

**RAPID REFERENCE GUIDE FOR THE
INVESTIGATION AND
PROSECUTION OF
WILDLIFE CRIMES
IN ZAMBIA**

A close-up photograph of a leopard resting its head on a thick, weathered tree branch. The leopard's face is the central focus, showing its distinctive spotted coat and intense gaze. A white, rounded rectangular frame is superimposed over the leopard's head and the branch. The background is a clear, light blue sky.

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LIST OF ACRONYMS

ACC	Anti-Corruption Commission	GSD	Geological Survey Department
AG	Attorney General	IO	Investigations Officer
ADL	Assistant Director – Legal, Department of National Parks and Wildlife	MoL	Ministry of Lands
AMLIU	Anti Money Laundering Investigation Unit	MoTA	Ministry of Tourism and Arts
CAA	Civil Aviation Authority	MSP	Mobile Service Provider
CPC	Criminal Procedure Code Act, Chapter 88 of the Laws of Zambia	NMB	National Museums Board
DEC	Drug Enforcement Commission	NPA	National Prosecution Authority
DNPW	Department of National Parks and Wildlife	PC	Penal Code
DPP	Director of Public Prosecutions	PPMLA	Prohibition and Prevention of Money Laundering Act as amended by Act No. 44 of 2010
FD	Forestry Department	SI	Statutory Instrument
FIC	Financial Intelligence Centre	ZAF	Zambia Air Force
FPCA 2010	Forfeiture of Proceeds of Crime Act No. 19 of 2010	ZPS	Zambia Police Service
FSI	Financial Service Institution	ZRA	Zambia Revenue Authority
GRZ	Government of the Republic of Zambia	ZWA 2015	Zambia Wildlife Act No. 14 of 2015

NOTES/KEY CONTACTS

DNPW, NPA, MoTA, AMLIU, DEC, FIC, ZRA, Other Countries

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WILDLIFE IS AN IMPERATIVE PART OF ZAMBIA'S ECOLOGICAL COMMUNITY AS IT PLAYS AN IMPORTANT ROLE IN THE ENVIRONMENT.

INTRODUCTION

Besides basic survival and global health, wildlife plays an essential role in other facets of life like economics and recreation.

Wildlife crime in Zambia and indeed across the world has become increasingly organized with criminal networks forging links across countries and continents. High demand for wildlife and wildlife products is a driver of illegal and unsustainable trade as it threatens the survival of wild plants, animals and their ecosystems, while also severely impacting the livelihood of rural communities and national economies. The multinational nature of such criminal activity has evolved and diversified with links that include human migrant exploitation, money laundering, arms and drug trafficking, amongst others. Eventually, this has led to the exploitation and undermining of financial systems affecting the world's economies and social development.

In 1997 the Inspector General of Police Francis K. Ndhlovu

in his paper titled '*Organised Crime in Zambia*' stated that "*Organised crime syndicates in Zambia manifest themselves in thefts of motor vehicles, drug trafficking, firearms smuggling, commercial poaching, bank frauds, and money laundering*".

The new Zambia Wildlife Act, No. 14 of 2015 came into operation on 6 November 2015 and contains new offences and penalties to be applied to wildlife crime related cases. It demonstrates the Government of the Republic of Zambia's commitment to combatting the illegal wildlife trade and protecting Zambia's natural heritage by setting out significant custodial sentences and fees proportionate to the serious nature of the crime.

Zambia's Department of National Parks and Wildlife (DNPW) together with the National Prosecution Authority (NPA) have

developed this rapid reference guide for wildlife crime investigations and prosecutions. Encompassing all relevant offences under existing laws at the time of publication, this is intended to be a quick reference guide for Investigators and Prosecutors alike.

The guide lays out what is required to build an evidential case against those accused of wildlife related crimes; it also sets out the ancillary powers available under each of the relevant statutes.

This reference will serve as a critical tool in the fight against wildlife related crime. It is applicable to all officers from key law enforcement agencies and is aimed at fostering better cooperation and collaboration amongst them. The guide is subject to review as and when circumstances deem it necessary.







FOREWORD

FROM THE DIRECTOR OF PUBLIC PROSECUTIONS

The National Prosecutions Authority (NPA) recognizes that wildlife crime has become organized and transnational in nature, thus, curbing this vice requires effective and efficient investigation as well as prosecution.

This guide is an invaluable resource and comes at a time when the mandate to prosecute wildlife crime has moved to the NPA from the Department of National Parks and wildlife (DNPW), with most of our Prosecutors being new to handling such cases. I am, therefore, pleased to be associated with this Rapid Reference Guide which will serve as a guide to both Investigators and Prosecutors in the prosecution and investigation of Wildlife Crime.

I wish to commend all the stakeholders that played a pivotal role for their tireless efforts in ensuring that this document is finalized and put to use by the relevant parties.

Fulata Lillian Shawa Siyunyi
Director of Public Prosecutions

ACKNOWLEDGEMENT

With profound gratitude, the Team wishes to express its sincere appreciation as follows:

- 1** The Director of Department of National Parks and Wildlife for his able stewardship and all the support to the efforts and work of the team.
- 2** The Director of Public Prosecutions and staff from the National Prosecutions Authority for the support rendered.
- 3** Wildlife Crime Prevention, Tusk Trust, Save the Elephants – Elephant Crisis Fund, Paul G. Allen Family Foundation, Woodtiger Fund, Stadler Family Foundation and Space for Giants our faithful partners for their historical and current financial support of the process.
- 4** From the American People and with funding provided by the United States Government.
- 5** Our stakeholder partners whose comments, critique and ideas helped shape this guide and indeed the standard operating procedures.





FOREWORD

FROM THE DIRECTOR OF THE DEPARTMENT OF NATIONAL PARKS AND WILDLIFE

Globally the illegal trade in wildlife is the fourth most lucrative transnational crime after drugs, arms and human trafficking estimated to be worth up to £17 billion annually.

Illegal wildlife trade is not only pushing several iconic species to the brink of extinction but this organized crime is associated with corruption and insecurity. In one generation, Zambia lost all of its Black Rhinos, a whole species that was lost not for the enrichment of the nation, but for a few individuals. Zambia had one of the largest elephant populations south of the Sahara, in the 1960s the elephant population was over 250,000, however by 1989 the population had fallen to about 18,000. In 60 years we had lost over 90% of our elephant population. Wildlife crime has directly contributed to the depletion of Zambia's wildlife resources.

However, there is still hope for the future, 31% of our land in Zambia has been protected as National Parks and Game Management Areas. Wildlife industries through international and domestic photographic and hunting safari tourism, as well as game ranching, has huge economic potential for our country, but wildlife must first be protected. This is why as a Department we are pleased that wildlife crime has been recognized as an area that needs the support of stakeholders. As Director, I encourage the use of this Guide by our Officers, in ensuring that wildlife crime is handled in the proper and professional manner, so we can bring an end to this scourge with our partners at National Prosecutions Authority, Government, law enforcement agencies and other sectors.

Paul Zyambo

Director, Department of National Parks and Wildlife



PART I

LEGAL FRAMEWORK FOR PROSECUTION OF WILDLIFE CRIMES

SECTION A: Preamble

1. The Constitution of Zambia (Amendment) Act No. 2 of 2016
2. The National Prosecutions Authority Act No. 34 of 2010

The National Prosecutions Authority Act further gives guidance on the duties of an appointed Prosecutor. Section 10 provides:

“In the performance of a Prosecutor’s duties, a Prosecutor shall –

- a. *carry out the Prosecutor’s functions impartially and avoid all political, social, religious, racial, cultural, sexual or any other kind of discrimination;*
- b. *protect the public interest, act with objectivity, take proper account of the position of the suspect and the victim, and pay attention to all relevant circumstances, irrespective of whether they are to the advantage or disadvantage of the suspect;*
- c. *keep matters in the possession of the Prosecutor confidential, unless the performance of a duty or the needs of justice require otherwise; and*
- d. *consider the views and concerns of a victim where the victim’s interests are affected and ensure that the victim is informed of the rights.*

A Prosecutor shall, in order to ensure the fairness and effectiveness of prosecution, cooperate with the police, the courts, the legal profession, public defenders and other government agencies or institutions.”

3. The Zambia Wildlife Act No. 14 of 2015 Section 119 states that:

“The Director of Public Prosecutions may, at the request of the Director, in writing, appoint by name or rank a wildlife officer to undertake the prosecution of any offence alleged to have been committed under this Act.

A wildlife officer shall, in undertaking prosecution under subsection (1), act in accordance with the general or special instructions of the Director of Public Prosecutions.”

In order to ensure efficiency of investigations and prosecution of wildlife crimes, there is need to have a close cooperation between Prosecution and Investigations Officers and if applicable, other agencies involved in the detection, investigation and prosecution of wildlife crime.

This includes partners in the Zambia Police (ZP), Zambia Revenue Authority (ZRA), Drug Enforcement Commission (DEC), Anti Money Laundering Investigation Unit (AMLIU), Financial Intelligence Centre (FIC) and Anti-Corruption Commission (ACC) and Department of Immigration, Civil Aviation Authority (CAA), Zambia Air Force (ZAF) and Immigration Services.



PART II



INVESTIGATIONS



SECTION B: Liaison between Law Enforcement Investigations Authorities

1. The DNPW Principal Investigations Officer shall identify the appropriate contact point in other Zambian law enforcement agencies including ZP, ZRA, Immigration department, FIC, AMLIU, DEC and any other relevant law enforcement agency for the sake of collaborations in cases that need involvement of other agencies especially in the area of investigations.
2. In any wildlife crime case that demands the involvement of any other law enforcement agency or investigation authority with respect to further investigation, the Principal Investigations Officer should contact through the liaison officer in each agency as soon as practicable and in the format agreed between the agencies.
3. Where an Investigations Officer (IO) suspects that a wildlife crime is **connected to another crime, possibly as part of an organized crime**, the IO should pass on this information to the relevant investigation authority or law enforcement agency e.g. if it is suspected that there has been a customs offence, information should be passed onto ZRA, for suspected immigration offences information should be passed onto the Immigration Department etc. (See Section M for elements of some relevant organized crime offences).
4. Where an IO suspects that a wildlife crime is a **connected to the crime of money laundering** the IO should pass on this information to the Anti-Money Laundering Investigations Unit (AMLIU) under DEC (for suspicions of money laundering) (See Section M for elements of some relevant money laundering offences).
5. Where an IO reasonably suspects that a person has in his possession property that may be a **proceed of crime**, the IO should refer the matter to the Anti Money Laundering Investigations Unit (AMLIU) under the auspice of the Drug Enforcement Commission (DEC) to carry out further investigations.

Section 71 of the FPCA 2010 provides that as long as there is reasonable suspicion (based on articulable facts) that any particular property or money may be a proceed of crime then an action can be brought against the person in possession and if he fails to provide adequate evidence on how they acquired such property

then the property can be forfeited to the state. There is no requirement to prove a predicate (underlying) offence.

SECTION C: Conduct of Investigations and Best Practice

1. Securing Evidence
 - a. The first officer at the scene of the crime shall recover and ensure the safety of evidence and must prepare an inventory and hand over to IO who shall ensure the evidence's chain of custody is maintained.
 - b. The IO shall ensure that the evidence is properly labelled by giving a brief description and a number and shall fill in the Evidence Report stating the items that have been collected.
 - c. The IO shall attach a Chain of Custody form to the bag, kit, envelope or container in which the evidence is secured. The Chain of Custody Form will accompany the evidence at all times.
 - d. Each piece of evidence shall be kept in separate bags, kits, envelopes or containers to prevent contamination.
 - e. Evidence requiring treatment e.g. wildlife skins must be fumigated in order to preserve them from degradation. Fumigation is to happen in a confined space. Evidence should be presented at court in the same condition in which it was confiscated.
 - f. There should be a secure room or safe at every regional DNPW office. This room or safe shall be locked at all times with keys being kept by the officer(s) specifically charged with the supervision of the room or safe.
 - g. Entry into the exhibit room or safe shall be monitored by the officer charged with securing and controlling the room, there shall be an access log sheet, to keep track of persons entering the exhibit room.
 - h. There shall always be an officer available at the exhibit room or safe from 08:00 – 17:00 or as so requested.

PART II: INVESTIGATIONS continued

Section C: Conduct of Investigations and Best Practice continued

- i. The arresting officer and the officer charged with securing the exhibit room or safe shall ensure safe custody and proper recording of the evidence in an Evidence Register.
 - j. The Evidence Register shall contain the items brought into the exhibit room or safe stating the label number, the officer who brought in the evidence and any officer who subsequently removes the evidence from the exhibit room.
 - k. Evidence is not to be used in any way before it appears in court. Bicycles, motorbikes, phones etc. are to be registered and stored only.
 - l. The arresting officer shall determine evidence that requires expert examination.
 - m. The arresting officer shall indicate on the Chain of Custody form that the evidence has been submitted to an expert for testing. The form shall contain the date and items submitted to the expert and any necessary signatures.
 - n. The expert shall sign the form indicating receipt of the evidence stating the date and time.
 - o. The arresting officer shall collect the expert report together with the evidence from the expert and return it to the exhibit room or safe where it shall be kept until its production in court.
 - p. Where there is documentary evidence that does not require expert opinion, the arresting officer shall keep copies in the file and produce the originals in court.
 - q. Perishable items must be preserved appropriately, or photographs taken at the scene of arrest and officer who takes the photographs must then provide a certificate of authenticity and ensure he is available for trial to describe the photograph.
 - r. Only a Court may determine when a piece of evidence may be released to an interested party or destroyed. This will be done in accordance with section 355 of the Criminal Procedure Code (CPC).
- s. In any case where evidence is lost or misappropriated or altered or manipulated in any way or at any time, the DNPW Principal Investigations Officer shall direct a robust investigation with a view of identifying and charging the responsible party.
 - t. Where the evidence lost in (q) above concerns ivory or rhino horn, the Principal Investigations Officer shall prioritize the direction of that investigation.
2. Statements from the Suspect:
- a. The apprehending officer shall inform the suspect that he has the right to remain silent on arrest and that anything said by the suspect can be written down and produced as evidence. The officer must take into account the Judges Rules of 1930 which provide:
 - i. *A police officer investigating an offence may question anyone whether suspect or not, from whom he thinks useful information can be obtained. This is so, whether a person is in custody or not so long as he has not been charged with the offence or informed that he may be prosecuted for it.*
 - ii. *A police officer must caution a person he reasonably suspects to have committed an offence before questioning him on anything relating to that offence. As soon as a police officer has reasonable suspicion that a person has committed an offence, that person shall be cautioned before putting any questions or any further question relating to that offence.*
 - iii. *Where a person is formally charged and is in custody or informed that he may be prosecuted, he must be cautioned further. Save for exceptional circumstances there may be no questioning subsequent to these three stages, however in those special cases further caution must be given.*

iv. *Accused should be asked whether he wishes to write down himself what he wants to say. If he says he cannot write or says he does not wish to do so and then a police officer may offer to write the statement for him but before doing so he should make him sign a statement.*

- b. If the suspect elects to make a statement, he should be warned and cautioned before making any statement. In the case of **Shamwana and Others v The People (1985) Z.R.41** it was stated that:

“As a general rule in this country, however, a confession made to a person in authority, such as a police officer, in the absence of any warning, is prima facie inadmissible. It is only in very exceptional circumstances that such a confession will be admissible”.

