



KENYA

PARTY TO CITES (1979) | UNTOC (2004) | UNCAC (2003) MEMBER OF INTERPOL | WORLD CUSTOMS ORGANISATION | LUSAKA AGREEMENT TASK FORCE | HORN OF AFRICA WILDLIFE ENFORCEMENT NETWORK

SOURCE • TRANSIT

OVER 25 TONNES
IVORY SEIZED
SINCE 2010

IVORY



SOURCE • TRANSIT

121.74 kg RHINO
HORN SEIZED IN
OR LINKED TO
KENYA SINCE 2010

RHINO



TRANSIT

500 kg PANGOLIN
SCALES SEIZED
SINCE 2010

PANGOLIN

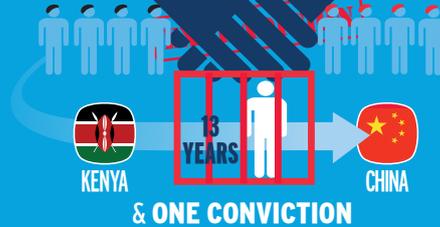


18 TONNES IVORY
LINKED TO KENYA
SEIZED IN...

VIETNAM SINGAPORE
SRI LANKA THAILAND
HONG KONG

SINCE 2010

COLLABORATION BETWEEN CHINA & KENYA RESULTS IN



KENYA | INVESTING IN ENFORCEMENT

KEY INDICATORS¹

INTERPOL National Central Bureau has officer(s) dedicated to investigating wildlife crime

Multi-agency enforcement mechanism established to investigate wildlife crime

Financial intelligence unit includes wildlife crime on their portfolios

Assets and proceeds of crime seized in relation to wildlife crime cases since 2014

DNA analysis used in wildlife crime investigations since 2014

Government monitoring of online wildlife trade

Part of bilateral or multilateral agreements that specifically tackle transnational wildlife crime²

Participated in INTERPOL operations on wildlife crime since 2014

Participated in regional/international enforcement operations on wildlife crime since 2014³

Applied or declared intention to apply ICCWC Wildlife and Forest Crime Analytic Toolkit

- **Strengthening anti-poaching capacity** through establishment of an inter-agency anti-poaching unit, hiring of more than 500 new Kenya Wildlife Service (KWS) rangers, allocation of Ksh300m (c.US\$2,959,000) for training of additional wardens, setting up a new encrypted radio system for use in national parks and planning for the launch of anti-poaching drones in all national parks.
- **Providing training** for customs officers in permit systems and identification of wildlife items; and for wildlife enforcement in detection of ivory, crime scene management and preparation of documents for prosecutors.
- **Building forensics capacity** to assist in prosecutions by establishing a new US\$100m wildlife forensics laboratory in Nairobi, the first of its kind in East Africa, providing a regional hub for analysing DNA samples from seized wildlife specimens.
- **Use of canine units** to detect ivory and other wildlife products at Nairobi's Jomo Kenyatta International Airport (JKIA) and Mombasa Port. The JKIA unit arrests on average two people per week for ivory offences.
- As part of the UNODC-WCO **Container Control Programme**, establishing a multi-agency Joint Port Control Unit in Mombasa Port to facilitate sharing of information in real time to profile, target and examine containers being used to smuggle wildlife products.
- Improving **international collaboration** to tackle wildlife crime; for example, a high level delegation visited China which resulted in the adoption of a bilateral agreement to improve



ABOVE: MOMBASA PORT IS PART OF THE UNODC WCO CONTAINER CONTROL PROGRAMME © EIA

collaboration in combatting ivory and rhino horn trafficking.

CASE FILES

Kenya Revenue Authority's dedicated wildlife investigation unit traced the criminal network involved in a shipment of ivory from Mombasa to Bangkok, through analysis of records from the M-Pesa mobile phone bank transfer platform.

KWS in collaboration with the Embassy of China in Kenya and Chinese police officers dispatched from China were able to arrest a Chinese national running an ivory carving factory in Nairobi. The suspect was extradited to China where he was given a 13-year prison sentence.

Ivory smuggling kingpin Feisal Ali Mohammed was sentenced to 20 years imprisonment and Ksh20 million fine in July 2016. The case was a result of follow-up investigation of a seizure of two tonnes of ivory at Fuji Motors car yard in Mombasa in June 2014 and involved co-ordination amongst various government agencies and international partners, including INTERPOL and the Lusaka Agreement Task Force.

MAIN OBSERVATIONS

- Improving **national multi-agency co-operation** to tackle wildlife crime; for example, through deploying representatives from the National Police Service as liaison officers at Kenya's Wildlife Management Authority. A multi-agency enforcement unit and inter-agency intelligence committee are in development.

