

THE TURTLE BUTCHER

A Roving Reporters' case study on a 54-year-old man in prison for killing an endangered loggerhead turtle has raised important issues about life and survival in and around the United Nations World Heritage Site, the Isimangaliso Wetland Park. **Fred Kockott, Sabelo Nsele and Nosipho Mngoma** report

THERE was stunned silence when a Ngwavuma Regional Magistrate first pronounced his verdict and sentence: seven years' jail for killing an endangered loggerhead turtle.

Later, in the court holding cells, Makotikoti Zikhali cried and banged his fists against the wall, wailing inconsolably about his ancestors having failed him. The bones of Zikhali's ancestors lie less than 6km away from where he killed the turtle – just south of Kosi Bay mouth, one of the most pristine and isolated parts of the Isimangaliso World Heritage Site.

It happened in the middle of the turtle nesting season, December 2009, when scores of endangered loggerhead and leatherback turtles, slowly lumber out of the sea to nest in sand dunes, laying up to 100 eggs at a time.

Caught literally red-handed, Zikhali admitted to killing the turtle for food and to sell for muthi purposes.

"He cried out: 'Please don't hurt me! Don't hurt me! Forgive me, forgive me! I know what I've done is wrong,'" said Eric Mlaba, the KZN Ezemvelo Wildlife conservation officer who arrested Zikhali.

In court, eighteen months later, Zikhali recanted this confession. This was despite overwhelming evidence against him.

His evasive testimony frustrated not only magistrate Munthu Khumalo, but also a close relative of Zikhali's, Hlabathi Ndlovu.

Many years ago, Ndlovu had taught a young Zikhali the art of making fish kraals and spearing fish –



FAST: Conservation officer Eric Mlaba (above) outran turtle poacher Makotikoti Zikhali after finding him butchering a loggerhead turtle in the dunes around Kosi Bay in Isimangaliso Wetland Park. Zikhali (right) is due for release from jail on parole soon.

a centuries' old Thonga method of fishing and today one attraction of the Isimangaliso Wetland Park, a World Heritage Site.

Ndlovu wanted to shout out, firstly to his friend in the dock: "Just tell them you did it!" and to everyone else in court: "C'mon man, we've been killing these things since time immemorial. Lots of people still do it. Why only arrest Makotikoti?"

But Zikhali, perhaps bolstered by muthi reputed to win court cases, stuck by a carelessly constructed story that he been fishing when he had happened, by chance, to stumble upon the carcass of the turtle.

So Zikhali never told the court how he had killed the tagged turtle, ZAST 081/667, or who he had intended to sell the turtle meat to.



Nor did the court hear how many turtles Zikhali had killed since childhood; that he, Ndlovu and other friends had grown up eating them.

What the court did hear was that this particular turtle had been tagged three days previously by Dr Ronel Nel, an academic from the Nelson Mandela Metropolitan University who heads up a research project at Bhanga Neck in the Isimangaliso world heritage site.

Records show that the turtle was about 15 years old and had probably travelled several thousand kilometres, from northern Mozambique or Madagascar, to lay her eggs in the protected sanctuary.

Recalling Zikhali's arrest, Mlaba said he and a colleague had been on a routine beach patrol near Kosi Bay mouth on December 17, 2009, when they noticed footprints leading from the high tide mark into the coastal bush.

Following the tracks, Mlaba had noticed that someone had been cooking around a fire, braaiing crabs. Further on, he saw blood

stains on the grass and against a tree stump.

Then he heard a strange noise: "Twah! Twah! Twah!"

"It sounded like someone hacking a tree," said Mlaba. Approaching a clearing, he saw Zikhali, hunched over, chopping at the carcass of a loggerhead turtle. Neatly packaged parcels of turtle meat lay spread on a plastic sheet. Chunks of turtle fat had been squeezed into a 2l plastic bottle. Turtle flippers hung from nearby branches. Zikhali fled when he saw Mlaba.

