



Department
for Environment
Food & Rural Affairs

Illegal Wildlife Trade (IWT) Challenge Fund Annual Report



Important note: *To be completed with reference to the Reporting Guidance Notes for Project Leaders: it is expected that this report will be about 10 pages in length, excluding annexes*

Submission Deadline: 30th April 2017

IWT Challenge Fund Project Information

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| Project reference | IWT 0028 |
| Project title | Building judicial capacity to counter wildlife crime in Kenya |
| Country/ies | Kenya |
| Contract holder Institution | Space for Giants |
| Partner institution(s) | KWS, WildlifeDirect, Mount Kenya Trust, ODPP |
| IWT grant value | £ 140,729 |
| Start/end dates of project | 1 st April 2016 – 31 st March 2018 |
| Reporting period (e.g. April 2016-Mar 2017) and number (e.g. Annual Report 1,2,3) | April 2016 – March 2017 Annual Report 1 |
| Project leader name | Shamini Jayanathan |
| Project website | N/A |
| Report author(s) and date | Maurice Schutgens; Faith Maina; 25/5/2017 |

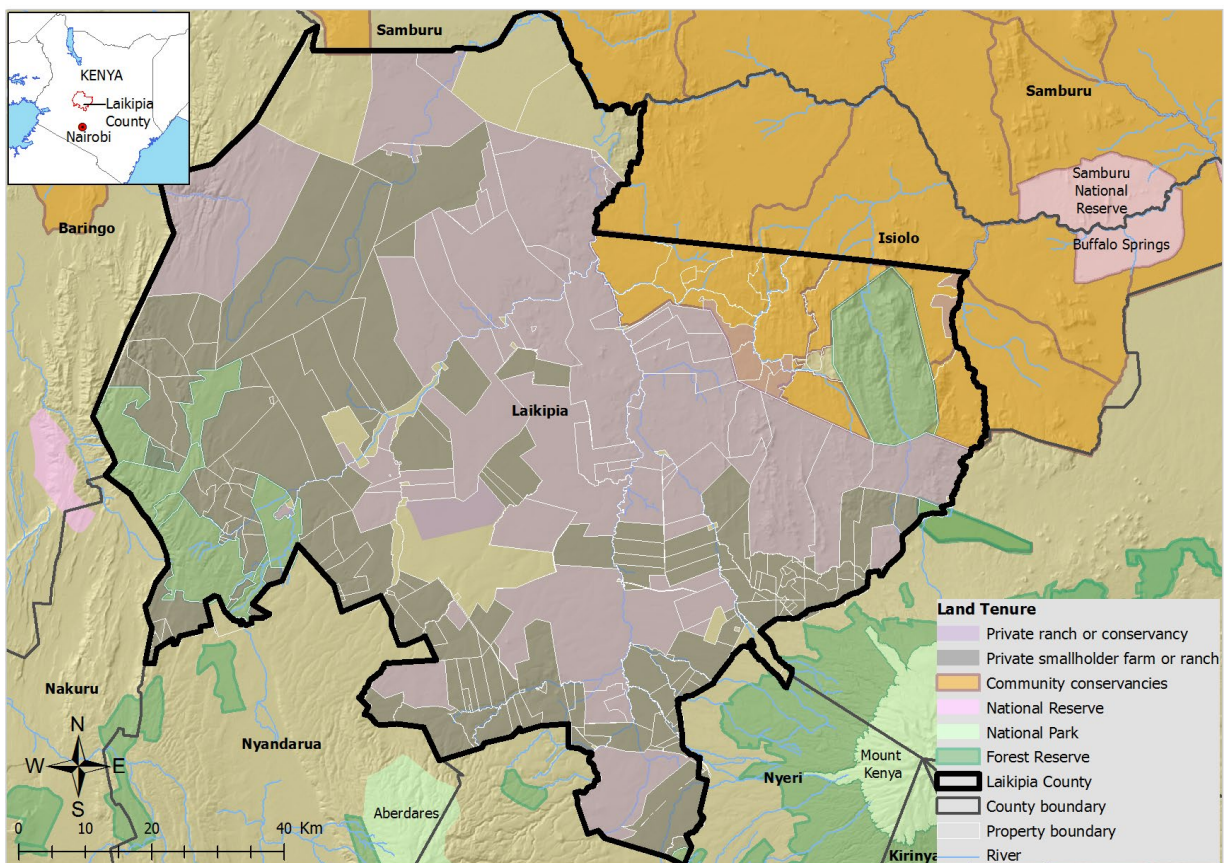
1. Project rationale

The illegal killing of wildlife, in particular rhinos and elephants, for the illegal wildlife trade is a widespread and escalating problem in many parts of Africa. One of the major factors contributing to the proliferation of this crime is the absence of meaningful deterrents in source, transit and market countries. Kenya is one of three African countries to be identified by CITES as of greatest concern with regards to the trafficking of ivory out of Africa. This and other wildlife crime is characterised by low conviction rates and low penalties.

This project intends to curb the supply side of the illegal trade from northern Kenya by building capacity amongst those involved in the criminal trial process to ensure that wildlife criminals are arrested for their crimes, appropriately charged in court and prosecuted for their crimes. In addition, when cases are brought to court, this project seeks to 'watch' them on behalf of the public to ensure that corrupt practices do not undermine them. This project has been split into two main parts: (1) a training component focusing on training rangers in basic *Scene of Crime* to ensure evidence is not mismanaged; training Kenya Wildlife Service investigating officers to ensure that thoroughly investigated cases are brought to court; training and sensitizing prosecutors about the relevant legislation pertaining to wildlife crime and sensitizing magistrates on the scale and implications of wildlife crime. Part (2) focuses on having a physical presence in courts and working together with prosecutors to ensure cases are appropriately managed.

This project focuses on Laikipia County (see Figure 1), in north central Kenya, which constitutes one of East Africa's most important wildlife areas. Laikipia hosts approximately 44% of Kenya black rhino population and 77% of Kenya's white rhino population, in addition to the majority of the Laikipia-Samburu Ecosystem's 6,365 elephants.

By strengthening the criminal justice pathway within this critical region and ensuring proportional and adequate sentences are applied we expect to create a deterrent against involvement in the illegal wildlife trade.



2. Project partnerships

This project listed both governmental and non-governmental partners, namely the Office of the Director of Public Prosecutions (ODPP), the Kenya Wildlife Service (KWS), WildlifeDirect (WD) and Mount Kenya Trust (MKT). Other institutions which were not listed in the application but which Space for Giants (SFG) partnered with through the delivery of the project were the United Nations Office on Drugs and Crime (UNODC), Strathmore University (SU), Kenya Police Service (KPS) and the Judicial Training Institute (JTI).

