of cases.
- **Annual conviction rate** refers to the percentage of suspects in finalised cases who have been convicted; the annual conviction rate is near or above 75% for all years since 2016, indicating that appropriate charges were filed and that the cases were well-presented in court; indeterminate indicates that the status has not yet been defined in the database.

7.9 ANNUAL CASES REGISTERED versus ANNUAL CASES FINALISED (all categories)

Cases are shown by year of registration and finalisation, respectively; finalised cases may have been registered in previous years.

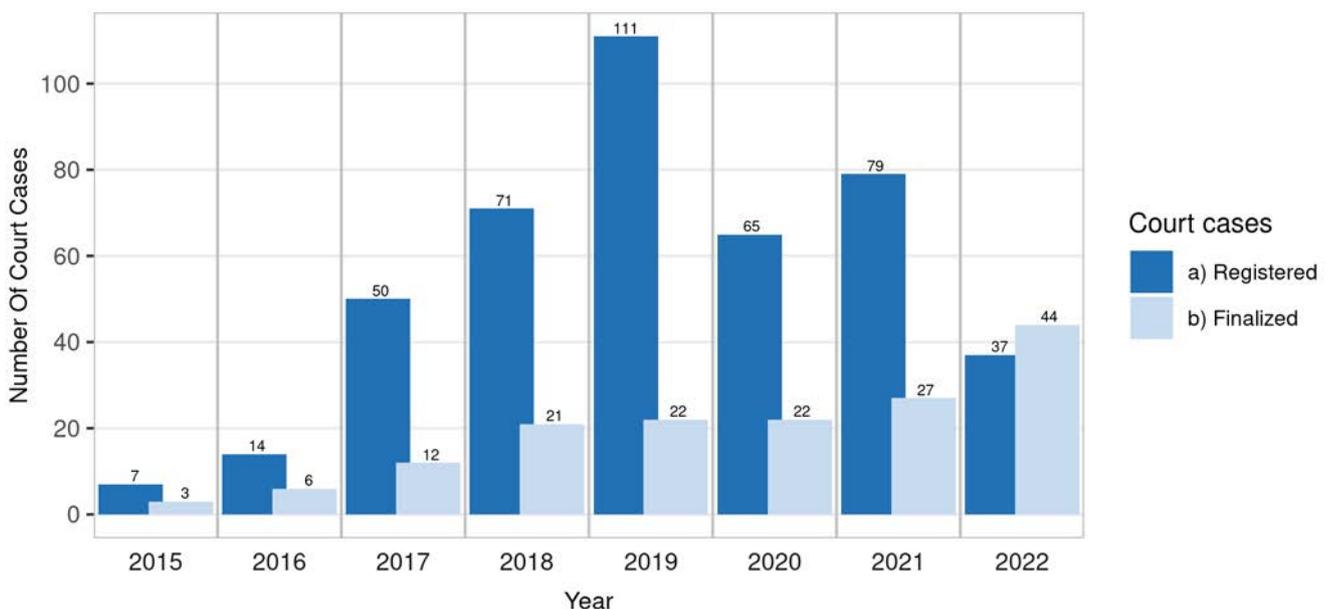
Annually registered vs. finalized wildlife crime court cases (all cases)



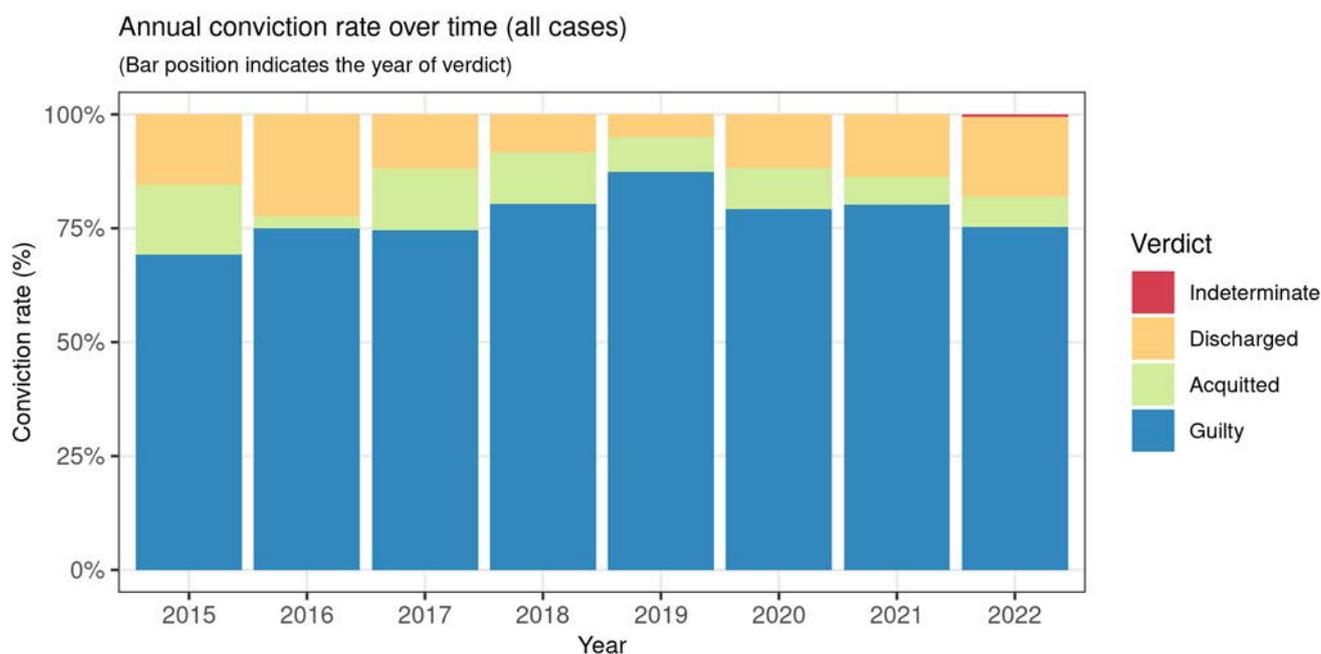
7.10 ANNUAL CASES REGISTERED versus ANNUAL CASES FINALISED (pangolin)

Cases are shown by year of registration and finalisation, respectively; finalised cases may have been registered in previous years.

Annually registered vs. finalized wildlife crime court cases (pangolin cases)



7.11 ANNUAL CONVICTION RATE (all categories)



B6. The important role of the Namibia Revenue Agency (NamRA)

As Namibia's tax collecting authority, NamRA plays a number of important roles in countering wildlife crime. NamRA was established as an autonomous agency in terms of the NamRA Act 12 of 2017 and is mandated with assessing and collecting taxes and duties, and ensuring Customs and Excise compliance, amongst others.

Customs and Excise is a directorate within NamRA, which controls the movement of all vehicles, goods and people in and out of the country via designated border posts. The directorate operates different sections, including Clearance (border post teams controlling transboundary movement), Enforcement (mobile teams conducting searches and fieldwork) and Risk Management (teams analysing and addressing threats, especially those related to illicit trade).

Customs and Excise thus acts as the first and final barrier to illicit goods entering or leaving Namibia. This is a vital function in countering wildlife crime. Intercepting the flow of illegal wildlife products in and out of the country disrupts illicit trade routes by seizing illegal products and facilitating the arrest of traffickers.

Amongst various multilateral agreements, Namibia is a signatory to CITES¹, the convention that strives to protect species of endangered wild fauna and flora through a system of trade controls. NamRA uses the stipulations of multilateral agreements together with applicable Namibian legislation to detect and restrict the movement of illicit goods.

Customs and Excise has intercepted diverse consignments of illegal wildlife products at various control points, which have most recently included notable consignments of abalone and timber, and in the past important seizures of rhino horn² and other wildlife products.

Illicit abalone consignments from South Africa being channelled through various neighbouring countries including Namibia have become a significant cause of concern³. Illicit consignments of timber from neighbouring countries, particularly Angola and Zambia, have also been transported through Namibia to be shipped out via Walvis Bay⁴. The trafficking of live plants (particularly endemic succulents) out of Namibia has more recently been uncovered.

The control of illegal plant products is more difficult than that of animal products. Namibian plants have a designated conservation status that controls their utilisation in the country, yet few are listed by CITES, limiting legal mechanisms outside Namibia (see also pp. 68–73). All high-value wildlife being targeted in Namibia is listed on CITES appendices⁵, meaning strict controls apply in transit and destination countries.

Close liaison between NAMPOL, MEFT and NamRA ensures that customs officials are in a position to detect illicit wildlife products. Wildlife criminals can also be brought to book on charges of tax evasion linked to money laundering. In such cases NamRA works closely with law-enforcement agencies, the FIC and support NGOs.



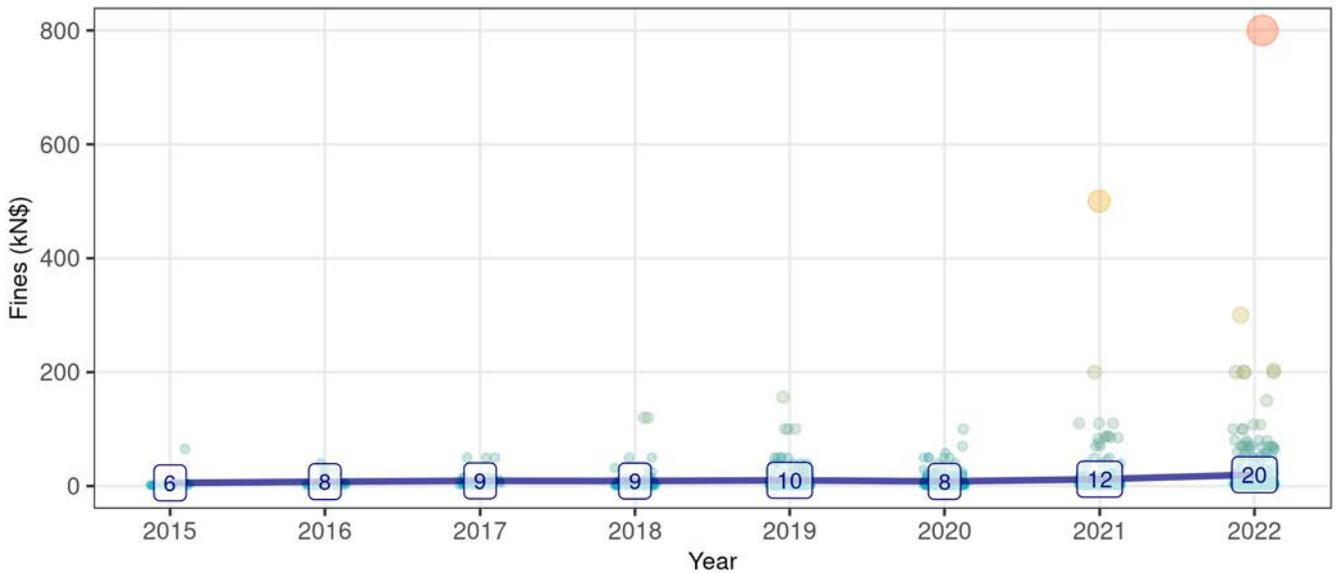
Wildlife crime fines and prison sentences, and time between arrest and case finalisation

- **Fines and prison sentences** show the changes in the height of sentences over time; the time line (x-axis) indicates the date of sentencing; the colour and size of the dots varies according to the height of the sentence; small blue represent the lowest and large orange the highest; the blue line indicates the annual average; the graphs include all registered wildlife-crime cases and all related charges against perpetrators.
- The 2022 fine of N\$ 800,000 was in a pangolin-trafficking case registered in 2021, involving an Angolan national.
- The 2022 prison term of 288 months was in a rhino-poaching case registered in 2020, involving a famous Namibian preacher (see details p. 17)
- The average height of sentences increased for fines and prison terms during 2022, influenced in part by some exceptional sentences.
- **Time between arrest and case finalisation** may vary considerably, with some cases finalised in a matter of weeks, while others have taken more than 7 years to complete; the reasons for case duration and the causes of case delays are complex; the finalisation of very old cases in any given year increases the average for that year; this does not mean that case finalisation is getting slower; the finalisation of very old cases should in fact be seen as a positive trend.

7.12 Wildlife crime FINES (all categories)

Distribution of fine amounts (thousand N\$) per year

All cases; depicted by year of conviction. The blue line indicates the annual mean.



7.13 Wildlife crime PRISON SENTENCES (all categories)

Distribution of jail sentences (months) per year

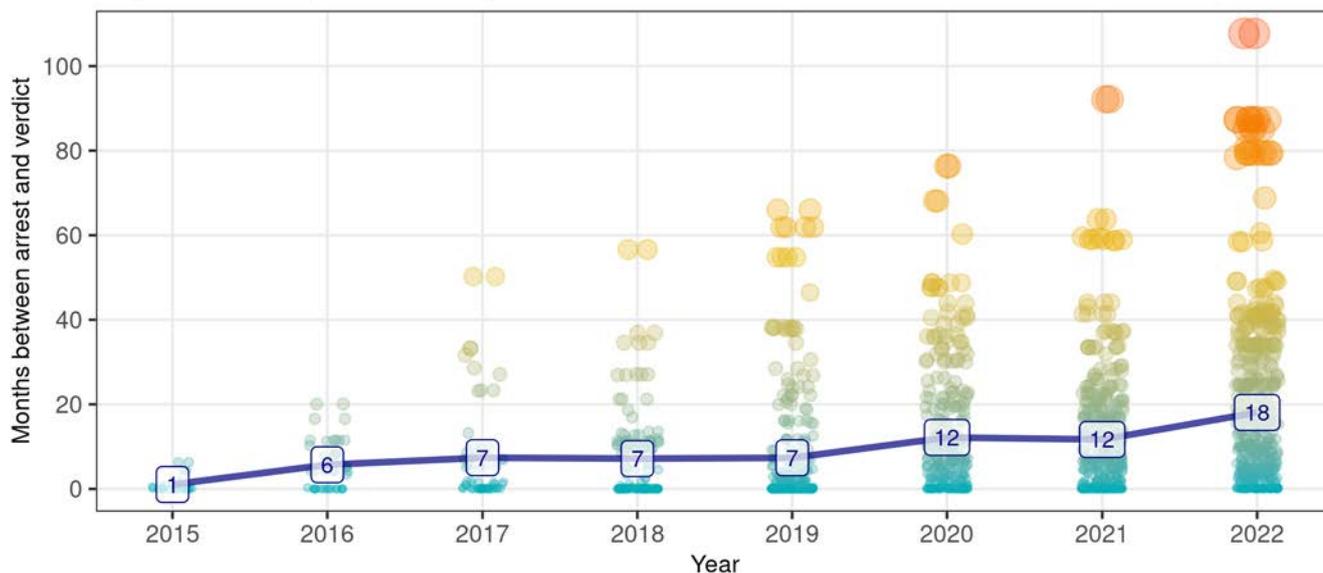
All cases; depicted by year of conviction. The blue line indicates the annual mean.



7.14 TIME BETWEEN ARREST and CASE FINALISATION (all categories)

Distribution of months passed between individuals' arrest and case finalization (all cases)

The position of a data point indicates the year in which a case was finalized. The blue line indicates the annual mean.



B7. The important role of the Environmental Crime Unit, Office of the Prosecutor General

The Office of the Prosecutor General is mandated with criminal prosecutions in Namibia, which aim to secure the conviction of perpetrators while advocating for appropriate penalties for transgressions against the law. Investigations and prosecutions constitute two equally important parts of enforcing the law, and an appropriate sentence represents the successful conclusion to criminal proceedings. Criminal charges are only meaningful if perpetrators are actually convicted and receive an appropriate deterrent sentence.

The ECU was formed within the OPG in 2017 to facilitate effective prosecutions in response to the rapid rise in registered wildlife-crime cases. In the past, Namibian courts had handled few wildlife cases. Not only has the number of cases increased dramatically, but also their complexity. Criminals are working as organised poaching gangs and trafficking syndicates with international linkages, and are targeting an ever-increasing range of species. The ECU focusses on the prosecution of all cases related to the environment, with 70 members appointed to the unit.

The Namibian judiciary is not yet fully sensitised to the far-reaching impacts of wildlife crime and one of the roles of the ECU is to ensure that environmental cases receive appropriate attention and are effectively prosecuted. To achieve this, the unit provides active support and guidance to investigators and prosecutors during cases, enabling prosecution-guided investigations. In cases needing PG decisions, the unit sees to

it that these are expedited. The unit also ensures that appeals are lodged against acquittals and inappropriate sentences to maintain the effective delivery of justice.

After its creation, the ECU was initially hampered by funding constraints, which were overcome through external funding support. The unit became fully operational in 2021 and has made a huge difference in the effectiveness of wildlife-crime prosecutions. The unit initially assessed the most important obstacles and then set about removing these. Docket screening operations sought to ensure that cases are ready for trial with all investigations finalised and evidence secured. A range of capacity-building events were presented for MEFT personnel and NAMPOL investigators, as well as state prosecutors and magistrates. These have helped to expand awareness of wildlife-crime impacts, as well as clarifying the mandates and roles of various stakeholders (see also p. 9).

The first Special Courts in Namibia dedicated to wildlife cases were initiated in priority areas with high case loads during 2022. The first were held in Katima Mulilo and Rundu during April and the second round in two courts in Windhoek during September (see pp. 33–37 for details). These substantially reduced the backlog of cases on the court roll, as well as delivering outstanding sentences – important outcomes that show the public that wildlife crime is being taken seriously, as well as vindicating the hard work of wildlife protection and law-enforcement personnel!





*Pangolin-skin seizure,
northern Namibia, January 2022.*

Pangolin trafficking received some of the strictest deterrent sentences during the Special Court held in April 2022 at Katima Mulilo and Rundu.

AI. SPECIAL FOCUS: SPECIAL COURTS DEDICATED TO WILDLIFE CRIME

The Namibian judicial system faces a range of challenges in dealing with high rates of crime and ensuring justice is served; a central hurdle is a growing backlog of cases on the court rolls. This has been induced in part by the massive increase in wildlife crime over the past decade, with extreme years seeing 3.94 times as many court cases registered as finalised. During 2022, Special Courts dedicated to hearing wildlife cases proved to be an effective tool in reducing the current backlog. Court cases registered in 2022 still exceeded cases finalised during the year, but only by a ratio of 1.45 to 1.

THE VERDICT DELIVERED BY THE COURT CONCLUDES THE CASE

A wildlife-crime case has only been concluded once a court has passed a verdict. The fact that high numbers of suspects are being arrested does not solve the wildlife-crime crisis. To effectively counter criminal activity, convictions with appropriate deterrent sentences need to be executed. This requires thorough investigations, close collaboration between investigators and prosecutors, effective prosecutions – and an awareness of the serious impacts of wildlife crime amongst the judiciary. These prerequisites were temporarily achieved during the Special Court initiative. They now need to be made permanent.

The 2022 INTERPOL Global Crime Trend Summary Report notes that ‘Organized crime in the [African] region is likely fueled by vulnerabilities linked to conflict, instability, and corruption, in conjunction with ample criminal opportunities (i.e. the presence of natural resources, minerals, timber, wildlife, etc.)’¹. Conflict and instability are not relevant to Namibia, but corruption has been identified as a challenge², and Namibia is rich in wildlife and timber, providing criminal opportunities that need to be actively countered.

The Global Organised Crime Index for the year 2021 ranked the prevalence of flora crimes in Namibia at 6.50 out of 10 and the prevalence of fauna crimes at 4.50 out of 10, with both sectors rated higher than Namibia’s overall criminality score of 4.33. These were the highest-rated organised-crime sectors in the country, together with the cocaine trade and synthetic drug trade (both 4.50)³. Clearly wildlife crime (encompassing flora and fauna) is a sector requiring urgent, ongoing and effective countermeasures.

The Special Courts, initiated by the Office of the Prosecutor General, with wide-ranging support from various partners, achieved important prosecution successes during 2022 – an area that had been identified both locally and internationally as requiring attention⁴. The high number of cases finalised in the two one-month sittings shows that it is possible to clear the backlog of wildlife-crime cases⁵. The sentences that were delivered have sent a strong deterrent message. Criminals will be brought to justice and will receive stern penalties, which will be in an appropriate relation to the severity of the wildlife offences that have been committed.

The choice of locations for the special courts was based on a docket-screening operation carried out by the PG–ECU. The Head of the ECU and his deputy visited Katima Mulilo, Rundu, Tsumeb, Okahao, Outapi, Opuwo, Kamanjab, Outjo and Otjiwarongo with the objective of assessing the extent of pending wildlife cases, screening case dockets and preparing them for trial. The selection of the nine stations was based on wildlife offence statistics, which are submitted by each unit at the end of each month. The statistics reflect the prevalence of wildlife crime in each region of the country and allow the extent of case backlogs on court rolls to be assessed⁶.

For each station visited, the docket-screening operation assessed the number of trial-ready dockets, what steps were required to complete dockets with outstanding investigations, the number of suspects and witnesses involved in each case, the status of legal representation for suspects, the number of magistrates, prosecutors, legal-aid lawyers and interpreters required for each court, and the availability of court rooms⁷.

In April 2022, the first Special Court dedicated to wildlife crimes in Namibia was held simultaneously in Katima Mulilo and Rundu. Prosecution teams, consisting of a magistrate, a supervisor, two prosecutors, an interpreter and a clerk of the court, were dispatched to the two locations. The innovative measure was a resounding success, with 80 cases finalised and 68 convictions achieved (see p. 34–35). This motivated a rapid follow-up, with another Special Court held at Okahao and Outapi in September. Here another 41 cases could be finalised with 35 convictions (see p. 36–37). The cases finalised by the two Special Courts represent 32.8 per cent of all wildlife cases finalised during 2022 (see also p. 28).



AI.1 SPECIAL COURT INITIATIVE – KATIMA MULILO

The Zambezi Region is a small wedge of land surrounded by Botswana, Angola, Zambia and Zimbabwe, and is thus susceptible to transnational crime. Together with Namibia, the neighbouring countries have created the Kavango–Zambezi Transfrontier Conservation Area (KAZA), which is home to the largest elephant population left in Africa. Elephant poaching is a challenge for KAZA, and ivory-trafficking cases featured prominently amongst the cases heard by the Special Court in the regional capital, Katima Mulilo, during April 2022.

SUMMARY OF CASES

The temporary Special Court in Katima Mulilo finalised 30 of the 70 cases on the court roll during the month of April 2022. Out of these, 26 cases resulted in convictions (87% conviction rate for finalised cases), three resulted in acquittals and one in a discharge in terms of Section 174 of the Criminal Procedures Act. Of 40 postponements, 15 were the result of legal-aid applications, 12 were for setting trial dates, 7 were caused by the accused absconding and 6 were for plea and trial. Properties forfeited to the state included three vehicles, seven firearms, ammunition and various illicit wildlife products¹.

NOTABLE SENTENCES

Court case Katima Mulilo 412/2019

Ivory trafficking (1 Namibian perpetrator)

- 144 months direct imprisonment, 36 months suspended

Court case Katima Mulilo 84/2020

Hippo poaching (1 Namibian perpetrator)

- N\$ 55,000 or 80 months imprisonment

Court case Katima Mulilo 40/2022

Buffalo poaching (1 Namibian perpetrator)

- 60 months direct imprisonment, 12 months suspended

Case details	Quantity
Total cases on court roll	70
New cases on court roll	11
Old cases on court roll	59
Total number of cases finalised	30
Percentage of all cases finalised	42.8%
Total number of cases postponed	40
Convictions	26
Section 174 discharges	1
Acquittals	3
Absconded & warrant of arrest issued	7

Property forfeited	Quantity	Estimated Value
Elephant ivory pieces	24	N\$ 199,288.00
Live pangolins	3	N\$ 150,000.00
Pangolin skins	4	N\$ 200,000.00
Motor vehicles	3	N\$ 365,000.00
Firearms	7	N\$ 56,000.00
Ammunition	-	N\$ 4,500.00
Total		N\$ 974,788.00



Elephant-ivory trafficking featured prominently amongst the cases heard at Katima Mulilo and Rundu; this often involves foreign nationals and much of the ivory is believed to originate outside Namibia.

A1.2 SPECIAL COURT INITIATIVE – RUNDU

Like the Zambezi Region, the Kavango East Region has a long international border and is susceptible to transnational crime. It also lies partly within KAZA and ivory trafficking is prevalent in the region. Kavango East also had the highest prevalence of pangolin trafficking in Namibia in recent years, and is a hotspot for python-skin seizures. These animals dominated in cases on the court roll during the Special Court held in April 2022 in the regional capital, Rundu, although various other species, including lion, cheetah and crocodile, also featured.

Case details	Quantity
Total cases on court roll	92
New cases on court roll	11
Old cases on court roll	81
Total number of cases finalised	50
Percentage of all cases finalised	54.3%
Total number of cases postponed	38
Convictions	42
Section 174 discharges	1
Withdrawals	7
Absconded & warrant of arrest issued	4

Property forfeited	Quantity	Estimated Value
Elephant ivory pieces	28	N\$ 338,450.00
Live pangolins	2	N\$ 100,000.00
Pangolin skins	14	N\$ 700,000.00
Pangolin scales	705	N\$ 150,000.00
Lion skins	1	N\$ 50,000.00
Cheetah skins	1	N\$ 50,000.00
Crocodile skins	1	N\$ 30,000.00
Python skins	15	N\$ 225,000.00
Duiker/steenbok skins	5	N\$ 15,000.00
Motor vehicles	2	N\$ 225,000.00
Firearms	9	N\$ 72,000.00
Ammunition & torches	-	N\$ 12,700.00
Total		N\$ 1,968,150.00

SUMMARY OF CASES

During the month of April 2022, 50 of 92 cases on the court roll were finalised by the temporary Special Court in Rundu. Of the finalised cases, 42 achieved convictions (84% conviction rate for finalised cases), seven were withdrawn due to insufficient evidence and one resulted in a discharge in terms of Section 174 of the Criminal Procedures Act. There were 38 case postponements, 25 of which were for legal aid application, 11 for plea and trial and two for setting of trial dates. Properties forfeited to the state included two vehicles, nine firearms, ammunition and equipment, and various illicit wildlife products¹.

NOTABLE SENTENCES

Court case Rundu 1212/2020

Pangolin trafficking (2 Namibian perpetrators)

- 108 months direct imprisonment (accused 1)
- N\$ 70,000 or 60 months imprisonment (accused 2)

Court case Rundu/Kahenge 2386/2022

Pangolin trafficking (1 Angolan perpetrator)

- N\$ 800,000 or 96 months imprisonment

Court case Rundu 2029/2018

Ivory trafficking (1 Namibian perpetrator)

- N\$ 200,000 or 72 months imprisonment



Vehicles used in the commission of crimes were forfeited to the state.



A1.3 SPECIAL COURT INITIATIVE – OKAHAO

The Omusati Region borders Angola in the north and embraces the western portion of Etosha National Park in the south, and thus provides opportunities to access illicit wildlife products and smuggle these directly out of the country. Okahao is an important regional hub, centrally located in the Omusati Region. During September 2022, the Special Court held in Okahao deliberated on cases featuring a variety of species, including elephant, pangolin, leopard, spotted hyaena and python.

SUMMARY OF CASES

As a result of the temporary Special Court in Okahao during September 2022, 21 out of 38 cases on the court roll were finalised. Of these, 17 were finalised as convictions, (81% conviction rate for finalised cases), three resulted in discharges and one in an acquittal in terms of Section 174 of the Criminal Procedures Act. Of 16 cases postponed, 9 postponements were due to unavailability of private lawyers, 6 for further investigations, and one for continuation of trial. Properties forfeited to the state included two vehicles, eight firearms and various illicit wildlife products¹.