"But I am fast, hey," said Mlaba. "I caught him. He was scared, shivering. I think he thought I was going to shoot him."

Lucrative

Authorities dedicated considerable resources to prosecuting Zikhali, hiring a specialist environmental prosecutor, Waldo Smit, to construct the case against Zikhali. Investigations also involved the SAPS Organised Crime Unit.

There were suspicions Zikhali might be part of a muthi trade syndicate. Although no such evidence was presented in court, this possibility remained foremost in the prosecution's case in calling for tough punishment.

"There is a lucrative underground trade in many countries, and indications are that, like the rhino horn situation, syndicates are at work and setting up structures and networks in southern Africa," KZN Ezemvelo regional ecologist, Dr Scotty Kyle, told the court. Kyle said that while turtle popu-

lations were rapidly decreasing worldwide, with the threat of extinction looming, recent indications were that endangered loggerhead and leatherback turtle numbers were increasing in Isimangaliso – one of the few sanctuaries in the world where this is the case.

"This turtle returned to this area because she had been protected in the past and her mother had also been able to breed in this area successfully," said Kyle.

"It would only take a few killings like this to reverse this trend that has taken over 40 years to achieve."

In sentencing Zikhali early in 2011, Khumalo had said legislation governing endangered species provided for a R10 million fine or 10 years imprisonment, or both.

"I will however be lenient with you," he said, referring to Zikhali's personal circumstances – destitute and unemployed.

Khumalo initially imposed a seven-year jail sentence, but after legal consultations, amended the sentence to five years, with provision in place for Zikhali to be released on early parole after serving one-sixth of the sentence.

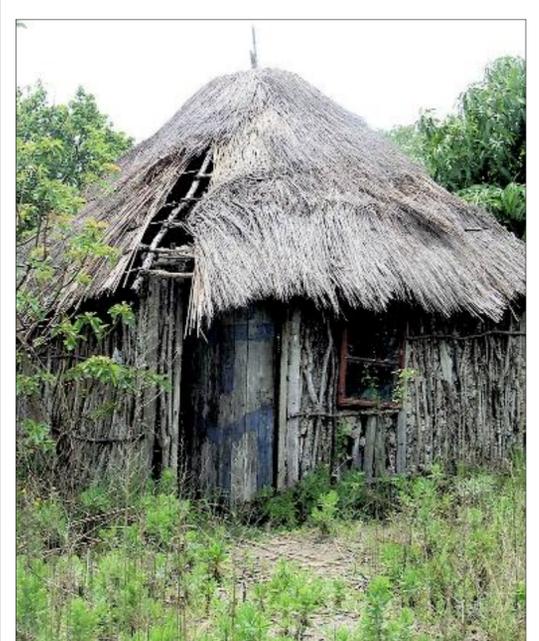
Zikhali's case made front page news: "Five years for turtle butcher". It was widely hailed a victory for conservation and development.

But who was this 54-year-old man, Makotikoti Zikhali?

The lawyer who defended Zikhali, Ambrose Malefane, knew little about him.

"No, I don't have any contact details for his family," said Malefane. "His file is closed. He was just a sickly person."

Nor did the prosecution or Isimangaliso authorities know anything about Zikhali other than that he lived "somewhere around Manguzi – an outsider".



MANGUZI HOME: One of the two huts belonging to Makotikoti Zikhali. They have deteriorated while he is serving his jail sentence for poaching.

The 'outsider'

OUTSIDE a rudimentary hut behind Lala Lapha Lodge in Manguzi, Joseph Zikhali wiped the dust off a small, black and white photograph. It was an identity picture of his uncle, Jabulani Makotikoti Zikhali.

We also retrieved from the dusty floor of the hut, the remains of Zikhali's ID book, a zip-up leather case, a dirty blanket, a chequered blazer and an A4 exercise book.