Training Workshops for prosecutors, investigating officers & magistrates

The trainings workshops were the best example of professional and inclusive collaboration. All partners, but most notably the ODPP and the JTI, were heavily involved in the creation of appropriate workshop programmes, identifying and providing key facilitators and leading discussions on the importance of wildlife crime. Working closely with the Wildlife Crime Unit within the ODPP and having the Assistant Director of the JTI attend and facilitate one of the workshops was hugely encouraging and a clear demonstration of their commitment to tackling wildlife crime in Kenya (please see Annex 4 for training report).

In addition SFG was able to involve experts from UNODC, who are leaders in the field of documenting and combatting the illegal wildlife trade on a regional level. While SFG was able to set the scene at a local level, UNODC gave a continental and global perspective of the scale and implications of the illegal wildlife trade. This was critical to ensure that participants better understood the direct linkages between what is often perceived to be an isolated crime (e.g. a poacher arrested with 2 tusks of ivory in central Kenya) to organised crime syndicates (e.g. container with 4 tonnes of ivory being intercepted in the Far East).

Similarly the involvement of WD in these workshops, who have a wealth of experience in the field of court monitoring, was crucial to provide participants with an overview of how Kenya's courts are performing, what the major loopholes are in the system and what the necessary actions are to rectify them.

First on Scene Training Courses

SFG partnered with the KWS and the private sector on this component of the project to deliver basic *First on Scene* training courses for wildlife rangers in strategic rhino reserves in north central Kenya.

The courses were delivered by Mr. Joseph Sarara (Senior KWS Investigative Trainer) and/or Mr. Jamie Gaymer (General Manager, Ol Jogi Ranch). Both trainers were able to deliver identical trainings given that both had been trained together by experts in crime scene management from South Africa in 2015. Given that private properties host a large contingent of Kenya's rhinos, the KWS, was very keen to ensure that these properties were adequately prepared to deal with a scenario in which a rhino was killed and where a scene was to be secured prior to the arrival of a KWS Crime Scene specialist.

Court Monitoring and Case Management

During the delivery of this project SFG and WD officially partnered on court monitoring to deliver an updated court survey document documenting the status of wildlife crime prosecutions in Kenyan courts in 2016.

SFG took on the responsibility of monitoring the courts in North Central Kenya (Nanyuki, Nyeri, Meru, Nyahururu & Isiolo) as stipulated in the application document but were also able to expand our reach to several other courts (e.g. Karatina, Nkubu, Chuka) while WD took responsibility for courts in the rest of the country. This has resulted in an extremely fruitful relationship and has helped two NGOs working in the same field to streamline and standardise data collection and prevent unnecessary overlap. Because WD watch cases beyond the scope of this project (e.g. those pertaining to sandalwood) SFG was able to report back on these cases to them as well, instead of having them deploy a court monitor to these specific courts (evidence of this is in Annex 4). SFG's own legal director who devised the original survey for WD in 2013, is uniquely placed to ensure that this collaboration between these two NGOs is effective.

KWS Investigative Training Courses

This component of the project SFG was unable to deliver during the first financial year (see section 3.2).

3. Project progress

3.1 Progress in carrying out project Activities

Output 1: *A regional database of all ivory and rhino horn court cases compatible with a national database managed by WildlifeDirect.*

Activity 1.1: *A court officer will conduct a Watching Brief to monitor all ivory and rhino horn cases in the landscape.*

SFG's dedicated Wildlife Crime Court Officer, Faith Maina, has spent the last year attending all ivory and rhino horn cases in the landscape as originally intended. This is an on-going activity and has been carried out successfully.

Activity 1.2: *This data will be entered into a regional database.*

All the data collected by our Wildlife Crime Court Officer has been systematically collated and stored in a spread sheet database. Currently the database contains 28 active cases. This regional database has been shared with WD to ensure quality of data and for collaborative report writing. This is an on-going activity and has been carried out successfully.

Activity 1.3: *Quarterly reports will be produced on all cases documenting the strengths and weaknesses of the cases.*

The Wildlife Crime Court Officer has produced monthly reports on all activities taken place as well as case summaries for the majority of the 28 active cases documenting the strengths and weaknesses of each. This is an on-going activity and has been carried out successfully.

Output 2: *Case Management for all ivory and rhino horn cases in Northern Kenya.*

Activity 2.1: *Case management on all ivory and rhino horn cases (this will include meeting with Police/KWS investigators and prosecutors to provide legal advise).*

SFG's Wildlife Crime Court Officer has frequently met with KWS and ODPP prosecutors (and at times Police Officers) to discuss problematic cases and strategize on the best way forward. This is an on-going activity and has been carried out successfully.

Activity 2.2: *Produce per case reports on the strengths and weaknesses to be discussed at training courses and during CUC meetings.*

Due to the overlap in this activity and Activity 1.3 these have been combined. The reports documenting strengths and weaknesses will form a critical component (i.e. feedback loop) to participants of trainings in the second financial year.

Output 3: *Training provided to investigators, members of the judiciary and wildlife rangers on investigative techniques, effective prosecution and scene of crime management.*

Output 3.1: *6 training courses on effective criminal trial procedure for members of the judiciary.*

3 Training courses were stipulated to be completed during the first financial year and this goal was achieved. With regards to their respective timelines we had proposed to conduct one training in each of the first 3 quarters of the first financial year. As a result of prior commitments from partner institutions we eventually hosted two trainings in Q2 and one training in Q3.

Output 3.2: *4 training courses provided to investigating officers on effective investigate procedure.*

SFG was unable to deliver this training in the first financial year (please see more information in section 3.2).

Output 3.3: *10 training courses provided to wildlife rangers on basic scene of crime management.*

A total of 5 *First on Scene* Training courses were stipulated for the first financial year to be completed in Q1 and Q2. As a result of prior commitments and one private property not being

interested in taking part in the activity we delivered 4 of these trainings. These took place in Q3 and Q4 respectively.

3.2 Progress towards project Outputs

Output 1: *A regional database of all ivory and rhino horn court cases compatible with a national database managed by WildlifeDirect.*

An active wildlife crime database did not exist for this region prior to the onset of this project. Currently the database has recorded 28 active cases (25 ivory, 3 rhino) but this is changing on a monthly basis with recording of new cases and conclusion of old cases. In addition SFG has also recorded 4 high profile sandalwood cases on behalf of WD. The database can be visualised in Annex 4. All the data being collected will contribute to the next edition of the court survey report that WD and SFG are collaborating on. This output continues to evolve.