Hence to ensure that the statement of an accused can be used in court, the officer must administer a ‘warn and caution statement’.

- c. If the suspect makes a statement, the officer must take down what the suspect has to say.
- d. The officer must ensure that the statements made by the suspect are voluntary and must enquire from the suspect if he is making the statements due to acts of duress or not.

3. Fingerprints

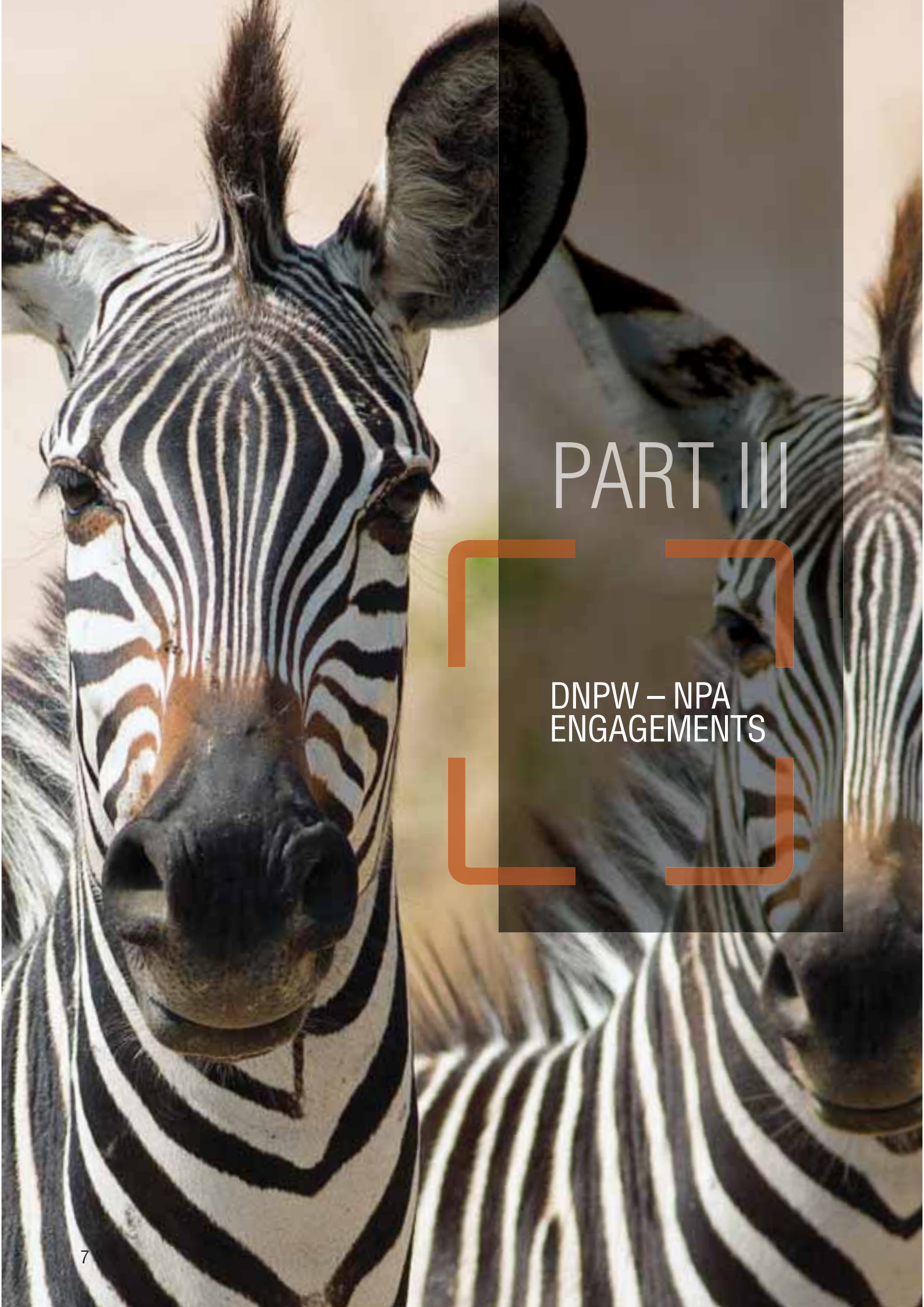
- a. The arresting officer shall on the prescribed form for the purpose of record and identification, take the measurements, photographs, fingerprints, hand prints and footprints of a person in lawful custody. This will be done in accordance with section 115, ZWA 2015.
- b. The information obtained in (a) above must be stored in a records data base for future reference.

With regards to securing evidence in general, officers should note that if they fail to collect and secure evidence which it is their duty to lay before the court, then an assumption in favour of the accused may be given in court. In **Kalebu Banda v The People (1977) Z.R. 169 (S.C.)** it was held that:

“The first question is whether the failure to obtain the evidence was a dereliction of duty on the part of the police which may have prejudiced the accused. When evidence has not been obtained in circumstances where there was a duty to do so – and a fortiori when it was obtained and not laid before the court – and possible prejudice has resulted, then an assumption favourable to the accused must be made.”

4. Witness Statements

- a. In planning an operation, officers should clarify the role that each officer shall play and as a result which officer shall be expected to testify in court.
- b. The names, telephone numbers, residential and work addresses of all witnesses must be compiled by the arresting officer who shall in turn submit those names to the Prosecutor assigned to the particular case.
- c. The telephone number, residential or work address of witnesses shall NOT be recorded within the body of the statement unless relevant to the commission of the offence. This is to avoid inadvertent disclosure of the witnesses’ whereabouts to the accused or his accomplices.
- d. Contact details should be recorded only in the ‘List of Witnesses’ and must remain in the file held in the custody of the Prosecutor.
- e. In taking a witness statement, the officer must address how the witness’ evidence assists in establishing the offence against the accused with particular consideration of the ‘Points to Prove’ for individual offences.
- f. If an undercover informant is used in the course of the investigation, best endeavours shall be used to ensure that the informant is not present at the scene of the arrest to avoid any need for the informant to testify and as such expose his identity.



PART III



DNPW – NPA ENGAGEMENTS

SECTION D: Liaison between DNPW officers and NPA

1. The IO should inform the relevant National Prosecution Authority officer¹ as soon as possible:
 - a) where the IO is considering building an evidential case relating to a suspect against whom there is information that an offence is being committed; or
 - b) in any case where an arrest is being contemplated; or
 - c) in any case where it is clear that advice from the Prosecution may be needed e.g. where a consignment related to a prescribed trophy or protected animal, or where a Convention International Trade in Endangered Species of Wild Fauna and Flora (CITES) listed species is discovered.
2. In high profile cases, early engagement with Prosecutors is encouraged to ensure that Investigators can secure necessary evidence.
3. The category of cases below has been compiled on the basis of the nature and seriousness of the offences.

Category of cases to be referred to the Deputy Chief State Advocate in charge of the Province:

- a. In any matter involving Elephant, Rhino or their derivatives.
- b. Where the suspect is a foreign national or of unknown nationality.
- c. Where the suspect is reasonably suspected to be a beneficiary of proceeds of wildlife crime or there is suspicion of money laundering or other financial crime linked to a wildlife crime.
- d. Where the suspect is a second offender in the context of wildlife crime and related offences.
- e. Where the investigation and prosecution of the crime will involve transnational cooperation.

- f. Where the suspect is a public or influential figure in his/her community.
- g. Where the offence involves foreign diplomatic missions, international bodies and/or multinational bodies.
- h. Where the suspect, in committing the wildlife related offence has also committed other offences not chargeable under ZWA 2015.

SECTION E: Referral of Cases to NPA

1. All wildlife cases should be referred to the nearest NPA office.
2. Movement of all cases shall be in accordance with the NPA Case Flow Management System.

SECTION F: Pre-Arrest Conference between DNPW Investigation Officers and NPA

Before a decision to arrest is made, or where an arrest is imminent, the IO and the Prosecutor will ensure that a pre-arrest conference is held as soon as possible.

At the conference, the Investigator shall give the Prosecutor relevant information over the pending arrest and the Prosecutor shall in turn give advice to the Investigator on the following issues:

- a. The Investigations Officer (IO) shall propose possible offences to charge, however this shall not be binding on the Prosecutors.
- b. Lines of enquiry to take – Part IV of the CPC is illustrative on this point.
- c. Admissibility of evidence.
- d. Potential need for expert evidence.
- e. Possible legal applications e.g. restraint of assets or applications for mobile phone data records.

¹ Lusaka Province liaison should be with the Deputy Chief State Advocate Taxation and Financial Crimes and at Provincial level it should be with the Deputy Chief State Advocate in charge of the Province

PART III: DNPW - NPA ENGAGEMENTS continued

Section F: Pre-Arrest Conference between DNPW Investigation Officers and NPA continued

- f. Whether a parallel financial investigation is merited, or the case may call for potential involvement of the AMLIU, FIC or ACC. If so, the Prosecutor or the IO will, without delay, make direct contact with those agencies in order to carry out the financial aspect of investigation.
 - g. Setting a timetable for disclosure of evidence and subsequent meetings.
 - h. That the Prosecutor and the IO will ensure that they regularly conference for purpose of discussing progress of investigations.
 - i. Consideration of bail and/or any other applications – section 123 of the CPC and section J of this Guide.
 - j. The Prosecutor or the IO may call for potential involvement of other law enforcement agencies e.g. ZRA, Immigration Department etc.
 - k. How evidence should be presented in court – see Part V of the CPC and section IV of this guide.
3. In cases where an arrest is made without prior consultation with the Prosecutor, then the following shall happen:
 - a. In high profile cases no charge shall be brought against the offender without the approval of a Prosecutor.
 - b. In cases falling under section 'D' above the Prosecutor and IO shall meet and discuss the evidence that they have against the offender and only then shall the charge be drawn or further remand sought for further investigation.
 4. In the case of any live/perishable exhibits e.g. pangolins/bushmeat the IO must prepare a disposal application for the court to allow disposal of such exhibits and another acceptable method of production before court e.g. by photograph.
 5. The arresting officer and IO must prepare a detailed report highlighting how the arrest was effected, stating clearly the time and place of the arrest.

SECTION G: Post-Arrest Checklist

1. In cases where the IO is uncertain of the law or the charge on which to detain a suspect he shall consult with the Prosecutor who has been assigned the case on the best manner to handle the case. Advice may include all matters in section F above.
2. The IO must ensure that he administers a verbal 'warn and caution' at the point of arrest, this should be recorded in his/her notebook, stating the time and place.

SECTION H: Minimum requirements of a file

The file submitted by an Investigations Officer to the Prosecutor for the purposes of charging should contain as a minimum the following:

PRE-CHARGE	PLEA STAGE
Affidavit objecting to bail if there are reasons for the accused not to be released on bail	<ul style="list-style-type: none"> - Bail considerations (see Section J below) placed on the front of the file with a summary of the evidence/ enquiries conducted thus far. An affidavit where necessary.
Application supported by affidavit for deferring of plea	<ul style="list-style-type: none"> - Previous convictions/any record of the accused in previous proceeding, if any. - Key witness statements. - Proposed charges. - Any expert report available at the time e.g. identifying exhibits. - Documentary exhibits including billing and other media downloads e.g. Phone call logs etc. - List of witnesses. - List of exhibits. - Statement of accused (if any). - Any hardware (e.g. CD, Flash Drive) should be labeled with the operation name and sufficient detail to identify it and distinguish it from any material previously submitted. - Any photographs should be labeled and submitted in a separate envelope or file within the file.



PART IV

PROSECUTION



SECTION I: Decision to Prosecute – General Principles

1. The decision to prosecute is taken by the Prosecutor to whom the case is allocated. It is a serious step that affects suspects, victims, witnesses and the public at large and must be undertaken with the utmost care.
2. Prosecutors must be fair, independent and objective.
3. A Prosecutor must be satisfied that there is a reasonable prospect of a conviction; the evidence must satisfy each and every ingredient of the offence.
4. Prosecutors must consider and take into account public interest.
5. Where an Investigator and/or Prosecutor suspects or has reason to believe that a suspect is a low-level poacher and they seek to arrest the high-level criminal in the syndicate who profits the most out of wildlife trafficking. The Prosecutor may decide not to charge this suspect in exchange for information to be used in further investigations to get to the high-level trafficker.
6. When deciding whether there is sufficient evidence to prosecute, Prosecutors should ask themselves the following:
 - a. Can the evidence be used in court?
 - i. Prosecutors should consider whether there is any question over admissibility of certain evidence;
 - ii. The likelihood of evidence being held as inadmissible by the court; and
 - iii. The importance of that evidence in relation to the case as a whole.
 - b. Is the evidence reliable?

Prosecutors should consider whether there are any reasons to question the reliability of the evidence, including its accuracy or integrity.
 - c. Is the evidence credible?

Prosecutors should consider whether there are any reasons to doubt the credibility of the evidence.

