



PO Box 33  
Noordhoek 7979  
Cape Town

Minister Molewa  
Department of Environmental Affairs  
By Email

24<sup>th</sup> October 2016

Dear Minister,

**RE: The rules of engagement in relation to poaching in the KNP and minimum sentences for those convicted of poaching.**

Now that the dust of the CITES meeting in Johannesburg has settled, it is a good time to review the SA policies and practices in the light of the decisions taken by the delegates in relation to trade in endangered species within the country.

The illicit trade in rhino horn is perhaps the most pressing of the problems. SA is a "BIG FIVE" tourist destination and the well-being of the thousands of people employed in the tourism sector is very much intertwined with the welfare of the remaining rhino. As the legalisation of trade in rhino horn is not acceptable to CITES, the reality of the situation is that either SA meekly succumbs to becoming a "BIG FOUR" destination with all the economic hardship that brings or steps are taken to deal with the criminal activity that is threatening the survival of rhino as a species and endangering the livelihoods of those in tourism.

In this regard we respectfully remind you that we have previously been in communication with you in relation to adjusting the rules of engagement with poachers so as to render the efforts of the game rangers compliant with Section 195(1) of the Constitution. While steps to reduce demand for rhino horn take time, efficient

*Patron: Archbishop Emeritus Desmond Tutu  
Trustees: S Christie; G Galant; D Scott; W Thring  
Directors: P Hoffman, SC.; Adv G Lloyd-Roberts; Adv C Shone, B Malherbe; A Hamilton; C Moore*

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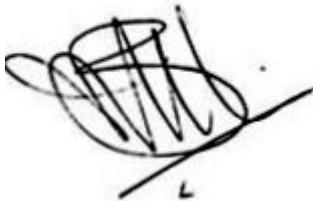
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intelligence driven administration of the criminal justice system in SA is the fastest way to deal with the problem in the short term. Organised crime is involved in poaching of rhino horn and the 'big fish' in the syndicates need to be dealt with decisively, wherever they may be found.

It is also a common feature of prosecutions for poaching that risibly light sentences are imposed by courts which do not have an appreciation of the need for biodiversity (protected by section 24 of the Bill of Rights) or the seriousness of the crime from an economic perspective. We respectfully suggest that cabinet be approached by you with a view to introducing minimum sentence legislation for poaching. This will send out a clear message to those involved in poaching that government views their crime as serious and is prepared to take proactive steps to deal properly with it. There will be a huge saving in court time if this type of legislation is introduced as it will render evidence in aggravation of sentence unnecessary.

Kindly acknowledge receipt of this communication and let us know what the current position of government is in relation to the rules of engagement with poachers both in KNP and generally and whether you are prepared to champion minimum sentencing in relation to poaching.

Yours in Accountability,

A handwritten signature in black ink, appearing to be 'Braam Malherbe', written over a horizontal line.

Braam Malherbe