Output 2: *Case Management for all ivory and rhino horn cases in Northern Kenya.*

SFG has developed very close working relationships with a number of ODPP prosecutors and all KWS personnel involved in the arrest of criminals in the region. In doing so SFG has been able to provide critical advice in several cases. It is important to note however that involvement has been heavier in some cases than other depending on the personal relationships with ODPP prosecutors. Furthermore a number of the cases do not have any serious issues that require intervention and in these SFG has taken a backseat and simply monitored the progress in court. Before SFG's involvement there was no support towards the ensuring trials took place in a timely manner in the region and nobody to ensure that witnesses attended court, that exhibits were brought to court on the specified date or ensure that missing case files were found in the registry when they were not in court.

Output 3: *Training provided to investigators, members of the judiciary and wildlife rangers on investigative techniques, effective prosecution and scene of crime management.*

(a) Training Workshops for prosecutors, investigating officers & magistrates

Starting with a baseline of 0 with the exception of a few pilot workshops conducted by SFG, a total of 3 training workshops were provided to KWS officers, ODPP prosecutors, and magistrates. A total of 75 participants attended. The feedback provided by participants and respective heads of institutions has been very positive. The courses have played a crucial role in sensitizing actors in this space about the laws available to them to prosecute wildlife crime. Evidence of workshops can be found in Annex 4. SFG is well on track to delivering 6 workshops in total and training the majority of the actors in this space by 2018.

(b) First on Scene Training Courses

The 4 *First on Scene* Training courses delivered to wildlife rangers and armed units at OI Jogi Conservancy, OI Pejeta Conservancy, Borana Conservancy and Meru National Park have laid the initial foundations to ensure that crime scenes are not contaminated prior to the arrival of the gazetted KWS Investigative Officer.

Given that few of the officers (<10%) had received any prior training in this arena, this has been money effectively spent and will assist investigators build stronger cases in future. A total of 106 rangers were trained out of a target of 125. Evidence is available in Annex 4.

(c) KWS Investigative Training Courses

Despite SFGs best efforts, we were unable to deliver on the two consecutive 10-day training courses for KWS investigative officers. SFG has been in communication with the IWT Fund on this matter during the year to request a change of project personnel on behalf of the KWS to deliver this training. This change was approved and a date selected to deliver the training in May 2017 (with money to be expensed before the end of the first financial year – also approved by IWT Fund). SFG confirmed the dates with the KWS Headquarters and commenced the schedule to deliver this training, including engaging UNODC to partner with us on the delivery of this training.

In early March we received communication from the KWS' Head of Investigations asking us to postpone the training until further in the year due to training clashes and a concern of pulling

too many key personnel out of the field (a security risk to high value species). SFG was thus unable to deliver this training within the first financial year of the project.

SFG has been in continued dialogue with the KWS to secure a date for this training at a later date in 2017. Given that Kenya is undergoing general elections on 8th August 2017, and the national security implications associated with this, we have been requested, by the KWS, to postpone the training till after this period. A date has been agreed with the KWS and the trainers for delivery in December 2017. This postponement is obviously a considerable disappointment to SFG and the work we are doing in this field but these are circumstances beyond our control.

In accordance with the terms of the contract and prior communication with DEFRA the funds for the training were expensed prior to the end of the first financial year. The training will be delivered in December 2017.

3.3 Progress towards the project Outcome

A summary of the progress against the indicators is provided in the table below. In summary the indicators are proving adequate to measure project progress however it is important to note that the percentages have to be treated with caution when the sample size is small (e.g. the number of concluded cases).

SFG is confident that based on the current process, and despite the temporary set back with regards to the training of KWS investigators, we will deliver the project outcome by 2018.

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| <p>Indicator 1</p> | <p>Increase successful convictions for ivory and rhino horn cases from 60% (2013) to 90% by 2018 (this refers to cases that reached a verdict).</p> <p>The statistics for the cases that were concluded during the life of the project thus far stands at:</p> <p>Ivory: 11 cases were concluded. 1 case was acquitted and 10 resulted in convictions = 91%.</p> <p>Rhino: 1 case was concluded and resulted in conviction = 100%</p> |
| <p>Indicator 2</p> | <p>Increase in custodial and non-custodial sentences for offenders related to ivory and rhino horn cases to >50% respectively by 2018 (2013 – only 7% of convicted individuals received a custodial sentence and only 9% received the maximum fine allowed by the wildlife act).</p> <p>Ivory Cases: Out of the 11 cases concluded concerning ivory, 9 cases were concluded with non-custodial sentences (i.e. fines with jail time only in default of payment). 1 case was strictly custodial and 1 case, in which the accused turned out to be a minor after a doctor's report, resulted in him being committed to an Institution rather than jail.</p> <p>Rhino Case: The accused in this case was sentenced to a non-custodial sentence with jail time only in default of payment.</p> <p>There has thus been very little change in the percentage of cases where custodial sentences are applied, though it is important to note that several of the accused will be unable to raise the necessary funds to pay the fines and are likely to end up in jail regardless.</p> <p>Where convictions resulted in fines being allocated to the accused for the count of possession of a wildlife trophy the minimum fine stipulated in the act of USD was applied on 8 out of 9 cases. In one case the accused was fined USD. This means minimum sentences were applied on 89% of cases.</p> <p>Where fines were applied for the offence of dealing in a wildlife trophy the accused was sentenced to the minimum fine of USD.</p> |

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| | <p>Some information of convictions in the media is available at: http://www.independent.co.uk/voices/campaigns/GiantsClub/kenya-leads-the-way-in-bringing-poachers-to-justice-a7385856.html</p> |
| Indicator 3 | <p>A decrease in case dismissals due to inconclusive investigations, missing police files, missing evidence and failure of prosecution to prove a tangible case from 10.8% (2013) to 0% by 2018. (64% of all court cases [not limited to wildlife crime] do not meet the minimum evidentiary threshold to sustain convictions).</p> <p>During the first financial year only a single case ivory/rhino horn case was acquitted due to poor investigative work and a lack of an inventory form at the time of arrest.</p> |
| Indicator 4 | <p>Increase bail amount to over the estimated street value of the ivory and rhino horn confiscated from offenders from 20% (2013) to 100% (2018).</p> <p>The number of cases that SFG has monitored since the start of the project for which the estimated street value was provided on the charge sheet is 29:</p> <p>Bail amount lower than estimated trophy value: 12 cases Bail amount equal to estimated trophy value: 2 cases Bail amount higher than estimated trophy value: 15 cases</p> <p>Indicator percentage is thus 52%</p> |
| Indicator 5 | <p>100% of ivory & rhino horn cases added to the regional database (from a baseline of 0%) in 2017.</p> <p>We currently have a total of 25 ivory and 3 rhino horn cases in the database, in addition to 4 high profile sandalwood cases that we are monitoring on behalf of WD. We are confident this constitutes all the active cases in the entire region.</p> |
| Indicator 6 | <p>Sensitize and train police & KWS investigators and prosecutors in dealing with wildlife crime, with emphasis on ivory and rhino horn cases, from 0 (2015) to 100 by 2018.</p> <p>A total of 50 police & KWS investigators and prosecutors were trained and sensitized on the matter of wildlife crime during the first financial year. In addition to a further 25 judges and magistrates.</p> <p>This indicator is one of the most critical contributing to the project outcome. SFG is on track to deliver a large number of trained and sensitized personnel capable of addressing the illegal wildlife trade.</p> |
| Indicator 7 | <p>Train wildlife rangers in dealing with basic scene of crime management from 0 (2015) to 250 by 2018.</p> <p>We were able to train 106 out of a target of 125 rangers in the first financial year of this project. At the time of training, rather than a baseline of 0, some had received prior training years ago but it was still a small number (<10%).</p> <p>This indicator is also a critical contributor to overall project outcome.</p> |
| Indicator 8 | <p>A decrease in the Proportion of Illegally Killed Elephants (PIKE - derived from Monitoring of Illegally Killed Elephants [MIKE]) data. PIKE to reduce from 47.8% (2014) to 40% by 2018.</p> |