NOTABLE SENTENCES

Court case Okahao 62/2019

Pangolin trafficking (2 Namibian perpetrators)

- N\$ 70,000 or 48 months imprisonment (accused 1)
- acquitted (accused 2)

Court case Okahao 30/2017

Plains zebra poaching (1 Namibian perpetrator)

- N\$ 50,000 or 36 months imprisonment

Court case Okahao 173/2021

Giraffe poaching (2 Angolan & 1 Namibian perpetrator)

- N\$ 18,000 or 33 months imprisonment (Angolans)
- N\$ 57,000 or 30 months imprisonment (Namibian)

Case details	Quantity
Total cases on court roll	38
New cases on court roll	2
Old cases on court roll	36
Total number of cases finalised	21
Percentage of all cases finalised	55.2%
Total number of cases postponed	16
Convictions	17
Section 174 discharges	3
Acquittals	1
Withdrawals	1

Property forfeited	Quantity	Estimated Value
Elephant ivory pieces	6	N\$ 5,289.40
Live pangolins	1	N\$ 50,000.00
Pangolin skins	1	N\$ 50,000.00
Leopard skins	1	N\$ 80,000.00
Hyaena skins	2	N\$ 3,000.00
Python skins	2	N\$ 30,000.00
Zebra meat	-	N\$ 5,000.00
Motor vehicles	2	N\$ 130,000.00
Firearms	8	N\$ 64,000.00
Total		N\$ 417,289.40



The seizure of illegal firearms and ammunition is an important aspect of countering wildlife crime.

AI.4 SPECIAL COURT INITIATIVE OUTAPI

Outapi is the regional capital of the Omusati Region, located less than 15 kilometres from the Angolan border, which creates some susceptibility to transboundary crime. Angolan perpetrators featured in a number of the cases heard at Outapi during September 2022 and received stern deterrent sentences. Amongst the illicit products seized as part of the cases, pangolins, ivory and live tortoises featured most prominently. A variety of other animal products also featured, as did a fake rhino horn – for which a stern sentence was delivered.

Case details	Quantity
Total cases on court roll	38
New cases on court roll	1
Old cases on court roll	37
Total number of cases finalised	20
Percentage of all cases finalised	52.6%
Total number of cases postponed	18
Convictions	18
Section 174 discharges	1
Acquittals	1
Withdrawals	0

Property forfeited	Quantity	Estimated Value
Fake rhino horn	1	no value
Elephant ivory pieces	5	N\$ 3,692.20
Live pangolins	3	N\$ 150,000.00
Pangolin skins	8	N\$ 400,000.00
Live tortoises	10	N\$ 50,000.00
Crocodile skins	2	N\$ 60,000.00
Crocodile head	1	N\$ 30,000.00
Blue wildebeest meat	-	N\$ 9,000.00
Ostrich meat	-	N\$ 2,000.00
Firearms	3	N\$ 24,000.00
Total		N\$ 728,692.20

SUMMARY OF CASES

During September 2022, 20 of 38 cases on the court roll were finalised by the temporary Special Court in Outapi.

In finalised cases, 18 convictions were achieved (90% conviction rate for finalised cases), while one acquittal and one discharge were granted in terms of Section 174 of the Criminal Procedures Act. Of 18 postponements, 11 were due to unavailability of private lawyers, two for application for legal aid, two for replacement of legal-aid lawyers, one for continuation of trial, one due to illness and one due to the accused defaulting court. Properties forfeited to the state included diverse illicit wildlife products and three firearms¹.

NOTABLE SENTENCES

Court case Outapi 374/2022

Pangolin trafficking (2 Angolan perpetrators)

- 104 months direct imprisonment, 36 mo. suspended (each)

Court case Outapi 458/2021

Pangolin trafficking (1 Angolan perpetrator)

- N\$ 2,500 or 54 months imprisonment

Court case Outapi 233/2020

Rhino horn trafficking – fake horn (1 Namibian perpetrator)

- N\$ 15,000 (N\$ 7,000 suspended)
or 36 months imprisonment (18 mo. suspended)



Tortoise seizures featured prominently amongst the cases at Outapi; these are often kept as pets, but also as traditional sources of food.



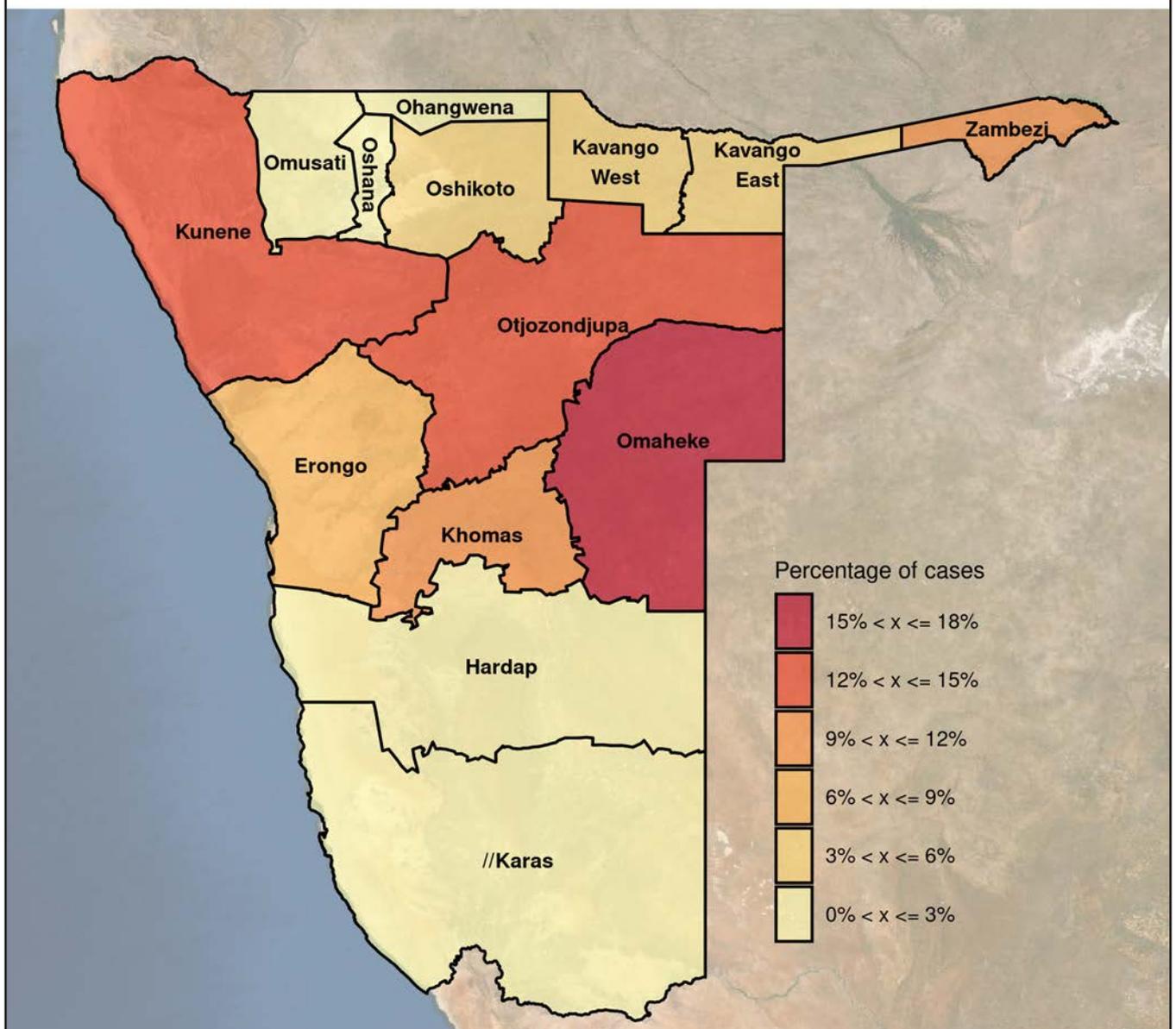
8. MEAT POACHING TRENDS 2015–2022

8.1 REGIONAL DISTRIBUTION of REGISTERED CASES related to MEAT POACHING during 2022:

Regional distribution of meat-poaching cases

- Statistics in the category meat poaching encompass giraffe, buffalo, zebras, antelopes and warthog.
- Meat poaching is prevalent right across Namibia, but is currently most prolific in the Omaheke, Otjozondjupa and Kunene regions.
- The map indicates the regions in which cases were registered, not necessarily where the crime was committed.
- Significant differences in the number of cases registered in various regions may be influenced by a range of factors, including:
 - Wildlife densities are generally lower in the southern and central-northern regions than other regions of the country, resulting in fewer opportunities for meat poachers
 - Different regions have varying degrees of wildlife protection; in some regions local land-holders work more closely with law-enforcement personnel to report and follow up on poaching incidents than in other regions
 - It is believed that there is a significant degree of under-reporting in meat-poaching cases, with registered cases giving a skewed reflection of the actual prevalence of meat poaching.

Regional distribution of wildlife crime cases registered in 2022
(only cases related to meat poaching)



Their small size, timid nature and near country-wide distribution makes steenbok a popular meat-poaching target. While the species remains common in many parts of the country, poaching is likely to be causing declines in some areas.

Steenbok, Khaudum National Park.

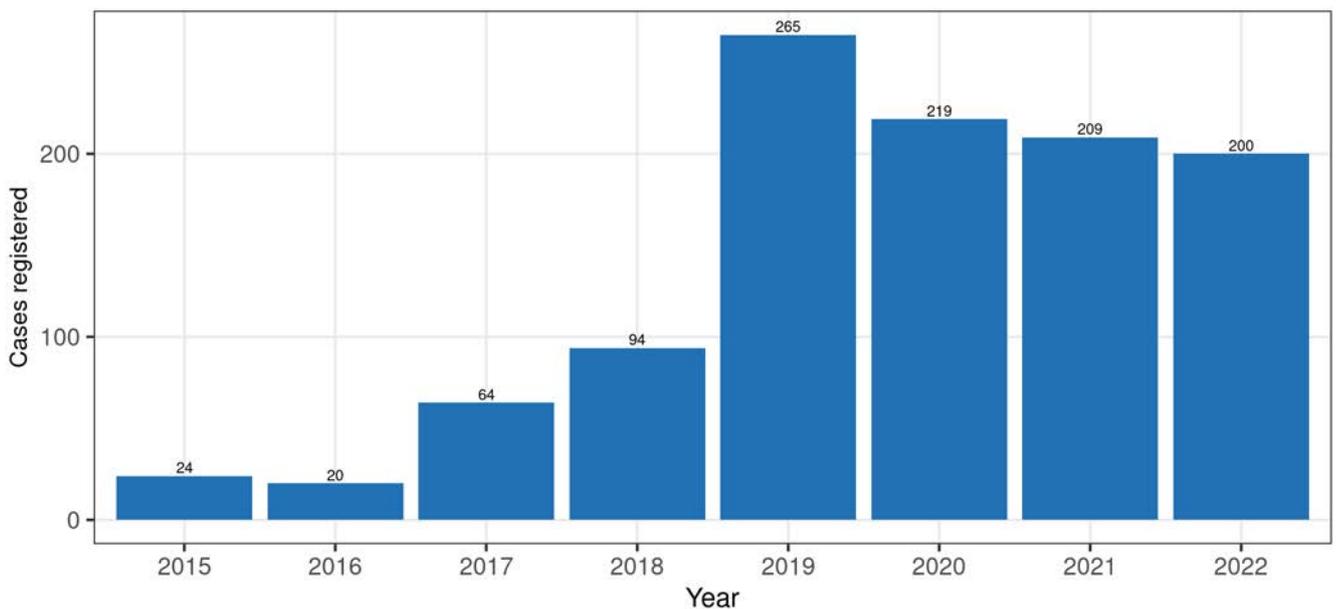


Meat poaching cases, arrests and convictions

- **Meat-poaching cases registered** have escalated alarmingly over the past eight years, with a massive spike in 2019; the slight downward trend from 2020–2022 is likely to be the result of a variety of factors, including an improved law-enforcement response to the escalation, a more concerted response by land holders who are working more closely with NAMPOL and MEFT, and the effects of heightened police checks and movement restrictions during the pandemic.
- **Annual arrests vs. current conviction status** (as at 15 May 2023) indicate that the very high number of arrests has exceeded the ability of the judiciary to finalise cases and convict perpetrators; of the 2,442 suspects arrested since 2015, only 822 (33.7%) had been convicted by 15 May 2023.

8.2 CASES REGISTERED (meat poaching)

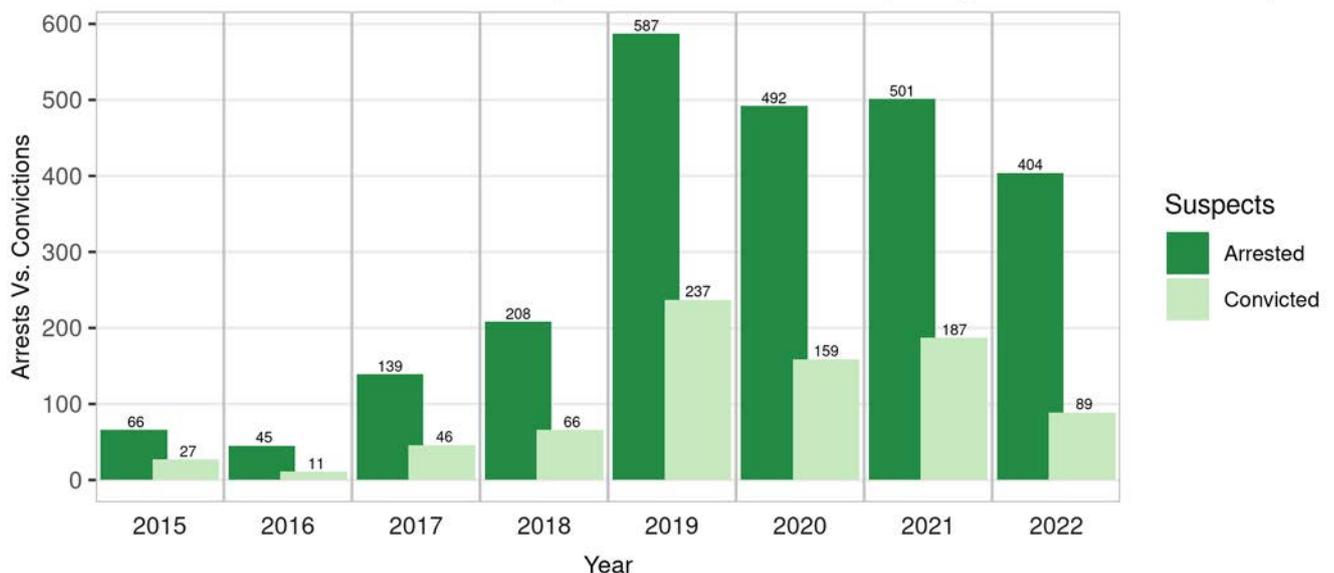
Wildlife crime cases registered per year (meat poaching cases only)



8.3 ARRESTS versus CONVICTIONS (meat poaching) [current status on 15 May 2023]

Annual arrests vs. their current conviction status (meat poaching cases)

The bars "Convicted" indicate the number of suspects who were arrested in the respective year and have been convicted by now.



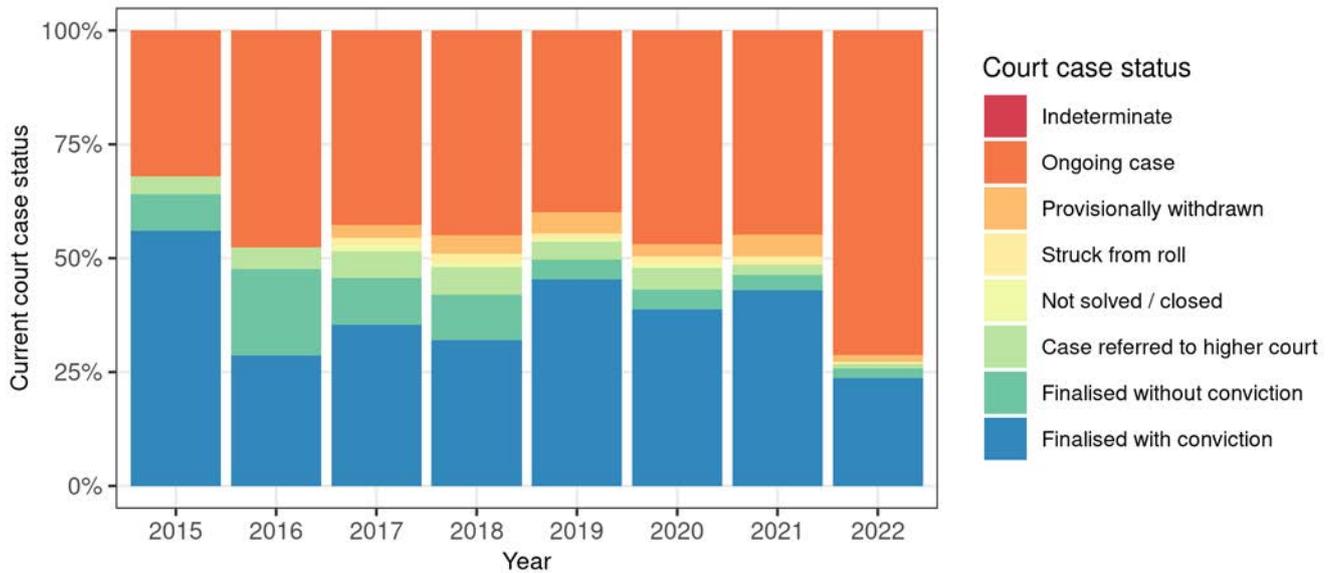
Current case status and time between arrest and case finalisation in meat-poaching cases

- **Current case status** (as at 15 May 2023) is shown as a percentage of cases registered per year; for example, of all cases registered in 2015, 56% had been finalised with convictions by 15 May 2023, 8% had been finalised without a conviction, 4% were referred to a higher court and 32% of cases were ongoing; ideally the percentage of finalised cases should increase with time, so that earlier years should have no or very few ongoing cases; indeterminate indicates a current status that has not yet been defined in the database.
- **Time between arrest and case finalisation** is generally shorter in meat-poaching cases than other organised wildlife-crime categories, as this involves more limited trafficking chains and fewer intermediaries; cases are on average finalised within a year; the finalisation of very old cases in any particular year obviously increases the average for that year, in some instances significantly; extremely lengthy cases, such as those finalised more than 80 months after the arrest, are isolated cases in which failures within the justice system occurred.
- The substantial increase in the annual mean for 2022 was produced by a significant number of old cases being finalised by the Special Courts (see pp. 33–37 for details).

8.4 CURRENT CASE STATUS (meat poaching) [current status on 15 May 2023]

Current court case status as percentage of cases registered per year (meat poaching cases)

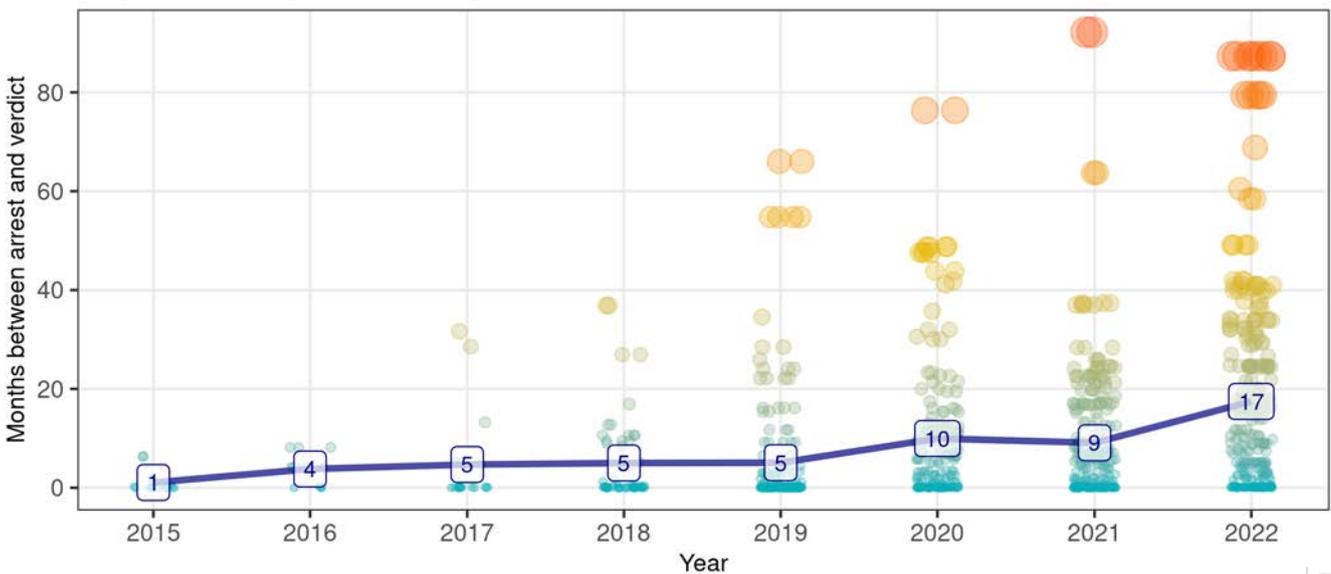
(Bar position indicates the year of case registration)



8.5 TIME BETWEEN ARREST and CASE FINALISATION (meat poaching)

Distribution of months passed between individuals' arrest and case finalization (meat poaching cases)

The position of a data point indicates the year in which a case was finalized. The blue line indicates the annual mean.



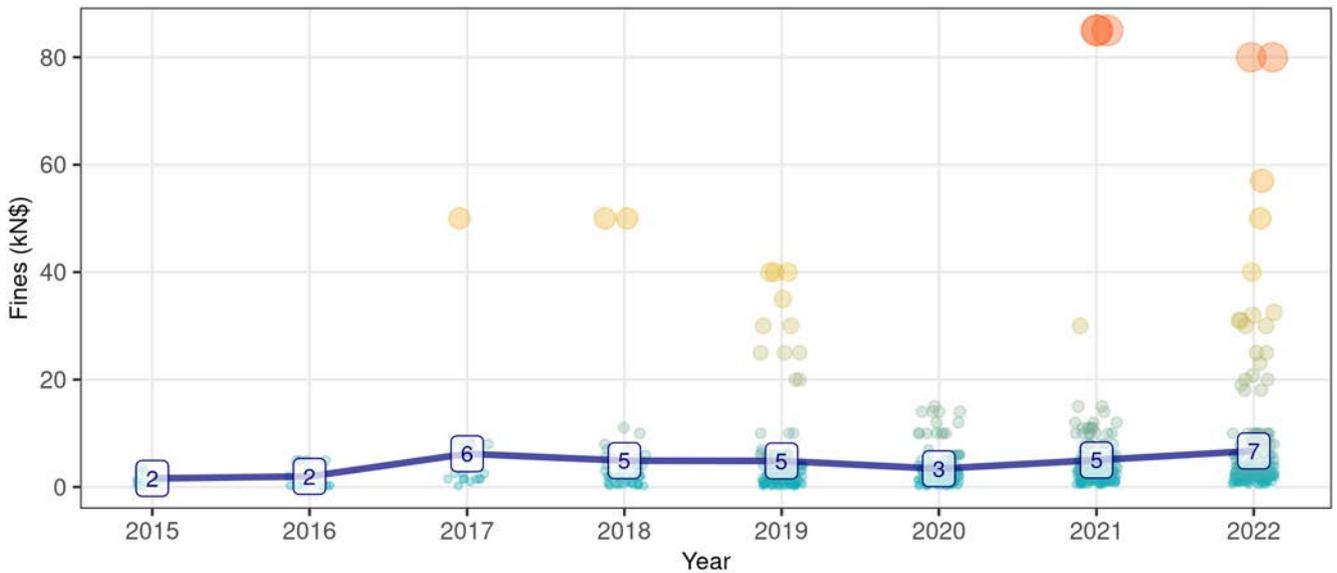
Sentences for meat poaching

- The category meat poaching encompasses giraffe, buffalo, zebras, antelopes and warthog; different species in this category have different conservation statuses; for example, three antelope species, kudu, gemsbok and springbok, are currently classified as huntable game, as are buffalo and warthog; poaching of these species carries lower maximum penalties than poaching of protected or specially protected game.
- The circumstances of the accused play an important role in sentencing; some perpetrators are rural poor with limited means, who may have been driven by hunger to poach for meat.

8.6 FINES (meat poaching)

Distribution of fine amounts (thousand N\$) per year

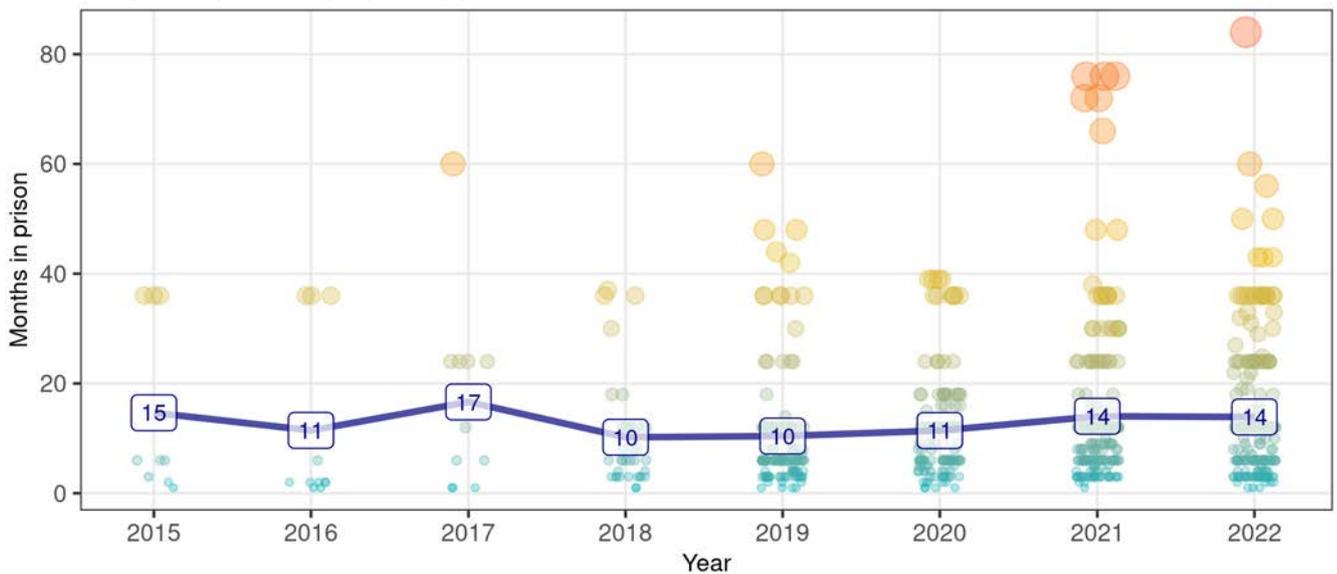
Meat poaching cases only; depicted by year of conviction. The blue line indicates the annual mean.



8.7 PRISON TERMS (meat poaching)

Distribution of jail sentences (months) per year

Meat poaching cases only; depicted by year of conviction. The blue line indicates the annual mean.



B8. Status update – general wildlife protection in Namibia

Meat-poaching cases made up 46 per cent of all cases registered during 2022. For these statistics, meat-poaching species are defined as giraffe, buffalo, zebras, antelopes and warthog. Many other animals are poached for meat (though in lower numbers), including birds, reptiles and other mammals. Meat poaching may be carried out for subsistence by the rural poor, or for commercial gain by criminals, and it is not always easy to differentiate between these intentions. Regardless of motives, poaching for meat is a massive problem, placing pressure on wildlife populations – and on law enforcement and the judiciary dealing with high case loads.