SECTION J: Bail

1. The IO and Prosecutor must give early consideration to the issue of bond and bail respectively.
2. The Prosecutor must be mindful that all offences under the ZWA 2015 are bailable.
3. The Officer in Charge (OIC) can grant a suspect bond with or without sureties, for a reasonable amount and can ask that the suspect avails himself to the police station or DNPW at a certain interval and to avail himself at court at a given time.
4. The Prosecutor must prepare notes he wishes to use in support of the accused not being granted bail and/or the bail conditions he feels should be imposed on the accused.
5. In any case involving a foreign national the Prosecutor shall always ask that one of the bail conditions be that the accused surrenders his passport to the court.
6. Where an objection to bail is raised, the Prosecutor must clearly state his reasons and the authority he is relying on, these notes must be attached to the file.
7. Factors to consider in relation to bail:

Anupbhai Munubhai Patel V the Attorney-General in The Matter of S.16 Of the State Proceeding Act Cap.92 and in the Matter Of: The Immigration and Deportation Act, Cap.122 (1993 – 1994) Z.R. 57 (H.C.) and John Oliver Irwin v the People 1993 – 1994 ZR 54(HC)

In both cases the High Court provided guidelines on what factors should be considered when a there is a bail application before the court and these are:

 - a. The nature of the accusation against the applicant and the severity of the punishment which may be imposed.
 - b. The nature of the evidence in support of the charge.
 - i. The nature of the charge or offence and the seriousness of the punishment to be awarded if the suspect is found guilty, the Prosecutor must look at the minimum penalty for the offence. If it is one that carries a stiff punishment, for example a longer imprisonment term would be the reason an Accused absconds.

- ii. The strength of the prosecution case against the accused person and the nature of the evidence on which the Accused has been arrested.
- iii. Community ties – if the Accused is of foreign nationality with no confirmed place of residence or a Zambian with no fixed abode, then this must be considered as a factor for denying his/her bail application. If the Accused is in employment and whether he has children or family ties in Zambia are all factors to consider during a bail application.
- c. The independence of the sureties if bail is granted.
 - i. The Prosecutor handling the matter must ensure that the sureties do actually meet the conditions that were set by the court.
- d. The prejudice to the applicant if he is not admitted to bail.
- e. The prejudice to the State if bail is granted:
 - i. Likelihood of interference with prosecutions' witnesses, the Prosecutor has to consider how well the Accused knows the witnesses who are to testify against him and if the witnesses are known, could the Accused have access to the witnesses when out on bail.
 - ii. The character and antecedents of the Accused such as his/her criminal record should be considered. If the Accused has a number of previous convictions, then there is high likelihood that he will commit an offence while out on bail.

SECTION K: Pre-Trial meetings

1. If the Accused pleads guilty to the offence, then Prosecutor must ensure:
 - i. That he has the Accused's criminal records. These records shall be obtained from Criminal Records at DNPW offices.
 - ii. That he informs the Court of the Accused's criminal record (if any) so that the Court is made aware of any previous conviction and considers it when sentencing.

2. If the Accused pleads not guilty then the Prosecutor must do the following:
 - i. In setting up the dates on which trial must commence the Prosecutor shall use the dates that were available to him by the witnesses, this can be achieved at the commencement of trial when the Magistrate asks if the proposed dates for trial are okay with both parties.
 - ii. Ensure that in a situation where the witnesses are unable to attend trial, he should file a **Notice to Adjourn** before the date of trial.
 - iii. Must know the number of witnesses he intends to call.
 - iv. Must ensure that the exhibits are all available and that the officer who secured them is ready to testify and introduce the exhibits.
 - v. Must carry out pre-trial meeting with all the witnesses. These meetings must include:
 - Meet the witness at least a day before they are to testify.
 - Inform the witness of the procedure that is to take place at court.
 - Remind the witness of the reason why they are testifying.
 - vi. Must ensure that witnesses are available to testify before each sitting.
 - vii. Where an expert report is being relied upon, he must ensure that the expert who examined or wrote a report is available to testify.

SECTION L: Guidance on conduct of the case at court: Trial of Wildlife Offences

Section 2 of the ZWA 2015 defines "court" to mean a Subordinate Court or High Court. This means prosecutions of wildlife offences in the first instance shall be at the Subordinate Court.

1. Procedure in Trials Before Subordinate Courts
Part VI of the CPC has Provisions Relating to the Hearing and Determination of Cases before the subordinate Court. Below is a summary of stages of the trial:

Stage 1: Calling of a case

- a. The Prosecutor in charge of the case will call out the case e.g. “Your Honour, I call out the case of the People v XYZ.” Where the accused has absconded, section 203 of the CPC allows the Court, to go ahead with trial where the offence is not a felony.
- b. If the accused person is present, he will then be asked what language he intends to use. An interpreter will be provided where an accused person cannot speak English language. The accused will then be asked to confirm his details.
- c. Section 76 of the CPC provides that trial of a case shall be in open court i.e. open to members of the public to attend.
- d. The prosecutor may if not ready to proceed with trial, apply for adjournment either before or during the hearing of a case under Section 202 of the CPC. A case cannot be adjourned for more than 30 days and if the accused is in custody it cannot be adjourned for more than 15 days.

Stage 2: Plea Stage

- a. The Prosecutor must ensure that the charge is drafted correctly citing the right law and using the correct particulars. The drafting of the charge should be done in accordance with sections 34 to 137 of the CPC.
- b. Section 204 of the CPC provides that the court shall read out the charge and thereupon shall invite the accused person to plead to a charge. The accused shall either plead:
 - i. Guilty;
 - ii. Not guilty; or
 - iii. May refuse to plead, in which case the court shall record a plea of not guilty.

In the case of **Gideon Hammond Millard v The People (1998) S.J. 34 (S.C.)** it was held that: The trial Court can permit an Accused person to change his plea and must ensure that Accused person understands the offence. Where an Accused is represented by counsel the court will assume that Counsel has advised his client adequately.

Stage 3 a: Plea of guilty

- a. Section 204 (2) of the CPC provides that where an accused person admits the charge the court shall convict him and pass sentence upon or make an order against him, unless there shall appear to it sufficient cause to the contrary.
- b. Where a plea of guilty is entered, the prosecutor shall before the conviction is imposed read out the statement of facts. Statement of facts is the summary of evidence drawn out by the prosecutor supporting the charge. Statement of facts is usually drawn by looking at the witness statement.
- c. In plea of guilty procedure, witnesses are not called.
- d. The prosecutor shall inform the court whether or not the convict has a previous conviction. This is important because some wildlife offences have different penalties for second offenders.
- e. The accused or through his lawyer shall be invited to mitigate. The Prosecutor is not permitted to respond to the accused mitigation unless its manifestly false e.g. where he claims that he reported to DNPW after wounding an animal when in fact he did not.
- f. After mitigation the court will impose a sentence.

Stage 3 b: Plea of not guilty

- a. This means that the accused person has disputed having committed the offence with which he is charged. This calls for the prosecution to prove their charge against the accused **beyond reasonable doubt**.
- b. Also called the prosecution's case, the prosecutor will call the witnesses and adduce any other available evidence. The Prosecutor will call witnesses that help make his case against the Accused.
 - i. The witnesses must be called in an order that will help the Court understand and follow the offence.
 - ii. Witnesses can use notes taken contemporaneously to refresh memory; e.g. interrogation notes (**Shamwana and Others V The People [1985] ZR 41**)

- iii. In a case where exhibits were collected from the crime scene the Prosecutor must ensure that the officer that collected the evidence is called as a witness and is present to testify when so needed. Only when the officer has described the exhibit can it be entered into evidence.
- iv. The Prosecutor must lead the witness into describing what he saw and heard.
- v. In a case where an expert examined the exhibit, that expert should be informed that he will be called upon as a witness.
- vi. The Prosecutor will lead the expert, the expert must state what he examined stating the date and time, the Prosecutor must ensure that the expert mentions that the findings were documented in a report, its only then that the experts report will be admitted as evidence by the court.
- vii. Where a prosecution witness is cross examined by the defence, the Prosecutor must ensure that they are alert as to possible questions, as this is where the defence of the Accused person begins.
- viii. The Prosecutor must in re-examination ensure that any part of the witnesses' evidence that has been questioned by the Defence is re-emphasised

Stage 4: Production of evidence in court

- a. The Prosecutor must ensure there is proof of competence, authenticity and custody before he can introduce any evidence to the court.
- b. The Prosecutor must ensure that the evidence he wishes to introduce is relevant and admissible to the case he is prosecuting.
- c. The Prosecutor must ensure that the evidence is introduced by a competent witness and is done in accordance with part V of the CPC.
- d. Evidence must be introduced in the following manner:
 - i. The witness must be made to say something about the evidence, this can either be a description or the content of the evidence.

- ii. The evidence must be handed over or shown to the witness by the Prosecutor. The witness should be able to identify the evidence.
 - iii. In the case of a document, the author maybe the witness introducing the document. However, any other person although not being the author can produce the document in court. These persons include a witness who was present at the time the document was prepared by the author or one who is familiar with the handwriting or signature of the author.
 - iv. The Prosecutor must ensure this is specifically marked, e.g. ID1, ID2 etc.
 - v. In the case of a document, and where it is admitted, the entire or relevant portions of it will be read out in the Courtroom by the witness.
 - vi. The exhibit will then remain part of the record and must be considered by the trial Court in the final analysis.
- e. Regarding the identification of exhibits **Kapafwile v The People (1972) Z.R. 242 (H.C.)** Chomba J stated inter alia:
- "It is therefore vital that the court should be satisfied beyond reasonable doubt that the property so found is the property identified by the complainant as that which was stolen. This means that if the identification of an article is in issue, as it must be when the doctrine of recent possession is applicable, such identification should be beyond reasonable doubt. If then a witness claims in his evidence that a given article is his, he should be asked how he is certain that the article is his. Is there any identifying or peculiar mark by which he identifies it?"*
- f. The exhibit must be marked and then shown to the opposing party by the Prosecutor:
- In the case of **Kapafwile v The People (1972) Z.R. 242 (H.C.)** Chomba J stated
- "Another failure by some magistrates when dealing with materials produced is this, that they do not, as happened in the instant case, label bulk materials so as to make it easy for an appeal court or anybody reading the record of proceedings to ascertain that any number of witnesses were identifying the same material."*

Stage 5: Submission of No Case to Answer

- a. At the close of the prosecution case, both parties are given an opportunity to make submissions.
- b. It is called 'the submission of no case to answer' because the accused is addressing the court hoping that he be found with no case to answer because the prosecution has not proved their case.
- c. The defence makes a submission of no case to answer (**Ngoma V The People (1972) ZR 42**)
- d. The prosecution will be allowed to respond to the defence's submission of no case to answer.
- e. Ruling on this stage is based on whether the evidence proves that the offence was committed and that the accused committed the offence.
- f. Section 206 of the CPC, empowers the court to acquit the accused person at this stage if it appears that the case has not been made out against the accused person to warrant him being placed on his defence (**Mwewa Murono v The People [2004] ZR 206**)
- g. After assessing the evidence, the court may rule that the accused has a case to answer and thereupon place he accused on his defence. (**Section 207 CPC**)

Stage 6: Defence

- a. Where an Accused has been put on his defence, the Prosecutor must be organised and prepared for possible issues being raised by the defence witnesses, this will allow the Prosecutor to cross examine adequately.
- b. The Prosecutor must ensure that he does not ask questions to which he does not know the answer in cross-examination.

Stage 7: Final submissions

- a. The Prosecutor must highlight that the case against the Accused is solid and the Prosecution proved their case beyond reasonable doubt.
- b. The Prosecutor must set out the weaknesses in the Defence.
- c. See section 212 of the CPC for the procedure where the accused person does not give evidence or make an unsworn statement, here the prosecution shall submit first.

- d. See section 209 (2) of the CPC for the procedure where defence calls no witnesses other than accused, here the prosecution shall submit first.
- e. Under section 208 of the CPC, if the Defence does call other witnesses, the defence may submit first.
- f. Further evidence by the Defence may be brought at any time before judgment.

Stage 8: Judgment

- a. The court, having heard both prosecution and defence and their witnesses and evidence, shall either convict the accused and pass sentence upon or make an order against him, according to law, or shall acquit him.
- b. The prosecutor should prepare for records if any in relation to previous convictions for the purposes of aiding the court with appropriate sentencing.

Stage 9: Orders of Forfeiture and Confiscation

With a view to disrupting wildlife crime syndicates as comprehensively as possible, in the event that the convicted person has used any property in connection with the commission of the offences the Prosecutor should:



1. Where the Court has not made an order for forfeiture for property (e.g. vehicle, boat, aircraft), apply for an order of forfeiture this can be done pursuant to section 140 of the ZWA 2015.
2. Make an application for the forfeiture and confiscation of property that might not have been seized during the investigation but is believed to be tainted property in accordance with the interpretation provided in the FPCA.
3. Where the Prosecutor is of the opinion or suspects that some of the proceeds of the crimes of the convicted person are in possession of a third party, then the Prosecutor may inform other agencies such as the ACC, AMLIU and the DEC to investigate. The consequent prosecutions should be in accordance with section 71 of the FPCA.

SECTION M: Major Organised Crime, Financial Crime, Asset Recovery and Ancillary Offences in connection with Wildlife Crime
















The table below shows the elements of the offence of money laundering found under the Prohibition and Prevention of Money Laundering as amended by Act No. 44 of 2010 (PPMLA 44 of 2010), so as to help an Investigator or Prosecutor detect any one of the elements of the said offence in the investigation or prosecution of a wildlife crime case.

Penalty units as referred to below are defined in Statutory Instrument No. 41 of 2015 Fees and Fines (Fees and Penalty unit Value Regulations, 2015 as ZK0.30.)

