



Launching of Sentencing Guidelines Calculator for Wildlife Crime

19 April 2024, Kota Kinabalu Court Complex

Press Statement by the Office of

The Right Honourable Chief Judge of Sabah and Sarawak

Brief History

In 2017, the then Chief Judge of Sabah and Sarawak (who later became the Chief Justice of Malaysia in 2018), Tun Richard Malanjum took the initiative to form an Environmental Court Guidelines Committee for Wildlife Crime in Sabah. The committee, comprising various stakeholders and experts, worked together to formulate a set of guidelines on sentencing for wildlife crime.

The sentencing guidelines for wildlife crime in Sabah were finally launched on 22 June 2019 by the former Chief Judge of Sabah and Sarawak, Yang Berbahagia Tan Sri Datuk Seri Panglima David Wong Dak Wah. Similarly, in the State of Sarawak, the sentencing guidelines for wildlife crime in Sarawak were launched on 6 June 2022 by YAA Tan Sri Datuk Amar Abang Iskandar bin Abang Hashim when His Lordship was the Chief Judge of Sabah and Sarawak.

Both the Sabah and the Sarawak Sentencing Guidelines for Wildlife Crime have incorporated the same formula to calculate the appropriate penalty for wildlife offences provided for in the Sabah Wildlife Conservation Enactment 1997, the Sarawak Wildlife Protection Ordinance 1998, the Sarawak Wildlife Protection Rules 1998 and the Sarawak Wildlife (Edible Bird's Nest) Rules 1998.

Purpose of Sentencing Guidelines for Wildlife Crime

There are three main purposes of the sentencing guidelines for wildlife crime:

1. To ensure *consistency* in sentencing, which is vital for fairness in the criminal justice system. This consistency ensures that individuals who commit similar offenses under similar circumstances receive comparable punishments, irrespective of factors such as geographic location or the judge presiding over the case;
2. To provide a framework for judges and judicial officers to determine *appropriate* penalties for offenses against wildlife, considering both the aggravating and mitigating factors before passing any sentences. Appropriate sentencing sends clear messages to the potential offenders about the consequences of committing wildlife crime, thereby deterring individuals from engaging in illegal activities that harm wildlife; and
3. To *preserve and protect* wildlife population by holding offenders accountable for their actions. This is to maintain a healthy ecosystem that supports human well-being in the long run.

The Wildlife Crime Sentencing Guidelines Calculator for Sabah and Sarawak Courts and the Way Forward

The Sentencing Guidelines Calculator is a system developed based on the existing sentencing guidelines for wildlife crime in Sabah and Sarawak. The Sentencing Guidelines Calculator is currently at Phase 2 of its development into an artificially intelligent calculator and is presently intended to aid and assist Sessions Court

Judges in calculating the penalty for wildlife offences based on the formula provided for in the sentencing guidelines for wildlife crime. The next phase of development is for data collection where the sentences passed based on the usage of the Sentencing Guidelines Calculator will be compiled. Based on our projections, the data collection will be ready at the end of 2026, and the element of artificial intelligence (AI) will be incorporated into the sentencing guidelines calculator for wildlife crime in 2027.

As addressed by the Right Honourable Chief Judge of Sabah and Sarawak during the Opening of the Legal Year for Sabah and Sarawak on 19 January 2024, a system like this requires constant monitoring and enhancement to ensure that this facility remains secure, convenient and reliable to all stakeholders.