The market for meat from animals poached in Namibia is almost entirely local, in sharp contrast to markets for high-value species products located mostly on other continents. Namibia is thus in a much better position to influence market demand to address the meat-poaching problem.

The distribution of wildlife is highly uneven across Namibia, influenced by many factors such as climate, geomorphology and related habitat suitability, and human land-use and related disturbance. Meat poaching is prevalent wherever wildlife is present in any numbers, although the distribution of registered cases is highest in the northern half of the country, where game densities are higher than in the south and extreme west. Cases of meat poaching are not always reported to the police by land holders, and under-reporting is believed to be substantial in some areas.

Namibia can be divided into four main land-tenure categories: urban areas (less than 3%), state-protected areas

(17%), communal areas (37%) and freehold land (43%). Land-use practices vary widely in the latter two categories, with freehold land showing the broadest range of uses¹.

Wildlife protection obviously varies greatly within such a broad range of conditions, as does the status of indigenous biodiversity. State-protected areas and some private nature reserves are managed according to clear biodiversity goals and have the healthiest environments. Community conservancies employ game guards to monitor and protect free-roaming wildlife within their often vast areas. Freehold land-holders tend to deal with wildlife as they see fit, which results in massive variations in biodiversity health. Much of the country is used for livestock farming², which – if effectively managed – can coexist with indigenous fauna and flora. Yet overgrazing, clearing of vegetation and wildlife eradication to improve stock yields are resulting in significantly decreased biodiversity in many areas. Large-scale mining, intensive agriculture and urban areas generally result in the most compromised biodiversity.

Most historically occurring wildlife still occurs in healthy populations in some parts of the country, though species that threaten human life or agriculture, such as elephant, buffalo and large predators, have been eradicated from many farming areas, particularly on freehold land. Conversely tourism and conservation-hunting are promoting the protection as well as reintroduction of wildlife. Many land owners on freehold land are enclosing their land with game-proof fences to protect their valuable wildlife herds, which increases wildlife numbers, but cuts off wildlife movement and limits genetic exchange³.



A poached white-faced duck confiscated by law enforcement personnel; protecting all of Namibia's indigenous biodiversity against illegal exploitation for subsistence and commercial gains is a challenging task.



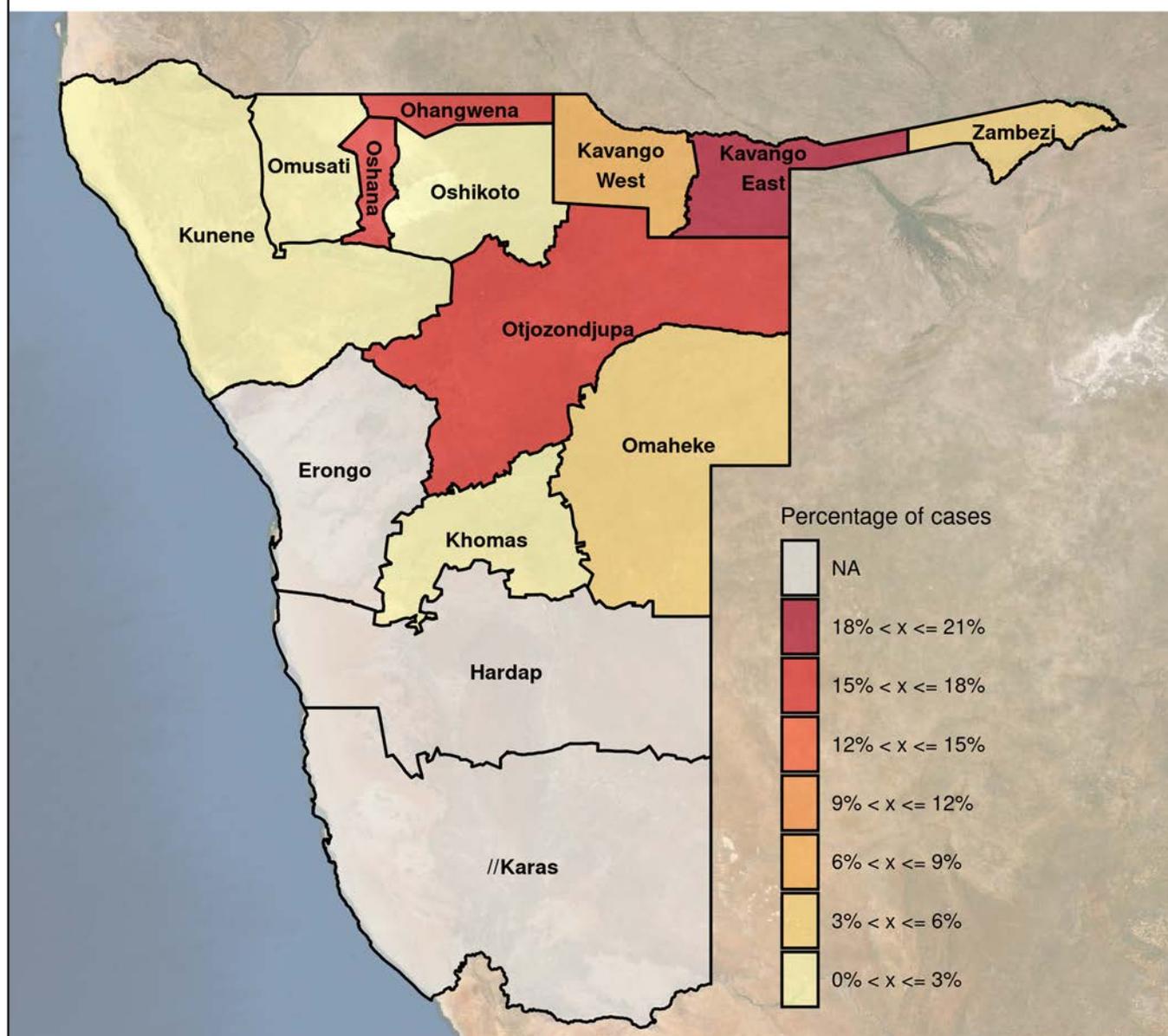
9. PANGOLIN POACHING AND TRAFFICKING TRENDS 2015–2022

9.1 REGIONAL DISTRIBUTION of REGISTERED CASES related to PANGOLIN during 2022:

Regional distribution of pangolin cases

- Pangolin are believed to occur in all regions of Namibia, although there is currently only limited knowledge of population densities.
- The map indicates registered cases of pangolin trafficking, which do not necessarily reflect pangolin distribution in the regions.
- Pangolin skins, scales or live animals may have been transported over large distances after the animals were poached; seizures may regularly occur in different regions to where the animals or products were first collected in the wild.
- The high prevalence of pangolin trafficking in the Kavango East Region may represent a community misperception of the local demand for pangolin products, possibly combined with relatively high pangolin occurrence in that region, as well as some products smuggled into the region from neighbouring countries.
- The high prevalence of pangolin trafficking in the Ohangwena and Oshikoto regions is influenced at least in part by some products being brought into Namibia from Angola for intended sale, again likely due to a misperception of the local demand for pangolin products.

Regional distribution of wildlife crime cases registered in 2022
(only cases related to pangolin poaching/trafficking)



A pangolin, seized from traffickers in central Namibia, being released; post-release monitoring has revealed that mortality rates can be very high if no pre-release rehabilitation is done to allow the animals to recover from capture stress in a controlled environment.



Numerous pangolins are seized alive from traffickers, but rehabilitation and release are difficult. Releases are not always successful, yet detailed research and post-release monitoring, as well as rehabilitation and release protocols are seeking to improve release outcomes.

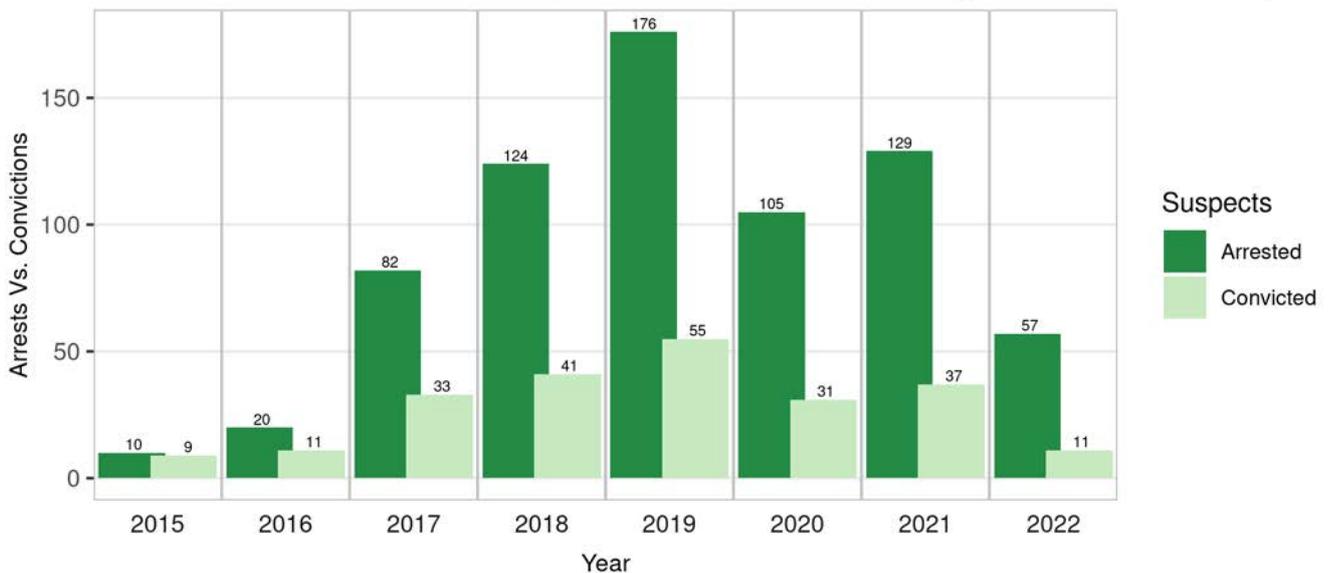
Arrests, convictions and seizures related to pangolin

- **Annual arrests vs. current conviction status** (as at 15 May 2023) indicates that while convictions in pangolin cases still lag far behind arrests, convictions are gradually increasing as cases are being successfully finalised; 90% of suspects arrested in 2015, 55% of suspects arrested in 2016 and 40% of suspects arrested in 2017 had been convicted by 15 May 2023; while not all cases result in convictions, the conviction rate of finalised cases is high (see also 9.4, opposite).
- **Seizures** of pangolin skyrocketed between 2015 and 2019, mirroring international trends¹; a reduction in seizures during 2020 and 2021 is attributed in part to the effects of the COVID-19 pandemic, a significant reduction in arrests and seizures during 2022 is likely to have been driven at least in part by substantial deterrent sentences handed down during the Special Courts in Katima Mulilo and Rundu during April 2022 (see pp. 33–37 for details), as well as similar judgements later in the year.
- Arrests are almost always related to seizures of pangolin products and their trends are closely linked.

9.2 ARRESTS versus CONVICTIONS (pangolin) [current status on 15 May 2023]

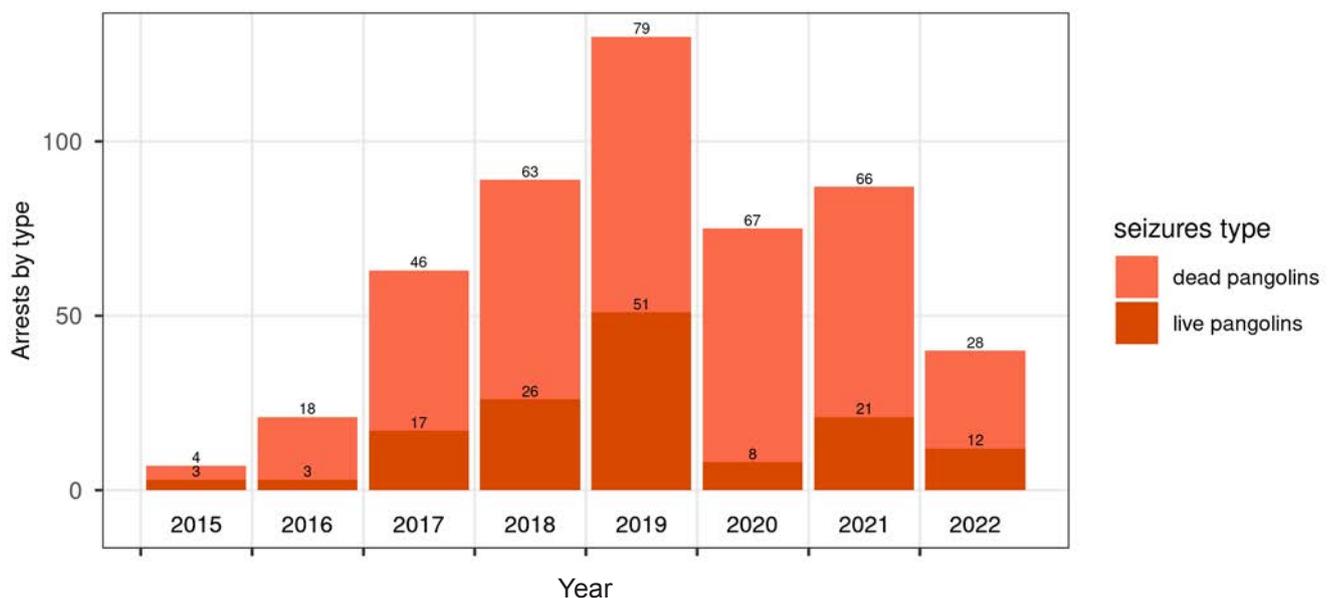
Annual arrests vs. their current conviction status (pangolin cases)

The bars "Convicted" indicate the number of suspects who were arrested in the respective year and have been convicted by now.



9.3 SEIZURES (pangolin)

Annual seizures of live and dead pangolins



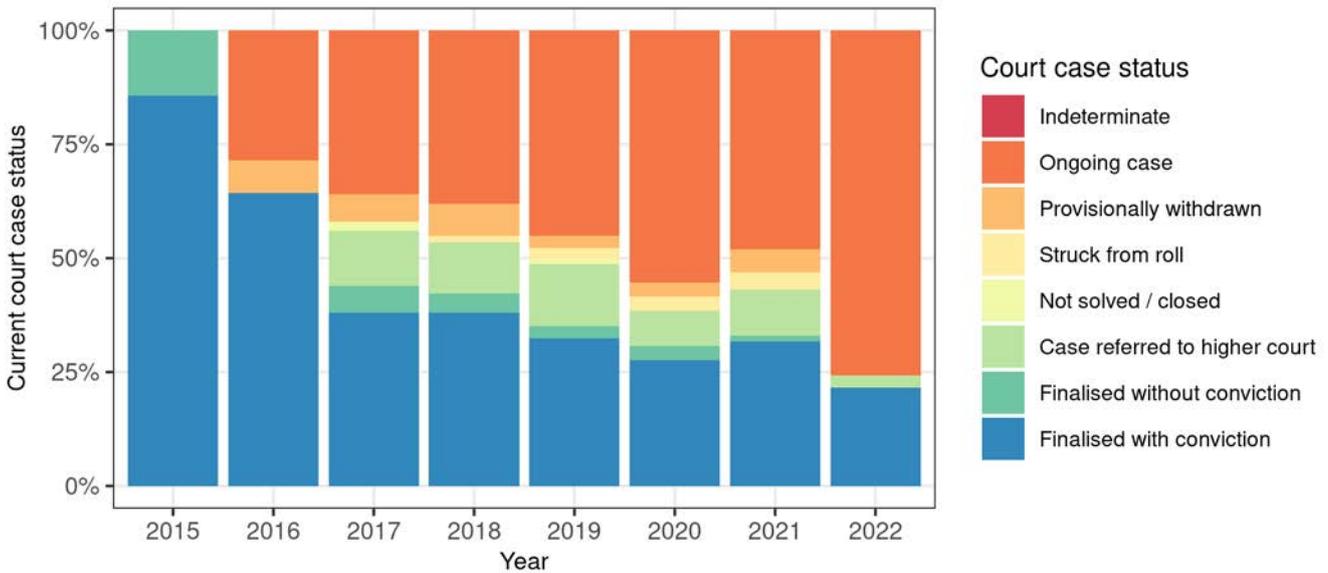
Current case status and time between arrest and case finalisation in pangolin cases

- **Current case status** (as at 15 May 2023) shows a slow but positive trend for pangolin cases; all cases registered in 2015 have been finalised, 86% with convictions; more recent years have progressively lower finalisation rates, as cases take time to be completed; the percentage of convictions remains high for all finalised cases; indeterminate indicates a current status that has not yet been defined in the database.
- **Time between arrest and case finalisation** has varied significantly in recent years, though this is generally shorter than for elephant and rhino; the finalisation of very old cases in any given year increases the average for that year; this does not mean that case finalisation is getting slower; the finalisation of very old cases should in fact be seen as a positive trend; the extremely drawn-out cases finalised in 2022 are anomalies in which failures within the justice system occurred.
- Once the considerable backlog of cases has been reduced and all long-running cases have been finalised, the average time between arrest and case finalisation should ideally remain below 12 months.

9.4 CURRENT CASE STATUS (pangolin) [current status on 15 May 2023]

Current court case status as percentage of cases registered per year (pangolin cases)

(Bar position indicates the year of case registration)



9.5 TIME BETWEEN ARREST and CASE FINALISATION (pangolin)

Distribution of months passed between individuals' arrest and case finalization (pangolin cases)

The position of a data point indicates the year in which a case was finalized. The blue line indicates the annual mean.



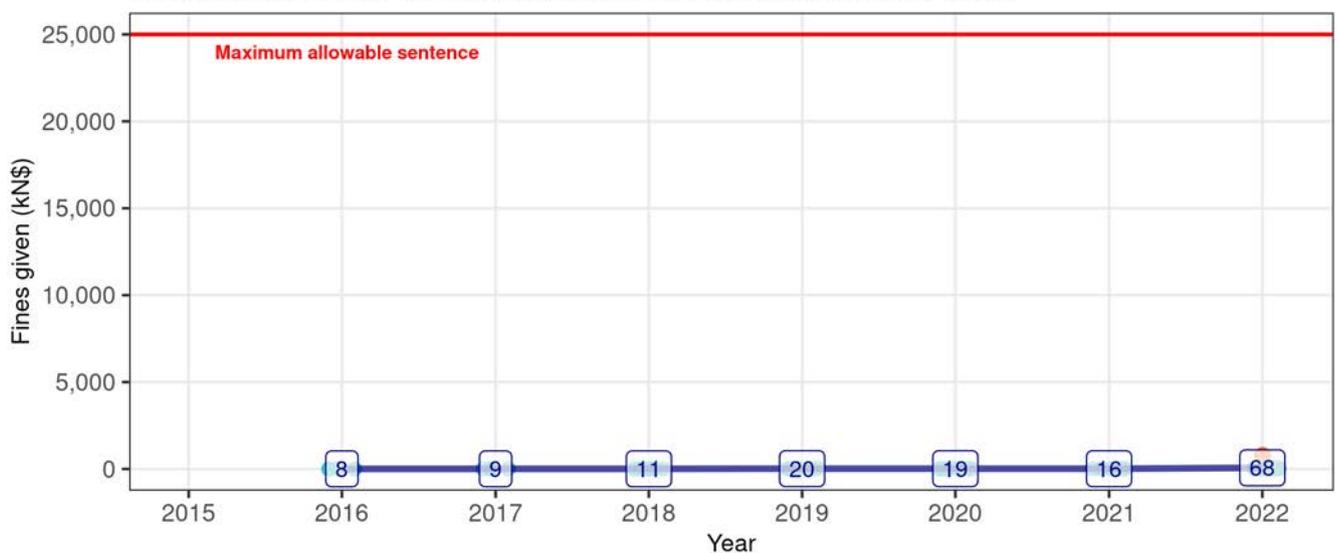
Maximum versus actual sentences for pangolin trafficking

- Namibian laws stipulate maximum penalties for all defined transgressions; the graphs show the gap between maximum sentences as stipulated in the relevant legislation and actual sentences handed down by the courts; penalties may consist of a fine, a prison term, or both.
- Most perpetrators of pangolin trafficking are rural community members with extremely limited financial means; high fines in these cases are meaningless, as the perpetrators are generally unable to pay even a relatively modest fine.
- Prison terms of between four and six years are already significant punishment for a rural community member attempting to escape poverty; during 2022, fines of up to N\$ 800,000 and prison terms of up to nine years were pronounced.
- The maximum sentences of N\$ 25,000,000 and 25 years imprisonment have never been applied; these are generally reserved for complex crimes perpetrated by ruthless transnational criminals, not local community members.
- The Special Courts held in Katima Mulilo and Rundu in April 2022 delivered significant deterrent sentences which raised the annual mean of fines and prison terms substantially (see pp. 33–37 for details).

9.6 MAXIMUM versus ACTUAL FINES (pangolin trafficking)

Distribution of fines (N\$) issued for illegal possession and dealing of pangolin products

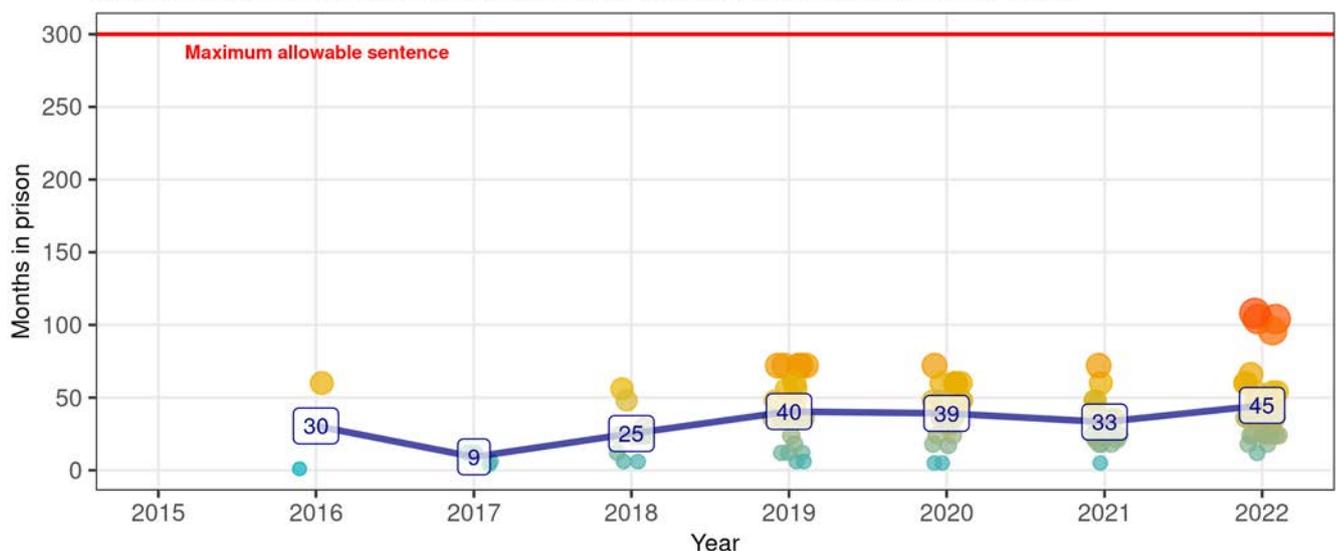
Charges were laid under Section 4 (1)(a) and (1)(b) of the Controlled Wildlife Products and Trade Act 9 of 2008, as amended Act 6 of 2017. The red line indicates the maximum allowable fine as per the Act.



9.7 MAXIMUM versus ACTUAL PRISON TERMS (pangolin trafficking)

Distribution of imprisonment (months) issued for illegal possession and dealing of pangolin products

Charges were laid under Section 4 (1)(a) and (1)(b) under the Controlled Wildlife Products and Trade Act 9 of 2008, as amended Act 6 of 2017. The red line indicates the maximum allowable imprisonment as per the Act.



B9. Status update – pangolin protection in Namibia

Pangolins currently rank second behind rhinos amongst the most-targeted high-value species in Namibia in terms of the number of cases registered in 2022, yet the drivers of the trade in Namibia are complex and at least partly fuelled by misperceptions regarding local demand. Arrests and seizures consist almost exclusively of cases where products are offered for sale to undercover law-enforcement personnel. Pangolin products are very rarely seized in other circumstances, such as customs searches at border posts. Pangolin seizures dropped significantly during 2022, and were 54 per cent lower than in 2021 and 69.2 per cent lower than the peak experienced in 2019. Active law enforcement and substantial deterrent sentences, particularly those imposed during the Special Courts held in 2022 (see also pp. 33–37) are believed to have contributed to this.

Importantly, it is not known how many pangolins are being successfully smuggled out of Namibia. Current information suggests that this ratio is low, but more research is needed, including tracing pangolin-product origins and trade routes through DNA analyses of pangolins and pangolin products in source, transit and end-market countries. DNA data is being collected in Namibia to enable this, but must be matched with data from transit and end-market countries to establish the presence and extent of international trade. An international initiative to facilitate such analyses is currently underway¹.

Live animals make up a substantial portion of pangolin seizures, reaching close to 40 per cent of all seizures in some years. While it was initially believed that the majority of pangolins seized alive could be safely released back into the wild, post-release monitoring has shown that pangolin rehabilitation is complex and mortalities can be very high², reaching over 50 per cent in hard releases (i.e. where no rehabilitation is done prior to release). While exact mortality rates are currently not available, due to some monitoring-tag failures and other limiting factors, it has become clear that more careful rehabilitation must be prioritised to enable better survival rates. Release protocols for live pangolins are being improved through training of law-enforcement personnel and veterinary staff, the formulation of pre-release health-assessment guidelines, the establishment of an emergency care fund to facilitate the rapid assessment and treatment of seized animals, and the provision of tagging kits to monitor the animals after their release.

Pangolin protection in their natural habitat is particularly challenging because the animals are small, secretive and

largely nocturnal, and are unevenly distributed across much of the country. Dedicated research is improving our currently limited knowledge of the range, density and overall health of the Namibian population³.

Wildlife crime is just one of diverse threats facing pangolins in Namibia. Road kills are recorded intermittently, and electric fences, particularly those erected on small-stock farms to protect sheep and goats against jackal and caracal, are resulting in significant pangolin mortalities. Deaths from these causes may currently be higher than those inflicted by wildlife crime⁴ (electric fences also kill tortoises and other vulnerable small creatures). Electric fences are believed to have largely eradicated pangolins from some commercial small-stock farming areas in southeastern Namibia in recent years⁵. The increasingly common electric boundary fences of game reserves and national parks, installed to keep wildlife in, also pose a threat to pangolins, but can usually be erected in a way that minimises mortalities amongst small wildlife. This however requires active awareness creation and very specific fence installation, where the lowest electric wire is at a height that avoids pangolin electrocutions.

Pangolin protection in Namibia must take a much broader approach than combatting wildlife crime, and must include outreach and awareness creation amongst farmers and protected-area managers. Research and conservation initiatives for pangolins must be expanded to ensure the long-term health of the Namibian pangolin population, which is currently not well understood.



