



<https://www.nationalgeographic.com/animals/2020/08/rhino-poaching-court-closed-south-africa.html>

© 1996-2015 National Geographic Society, © 2015- 2020 National Geographic Partners, LLC. All rights reserved

ANIMALS WILDLIFE WATCH

This 'rhino court' had 100 percent poacher convictions. Why was it closed?

Some conservationists and activists in South Africa are concerned that criminal syndicates are making it even more difficult to protect rhinos from poachers.

BY LAUREL NEME

PUBLISHED AUGUST 18, 2020

“Go now! The spoor is fresh!” Sandra Snelling, an operations manager for South African National Parks (SANParks), exclaimed, sending a squad of rangers on their next mission: tracking the poachers who had just killed a rhino in Kruger National Park.

It was October 2016, and I'd come to Skukuza, a SANparks post inside Kruger, to see how anti-poaching operations are carried out in the famed 7,500-square-mile preserve, where about 30 percent of the world's estimated remaining 18,000 wild rhinos live.

Urgent dispatches are no surprise to these rangers, members of a special operations unit. Kruger, which encompasses land in Mpumalanga and Limpopo provinces, has long been a key target of poachers who kill rhinos for their horns, says Johan Jooste, former head of special projects at SANParks, the agency that administers the country's preserves. The poachers are infiltrators from Mozambique, which abuts Kruger's eastern border, as well as impoverished local villagers who sell horns to criminal networks that smuggle them to Asian countries—mainly China and Vietnam—to be sold for use in traditional medicines or made into bracelets, carvings, and trinkets.

Kruger is home to two rhino species: about 500 black rhinos, which have a pointed lip for browsing on shrubs, and the more numerous white rhinos, with a squared lip for grazing on grass. Poachers have killed more than 8,200 rhinos in South Africa during the past decade; from 2012 to 2017, Kruger's white rhino numbers fell from 10,500 to about 5,100.

In recent years, it seems, the anti-poaching battleground has expanded, as criminal networks appear to be infiltrating South Africa's judicial and bureaucratic structures.

“It is difficult to convey the scale of the problem,” says Andrea Crosta, executive director of Earth League International, a Los Angeles-based nonprofit dedicated to fighting wildlife crime. Over the last four years, he has led an undercover investigation on rhino trafficking and poaching in South Africa. Crosta believes that “Poaching syndicates have [many South African] government officials in their pockets. They have every base covered. It creates a highly incompetent, corrupt, and dysfunctional landscape that these criminal networks then capitalize on—with the loser being the rhinos.”

Rhino horn syndicates are multilevel criminal networks, with poachers and couriers managed and paid by regional bosses who mastermind and direct operations, receiving the rhino horns and supplying them to national-level traders. Those traders have connections with buyers in Asia and oversee the shipment of horns out of Africa. Often, as detailed by Al Jazeera's [The Poacher's Pipeline](#) investigation, they have strategic contacts embedded in law enforcement and government bureaucracies, guaranteeing a degree of protection for their illicit dealings.

Experts point to the abrupt closure last year of South Africa's special "rhino court," in Skukuza, as a likely example of syndicate influence. Also suspicious is the sidelining of some of the most effective anti-poaching personnel, including specific rangers, investigators, and prosecutors. In addition, wildlife advocates also point to the failure of the South African Police Service to renew a contract for DNA testing of rhino horn evidence, among other government inactions.

Questions therefore arise among field personnel, investigators, prosecutors, lawyers and conservation organizations as to whether various individuals are making concerted efforts to undermine law enforcement and increase the chances for poaching suspects to walk free.

Confronting the crime syndicates that finance and organize rhino killings is key to combating the relentless onslaught, Jooste said in a 2016 [Global Initiative investigation](#) into transnational organized crime and rhino horn trafficking. Stopping poachers saves rhinos and buys time, he said, but winning won't happen in the bush. Rather, "victory will only occur in the courts."

That belief spurred the creation of Skukuza Regional Court in March 2017 to handle hearings and trials for rhino poachers and traffickers caught in and around Kruger.

During its first year, the court brought more than 90 poachers to justice—a 100 percent conviction rate, according to Ansie Venter, one of Skukuza's two senior prosecutors. Venter and her colleague, both of whom had backgrounds in organized crime cases and extensive knowledge of wildlife crime-related law, routinely secured prison sentences of 12 to 40 years. Nationwide, by contrast, fewer than 25 percent of similar convictions resulted in sentences longer than 10 years, according to South Africa's Department of Environment, Forestry and Fisheries 2019 [rhino poaching statistics](#).

