



Eyes in the Courtroom in Kenya

WildlifeDirect

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Summary

[Eyes in the Courtroom](#) is a public-private partnership between WildlifeDirect and the Judiciary of Kenya. This project monitors, tracks, and analyzes outcomes of wildlife crime trials in all 121 courts in Kenya. The analysis of these trials has provided a performance measure of the investigation, prosecution, and disposition of wildlife crime cases. This analysis assists Kenya's policy makers in guiding policy and institutional reforms by identifying priority areas across the wildlife crime justice chain that need attention. The novel approach used by Eyes in the Courtroom is being replicated in Malawi and Zambia.

Learning Questions Addressed:

- What are good examples of systems, particularly judicial systems, that have made improvements in combating wildlife trafficking enforcement?
- What are some examples of successful partnerships used to deliver competency-building activities and what made them work?
- For specific audiences: which competency-building methods and content work best, especially for maintaining skills and retaining staff?

Problem

At the beginning of the project, three major problems faced Kenyan wildlife crime enforcement. First, state-run wildlife law enforcement agencies lacked the capacity to measure their performance in handling wildlife crime cases and had no evidence that existing laws were deterring wildlife crime. Second, despite record seizures of illegal ivory and the status of Kenya as a trafficking hub, not a single high-profile trafficker or kingpin involved in the illegal ivory trade had been arrested, prosecuted, and convicted. Finally, there was no continuous professional development for investigators, prosecutors, magistrates, and judges on emerging and evolving wildlife law jurisprudence. Officers lacked access to the tools, legal research resources, and basic refresher courses on the dynamics of modern wildlife crime.

Approach

Eyes in the Courtroom deploys lawyers to follow ongoing cases in court to ensure that transparency and accountability drive diligent prosecution. The goal is to bring wildlife criminals to justice while creating a deterrent for would-be offenders.

The project involves the collection and analysis of wildlife crime data to measure prevalence of offenses, conclusion of cases, outcomes of court cases, and the rigor of investigations leading to convictions. Court monitors visited all 121 court stations and studied more than 1700 wildlife crime court records from 2013 to 2016. In addition, WildlifeDirect has developed an Android- and web-based system that collects, manages, and analyzes generated wildlife crime data called “[iCourtroom](#).”



Supreme Court of Kenya, Nairobi. Judges and magistrates learned about enhanced penalties in Kenya's wildlife law.

Analysis of this data has guided reform by highlighting the loopholes and bottlenecks in the entire wildlife crime justice chain. This analysis has revealed weak points in Kenya's wildlife crime prosecution, such as chain of custody, preservation of evidence, admissibility of evidence, and knowledge of the law.

Results

Kenya's wildlife crime judicial reform is a notable success, resulting in a new law with the harshest penalties in the world for wildlife trafficking, the development of a variety of resources on wildlife law, robust growth in wildlife law jurisprudence, and buy-in to civil society-driven sensitization efforts by state actors.

Professional Development and Capacity Building: Using the results of the analysis, capacity building training has informed judges and magistrates about enhanced penalties in Kenya's wildlife law; trained prosecutors in trial advocacy; and built the capacity of investigators on wildlife crime scene preservation and evidence handling. WildlifeDirect developed accompanying resources to strengthen professional development, including the [Rapid Reference Guide](#) for the prosecution and investigation of wildlife crime, as well as [Wildlife Crime Digest](#) and [Guide to the Wildlife Law](#) to offer legal research and reference material to officers during and after training.

Policy and Prosecution: Through the [#HandsOffOurElephants](#) and [#CatchFeisal](#) media campaigns, WildlifeDirect successfully lobbied high levels of Kenya's government to strengthen its response to wildlife crime. This helped lead to the arrest of Interpol's most wanted ivory kingpin, Feisal Mohammed, who was implicated in the trafficking of two tons of elephant ivory in Kenya. Court monitors followed the case from arrest to conviction and supported the prosecution through legal research. This case has set a landmark precedent after Feisal's trial concluded in a sentence of 20 years in prison and a \$200,000 fine – marking the first time a high-profile trafficker was convicted in Kenya.

About this case study series: In 2017, USAID collected [case studies](#) addressing the questions posed in the [Combating Wildlife Trafficking Learning Agenda](#). The finalists represent both USAID-funded and non-USAID-funded activities from around the world. The information provided in the case study series does not necessarily represent the views or positions of USAID or the U.S. Government.

Lessons

- **Characteristics of effective law enforcement capacity building include:** (1) performance appraisal and measurement of existing enforcement and prosecution efforts, (2) development of supporting materials and resources, and (3) a best practices approach to training.
- **Public-private partnerships with the judiciary have fast-tracked information uptake and ownership of wildlife crime analysis.** This buy-in and ownership of judicial reform is crucial to success. WildlifeDirect recommended the establishment of a wildlife prosecution unit that now handles 93% of wildlife prosecutions.
- **Collaboration among all agencies handling wildlife crime is critical to success.** This creates the framework to support sharing of intelligence and resources. Accountability is strengthened if the framework is legally binding.
- **Lobbying at high levels of government and buy-in from reforming agencies fast-tracked capacity building for law enforcement officers.** Skilled wildlife law experts in civil society has assisted in developing capacity. WildlifeDirect currently employs Africa's first and only wildlife lawyer, bringing a specialized legal proficiency to government agencies.
- **Continuous professional development prepares staff for the complex dynamics of enforcing wildlife law in today's world.** Training on new tools increases the proficiency of staff and improves morale.

To learn more about Eyes in the Courtroom, visit: <http://wildlifedirect.org/legal-program/>