A live pangolin, tied up by traffickers and confiscated by law-enforcement personnel; Pangolin seizures dropped significantly during 2022, influenced at least in part by the deterrent sentences handed down by the Special Courts



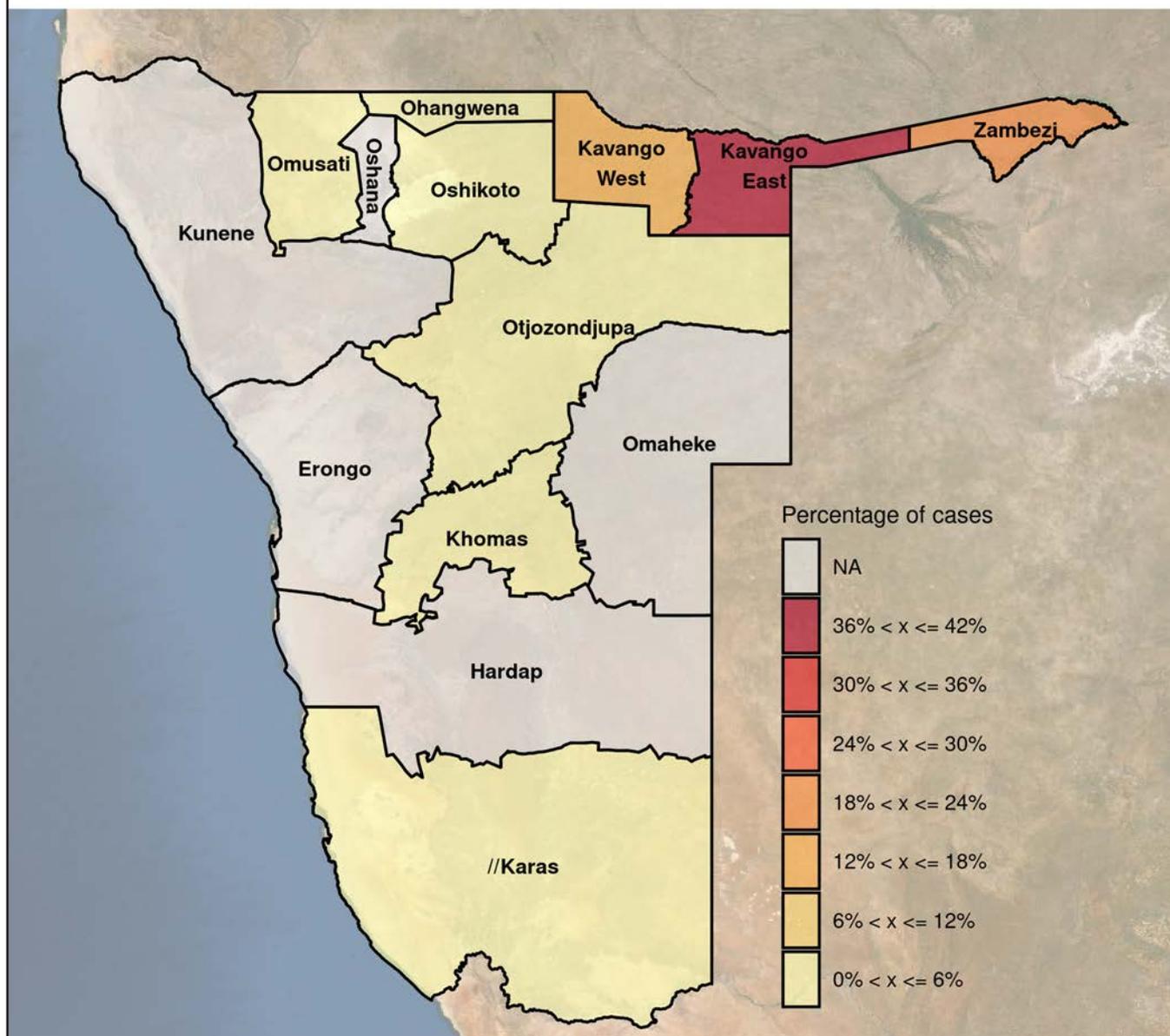
10. ELEPHANT POACHING AND TRAFFICKING TRENDS 2015–2022

10.1 REGIONAL DISTRIBUTION of REGISTERED CASES related to ELEPHANT during 2022:

Regional distribution of elephant cases

- Elephant occur mainly in the northern half of Namibia in four partly interlinked sub-populations:
 - Bwabwata, Mudumu and Nkasa Rupara national parks and adjacent community conservancies and communal farming areas (this population exhibits significant seasonal transboundary movement)
 - Khaudum National Park and adjacent community conservancies and communal farming areas
 - Etosha National Park and adjacent community conservancies and communal and freehold farming areas
 - Erongo–Kunene Community Conservation Area and adjacent communal and freehold farming areas.
- The number of elephants poached in Namibia has been reduced to very low levels, yet ivory trafficking remains prevalent.
- The map indicates where cases of elephant crimes (mostly ivory trafficking) were registered, and does not reflect elephant distribution.
- Significant amounts of ivory originate outside Namibia and are brought into the country for attempted illicit sale or onward trafficking.
- Ivory trafficking is most prevalent in the Kavango and Zambezi regions.

Regional distribution of wildlife crime cases registered in 2022 (only cases related to elephant poaching/trafficking)





*Elephant cow and calf,
Nkasa Rupara National Park.*

Namibia's elephant population is divided into four partly interlinked sub-populations. The population of the Kavango East and Zambezi regions is by far the most numerous, yet this population exhibits significant transboundary movement, with many of the elephants spending much of their time in neighbouring countries.

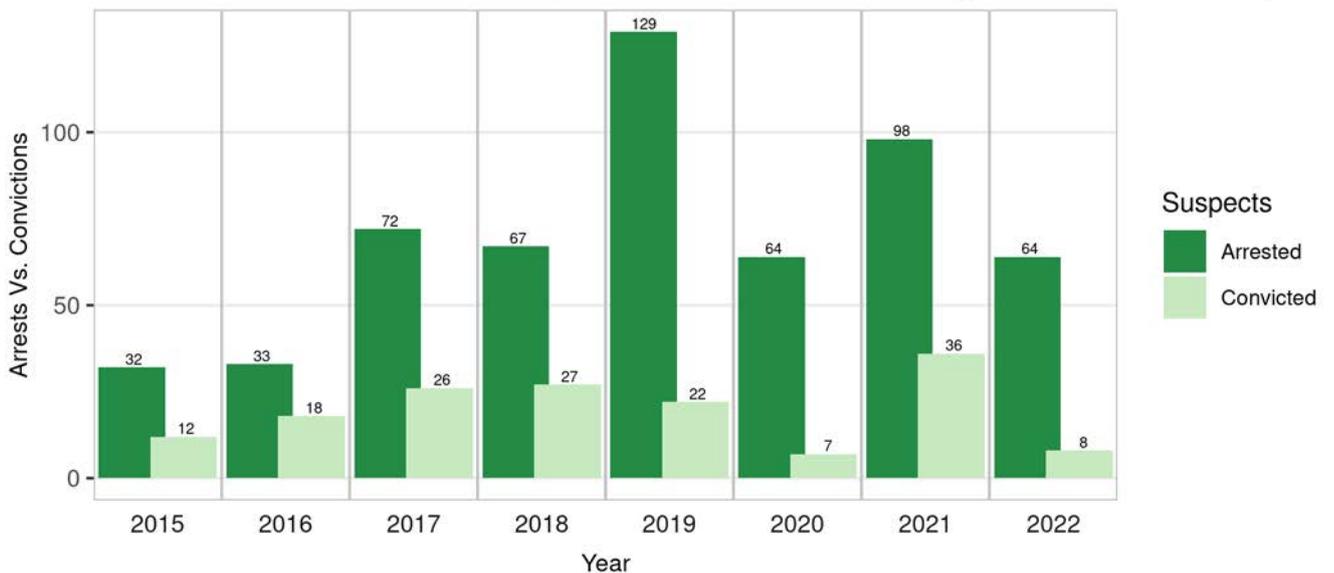
Arrests, convictions and seizures related to elephant

- **Annual arrests vs. current conviction status** (as at 15 May 2023) indicates that convictions in elephant cases still lag far behind arrests, as some cases from all years since 2015 are still ongoing; spikes in arrests in 2019 and 2021 have increased the backlog and strained the judiciary; arrests in recent years have in most cases been linked to ivory seizures; few poaching incidents have been recorded over the past four years, though arrests related to isolated poaching incidents have taken place.
- **Seizures** of ivory have dropped to the lowest level since 2016; this may have been caused in part by significant deterrent sentences passed by the Special Courts in Katima Mulilo and Rundu during April 2022; while it is difficult to trace the origin of ivory, most of the tusks seized in Namibia are believed to be brought into the country from animals killed elsewhere; the number of tusks seized per case registered has dropped from an average of 2.5 in 2018 to 1.6 in 2022, while the average number of suspects arrested per case has also dropped to 1.6 from a high of 2.4 in 2019; it appears that smaller numbers of tusks are being trafficked by fewer suspects.

10.2 ARRESTS versus CONVICTIONS (elephant) [current status on 15 May 2023]

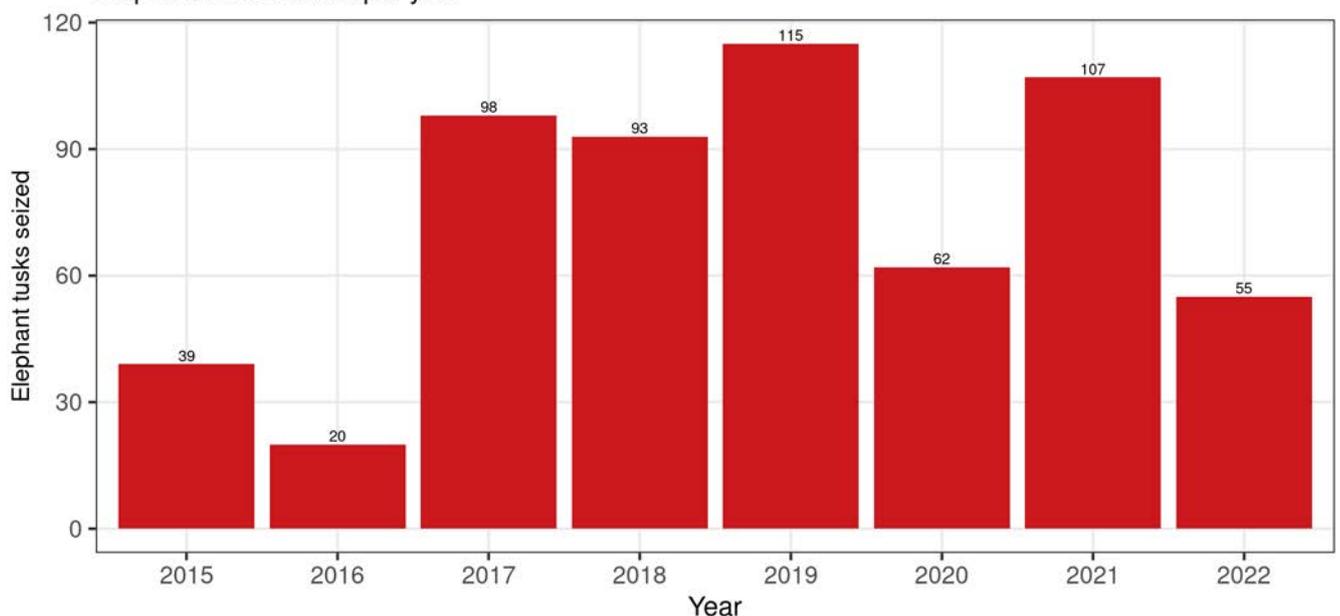
Annual arrests vs. their current conviction status (elephant cases)

The bars "Convicted" indicate the number of suspects who were arrested in the respective year and have been convicted by now.



10.3 SEIZURES (elephant)

Elephant tusks seized per year



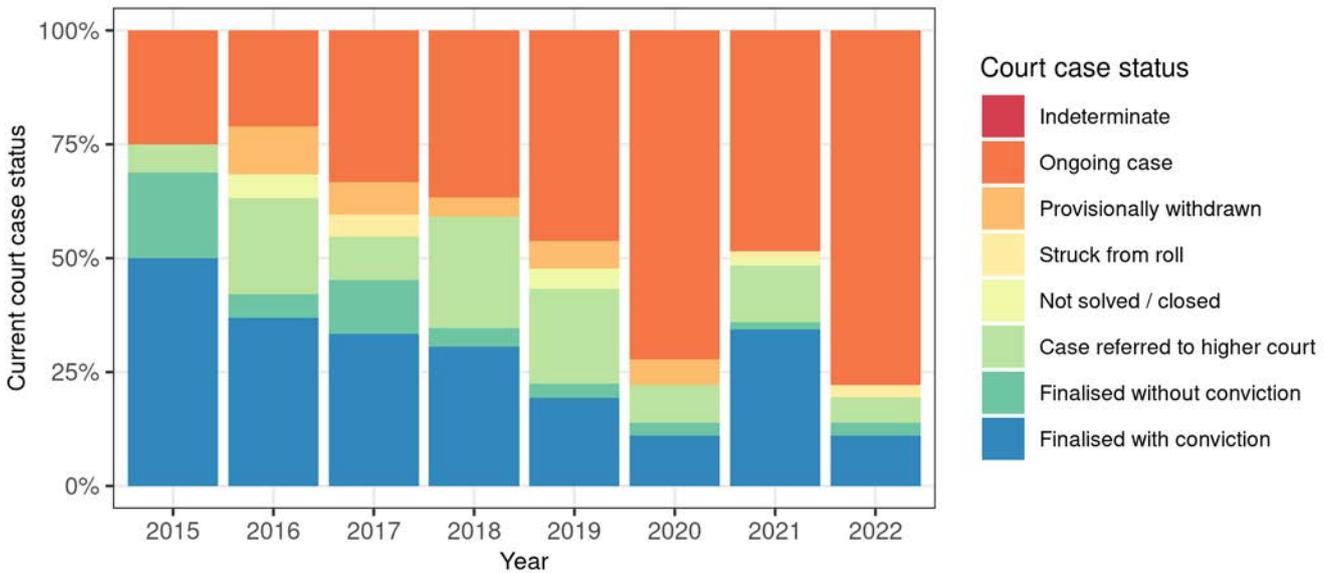
Current case status and time between arrest and case finalisation in elephant cases

- **Current case status** (as at 15 May 2023) generally shows a slow but positive finalisation trend in elephant cases; 69% of cases registered in 2015 have been finalised and 50% of all registered cases in that year achieved convictions, while 31% were still ongoing, with 6% referred to a higher court; more recent years have progressively lower finalisation rates, as cases take time to be completed, yet the conviction rate of finalised cases remains relatively high; indeterminate indicates a current status that has not yet been defined in the database.
- **Time between arrest and case finalisation** has varied substantially for elephant cases, with some cases finalised in 2020, '21 and '22 having taken 5 or more years to complete; the finalisation of very old cases in any particular year obviously increases the average for that year, in some instances significantly.

10.4 CURRENT CASE STATUS (elephant) [current status on 15 May 2023]

Current court case status as percentage of cases registered per year (elephant cases)

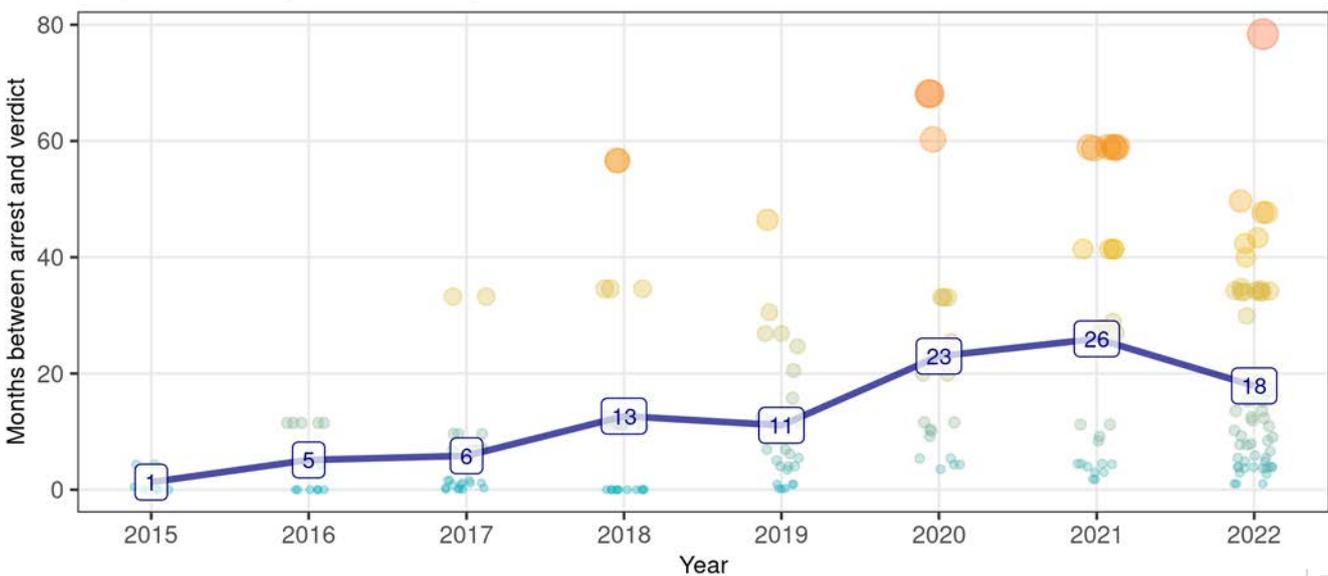
(Bar position indicates the year of case registration)



10.5 TIME BETWEEN ARREST and CASE FINALISATION (elephant)

Distribution of months passed between individuals' arrest and case finalization (elephant cases)

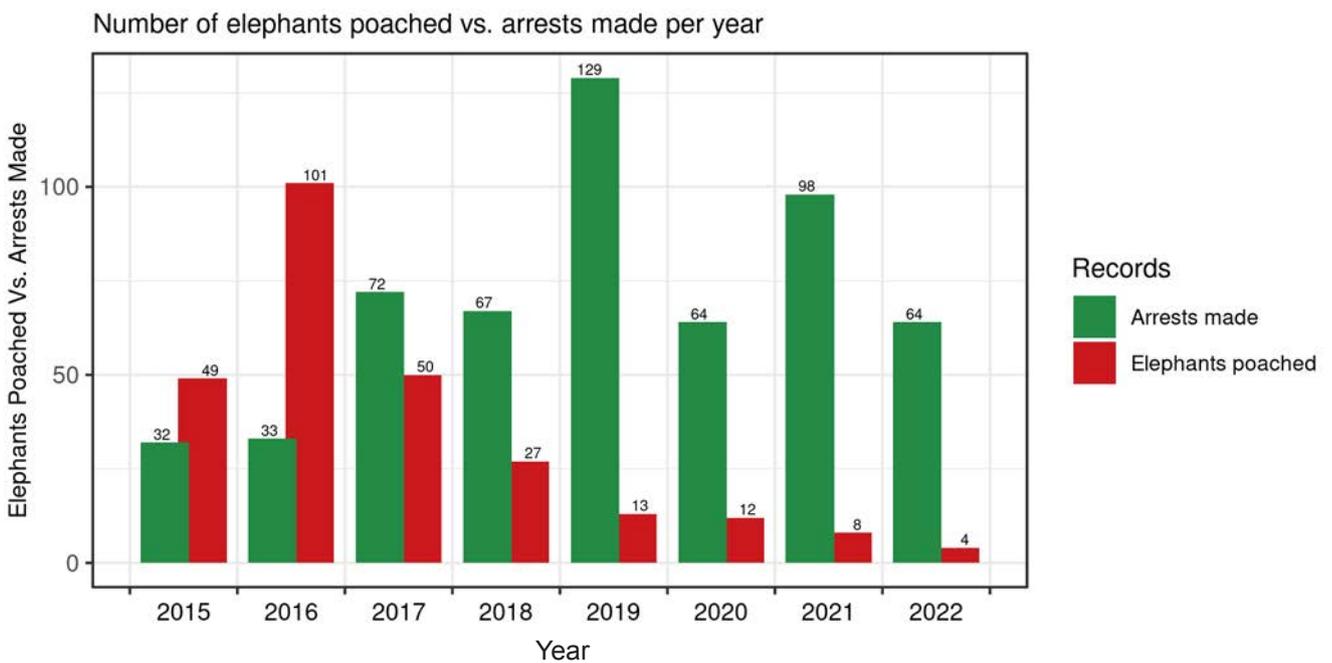
The position of a data point indicates the year in which a case was finalized. The blue line indicates the annual mean.



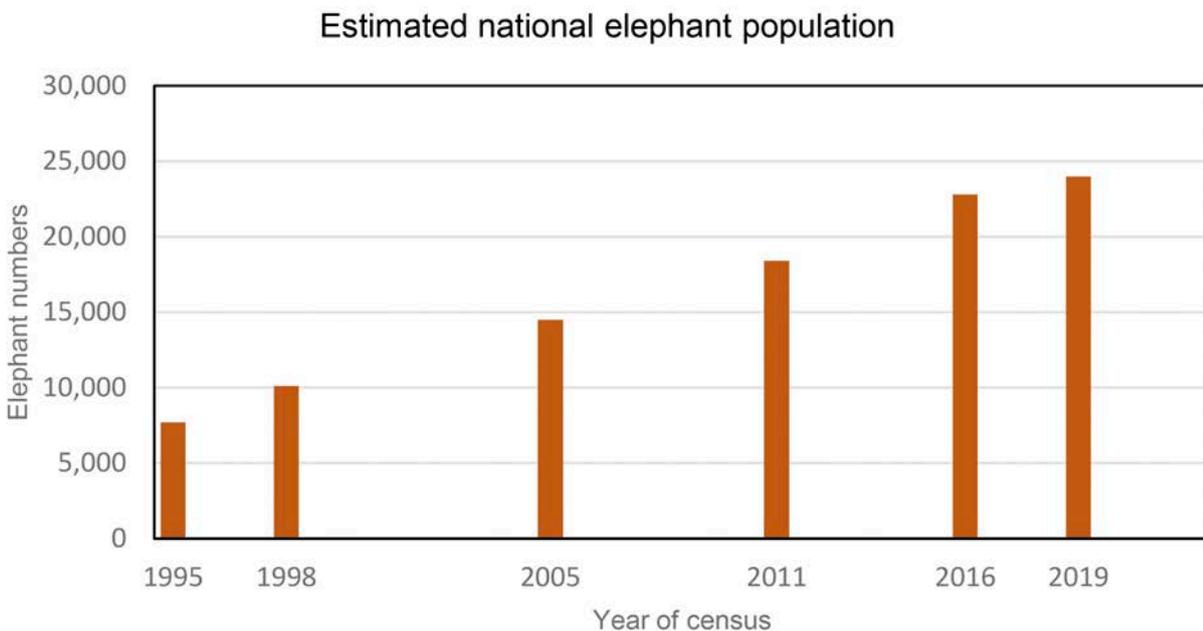
Proactive law enforcement and conservation trends related to elephants

- **Poaching estimates vs. arrests** clearly show that while poaching incidents in Namibia have been successfully curbed to low levels, arrests remain comparatively high; the number of arrests per year has been closely related to seizures of ivory, rather than elephants poached in Namibia (see ivory seizures graph p. 52); much of the ivory seized in Namibia is believed to originate from elephants killed in other countries, with the ivory smuggled into Namibia for sale or onward trafficking.
- **Increase in Namibia's elephant population** has been recorded through aerial surveys carried out in the years shown in the graph; most of Namibia's elephant sub-populations have shown significant increases; the sub-populations in the eastern parts of the Erongo-Kunene Community Conservation Area, as well as those in Khaudum, Bwabwata, Mudumu and Nkasa Rupara national parks and adjacent communal farming areas have shown the greatest increases; while the population in Bwabwata, Mudumu and Nkasa Rupara moves freely across international borders, the other populations are relatively sedentary, with more localised, seasonal movements.

10.6 Comparison of POACHING ESTIMATES versus ARRESTS (elephant)



10.7 INCREASE in NAMIBIA'S ELEPHANT POPULATION



B10. Status update – elephant protection in Namibia

During 2022, records of both elephant poaching and ivory trafficking were at their lowest levels in Namibia for the past six years. Cases related to elephants made up less than ten per cent of all wildlife cases registered. Namibia's elephant population remains at its highest for the past 150 years and is currently not under severe threat from wildlife crime, although vulnerabilities undoubtedly exist. Since 2016, the presence of national security forces in state parks has reduced poaching impacts significantly.

The Namibian elephant population of around 24,000 animals¹ can be divided into four partly interlinked sub-populations, which have different vulnerabilities. The largest sub-population of around 15,000 animals occurs in the Kavango East and Zambezi regions, which stretch across the core of KAZA. This transboundary population spends part of its time in neighbouring countries. The animals can thus be targeted by poachers in Angola, Botswana, Zambia and Namibia, which significantly increases their vulnerability, even if current poaching losses in Namibia are very low.

The elephants of Khaudum National Park and adjoining community conservancies in both the Kavango East and Otjozondjupa regions have increased significantly in recent decades, facilitated by protection and permanent water in the park. Khaudum is the most inaccessible national park in Namibia and poaching has not yet impacted this population.

At present, the elephants of Etosha National Park are not being targeted by ivory poachers. This population is considered to be at carrying capacity for the park and has

remained relatively stable in recent years. The animals are extremely calm and are one of the park's primary attractions.

The elephant population of the Erongo–Kunene Community Conservation Area can be divided into the desert-adapted elephants living in marginal elephant habitat on the fringes of the Namib Desert, and those roaming the Elephant Highlands above the Great Namibian Escarpment. Limited ivory poaching has occurred here and has not impacted the overall population.

Human–elephant conflict is currently a bigger issue for elephant conservation in Namibia than poaching². Most of the country's elephant ranges are at – or above – carrying capacities, as animals and humans share limited land and resources. This is particularly relevant for the elephants of the Kavango East and Zambezi regions. The viability of the wildlife movement corridors that have been designated in the Zambezi Region, where human settlement and land use are relatively high, is vital for the health of the large population, which needs to be able to move seasonally between Botswana, Namibia, Zambia and Angola to remain viable.

Human–elephant conflict around Khaudum National Park is a problem for this population, especially on the western boundary of the park, where livestock farming and localised cropping are pressing right up to the park boundary.

Persistent drought in northwestern Namibia is affecting elephant populations here, compounded by human–elephant conflicts, particularly in the Elephant Highlands, where elephant and people numbers are the highest.



Ivory seizures dropped by close to 50% compared to 2021, with only 55 tusks seized; crudely hacked-off tusks seized in Kavango East, February 2022



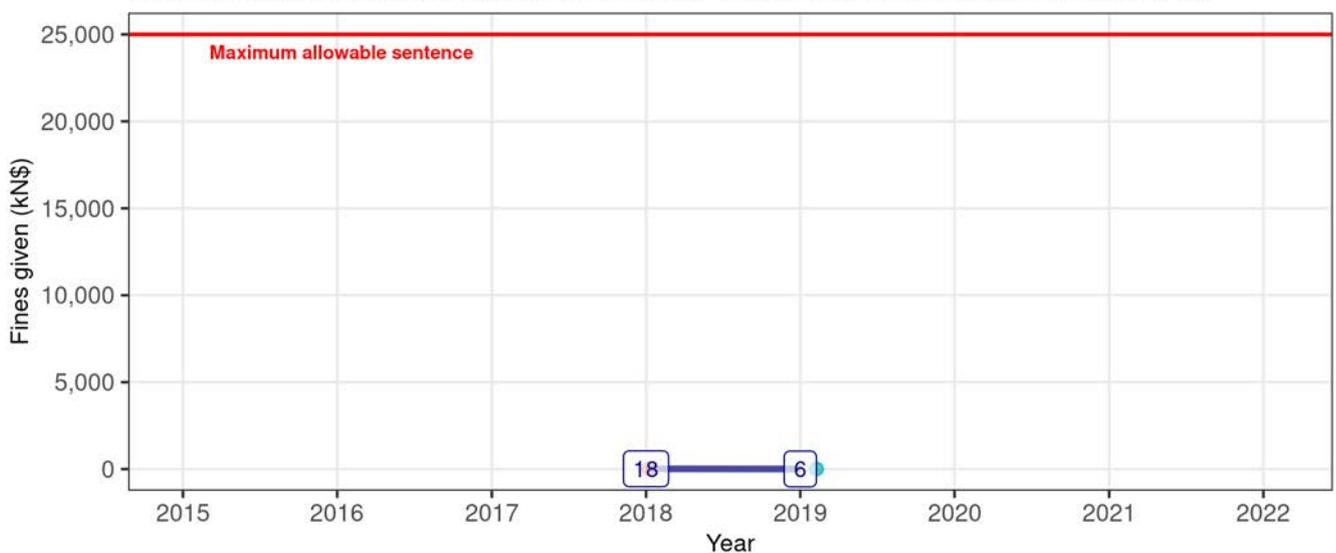
Maximum versus actual sentences related to elephant poaching

- Namibian laws stipulate maximum penalties for all defined transgressions; the graphs show the gap between maximum sentences as stipulated in the relevant legislation and actual sentences handed down by the courts; penalties may consist of a fine, a prison term, or both.
- Very few perpetrators have been convicted of elephant poaching in Namibia; most of these have received a direct prison term of 4 years without the option of a fine.
- The maximum sentences of N\$ 25,000,000 and 25 years imprisonment have never been applied; these are generally reserved for complex crimes perpetrated by ruthless transnational criminals, not local community members.