On the back page of the exercise book, there was a list headed: "INKUNZI ISILONDO". One column lists various ailments, conditions and states of being; the other remedies derived from various medicinal plants, herbs and trees.

"Yes, he was learning about this muthi stuff," said Joseph.

A passing teenage neighbour, Sbu (not his real name) told us more:

"In December season, Makotikoti would borrow buckets from people around here, returning with turtle meat, fats, and sometimes also eggs. He basically persuaded everybody to buy the stuff, saying he needed to pay a fine to stay out of jail for killing a turtle."

Another neighbour, Ma Mthembu, said the last time she saw Zikhali he had been planting medicinal plants harvested from the coastal forests of Kosi Bay in an old lady's garden.

Manguzi was named such because of the abundance of mango trees. It is the central business district of the KwaNganase region of KwaZulu-Natal. It borders on the Kosi Bay coastal reserve with the SA-Mozambique border just 15km north.

There are no industries here, or

any formal agriculture. Unemployment is rife. Only one or two out of twenty people have jobs, and often only part-time.

Life expectancy here is the lowest in SA, averaging 43 years.

Zikhali's Manguzi homestead, now falling apart, comprises two ramshackle reed and mud huts: one served as a kitchen; the other a bedroom.

"Check this," said Joseph, pointing out an electricity cable, hanging low between two trees. It was an illegal connection to a local school supplying four neighbouring homesteads with power.

"It's the work of *izinyoka* (snakes)," said Joseph. "They are dangerous people, so no one interferes with them."

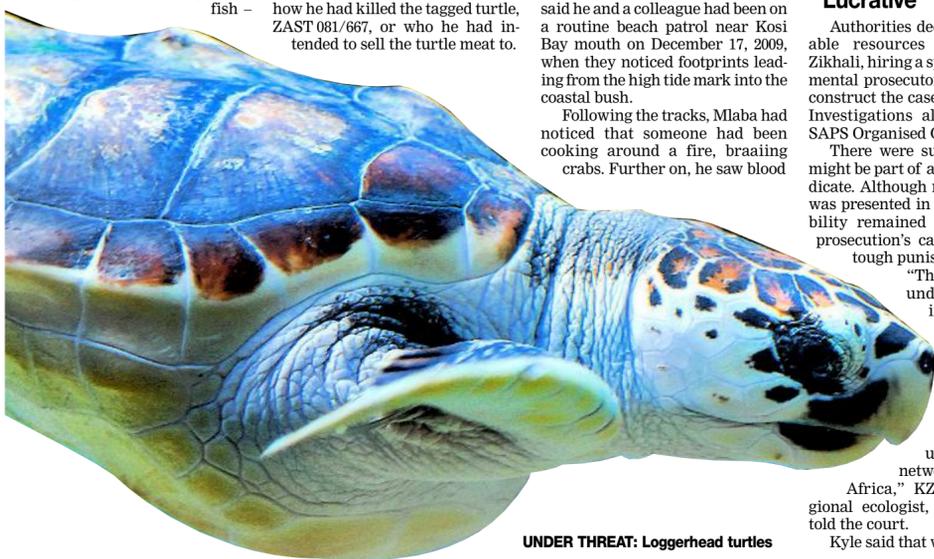
Tsotsis

Authorities regularly cut the supply to the whole town to remove illegal connections, but *izinyoka* are at work again within a week, said Joseph.

"There is no law here. There are so many tsotsis, too," said Joseph. But as we learned, this impoverished place with its *izinyoka*, tsotsis, and worse, is not where Zikhali grew up.

The convicted turtle poacher was born and schooled – at least as far as primary school – in a place called KwaHlomula, bordering on the Kosi Bay coastal reserve.

This is one of several areas around Kosi Bay where, in the 1980s, fences and boom gates were torn down as soon as they were erected by conservation authorities – the start of intractable conflict that continues to this day.



UNDER THREAT: Loggerhead turtles

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