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## The perfect rhino crime

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**Oscar Nkala** investigates how corruption in Zimbabwe's justice system is helping wildlife traffickers get off scot free

Datavisualization: **Sean Ndlovu**

Zimbabwean police officer Sergeant Tawanda Kwaramba drove from Bulawayo to Victoria Falls on September 16 2019, on a mission to undermine the law he had sworn to uphold. In Victoria Falls he loaded seven Chinese nationals into a stolen car and drove more than 900km to Sango on the border with Mozambique.

From Sango border post, the Chinese nationals – Zeng Dengui, Peicon Jang, Liu Cheng, Yu Xian, Yong Zhiu, Cheng Zhiang and Qui Jinchang – were driven across south-central Mozambique to Maputo and the safety of a Chinese fishing boat that was due to sail them home.

The seven were fugitives from justice in Zimbabwe, having been arrested on December 21 2018 in Victoria Falls for illegal possession of more than 20kg of rhino. Each faced charges of contravening the Parks and Wildlife Act, specifically the illegal possession of prohibited wildlife products, and money laundering.

From their first court appearance in December 2018, they were consistently denied bail as prosecutors argued that the magnitude of the crimes and the strong evidence against them raised the likelihood of conviction, which could motivate them to skip the country before the trial concluded.

That argument kept them in detention until April 2019, when they appealed to the Bulawayo High Court and were each granted bail of Z\$5,000 (about US\$13). It came with stringent conditions, including the surrender of their passports, staying at the address given in court, reporting thrice weekly to the Criminal Investigations Department (CID) and a prohibition of travel beyond 10km of Victoria Falls except when going for continuations of trial in Hwange.

Until September 2019 the suspects obeyed the bail conditions and reported as scheduled to the police station, where they quickly made friends.

Detectives believe it was through interactions with police officers that the seven accused linked up with Sergeant Kwaramba, who had just completed deployment on border patrol duties at Sango border post.

The seven allegedly paid Kwaramba an undisclosed amount in cash and gave him a stolen twin-cab vehicle for helping them to escape. Kwaramba was arrested on the Zimbabwean side of the border within minutes of dropping them on the Mozambican side. Police discovered that the vehicle was stolen in South Africa, smuggled into Zimbabwe and illegally registered days before the suspects escaped from Victoria Falls.

Within days of his arrest, Kwaramba appeared before the Chiredzi Magistrate's Court and was charged with defeating the course of justice (facilitating, aiding or abetting the escape of fugitives from justice), possession of a stolen motor vehicle and vehicle registration fraud.

He was denied bail and remained in custody until October, when bail was granted. Oxpeckers learnt that sometime between November 2019 and January 2020, Kwaramba's case was transferred from Chiredzi to the Beitbridge Magistrate's Court. In February 2020 he made his first appearance there and was acquitted of all three charges.



*Flight risk: Some of the seven Chinese nationals arrested with more than 20kg of rhino horns in Victoria Falls, December 2018. Photo supplied*

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## Chance to escape

“It was one of the most frustrating cases I have handled. One where you are confident you have enough evidence to secure a conviction, only for a court to decide to grant the criminals a chance to escape and collapse your case,” said a detective involved in the case who requested anonymity for fear of victimisation.

“I am not a lawyer, but I am sure that in granting [the seven Chinese suspects] bail the High Court erred. It offered the suspects a chance to escape, and they did.”

He said when the prosecution opposed bail for the seven suspects, they used examples of Chinese nationals who had escaped from Namibia while on bail for rhino horn-related crimes between 2008 and 2017. “We argued that they would do the same, even if it meant leaving their passports behind.

“The judges ruled us wrong. After all the good work by game rangers and police, the case was bungled by a court decision to grant bail to suspects who had clear motivations to escape possibly lengthy custodial sentences in Zimbabwe.”

The detective said at the time of the appeal, the police were busy corroborating intelligence reports that suggested the seven suspects were part of a large group operating from Chinese fishing boats moored off the coast of Mozambique. However, such intelligence information could not be submitted in court for “strategic” reasons.

“Under interrogation, one of the suspects said they came to Africa disguised as a tourist party but were in fact looking for rhino horn. Such parties come aboard fishing boats heading to Namibia and Mozambique. They work with boat crews who have extensive links to Chinese nationals in Africa to identify source areas. Everywhere they go, they establish paid contacts among corrupt immigration, security and law enforcement officials.”