10.8 MAXIMUM versus ACTUAL FINES (elephant poaching)

Annual distribution of fines (kN\$) issued for illegal hunting of elephant

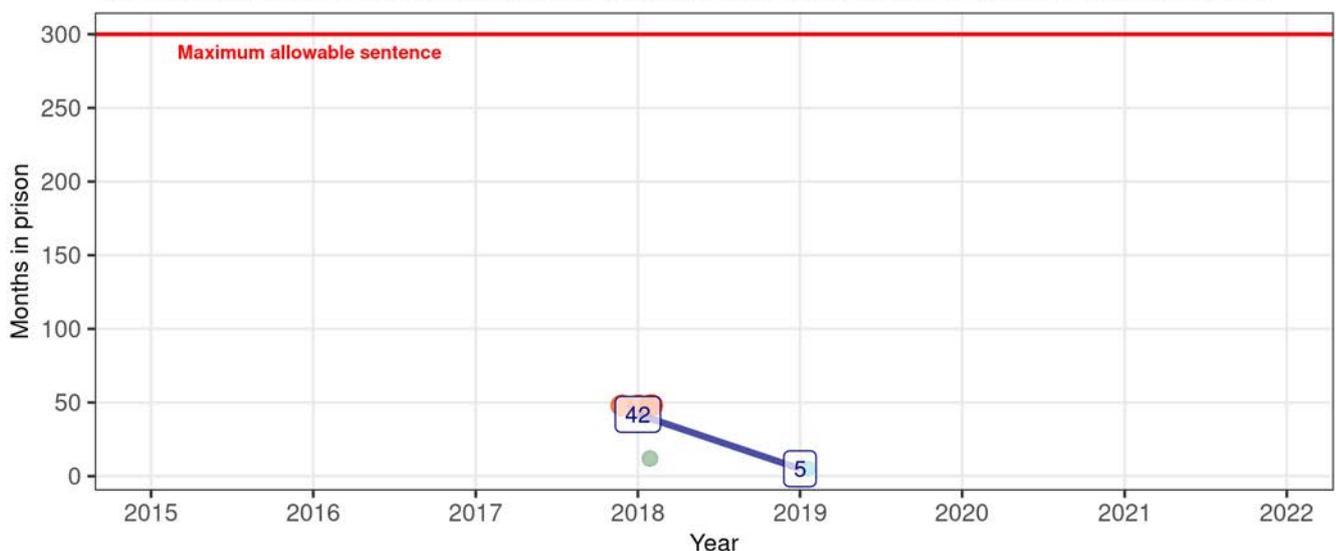
Charges were laid under Section 26 of the Nature Conservation Ordinance 4 of 1975, as amended Act 3 of 2017. The red line indicates the maximum allowable fine as per the Ordinance. The blue line indicates the annual mean.



10.9 MAXIMUM versus ACTUAL PRISON TERMS (elephant poaching)

Annual distribution of imprisonment (months) issued for illegal hunting of elephant

Charges were laid under Section 26 of the Nature Conservation Ordinance 4 of 1975, as amended Act 3 of 2017. The red line indicates the maximum allowable imprisonment as per the Ordinance. The blue line indicates the annual mean.



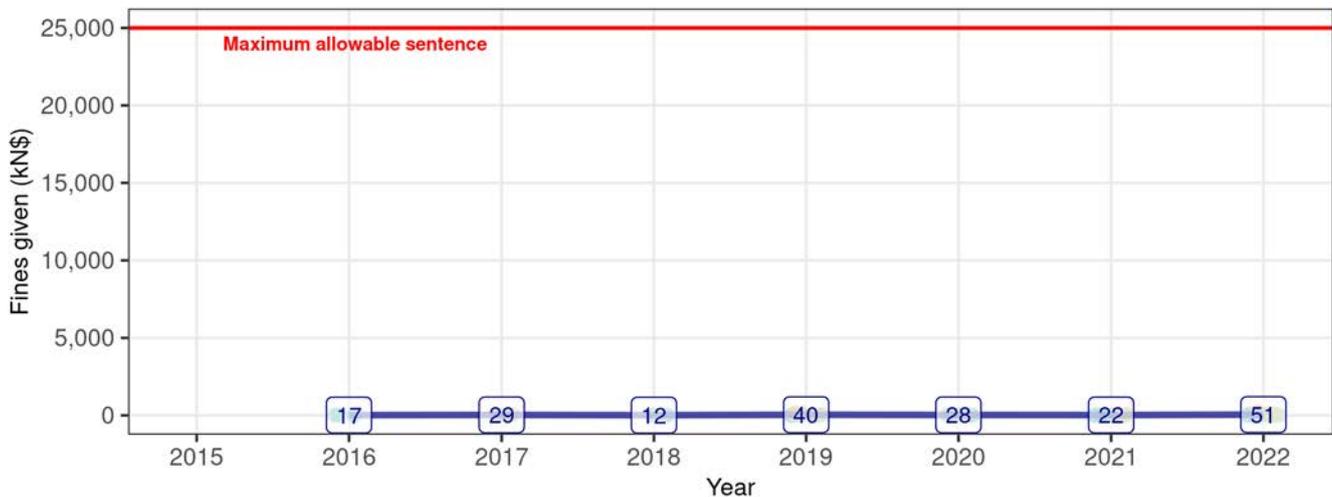
Maximum versus actual sentences related to elephant trafficking

- Namibian laws stipulate maximum penalties for all defined transgressions; the graphs show the gap between maximum sentences as stipulated in the relevant legislation and actual sentences handed down by the courts; penalties may consist of a fine, a prison term, or both.
- Elephant crimes prosecuted in Namibia consist mostly of ivory trafficking; much of the ivory is smuggled into Namibia from neighbouring countries for attempted sale; the origin of the ivory can rarely be ascertained.
- Most perpetrators of ivory trafficking arrested in Namibia are rural community members with extremely limited financial means; high fines in these cases are meaningless, as the perpetrators are generally unable to pay even a relatively modest fine.
- While prison terms as high as 10 years have been served, most sentences in prior to 2022 have been much lower; the Special Courts held in Katima Mulilo and Rundu in April 2022 delivered significant deterrent sentences which raised the annual mean of fines and prison terms substantially.

10.10 MAXIMUM versus ACTUAL FINES (elephant trafficking)

Annual distribution of fines (kN\$) issued for illegal possession and dealing of elephant products

Charges were laid under Section 4 (1)(a) and (1)(b) of the Controlled Wildlife Products and Trade Act 9 of 2008, as amended Act 6 of 2017. The red line indicates the maximum allowable fine as per the Act. The blue line indicates the annual mean.



10.11 MAXIMUM versus ACTUAL PRISON TERMS (elephant trafficking)

Annual distribution of imprisonment (months) issued for illegal possession and dealing of elephant products

Charges were laid under Section 4 (1)(a) and (1)(b) under the Controlled Wildlife Products and Trade Act 9 of 2008, as amended Act 6 of 2017. The red line indicates the maximum allowable imprisonment as per the Act. The blue line indicates the annual mean.



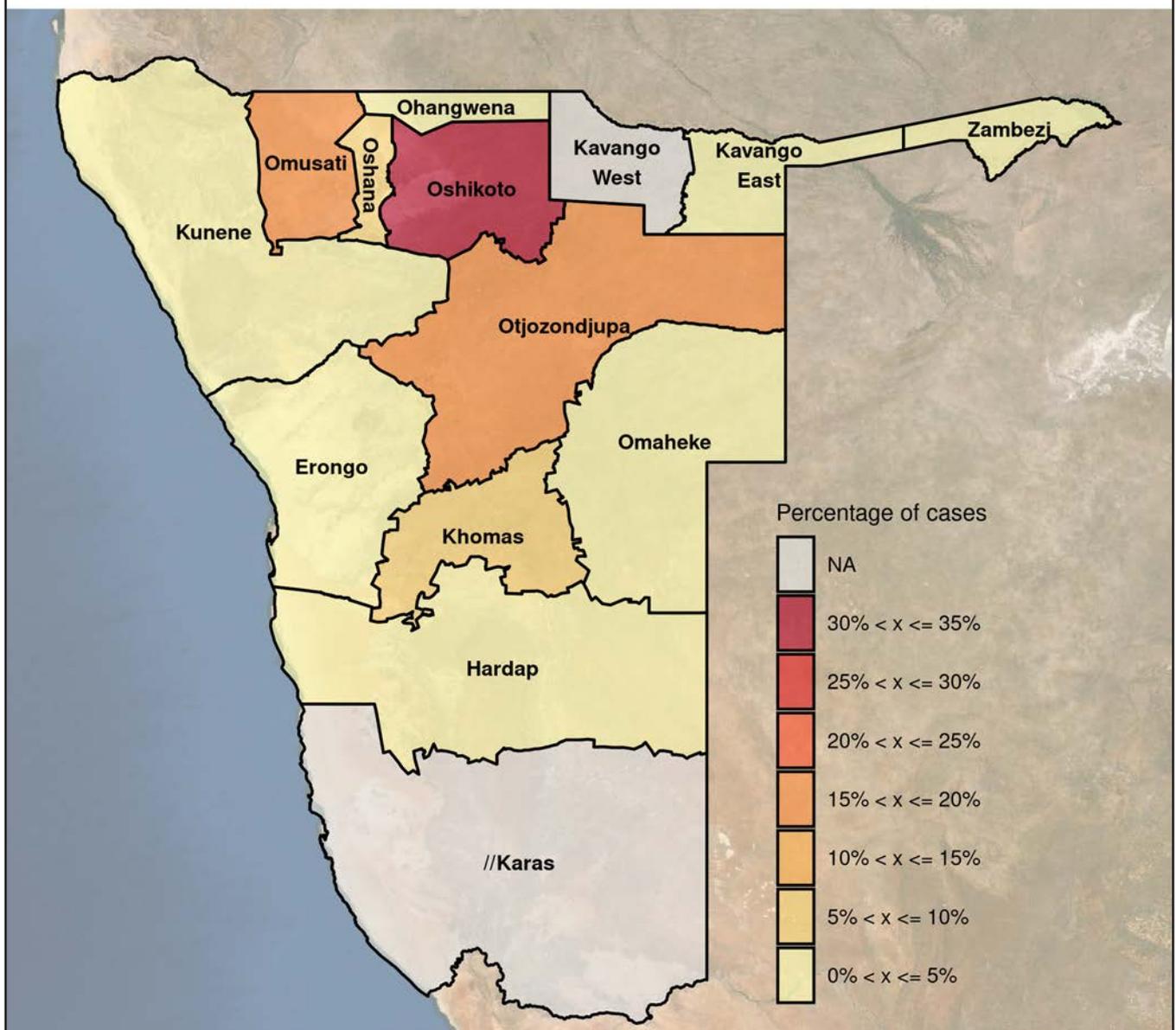
II. RHINO POACHING AND TRAFFICKING TRENDS 2015–2022

II.1 REGIONAL DISTRIBUTION of REGISTERED CASES related to RHINO during 2022:

Regional distribution of rhino cases

- The largest rhino populations are found in Namibia's national parks, yet rhinos occur in smaller populations in many parts of the country.
- The map indicates registered cases of rhino crimes, which may consist of rhino poaching, horn trafficking or a variety of other offences related to rhinos; the map does not reflect rhino distribution, nor necessarily where crimes occurred (cases are usually registered at the nearest police station to the arrest, seizure or carcass discovery; this may be in another region to where the original crime occurred).
- The Oshikoto, Omusati and Otjozondjupa regions show the highest prevalence of rhino crimes; this may be due to a number of factors, including proximity to rhino ranges and important trafficking nodes for rhino products
- It must be noted that the prevalence of rhino crimes has shown regional shifts from year to year, based largely on shifting tactics and targets of criminals; during 2022, rhino crimes were recorded in 12 out of Namibia's 14 regions, highlighting the widespread nature of rhino crimes.
- No rhinos occur in the Zambezi or Ohangwena regions; horns trafficked here originate from outside the region.

Regional distribution of wildlife crime cases registered in 2022
(only cases related to rhino poaching/trafficking)



Namibia's black rhino population (subspecies *Diceros bicornis bicornis*) was downlisted by the IUCN from 'Vulnerable' to 'Near Threatened' in 2020. The impacts of poaching are now threatening the current listing, and are having an impact on population growth.

Black rhino, Etosha National Park.



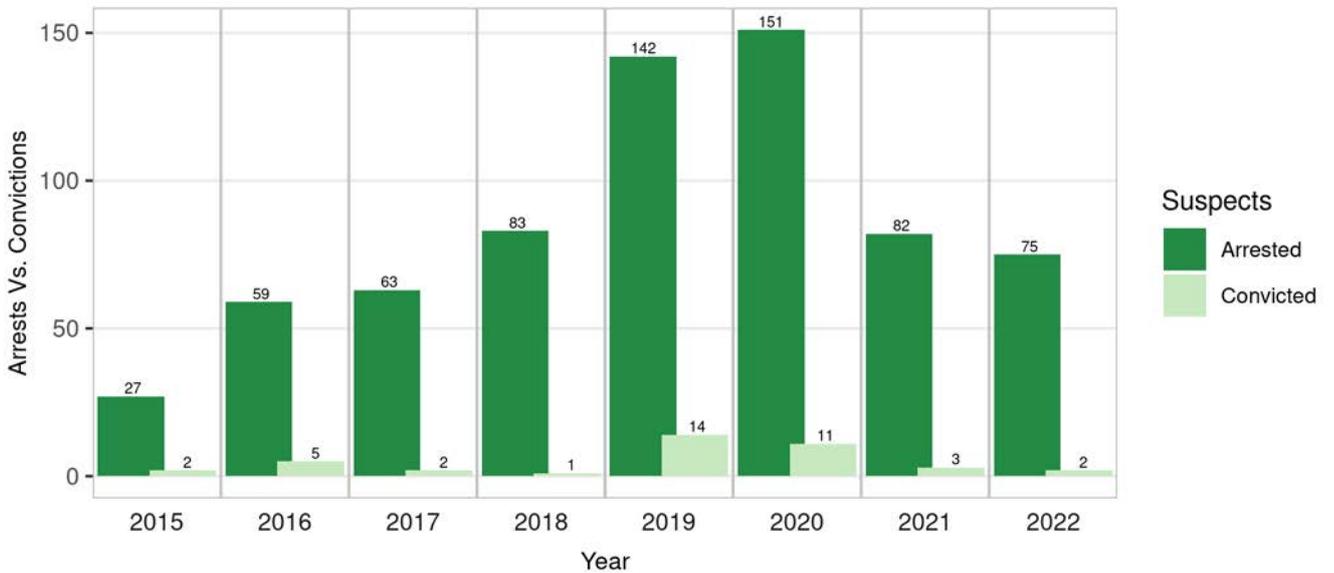
Arrests, convictions and seizures related to rhinos

- **Annual arrests vs. current conviction status** (as at 15 May 2023) indicates the challenges of achieving convictions in rhino cases; of 682 suspects arrested since the start of 2015, only 40 had been convicted by 15 May 2023; the causes for this are complex – all rhino cases require PG guidance prior to prosecution, which lengthens the duration of the cases; pre-emptive arrests, as well as the arrests of aiders and abettors, are based largely on circumstantial evidence, making convictions more difficult; businessmen and prominent members of society who have been arrested for rhino-horn trafficking are able to secure excellent legal representation that is able to block rapid convictions; linkages between rhino carcasses, used firearms and confiscated horns require forensic evidence, which takes time to secure; other factors also play a role.
- **Seizures of rhino horns** were extremely low in 2022 compared to the very high poaching losses; this appears to represent a successful change in tactics by criminals, who have responded to the previous disruption of rhino syndicates and arrest of kingpins responsible for smuggling rhino horns out of the country, which had resulted in higher confiscation rates during a period of much lower poaching losses.

11.2 ARRESTS versus CONVICTIONS (rhinos) [current status on 15 May 2023]

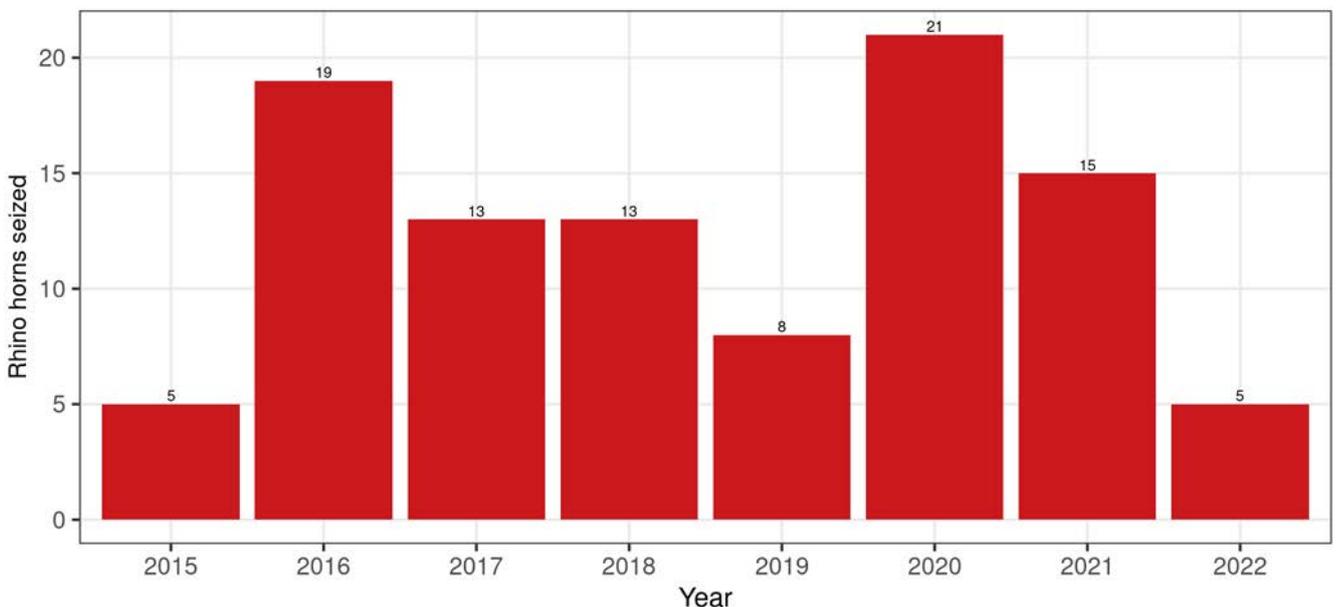
Annual arrests vs. their current conviction status (rhino cases)

The bars "Convicted" indicate the number of suspects who were arrested in the respective year and have been convicted by now.



11.3 SEIZURES (rhinos)

Rhino horns seized per year

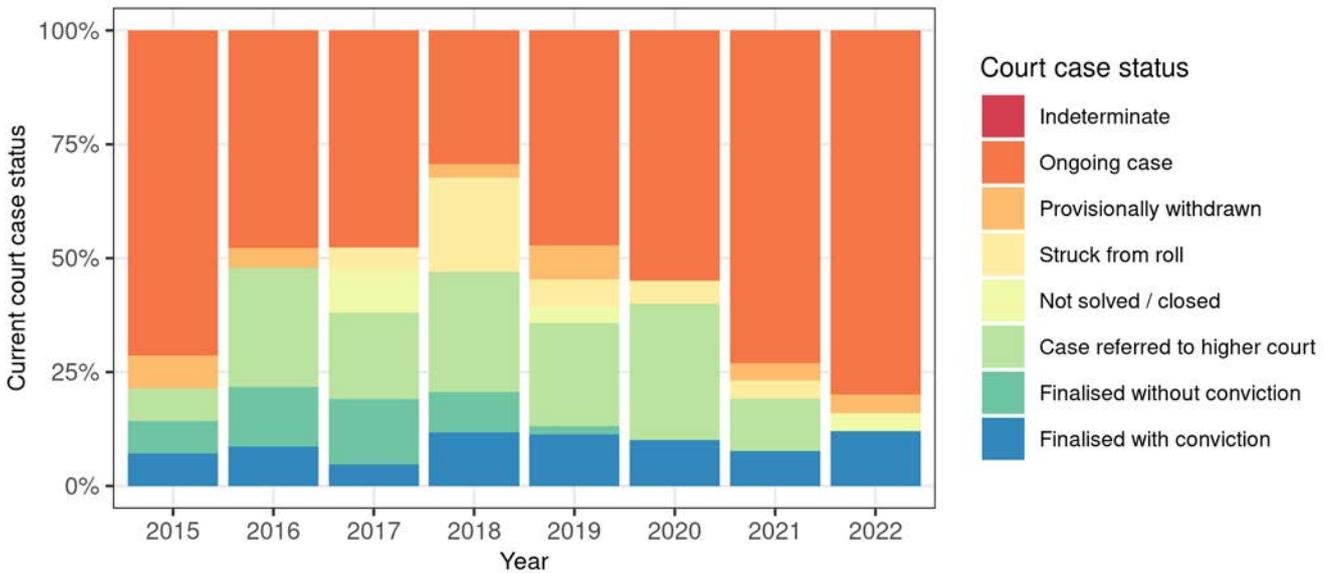


Current case status and time between arrest and case finalisation in rhino cases

- **Current case status** (as at 15 May 2023) has seen a significant percentage of cases referred to higher courts during 2022, reflecting the complexity of cases; rates of finalisation and conviction remain low; less than 15% of cases registered in any year have been finalised with convictions; a substantial percentage of cases have been provisionally withdrawn, struck from the roll or finalised without conviction; well over 50% of cases registered remain ongoing for most years (see notes on opposite page for details on causes); indeterminate indicates a current status that has not yet been defined in the database.
- **Time between arrest and conviction** shows the complexity of rhino crimes and the drawn-out nature of these cases; the cases finalised in 2019 that took over 5 years to be completed represent the drawn-out case of four Chinese co-conspirators who attempted to smuggle 14 rhino horns out of the country in 2014, which included a lengthy appeal against the original sentence handed down in 2016.

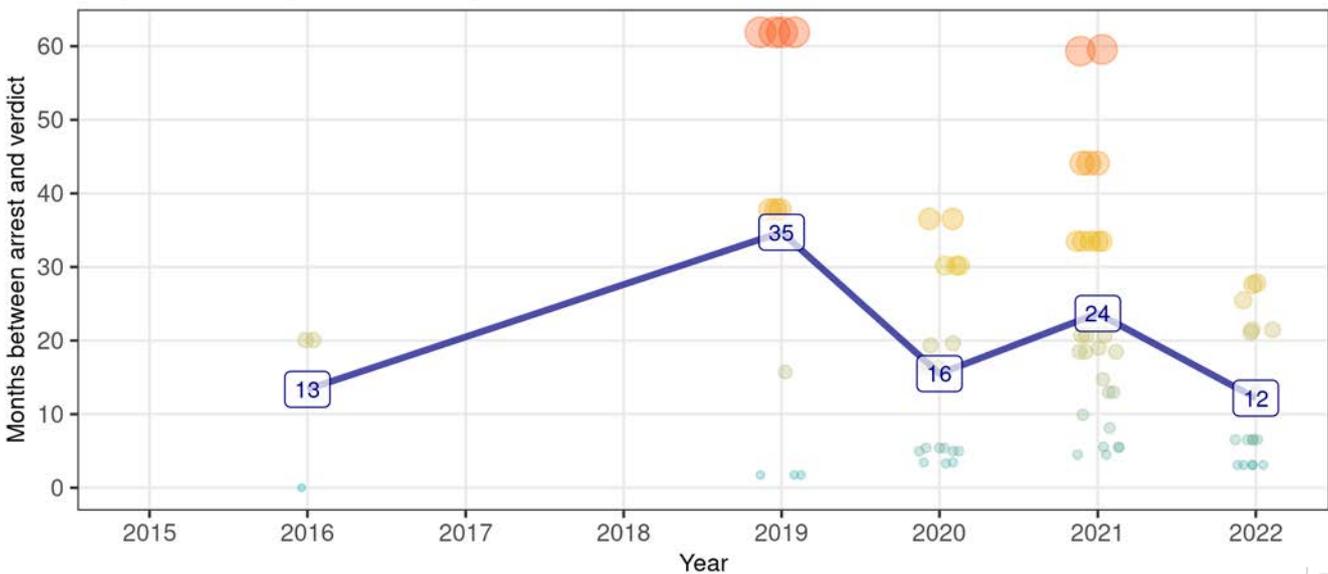
11.4 CURRENT CASE STATUS (rhinos) [current status on 15 May 2023]

Current court case status as percentage of cases registered per year (rhino cases)
(Bar position indicates the year of case registration)



11.5 TIME BETWEEN ARREST and CASE FINALISATION (rhinos)

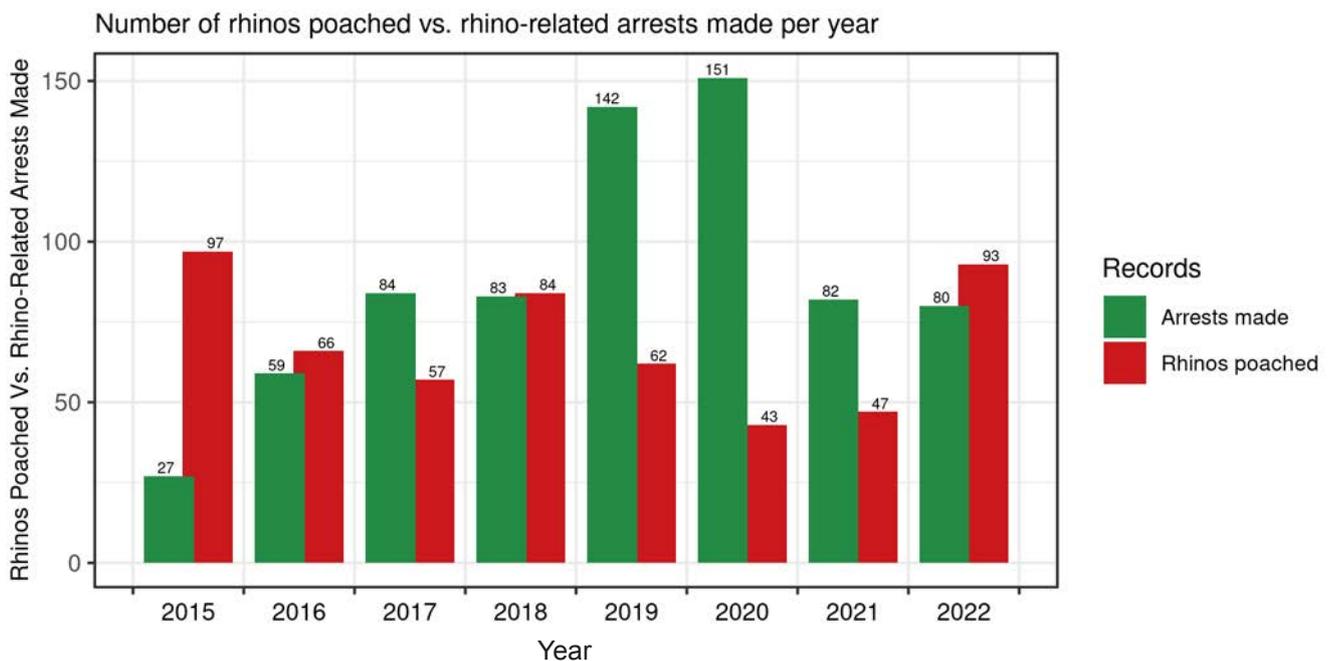
Distribution of months passed between individuals' arrest and case finalization (rhino cases)
The position of a data point indicates the year in which a case was finalized. The blue line indicates the annual mean.