Rhino killings also slowed. Poachers killed 662 rhinos in Kruger in 2016, according to Edna Molewa, then the [minister of environmental affairs](#). The following year, as Skukuza Regional Court ramped up, the number dropped to 504. Last year in Kruger, 328 rhinos were poached. Meanwhile, rhino killings in parks in other provinces, such as KwaZulu-Natal and North West, [increased](#), suggesting that poachers had begun to avoid Kruger.

"The higher the sentence, the bigger the deterrent," Venter told me in May 2018 when I visited her in her Skukuza courthouse office, a stark room lined with hundreds of case files.

A mysterious decision

Despite Skukuza Regional Court's rapid and dramatic success, on August 28, 2019, Naomi Engelbrecht, who administers regional and district courts in Mpumalanga province, ordered the court's entire roll of some 72 cases transferred to Mhala Regional Court, more than 50 miles away.

Engelbrecht's action took her boss, judge president of Mpumalanga province Francis Legodi, by surprise. Under normal circumstances, Legodi, who coordinates the lower courts and oversees judges in the province, should have been involved in the decision.

"Several of the important players that needed to be informed about this move were not aware of it," Chrispin Phiri, spokesperson for the Minister of Justice and Correctional Services, told Pippa Hudson, the host of a midday radio news and lifestyle [show](#) on September 20, 2019. "It's quite concerning for our side."

The closure of the court, Hudson said during her interview with Phiri, "raises suspicion in the public's eyes. Is there an underhanded motive here that someone maybe is being paid off by the poaching syndicates who don't like the fact that this court is as effective as it is?"

"Poachers would rather go where the chances of conviction are less and the sentences lower," Venter said. "They know that if convicted in [Skukuza court], they will serve many years behind bars."

Engelbrecht declined to comment to National Geographic.

Engelbrecht's shutdown of Skukuza Regional Court was so unusual that by September 20, the Department of Justice and Correctional Services had called for a temporary moratorium on the closure. Meanwhile, Legodi ordered her to reopen the court and move back its outstanding cases.

According to the Mpumalanga High Court, Engelbrecht "said she chose to ignore them" and made it clear that she regarded the directives as incompetent and thus null and void and so would not implement them.

Over the next few months, Legodi reiterated the orders, and Engelbrecht continued to flout them. And when prosecutors formally asked Mhala court to transfer the rhino cases back to Skukuza, Engelbrecht stepped in as magistrate to deny the request. That was a clear conflict of interest, according to the Mpumalanga High Court, which said Engelbrecht intervened "to make sure her own view was implemented."

To resolve the standoff, Mpumalanga High Court reviewed Engelbrecht's actions. She submitted a written affidavit noting that she'd closed the court largely because, in her view, it had never officially been announced and thus wasn't a legally valid venue to hold trials.

On February 24, when the high court's three-judge panel heard oral arguments, Engelbrecht wasn't present. Instead, Kgama Shai, a criminal defense attorney representing suspected poachers who would appear before the court, spoke on her behalf.

"Her being spoken for by Shai really led people to question her motives and integrity," says Elise Serfontein, founding director of StopRhinoPoaching.com, an independent South African nonprofit.

In a ruling on April 22, Mpumalanga High Court declared Engelbrecht's reasons for closing the court invalid and said she'd "acted improperly" in defying Legodi's orders and serving as magistrate to stop the re-transfer of cases back to Skukuza.

In their written ruling, the justices also noted concerns that Engelbrecht may have "stopped the regional court from sitting at Skukuza as a result of request by the [accused poachers'] attorneys."

"Her conduct had actual and potential harmful consequences," the high court concluded. "It is hard to see any good faith on her part."

As yet, no disciplinary action against Engelbrecht has been taken or intimated. Mahomed Dawood, secretary of the Magistrates Commission, a board that advises the justice ministry on hiring and firing of judges, says "the matter related to ... Engelbrecht is currently before the Ethics Committee."

Engelbrecht did not respond to several additional requests for comment in light of the high court's ruling.

Delaying justice

Closure of Skukuza Regional Court helps create "a laissez-faire atmosphere," says Susie Ellis, former executive director of and now senior advisor with the International Rhino Foundation. Without it, "poachers may believe that they can get away with wildlife crime more easily and thus become more emboldened."

