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Rhino poaching conspiracy ruling boosts conservation efforts

BY GUY ROGERS - 08 OCTOBER 2022



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Image: 123RF/3Drenderings

Rhino conservation has received a major boost with the recent Gqeberha sentencing of a gang convicted of conspiring to poach rhino.

The September 22 sentencing of the Chitlongo Three in the Gqeberha Regional Court, the first achieved under National Environmental Management Act “conspiracy to poach” legislation, gives SA lawmakers a lethal new weapon to pursue suspects who have often escaped prosecution in the past because of a lack of evidence.

The successful strategy allows the court to consider circumstantial and “similar fact evidence” pointing to an act that may not yet have been committed, thereby empowering conservation and law enforcement teams to intervene before the poachers strike.

Explaining the background to the case on Friday, senior state prosecutor Buks Coetzee said Mozambicans Paulos Chtilongo, 24, and Aron Manique, 40, and SA citizen Alex Baloyi, 43, all from Rustenburg, were travelling in Chtilongo’s car near Colchester on May 17 2021 when they were stopped by police.

“The officers searched the car and discovered a hunting knife and an unlicensed heavy calibre rifle and silencer concealed in a panel in one of the doors, and in the engine compartment.

“The police also took DNA samples off a pair of takkies in a bag in the boot that Baloyi admitted were his and subsequently, through the rhino DNA data bank in Onderstepoort, they linked that sample to a pair of white rhino from Hoedspruit.”

He said the rhino DNA data bank comprised information gathered during legal rhino trimming or de-horning on game reserves across Southern Africa.

“It helps us incredibly and though the DNA sample in this case was not fresh, it showed that at some point the suspect had probably stood in the blood of those two rhino.”

Coetzee said a further clandestine link had been established when records were unearthed showing that Manique and Baloyi had been arrested 10 years previously in Limpopo with the carcass of an impala in their vehicle — and that they had subsequently admitted that they were looking for a rhino to poach.

“We argued in the Gqeberha case that this was all similar fact evidence and the magistrate accepted our argument.

“Although the accused had not yet poached a rhino in the Eastern Cape and although it was not clear which game reserve they were going to target, they were clearly guilty of conspiracy to commit rhino poaching and for that the magistrate sentenced them each to eight years in jail.

“He also sentenced them to seven years for illegal possession of an unlicensed firearm and ammunition and he ordered that the sentences should run consecutively.

“So they each got 15 years, which we felt was a suitably heavy sentence.”

In his ruling, magistrate Johannes Claassen said poaching was a scourge and the court was compelled to protect the interests of society.

“It is because SA has strong conservation rules that there is still wildlife left here.”

Coetzee said the same “conspiracy to poach” legislation had been used in the successful conviction of the Chitiyo Six in the Makhanda high court on September 30.

“I devised the strategy initially to help us with our perlemoen poaching cases and now we’re successfully transferring it to fight rhino poaching so I’m very happy.”

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