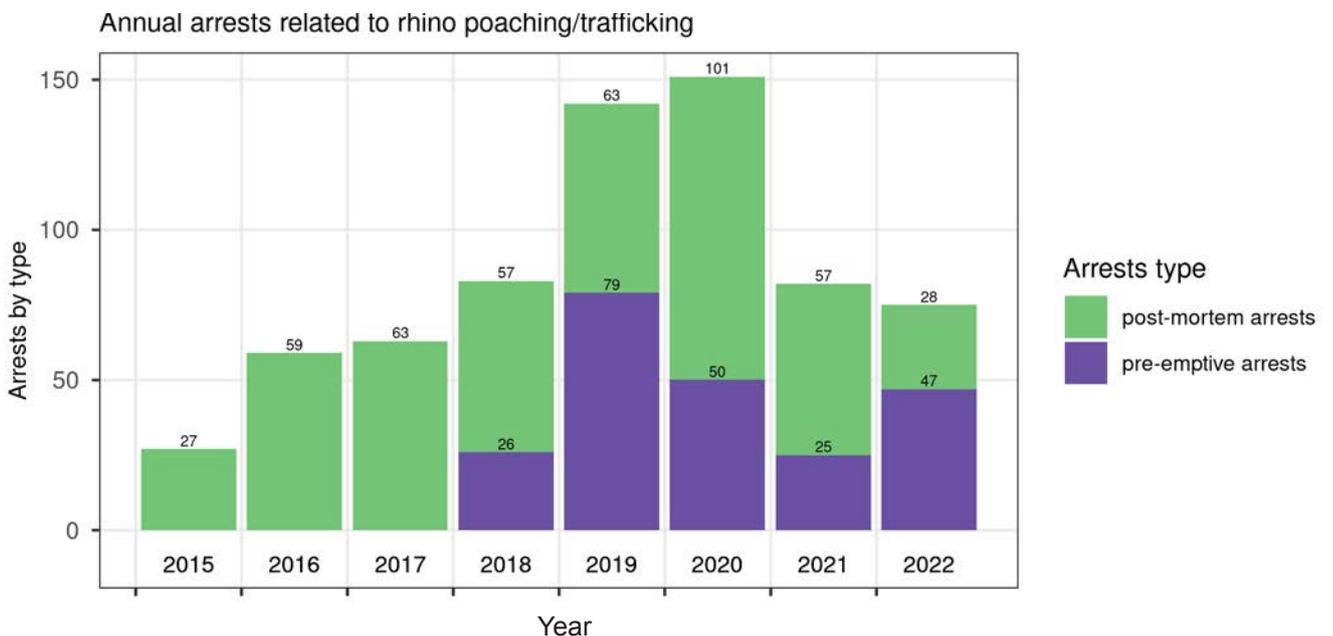
Proactive law enforcement and anti-poaching interventions related to rhinos

- **Poaching estimates vs. arrests** indicate a cyclic nature of poaching spikes: high numbers of arrests of poachers, dealers, aiders and abettors in response to a poaching spike result in a temporary drop in poaching losses; criminals then adapt their poaching tactics, causing new spikes.
- **Proportion of pre-emptive rhino cases** is a good indicator of the effectiveness of law enforcement; pre-emptive arrests are based on intelligence-led investigations that apprehend poaching gangs while they are conspiring to poach, but before they are able to kill a rhino; this saves the lives of numerous rhinos while still catching the would-be poachers.
- **Dehorning of rhinos** is used to make the animals uninteresting to poachers by shifting the risk-reward ratio in favour of law enforcement (the risk of arrest becomes much higher than the small reward of a rhino horn stub); dehorning must be repeated at regular intervals as the horns grow back (similar to human fingernails); dehorning is extremely expensive, requiring expert teams and usually the use of helicopters and spotter aircraft; rhinos in high-risk areas are thus prioritised for dehorning.

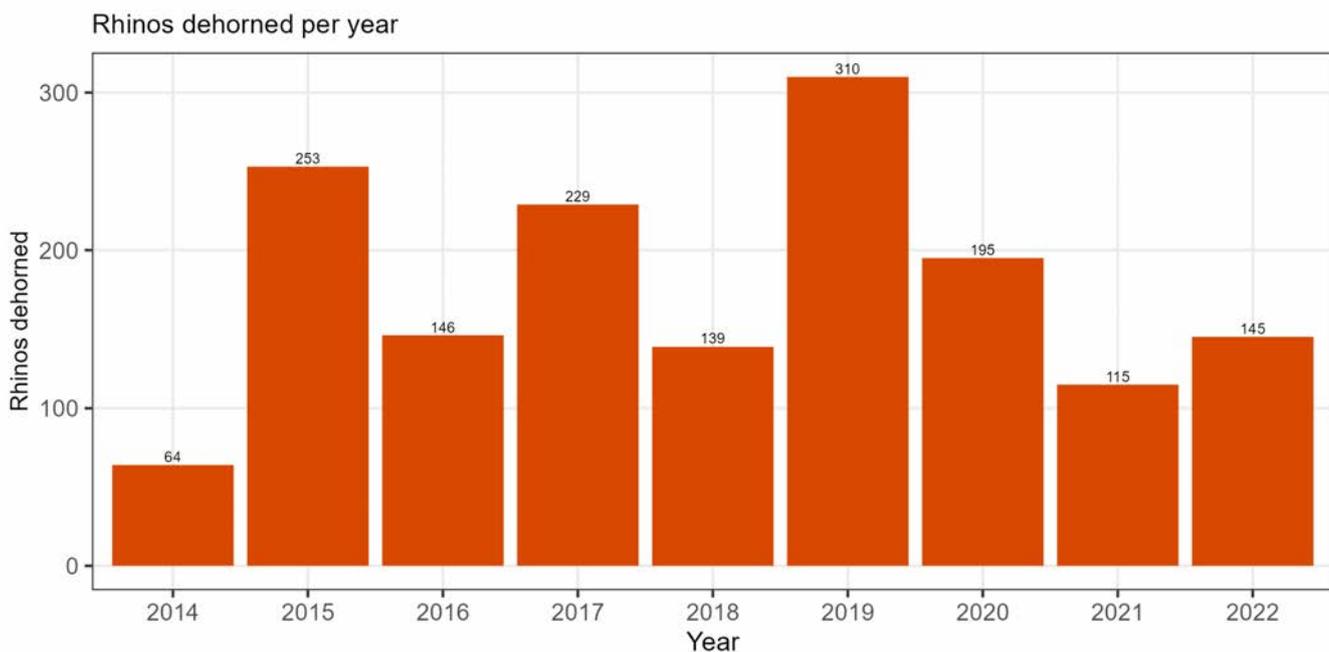
11.6 Comparison of POACHING ESTIMATES versus ARRESTS (rhinos)



11.7 PROPORTION of PRE-EMPTIVE CASES (rhino cases)



11.8 DEHORNING of RHINOS



B11. The challenge of countering rhino-poaching spikes

Rhinos have been the brunt of human avarice and indifference for centuries. Rhinos were initially shot for meat and the thrill of a kill by early European hunters exploring Africa. This wanton killing reduced black rhinos in what is today Namibia to remnant populations in remote areas, and annihilated the white rhino population, with this species considered locally extinct by 1850¹.

Today's rhino-poaching pandemic is driven entirely by human greed, the indifference of colluders, and a peculiar fascination with rhino horns that fuels a seemingly insatiable consumer market. Rhino horn derivatives have been used in traditional Asian medicines for centuries, and complete rhino horns are used as dagger handles and other ornamental objects, mainly in Asia and the Middle East². Modern uses being touted include purported cancer cures and hang-over remedies, particularly in Vietnam and China³. In light of the fact that no medicinal uses have scientifically substantiated merit, and non-destructive alternatives for all uses exist, the global annihilation of rhinos is a sad reflection of human failings.

As a source country for rhino horn far away from consumers, Namibia is faced with the perpetual challenge of countering rhino poaching without having a tangible influence on market demand. The long, sad path of destruction wrought by rhino poaching shows that the animals are likely to be targeted until the last one is gone. Numerous former range states across Africa with once abundant rhinos can attest to the same fate

of populations plundered to local extinction. Even the most hard-line attempts to limit poaching in various countries have had limited successes. Rhino numbers keep plummeting⁴.

Criminals tend to focus on the softest targets. After an ill-prepared Namibia was hit hard by a first wave of poaching that crested in 2015, a concerted response with wide-ranging international support temporarily shifted the attention of rhino syndicates elsewhere. Losses were suppressed in 2016 and '17, yet increased once more to a new spike in 2018. More stringent countermeasures again reduced known poaching losses to less than 50 animals a year in 2020 and '21. Yet in 2022, losses almost doubled again to a spike comparable to 2015 (see opposite page). Clearly the poachers keep coming for more and Namibia is in for a very tough road ahead.

The drivers behind poaching waves and ebbs are complex. They include accessibility of easy nearby targets, for example in neighbouring countries, the effectiveness of local countermeasures, and a rise or fall in demand. Countermeasures through international cooperation along the entire supply chain can disrupt trafficking routes, yet as long as there is demand and prices are high, criminals keep adapting. Money drives supply, yet demand depends on consumer appetite. More global attention and pressure must focus on the individual consumer in the street. In the end the individual people using rhino horn are the only ones who can end the slaughter by rejecting its use as unethical.



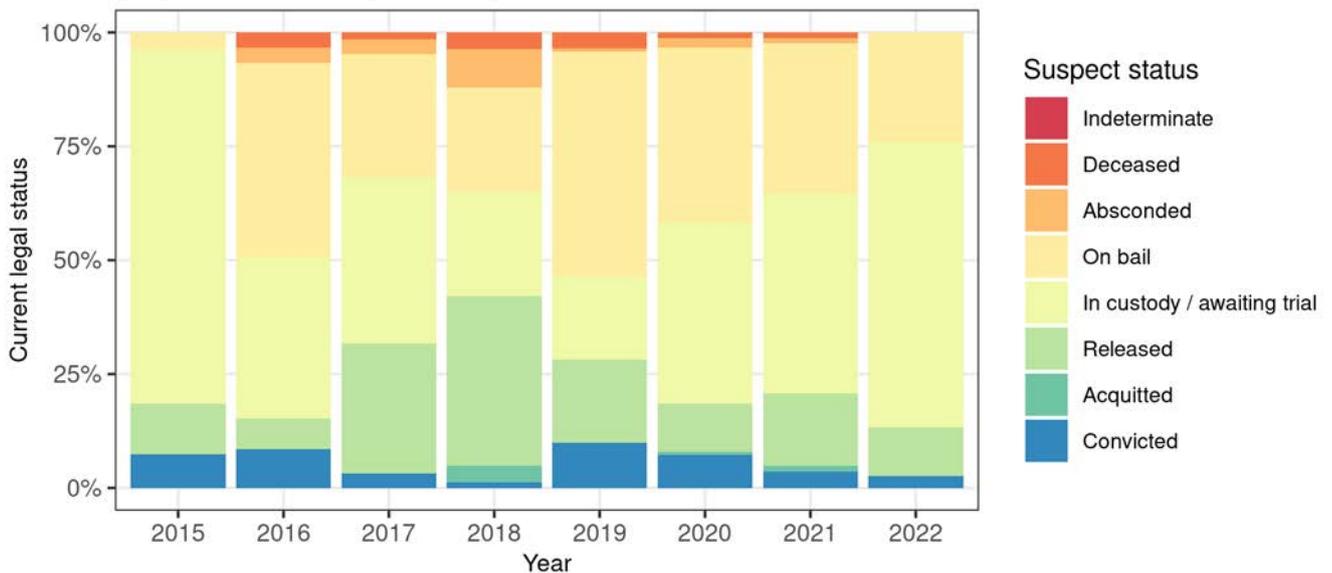
Current legal status of suspects and annual conviction rate in rhino cases

- **Current legal status of suspects** (as at 15 May 2023) in rhino cases is highly alarming; of all suspects arrested in any year, 10% or less had been convicted by 15 May 2023; of suspects arrested in 2015, more than 75% were still in custody, while 11% had been released; over the years, a number of suspects have absconded or died; causes for the challenges in prosecuting rhino crimes are discussed in the notes on p.56; indeterminate indicates a current status that has not yet been defined in the database.
- **Annual conviction rate** refers to the percentage of suspects in finalised cases who were convicted per year; this has varied considerably in rhino cases, with a 100% rate for 2016 and 2019, but less than 50% in 2021 and 2022, when over 50% of suspects were discharged; no convictions were achieved in 2015, 2017 and 2018 (the convicted status for suspects indicated for these years in the 'Current legal status of suspects' graph was achieved in subsequent years); it must be emphasised that very few rhino cases have been finalised (see 'Current case status' graph, p. 61) and the resultant small dataset can create skewed perceptions.

11.9 CURRENT LEGAL STATUS of SUSPECTS (rhino cases) [current status on 15 May 2023]

Current legal status of suspects arrested per year in line with rhino poaching/trafficking

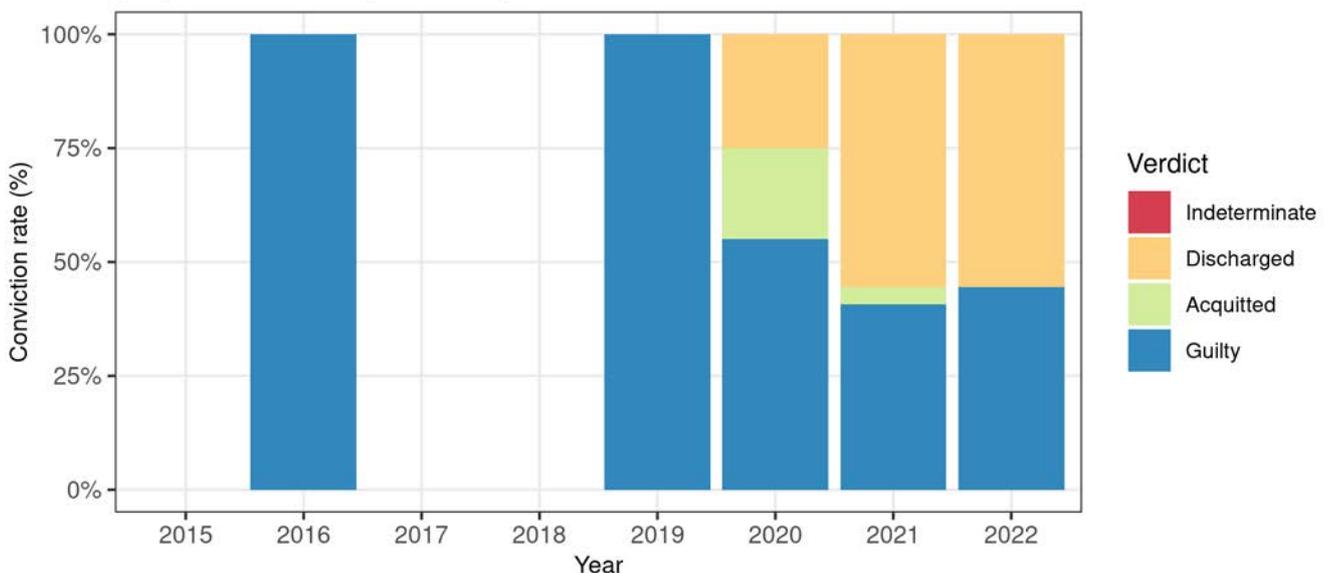
(Bar position indicates the year of arrest)



11.10 ANNUAL CONVICTION RATE (rhino cases)

Annual conviction rate over time (rhino cases)

(Bar position indicates the year of verdict)



B12. Status update – rhino protection in Namibia

Rhino poaching represents the most complex current wildlife-protection challenge in Namibia. Rhino horn has such a high value¹ that the long, treacherous path from killing a rhino, cutting off its horns, smuggling these out of the source country and along a convoluted trade route to the consumer far away on another continent can be smoothed from end to end with money - with small wads of cash and equipment supplies for the rhino killers and their aiders and abettors, and diverse payments, presents and bribes for middlemen and colluders all along the passage. The lure of cash will keep the poachers coming. This is organised crime – criminal gang activity, racketeering and money laundering on a large scale.

In the face of such a relentless onslaught, it is impossible to completely protect all rhinos, all of the time, within Namibia's vast, thinly populated landscapes, where rhino ranges are scattered around the country in state and private reserves, as well as community conservation areas. Highly motivated rhino rangers in community conservation areas, supported by national security personnel, have been the most effective at limiting poaching losses.

Some carcasses of poached animals are found only months or even years after the incident, and some may not be found at all. Poaching of rhino cows that have a calf often leads to the loss of the calf. The number of animals known to have been killed by poachers is thus an underestimate of actual losses. An assessment by CITES has concluded that annual poaching losses in Africa must remain below 3.6 per cent

of the population for continental rhino numbers to grow². The losses suffered in Namibia in 2022 still represent less than 3 per cent of the national population of around 3,500³ animals. Yet the Namibian population occurs in fragmented sub-populations and the percentage of losses it can withstand is likely to be lower than the CITES figure.

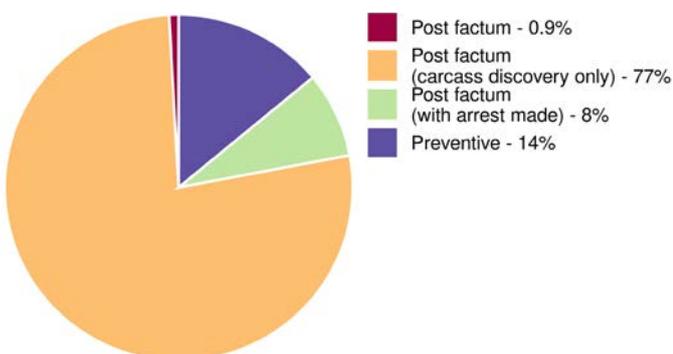
Under these circumstances, rhino protection needs to become a highly effective combination of stringent anti-poaching and rhino-security measures, pro-active law-enforcement that prioritises pre-emptive arrests and swift apprehension of those who manage to poach – and finally effective prosecutions resulting in stern deterrent sentences.

Rhino protection and rhino prosecution are currently the biggest challenges – a high number of suspects in rhino crimes are being arrested, but far too few are being convicted and served with deterrent sentences. It must be noted however, that inadequate investigations have led to the acquittal of suspects in some cases.

Rhino protection is being improved through a range of interventions (see also p. 18). Special Courts dedicated to hearing wildlife cases have proven highly effective in reducing the backlog of cases on the court roll, as well as delivering appropriate deterrent sentences (see also pp. 33–37). Special Courts dedicated specifically to rhino cases should be initiated as a matter of urgency to reverse the currently extremely low rate of case finalisation, as well as the low annual conviction rate (see also opposite page).

11.11 Ratios of rhino case types:

for rhino cases registered in 2022



Rhino cases are complex, ranging from horn seizures without link to a carcass, to discovery of carcasses without arrests, to discovery of carcasses with arrests, to pre-emptive arrest of intending poachers; many of the categories may involve various aiders and abettors.

Tools of the trade: provisions for a planned poaching incursion, seized during a pre-emptive arrest, northern Namibia, June 2022



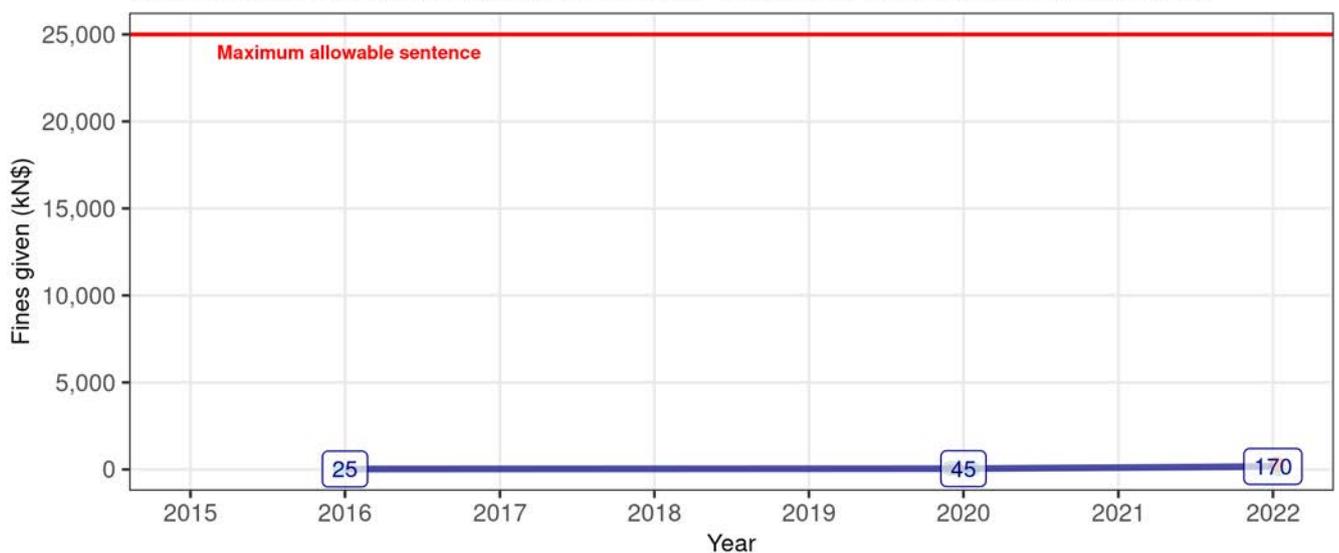
Maximum versus actual sentences related to rhino poaching

- Namibian laws stipulate maximum penalties for all defined transgressions; the graphs show the gap between maximum sentences as stipulated in the relevant legislation and actual sentences handed down by the courts; penalties may consist of a fine, a prison term, or both.
- Very few perpetrators have been convicted of rhino poaching in Namibia; causes for the challenges in prosecuting rhino crimes are discussed in the notes on p. 60.
- Rhino poachers are mostly part of poaching gangs that have links to more extensive criminal syndicates; the aiders and abettors regularly arrested as part of a poaching incident may be prosecuted for charges other than rhino poaching.
- Rhino poaching often leads to a range of transgressions, including illegal entry into a protected area, the use of illegal firearms, criminal gang activity, trafficking, racketeering and money laundering; additional charges and the related sentences may not all be reflected in the below graphs.
- The significant sentence for Jackson Babi, imposed in 2022, is reflected as 24 years below (various charges, some sentences suspended), with an additional sentence of 3 years in a separate case also shown (see p. 17 for details of the case, charges and sentences).

11.12 MAXIMUM versus ACTUAL FINES (rhino poaching)

Annual distribution of fines (kN\$) issued for illegal hunting of rhino

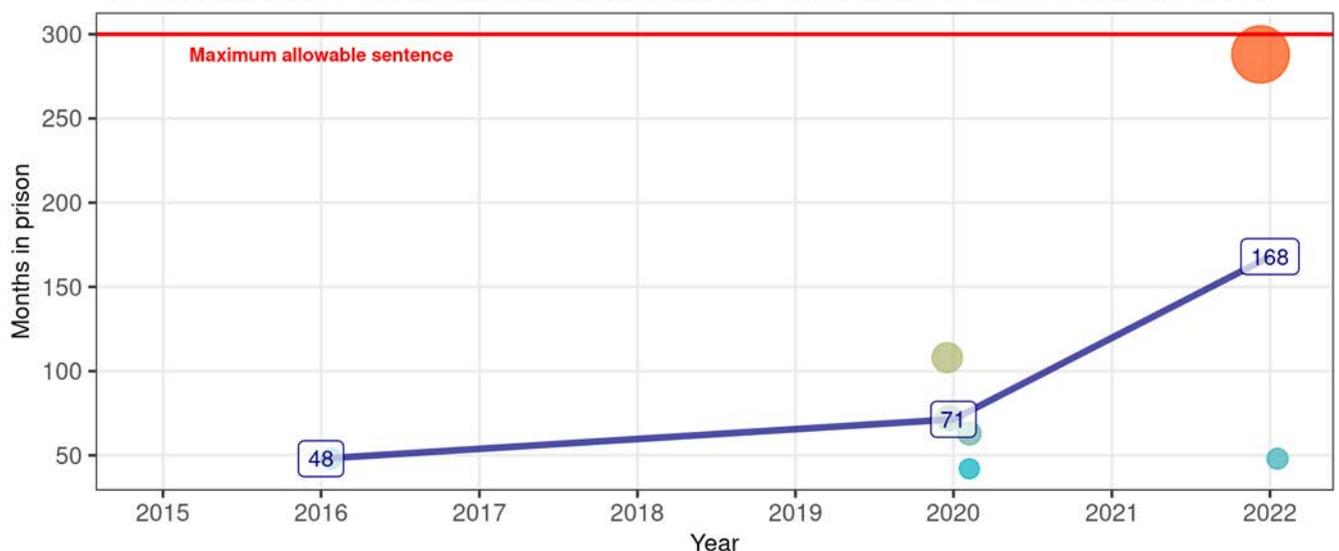
Charges were laid under Section 26 of the Nature Conservation Ordinance 4 of 1975, as amended Act 3 of 2017. The red line indicates the maximum allowable fine as per the Ordinance. The blue line indicates the annual mean.



11.13 MAXIMUM versus ACTUAL PRISON TERMS (rhino poaching)

Annual distribution of imprisonment (months) issued for illegal hunting of rhino

Charges were laid under Section 26 of the Nature Conservation Ordinance 4 of 1975, as amended Act 3 of 2017. The red line indicates the maximum allowable imprisonment as per the Ordinance. The blue line indicates the annual mean.