Offences under the Prohibition and Prevention of Money Laundering Act as amended by Act No. 44 of 2010

S7 PPMLA ACT AS AMENDED BY NO. 44 OF 2010 – MONEY LAUNDERING	
<div style="display: flex; justify-content: space-around; align-items: center;"> <div style="text-align: center;">  <p>Fine: Maximum 170,000 penalty units (ZK51,000) and/or</p> </div> <div style="text-align: center;">  <p>Imprisonment: Maximum term of 10 years</p> </div> </div>	
Points to Prove	<ul style="list-style-type: none"> – Date and location – Show that the accused engaged in an illegal activity that resulted in proceeds of this crime e.g. wildlife crime, drug trafficking etc. – It is important to note that there should be a predicate offence for a charge of money laundering to stand, for instance, show that the accused person committed the offence of theft or fraud and the money from this crime is what is being laundered – Show that the accused directly or indirectly engaged in a business transaction that involved the proceeds of a crime – Show that the accused acquired, received, possessed, disguised, transferred, converted, exchanged, disposed, used, removed from or brought into Zambia, the proceeds of a crime; OR – Show that the accused concealed, disguised or impeded the establishment of the true nature, origin, location, movement, disposition, title of, rights with respect to, or ownership of, proceeds of crime – On proving one of the three points above, show that there is a reasonable inference that may be drawn, having regard to the factual circumstances of any activity by the accused: <ul style="list-style-type: none"> – that they know or had reason to know that the property is the proceeds of a crime or – that they do not have reasonable excuse to fail to take reasonable steps to ascertain whether the property is the proceeds of a crime.
Ancillary Powers	<ul style="list-style-type: none"> – Write an affidavit and obtain a search warrant from the court to obtain Bank and Phone records – Conduct a company search at PACRA – Conduct a search at the Ministry of Lands – Produce a seizure notice for the seizure of bank accounts – Ask the accused to fill in an assets declaration form where they declare all their assets. Any discrepancies uncovered by an investigation can help prosecute a case against such an accused person
Agencies	Department of National Parks and Wildlife (DNPW), Judiciary, Zambia Police (ZPS) Service, Drug Enforcement Commission (DEC), Financial Intelligence Centre (FIC), Mobile Service Providers (MSPs), Patents and Companies Registration Company (PACRA)
Evidence	<ul style="list-style-type: none"> – Eyewitness evidence – Arresting officer, investigating officer – Bank records – Phone records – Property records – The asset declaration form signed by the accused declaring all their assets









Other offences created under PPMLA No. 44 of 2010

SECTION	OFFENCE	PENALTY
8(a)	Where the offence of money laundering has been committed by a body of persons e.g. a company	The company shall be liable to a  Fine: Max. 400,000 penalty units (ZK120,000)
8(b)	Where the offence of money laundering has been committed by a body of person and a person: 1. Acted in an official capacity for or on behalf of such a body of persons, whether as a Director, Manager, Secretary or other similar capacity, or; 2. Purported to act in such a capacity; 3. And was involved in the commission of the offence of money laundering	Such individuals shall each be liable to a  Fine: Max. 170,000 penalty units (ZK51,000) and/or  Imprisonment: Max. term of 10 years
9(1)	Where a person unlawfully attempted, aided, abetted, counselled or procured another to commit the offence of money laundering	 Fine: Max. 139,000 penalty units (ZK41,700) and/or  Imprisonment: Max. term of 5 years
9(2)	Where a person unlawfully conspires with another to commit the offence of money laundering	 Fine: Max. 139,000 penalty units (ZK41,700) and/or  Imprisonment: Max. term of 5 years
10	Where a person unlawfully falsifies, conceals, destroys or otherwise disposes of, causes or permits the falsification of material which is or is likely to be relevant to the investigation of the offence of money laundering where this person knows or suspects that an investigation into money laundering has been, is being or is about to be conducted	 Fine: Max. 139,000 penalty units (ZK41,700) and/or  Imprisonment: Max. term of 5 years
11	Where a person knows or suspects that an investigation into money laundering has been, is being or is about to be conducted, unlawfully divulges that fact or information to another person	 Fine: Max. 139,000 penalty units (ZK41,700) and/or  Imprisonment: Max. term of 5 years
12(1)(a)	Where a person knows or has reason to suspect that an authorised officer has commenced, or is about to commence an investigation under Act No 44 of 2010 and this person unlawfully or recklessly discloses to any other person information or any other matter which is likely to prejudice that investigation or proposed investigation	 Fine: Max. 500,000 penalty units (ZK150,000) and/or  Imprisonment: Max. term of 5 years
12(1)(b)	Where a person knows or suspects that a disclosure has been made to an authorised officer under Act No 44 of 2010 and this person unlawfully discloses to any other person information or any other matter which is likely to prejudice an investigation or proposed investigation following the disclosure	 Fine: Max. 500,000 penalty units (ZK150,000) and/or  Imprisonment: Max. term of 5 years

PART IV: PROSECUTION continued

Section M: Major Organised Crime, Financial Crime, Asset Recovery and Ancillary Offences in connection with Wildlife Crime continued

Offences in other Acts that may be connected to wildlife crime: Immigration, Customs

LAW AND AGENCY	OFFENCE	PENALTY
Section 55 of the Immigration and Deportation Act No. 18 of 2010 (Act No. 18 of 2010) Immigration Department	Unlawful possession of more than one passport or travel document	 Fine: Max. 10,000 penalty units (ZK3,000) and/or  Imprisonment: Max. 3 years
Sections 52(5) & 56 of Act No. 18 of 2010 Immigration Department	Unlawful use of a passport or travel document other than the one upon which that person's entry was cleared	 Fine: Max. 200,000 penalty units (ZK60,000) and/or  Imprisonment: Max. term of 2 years
Sections 140 & 155 of the Customs and Excise Act Chapter 322 of the Laws of Zambia (Cap 322) Zambia Revenue Authority (ZRA)	False statements by persons arriving in Zambia	 Fine: Max. treble (triple) the duty-paid value of any goods which may be the subject-matter of the offence; if treble the duty-paid value of such goods is less than 8,000 penalty units, or if there are no goods involved in the offence, to a maximum fine not exceeding 8,000 penalty units (ZK2,400) and/or  Imprisonment: Max. period of 5 years
Sections 141 & 155 of Cap 322 ZRA	False invoices, false representation and forgery	 Fine: Max. treble (triple) the duty-paid value of any goods which may be the subject-matter of the offence; if treble the duty-paid value of such goods is less than 8,000 penalty units, or if there are no goods involved in the offence, to a maximum fine not exceeding 8,000 penalty units (ZK2,400) and/or  Imprisonment: Max. period of 5 years

SECTION N: Major offences under the Zambia Wildlife Act No. 14 of 2015 (ZWA 2015)

S18 & 136 ZWA 2015 – UNLAWFUL ENTRY INTO OR RESIDENCE IN NATIONAL PARK OR COMMUNITY PARTNERSHIP PARK

FIRST OFFENCE



Fine: 400,000 – 600,000 penalty units (ZK120,000 – ZK180,000) and/or



Imprisonment: Maximum 7 years

SECOND OR SUBSEQUENT OFFENCE





Penalty units: Minimum 500,000 penalty units (ZK150,000) and/or



Imprisonment: 6 – 10 years

Points to Prove	<ul style="list-style-type: none"> – Location – Identify the land as a National Park or Community Partnership Park – Show that the accused entered into or resided in National Park or the Community Partnership Park despite the that they were not (show physical entry): <ul style="list-style-type: none"> – An officer of the Ministry doing so in connection with the duties of the officer; – An authorised officer or public officer on specified duties requiring the presence of that officer in the Park; – An honorary wildlife police officer who is entitled to be present in the park under the terms of the instrument appointing the officer; – A person travelling through the Park along a public road within the confines of the road reserve; – A person (or their employee) in possession of a permit to enter or reside in the Park issued by the Director or an officer duly authorised, in writing, by the Director to issue the permit; – A person (or their employee) who enters the Park with authority granted under any provision of the ZWA 2015; – A person admitted under any regulations relating to public wildlife estates; OR – A person who enters the Park as part of that person's official duties for a board.
Ancillary Powers	<ul style="list-style-type: none"> – An authorised officer may demand production permit or authorisation s118 – The court may order cancellation and surrender of permit or authorisation s138
Agencies	MOL, GSD, DNPW, Judiciary, ZPS, FD
Evidence	<ul style="list-style-type: none"> – Eyewitness evidence – Arresting officer, investigating officer – Expert evidence to identify the land entered into or resided on as being a on a National Park or a Community Partnership Park – Geographical map showing land as being on a National Park or Community Partnership Park – The court can conduct an on scene viewing of the area resided by the accused; OR – The prosecution can adduce photographic evidence of the area resided on by the accused
Charge Count one	Unlawful entry into or residence in National Park or Community Partnership Park contrary to s18 and s136 of the ZWA 2015
Particulars of offence	(Name of the accused) on the (date) at (location) , did enter into or did reside in the National Park or Community Partnership Park without authorisation (delete as appropriate) .

S19 & 128 ZWA 2015 – UNLAWFUL HUNTING, CAPTURING OR FISHING IN A NATIONAL PARK OR COMMUNITY PARTNERSHIP PARK	
FIRST OFFENCE  Imprisonment: 3 – 10 years	SECOND OR SUBSEQUENT OFFENCE  Imprisonment: 5 – 15 years
Points to Prove	<ul style="list-style-type: none"> – Location – Identify the land as a National Park or Community Partnership Park – Show that the Minister of Tourism and Arts did not direct the Wildlife Management Licensing Committee (the Committee) to issue a hunting licence to the accused authorising them to hunt the animal within the Park because the Minister determined that the wild animal should be hunted for the better preservation of other wildlife or other good and sufficient reasons – Show that the accused without a hunting licence, capture permit or fishing permit issued under the Act: <ul style="list-style-type: none"> – Hunted or disturbed a wild animal or fish in the park; – Disturbed a bird's nest in the Park; OR – Removed a wild animal, fish, bird's nest, stone, vegetation or other animate or inanimate, from the Park. <p>(Show that there was an act that was directed at killing or capturing within the confines of the park and the accused had no licence)</p>
Ancillary Powers	<ul style="list-style-type: none"> – An authorised officer may demand production permit or authorisation s118 – The court may order cancellation and surrender of permit or authorisation s138
Agencies	MOL, GSD, DNPW, Judiciary, ZPS, FD
Evidence	<ul style="list-style-type: none"> – Eyewitness evidence – Arresting officer, investigating officer – Expert evidence to identify the land entered into or resided on as being a on a National Park or a Community Partnership Park – Geographical map showing land as being on a National Park or Community Partnership Park – If still alive and it's possible to do so, produce the wildlife species removed from the Park by the accused; OR – The court can conduct an on scene viewing of the disturbed wildlife species or its carcass at the Park; OR – The prosecution can adduce photographic evidence showing the accused's activities.
Charge Count one	Unlawful hunting, capturing or fishing in National Park or Community Partnership Park contrary to s19 and s128 of the ZWA 2015
Particulars of offence	(Name of the accused) on the (date) at (location) , did hunt, capture or fish in the National Park or Community Partnership Park without a licence (delete as appropriate) .

S20 & 136 ZWA 2015 – UNLAWFUL CONVEYING, POSSESSION, USE OR CARRYING OF WEAPONS IN A PUBLIC WILDLIFE ESTATE

FIRST OFFENCE



Fine: 400,000 – 600,000 penalty units (ZK120,000 – ZK180,000) and/or



Imprisonment:
Maximum 7 years

SECOND OR SUBSEQUENT OFFENCE







Penalty units:
Minimum 500,000 penalty units (ZK150,000) and/or



Imprisonment:
6 – 10 years

Points to Prove	<ul style="list-style-type: none"> – Location – Identify the land as a National Park or Community Partnership Park – Identify the accused and show that they did not have a permit issued under s20(2) and (3) of the ZWA 2015 or show that they were in breach of a permit issued under the Act <ul style="list-style-type: none"> – Show that the accused conveyed a firearm, dart gun, spear, bow, arrow or other weapon, explosive, snare, net trap or poison in the public wildlife estate; OR – Show that the accused was in possession of, carried or used for any purpose, a firearm, dart gun, spear, bow, arrow or other weapon, explosive, snare, net trap or poison within the confines of the public wildlife estate. <p>(Show that the accused was found within the confines of the park, not on a public road and had no authority to convey the weapons in the park)</p>
Ancillary Powers	<ul style="list-style-type: none"> – An authorised officer may demand production of the permit or authorisation s118 – The court may order cancellation and surrender of the permit or authorisation s138 – On conviction, the court may order the destruction of snares, net traps or any other devices fixed to the ground that were conveyed or used by the accused in the public wildlife estate and any expenditure in account of that order shall be recoverable from the accused as a civil debt to the Government s139
Agencies	MOL, GSD, DNPW, Judiciary, ZPS, FD
Evidence	<ul style="list-style-type: none"> – Eyewitness evidence – Arresting officer, investigating officer – Expert evidence to identify the land into or through which the weapons were conveyed as a public wildlife estate – Geographical map showing land as a public wildlife estate – Produce the weapons conveyed or used by the accused; OR – The court can conduct an on scene viewing at the Park to view the weapons where they are difficult to move to the courtroom; OR – The prosecution can adduce photographic evidence showing the weapons used or conveyed by the accused.
Charge Count one	Unlawful conveying, possessing or use of weapons in a public wildlife estate contrary to s20 & s136 of the ZWA 2015
Particulars of offence	(Name of the accused) on the (date) at (location) , did convey, possess or use a firearm, dart gun, spear, bow, arrow or other weapon, explosive, snare, net trap or poison in a National Park, Community Partnership Park or bird or wildlife sanctuary without a permit or in breach of a permit (delete as appropriate) .

S26 & 136 ZWA 2015 – UNLAWFUL KILLING, INJURING OR CAPTURING OF WILD ANIMAL OR BIRD WITHIN PUBLIC WILDLIFE ESTATE	
<div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <p>FIRST OFFENCE</p> <p> Fine: 400,000 – 600,000 penalty units (ZK120,000 – ZK180,000) and/or</p> <p> Imprisonment: Maximum 7 years</p> </div> <div style="width: 45%;"> <p>SECOND OR SUBSEQUENT OFFENCE</p> <p> Penalty units: Minimum 500,000 penalty units (ZK150,000) and/or</p> <p> Imprisonment: 6 – 10 years</p> </div> </div>	
Points to Prove	<ul style="list-style-type: none"> – Location – Show that the accused was in possession of, killed, injured, captured or disturbed wild animal without a licence or permit within the confines of the public wildlife estate; OR – Show that the accused removed or destroyed an egg, a nest or habitat of a bird, reptile or fish without a licence or permit within the confines of the public wildlife estate. – (Show that the accused did not do the above actions in accordance with the provisions of the Act)
Ancillary Powers	<ul style="list-style-type: none"> – Demand production of licence or permit s118 – Seizure, confiscation s120 – Search with warrant s116 – The Committee can suspend or revoke the licence or permit – On conviction, the court may order the destruction of game pits, pitfalls, or other devices fixed to the ground that were used by the accused for the purpose of unlawful killing or injuring and any expenditure in account of that order shall be recoverable from the accused as a civil debt to the Government s139 – The court may order cancellation and surrender of the licence or permit s138 – The court may also restoration of a nest or habitat to its former state s138(1)(c)
Agencies	DNPW, Judiciary, ZPS, GSD, FD
Evidence	<ul style="list-style-type: none"> – Eyewitness evidence – Arresting officer, investigating officer; wildlife police officer, honorary wildlife police officer or community scout – Expert evidence to identify the land as a public wildlife estate – Geographical map showing land as a public wildlife estate – Where possible produce the wildlife or its remains into court, if not request for an on scene viewing of the object – Expert evidence to identify the wildlife or its remains as that of a wildlife species as opposed to a cow or goat – With regards to killing or injuring, production and identification of weapon or trap used by the accused – If not, the prosecution can adduce photographic evidence of the accused's activities
Charge Count one	Unlawful killing, injuring or capturing of wild animal or bird within public wildlife estate contrary to s26 & s136 of the ZWA 2015
Particulars of offence	(Name of the accused) on the (date) at (location) , did possess, kill, injure, capture or disturb a wild animal or did remove or destroy an egg, a nest or habitat of a bird, reptile or fish bird within confines of a National Park, Community Partnership Park, bird or wildlife sanctuary or Game Management Area without a licence or permit (delete as appropriate) .