Poachers tried in Skukuza Regional Court "know at end of day they are probably going to jail," senior prosecutor Venter said. "So they try to delay."

According to Venter, she and her prosecutor colleague typically finalized four to eight cases a month, whereas at Mhala court, only two of their rhino poaching-related cases were concluded between September 2019 and the end of February 2020.

"That slow justice sends a message to rangers that these crimes are not a priority," Ellis says.

It affects morale, Serfontein adds. "It's that element of absolute urgency for rangers that they're busy wearing away—that inner drive that makes a ranger follow the tracks, knowing it will likely end in a gunfight, instead of pretending he never saw them and going home."

What will happen next for Skukuza Regional Court is unclear. Although the high court ruled that Skukuza should reopen, it hasn't yet, and there's no official word on when it will. It's also unclear whether Englebrecht will face disciplinary action. She already lost in court once, and she has indicated plans to appeal, which could further delay the court's reopening.

"We are awaiting directives from either the judge president or Englebrecht," Venter says. "I look young rangers in the eye and think they've seen much too much. The only thank you we can get is a conviction and a good sentence."

Personnel sidelined

According to the Department of Environment, Forestry and Fisheries' statistics, during the first six months of 2019—when Skukuza Regional Court was still open—Kruger rangers made an arrest for nearly every rhino killed. But in the last half of the year, when it was closed, the rate declined to one arrest for every two to three rhinos killed.

When an alleged poacher appears in court, the ranger or rangers who made the arrest must be present. To appear at Mhala Regional Court at 9 a.m. when proceedings begin, Kruger's rangers have had to drive there, which can take several hours. They've then had to wait in court, often only to find out that their case was delayed or postponed, according to Venter.

Rangers' absences from Kruger give poachers openings, Serfontein says. "There will be three to five rangers twiddling their thumbs waiting in court. These are the effective rangers who are making arrests."

"Our guys are prepared and committed to the cause," says Isaac Phaala, the spokesperson for Kruger National Park. "They've always gone and given evidence. They're concentrating on getting justice and testifying on their true recollection of facts as they know them." But, he emphasizes, their obligation to travel to Mhala has been a "downside" that "leaves us vulnerable."

Moreover, at the end of an alleged poacher's hearing, the time and date of the next appearance is announced. This means that anyone present in the courtroom who might be implicated in rhino poaching has crucial information that could enable a future rhino attack in Kruger, when rangers again would be away from their posts.

Part of a pattern?

"The efficiency of the team—the efforts of the field rangers who make the dangerous arrests and the police who investigate the cases—is what brings the convictions," Venter said. If that team is compromised, more rhinos are killed. That's why the recent removal of two key individuals—one permanently, the other temporarily—is particularly troubling to Venter.

Leroy Bruwer feared for his life, but it never stopped him investigating cases or making arrests. Despite threats, the senior officer in the South African police force's Directorate for Priority Crime Investigations was a key witness in cases against poachers heard in Skukuza Regional Court. He was also the lead detective in high-profile cases against alleged poaching kingpins Joseph Nyalunga and Petrus Mabuza.

On March 17, Bruwer was shot and killed while driving to work. On June 19, according to the *Lowvelder*, a local newspaper, police arrested a suspect but provided few details except to say that "serious organised crime was involved."

Julian Rademeyer, director for East and Southern Africa for the Global Initiative Against Transnational Organised Crime, a network of global and regional experts headquartered in Geneva, says Bruwer's killing, which had the hallmarks of an organized hit, indicates a serious shift.

"When criminal networks feel nothing about targeting, ambushing, and killing a police officer, we have entered dangerous territory," Rademeyer says. "Who will be next—prosecutors, magistrates, judges?"

Don English, of SANparks, is in charge of ranger teams and coordinates responses to poaching incidents and incursions in the southern part of Kruger. Over the years, he's been lauded by Kruger managers, government officials, and NGOs for his efforts to curb rhino poaching. According to a *CityPress* news article, in September 2019, a Kruger ranger suspended on suspicion of poaching made allegations through his labor union that English had tortured him.

On October 11, SANParks suspended English while it undertook an investigation. Although the results are still pending, the agency reinstated English in mid-December, according to Phaala, who says that one strategy of criminal syndicates “is to try and come up with allegations.”

During English’s suspension, rhino killings increased, Serfontein says. “We heard from reliable sources that at least 50 rhinos were poached in the few weeks he was gone.”