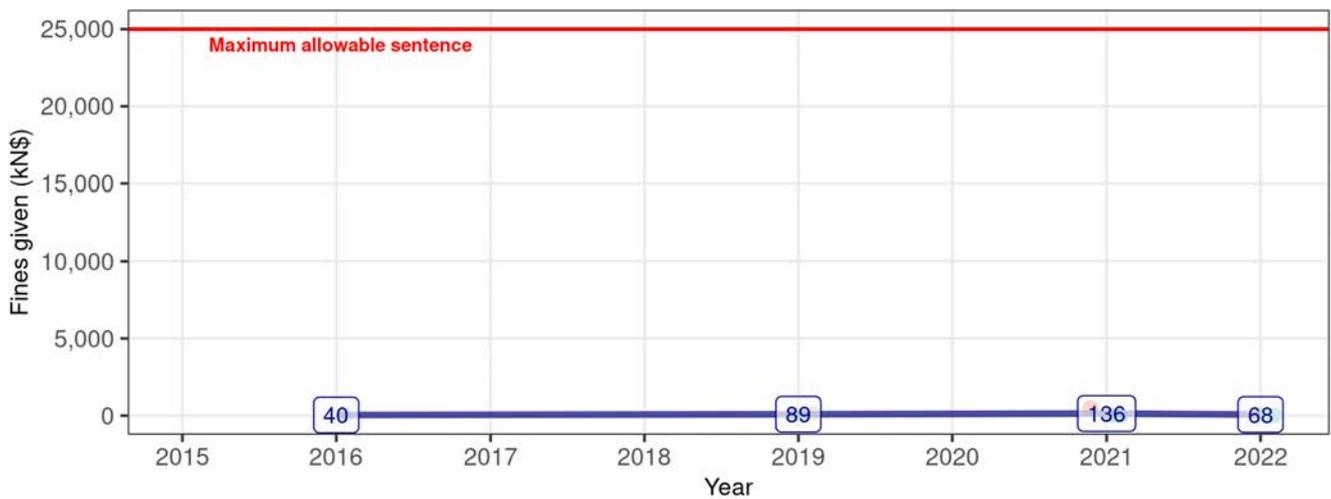
Maximum versus actual sentences related to trafficking of rhino horns

- Namibian laws stipulate maximum penalties for all defined transgressions; the graphs show the gap between maximum sentences as stipulated in the relevant legislation and actual sentences handed down by the courts; penalties may consist of a fine, a prison term, or both.
- Very few perpetrators have been convicted of rhino trafficking in Namibia; causes for the challenges in prosecuting rhino crimes are discussed in the notes on p. 60.
- The 20-year prison terms imposed on four Chinese in 2019 are significant sentences.
- Rhino crimes are complex and often include a range of charges other than illegal possession and dealing of rhino products; additional charges and the related sentences may not all be reflected in the below graphs.

11.14 MAXIMUM versus ACTUAL FINES (rhino trafficking)

Annual distribution of fines (kN\$) issued for illegal possession and dealing of rhino products

Charges were laid under Section 4 (1)(a) and (1)(b) of the Controlled Wildlife Products and Trade Act 9 of 2008, as amended Act 6 of 2017. The red line indicates the maximum allowable fine as per the Act. The blue line indicates the annual mean.



11.15 MAXIMUM versus ACTUAL PRISON TERMS (rhino trafficking)

Annual distribution of imprisonment (months) issued for illegal possession and dealing of rhino products

Charges were laid under Section 4 (1)(a) and (1)(b) under the Controlled Wildlife Products and Trade Act 9 of 2008, as amended Act 6 of 2017. The red line indicates the maximum allowable imprisonment as per the Act. The blue line indicates the annual mean.



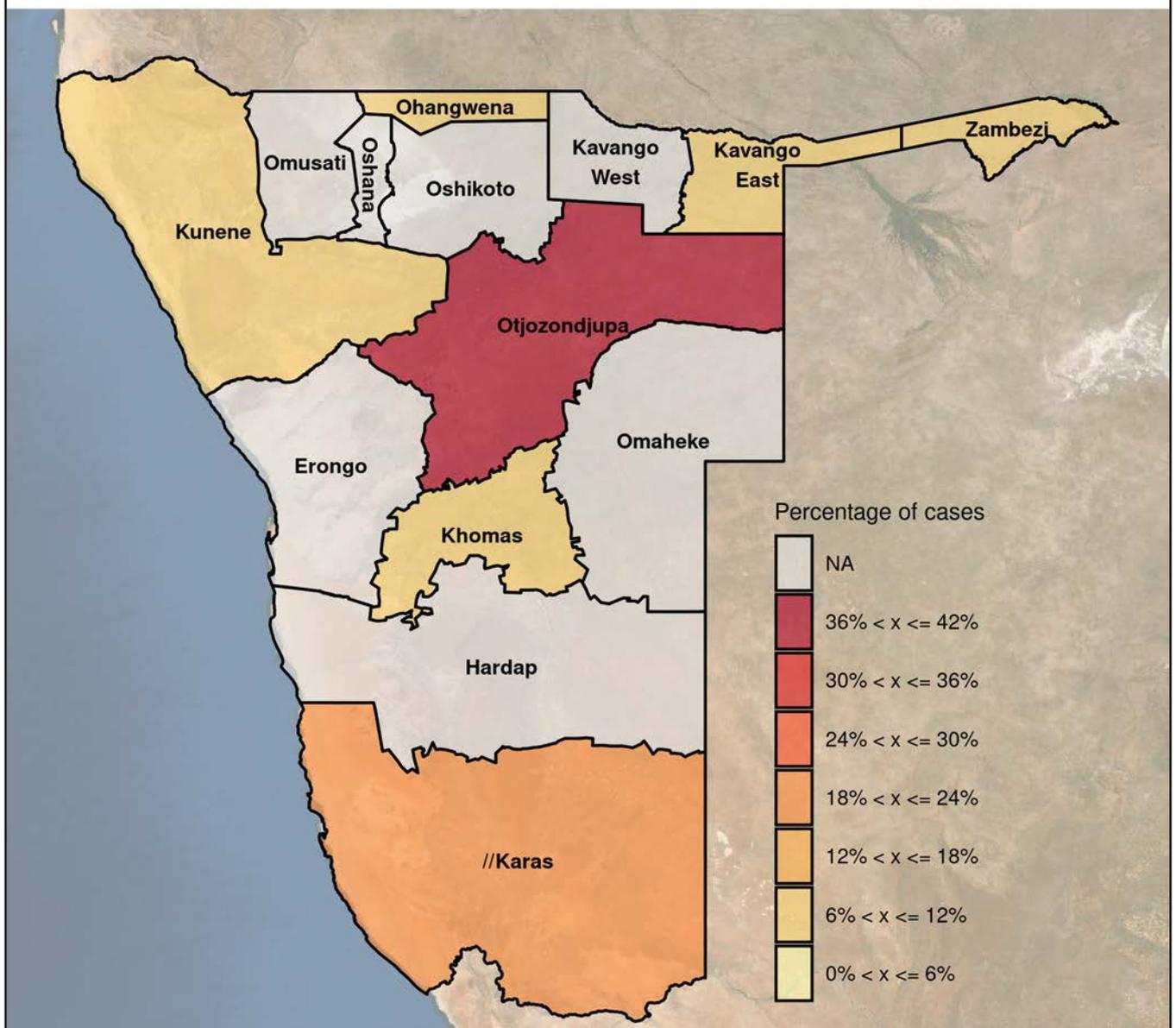
12. PLANT POACHING AND TRAFFICKING TRENDS 2015–2022

12.1 REGIONAL DISTRIBUTION of REGISTERED CASES related to PLANTS during 2022:

Regional distribution of plant cases

- Plant cases can currently be divided into three categories:
 - timber (occurring mostly in the far northeast of Namibia, especially in the Kavango, northeastern Otjozondjupa and Zambezi region)
 - live plants (mostly rare and endemic succulents, occurring mostly in the arid west and south of the country)
 - devil's claw (used for medicinal purposes, occurring in sandy soils across much of Namibia except for the arid west)
- The map indicates registered cases of plant crimes, which may consist of illegal harvesting of plants, trafficking of plant products, illegal possession of plant products or other offences related to plants; the map does not reflect plant distribution, nor necessarily where crimes occurred.
- The Otjozondjupa Region appears to be a hotspot for plant trafficking in Namibia, but the small number of currently registered cases is likely to skew the representation.
- The data includes only cases related to live plants; cases related to timber are currently not fully captured in the database.

Regional distribution of wildlife crime cases registered in 2022
(only cases related to plant poaching/trafficking)



Namibia is home to a diversity of succulents, many of which are endemic; due to their interesting growth forms and appearances, they have become very popular amongst plant collectors and are being illegally harvested and trafficked by criminals to supply the demand.



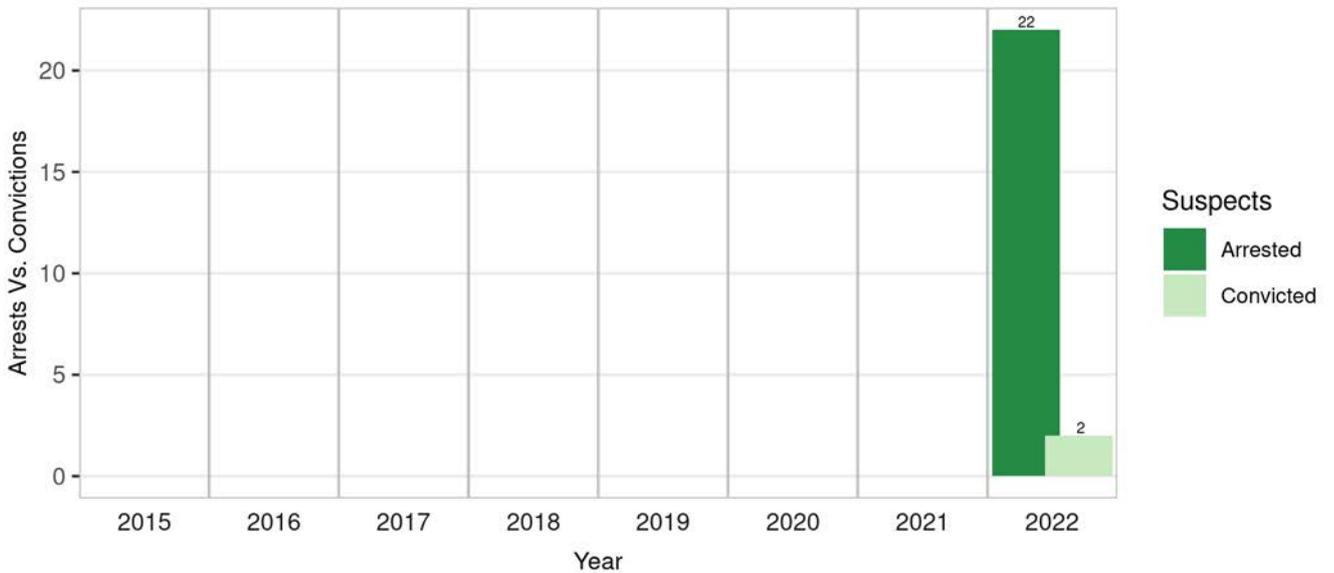
Arrests, convictions and seizures related to plants

- **Annual arrests vs. current conviction status** (as at 15 May 2023) indicates that arrests have only been recorded since 2022, and only two convictions had been achieved by 15 May 2023.
- The data includes only arrests related to live plants; arrests related to timber are currently not fully captured in the database.
- **Seizures of plant products** have been significant, considering that these are related to 22 arrests; clearly, plant products are being illicitly harvested and trafficked in large volumes, which can have a rapid impact on plant populations, especially those of rare species with a localised distribution.

12.2 ARRESTS versus CONVICTIONS (plants) [current status on 15 May 2023]

Annual arrests vs. their current conviction status (plant poaching/trading)

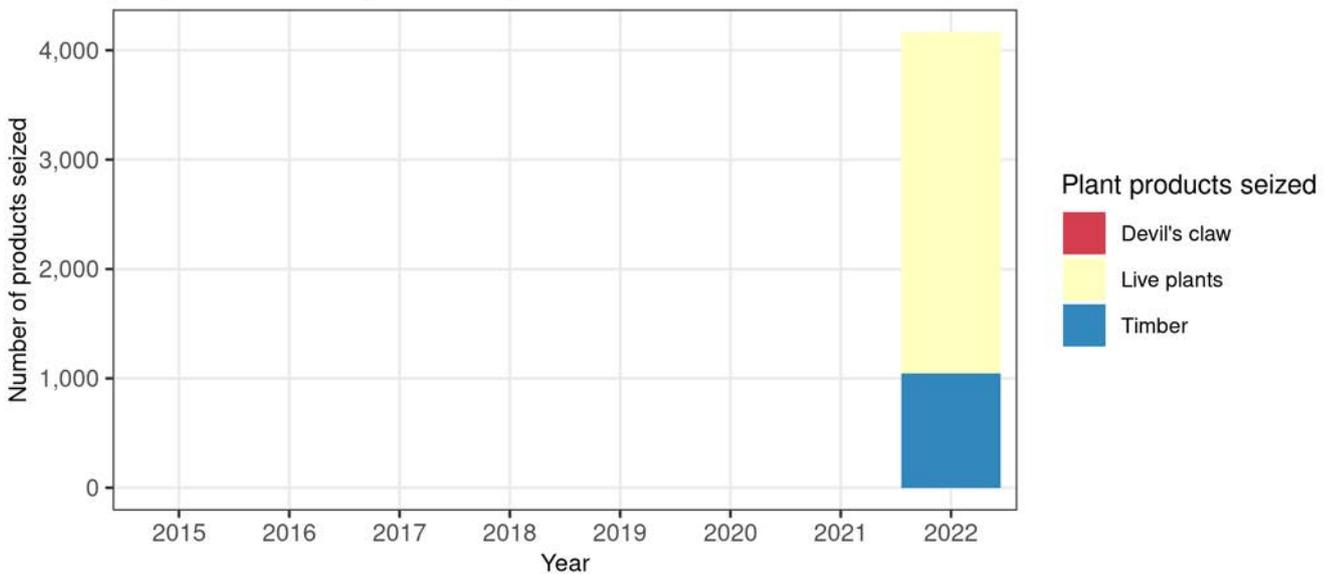
The bars "Convicted" indicate the number of suspects who were arrested in the respective year and have been convicted by now.



12.3 SEIZURES (plants)

Plant products seized per category per year

(Bar position indicates the year of seizure)



B13. Status update – plant protection in Namibia

High-value-wildlife protection and related law enforcement have received considerable attention in Namibia in recent years, yet plant protection is also becoming an urgent priority. Plants provide the broad primary production layer for healthy environments, but their vital function is often overlooked. Extreme exploitation of timber resources, which peaked in 2018, led to a moratorium on timber harvesting that remains in place (the timber sector is discussed in more detail on page 72). Proactive investigations, motivated by dramatic warning signs from neighbouring South Africa, uncovered extensive illicit harvesting and trafficking of live plants in Namibia during 2022, resulting in a number of arrests and the seizure of significant volumes of live plants. Arrests and seizures remain low compared to South Africa, but are nonetheless cause for grave concern and require immediate countermeasures.

Namibia is home to a diversity of rare and endemic succulent plants (plants with thick, fleshy leaves or stems for storing water). Two key centres of plant endemism are found in Namibia, one in the northwest (extending into southern Angola) and one in the southwest (extending into northern South Africa), which are likely to be increasingly threatened by transboundary crime, especially via South Africa. Numerous rare and endemic species occur in more localised settings across other parts of the country. Succulents are often small, with unusual growth forms and unique features, which makes them extremely popular as ornamental plants in homes and gardens. Worldwide demand for ornamental plants has exploded in recent years, driven in part by the internet, which enables easy connectivity to markets across the globe while incurring a low risk of being apprehended.

In the past three years, the volume of plant material seized in South Africa increased by more than 250 per cent and it is believed that some rare species have been poached to extinction¹ in that country. Instances of plants being actively harvested in southern Namibia by criminals entering from South Africa have been recorded, with some arrests having been achieved and large numbers of plants seized. It is feared that in the vast spaces of southern Namibia, extensive plant poaching may be going unnoticed.

The main genera currently known to be targeted include *Adenia*, *Conophytum*, *Lithops*, *Cyphostemma*, *Pachypodium* and *Commiphora*². Most of these genera include species or subspecies endemic to Namibia. Many have a very localised distribution and are extremely slow-growing, which makes them susceptible to rapid extinction in the wild.

Smuggling of *Cyphostema* and *Adenia* specimens via air freight from Windhoek to Hong Kong with falsified permits has been uncovered, with one consignment intercepted in Johannesburg. South African authorities worked with Namibian counterparts to return the material and initiate joint investigations. Confiscated plants are being replanted in the wild, but survival rates are currently unknown.

A challenge for countermeasures is that some of the targeted species are being legally propagated in plant nurseries and offered for sale, making it difficult to distinguish between legally cultivated and illegally harvested wild specimens. The targeted plants have a protected status in Namibia, yet few are listed by CITES³. While Namibia has clear permit requirements for propagating, harvesting, transporting and exporting protected plants, including phytosanitary certificates (indicating that plants are pest and disease free), limited legally binding controls exist in transit or destination countries once plants have left Namibia.

Other non-timber forest products present additional law-enforcement challenges: Devil's claw has valuable medicinal properties and is legally harvested in Namibia, yet illegal harvests from Angola, Zambia and Namibia are being channelled into legal harvests. A number of illegal harvests have been seized in the past.

Unfortunately, within Namibia's vast landscapes the protection of all plant resources is challenging. Rare and localised endemics are particularly difficult to protect.



During 2022, significant volumes of succulents were seized, including a large consignment of Adenia pechuelii

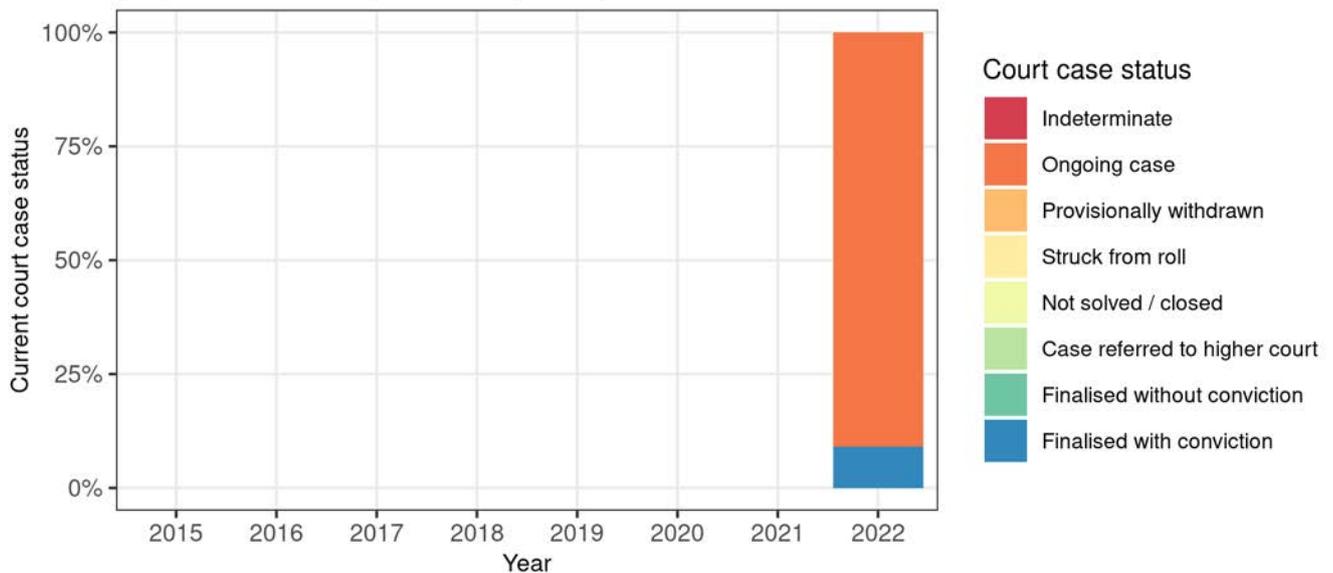


Current case and suspect status in plant cases

- **Current case status** (as at 15 May 2023) shows that the first plant cases were only registered in 2022, of which 9% had been finalised by 15 May 2023.
- The data includes only cases related to live plants; cases related to timber are currently not fully captured in the database; indeterminate indicates a current status that has not yet been defined in the database.
- **Current legal status of suspects** (as at 15 May 2023) shows most suspects are currently in custody awaiting trial, while 9% had been convicted by 15 May 2023.
- The data includes only cases related to live plants; cases related to timber are currently not fully captured in the database.

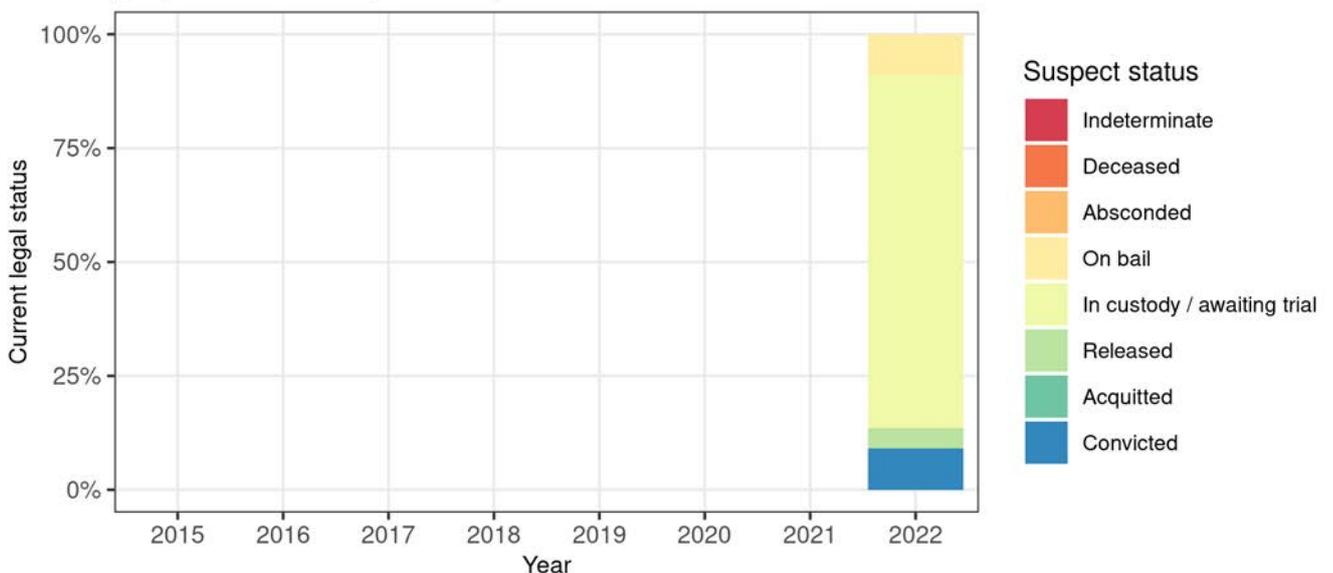
12.4 CURRENT CASE STATUS (plants) [current status on 15 May 2023]

Current court case status as percentage of cases registered per year (plant poaching/trading cases)
(Bar position indicates the year of case registration)



12.5 CURRENT LEGAL STATUS of SUSPECTS (plants) [current status on 15 May 2023]

Current legal status of suspects arrested per year in line with plant poaching/trading
(Bar position indicates the year of arrest)



B14. The challenge of countering illegal timber harvesting and trafficking

As a dry country, Namibia has surprisingly valuable timber resources, but these have historically been overlooked, neglected and abused. The first significant timber harvesting apparently started in the 1920s¹, with larger volumes of more systematically recorded harvests taking place between 1960 and the early '70s. A significant harvest was recorded in 1990, after which almost no records appear before 2010, whereafter regular harvests were again recorded, including an extreme spike in 2018 – although no comprehensive data is available². It is estimated that between 1990 and 2005, Namibia lost around two million hectares of forest cover³. The extreme exploitation witnessed in 2018 led to a ban on harvesting timber that remains in place, as well as a temporary ban on transporting timber within the country, which has been lifted.

The most commercially valuable timber in Namibia occurs in the Kalahari Sands Woodland vegetation type, with kiaat, Zambezi teak and ushivi (false mopane, also known under the trade name rosewood) the most valuable species⁴. Species important for local construction and other community uses include silver cluster-leaf, mopane, manketti, burkea and tamboti. Commercial charcoal production has become a substantial export industry, which ideally targets bush-encroachment species such as blackthorn, but has numerous records of large, sometimes centuries-old camel-thorn and mopane trees being exploited. Firewood demand, both subsistence and commercial (tourism industry, urban centres and export), has increased dramatically and poses a threat to slow-growing species, including camel thorn and mopane.

The most significant timber resources in Namibia are found in the communal areas of the northeast, where traditional uses remain very important. A number of incomplete forest resource inventories were undertaken since 1997, but no comprehensive forest monitoring is taking place and sustainable harvest rates have not been determined for Namibian forests⁵. Forest legislation and regulations have been inadequate and poorly enforced, although the establishment of community forests has been an important development to empower rural communities to benefit from forest resources.

In addition to illegal exploitation of timber in the country, Namibia has been identified as a major conduit for both legal and illegal timber consignments from Zambia, Democratic Republic of Congo and Angola to China via Walvis Bay⁶ (Walvis Bay is preferred due to effective management/clearing facilities and the uncomplicated truck route from Katima Mulilo; east-coast port Durban is being upgraded, with routes passing through several international borders). China

imports increasing volumes of timber from Africa to meet its needs⁷, with rosewood in high demand. Substantial volumes of kiaat, Zambezi teak, ushivi and mukula from Angola, DRC and Zambia pass through Namibia. Almost all timber shipped out of Walvis Bay comes from neighbouring countries⁸, although there are indications of timber being harvested illegally in Namibia and then processed in neighbouring countries.

The MEFT, which since 2019 is again mandated with protecting and managing forest resources, is attempting to control local and international timber trafficking, yet persistent challenges include transport limitations and staff shortages (no forestry staff stationed at borders); ineffective permit systems (forged, expired and illegally issued permits); open transit trucks that allow en-route tampering; difficulties in quantifying timber volumes, identifying species and determining origins; legislative loopholes and limited knowledge of import-export procedures; and many tree species not listed by CITES⁹ (kiaat, the most-targeted species, is listed).

Many of these challenges are being tackled. A review of forestry legislation and regulations was undertaken in 2022 and represents the first step to improving plant laws. A range of capacity-building events have taken place at key sites. Namibia signed an MoU with the UNODC–WCO Container Control Program in 2021 and opened the country's first Port Control Unit. A state-of-the-art species identification laboratory is being developed with international assistance, verification of CITES permits for in-transit timber is in place, and collaboration between MEFT, NAMPOL, NamRA and Namport is ensuring coordinated interventions.



Seizures of freshly-cut illegal timber continue to be made despite a 2018 moratorium on harvesting; timber seizure, Zambezi Region, November 2022.



13. OTHER POACHING AND TRAFFICKING SECTORS EMERGING TRENDS 2022

13.1 ABALONE TRAFFICKING

The illegal abalone trade in South Africa has become infamous worldwide for its convergence of natural-resource trafficking with the drug trade, as well as ruthless cartel-style operations¹. Abalone (a type of molluscs) has a unique allure as one of the most expensive seafood types globally. Numerous abalone species occur in the world's oceans, with South African abalone (*Haliotis midae*), also known as perlemoen abalone, considered one of the best. This species is recognised by its large size and deep, radiating lamellae on its shell. Perlemoen abalone command up to twice the price of Chinese abalone on Asian markets (China is the leading producer of abalone worldwide)². High demand for perlemoen abalone has driven a burgeoning illicit trade in South Africa that has decimated

natural stocks. Legal abalone farming has been promoted to restock natural populations and re-establish a controlled legal trade. Legal abalone farming has also been established on a relatively small scale on the southern coast of Namibia (perlemoen abalone does not occur naturally in the cold Benguela Current). Meanwhile, South African cartels are increasingly trafficking abalone via neighbouring countries to evade detection. A large transboundary trafficking operation was discovered at Warmbad in southern Namibia in 2022, while large shipments have been intercepted at Hosea Kutako International Airport and other customs points in previous years. Namibia is working closely with counterparts in South Africa to counter the illicit trade.