S31 ZWA 2015 – UNLAWFUL HUNTING OF WILD ANIMALS IN GAME MANAGEMENT AREAS

PENALTY



Fine:

Maximum 400,000 penalty units (ZK120,000) and/or




Imprisonment:

Maximum 5 years

Points to Prove	<ul style="list-style-type: none"> – Location – Show that the area is a Game Management Area – Show that the accused was not a holder a hunting licence, capture permit or hunting concession – Show that the accused was hunting a game or protected animal – (For a game animal show that it falls under the ambit of SI No 41. of 2016) – (For protected animals show that it falls under the ambit of SI No. 42 of 2016)
Ancillary Powers	<ul style="list-style-type: none"> – Demand production of hunting licence, capture permit or hunting concession s118 – Seizure, confiscation s120 – Search with warrant s116 – On conviction, the court may order the destruction of game pits, pitfalls, or other devices fixed to the ground that were used by the accused for the purpose of unlawful hunting and any expenditure in account of that order shall be recoverable from the accused as a civil debt to the Government s139
Agencies	DNPW, Judiciary, ZPS
Evidence	<ul style="list-style-type: none"> – Eyewitness evidence – Arresting officer, investigating officer – Expert evidence to identify the animal as a game or protected animal – Production and identification of weapon or trap used by the accused – If still alive and/or wounded or it's possible to still view the carcass, the court can conduct an on scene viewing of the scene where the game or protected animal was hunted by the accused – If not, the prosecution can adduce photographic evidence
Charge Count one	Unlawful hunting of wild animals in Game Management Areas contrary to s31 of the ZWA 2015
Particulars of offence	(Name of the accused) on the (date) at (location) , did hunt wild animals in a Game Management Area without a licence (delete as appropriate) .


S36(4) & 136 ZWA 2015 READ TOGETHER WITH SI NO. 42 OF 2016 – UNLAWFUL HUNTING OF A PROTECTED ANIMAL

FIRST OFFENCE

 **Fine:** 400,000 – 600,000 penalty units (ZK120,000 – ZK180,000) and/or

 **Imprisonment:**
Maximum 7 years

SECOND OR SUBSEQUENT OFFENCE


 **Penalty units:**
Minimum 500,000 penalty units (ZK150,000) and/or

 **Imprisonment:**
6 – 10 years

Points to Prove	<ul style="list-style-type: none"> – Identify the accused – Show that the animal is a protected animal under s36 and Statutory Instrument (SI) No. 42 of 2016 – Show that the accused hunted the protected animal; OR – Show that the accused was found in circumstances showing that they intended to hunt a protected animal.
Ancillary Powers	<ul style="list-style-type: none"> – Demand production of hunting licence, capture permit or hunting concession s118 – Seizure, confiscation s120 – Search with warrant s116 – On conviction, the court may order the destruction of game pits, pitfalls, or other devices fixed to the ground that were used by the accused for the purpose of unlawful hunting and any expenditure in account of that order shall be recoverable from the accused as a civil debt to the Government s139
Agencies	DNPW, Judiciary, ZPS
Evidence	<ul style="list-style-type: none"> – Eyewitness evidence – Arresting officer, investigating officer – Expert evidence to identify the animal as a protected animal – Production and identification of weapon or trap used by the accused – If still alive and/or wounded or it's possible to still view the carcass, the court can conduct an on scene viewing of the scene where the game or protected animal was hunted by the accused – If not, the prosecution can adduce photographic evidence of the accused's activities
Charge Count one	Unlawful hunting of a protected animal contrary to s36(4) and s136 of the ZWA 2015 read together with SI No. 42 of 2015
Particulars of offence	(Name of the accused) on the (date) at (location) , did hunt or was found in circumstances showing that they intended to hunt a protected animal (delete as appropriate) .


S37 & 136 ZWA 2015 – UNLAWFUL HUNTING OF GAME OR PROTECTED ANIMALS

FIRST OFFENCE

 **Fine:** 400,000 – 600,000 penalty units (ZK120,000 – ZK180,000) and/or

 **Imprisonment:**
Maximum 7 years

SECOND OR SUBSEQUENT OFFENCE

 **Penalty units:**
Minimum 500,000 penalty units (ZK150,000) and/or

 **Imprisonment:**
6 – 10 years

Points to Prove	<ul style="list-style-type: none"> – Show that the accused was not a holder a hunting licence; OR – Show that the accused was not hunting in accordance with the conditions given by the hunting licence that they hold. – In the case of a game animal, show that the game animal hunted by the accused was a wild animal that falls under the ambit of SI No. 41 of 2016 – In the case of a protected animal, show that the protected animal hunted by the accused was a wild animal that falls under the ambit of SI No. 42 of 2016 – Show that the accused was hunting a game or protected animal
Ancillary Powers	<ul style="list-style-type: none"> – Demand production of hunting licence s118 – Seizure, confiscation s120 – Search with warrant s116 – On conviction, the court may order the destruction of game pits, pitfalls, or other devices fixed to the ground that were used by the accused for the purpose of unlawful hunting and any expenditure in account of that order shall be recoverable from the accused as a civil debt to the Government s139
Agencies	DNPW, Judiciary, ZPS
Evidence	<ul style="list-style-type: none"> – Eyewitness evidence – Arresting officer, investigating officer – Expert evidence to identify the animal as a game or protected animal – Production and identification of weapon or trap used by the accused – If still alive and/or wounded or it's possible to still view the carcass, the court can conduct an on scene viewing of the scene where the game or protected animal was hunted by the accused – If not, the prosecution can adduce photographic evidence
Charge Count one	Unlawful hunting of game or protected animal's contrary to s37 and s136 of the ZWA 2015
Particulars of offence	(Name of the accused) on the (date) at (location) , did hunt game or protected animals without a hunting licence or in violation of the conditions given by the licence (delete as appropriate) .

S63(1) ZWA 2015 – UNLAWFUL HUNTING OF GAME OR PROTECTED ANIMAL IN AN OPEN AREA

PENALTY



Fine:

Maximum 400,000 penalty units (ZK120,000) and/or



Imprisonment:

Maximum 5 years

Points to Prove	<ul style="list-style-type: none"> – Location – Identify the accused and show that they were not a holder of a hunting licence or a capture permit under the ZWA 2015 – Show that the accused hunted a game or protected animal in an open area – In the case of a game animal, show that the game animal hunted by the accused was a wild animal that falls under the ambit of SI No. 41 of 2016 – In the case of a protected animal, show that the protected animal hunted by the accused was a wild animal that falls under the ambit of section SI No. 42 of 2016: <ul style="list-style-type: none"> – Show that the accused is not the owner of the land and did not have possession of a hunting licence or hunting concession authorising them to hunt the game or protected animal; – Show that the accused did not previously seek and obtain written consent of the owner to do so and was not in possession of a hunting licence authorising them to hunt a game or protected animal; OR – Show that the accused was not an authorised officer acting under instructions in performance of their duties under the Act.
Ancillary Powers	<ul style="list-style-type: none"> – An authorised officer may demand production permit or licence s118 – The Committee can suspend or revoke the licence or permit – The court may order cancellation and surrender of permit s138
Agencies	DNPW, Judiciary, ZPS, MSPs, FSIs
Evidence	<ul style="list-style-type: none"> – Eyewitness evidence – Arresting officer, investigating officer; wildlife police officer; or community scout – Expert evidence to identify the wild animal as a game or protected animal – Production and identification of weapon or trap used by the accused – If still alive and/or wounded or it's possible to still view the carcass, the court can conduct an on scene viewing of the scene where the game or protected animal was hunted by the accused – If not, the prosecution can adduce photographic evidence
Charge Count one	Unlawful hunting of game or protected animal in an open area contrary to s63(1) of the ZWA 2015
Particulars of offence	(Name of the accused) on the (date) at (location) , did hunt a game or protected animal in an open area not being a holder of a hunting licence or a capture permit (insert as appropriate) .

S64(1) ZWA 2015 – UNLAWFUL HUNTING OF A GAME OR PROTECTED ANIMAL IN FENCED PRIVATE WILDLIFE ESTATE

PENALTY



Fine:

Maximum 400,000 penalty units (ZK120,000) and/or



Imprisonment:

Maximum 4 years

Points to Prove	<ul style="list-style-type: none"> – Location – Identify the accused and show that they were not the owner of the fenced private wildlife estate at the time of their hunting – Show that they did not have the written consent of the owner of the private wildlife estate or other authorised person – Show that there was an act of hunting a game or protected animal by the accused – In the case of a game animal, show that the game animal hunted by the accused was a wild animal that falls under the ambit of SI No. 41 of 2016 – In the case of a protected animal, show that the protected animal hunted by the accused was a wild animal that falls under the ambit of SI No. 42 of 2016
Ancillary Powers	<ul style="list-style-type: none"> – An authorised officer may demand production of the written consent or authorisation s118 – The court may order cancellation and surrender written consent or authorisation s138
Agencies	MOL, GSD, DNPW, Judiciary, ZPS, MSPs, FSIs
Evidence	<ul style="list-style-type: none"> – Eyewitness evidence – Arresting officer, investigating officer; wildlife police officer; or community scout – Expert evidence to identify the land as being a fenced private wildlife estate – Geographical map showing land as being a fenced private wildlife estate – Expert evidence to identify the wild animal as a game or protected animal – Production and identification of weapon or trap used by the accused – If still alive and/or wounded or it's possible to still view the carcass, the court can conduct an on scene viewing of the scene where the game or protected animal was hunted by the accused – If not, the prosecution can adduce photographic evidence
Charge Count one	Unlawful hunting of a game or protected animal in fenced private wildlife estate contrary to s64(1) of the ZWA 2015
Particulars of offence	(Name of the accused) on the (date) at (location) , did hunt a game or protected animal in a fenced private wildlife estate without the written consent of the owner of the private wildlife estate or other authorised person (delete as appropriate) .

S64(2) ZWA 2015 – UNLAWFUL POSSESSION OF MEAT OF GAME OR PROTECTED ANIMAL IN A FENCED PRIVATE WILDLIFE ESTATE

PENALTY



Fine:

Maximum 400,000 penalty units (ZK120,000) and/or



Imprisonment:

Maximum 5 years

Points to Prove	<ul style="list-style-type: none"> – Location – Identify the accused and show that they were not the owner of the fenced private wildlife estate – Show that they did not have the written consent of the owner of the private wildlife estate or other authorised person – Show that the accused was in possession of the meat of a game or protected animal in the fenced private wildlife estate – In the case of meat of a game animal, show that the meat possessed by the accused was that of a wild animal that falls under the ambit of SI No. 41 of 2016 – In the case of meat of a protected animal, show that the meat possessed by the accused was that of a wild animal that falls under the ambit of SI No. 42 of 2016
Ancillary Powers	<ul style="list-style-type: none"> – An authorised officer may demand production of the written consent or authorisation s118 – The court may order cancellation and surrender written consent or authorisation s138
Agencies	MOL, GSD, DNPW, Judiciary, ZPS, MSPs, FSIs
Evidence	<ul style="list-style-type: none"> – Eyewitness evidence – Arresting officer, investigating officer; wildlife police officer; or community scout – Expert evidence to identify the land as being a fenced private wildlife estate – Geographical map showing land as being a fenced private wildlife estate – Expert evidence to identify the meat as that of a game or protected animal as opposed to a cow or goat – Other bystanders at the crime scene – Photographs/video of the crime scene
Charge Count one	Unlawful possession of meat of game or protected animal in a fenced private wildlife estate contrary to s64(2) of the ZWA 2015
Particulars of offence	(Name of the accused) on the (date) at (location) , had in his possession, meat of game or protected animal hunted in a fenced private wildlife estate without the written consent of the owner of the private wildlife estate (delete as appropriate) .

S64(3) ZWA 2015 – UNLAWFUL HUNTING OF A GAME OR PROTECTED ANIMAL IN UNFENCED PRIVATE WILDLIFE ESTATE

PENALTY



Fine:

Maximum 400,000 penalty units (ZK120,000) and/or



Imprisonment:

Maximum 4 years

Points to Prove	<ul style="list-style-type: none"> – Location – Identify the accused and show that they were not a holder of a hunting licence or capture permit – Show that the accused hunted a game or protected animal in the unfenced private wildlife estate – In the case of a game animal, show that the game animal hunted by the accused was a wild animal that falls under the ambit of SI No. 41 of 2016 – In the case of a protected animal, show that the protected animal hunted by the accused was a wild animal that falls under the ambit of SI No. 42 of 2016
Ancillary Powers	<ul style="list-style-type: none"> – An authorised officer may demand production of the written consent or authorisation s118 – The court may order cancellation and surrender written consent or authorisation s138
Agencies	MOL, GSD, DNPW, Judiciary, ZPS, MSPs, FSIs
Evidence	<ul style="list-style-type: none"> – Eyewitness evidence – Arresting officer, investigating officer; wildlife police officer; or community scout – Expert evidence to identify the land as being an unfenced private wildlife estate – Geographical map showing land as being an unfenced private wildlife estate – Expert evidence to identify the wild animal as a game or protected animal
Charge Count one	Unlawful hunting of a game or protected animal in unfenced private wildlife estate contrary to s64(3) of the ZWA 2015
Particulars of offence	(Name of the accused) on the (date) at (location) , did hunt a game or protected animal in an unfenced private estate without hunting licence or capture permit (delete as appropriate) .