“Anyone can make allegations,” she says. “Derailing efforts can literally be as simple as that. All poaching syndicates need to do is create havoc in the people’s lives who are effective and...eliminate them for as long as they can.”

Other suspicious circumstances

According to Earth League International’s Andrea Crosta, the ways some government administrators have carried out decisions—whether purposeful or not—gravely hinder attempts to bring poachers to justice.

For example, during the first year of Skukuza Regional Court, prosecutor Venter and her colleague attended both bail hearings and trials. They were able to do so because Skukuza District Court, where alleged poachers are charged and bail is first set, sat on different days than the regional court, where trials were conducted. As a result, Venter said, they succeeded in getting denial of bail “for every accused poacher.”

Then in mid-2018, Skukuza District Court changed its working days to overlap precisely with those of Skukuza Regional Court. “We couldn’t be in two places at once,” Venter said, throwing up her hands, “and because of that, many alleged poachers were freed on bail.”

While out on bail, suspects can keep killing rhinos or trafficking their horns. Alleged poaching syndicate leader Joseph Nyalunga was arrested in December 2011 and released on bail in March 2013. He was arrested again in September 2018—along with fellow alleged kingpin Petrus Mabuza, also out on bail for a June 2018 arrest—and charged with illegally buying and selling rhino horns and for money laundering.

“For kingpins like Mabuza and Nyalunga, poaching rhino is a very profitable business, and the only way to stop them is to jail them and destroy their networks,” Crosta says. “When out on bail, they can continue orchestrating the slaughtering of rhinos and the selling of the horns to Asian middlemen, and nobody dares to stop them.”

Both men again were granted bail, and their trials are pending.

Forensic evidence—rhino DNA—is often key to successful prosecutions. The South African Police Service has had an ongoing arrangement to provide evidence to the University of Pretoria’s Veterinary Genetics Laboratory for DNA analysis, which has been used in more than 120 cases, according to a study in *Current Biology*.

By matching the DNA from rhino carcasses to rhino horn seized from suspected poachers or smugglers, the lab helps prove connections between criminals and carcasses and recovered horns. Its work has contributed to both convictions and stringent sentences—such as the 28-year jail term handed down in 2017 to Simon Ngomane after DNA evidence linked him to two freshly cut horns and a slaughtered rhino in Kruger.

The police service allowed the laboratory’s contract to lapse in June 2019, and it hasn’t been renewed. “The tender hasn’t gone out to my knowledge, and no analysis has been done except in some very urgent cases,” says Cindy Harper, the lab’s director.

South African Police Services spokesperson Brigadier Vish Naidoo told National Geographic that he couldn’t comment to avoid “divulging critical information that has significant bearing on our investigation processes.”

Serfontein says that this non-renewal, along with the closure of Skukuza Regional Court and the sidelining of effective personnel, suggests a pattern of corruption that’s eroding law enforcement. Many competent people are being pushed out or simply giving

up and leaving, she says. “We have a handful of diehards doing their best, but they’re surrounded by indifference, incompetence, or complicity...with potentially catastrophic consequences for rhinos.”

“It’s so convenient, not filling the positions, not sorting out the lab tests, everything,” a former prosecutor, who asked not to be identified out of safety concerns, explained. “Whether that’s by fluke, or whether that’s orchestrated, or whether some of it is orchestrated, I can’t say. But I can’t think it’s not done on purpose. It’s always been in the back of my mind. And I’m not the only one.”

Wildlife Watch is an investigative reporting project between National Geographic Society and National Geographic Partners focusing on wildlife crime and exploitation. Read more [Wildlife Watch stories here](#), and learn more about National Geographic Society’s nonprofit mission at nationalgeographic.org. Send tips, feedback, and story ideas to NGP.WildlifeWatch@natgeo.com.

Laurel Neme is a contributor to National Geographic who writes about wildlife trafficking. She’s the author of several books, including *Animal Investigators: How the World’s First Wildlife Forensics Lab is Solving Crimes and Saving Endangered Species* and *The Elephant’s New Shoe*, coming in October 2020 from Scholastic.

THE BEST OF NATIONAL GEOGRAPHIC DELIVERED TO YOUR INBOX

Sign up for more inspiring photos, stories, and special offers from National Geographic.

Enter your email

By signing up for this email, you are agreeing to receive news, offers, and information from National Geographic Partners, LLC and our partners. Click here to visit our [Privacy Policy](#). Easy unsubscribe links are provided in every email.