



Illegal Wildlife Trade (IWT) Challenge Fund Half Year Report



(due 31st October 2017)

Project reference: IWT028

Project title: Building judicial capacity to counter wildlife crime in Kenya

Country(ies): Kenya

Lead organisation: Space for Giants (SFG)

Collaborator(s): Office of the Director of Public Prosecutions (ODPP), WildlifeDirect, Kenya Wildlife Service (KWS), Mount Kenya Trust

Project leader: Dr. Max Graham

Report date and number (e.g. HYR1): 31/10/2017 HYR2

Project website/blog/social media etc: www.spaceforgiants.org, Instagram: spaceforgiants, Twitter: @spaceforgiants

1. Outline progress over the last 6 months (April – Sept) against the agreed project implementation timetable (if your project has started less than 6 months ago, please report on the period since start up to the end September).

Watching Brief & Case Management

As part of our court monitoring component of the project Faith Maina has continued to attend court across the landscape. This element of the project, along with our active case management has been hugely successful with clear impacts especially in avoiding unnecessary adjournments (i.e. ensuring that witnesses attend court, ensuring the Kenya Wildlife Service (KWS) bring the exhibits to court, preparing witnesses to deliver testimony etc.) and has continued uninterrupted throughout 2017.

At the end of year one of the project SFG was monitoring 32 active cases in the respective courts, this had increased to 43 by October 2017 indicating the critical need of this project and ongoing wildlife crime within the region.

	April 2017	October 2017
Ivory	25	30
Rhino	3	4
Sandalwood	4	6
Other Wildlife (e.g. bushmeat poaching)	0	3
Total Cases	32	43

In total these cases constitute roughly 82 tusks of unworked ivory weighing 430kgs (average 5kg per tusk) valued at an estimated USD at its end destination in China (USD 730 per kg in 2017). The rhino horn cases lack the necessary detail to derive a

street value. Of notable concern, and a more recent development is the surge in East African Sandalwood poaching by locally operating cartels, with the cases we are monitoring constituting about 23 tonnes.

While our focus remains on ivory and rhino horn cases (e.g. <http://mobile.nation.co.ke/counties/Court-grants-bond-to-suspected-poacher/1950480-3103552-format-xhtml-fdwcdcz/index.html>), our attendance in courts has made it possible to give due attention to other high profile cases e.g. sandalwood to ensure these proceed smoothly, where possible.

In the period April – September 2017 a total of 2 cases were concluded. A summary of the details is presented below:

- Cr. 864/2014, Republic vs. David Gitonga Mwarima (Nanyuki Law Courts). Accused sentenced on 30th August 2017 to a fine of GBP 7,600 and 5 years imprisonment. In the event the accused does not pay the fine an additional year of imprisonment shall be served.
- Cr. 193/2014, Republic vs. Tony Mbaya Marangu & another (Meru Law Courts). The ODPP withdrew the case on 12th July under the advise of SFG. The exhibits of the case had disappeared in October 2014 and were never recovered, as such insufficient evidence was available to link the accused to the crime. SFG wrote a letter of complaint to the KWS to have the officer in charge of the exhibits investigated. This is on-going.

Monthly reports have been judiciously kept reviewing the ongoing strengths and weaknesses of each case to be used at training workshops.

Training Workshops

In July SFG was able to host one of the 3 training workshops for KWS, ODPP officers & Police officers. At the training the main thematic areas were discussions on interagency collaboration, clarifying the KWS mandate to investigate wildlife crime and the need to streamline communications between the stakeholders.

Overall, as elaborated on in the next section, SFG has been delayed in the delivery of training courses to rangers, KWS investigation officers and prosecution officers in this period due to the country's general elections in August, and the re-run in October. Below are the timelines for their delivery:

- 2 x training workshops for KWS, ODPP and police officers to be hosted during the period of 27th November – 3rd December 2017.
- 2 x 10-day training workshops for KWS investigative officers has been confirmed for the period of 4th December – 23rd December 2017.
- 5 x First on Scene training courses scheduled for the months of November - January.

2a. Give details of any notable problems or unexpected developments/lessons learnt that the project has encountered over the last 6 months. Explain what impact these could have on the project and whether the changes will affect the budget and timetable of project activities.

As described in the last annual report the project has been impacted in 2017 due to Kenya's closely contested general elections hosted in August. In the run up to the elections it became increasingly difficult to host any workshops due to courts and the Judiciary preparing for election petitions. As such a decision was made in collaboration with the ODPP to reschedule these till after the elections in August.

In addition, due to large scale politically motivated land incursions into Laikipia (the focus of the project area, see <https://www.nytimes.com/2017/07/29/world/africa/africa-climate-change-kenya-land-disputes.html?mcubz=1>), armed poachers moved into this security vacuum and we saw a significant increase in wildlife poaching, most notably elephants and several rhino. As a result it was not prudent to carry out the First on Scene Training courses because conservancies could not afford to pull rangers away from the field (for fear of leaving themselves exposed) to undergo a training during this high-alert period.

After the initial election in August, Kenya's Supreme Court, to its credit, nullified the election result due to inconsistencies noted during the process and allegations of fraud. A re-run was scheduled for the 26th October 2017. This further delayed our progress until the successful completion of the new elections.

With the new elections having been won once again by the incumbent President Uhuru Kenyatta we have made excellent progress both with the Kenya Wildlife Service and the Office of the Director of Public Prosecutions to get back on schedule and deliver the workshops and trainings as specified within the project.

The Training workshops for ODPP prosecutors and KWS Officers have been scheduled for the 27th November – 3rd December of 2017.

The 10-day Investigative courses for KWS investigative officers will be hosted between the 4th December – 23rd December of 2017.

Despite the challenges brought by the elections in 2017 we are still very confident that we will be able to successfully deliver all aspects outlined within the project.

2b. Have any of these issues been discussed with LTS International and if so, have changes been made to the original agreement?

No recent changes have taken place since the submission of the annual report.

Discussed with LTS:	Yes/No
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Formal change request submitted:	Yes/No
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Received confirmation of change acceptance	Yes/No
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3a. Do you currently expect to have any significant (e.g. more than £5,000) underspend in your budget for this year?

Yes No Estimated underspend: £

3b. If yes, then you need to consider your project budget needs carefully. Please remember that any funds agreed for this financial year are only available to the project in this financial year.

If you anticipate a significant underspend because of justifiable changes within the project, please submit a rebudget Change Request as soon as possible. There is no guarantee that Defra will agree a rebudget, so please ensure you have enough time to make appropriate changes if necessary.

4. Are there any other issues you wish to raise relating to the project or to IWT challenge Fund management, monitoring, or financial procedures?

None at this stage.

If you were asked to provide a response to this year's annual report review with your next half year report, please attach your response to this document. Additionally, if you were funded under R3 and asked to provide further information by your first half year report, please attach your response as a separate document.

Please note: Any planned modifications to your project schedule/workplan can be discussed in this report but **should also be raised with LTS International through a Change Request.**

Please send your **completed report by email** to Victoria Pinion at IWT-Fund@ltsi.co.uk. The report should be between 2-3 pages maximum. **Please state your project reference number in the header of your email message e.g. Subject: IWT001 Half Year Report.**