S64(4) ZWA 2015 – UNLAWFUL POSSESSION OF MEAT OF A GAME OR PROTECTED ANIMAL IN UNFENCED PRIVATE WILDLIFE ESTATE

PENALTY



Fine:

Maximum 300,000 penalty units (ZK90,000) and/or



Imprisonment:

Maximum 3 years

Points to Prove	<ul style="list-style-type: none"> – Location – Identify the accused and show that they were not the owner of the unfenced private wildlife estate – Show that they did not have the written consent of the owner of the unfenced private wildlife estate – Show that the accused was in possession of the meat of a game or protected animal in the unfenced private wildlife estate – In the case of meat of a game animal, show that the meat possessed by the accused was that of a wild animal that falls under the ambit of SI No. 41 of 2016 – In the case of meat of a protected animal, show that the meat possessed by the accused was that of a wild animal that falls under the ambit of section SI No. 42 of 2016
Ancillary Powers	<ul style="list-style-type: none"> – An authorised officer may demand production of the written consent or authorisation s118 – The court may order cancellation and surrender written consent or authorisation s138
Agencies	MOL, GSD, DNPW, Judiciary, ZPS, MSPs, FSIs
Evidence	<ul style="list-style-type: none"> – Eyewitness evidence – Arresting officer, investigating officer; wildlife police officer; or community scout – Expert evidence to identify the land as being an unfenced private wildlife estate – Geographical map showing land as being an unfenced private wildlife estate – Expert evidence to identify the meat as that of a game or protected animal as opposed to a cow or goat – Other bystanders at the crime scene – Photographs/video of the crime scene
Charge Count one	Unlawful possession of meat of game or protected animal in an unfenced private wildlife estate contrary to s64(4) of the ZWA 2015
Particulars of offence	(Name of the accused) on the (date) at (location) , had in possession, meat of game or protected animal hunted in an unfenced private wildlife estate without the written consent of the owner of the private wildlife estate, (delete as appropriate) .

S83 & 136 ZWA 2015 – UNLAWFUL DEALING IN TROPHIES

FIRST OFFENCE



Fine: 400,000 – 600,000 penalty units (ZK120,000 – ZK180,000) and/or



Imprisonment:
Maximum 7 years

SECOND OR SUBSEQUENT OFFENCE







Penalty units:
Minimum 500,000 penalty units (ZK150,000) and/or




Imprisonment:
6 – 10 years

Points to Prove	<ul style="list-style-type: none"> – Identify the accused and show that they did not have a trophy dealer permit at the time of the commission of the offence – Show that during trade, the accused bought, sold, processed or otherwise dealt in a trophy, or manufactured an article from a readily recognisable part of the trophy – Show that the accused did not do the abovementioned things to a game or protected animal that was lawfully hunted by them under a licence issued under the Act
Ancillary Powers	<ul style="list-style-type: none"> – An authorised officer may demand production of the licence or permit s118 – The Committee can suspend or revoke the licence or permit; s84(3)(a) & s54 – The court may order cancellation and surrender of the licence or permit s138
Agencies	DNPW, Judiciary, ZPS, MSP, FSI
Evidence	<ul style="list-style-type: none"> – Eyewitness evidence – Arresting officer, investigating officer – Expert evidence to identify the trophy as that of a wild animal species – Phone records – Money transfer records such as MTN or Airtel money/Bank records/presence of cash/notebooks of customers/money owed
Charge Count one	Unlawful dealing, in the course of trade, in a trophy or manufacturing an article from a readily recognizable part of it, contrary to s83 & s136 of the ZWA 2015
Particulars of offence	(Name of the accused) on the (date) at (location) , did buy, sell, process or otherwise deal in a trophy, or manufacture an article from a readily recognisable part of the trophy in the course of trade without a trophy dealer's permit or in line with licence issued under the Act (delete as appropriate) .

S87 & 136 ZWA 2015 – ILLEGAL POSSESSION OF TROPHY OR PRESCRIBED TROPHY WITHOUT CERTIFICATE OF OWNERSHIP	
<div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <p>FIRST OFFENCE</p> <p> Fine: 400,000 – 600,000 penalty units (ZK120,000 – ZK180,000) and/or</p> <p> Imprisonment: Maximum 7 years</p> </div> <div style="width: 45%;"> <p>SECOND OR SUBSEQUENT OFFENCE</p> <p> Penalty units: Minimum 500,000 penalty units (ZK150,000) and/or</p> <p> Imprisonment: 6 – 10 years</p> </div> </div>	
Points to Prove	<ul style="list-style-type: none"> – Identify the accused and show that they did not have a certificate of ownership for the trophy or prescribed trophy – Show that the accused was in possession of the trophy or prescribed trophy – Where it is a prescribed trophy, show that the trophy falls under the ambit of s86 and Statutory Instrument No. 61 of 1993
Ancillary Powers	<ul style="list-style-type: none"> – Demand production of certificate of ownership s118 – Seizure, confiscation s120 – Search with warrant s116 – Disposal of animals and goods seized s141 – The Committee can suspend or revoke the licence or permit; s54 – The court may order cancellation and surrender of the permit or certificate s138
Agencies	DNPW, Judiciary, ZPS, MSPs, FSIs
Evidence	<ul style="list-style-type: none"> – Eyewitness evidence – Arresting officer, investigating officer – Expert evidence to identify the trophy as that of a wild animal and for a prescribed trophy, as one that falls under the ambit of s86 and SI No. 61 of 1993 – Other bystanders at the crime scene – Photographs/video of the crime scene
Charge Count one	Illegal possession of trophy or prescribed trophy contrary to s87 & s136 of the ZWA 2015
Particulars of offence	(Name of the accused) on the (date) at (location) , had in his possession a trophy or prescribed trophy without a certificate of ownership (delete as appropriate) .


S88 & 136 ZWA 2015 – INTENTION TO IMPORT OR EXPORT A TROPHY OR PRESCRIBED TROPHY WITH A PERMIT

FIRST OFFENCE

 **Fine:** 400,000 – 600,000 penalty units (ZK120,000 – ZK180,000) and/or





 **Imprisonment:**
Maximum 7 years

SECOND OR SUBSEQUENT OFFENCE

 **Penalty units:**
Minimum 500,000 penalty units (ZK150,000) and/or


 **Imprisonment:**
6 – 10 years

Points to Prove	<ul style="list-style-type: none"> – Identify the accused and show that they did not apply or have an import or export permit for the trophy or prescribed trophy – Where it is a prescribed trophy, show that the trophy falls under the ambit of s86 and Statutory Instrument No 61 of 1993 – Show that the accused had intention to import or export the trophy or prescribed trophy
Ancillary Powers	<ul style="list-style-type: none"> – Demand production of the import or export permit s118 – Seizure, confiscation s120 – Search with warrant s116 – Disposal of animals and goods seized s141 – The Committee can suspend or revoke the permits; s54 – The court may order cancellation and surrender of the permits s138
Agencies	DNPW, Judiciary, ZPS, MSPs, FSIs, Zambia Revenue Authority (ZRA)
Evidence	<ul style="list-style-type: none"> – Eyewitness evidence – Arresting officer, investigating officer – Expert evidence to identify the trophy as that of a wild animal and for a prescribed trophy, as one that falls under the ambit of s86 and SI No. 61 of 1993 – Transportation tickets – Phone records
Charge Count one	Unlawful importation or exportation of trophy or prescribed trophy contrary to s88 & s136 of the ZWA 2015
Particulars of offence	(Name of the accused) on the (date) at (location) , did intend to import or export the trophy or prescribed trophy without an import or export permit issued in respect of the trophy or prescribed trophy (delete as appropriate) .

S97 & 136 ZWA 2015 – UNLAWFUL POSSESSION OF, OR DEALING IN, GOVERNMENT TROPHIES	
<div style="display: flex; justify-content: space-between;"> <div style="width: 45%; padding: 10px;"> <p>FIRST OFFENCE</p> <p> Fine: 400,000 – 600,000 penalty units (ZK120,000 – ZK180,000) and/or</p> <p> Imprisonment: Maximum 7 years</p> </div> <div style="width: 45%; padding: 10px;"> <p>SECOND OR SUBSEQUENT OFFENCE</p> <p> Penalty units: Minimum 500,000 penalty units (ZK150,000) and/or</p> <p> Imprisonment: 6 – 10 years</p> </div> </div>	
Points to Prove	<ul style="list-style-type: none"> – Identify the accused and show that they did not have a certificate of ownership – Show that the accused had possession of, purported to buy, sell or otherwise transfer or deal in a Government trophy – Show that it is a Government trophy as defined under s95
Ancillary Powers	<ul style="list-style-type: none"> – Demand production of the certificate of ownership s118 – Seizure, confiscation s120 – Search with warrant s116
Agencies	DNPW, Judiciary, ZPS
Evidence	<ul style="list-style-type: none"> – Eyewitness evidence – Arresting officer, investigating officer; wildlife police officer – Expert evidence to identify the trophy as that of a wild animal – Evidence of the potential buyer, dealer or other person the accused sought to deal with – Produce the Government trophy – Where it was purported to be sold, a contract of sale can be adduced into court
Charge Count one	Illegal possession of, or dealing in, Government trophies contrary to s97 & s136 of the ZWA 2015
Particulars of offence	(Name of the accused) on the (date) at (location) , did possess, purport to buy, sell or otherwise transfer and/or deal in a Government trophy without a certificate of ownership (delete as appropriate) .


S98 & 136 ZWA 2015 – UNLAWFUL POSSESSION OR DEALINGS IN LIVE WILD ANIMALS

FIRST OFFENCE

 **Fine:** 400,000 – 600,000 penalty units (ZK120,000 – ZK180,000) and/or

 **Imprisonment:**
Maximum 7 years

SECOND OR SUBSEQUENT OFFENCE

 **Penalty units:**
Minimum 500,000 penalty units (ZK150,000) and/or

 **Imprisonment:**
6 – 10 years

Points to Prove	<ul style="list-style-type: none"> – Identify the accused and show that they had did not have written permission of the Director or as otherwise provided under the Act – Show that the accused had possession of, bought or sold a live game or protected animal, or meat of a game or protected animal; OR – Show that the accused was found in circumstances showing that they intended to buy or sell a live game or protected animal or meat of a game or protected animal
Ancillary Powers	<ul style="list-style-type: none"> – Demand production of the certificate of ownership s118 – Seizure, confiscation s120 – Search with warrant s116
Agencies	DNPW, Judiciary, ZPS
Evidence	<ul style="list-style-type: none"> – Eyewitness evidence – Arresting officer, investigating officer; wildlife police officer – Expert evidence to identify the meat or live wild animal as that of a 'wildlife species', as opposed to a cow or goat – Evidence of the potential buyer, dealer or other person the accused sought to deal with – Produce the live wild animal or its meat; OR – Where it's not possible to produce the live animal, request an on scene viewing of the wild animal by the court. – Produce the equipment used to keep the wild animal, for instance, a cage, or where it's a kennel or building built specifically for keep live wild animals, produce photographic evidence or request an on scene viewing of the site – Phone records – Money transfer records such as MTN or Airtel money/Bank records/presence of cash/notebooks of customers/money owed
Charge Count one	Unlawful dealings in live wild animal's contrary to s98 & s136 of the ZWA 2015
Particulars of offence	(Name of the accused) on the (date) at (location) , did possess, buy or sell a live game or protected animal, or meat of a game or protected animal or was found in circumstances showing that they did intend to buy or sell a live game or protected animal or meat of a game or protected animal without the written permission of the or as otherwise provided under the Act (delete as appropriate) .

S101 & 136 ZWA 2015 – ILLEGAL SALE OR PURCHASE OF GAME OR PROTECTED ANIMAL OR MEAT OF GAME OR PROTECTED ANIMAL

FIRST OFFENCE



Fine: 400,000 – 600,000 penalty units (ZK120,000 – ZK180,000) and/or



Imprisonment:
Maximum 7 years

SECOND OR SUBSEQUENT OFFENCE



Penalty units:
Minimum 500,000 penalty units (ZK150,000) and/or



Imprisonment:
6 – 10 years

Points to Prove	<ul style="list-style-type: none"> – Identify the accused – In the case of a game animal, show that it was a wild animal that falls under the ambit of SI No. 41 of 2016 – In the case of a protected animal, show that it was a wild animal that falls under the ambit of SI No. 42 of 2016 <p>FOR SECTION 101(1)</p> <ul style="list-style-type: none"> – Show that the accused was selling a game or protected animal or the meat of a game or protected animal – Show that the accused at the time of sale, was not in actual possession of a certificate of ownership issued in respect of the game or protected animal or the meat of a game or protected animal – Also show that the accused did not have a permit to sell the game or protected animal or the meat of a game or protected animal <p>FOR SECTION 101(2)</p> <ul style="list-style-type: none"> – Show that the accused sold a game or protected animal or the meat of a game or protected animal – Show that the accused did not endorse upon the certificate of ownership issued in respect of the game or protected animal or the meat of a game or protected animal, prescribed details of authority to sell the animal – Show that the accused did not deliver up to the buyer the endorsed certificate of ownership and endorsement, in the prescribed form, before or at the time of the delivery of the game or protected animal or the meat of the game or protected animal <p>FOR SECTION 101(3)</p> <ul style="list-style-type: none"> – Show that the seller did not previously deliver to the accused (in this case the buyer) an endorsed certificate of ownership of a game or protected animal or the meat of a game or protected animal, or a prescribed note of the certificate and endorsement – Show that at the time of delivery, under the sale, the accused did not obtain the duly endorsed certificate of ownership or other prescribed note of such certificate and endorsement from the seller
Ancillary Powers	<ul style="list-style-type: none"> – Demand production of the permit to sale and the certificate of ownership s118 – Seizure, confiscation s120 – The Committee can suspend or revoke the permit and the certificate of ownership; s54 – The court may order cancellation and surrender of the permit and the certificate of ownership s138
Agencies	DNPW, Judiciary, ZPS

S101 & 136 ZWA 2015 – ILLEGAL SALE OR PURCHASE OF GAME OR PROTECTED ANIMAL OR MEAT OF GAME OR PROTECTED ANIMAL CONTINUED

FIRST OFFENCE



Fine: 400,000 – 600,000 penalty units (ZK120,000 – ZK180,000) and/or



Imprisonment:
Maximum 7 years

SECOND OR SUBSEQUENT OFFENCE







Penalty units:
Minimum 500,000 penalty units (ZK150,000) and/or



Imprisonment:
6 – 10 years

<p>Evidence</p>	<ul style="list-style-type: none"> – Eyewitness evidence – Arresting officer, investigating officer – Evidence of the potential buyer to say that accused was not in actual possession of the certificate of ownership and/or permit to sale at the time of sale – Produce the certificate of ownership to show that it was not endorsed or show there was no prescribed note of the certificate or endorsement – Contract of sale – Produce into court the game or protected animal or the meat of a protected or game animal
<p>Charge Count one</p>	<p>Illegal sale or purchase of game or protected animal or meat of game or protected animal contrary to s101 & s136 of the ZWA 2015</p>
<p>Particulars of offence</p>	<p>FOR SECTION 101(1)</p> <ul style="list-style-type: none"> – (Name of the accused) on the (date) at (location), did sell a game or protected animal or the meat of a game or protected animal and at the time of sale, was not in actual possession of a certificate of ownership issued in respect of the game or protected animal or the meat of a game or protected animal, as the case may be, and a permit to sell the game or protected animal or the meat of a game or protected animal (delete as appropriate). <p>FOR SECTION 101(2)</p> <ul style="list-style-type: none"> – (Name of the accused) on the (date) at (location), did sell a game or protected animal or the meat of a game or protected animal and failed to endorse upon the certificate of ownership issued in respect of the game or protected animal or the meat of a game or protected animal, the prescribed details of authority to sell the animal, and did not deliver up to the buyer the endorsed certificate of ownership and endorsement, in the prescribed form, before or at the time of the delivery of the game or protected animal or the meat of the game or protected animal (delete as appropriate). <p>FOR SECTION 101(3)</p> <ul style="list-style-type: none"> – (Name of the accused) on the (date) at (location), did fail to obtain the duly endorsed certificate of ownership issued in respect of the game or protected animal or the meat of a game or protected animal or other prescribed note of such certificate and endorsement from the seller (delete as appropriate).