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| | <p>The unpublished Harmonised PIKE data for 2016 for the Laikipia – Samburu Ecosystem was reported at 40% indicating that we have already successfully reached our target based on the illegal killing of elephants. This is very encouraging but all the efforts by SFG and our partners must be maintained to ensure this figure remains constant in 2018.</p> <p>Along with case conviction rates (Indicator 1), this is a critical indicator to measure the success of the overall project. Thus far we are on track.</p> |
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3.4 Monitoring of assumptions

Outcome Assumptions:

Assumption 1: *Political ‘Will’ remains to protect elephants and rhinos from regional extinction.*

Kenya remains one of the most vocal countries in Africa calling for the uplisting of the African elephant to Appendix 1 of CITES (most recently in October 2016 -

<https://www.theguardian.com/environment/2016/oct/03/bid-for-stronger-protection-for-all-african-elephants-defeated-at-wildlife-summit> and

<https://www.theguardian.com/environment/2016/jul/06/african-wildlife-officials-appalled-as-eu-opposes-a-total-ban-on-ivory-trade>) which it sees as critical to send a global non-negotiable message that trade in elephant products will not be tolerated.

Similarly, in April 2016, Kenya hosted the largest conservation forum, the inaugural Giants Club Summit, aimed at finding ways to secure a future for Africa’s elephants. Along with the attendance of the President of Kenya, the Presidents of Uganda and Gabon also attended to publically declare the importance of elephants to their respective countries.

To further demonstrate its commitment to protecting its elephants and rhino, President Uhuru Kenyatta set ablaze 105 tonnes of ivory in a public statement that nobody should profit at the hands of dead elephants (<https://www.theguardian.com/environment/2016/apr/30/kenya-to-burn-largest-ever-ivory-stockpile-to-highlight-elephants-fate>). These events and public statements suggest that the political will remains in Kenya to see the illegal wildlife trade in elephants and rhinos eradicated completely.

Assumption 2: *Funding remains available to adequately manage & patrol elephant and rhino habitat.*

While it is difficult to assess whether funding streams for patrolling and enforcing key elephant and rhino habitats has changed (SFG does not have insights into the operating budgets of the KWS or private properties that host wildlife) we feel that there has been no significant decrease in funding.

In fact in September 2016, SFG secured a USFWS grant to a value of USD 200K for the creation of an additional Mobile Response Team to operate in Laikipia to patrol vast areas of key elephant range. This team will complement 3 existing mobile teams already operational under the control of the Northern Rangelands Trust (NRT). While it is a difficult assumption to measure it remains one of the most critical. Without effective enforcement on the ground it is likely that the situation would be much different. Evidence of USFWS grant can be found at https://www.fws.gov/international/pdf/FY16_ProjectSummaries_AFE_final.pdf.

Assumption 3: *Increased number of successful prosecutions and harsh sentences act as a deterrent to prevent poaching.*

This is one of the underlying components of the theory of change for this project based on reasonable human behaviour. Once again it is difficult to measure assumptions in isolation but we firmly believe that this assumptions still holds true. The majority of individuals involved in the illegal wildlife trade simply cannot afford to pay a USD fine or spend 5 years in prison. Ultimately, the deterrent effect of such sentencing practices will be reflected by a decline in the number of offences committed against wildlife.

Assumption 4: *Trained individuals are not transferred beyond our project area and replaced by untrained individuals on a regular basis.*

Staff turnover is a reality of any government institution. In north central Kenya it appears that we have been able to maintain low turnover, which is a huge positive to the overall project and ultimate aim of the project. Due to low turnover we have been able to develop very close working relationships with KWS and ODPP staff in the respective court stations.

Assumption 5: *Corruption levels within the judicial system remain low/manageable.*

Corruption remains one of the biggest challenges in Africa, not just Kenya but one has to be careful not to judge poor decisions as corruption when in fact they may be attributed to a lack of knowledge and training. During the life of this project thus far we have noted one clear attempt of corruption, which has unfortunately damaged the case beyond repair (it remains in court however). This matter has been left with the ODPP to resolve but illustrates the importance of having 'eyes in the courtroom' to ensure corruption can play no role. Given the success of the convictions thus far as well common awareness of our project we feel corruption is actively being discouraged. Separately SFG have been working with the ODPP to embed written reviews as standard practice amongst prosecutors ensuring that all decisions made by a prosecutor are recorded and therefore making it harder to hide decisions not to prosecute or decisions to withdraw cases without any record of reasoning.

Assumption 6: *The current Wildlife Conservation and Management Act (WCMA) with associated penalties is not amended before 2018.*

The current WCMA is a strong piece of legislation that has some of the most punitive sentences for those convicted of crimes relating to the illegal wildlife trade. Despite this it has some integral flaws that need to be addressed at the soonest possible time. Amendments to the act have been drafted, with input from SFG's Legal Director Shamini Jayanathan, to improve the legislation. One example of this is the high minimum penalties prescribed in the WCMA, which is significantly increasing the caseload of the courts because all accused persons automatically plead 'not guilty'. Changes will most likely be made to the WCMA by the end of 2017 but will not negatively affect the project outcome.

4. Impact: achievement of positive impact on illegal wildlife trade and poverty alleviation

The project impact was stipulated as **"A reduction in the illegal trade in ivory and rhino horn products in Northern Kenya through an increase in the number of successful prosecutions."**

This project is already working at a 'higher-level' by virtue that it is working at a regional scale with both governmental and non-governmental partners in one of the most critical wildlife areas of Kenya. While the contributions of the illegal wildlife trade in this region cannot be considered major contributions to the global trade there exists a latent potential for it to do so as seen in statistics from 2012 when 70% of all elephant carcasses were poached.

