



## **environmental affairs**

Department:  
Environmental Affairs  
REPUBLIC OF SOUTH AFRICA

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**Ref:02/1/5/2**

**MINISTER**

### **QUESTION NO. 3094 FOR WRITTEN REPLY: NATIONAL ASSEMBLY**

A draft reply to **Mr R K Purdon (DA)** to the above-mentioned question is enclosed for your consideration.

**MR ISHAAM ABADER  
DIRECTOR-GENERAL (ACTING)**

**DATE:**

**DRAFT REPLY APPROVED/AMENDED**

**MR D A HANEKOM, MP  
MINISTER OF ENVIRONMENTAL AFFAIRS (ACTING)**

**DATE:**

**NATIONAL ASSEMBLY**

**(For written reply)**

**QUESTION NO. 3094 {NW3458E}**

**INTERNAL QUESTION PAPER NO. 35 of 2018**

**DATE OF PUBLICATION: 26 October 2018**

**Mr R K Purdon (DA) to ask the Minister of Environmental Affairs:**

- (1) With reference to the release of the Thai kingpin of the illegal rhino horn trade from jail in South Africa after he served just six years of his 40 year sentence, was the department consulted or given an opportunity to comment in this regard; if so, what are the relevant details;
- (2) whether the department has found that there is a pattern of the appeal courts reducing sentences for wildlife crime; if so, what are the relevant details;
- (3) does the department believe sentences of wildlife crimes are too lenient; if so, how is the department motivating stricter punishment?

**3094. THE MINISTER OF ENVIRONMENTAL AFFAIRS REPLIES:**

- (1) The department was not consulted or given an opportunity to comment on the release of the Thai kingpin. It should however be noted that the sentence that he was serving was not 40 years. Although the Magistrates Court had sentenced him to 40 years imprisonment, this was reduced to 30 years in the Gauteng Local Division of the High Court in Johannesburg and then reduced to 13 years imprisonment by the Supreme Court of Appeal.
- (2) The department has not found that there is a pattern of the appeal courts reducing sentences for wildlife crime.
- (3) The department is of the view that generally the penalties provided for relating to wildlife crimes in terms of the National Environmental Management: Biodiversity Act, 2004 (Act No. 10 of 2004) (NEMBA) are sufficient, which are currently as follows:
  - (a) A person convicted of an offence in terms of NEMBA is liable to a fine not exceeding R10 million, or an imprisonment for a period not exceeding ten years, or to both such a fine and such imprisonment; and

- (b) If a person convicted of an offence, involving a specimen of a listed threatened or protected species, or an alien species or commencing the commercialisation phase of bioprospecting without a permit issued in terms of NEMBA, a fine may be determined. This may take place either in terms of (a) or equal to three times the commercial value of the specimen or activity in respect of which an offence has been committed, whichever is the greater. The department is however, strengthening national legislation by adding a category for those species that are specifically threatened by wildlife trafficking and which require preferential protection and stricter penal provisions. In addition, the department continues to support structures (Justice College and the South African Judicial Education Institute (SAJEI)) which are responsible for training of prosecutors and magistrates.

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