S102 & 136 ZWA 2015 – IMPORTATION OF A WILD ANIMAL OR MEAT OF A WILD ANIMAL WITHOUT AN IMPORT PERMIT	
<div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <p>FIRST OFFENCE</p> <p> Fine: 400,000 – 600,000 penalty units (ZK120,000 – ZK180,000) and/or</p> <p> Imprisonment: Maximum 7 years</p> </div> <div style="width: 45%;"> <p>SECOND OR SUBSEQUENT OFFENCE</p> <p> Penalty units: Minimum 500,000 penalty units (ZK150,000) and/or</p> <p> Imprisonment: 6 – 10 years</p> </div> </div>	
Points to Prove	<ul style="list-style-type: none"> – Identify the accused and show that they imported a wild animal or meat of a wild animal; – Show that the accused did not have an import permit issued under the ZWA 2015 for the importation of the wild animal
Ancillary Powers	<ul style="list-style-type: none"> – Demand production of the import permit and certificate of ownership s118 – Seizure, confiscation s120 – Search with warrant s116 – The Committee can suspend or revoke the certificate of ownership; s54 – The court may order cancellation and surrender of the import permit and certificate of ownership s138
Agencies	DNPW, Judiciary, ZPS, ZRA
Evidence	<ul style="list-style-type: none"> – Eyewitness evidence – Arresting officer, investigating officer; customs officer – Expert evidence to identify the wild animal or its meat as that of a wild animal – Produce the wild animal or meat of a wild animal or request an on-site viewing of the wild animal where it cannot be brought into court – Produce the customs form issued by the customs office to clear the wild animal imported by the accused
Charge Count one	Importation of a wild animal or meat of a wild animal without an import permit contrary to s102 & s136 of the ZWA 2015
Particulars of offence	(Name of the accused) on the (date) at (location) , did import a wild animal or meat of a wild animal without an import permit issued under the ZWA 2015 (delete as appropriate) .

S103 & 136 ZWA 2015 – EXPORTATION OF A WILD ANIMAL OR MEAT OF A WILD ANIMAL WITHOUT AN EXPORT PERMIT

FIRST OFFENCE



Fine: 400,000 – 600,000 penalty units (ZK120,000 – ZK180,000) and/or



Imprisonment:
Maximum 7 years

SECOND OR SUBSEQUENT OFFENCE







Penalty units:
Minimum 500,000 penalty units (ZK150,000) and/or



Imprisonment:
6 – 10 years

Points to Prove	<ul style="list-style-type: none"> – Identify the accused and show that they exported a wild animal or meat of a wild animal – Show that the accused did not have an export permit issued under the ZWA 2015 for the exportation of the wild animal
Ancillary Powers	<ul style="list-style-type: none"> – Demand production of the export permit and certificate of ownership s118 – Seizure, confiscation s120 – Search with warrant s116 – The Committee can suspend or revoke the certificate of ownership; s54 – The court may order cancellation and surrender of the export permit and certificate of ownership s138
Agencies	DNPW, Judiciary, ZPS, ZRA
Evidence	<ul style="list-style-type: none"> – Eyewitness evidence – Arresting officer, investigating officer; customs officer – Expert evidence to identify the wild animal or its meat as that of a wild animal – Produce the customs form issued by the customs office to clear the wild animal exported by the accused
Charge Count one	Exportation of a wild animal or meat of a wild animal without an export permit contrary to s103 & s136 of the ZWA 2015
Particulars of offence	(Name of the accused) on the (date) at (location) , did export a wild animal or meat of a wild animal without an export permit issued under the ZWA 2015 (delete as appropriate) .

S105 & 136 ZWA 2015 – UNLAWFUL IMPORTATION OR EXPORTATION OF WILD ANIMALS OR TROPHIES	
<div style="display: flex; justify-content: space-between;"> <div style="width: 45%; padding: 10px;"> <p>FIRST OFFENCE</p> <p> Fine: 400,000 – 600,000 penalty units (ZK120,000 – ZK180,000) and/or</p> <p> Imprisonment: Maximum 7 years</p> </div> <div style="width: 45%; padding: 10px;"> <p>SECOND OR SUBSEQUENT OFFENCE</p> <p> Penalty units: Minimum 500,000 penalty units (ZK150,000) and/or</p> <p> Imprisonment: 6 – 10 years</p> </div> </div>	
Points to Prove	<ul style="list-style-type: none"> – Identify the accused as the importer or exporter, as the case may be – Show that the accused did not import or export a wild animal, trophy or prescribed trophy through a customs port of entry or exit, respectively – Where it is a prescribed trophy, show that the trophy falls under the ambit of s86 and SI No. 61 of 1993 – Show that the accused did not produce to a customs officer: <ul style="list-style-type: none"> – A valid import or export permit; and – In the case of importation, documentary evidence that the wild animal, trophy or prescribed trophy that is being imported has been lawfully exported from the country of origin.
Ancillary Powers	<ul style="list-style-type: none"> – Demand production of the import permit, export permit and/or certificate of ownership s118 – Demand production of documentary evidence from the country of origin in the case of importation or evidence that they have been lawfully exported from the country of origin s118 – A customs officer may detain the wild animal, trophy or prescribed trophy s105(4) – The cost incurred in connection with the detention and storage of the wild animal, trophy or prescribed trophy shall be borne by the accused and be recoverable from the accused as a civil debt to the Government – Search with warrant s116 – The Committee can suspend or revoke the certificate of ownership; s54 – The court may order cancellation and surrender of the import permit, export permit and/or certificate of ownership s138
Agencies	DNPW, Judiciary, ZPS, ZRA
Evidence	<ul style="list-style-type: none"> – Eyewitness evidence – Arresting officer, investigating officer; customs officer – Expert evidence to identify the wild animal or its meat as that of a wild animal – Produce the customs form issued by the customs office to clear the wild animal import or exported by the accused
Charge Count one	Unlawful importation or exportation of wild animals or trophies contrary to s105 & s136 of the ZWA 2015
Particulars of offence	<p>(Name of the accused) on the (date) at (location), did not import or export a wild animal, trophy or prescribed trophy through a customs port of entry or exit, and did fail to produce to a customs officer, a valid import or export permit and, in the case of importation, documentary evidence that the wild animal, trophy or prescribed trophy that is being imported has been lawfully exported from the country of origin (delete as appropriate).</p>

S127(1) ZWA 2015 – UNLAWFUL HUNTING OR DEALING OF ELEPHANT OR RHINOCEROS

FIRST OFFENCE



Imprisonment:

Minimum 5 years,
maximum 20 years



SECOND OR SUBSEQUENT OFFENCE



Imprisonment:

Minimum 10 years,
maximum 25 years

Points to Prove	<ul style="list-style-type: none"> – Show that the elephant or rhinoceros is a protected animal defined under SI No. 42 of 2016 – Show that the accused hunted, wounded, molested or reduced into possession an elephant or rhinoceros
Ancillary Powers	<ul style="list-style-type: none"> – Demand production of licence or authorisation s118 – Seizure, confiscation s120 – Search with warrant s116 – The Committee can suspend or revoke the licence or permit – On conviction, the court may order the destruction of game pits, pitfalls, or other devices fixed to the ground that were used by the accused for the purpose of unlawful hunting and any expenditure in account of that order shall be recoverable from the accused as a civil debt to the Government s139 – The court may order cancellation and surrender of the licence, permit or certificate s138
Agencies	DNPW, Judiciary, ZPS, MSPs, FSIs
Evidence	<ul style="list-style-type: none"> – Eyewitness evidence – Arresting officer, investigating officer – Expert evidence to identify the animal or meat as that of an elephant or rhinoceros – With regards to hunting, production and identification of weapon or trap used by the accused – If still alive and/or wounded or it's possible to still view the carcass, the court can conduct an on scene viewing of the scene where the wildlife species was hunted by the accused – If not, the prosecution can adduce photographic evidence
Charge Count one	Unlawful hunting or dealing of elephant or rhinoceros contrary to s127(1) of the ZWA 2015
Particulars of offence	(Name of the accused) on the (date) at (location) , did hunt, molest, wounded and/or reduce into possession an elephant or rhinoceros (delete as appropriate) .

S127(2) ZWA 2015 – TRAFFICKING OF IVORY OR RHINOCEROS HORN	
<p style="text-align: center;">FIRST OFFENCE</p> <p style="text-align: center;"> Imprisonment: Minimum 7 years, maximum 20 years</p>	<p style="text-align: center;">SECOND OR SUBSEQUENT OFFENCE</p> <p style="text-align: center;"> Imprisonment: Minimum 15 years, maximum 25 years</p>
Points to Prove	<ul style="list-style-type: none"> – Show that an ivory or rhinoceros horn are a prescribed trophy as laid out under s86(2) of the ZWA 2015 – Show that the accused did any one of the unlawful activities in s127(1) for the purposes of or in connection with illegal trafficking
Ancillary Powers	<ul style="list-style-type: none"> – Demand production of hunting licence, dealing permit or certificate of ownership s118 – Seizure, confiscation s120 – Search with warrant s116 – The Committee can suspend or revoke the licence or permit – The court may order cancellation and surrender of the licence, permit or certificate s138
Agencies	DNPW, Judiciary, ZPS, MSPs, FSIs
Evidence	<ul style="list-style-type: none"> – Eyewitness evidence – Arresting officer, investigating officer – Expert evidence to identify the ivory as that of an elephant and the rhino horn as that of a rhino – Phone records – Money transfer records such as MTN or Airtel money/Bank records/presence of cash/notebooks of customers/money owed
Charge Count one	Trafficking of ivory or rhinoceros horn contrary to s127(2) of the ZWA 2015
Particulars of offence	(Name of the accused) on the (date) at (location) , did hunt, wound molest and/or reduce an elephant or rhinoceros for the purposes of trafficking in ivory or rhinoceros horn (delete as appropriate) .

S128 ZWA 2015 – UNLAWFUL HUNTING IN A PUBLIC WILDLIFE ESTATE

FIRST OFFENCE



Imprisonment:

Minimum 3 years,
maximum 10 years

SECOND OR SUBSEQUENT OFFENCE



Imprisonment:

Minimum 5 years,
maximum 15 years

Points to Prove	<ul style="list-style-type: none"> – Identify the area as being a public wildlife estate, that is, a National Park, Community Partnership Park, bird or wildlife sanctuary – Show that the accused was hunting in a public wildlife estate without a hunting licence
Ancillary Powers	<ul style="list-style-type: none"> – Demand production of hunting licence s118 – Seizure, confiscation s120 – Search with warrant s116 – Disposal of animals and goods seized s141 – The Committee can suspend or revoke the licence or permit – On conviction, the court may order the destruction of game pits, pitfalls, or other devices fixed to the ground that were used by the accused for the purpose of unlawful hunting and any expenditure in account of that order shall be recoverable from the accused as a civil debt to the Government s139 – The court may order cancellation and surrender of the licence, permit or certificate s138
Agencies	DNPW, Judiciary, ZPS, GSD
Evidence	<ul style="list-style-type: none"> – Eyewitness evidence – Arresting officer, investigating officer – Expert evidence to identify the land accused found hunting on to be a public wildlife estate – Geographical map showing land accused found hunting on to be a public wildlife estate – Expert evidence to identify the meat as that of a wild animal – If still alive and/or wounded or it's possible to still view the carcass, the court can conduct an on scene viewing of the scene where the wildlife species was hunted by the accused – If not, the prosecution can adduce photographic evidence – Production and Identification of weapon or trap used by the accused
Charge Count one	Unlawful hunting in a National Park or Community Partnership Park or bird or wildlife sanctuary contrary to s128 of the ZWA 2015
Particulars of offence	(Name of the accused) on the (date) at (location) , was found hunting in a National Park or Community Partnership Park or bird or wildlife sanctuary without a licence (delete as appropriate) .