If this project, in the context of other interventions taking place by us and our partners, can help contribute to reducing the illegal wildlife trade in north central Kenya it will help to illustrate Kenya's commitment to tackling this issue. In doing so, this successful model can then be replicated to other critical wildlife areas in need of interventions to tackle the illegal wildlife trade.

In light of increasing human populations across the world, especially in Kenya which is projected to have a population 64 million by 2030 (currently at 48.3 million) it is increasingly important that wildlife assets generate benefits for local communities on a local, regional and national scale. In Laikipia it is clear that the wildlife sector underwrites much of the employment and development taking place and it is critical that this is maintained into the future. Ensuring that the illegal wildlife trade is kept under control is thus non-negotiable.

Please see further details in section 7.

5. Project support to the IWT Challenge Fund Objectives and commitments under the London Declaration and Kasane Statement

This project is focused on the second pillar of the overarching IWT Challenge Objectives – *Strengthening the role of the criminal justice system*. By building capacity amongst the actors involved in the criminal justice pathway and ensuring that those involved in the illegal wildlife trade are adequately sentenced we expect to see a reduction in the illegal killing of high value wildlife species.

Under the London Conference Declaration the project is tackling the following commitments:

X. Strengthen the legal framework and facilitate law enforcement to combat the illegal wildlife trade and assist prosecution and the imposition of penalties that are an effective deterrent. As part of this, support the use of the full range of existing legislation and law enforcement deployed against other forms of organised crime. This should include, but not be limited to, the enforcement of legislation on money laundering, tax offences and asset recovery, corruption and illicit trafficking in other commodities such as narcotic drugs and firearms. Effective multidisciplinary enforcement should be used to ensure effective investigations and prosecutions, and to secure sentences that act as an effective deterrent.

As part of the work sensitizing prosecutors we have stressed the importance of taking an organized crime perspective when dealing with wildlife crime. At training workshops SFG and the ODPD have been very vocal in the application of ancillary legislation (e.g. money laundering, seizure of assets, corruption etc.) as stipulated in the Rapid Reference Guide (RRG) on Wildlife Crime developed by SFG's Director of Legal Strategy (see <http://wildlifedirect.org/wp-content/uploads/2017/03/Rapid-Reference-Guide-2016.pdf>). Similarly in closely documenting the progress of cases and understanding the strengths and weaknesses of each case the underlying flaws of the current WCMA are increasingly coming to light. These are being documented with an aim to help amend and strengthen the legislation at a later stage.

XI. Strengthen the ability to achieve successful prosecutions and deterrent sanctions by raising awareness in the judicial sector about the seriousness, impact and potential profits of wildlife crime. Dedicated training and increased capacity building are essential tools to achieve this goal.

Sensitization of all actors involved in the criminal justice pathway has been central to this project. In this project we have targeted police investigators, KWS investigators, ODPD prosecutors as well as judges and magistrates (while judges and magistrates are impartial by definition without them understanding the seriousness of the crimes involved we will never achieve proportionate sentencing). For individuals to get a broader understanding of the potential profits of wildlife crime we involved UNODC who are keen to partner with Space for Giants on this work.

XII. Adopt a zero tolerance policy on corruption associated with the illegal wildlife trade, recognising with great concern that corruption is an important factor facilitating the criminal activities associated with the illegal wildlife trade.

Corruption is one of the greatest threats to the delivery of justice, especially in a wildlife crime context given the high rewards. Under the court monitoring project we expected and have seen efforts to try and sabotage cases in court (i.e. bribing witnesses to have conflicting testimonies presented in court). SFG has adopted the zero tolerance approach by reporting all manner of confirmed or suspected corruption to the senior levels of the institutions whose job it is to investigate and deal with these matters (e.g. Office of the Ombudsperson and the Ethics and Anti-Corruption Commission). Without our presence in the courtroom for each and every case it is likely there would be more attempts taking place.

6. Impact on species in focus

This project is focused on three high value species involved in the Illegal wildlife trade (elephants, eastern black rhino, southern white rhino). Laikipia county is a stronghold for all three of these species in Kenya with continentally important populations of each.

During the time of application in 2016 the MIKE (Monitoring the illegal Killing of elephants) for 2015 was unavailable and thus we used 2014 data, which indicated that 47.8% of all elephant carcasses had been illegally killed in the Laikipia-Samburu Ecosystem. Since then the data has been compiled for 2016 indicating that 40% of elephants had been killed illegally during this period. This is a hugely encouraging statistic showing that we have already hit one of our targets (Indicator 8) in support of the project outcome.

While we had not set a specific target in relation to the illegal killing of rhinos for this period we are able to report that no rhinos were poached during the first financial year of the project.

These statistics suggest that the project (which cannot be viewed in isolation) and associated interventions are having a positive impact on the species in question.

7. Project support to poverty alleviation

The ecotourism industry in northern Kenya is the backbone of Laikipia County's economy generating over USD annually, employing 14,000 individuals (each with on average 5 dependents) and investing into social projects. Key species such as elephants and rhinos are a major draw for this sector and the illegal wildlife trade in these species threatens the local economy by robbing the country of valuable foreign currency.

In Laikipia, with no formally protected areas, private landowners and community conservancies are directly dependent on the income generated from this industry. The illegal wildlife trade could undermine this industry and result in large-scale unemployment for low-income families that currently generate benefits from tourism (i.e. construction of schools, jobs in the service industry, scholarships for their children etc). If tourism were to collapse within this region (as a result of there being no wildlife or being considered to dangerous to visit as a result of the activities of organised criminal syndicates), wildlife would cease to yield and value for these communities in question (and rather become a cost e.g. through human-elephant conflict) and the repercussions would be hugely detrimental for conservation on a national scale.

This project aims to keep the illegal wildlife trade under control in this region thereby securing the tourism industry and the many livelihoods that it supports. In doing so the project directly contributes to poverty alleviation.

8. Consideration of gender equality issues

Kenya's constitution is very clear on the equal rights and non-discrimination and equal participation in decision making. While this project is not focused on gender equality issues we have taken into account the need to ensure that, wherever possible, equal representation is achieved during training workshops. This has been successfully achieved in workshops for ODPP prosecutors where the majority are women.

In addition, SFG considered and ultimately employed a female Wildlife Crime Court Monitoring officer to fill this position. There has been no discrimination against either sex in this project that we are aware of.

9. Monitoring and evaluation

The project outcome we are working towards is, **"High-level training provided to law enforcement personnel in Northern Kenya will increase their capacity to investigate and prosecute wildlife crimes and empowerment of CUCs will allow them to address problems within the criminal trial process to increase the number of successful prosecutions and reduce the illegal killing of elephants and rhinos."**

In order to achieve this project outcome it is critical that key personnel within the criminal justice pathway are adequately sensitized, trained and empowered. The activities, involving training

workshops, investigative courses and field based training courses, are thus highly appropriate to achieve this. SFG is monitoring the number of people being trained as well as their feedback of trainings attended (verbal, not written during a formal feedback period at the end of workshops).

