

Is Uganda's Wildlife Court a paper tiger?

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WILDLIFE COURT

KAMPALA - Uganda's green landscapes and abundant wildlife face an insidious threat.

Poachers and traffickers see profit in the illegal trade of ivory, rhino horns, pangolin scales, and other precious wildlife commodities, pushing many species on the brink of extinction.

To combat this crisis, the government in 2017 established a specialised wildlife court, yet it struggles against formidable challenges and has been branded as a paper tiger that gives the impression of being powerful but lacks any real power. **Edward Anyoli** writes.

Gladys Kamasanyu, the Chief Magistrate in charge of Standards, Wildlife, and Utilities Court based in Makindye, notes that one of the primary issues is the pervasive lack of public awareness.

She reveals that an estimated 80% of Uganda's population is unaware of what constitutes wildlife crime.

She says many rural dwellers, mired in abject poverty, engage in poaching as a means of survival and don't fully grasp the long-term consequences of their actions.

The magistrate recalls a recent case where a Uganda People's Defence Forces (UPDF) soldier, ignorant of the law, killed a rare pangolin to sell its scales.

Yasin Jerwa, attached to the UDFP office at Coral Crescent Kololo 1V, was, on June 13, 2024, convicted and sentenced to a fine of sh5m after he pleaded guilty to charges of unlawful possession of a live pangolin and pangolin scales.

In another incident, a man who pleaded guilty last year to killing an elephant in Nwoya district was convicted on his own plea and sentenced to a fine of sh5m by the Standards, Wildlife, and Utilities Court.

When contacted for comment under the condition of anonymity, he said that he and other farmers killed the elephant not for its ivory but in reprisal for destroying their crops.

He ironically blamed the police and wildlife authorities for not heeding their pleas for assistance. He expressed remorse, saying he is a reformed person and will continue cooperating with the authorities despite the challenges encountered.



Gladys Kamasanyu, the Chief Magistrate Uganda Wildlife Court. (Photo by Nancy Nanyonga)

Corruption stings hard

Kamasanyu further notes that the system involving wildlife is plagued by corruption, whereby cases collapse under the weight of bribery and backdoor deals. She says many cases are compromised before they reach court or evidence is tampered with, making it difficult for the court to reach a just

conclusion.

“There is a need to introduce regular audits and an anonymous reporting mechanism, allowing whistleblowers to expose corrupt officials without fear of reprisal. This slowly but surely helps the system restore its integrity,” Kamasanyu said.

The court is faced with another daunting challenge of transnational border issues. Kamasanyu states that wildlife crimes often extend beyond Uganda’s borders, complicating the pursuit of justice.

In 2022, according to Kamasanyu, an alarming case arose when a substantial consignment of ivory worth billions of shillings was smuggled from Uganda to South Sudan.

Despite clear evidence, Uganda's efforts to prosecute the offenders were thwarted by the South Sudanese government's refusal to cooperate.

“To mitigate this kind of crime, Uganda needs bilateral agreements and joint task forces established to tackle cross-border wildlife crime, share databases of offenders, ensuring that criminals do not evade justice by simply crossing a border,” Kamasanyu said.

Additionally, she argues that criminals have adopted sophisticated digital means to coordinate and conceal their activities, leaving the court struggling to keep up with their space and to effectively dispense justice.

"The government needs to invest in digital forensic technology and training for law enforcement and judicial personnel. This will enable the court to admit and analyse digital evidence effectively.

They should also implement comprehensive education and outreach programmes to inform the public about wildlife crime and its consequences. This could encompass community workshops, media campaigns, and collaboration with local leaders," Kamasanyu said.

Strides in the Legal Framework

Kamasanyu says that in recent years, Uganda has made strides in strengthening its legal framework against wildlife crime.

A new law, such as the Uganda Wildlife Act of 2019, imposes harsher penalties on poachers, and initiatives like the Wildlife Crime Unit have improved coordination between law enforcement and prosecutors. However, much remains to be done to turn the tide.



Irene Nakimbugwe

According to Kamasanyu, Uganda's wildlife is not only a national treasure but also a critical part of the global ecosystem, adding that elephants play a vital role in maintaining forest and savannah ecosystems and that gorillas are key to tourism.

Police speak out

Police spokesperson Fred Enanga says the police face a challenge in gathering sufficient evidence, and more efforts are needed to strengthen their investigations.

He reveals that the police collaborate with other agencies involved in prosecuting wildlife crimes, in addition to working with the Office of the Director of Public Prosecutions (ODPP).

“To address the issues of forensic evidence, the police, in collaboration with other prosecuting agencies, must implement the following improvements: there is a need to invest in more laboratories and to train more of our crime scene officers on the increasing challenges of data collection and analysis.” Enanga said.