S129(1) ZWA 2015 – ILLEGAL POSSESSION, SELL OR PURCHASE OF MEAT OF WILD ANIMAL OR TROPHY

PENALTY



Fine: 300,000 – 600,000 penalty units (ZK90,000 – ZK180,000) and/or



Imprisonment: Maximum 7 years

Points to Prove	<ul style="list-style-type: none"> – Identify the accused – Show that the trophy is a Government trophy as defined under s95 of the ZWA 2015 – Show that the accused did not have a certificate of ownership for the trophy; – Show that the accused possessed, sold, purchased, imported and/or exported the meat of a wild animal or trophy; OR – Show that the accused attempted to possess, sell, purchase, import or export the meat of a wild animal or trophy.
Ancillary Powers	<ul style="list-style-type: none"> – Demand production of import permit, export permit, certificate of ownership or dealing permit s118 – Seizure, confiscation s120 – Search with warrant s116 – Disposal of animals and goods seized s141 – The Committee can suspend or revoke the licence or permit – The court may order cancellation and surrender of the permit or certificate s138
Agencies	DNPW, Judiciary, ZPS, MSPs, FSIs, ZRA
Evidence	<ul style="list-style-type: none"> – Eyewitness evidence – Arresting officer, investigating officer; customs officer – Expert evidence to identify the meat or trophy as that of a wild animal – Large quantities are indicative of trading as would be storage facilities (e.g. a cool-box/freezer) – Phone records – Money transfer records such as MTN or Airtel money/Bank records/presence of cash/notebooks of customers/money owed – Custom forms used for clearing imports or exports – Other bystanders at the crime scene – Photographs/video of the crime scene
Charge Count one	Illegal possession, purchase or sale meat of wild animal or trophy contrary to s129(1) of the ZWA 2015
Particulars of offence	<p>(Name of the accused) on the (date) at (location), did possess, sell, purchase, import and/or export the meat of wildlife or government trophy in contravention of the ZWA Act No. 14 of 2015; OR</p> <p>Did attempt to possess, sell, purchase, import and/or export the meat or trophy of a wild animal in contravention of the ZWA Act No.14 of 2015 (delete as appropriate).</p>

S129(2) ZWA 2015 – TRAFFICKING OF TROPHY IN CONNECTION WITH POSSESSION

FIRST OFFENCE



Fine: 150,000 – 500,000 penalty units (ZK45,000 – ZK150,000) and/or



Imprisonment:
3 – 5 years

SECOND OR SUBSEQUENT OFFENCE



Fine: 200,000 – 600,000 penalty units (ZK60,000 – ZK180,000) and/or



Imprisonment:
5 – 7 years

Points to Prove	<ul style="list-style-type: none"> – Identify the accused – Show that the trophy is a Government trophy as defined under s95 of the ZWA 2015 – Show that the accused did not have a certificate of ownership – Show that the accused did any one of unlawful activities in s129(1) for the purposes of, or in connection with trafficking
Ancillary Powers	<ul style="list-style-type: none"> – Demand production of certificate of ownership or dealing permit s118 – Seizure, confiscation s120 – Search with warrant s116 – Disposal of animals and goods seized s141 – The Committee can suspend or revoke the licence or permit – The court may order cancellation and surrender of the permit or certificate s138
Agencies	DNPW, Judiciary, ZPS, MSPs, FSIs
Evidence	<ul style="list-style-type: none"> – Eyewitness evidence – Arresting officer, investigating officer – Expert evidence to identify the ivory as that of an elephant and the rhino horn as that of a rhino – Phone records – Money transfer records such as MTN or Airtel money/ Bank records/ presence of cash/notebooks of customers/money owed – Other bystanders at the crime scene – Photographs/video of the crime scene
Charge Count one	Trafficking of trophy contrary to s129(2) of the ZWA 2015
Particulars of offence	(Name of the accused) on the (date) at (location) , did possess, sell, purchase, import and/or export a wild animal or trophy for the purposes of trafficking (delete as appropriate) .

130(1) ZWA 2015 – ILLEGAL POSSESSION, SELL OR PURCHASE OF A PROTECTED ANIMAL OR ITS MEAT OR TROPHY

PENALTY



Imprisonment:

5 – 10 years

Points to Prove	<ul style="list-style-type: none"> – Identify the accused – Show that the animal, meat or its trophy is a protected animal under SI No. 42 of 2016 – Show that the accused did not have a certificate of ownership or a dealer’s permit for the protected animal or its meat or the trophy – Show that the accused had possession, sold, purchased, imported and/or exported the protected animal, meat or its trophy; OR – Show that the accused attempted to possess, sell, purchase, import and/or export the protected animal, its meat or trophy.
Ancillary Powers	<ul style="list-style-type: none"> – Demand production of certificate of ownership or dealing permit s118 – Seizure, confiscation s120 – Search with warrant s116 – Disposal of animals and goods seized s141 – The Committee can suspend or revoke the licence or permit – The court may order cancellation and surrender of the permit or certificate s138
Agencies	DNPW, Judiciary, ZPS, MSPs, FSIs, ZRA
Evidence	<ul style="list-style-type: none"> – Eyewitness evidence – Arresting officer, investigating officer; customs officer – Other bystanders at the crime scene – Expert evidence to identify the animal meat or trophy as protected animal; – Large quantities are indicative of trading as would be storage facilities (e.g. a cool-box/freezer) – Phone records – Photographs/Video of crime scene – Money transfer records such as MTN or Airtel money/Bank records/presence of cash/notebooks of customers/money owed – Customs forms issued for clearing imported or exported goods
Charge Count one	Illegal possession, purchase or sale of a protected animal or its meat or trophy contrary to s130(1) of the ZWA 2015
Particulars of offence	<p>(Name of the accused) on the (date) at (location), did possess, sell, buy, import and/or export a protected animal its meat or trophy in contravention of the Act; OR</p> <p>Did attempt to possess, sell, purchase, import and/or export a protected animal, its meat or trophy in contravention of the ZWA Act No.14 of 2015 (delete as appropriate).</p>

S130(2) ZWA 2015 – ILLEGAL POSSESSION, PURCHASE OR SALE OF A PRESCRIBED TROPHY

FIRST OFFENCE



Imprisonment:

5 – 10 years

SECOND OFFENCE



Imprisonment:

7 – 15 years

Points to Prove	<ul style="list-style-type: none"> – Identify the accused – Show that the trophy is defined as a prescribed trophy under s86 and SI No. 61 of 1993 – Show that the accused did not have a certificate of ownership or a dealer's permit for the prescribed trophy – Show that the accused possessed, sold, purchased, imported and/or exported a prescribed trophy; OR – Show that the accused attempted to possess, sell, purchase, import and/or export a prescribed trophy
Ancillary Powers	<ul style="list-style-type: none"> – Demand production of certificate of ownership or dealing permit s118 – Seizure, confiscation s120 – Search with warrant s116 – Disposal of animals and goods seized s141 – The Committee can suspend or revoke the licence or permit – The court may order cancellation and surrender of the permit or certificate s138
Agencies	DNPW, Judiciary, ZPS, MSPs, FSIs, ZRA
Evidence	<ul style="list-style-type: none"> – Eyewitness evidence – Arresting officer, investigating officer – Expert evidence to identify the prescribed trophy – Large quantities are indicative of trading as would be storage facilities (e.g. a sack/cool-box/freezer); – Phone records – Money transfer records such as MTN or Airtel money/Bank records/presence of cash/notebooks of customers/money owed – Customs forms issued for clearing imported or exported goods – Other bystanders at the crime scene – Photographs/video of the crime scene
Charge Count one	Illegal possession, purchase or sale of a prescribed trophy contrary to s130(2) of the ZWA 2015
Particulars of offence	<p>(Name of the accused) on the (date) at (location), did possess, sale, purchase, import and/or export a prescribed trophy in contravention of the Act; OR</p> <p>Did attempt to possess, sell, purchase, import and/or export a prescribed trophy in contravention of the ZWA Act No. 14 of 2015 (delete as appropriate).</p>

ANNEX A:

LIST OF PROTECTED ANIMALS

**Under Statutory Instrument No. 42 of 2016,
The Zambia Wildlife (Protected Animals)
Order, 2016:**

ANIMAL

A	Aardwolf
	Antbear
	Antelope Sable
C	Caracal
	Cheetah
	Chimpanzee
D	Duiker Blue
	Yellow-backed
E	Eland
	Elephant
G	Genet Cat
	Giraffe
H	Hippopotamus
K	Klipspringer
L	Lechwe Black
	Kafue
	Red
	Leopard
	Lion
M	Monkey Blue
	Colobus
	Moloney's
P	Pangolin
R	Rhinoceros Black
	White
S	Sitatunga
	Steenbok
T	Tsessebe
W	Wild Dog
	Wildebeest Cookson's
Z	Zebra

BIRDS

B	Bittern (all species)
	Bustard (all species)
	Buzzard (all species)
C	Crane (all species)
E	Eagle (all species)
	Egret (all species)
F	Falcon (all species)
	Flamingo (all species)
G	Guinea Fowl (crested)
H	Harrier (all species)
	Hawk (all species)
	Heron (all species)
	Hornbill Ground
I	Ibis (all species)
K	Kestrel (all species)
L	Lovebird (all species)
O	Owl (all species)
P	Parrot (all species)
	Pelican (all species)
S	Sandgrouse (all species)
V	Vulture (all species)

REPTILES

C	Crocodile Nile
	Slender-snouted
P	Python





ANNEX B:

LIST OF GAME ANIMALS

**Under Statutory Instrument No. 41 of 2016,
The Zambia Wildlife (Game Animals)
Order, 2016:**

ANIMALS

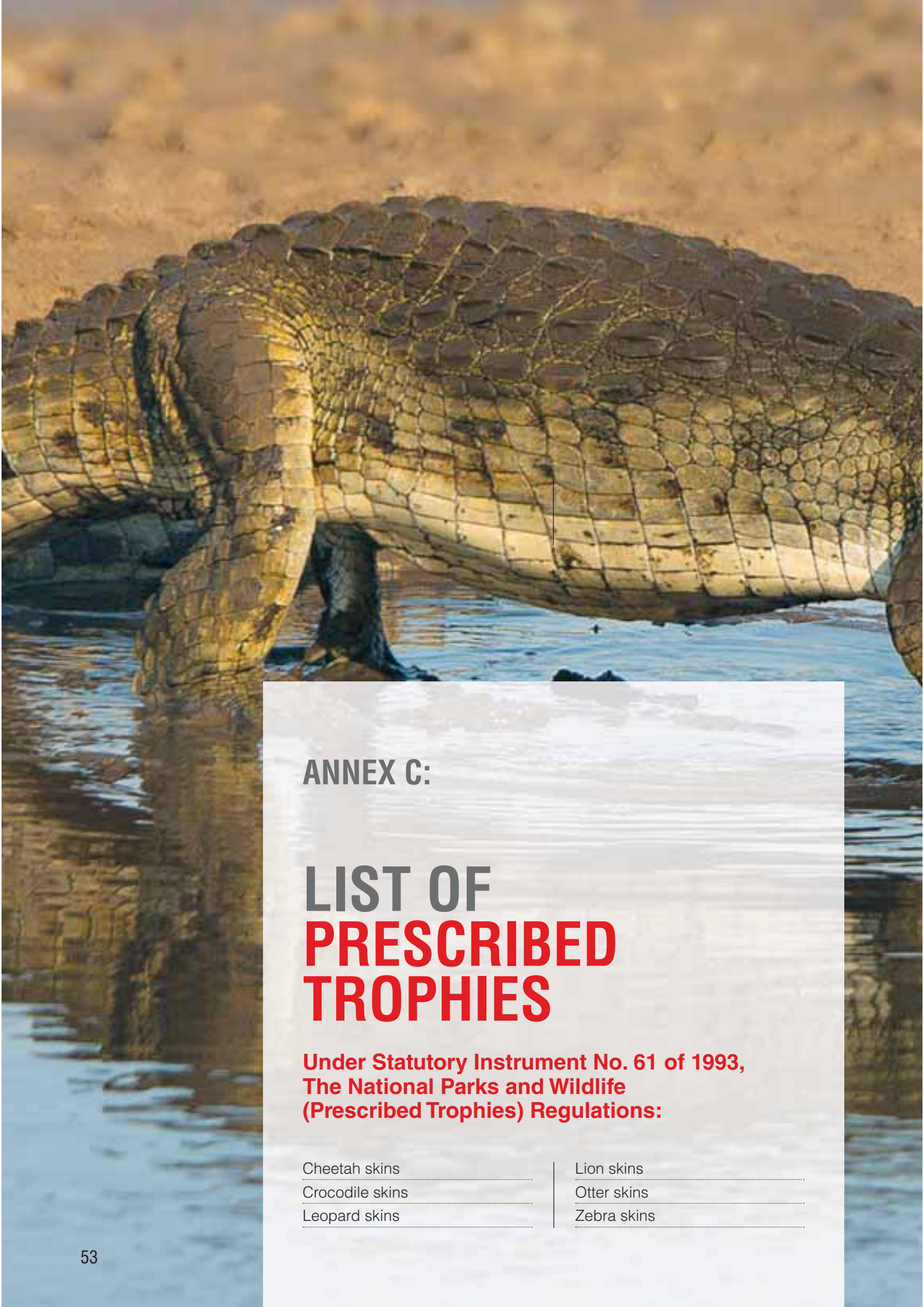
- B Baboon
- Badger Honey
- Blesbok
- Buffalo
- Bushbaby
- Bushbuck
- Bushpig
- C Civet
- Cat Serval
- D Deer Spotted
- Duiker Common
- G Grysbok Sharpe's
- H Hare Spring
- Scrub
- Hartebeest Lichtenstein's
- Hyena Spotted
- I Impala
- J Jackal Side-striped
- K Kudu
- M Monkey Vervet
- Mongoose (all species)
- N Nyala
- O Oribi
- Otter Spotted-necked
- Clawless or
- Small-clawed
- P Porcupine
- Puku
- R Reedbuck
- W Warthog
- Waterbuck Common
- Defassa
- Wildebeest Blue
- Brindled
- Wildcat

BIRDS

- Duck, Teal and Geese
all species including:
- African Pochard
 - Cape Pigeon
 - Exotic Birds
 - Garganey
 - Guinea Fowl (Helmeted)
 - Hottenton Teal
 - Pea Fowl
 - Red-billed Teal
 - White-backed Duck
 - Yellow-billed Duck

REPTILES

- T Tortoise (all species)
- Turtle (all species)
- S Snakes (all species other than Lizard, Monitor, Python)



ANNEX C:

LIST OF PRESCRIBED TROPHIES

**Under Statutory Instrument No. 61 of 1993,
The National Parks and Wildlife
(Prescribed Trophies) Regulations:**

Cheetah skins

Crocodile skins

Leopard skins

Lion skins

Otter skins

Zebra skins





