

ENV's Prosecution Review of Wildlife Criminals in Vietnam is produced annually with the aim to evaluate the performance of Vietnam's criminal justice system in dealing with wildlife trafficking cases. Evaluation results are based on all criminal trafficking cases documented by ENV in 2020.

An analysis of 111 criminal trafficking cases recorded in 2020 indicate a strengthening of Vietnam's criminal justice system and a continued upward trend in overall performance. Despite great challenges presented by Covid-19, Vietnam's criminal justice system maintains a strong stance against illegal wildlife trafficking, setting a new standard for fighting wildlife crime across the country.

Note: Trafficking cases include transportation, storage, and trade of wildlife, but exclude criminal cases involving retail sales.

1. CRIMINAL CASES OCCURRING IN 2020: Arrests, prosecutions, and convictions



Nearly **95%**
of trafficking seizures
resulted in arrests

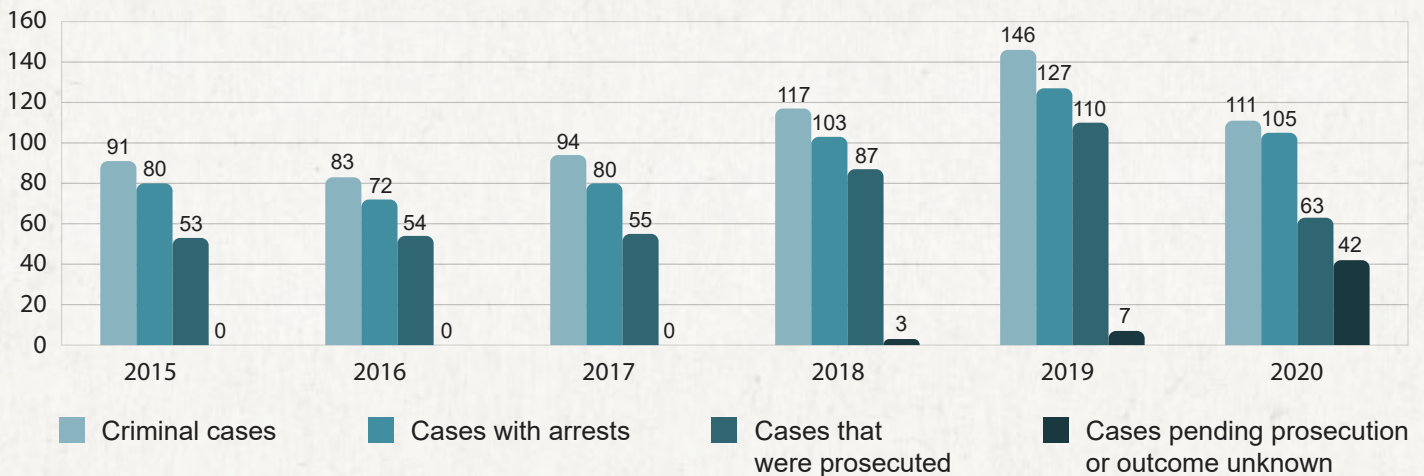
In 2020, ENV recorded 105 arrests out of 111 wildlife criminal cases (94.5%). This percentage is encouraging, as it indicates a continued upward trend in Vietnam's response to wildlife crime. In the last prosecution review, the recorded arrest rate between 2015 and 2019 averaged 88%.



60% of all arrest
cases resulted in
prosecution

At the time of this report, of the 105 arrest cases in 2020, only 63 cases (60%) have resulted in the prosecution of one or more subjects. This percentage is lower than the prosecution average from 2015-2019, which was 71%. However, there are 42 criminal cases from 2020 still pending prosecution, which could alter the current 2020 statistics. ENV believes that restrictions due to the Covid-19 pandemic caused delays in investigation and the prosecution process for many cases in Vietnam, contributing to this comparatively lower prosecution rate.

Chart 1: Arrests and convictions by incident date



2. TRIAL OUTCOMES IN 2020: Convictions and prison sentences by trial dates



51% of all convicted cases resulted in a prison sentence

The percentage of convictions that resulted in prison sentences in 2020 (51%) did not differ significantly from 2019 (50%). However, the overall increase in prison sentences since 2015 (Table 1) suggests that courts are taking an increasingly severe stance on tackling wildlife trafficking in Vietnam.