In order to address problems within the criminal trial process it is critical to constantly monitor and document weaknesses related to active cases in the landscape. By creating a regional database of all rhino horn and ivory cases, through the employment of a court monitoring officer, and documenting the strengths and weaknesses of each case we are able to provide strategic case management advice and feedback to ensure cases are kept on track and actors are empowered. The work SFG is doing in the northern Kenyan landscape directly complements our partnership with WD who have a national level focus in addressing the same issues. These activities and outputs are thus also highly appropriate.

Much of the measurements are related to the number of people trained above a given baseline (which for this project is zero) and monitoring the number of cases coming to court (including specific details on their outcomes, types of sentencing etc). Both metrics are very easy to monitor and report on.

There have been no changes to the overall M&E plan over this reporting period.

10. Lessons learnt

Despite not having been able to deliver on all of the components of the project as stipulated in the application document overall it has been a hugely positive year with tangible achievements.

1. Training Workshop Dates – These would need to have been set in stone prior to project commencement. While it is true that unavoidable circumstances may force you to change dates at a later stage it is advisable that as much as possible these dates are agreed upon by partners long before the day
2. Working together with facilitators from partner institutions (E.g. UNODC, WD, ODPP, JTI) worked extremely well during this project. It was hugely encouraging to see that the illegal wildlife trade is being taken seriously at a national level.
3. The court monitoring element of the project was the biggest success of the project thus far in the sense that all ivory and rhino horn cases in a large area of north central Kenya are on our radar and we are carefully watching what is happening in each case. Where we feel inappropriate decisions are being made we raise it the relevant authorities. E.g. quite often SFG's court officer ensures that KWS witnesses attend court on the correct dates, ensuring that exhibits will be presented etc with an aim to avoid unnecessary adjournments (currently one of the biggest challenges in Kenyan courts).SFG's legal director was able to use her relationships at the level of Headquarters to elevate matters that were not resolvable at a local level.

11. Actions taken in response to previous reviews (if applicable)

Not Applicable

12. Other comments on progress not covered elsewhere

None that come to mind.

13. Sustainability and legacy

With the work being conducted in this project in north central Kenya, SFG has become a natural leader in the field of the criminal justice pathway. We have developed very close working relationships with other key stakeholders (e.g. UNODC & WD) working in the same arena and now play a critical advisory role on amendments to key pieces of legislation, helping build the in-house capacity of KWS and developing resource materials for the ODPP.

There have been numerous informal requests by actors within the criminal justice pathway, especially those who missed out on the last round of training, to repeat training workshops for their benefit and this will be the focus of the work being done in the next financial year. Similarly SFG has been invited to collaborate in trainings in this field in other parts of the country based on our existing model of stakeholder involvement.

SFG is working with WD to produce an updated court survey study for the entire country, which will capture the north Kenya data, to report on the progress being made in Kenyan courts with respect to wildlife crime. This will be an open access document freely available from the SFG and WD websites once completed (expected in June 2017).

There have been no changes to the exit strategy as previously stipulated.

To ensure that the project outcome is secured into perpetuity, sustainable funding will need to be secured for this work in the future. Given that the work is considered good value for money with tangible achievements we do not believe this will pose a major hindrance.

14. IWT Challenge Fund Identity

Off the back of several notable convictions in the north central Kenyan landscape SFG received coverage in the Independent newspaper. DEFRA has been appropriately credited for funding the work. Article available below:

<http://www.independent.co.uk/voices/campaigns/GiantsClub/kenya-leads-the-way-in-bringing-poachers-to-justice-a7385856.html>

In SFG's Annual Report 2015-2016 the work being done with regards to tackling the illegal wildlife trade is described and DEFRA is appropriately credited for funding this project. This report has been sent to the entire SFG database of approximately 5,000 individuals. Please view at the following link:

http://spaceforgiants.org/wp-content/uploads/2017/05/Space_For_Giants_AR_2015-16.pdf

15. Project expenditure

Table 1: Project expenditure during the reporting period (April 2016-March 2017)

| Project spend (indicative) since last annual report | 2016/17 Grant (£) | 2016/17 Total actual IWT Costs (£) | Variance % | Comments (please explain significant variances) |
|---|-------------------|------------------------------------|------------|---|
| Staff costs (see below) | | | | |
| Consultancy costs | | | | |
| Overhead Costs | | | | |
| Travel and subsistence | | | | |
| Operating Costs | | | | |
| Capital items (see below) | | | | |
| Others (see below) | | | | |
| TOTAL | | | | |

16. OPTIONAL: Outstanding achievements of your project during the reporting period (300-400 words maximum). This section may be used for publicity purposes

I agree for the IWT Secretariat to publish the content of this section (please leave this line in to indicate your agreement to use any material you provide here)

Annex 1: Report of progress and achievements against Logical Framework for Financial Year 2016-2017

| Project summary | Measurable Indicators | Progress and Achievements April 2016 - March 2017 | Actions required/planned for next period |
|---|---|---|---|
| <p>Impact</p> <p>A reduction in the illegal trade in ivory and rhino horn products in Northern Kenya through an increase in the number of successful prosecutions.</p> | | <ol style="list-style-type: none"> 1. The proportion of illegally killed elephants has reduced to 40% by the end of 2016 (47.8% in 2014). 2. No rhinos killed during this period. 3. 11 ivory cases concluded with 10 convictions. | |
| <p>Outcome</p> <p>High-level training provided to law enforcement personnel in Northern Kenya will increase their capacity to investigate and prosecute wildlife crimes and empowerment of CUCs will allow them address problems within the criminal trial process to increase the number of successful prosecutions and reduce the illegal killing of elephants and rhinos.</p> | <ol style="list-style-type: none"> 1. Increase successful convictions for ivory and rhino horn cases from 60% (2013) to 90% by 2018 (this refers to cases that reached a verdict). 2. Increase in custodial and non-custodial sentences for offenders related to ivory and rhino horn cases to >50% respectively by 2018 (2013 – only 7% of convicted individuals received a custodial sentence and only 9% received the maximum fine allowed by the wildlife act). 3. A decrease in case dismissals due to inconclusive investigations, missing police files, missing evidence and failure of prosecution to prove a tangible case from 10.8% (2013) to 0% by 2018. (64% of all court cases [not limited to wildlife crime] do not meet the minimum evidentiary threshold to sustain convictions). | <ol style="list-style-type: none"> 1. 11 ivory cases concluded with 10 convictions = 91%. 2. Only 1 case out 9 resulted in a direct custodial sentence = 11%. 3. Only 1 case out of 11 was dismissed under section 215 of the Criminal Procedures Code due to poor investigation work = 9%. 4. Of 29 cases with data available since start of the project (including concluded cases) the percentage is 52%. 5. 100% of cases documented in a regional database. Currently stands at 33 cases (3 rhino, 30 ivory). | <ol style="list-style-type: none"> 1. Conduct a further 3 training workshops to train a further 50 investigators and prosecutors. 2. Conduct a further 5 first on scene courses to train a target of 125 rangers. 3. Continue to monitor the illegal killing of elephants to monitor project success. 4. Conduct training for KWS investigators in correct investigative procedure. |