KENYA | ENSURING EFFECTIVE LEGAL DETERRENTS

KEY INDICATORS¹

Legislation treats wildlife crime as a 'serious crime' as per UNTOC, ie, the maximum sanction applicable is not less than 4 years

Sentencing guidelines for wildlife crime have been disseminated

Known convictions for wildlife crime since 2014

Charges brought under ancillary legislation such as anti-money laundering laws in wildlife crime cases since 2014

Has anti-corruption unit

Known convictions for corruption related to illegal wildlife trade cases since 2014

25/100 TI Corruption Perceptions Index 2015

MAIN OBSERVATIONS

- Kenya's **new Wildlife Conservation and Management Act (WCMA)** provides for severe penalties for wildlife crime (life imprisonment, and/or fines of up to Ksh20m/US\$198,000), resulting in an increase in deterrent sentencing for wildlife crime. However, this has also led to an increase in 'not guilty' pleas due to high minimum penalties under the WCMA. In order to address this concern, the WCMA is being amended and a pilot to address

delay in the courts was launched in December 2015. A plea bargaining policy developed within the Office of the Director Public Prosecutions (ODPP) requires national roll-out, although with high minimum penalties its effectiveness is questionable.

- A report by NGO Wildlife Direct on **progress made in wildlife trials** in 2014–15, since the enactment of the WCMA, is 'cautiously optimistic' about progress made. The report in particular notes improved management of case records and the denial of bail in a significant number of wildlife crime cases. However, the proportion of convicted persons given jail sentences without the option of a fine remained very low at 6% in 2015.
- A 2014 **amendment to the Evidence Act** has enabled admission of electronic and digital evidence, including photographs of wildlife items or carcasses. However, sensitisation of police and KWS investigating officers on such forms of evidence is required.
- In June 2016, the **world's first airport court** became operational at Nairobi's Jomo Kenyatta International Airport, in order to efficiently and quickly handle drugs and wildlife trafficking cases. In its first month, of the 10 cases related to ivory trafficking heard by the court, nine resulted in convictions.

BEST PRACTICE

A dedicated Wildlife Crime Prosecution Unit (WCPU) prosecutes wildlife cases across the country, with a specialised WCPU prosecutor in all courts. The WCPU, with the British High Commission and Space for Giants, developed a 'Points to Prove' guide for building a strong evidential case against those accused of wildlife and related crimes which includes procedures for inter-agency co-operation. Further prosecutorial capacity is being developed within KWS.

CHALLENGE

Corruption remains a major impediment to effective sentencing in Kenya. For example, the trial of ivory trafficker Feisal Mohamed was beset by allegations of corruption – an inquiry was launched into alleged tampering of evidence involved in the case and the magistrate was suspended.

There appears to be a significant degree of monitoring from civil society groups such as Wildlife Direct and Space for Giants, whose monitors note 'an overall improvement in trial procedures' but 'continue to report numerous cases where suspects of serious crimes get off scot-free'. However, efforts are being made to address corruption in Kenya. For example, UNODC and KWS are working on high priority areas, selected based on risk analysis, in developing risk mitigation strategies and actions to address vulnerabilities to corruption in KWS.

KENYA | ERADICATING DEMAND

KEY INDICATORS¹

Prohibits trade in elephant ivory

Prohibits trade in parts/products of Asian big cats

Stockpiled ivory has been inventoried

Destroyed ivory stockpile since 2014

Destroyed other wildlife stockpiles since 2014

No known incidents of thefts of government-owned wildlife stocks

Government-led initiatives to reduce demand for wildlife products implemented since 2014

MAIN OBSERVATIONS

- Kenya **prohibits all trade** in products from protected species and is a strong advocate for ending all trade in ivory. Kenya was one of 10 elephant range states to submit a successful proposal to CITES CoP17 calling

for the closure of all domestic ivory markets. Kenya also signed the 'Cotonou Declaration' in November 2015, which supports closure of all domestic ivory markets.

- The Kenyan Government has been **working with the private sector** in tackling wildlife trade, including training of Kenya Airways staff in detection of wildlife products, the secondment of a CID officer at mobile phone company Safaricom to assist in tracing of mobile money transfers and working with the tea industry to prevent using tea products as a concealment method to smuggle ivory.
- Kenya is a signatory to the **Elephant Protection Initiative (EPI)**, which includes a commitment to engage with the private sector and private citizens, close domestic ivory markets and commit to a minimum of a 10-year moratorium on all international ivory trade.
- Kenya **destroyed 105 tonnes of ivory and 1.3 tonnes of rhino horn** from its Government stockpile in a public burn on 30 April 2016.

This followed a 21-day amnesty during which Kenyans could hand in illegal wildlife items in their possession.

- In April 2015, a delegation of six KWS officials travelled to China to discuss programmes aimed at **reducing demand for ivory**. Kenya has also worked with several African elephant range states to submit various proposals to CITES to increase protection for elephants and reduce demand for ivory.

BEST PRACTICE

KWS conducted a full inventory and centralisation of government ivory and rhino horn stockpiles in 2015; 25,052 pieces of ivory (137.679 tonnes) and 1,248 pieces of rhino horn (1.519 tonnes) were counted. Despite initially stating that all pieces would be sampled, DNA samples were only taken from 2,300 ivory items and 800 rhino horns. However, this included samples from all ivory seizures of more than 500kg, as recommended by CITES.