Before arriving in Zimbabwe, the suspects had visited South Africa, Botswana and Namibia, he said. “All rhinos in Zimbabwe were accounted for at the time, so we believe the rhino horn they had was smuggled from one of our neighbouring countries,” he said.

“Fishing boats can stay in Mozambique for up to six months. Throughout that time, the poaching gangs will be mopping up ivory inland and delivering it to the trawlers. At the end of the tour, the trawlers steam back home carrying more ivory than fish.”

The group allegedly contacted the leader of a known Zambian poaching syndicate looking for elephant tusks, specifically from bulls in Botswana. In Victoria Falls they offered members of an anti-poaching unit money for lion, leopard and cheetah teeth, bones, hides and carcasses.

“We could not submit those details to court for fear of compromising the investigation,” the detective said. “Instead, we pleaded for the suspects to be kept in custody. The court demanded more evidence, which we could not reveal for strategic reasons. If the court had not granted them bail, they would be serving their prison terms by now,” the detective said.

A spokesperson at the National Administration of Conservation Areas (ANAC) in Mozambique said his team had been asked by the Zimbabwe authorities to check the number plate of the stolen vehicle used by Kwaramba.

“On our side it was all legal, but when we checked with Interpol we found it was a vehicle stolen in South Africa and it had been registered in the name of the ‘new owner’ 10 days after it was stolen,” he said.

He said ANAC only found out about the escape of the seven Chinese suspects after they had fled. “We alerted the Mozambican police and migration officials, but the seven were not intercepted,” he said.



*Political interference: A rhino poached on Chief's Island in the Okavango, Botswana, on March 9, 2020. Photo: Oscar Nkala*

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# Wildlife-crime prosecutions

The prosecution of wildlife crimes in Zimbabwe yields few convictions due to political interference with judicial processes to protect suspects, who sometimes include political elites, said Farai Maguwu, executive director of the Centre for Natural Resources Governance.

“When the rule of law has been eroded, as is the case in Zimbabwe, there is a deliberate abuse of the law to shield those with money or political links from prosecution. So the big criminals enjoy impunity and roam the streets while petty criminals who poach animals for the pot fill the jails,” he said.

“The involvement of political and security elites presents one of the biggest obstacles to the prosecution and conviction of wildlife crimes – including rhino poaching. They interfere with trials leading to case failure, even when police did a good job of gathering evidence.”

Maguwu said Zimbabwe has excellent wildlife protection laws that provide for a clearly defined minimum penalty of nine years in prison. However, the real challenges lie with implementation by a judiciary system widely seen as compromised by corruption and overt political control.

“Judges in Zimbabwe are political appointees. That compromises their independence as they can take political orders to tighten or loosen screws in criminal matters,” he said.

“The Chinese suspects who escaped from Victoria Falls is a case in point. One does not need to be a rocket scientist to see that bail was orchestrated by some powerful people to enable them to flee, knowing there was no way they would escape a custodial sentence.

“The same goes for the policeman who helped them. His trial was a sham, wholly manipulated and guided to fail right from the start.”

To improve delivery of convictions, Maguwu said Zimbabwe has to re-train police officers, game rangers, judges and prosecutors in interpreting and applying wildlife-crime legislation. The mandatory minimum nine-year jail sentence should apply to all wildlife-crime categories. Programmes to uproot corruption in law enforcement and the judiciary could also help boost wildlife-crime conviction rates, he said.

## Monitoring courtrooms

Speak Out For Animals, a Bulawayo-based non-governmental organisation, has been working in courtrooms across Zimbabwe to strengthen the prosecution of wildlife crimes. It has held several wildlife-law training workshops for police officers, game rangers, prosecutors and judges. The training is based on a reference guide designed by international elephant conservation organisation Space for Giants, simplified into a “Key points to prove” toolkit.

Ever Chinoda, director of Speak Out For Animals, said the organisation also deploys monitors in the courts and assists prosecutors to ensure correct charges are preferred, to write affidavits opposing bail, prepare witnesses for trial and check suspects for previous convictions and outstanding warrants of arrest. These interventions helped raise Zimbabwe’s wildlife crime prosecution rates from 24% in 2012 to 90% by 2016, but conviction rates remain low, Chinoda said.

“The problem with wildlife-crime trials in Zimbabwe is that we have investigators, but the investigations are poorly done, leading to poor outcomes in court,” he said.



