

Journal of African Elephants

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NEWS

Uganda: Italian Diplomat Arrested For Being in Possession of 5Kgs of Ivory

© 17TH APR 2021



By Brian Musaasizi, Red Pepper

A Retired Italian Diplomat, Diego Marino Enrico has been arrested and is presently under detention at the Jinja Road Police Station after his house was searched and over 5 Kilograms of Ivory discovered.



Diego, 79, though retired, still carries a Red Passport and a business card indicating him as a Consultant Deputy Consul General, with his address being Consulate General of Italy, 2590 Webster Street, San Francisco CA 94115.

He was arrested on Tuesday by detectives stationed at the Bugolobi Police Station in Kampala, and later transferred to Jinja Road Police Station.

This followed the arrest of his Wife the previous Monday, a Ugandan, who was detained at the Bugolobi Police Station, together with the Local Council leader of Panda – Pier Village, in Nakawa, a Division within Kampala City.

“The Local Council Leader, Tomusange Joseph, was nabbed with 2.5Kgs of worked Ivory pieces, following a trap laid by officers from the Natural Resources Conservation Network (NRCN) working closely with some detectives from the Uganda Police Force who presented themselves as buyers of the costly Ivory pieces”, revealed a source.

Upon probing, Tomusange led Police detectives and the Conservationists from NRCN to the home of the former Italian Consul, where a further house search was done, leading to the discovery of more 3.75Kgs of worked Ivory pieces.

“On Saturday, an officer of the NCRN had received a call from a whistle blower who tipped him that there was someone in Luzira with some Kilogrammes of Ivory to sell. The Officer immediately informed Police about the development”, added a source.

The following Sunday, the officers of the NRCN– Uganda, with Police, met their informer, who showed them the ivory from a hidden sack.

“On confirming that the items in the sack were genuine Ivory pieces, the detectives immediately introduced themselves to Tomusange and arrested him. They then demanded that he takes them to the source of the Ivory”, revealed an official from NRCN.

Tomusange led the detectives to the residence of the diplomat, where a stand-off ensued, between the detectives and the Diplomat’s caretakers, who denied access.

In the ensuing struggle for access to carry out a search, the caretakers released a guard dog which bit and injured one of the detectives on the left arm, before it was eventually subdued.

In his statement to Police at Bugolobi Police Station, Mr Diego Marino did not deny that he was the owner of the Ivory pieces. Nonetheless, he says



he had bought them several years ago from a hawker who he hasn't identified.

"I don't sell Ivory. I have been here for over 10 years. I bought these things from a hawker here in Kampala", Diego told the detectives from Bugolobi Police station.

In Uganda though, offences related to trafficking in Wildlife are Strict Liability offences, meaning that regardless of what the defendant's intents or mental state was when committing the act, possession of those materials can constitute criminal liability. The Officer in Charge Investigations at the Bugolobi Police station, James Mutaire, says Mr Diego Marino will be charged with 2 counts against wildlife.

"We prefer 2 charges against him. One is Unlawful Possession of Specimen of Protected Wildlife contrary to Section 36 (1), and Section 71(1)(B) of the Uganda Wildlife Act, and secondly, Unlawful Transfer of Specimen of Protected Species contrary to Section 36(1) and Section 71 (1)(B) of the Uganda Wildlife Act", said Mutaire.

On Monday, Experts from the Uganda Wildlife Authority (UWA) joined the team of the Natural Resource Conservation Network (NRCN) to help with identification and prosecution of the suspects.

In her 6 – page technical report dated April 13, 2021, an UWA Sergeant Major Twinamatsiko Harriet noted that she had confirmed that the 5.5Kgs of specimens handed to her by the police were actually of protected wildlife.

"Having closely examined the features of the specimens as above and relating them with the known features of an Elephant and Hippopotamus, it was 99.9% highly probable that the specimens were 56 cut worked elephant Ivory pieces and one worked hippopotamus incisor tooth."

She said that her findings meant that at least 3 endangered animal species could have been killed to extract the pieces she observed.

"At least two elephants died to obtain the specimens as described above considering the fact that an elephant has a pair of tusks and there were two complete worked tusks and several chopped ones. At least a hippopotamus died to obtain the one piece of the hippopotamus incisor tooth because the hippopotamus incisor belongs to the hippopotamus."

According to the Uganda Wildlife Authority (UWA), the African Elephants are listed under Appendix 1 of the Convention of International Trade in endangered species of wild flora and fauna (CITES) and described as



endangered by the International Union for Conservation of Nature (IUCN), meaning that no trade is allowed in these species and their parts.

The UWA technical report says that Hippopotamus are on the other hand listed in Appendix II of the same Convention, but that while their trade is regulated by the Uganda Wildlife Authority through the issuance of a user right permits, for any person to possess or trade in Hippopotamus teeth, he or she must possess a valid permit under sport hunting program, which the suspects in this case did not have.

Harriet Twinamatsiko says that in terms of economic and biodiversity value of the elephants and hippopotamus, the two species are among those vital for marketing Uganda's Tourism potential internationally. She places the financial implication of one elephant alone past Uganda Shillings 1.1bn.

"They are listed among the "Big Ten Safari Animals" which shape the decision of tourists to choose their tourism destination, and are instrumental in tourism marketing purposes. As one of the flagship animals in tourism sector in the country, they greatly market, stimulate and contribute to the number of tourists we receive in the country. You will note that tourism tops Uganda's foreign exchange earnings, and for the financial year 2018/2019, tourism generated US dollars 1.6bn equivalent to Ugx 6 trillion," Twinamatsiko adds.

In 2018, a report, Uganda Wildlife Trafficking Assessment, named Uganda as one of the common transit points for the trafficking of wildlife and wildlife products in the East and Central African region. The report noted that criminal organisations in Uganda were mainly associated with the smuggling of Ivory and other wildlife products such as pangolin.

The report also noted that "Uganda relies on its wildlife and natural resources to support its economy, growth and development through tourism." It said that wildlife conservation and sustainable use are therefore paramount for the country's global development objectives.

The Natural Resources Conservation Network (NRCN) is a Non-Governmental Organisation based in Kampala which, since 2013, works closely with the Uganda Wildlife Authority, Uganda Police, the Judiciary and other law enforcement institutions to carry out reporting, investigation and prosecution of wildlife crimes in Uganda with the aim of helping to conserve Wildlife in Uganda.

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