Latif Amis, a prosecutor attached to the Uganda Wildlife Authority (UWA), states that there is a lot of interference with the prosecution's cases from the police, the army, and powerful individuals. Additionally, he notes that prosecutors face threats in the course of prosecuting these cases.

Amis says wildlife prosecutors in Uganda often work under dire conditions. They lack basic resources like transport to crime scenes, face intimidation from powerful poaching syndicates, and

operate within a legal system riddled with loopholes that favour the accused.

He notes that despite their efforts to prosecute, many cases fall apart in court, allowing offenders to walk free or with a very light sentence and continue their illegal activities.

"We are often intimidated by those who commit these crimes because the business is very lucrative. This impacts our work as prosecutors, leading to cases being lost or abandoned. There are powerful people behind this illicit trade, and sometimes the police don't bring evidence that is strong enough," Amis said.

Despite the challenges the prosecution faces, Amis said that in 2022, the court convicted the most notorious wildlife trafficker, Pascal Ochiba, and sentenced him to life imprisonment.



Private Yasin Jerwa in the dock while appearing before Chief Magistrate Gladys Kamasanyu at Standard, Utilities Wildlife Court at Buganda Road Court in Kampala on Friday, May 31, 2024. (Credit: Harriet Nakalema)

ODPP speaks out

According to Irene Nakimbugwe, a spokesperson at the Office of the Director of Public Prosecutions (ODPP), wildlife crimes lack complainants, and it is incumbent upon the state to prosecute these cases based on altruistic grounds and a commitment to conservation.

"Unlike other criminal cases where complaints are commonly filed, wildlife crimes often lack such complaints. This is because there are no complainants to follow up on the cases, and the government has to take it upon itself to ensure that such cases are prosecuted, posing a significant challenge. Furthermore, the lack of community collaboration with the state contributes to the failure to prosecute these cases." Nakimbugwe said.

Nakimbugwe adds that the end users of wildlife items are never apprehended and brought to court for prosecution. Those who are often prosecuted are inconsequential individuals, leaving the main

offenders free, thus perpetuating wildlife crime in a vicious cycle. She says the most common crimes involve unlawful possession of ivory, pangolin scales, birds like parrots, and monkeys.

Lack of financial intelligence to follow the money that is earned through illicit wildlife trade still poses a challenge, leaving a big gap for the prosecution.

"Most of the time, we prosecute small individuals who, even when convicted, cannot afford to pay even a small compensation. Meanwhile, the culprits with sound financial backgrounds never appear in court. There is a critical need for more training in financial intelligence to pursue such crimes and seize their assets, especially after they have been tried and convicted." Nakimbugwe said.

Additionally, Nakimbugwe said there is only one wildlife court in the whole of Uganda, based in Kampala, with only one chief magistrate and a few prosecutors. This inevitably leads to a case backlog. It is estimated that a prosecutor handles approximately 20 to 80 cases a month.

A wildlife investigator and an expert on zoonotic diseases, who preferred to remain anonymous, recounted a recent case where elephant meat and tusks were intercepted deep in one of the parks, but the case collapsed due to a lack of equipment to record evidence in real-time.

"We didn't have the proper equipment to capture digital evidence, and the 10 suspects escaped. Our phones malfunctioned, and by the time we were ready for trial, the meat had spoiled, rendering the evidence unusable. It is frustrating to see hard work go to waste because we lack the facilities to preserve these goods," the source said.



Uganda Police Force Spokesperson Fred Enanga. (Photo by Mpalanyi Ssentto)

He says that the illicit sale of wildlife products in local markets not only threatens Uganda's biodiversity and the prosecution's case but also undermines public health and safety. According to the source, bushmeat, often sold without proper health inspections, carries serious risks to humans. Additionally, the failure to prosecute offenders effectively erodes public confidence in the legal system and encourages criminal networks.

What the law says (Wildlife Act of 2019)

The 2019 Wildlife Act provides for stringent jail terms and fines. According to Section 71, for offences relating to protected species, a person who, without a permit, hunts, molests, or reduces into possession a protected specimen, found in possession, sells, transfers, or accepts the transfer of the protected specimen commits an offence and shall, on conviction, be liable to a fine not exceeding Sh200m or life imprisonment or both.

Meanwhile, where an offence relates to species classified as extinct in the wild or critically endangered, a person convicted of such a crime is liable to life imprisonment, a fine not exceeding Sh20b, or both.

UNODC report on wildlife

According to a 2024 report by the United Nations Office on Drugs and Crime, there is strong advocacy for prioritising resources and imposing stricter penalties on the main offenders in organised wildlife crime to effectively address and deter such activities. The report recommends that responses to wildlife crime should be proportionate to the severity and impact of the crime.

It emphasises that enforcement efforts should focus on individuals or groups who are most deeply involved in and responsible for the crime. Additionally, the report suggests that the harshest penalties should be reserved for the key perpetrators who play the most significant and damaging roles in organised wildlife crime.