The average prison term for wildlife trafficking in 2020 was **4.38** years

Prison sentences in 2020 averaged 4.38 years, a slight decrease from 2019 when the average term was 4.5 years.

Table 1: Court performance by verdict date

Table 1 includes a summary of prosecution data by verdict date. By examining prosecutions by verdict date rather than incident date, the courts' performance can be better evaluated during any given period.

	2015	2016	2017	2018	2019	2020
Prosecutions	24	54	64	60	90	122
No. of cases resulting in prison term(s)	11	19	19	27	45	62
% of cases resulting in prison term(s)	45.8%	35.1%	29.6%	45%	50%	50.8%
No. of subjects imprisoned	15	22	27	35	80	99
Average prison term (years)	0.98	1.55	1.21	3.22	4.5	4.38

Note: The number of prosecutions shown by verdict date in Table 1 will differ from the numbers shown in Chart 1, as Table 1 ONLY reflects cases that were tried during each given year, including cases where seizures and arrests occurred during previous years.

Table 2: Notable criminal penalties in 2020

Court	Offender	Penalty	Violation
Ho Chi Minh High Court	Do Thanh Son	12 years 6 months, additional fine of VND 100 million	Illegally transporting 18.7 kg of rhino horns from Mozambique to Vietnam via air travel
Hung Yen Provincial Court	Nguyen Dinh Hong	11 years for wildlife trafficking (+ 5 years for destruction of property)	Illegally transporting 116 Sunda pangolins (<i>Manis javanica</i>)
Hanoi Court	Nguyen Thi Thuy	11 years	Illegal possession of 215 kg of African elephant (<i>Loxodonta africana</i>) ivory
Hanoi High Court	Duong Van Phong	10 years	Trafficking 200.4 kg of African elephant (<i>Loxodonta africana</i>) ivory
Hanoi High Court	Nguyen Van Hung	9 years	
Hanoi High Court	Nguyen Van Nam	8 years	

3. SUMMARY OF RESULTS

Despite numerous disruptions caused by Covid-19, Vietnam continued to strengthen efforts to address wildlife crime in 2020 by targeting traffickers, demonstrated by an increased number of arrests (**95% of criminal cases**) and a relatively good prosecution rate (**60% of arrests**). Sentencing also remained strong, with 51% of prosecuted cases leading to a prison sentence, and those sentences averaging 4.38 years.

While Vietnam has shown substantial progress to end wildlife trafficking over the past few years, and implemented effective endeavors such as prosecution of multiple senior leaders of trafficking networks, the lack of arrests and prosecutions from major port seizures continues to undermine Vietnam's otherwise very positive progress to counter-wildlife trafficking.

Since 2018, **15,328 kilograms of ivory** and **36,169 kilograms of pangolin scales** have been seized, yet none of the large volume seizures have resulted in arrests and prosecutions. This serious shortcoming highlights the need to place greater emphasis on investigating port seizure cases and identifying the criminal networks behind these shipments.

Law enforcement agencies need to invest energy, resources, and strategic focus on collecting all evidence associated with these major seizures. Evidence such as financial transactions by consignees and consignors, telephone and electronic communications, informant statements, and other types of information must be gathered in order to identify ownership, undertake further investigation, and eventually arrest, prosecute, and imprison senior leaders of major criminal enterprises that smuggle tons of ivory and pangolin scales into Vietnam each year.

Law enforcement must also consider the use of money laundering laws, tax evasion laws, and laws prohibiting the operation of criminal enterprises to aid in targeting and eliminating major Vietnamese-led transnational wildlife trafficking networks.

Vietnam's wildlife protection laws are amongst the best in Southeast Asia. By steadily improving enforcement over the past few years and handing out stricter punishments, the risk associated with trafficking wildlife has increased exponentially. However, the war is not won until Vietnam has successfully disrupted and eliminated major transnational wildlife trafficking networks that operate from within our borders.