13.2 CARNIVORES AND LION-BONE TRAFFICKING

Large African predators (lion, leopard, cheetah, spotted hyaena, brown hyaena) have created a unique dilemma in Namibia, and many other parts of the world: The animals are extremely popular tourist attractions, but because sightings in the wild are elusive, they are often kept in captivity to guarantee views 'up close and personal'. Concomitantly, large predators have become increasingly popular worldwide as 'pets' (there are, for example, more captive tigers in the USA than tigers left in the Asian wild¹). Trophy hunting and canned hunting (shooting captive animals for sport) of predators, and trade in their bones, further exacerbate the situation. Canned hunting of lions and the lion-bone trade in South Africa are a massive problem². Cases of lion (and other

predator) bone trafficking have been registered in Namibia, though these have been rare. Illegal keeping and breeding of predators is much more widespread, and illegal practices in the trophy-hunting industry appear to be increasing. Research in South Africa has shown that all of these illicit practices may overlap³, i.e. breeding of predators is used to supply the illicit trade in live animals, bones and other products, and canned-hunting targets. Important steps have been taken to counter these illicit activities in Namibia, and the legislation related to large predators has been revised. A number of cases have been opened against offenders, including well-known personalities. Ongoing vigilance will be required to continually and effectively counter current trends.

13.3 LIVE-REPTILE TRAFFICKING

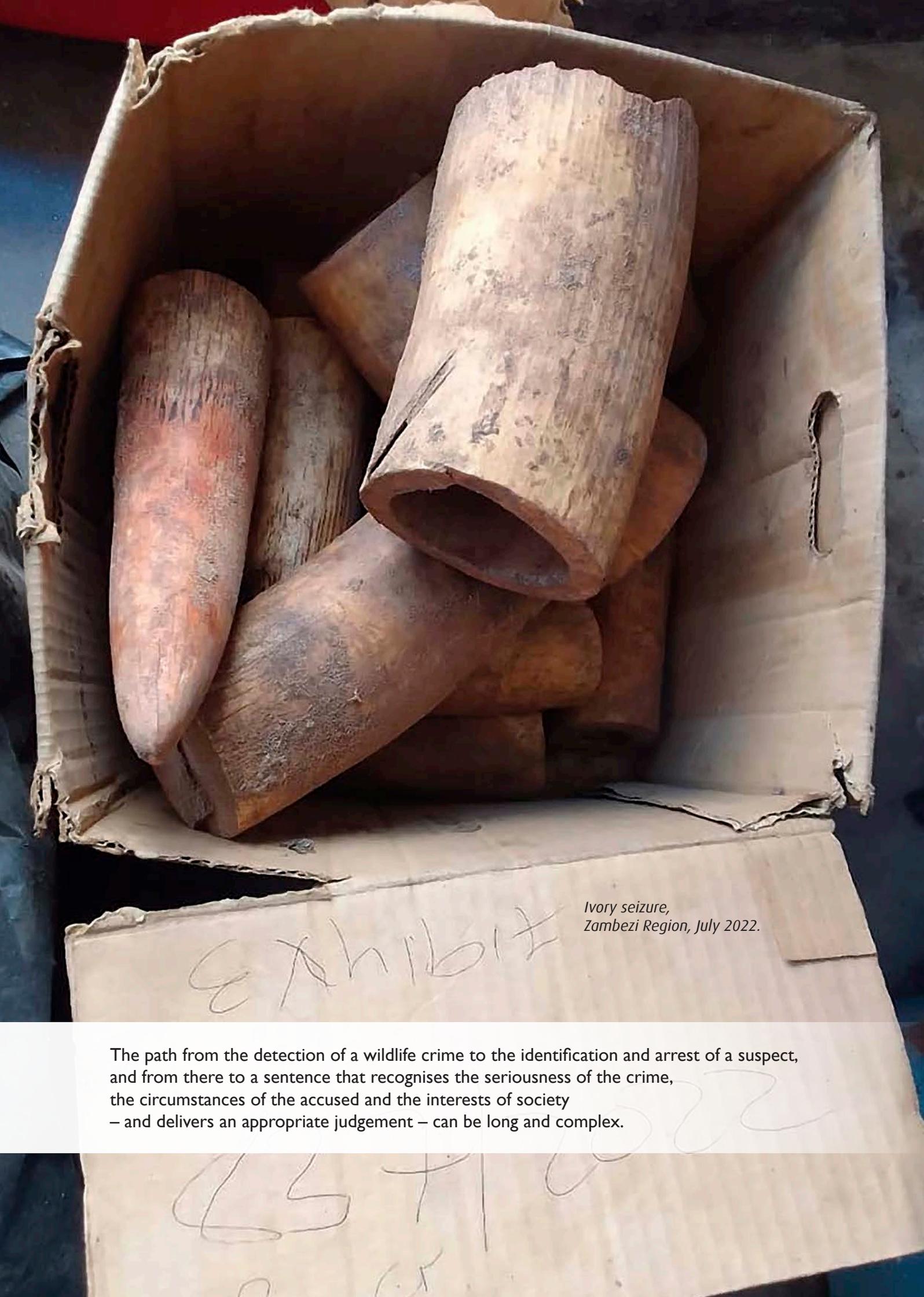
Namibia is home to a large diversity of reptiles such as geckos, chameleons, agamas, skinks, lacertids, girdled lizards, monitors, snakes, tortoises and crocodiles, with a total of over 250 species recorded. Perhaps surprisingly, Namibia is also home to around 60 species of amphibians¹ (mostly frogs and toads), a considerable number for a mostly dry country. This rich herpetofauna is an important component of the country's biodiversity, and an interesting facet of tourism attractions, particularly as many of the smaller species are endemic. Yet reptiles, and to a lesser degree amphibians, are a favourite target of the illicit trade in wild animals to supply a huge global demand for exotic pets. There are many indications that live reptiles are being trafficked out of Namibia², although few

cases have been registered. International research has found that over 35 per cent of all globally known reptile species are traded online, but only around 25 per cent are protected by law³. The international trade in live reptiles is massive, and complicated by the fact that legal keeping and breeding of various reptiles is taking place in many countries. This makes the illicit trade more difficult to control and places a broader burden on a group of animals already impacted by extensive trafficking of skins and other parts (e.g. skulls, teeth, claws). South Africa has recorded numerous cases of reptile trafficking in recent years⁴. It is probable that an illicit trade in live reptiles out of Namibia is also taking place. There is thus an urgent need to prioritise investigations in this sector.



*Abalone seizure,
||Karas Region, July 2022*

Namibia has become a conduit for abalone trafficking from South Africa to China; the existence of legal abalone farming in Namibia has been used as a front for forged documentation of seized abalone shipments.



*Ivory seizure,
Zambezi Region, July 2022.*

The path from the detection of a wildlife crime to the identification and arrest of a suspect, and from there to a sentence that recognises the seriousness of the crime, the circumstances of the accused and the interests of society – and delivers an appropriate judgement – can be long and complex.

A2. SPECIAL FOCUS: THE PATH FROM THE CRIME TO THE VERDICT

When a crime has been committed, identifying and charging a suspect with the offence is only the first step along the sometimes difficult path to achieving a rightful conviction for the perpetrator of that crime. Too often, an arrest is celebrated as a success, when in fact the arrest may be meaningless if it does not lead to a conviction with an appropriate sentence. Re-offending perpetrators who have been discharged or released on bail represent one of the major challenges of countering wildlife crime in Namibia.

SIX KEY STEPS IN PROSECUTING A WILDLIFE CRIME

To prosecute means to conduct legal proceedings against a criminal offender. This requires thorough investigations that secure sufficient incriminating evidence to enable state prosecutors to present a convincing case in court, which the court must deliberate and pass a verdict on. To be meaningful, the prosecution of a criminal offender must lead to a fair trial that results in an appropriate sentence and a timely conclusion of the case.

Typical legal proceedings start once a suspect for a criminal offence has been identified and end with a verdict delivered by a court. Waypoints between crime and verdict include:

1. Identifying an offence

- Criminal offences may be detected by:
 - anti-poaching units
 - surveillance systems
 - law-enforcement personnel
 - vigilant members of the public
- Late detection of offences inhibits investigations, e.g.
 - late detection of rhino carcasses leaves insufficient evidence to quickly identify suspects
- Offences detected by the public can be reported anonymously by sending an sms to 55 555

Early detection of wildlife offences is a vital aspect of wildlife protection.

2. Identifying the suspect(s)

- Suspects are identified based on available evidence
 - this may be physical evidence linked to the suspect, or circumstantial evidence implicating the suspect
- In some cases, the criminal intent of suspects is detected before a crime is committed e.g. conspiring to poach rhino; this is treated with the same seriousness as actually committing the crime

The rapid identification of suspects is paramount to successful investigations.

3. Gathering incriminating evidence

- Wildlife crimes may generate a variety of evidence:
 - the wildlife products being targeted
 - firearms & ammunition, other weapons or traps
 - digital evidence, e.g. CCTV footage
 - forensic evidence, e.g. DNA, ballistics
 - criminal linkages & proceeds of crime

- Evidence must clearly link the suspect(s) to the crime and show beyond reasonable doubt that they were responsible for it

Evidence must be gathered according to legal guidelines to be admissible in court.

4. Charging the suspect(s)

- Based on the available evidence and circumstances of a crime, applicable charges may include:
 - illegal killing or collecting of a protected species
 - possession of or dealing in illicit products
 - possession of illegal firearms
 - illegal entry
 - organised-crime offences or financial crimes

Correct charges related to the offence(s) must be applied to avoid charges being dismissed in court.

5. Judging the offence in court

- The court will hear arguments by the prosecution and the defence to judge the accused on:
 - seriousness of the crime
 - circumstances of the accused
 - interest of society

Understanding by the courts of the impacts of wildlife crime, but also its motivations (e.g. hunger, financial gain, organised crime) are vital for a balanced verdict.

6. Delivering the verdict

- The verdict of the court as 'guilty' or 'not guilty' seeks to deliver justice based on all available evidence
- Not all cases lead to a conviction; the accused may be acquitted or discharged for various reasons
- Not all cases lead to a court verdict, some cases may be withdrawn or closed for various reasons.

A verdict that delivers a conviction with an appropriate sentence is the ultimate aim in any case in which a clear criminal offence was committed.



A2.1 INVESTIGATIONS AND PROSECUTIONS

Criminal proceedings are complex and involve a substantial number of entities and factors that all influence the duration and outcome of a case. The large backlog of cases on the court roll and the drawn-out nature of trials are cited as key challenges in countering crime in Namibia. Yet the duration of a case, as well as its ultimate conclusion, depend on a large number of variables. To accuse prosecution or the courts of being inefficient is a simplification.

Namibia's struggle with an increasing backlog of wildlife cases on the court roll is firstly due to a substantial increase in cases over the past decade, while some systemic challenges within the judicial system also contribute. The many factors influencing the length of a trial include:

- **Criminal proceedings** – are subject to clear legal parameters to ensure that justice is served while the rights of the accused are protected; investigations and prosecutions must be carried out in accordance with clear regulations to be admissible in court, which may take time (e.g. chain of custody of evidence)
- **Investigator(s)** – are responsible for investigating criminal offences, gathering evidence, identifying suspect(s), laying charges, carrying out arrests where necessary, finalising the case docket, liaising with prosecutors and presenting required aspects of the case in court
- **Suspect(s)** – must be identified and charged with a criminal offence; may try to evade justice, obscure evidence or abscond; should be arrested where necessary, and denied bail in cases that justify this
- **Evidence** – must be secured according to legal guidelines; may be complex and rely on expert evaluation (e.g. ballistics, DNA, other forensics); can be time-consuming to gather and evaluate
- **Witness(es)** – are able to provide evidence or insights into a case; must be transported to court; may need an interpreter or be unavailable on day of trial, which may cause delays
- **Case complexity** – varies from case to case; may involve a number of offences and a number of suspects; multiple suspects in one case can substantially increase the length of a trial
- **Prosecutor(s)** – are responsible for deciding whether to prosecute or withdraw a case (PG decision); may guide investigators in gathering evidence and laying appropriate charges; conduct the case against the accused in a criminal court; provide arguments for a verdict and appropriate sentence
- **Defence lawyer(s)** – are appointed by the accused (or the state in case of legal-aid representation) to represent the interests of the accused in court; may use delay tactics that are to their clients advantage
- **The court(s)** – provide the framework for trial, including the venue, presiding judge or magistrate, clerk of the court, translators; may be overloaded with cases from various criminal sectors; unavailability of any aspect may cause delays
- **Judges or magistrate(s)** – are responsible for hearing all arguments in the case in court, weighing evidence against the accused and delivering a verdict and related sentence
- **The public** – may have a keen interest in a case, can show support for the accused or the prosecution; can act as witnesses or provide evidence in a case.

Criminal proceedings alter the course of a suspect's life; in most wildlife cases, the accused has chosen a path of criminality, yet the verdict must be justified and the sentence appropriate.



A2.2 ACHIEVING A JUST VERDICT AND AN APPROPRIATE SENTENCE

The conservation-conscious public often demands extreme punishment for wildlife-crime perpetrators. Yet crimes are committed with varying motivations that depend on the circumstances of the accused and many other factors. Wildlife cases may differ significantly in their seriousness and complexity. The interests of an urban, conservation-conscious society may be far removed from the realities of rural communities surviving on subsistence agriculture. What is a just verdict and an appropriate sentence?

High rates of organised wildlife crime have forced government to revise wildlife legislation and increase maximum penalties for offences in an attempt to protect Namibia's natural resources against criminal exploitation. Yet offences against the country's wildlife legislation are multifaceted, ranging from subsistence poaching for food to highly organised criminal activity for personal gain.

Sentences are meant to achieve three basic objectives:

1. Punishing the perpetrator
2. Protecting society
3. Deterring and reducing crime

Within these parameters, there are five fundamental purposes of legal punishment:

1. Deterrence (specific – discouraging a perpetrator from repeating a crime; general – discouraging others from committing a similar crime)
2. Incapacitation (actively preventing a perpetrator from repeating the crime, particularly through a custodial sentence)
3. Rehabilitation (encouraging a perpetrator to change their criminal behaviour)
4. Retribution (serving an official punishment to discourage society from avenging a crime, and providing justice to victims)
5. Restitution (reparation by perpetrators to those affected by the crime)

Sentences should seek to address these objectives and purposes as applicable to the particular crime and perpetrator. The final aim of sentences is to serve justice and administer the law in the best interest of society. Namibian law prescribes maximum penalties for each offence. Stipulated penalties serve as guidelines and maximum values. The final decision regarding the details of

a sentence and its associated penalties is at the discretion of the presiding trial court. Sentences are determined on a case by case basis, following the sentencing principles known as the 'triad of Zim' consisting of:

- Seriousness of the crime
- Interests of society
- Circumstances of the accused

These principles may vary significantly from case to case, for example between a subsistence meat-poaching case and rhino poaching by organised criminals.

Courts of appeal serve as a system of control over the discretion of the trial court, enabling an imposed sentence to be overturned if the sentence is deemed inappropriate¹.

The judiciary is regularly confronted with unique cases. Here, case law (also known as common law) plays a vital role in establishing a precedent that can be used as a guide for similar cases in the future. Case law is based on the principle that similar cases should receive similar treatment. A ruling handed down in a previous case can be used as the basis for motivating a comparable ruling in a current case. This can form an important part of effective prosecutions. Importantly, only rulings of the High Court or Supreme Court may be used as common law. Most wildlife-crime cases are heard at Lower Court level in magistrates' courts, and the rulings of these courts may not be applied as common law. If however, a case is raised to High Court or Supreme Court level through an appeal, the final ruling of these courts can be used as common law. A number of wildlife cases, in which appeals against sentences were dismissed and the sentences were upheld by the High Court, have become an important part of common law, which can be referred to in future prosecutions.

When law enforcement does not differentiate between cases in terms of their seriousness, the interests of society or the circumstances of the accused, this can undermine the ultimate goal – which is to protect biodiversity. "... focus on [the 'war on poaching'] has led to overly militarized and tactical responses that have missed the real threats and challenges of wildlife crime and have broken down trust and the legitimacy of conservation efforts."²

Alastair Nelson, Convergence of Wildlife Crime and Other Forms of Transnational Organized Crime in Eastern and Southern Africa.



A3. UNDERSTANDING AND USING WILDLIFE CRIME DATA

For many decades, the Namibian environmental sector has fostered a culture of monitoring, data gathering and data interpretation, which ultimately enables informed and adaptive management. In keeping with these aims, wildlife crime data has been gathered by various agencies for many years, although in the past the information was not consistently aggregated as one national dataset.

The unprecedented surge in targeted, well-organised wildlife crime over the past decade motivated a variety of urgent countermeasures. This included initiatives to ensure comprehensive, coordinated data gathering and analysis. The idea of one national Integrated Database of Wildlife Crime in Namibia was first conceived in 2018. Its focussed development began in 2019 and first outputs were achieved during that year. By the beginning of 2020, consistent outputs were being generated.

A focussed effort was made to aggregate and enter disparate historical datasets, reaching as far back as 2009, into the integrated database. While it is recognised that there are some data gaps in some of the early data, particularly regarding cases of meat poaching, the gaps are considered inconsequential.

Data is now collected from all regions of Namibia via the regional police stations, regional prosecutor offices and regional MEFT offices. In some instances, it may take time to collect and enter all regional data. This may lead to minor data discrepancies between weekly, monthly and annual reports. The data of annual reports always supersedes that of other periodical reports.

All the separately collected data from the Ministry of Environment, Forestry and Tourism (wildlife data), the Namibian Police Force (law-enforcement data) and the Office of the Prosecutor General (prosecution data) is aggregated and entered into the integrated database. All data is carefully verified to avoid duplication. A wide range of comprehensive, streamlined data is now available for various applications. The primary aim of the database is to enable detailed analyses of various aspects of wildlife-crime dynamics in Namibia.

The database provides superb analytical capabilities, such as identifying links between known suspects/perpetrators, firearms, crime scenes and wildlife carcasses; identifying the most-targeted species and areas of crime prevalence; and evaluating the nationalities of perpetrators. Trends over time can be analysed in any category, and data can be mapped geographically to identify hotspots and gaps. All of this

enables investigators to work strategically, based on reliable information.

The compiled data includes:

- registered wildlife-crime cases
- wildlife mortalities caused by poaching
- seized wildlife products
- seized firearms
- seized vehicles
- arrests
 - nationality of suspects
 - relevant charges
 - targeted species
- areas of crime prevalence
- status and outcome of registered court cases
- legal status of suspects

The complexity of wildlife crime webs, connected via a myriad of local, national and international cohorts, requires detailed, in-depth investigations. These cannot be based on hunches or conjecture, but instead require systematic analyses of all available information. The database enables some of these analyses. It also helps investigators to focus their attention on priority areas, cases and suspects, and thus enables optimal use of limited resources.

The database can generate automated reports for different target audiences 'at the push of a button'. Internal reports are issued to law-enforcement agencies and relevant stakeholders to assist in the strategic allotment of funding, personnel and other resources.

The database has also enabled the MEFT and NAMPOL to issue detailed weekly wildlife-crime reports to the media, which have formed the basis of media reporting on wildlife crime since 2019. With this, government is demonstrating its commitment to transparency and accountability.

The Integrated Database of Wildlife Crime in Namibia is today the official national database for all data related to wildlife crime. Development of the database is ongoing. New features are added as new information and new technologies become available.

A4. IMPORTANT NOTES ON INTERPRETING NAMIBIAN WILDLIFE CRIME DATA

Please read these notes carefully to avoid misinterpretation of information:

1. Wildlife crime statistics are compiled on a weekly, monthly, quarterly and annual basis.
2. Statistics released of any particular period are not exhaustive. Case reports from regions may be received after the closure of that reporting period. These are added retroactively, which influences overall statistics.
3. Retroactive reporting will be reflected in compounded statistics (monthly, quarterly, annual). There may thus be slight discrepancies between weekly, monthly, quarterly and annual reports.
4. Some duplication of data may occur between regional and national reporting. This is identified during final data entry and may lead to a reduction in some totals in some instances.
5. The latest reporting period will always have the most up-to-date information. Always refer to the latest report available. If a discrepancy raises questions, please enquire about it.
6. Unless specifically noted otherwise, elephant and rhino poaching data is based on estimated date of death of the animal, not date of discovery of the carcass. Statistics of carcasses generally present a number of problems:
 - carcasses may be discovered a long time after the death of the animal (sometimes years);
 - the date of death of the animal may be difficult or impossible to determine;
 - some carcasses may never be discovered.Presenting statistics of carcasses based on estimated date of death is problematic, as statistics need to be adjusted retroactively when carcasses that are estimated to be quite old are discovered. This means that figures presented in this report may differ from figures previously published by the MEFT.
7. Many wildlife crime cases involve complex investigations, often over longer periods of time, which may or may not lead to the arrest of suspects.
8. Suspects can only be charged with an offence if there is clear, prima facie evidence against them, which can be used in a court of law.
9. Suspects are regularly arrested in possession of contraband, including illegal wildlife products and illegal firearms. These are often linked to previously reported poaching incidents, or in some cases to incidents that were previously unknown, but are uncovered through the arrest. All illegal items, and any other objects of relevance, are seized and used as evidence in court cases.
10. When suspects are found in possession of any contraband, such as illegal wildlife products, firearms or ammunition, the vehicles in which they transported those items may be seized as instrumentality in the commission of the alleged offence.
11. Follow-up investigations may lead to the additional seizure of firearms used in particular poaching cases, or other illegal firearms kept by the suspects.
12. The origin of seized wildlife products can not always be determined; animals may have been poached in Namibia or in neighbouring countries. This is of particular relevance in the Kavango and Zambezi regions of Namibia.
13. Illegal wildlife products are regularly smuggled into Namibia from neighbouring countries, either for attempted sale in Namibia, or in transit to other destinations.
14. After an initial arrest, investigations in many cases continue for longer periods of time (sometimes several years) and may lead to further arrests or seizures of contraband.
15. Court cases, like investigations, may be drawn out over several years. Direct links between arrest and conviction statistics for any one year should thus not be made (unless a link is specifically noted as part of a statistic).
16. Information on active cases is often extremely sensitive and can not be released to the public, as this would jeopardise investigations. All information that can be released will be made readily available to the public on request.



A5. LIST OF CURRENT PARTNERS

Namibian Partnerships against Environmental Crime (N–PaEC) is a broad coalition between government agencies, NGOs, private sector, local communities, international funding agencies and the general public. Disregard for all laws gives criminals an edge, as conservation and law enforcement agencies need to adhere to rules and regulations. By working together and creating strong partnerships across a broad range of institutions and individuals, N–PaEC can significantly reduce the criminal edge.

Through N–PaEC, the ministries of Environment, Forestry and Tourism and Home Affairs, Immigration, Safety and Security seek to engage all concerned stakeholders in the fight against wildlife crime. The below list is not exclusive and should be continually expanded to strengthen Namibia’s conservation and law enforcement efforts.

Government

Anti-Corruption Commission
Ministry of Agriculture, Water & Land Reform
Ministry of Defence
 Namibian Defence Force
Ministry of Environment, Forestry & Tourism
 Directorate of Wildlife & National Parks
 Wildlife Protection Services Division
 Intelligence & Investigation Unit
 Game Products Trust Fund
Ministry of Finance
 Financial Intelligence Centre
 Namibia Revenue Agency
 Directorate of Customs & Excise
Ministry of Home Affairs, Immigration, Safety & Security
 Namibian Police Force
 Directorate of Criminal Investigations
 Protected Resources Division
 Protected Resources Subdivisions
 Stock Theft Subdivisions
 Criminal Investigation Units
Ministry of Justice
 Office of the Attorney-General
 Office of the Prosecutor General
 Environmental Crimes Unit
 Money-Laundering Unit
 Asset Forfeiture Unit

Non-government organisations

Integrated Rural Development & Nature Conservation
Intelligence Support Against Poaching
Legal Assistance Centre
Namibia Animal Rehabilitation, Research & Education Centre
Namibia Nature Foundation
Pangolin Conservation and Research Foundation
Rooikat Trust
Save the Rhino Trust
WWF In Namibia

NGO umbrella organisations

Namibian Association of CBNRM Support Organisations
Namibian Chamber of Environment

International NGOs and funding agencies

Bureau of International Narcotics & Law Enforcement
 Affairs, USA
Global Environment Facility
Kreditanstalt für Wiederaufbau
TRAFFIC
United States Agency for International Development
United States Department of Agriculture - Forest Service
Wildcat Foundation
WWF

Local communities

Communal conservancies
 Communal farmers
Freehold conservancies
 Freehold farmers
Black-rhino custodians
White-rhino owners

Private industry

General business community
Mining industry
Tourism & conservation-hunting industries

The government welcomes all constructive stakeholder engagement. Support from Namibian companies and individuals is overwhelmingly positive and extremely wide-ranging. While it is impossible to mention all contributions here, each contribution is gratefully acknowledged.

ACC	Anti-Corruption Commission	PCRF	Pangolin Conservation and Research Foundation
AG	Attorney-General	PG	Prosecutor General
APU	Anti-poaching unit	PG–ECU	Prosecutor General's Environmental Crimes Unit
BRTT	Blue Rhino Task Team	PRD	Protected Resources Division, NAMPOL
CCPCJ	Commission on Crime Prevention and Criminal Justice	SADC	Southern African Development Community
CITES	Convention on International Trade in Endangered Species of Wild Fauna and Flora	SRT	Save the Rhino Trust
CR	Crime Register	UNODC	United Nations Office on Drugs and Crime
ECU	Environmental Crimes Unit (Office of the PG)	USAID	United States Agency for International Development
ESAAMLG	Eastern and Southern Africa Anti-Money Laundering Group	WCO	World Customs Organisation
FIC	Financial Intelligence Centre	WPSD	Wildlife Protection Services Division, MEFT
GEF	Global Environment Facility		
GPTF	Game Products Trust Fund, MEFT		
ICWC	International Consortium on Combating Wildlife Crime		
ID–WCN	Integrated Database of Wildlife Crime in Namibia		
IG	Inspector General (Namibian Police Force)		
IIU	Intelligence and Investigation Unit, MEFT		
INL	Bureau of International Narcotics and Law Enforcement Affairs, USA		
INTERPOL	International Criminal Police Organization		
IRDNC	Integrated Rural Development and Nature Conservation		
ISAP	Intelligence Support Against Poaching		
KAZA	Kavango–Zambezi Transfrontier Conservation Area		
KfW	Kreditanstalt für Wiederaufbau		
LAC	Legal Assistance Centre		
MAWLR	Ministry of Agriculture, Water and Land Reform		
MEFT	Ministry of Environment, Forestry and Tourism		
MEFT–IIU	MEFT Intelligence and Investigation Unit		
MHAISS	Ministry of Home Affairs, Immigration, Safety and Security		
MoD	Ministry of Defence		
MoF	Ministry of Finance		
Moj	Ministry of Justice		
NAC	Namibia Airports Company		
NACSO	Namibian Association of CBNRM Support Organisations		
NAMPOL	Namibian Police Force		
Namport	Namibian Ports Authority		
NAPHA	Namibia Professional Hunting Association		
NARREC	Namibia Animal Rehabilitation, Research and Education Centre		
NCE	Namibian Chamber of Environment		
NDF	Namibian Defence Force		
NGO	Non-government organisation		
NNF	Namibia Nature Foundation		
N–PaEC	Namibian Partnerships against Environmental Crime		
OPG	Office of the Prosecutor General		
OOJ	Office of the Judiciary		



A7. NOTES AND REFERENCES

The information in this report is based on data compiled via the Integrated Database of Wildlife Crime in Namibia, as well as related first-hand information and observations by personnel from the BRIT, MEFT, NAMPOL and OPG. Additional sources of information as indicated by the references throughout the report are listed below.

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black-thorn – *Senegalia mellifera* subsp. *detinens*
camel-thorn – *Vachellia erioloba*
kiaat – *Pterocarpus angolensis*
manketti – *Schinziophyton rautanenii*
mopane – *Colophospermum mopane*
rosewood – non-specific trade name for numerous species
silver cluster-leaf – *Terminalia sericea*
tamboti – *Spirostachys africana*
ushivi – *Guibortia coleosperma*
burkea – *Burkea africana*
Zambezi teak – *Baikiaea plurijuga*
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