“Another reason for low conviction rates is the lack of collaboration between law enforcement agencies and the judiciary. In order for there to be success, there has to be teamwork, but that is missing.

“To date we have trained about 100 prosecutors and 30 investigators, but that is not enough because Zimbabwe has 52 courts and 300 prosecutors. Some of them do not know what charges to prefer in wildlife crimes because there is no course at law school to educate them on wildlife crimes,” Chinoda said.



*Dumisani Moyo: Named 'the top rhino-poaching kingpin in Southern Africa', he is still evading justice. Photo supplied*

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# ‘Get out of jail free’

Zimbabwean-born Dumisani Moyo has been detained and released without charge several times in connection with a string of rhino poaching offences. Save the Rhino, an international charity organisation, has been tracking his trail.

In 2008 he was arrested in connection with a rhino poaching incident at a private game park in Kwekwe, for which he was released without charge. In 2011 he was arrested in connection with a rhino poaching case in Matobo National Park, but released without charge. Early in 2012, he was arrested in Bulawayo in connection with yet another rhino poaching incident in Matobo. He was again released without charge.

Save the Rhino said Moyo “was thought to have high-level protection in Zimbabwe, having evaded arrest at least twice through bribery”. It called for greater scrutiny of the Zimbabwean wildlife law enforcement process, noting that conservationists were “concerned by a series of deliberately bungled court cases that allowed hardened rhino poachers like Moyo to walk free”.

In Botswana in August 2012 Moyo was arrested in connection with illegal possession of a rhino horn. He was released on bail of 10,000 pula (about US\$920), skipped the country and returned to Zimbabwe – where he allegedly continued poaching rhinos in private conservancies in Beitbridge, Save Valley, Masvingo and the Midlands.

In December 2014 he escaped to Zambia after a gunfight that resulted in the arrest of a gang led by an officer of the Central Intelligence Organisation (CIO) for poaching rhinos at Sango Valley Conservancy.

The gang was bust on December 29 2014 in Sango, leading to the arrest of CIO officer Mudenge Munashe Mugwira and civilians Tavengwa Machona and

Jason Chisango. Two suspects who escaped arrest were named as Dumisani Moyo and Chris Kombayi.

Following his arrest, CIO officer Murwira appeared at the Masvingo Magistrate's Court to face four charges of rhino poaching, He was denied bail and remanded in custody. He appealed to the High Court, where he was granted Z\$100 bail and released on January 18 2016. His next court appearance was set for March 4 2016, but he did not appear and the courts have no record of any appearance by him after January 18 2016.

The only member of the Moyo-Murwira gang who was fully prosecuted was Tawonga Machina. He was given a 35-year jail sentence that was slashed down to an effective 20 years when he agreed to pay Sango Conservancy Z\$480 000 – the value of four rhinos then.

From Zambia Moyo is alleged to have masterminded poaching raids into Zimbabwe, Botswana and Namibia. In January 2017 the Zimbabwe Parks and Wildlife Management Authority (Zimparks) named Moyo “the top rhino-poaching kingpin in Southern Africa”.

In August 2017 he was arrested in Bulawayo and early in December that year he was extradited to Botswana. Moyo was again granted bail because police failed to deliver the rhino horn exhibit to court in time, and the case collapsed after an investigating officer failed to appear at court sessions.

Moyo was granted P1,000 bail on June 25 2018, on condition he provided two sureties who paid P500 each, surrendered his passport and report to the Criminal Investigations Department once a fortnight. He last appeared in court briefly on July 3 2018.

A Save the Rhino spokesperson said the bail granted to Moyo was a blow to the pursuit of justice against one of the most wanted kingpins of the illegal rhino horn trade in Southern Africa.

“With a string of previous offences for which he has never been held accountable, it is clear that Moyo has high-level connections giving him ‘get out of jail free’ cards. Each time he gets closer to being brought to trial, it has been announced that enforcement procedures have been incorrectly completed,” said the spokesperson.

The organisation called for political will to tackle corruption that supports illegal wildlife trade. Instead of concentrating on low-level poachers, prosecutions should target trafficking kingpins higher up the chain of command. Punishment should include jail sentences that serve as a deterrent and liability programmes like asset forfeiture to the value of the lost species, it said.

*This investigation by Oxpeckers associate Oscar Nkala was supported by [Wits Journalism](#) and the [African Investigative Journalism Conference](#)*

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