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| | <ol style="list-style-type: none"> 4. Increase bail amount to over the estimated street value of the ivory and rhino horn confiscated from offenders from 20% (2013) to 100% (2018). 5. 100% of ivory & rhino horn cases added to the regional database (from a baseline of 0%) in 2017. 6. Sensitize and train police, KWS investigators, and prosecutors in dealing with wildlife crime, with emphasis on ivory and rhino horn cases, from 0 (2015) to 100 by 2018. 7. Train wildlife rangers in dealing with basic scene of crime management from 0 (2015) to 250 by 2018. 8. A decrease in the Proportion of Illegally Killed Elephants (PIKE - derived from Monitoring of Illegally Killed Elephants [MIKE]) data. PIKE to reduce from 47.8% (2014) to 40% by 2018. | <ol style="list-style-type: none"> 6. A total of 50 were trained in the first year. 7. A total of 106 out of a target of 125 trained. 8. PIKE reduced to 40% by end of December 2016. | |
| <p>Output 1. A regional database of all ivory and rhino horn court cases compatible with a national database managed by WildlifeDirect.</p> | <ol style="list-style-type: none"> 1. Number court cases coming through each of our target law courts (Laikipia, Meru, Nyeri, Nyahururu & Isiolo counties). | <ol style="list-style-type: none"> 1. A total of 28 current cases. Indicator is appropriate. Evidence provided in 1.0 Annex 4. | |
| <p>Activity 1.1 A court officer will conduct a Watching Brief to monitor all ivory and rhino horn cases in the landscape.</p> | | <ol style="list-style-type: none"> 1. See evidence 1.0 Annex 4 documenting activities taken place by the court-monitoring officer. | |
| <p>Activity 1.2 This data will be entered into a regional database.</p> | | <ol style="list-style-type: none"> 1. See evidence 1.0 Annex 4 for the SFG database for cases on northern Kenya. | |

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| <p>Activity 1.3</p> <p>Quarterly reports will be produced on all cases documenting the strengths and weaknesses of the cases.</p> | | <p>1. See evidence 2.0 Annex 4 for monthly reports on activities taken place and specific cases. Strengths and weaknesses have been merged with Activity 2.2 as documented in evidence 4.0 in Annex 4.</p> |
| <p>Output 2.</p> <p>Case Management for all ivory and rhino horn cases in Northern Kenya.</p> | <ol style="list-style-type: none"> 1. 90% of cases end in sentencing by 2018 (baseline = 60%) 2. 75% of cases end in custodial sentences by 2018 (baseline = 7%) 3. 0% of cases a dismissed due to missing case files by 2018 (baseline = 10.8%) | <ol style="list-style-type: none"> 1. This can only be reported on at the end of the project in 2018. 2. This can only be accurately reported on in 2018 but for the moment out of 11 concluded cases for ivory only 1 was sentenced to a custodial sentence without the option of a fine = 9% 3. Thus far 0 cases have been dismissed due to missing case files. |
| <p>Activity 2.1</p> <p>Case management on all ivory and rhino horn cases (this will include meeting with Police/KWS investigators and prosecutors to provide legal advise).</p> | | <p>1. SFG has worked closely with the KWS & Prosecutors on a large number of cases where problems have presented themselves. Where action was taken this was documented – see evidence 3.0 in Annex 4.</p> |
| <p>Activity 2.2</p> <p>Produce per case reports on the strengths and weaknesses to be discussed at training courses and during CUC meetings.</p> | | <p>1. See evidence 4.0 in Annex 4.</p> |
| <p>Output 3. (Insert original output)</p> <p>Training provided to investigators, members of the judiciary and wildlife rangers on investigativetechniques, effective prosecution and scene of crime management.</p> | <p><i>(Insert original output level indicators)</i></p> <ol style="list-style-type: none"> 1. 6 training courses (12 days) provided to members of the judiciary by 2018 (baseline = zero. NB. SFG has conducted 3 pilot courses in 2014/2015) 2. 4 training courses (40 days) provided to investigating officers by 2018 (baseline = zero) 3. 10 training courses (10 days) provided to wildlife rangers by 2018 (baseline = zero) | <p><i>(Report against the indicators on progress towards achieving the output)</i></p> <ol style="list-style-type: none"> 1. A total of 3 training courses were held in 2016-2017 training a total of 75 participants. See evidence 5.0 in Annex 4. 2. The two training courses stipulated for 2016-2017 were not delivered as explained elsewhere. Scheduled for December 2017. 3. A total of 4 out of a target of 5 first on scene training courses were delivered. See evidence 6.0 in Annex 4. |

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| <p>Activity 3.1</p> <p>6 training courses on effective criminal trial procedure for members of the judiciary.</p> | <ol style="list-style-type: none">1. A total of 3 training courses were held in 2016-2017 training a total of 75 participants. See evidence 5.0 in Annex 4. |
| <p>Activity 3.2</p> <p>4 training courses provided to investigating officers on effective investigate procedure.</p> | <ol style="list-style-type: none">1. The two training courses stipulated for 2016-2017 were not delivered but set for December 2017. |

Annex 2: Project’s full current logframe as presented in the application form (unless changes have been agreed)

N.B. if your application’s logframe is presented in a different format in your application, please transpose into the below template. Please feel free to contact IWT-Fund@ltsi.co.uk if you have any questions regarding this.

| Project summary | Measurable Indicators | Means of verification | Important Assumptions |
|--|--|--|--|
| Impact: | | | |
| A reduction in the illegal trade in ivory and rhino horn products in Northern Kenya through an increase in the number of successful prosecutions. | | | |
| <p>Outcome:</p> <p>High-level training provided to law enforcement personnel in Northern Kenya will increase their capacity to investigate and prosecute wildlife crimes and empowerment of CUCs will allow them address problems within the criminal trial process to increase the number of successful prosecutions and reduce the illegal killing of elephants and rhinos.</p> | <ol style="list-style-type: none"> 1. Increase successful convictions for ivory and rhino horn cases from 60% (2013) to 90% by 2018 (this refers to cases that reached a verdict). 2. Increase in custodial and non-custodial sentences for offenders related to ivory and rhino horn cases to >50% respectively by 2018 (2013 – only 7% of convicted individuals received a custodial sentence and only 9% received the maximum fine allowed by the wildlife act). 3. A decrease in case dismissals due to inconclusive investigations, missing police files, missing evidence and failure of prosecution to prove a tangible case from 10.8% (2013) to 0% by 2018. (64% of all court cases [not limited to wildlife crime] do not meet the minimum evidentiary threshold to sustain convictions). 4. Increase bail amount to over the estimated street value of the ivory and rhino horn confiscated from offenders from 20% (2013) to 100% (2018). | <ol style="list-style-type: none"> 1. NGO annual report on prosecution of ivory & rhino horn cases; Quarterly reports; CUC meeting minutes 2. NGO annual report on prosecution of ivory & rhino horn cases; Quarterly reports; CUC meeting minutes 3. NGO annual report on prosecution of ivory & rhino horn cases; Quarterly reports; CUC meeting minutes 4. NGO annual report on prosecution of ivory & rhino horn cases; Quarterly reports; CUC meeting minutes, Newspaper articles, Media reports 5. NGO annual report on prosecution of ivory & rhino horn cases; Quarterly reports; CUC meeting minutes 6. Minutes & attendance lists from training workshops; | <ol style="list-style-type: none"> 1. Political ‘Will’ remains to protect elephants and rhinos from regional extinction. 2. Funding remains available to adequately manage & patrol elephant and rhino habitat. 3. Increased number of successful prosecutions and harsh sentences act as a deterrent to prevent poaching. 4. Trained individuals are not transferred beyond our project area and replaced by untrained individuals on a regular basis. 5. Corruption levels within the judicial system remain low/manageable. 6. The current Wildlife Conservation and Management Act with associated penalties is not amended before 2018. |

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| | <ul style="list-style-type: none"> 5. 100% of ivory & rhino horn cases added to the regional database (from a baseline of 0%) in 2017. 6. Sensitize and train police, KWS investigators, and prosecutors in dealing with wildlife crime, with emphasis on ivory and rhino horn cases, from 0 (2015) to 100 by 2018. 7. Train wildlife rangers in dealing with basic scene of crime management from 0 (2015) to 250 by 2018. 8. A decrease in the Proportion of Illegally Killed Elephants (PIKE - derived from Monitoring of Illegally Killed Elephants [MIKE]) data. PIKE to reduce from 47.8% (2014) to 40% by 2018. | <ul style="list-style-type: none"> Trainer Report on workshop & images; newspaper articles. 7. Minutes & attendance lists from training workshops; Trainer Report on workshop & images; newspaper articles; media reports. 8. MIKE data reports; meeting minutes; NGO annual reports | |
| <p>Output 1</p> <p>A regional database of all ivory and rhino horn court cases compatible with a national database managed by WD.</p> | <p>1.1 Number court cases coming through each of our target law courts (Laikipia, Meru, Nyeri, Nyahururu & Isiolo counties).</p> | <ul style="list-style-type: none"> 1.1 NGO Quarterly report 1.2 NGO Quarterly report, Case Management Report 1.3. NGO Quarterly report, Meeting Minutes, Attendance Lists | <ul style="list-style-type: none"> 1.1 Staff turnover remains manageable. 1.2 Corruption levels remain manageable. 1.3 Better trained individuals results in a greater number of successful prosecutions. |
| <p>Output 2</p> <p>Case Management for all ivory and rhino horn cases in Northern Kenya.</p> | <ul style="list-style-type: none"> 2.1 90% of cases end in sentencing by 2018 (baseline = 60%) 2.2 75% of cases end in custodial sentences by 2018 (baseline = 7%) 2.3 0% of cases a dismissed due to missing case files by 2018 (baseline = 10.8%) | <ul style="list-style-type: none"> 1.1 NGO Quarterly report 1.2 NGO Quarterly report, Case Management Report 1.3. NGO Quarterly report, Meeting Minutes, Attendance Lists | <ul style="list-style-type: none"> 1.1 Staff turnover remains manageable. 1.2 Corruption levels remain manageable. 1.3 Better trained individuals results in a greater number of successful prosecutions. |

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| <p>Output 3</p> <p>Training provided to investigators, members of the judiciary and wildlife rangers on investigative techniques, effective prosecution and scene of crime management.</p> | <p>3.1 6 training courses (12 days) provided to members of the judiciary by 2018 (baseline = zero. NB. SFG has conducted 3 pilot courses in 2014/2015)</p> <p>3.2 4 training courses (40 days) provided to investigating officers by 2018 (baseline = zero)</p> <p>3.3 10 training courses (10 days) provided to wildlife rangers by 2018 (baseline = zero)</p> | <p>1.1 NGO Quarterly report</p> <p>1.2 NGO Quarterly report, Case Management Report</p> <p>1.3. NGO Quarterly report, Meeting Minutes, Attendance Lists</p> | <p>1.1 Staff turnover remains manageable.</p> <p>1.2 Corruption levels remain manageable.</p> <p>1.3 Better trained individuals results in a greater number of successful prosecutions.</p> |
| <p>Activities (each activity is numbered according to the output that it will contribute towards, for example 1.1, 1.2 and 1.3 are contributing to Output 1)</p> <p>1.1 A court officer will conduct a Watching Brief to monitor all ivory and rhino horn cases in the landscape.</p> <p>1.2 This data will be entered into a regional database.</p> <p>1.3 Quarterly reports will be produced on all cases documenting the strengths and weaknesses of the cases.</p> <p>2.1 Case management on all ivory and rhino horn cases (this will include meeting with Police/KWS investigators and prosecutors to provide legal advise).</p> <p>2.2 Produce per case reports on the strengths and weaknesses to be discussed at training courses and during CUC meetings.</p> <p>3.1 6 training courses on effective criminal trial procedure for members of the judiciary.</p> <p>3.2 4 training courses provided to investigating officers on effective investigate procedure.</p> <p>3.3 10 training courses provided to wildlife rangers on basic scene of crime management.</p> | | | |

Annex 3 Standard Measures

Annex 4 Onwards – supplementary material (optional but encouraged as evidence of project achievement)

Checklist for submission

| | Check |
|---|-------|
| Is the report less than 10MB? If so, please email to IWT-Fund@ltsi.co.uk putting the project number in the subject line. | Yes |
| Is your report more than 10MB? If so, please discuss with IWT-Fund@ltsi.co.uk about the best way to deliver the report, putting the project number in the subject line. | |
| Have you included means of verification? You need not submit every project document, but the main outputs and a selection of the others would strengthen the report. | Yes |
| Do you have hard copies of material you want to submit with the report? If so, please make this clear in the covering email and ensure all material is marked with the project number. | No |
| Have you involved your partners in preparation of the report and named the main contributors | Yes |
| Have you completed the Project Expenditure table fully? | Yes |
| Do not include claim forms or other communications with this report. | |