

PROSECUTION REVIEW WILDLIFE TRAFFICKING CASES IN VIETNAM 2021





OVERVIEW

The Prosecution Review of Wildlife Trafficking Cases in Vietnam is produced annually by ENV with the aim of evaluating 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 2021.

An analysis of 161 criminal trafficking cases recorded by ENV in 2021 suggests that police, prosecutors, and the courts continue to demonstrate consistency and effectiveness in their efforts to tackle wildlife trafficking in Vietnam through the application of the 2018 revised Penal Code.

However, while the criminal justice system has made considerable progress in strengthening deterrence and increasing the risks to criminals, the focus needs to shift to targeting the leadership of wildlife trafficking networks that are responsible for the bulk of ivory, pangolin scales, rhino horn, and tigers entering into Vietnam or transiting through our country and bringing the leaders of these networks to justice.



CRIMINAL CASES OCCURRING IN 2021: ARRESTS, PROSECUTIONS, AND CONVICTIONS

Note: Trafficking cases include transportation, storage, and trade of wildlife, but exclude criminal cases involving retail sales. These cases are recorded based on the seizure date – the date on which the authorities detected and confiscated the wildlife – forming the basis for arresting and handling criminals at a later date.



Nearly **94%** of trafficking seizures resulted in arrests



In 2021, ENV recorded arrests in 151 out of 161 wildlife criminal cases (93.8%), up from 87.7% in 2018, when the revised Penal Code came into force. Additionally, 251 subjects were arrested in 2021, up from 171 in 2020.



76% of all arrest cases resulted in prosecution



At the time of this report, of the 151 arrest cases in 2021, 115 cases (**76.2%**) resulted in the prosecution of one or more subjects – substantially less than the 90% recorded for the previous two years. However, it should be noted that 24 criminal cases from 2021 are still pending prosecution, which may alter the 2021 statistics.

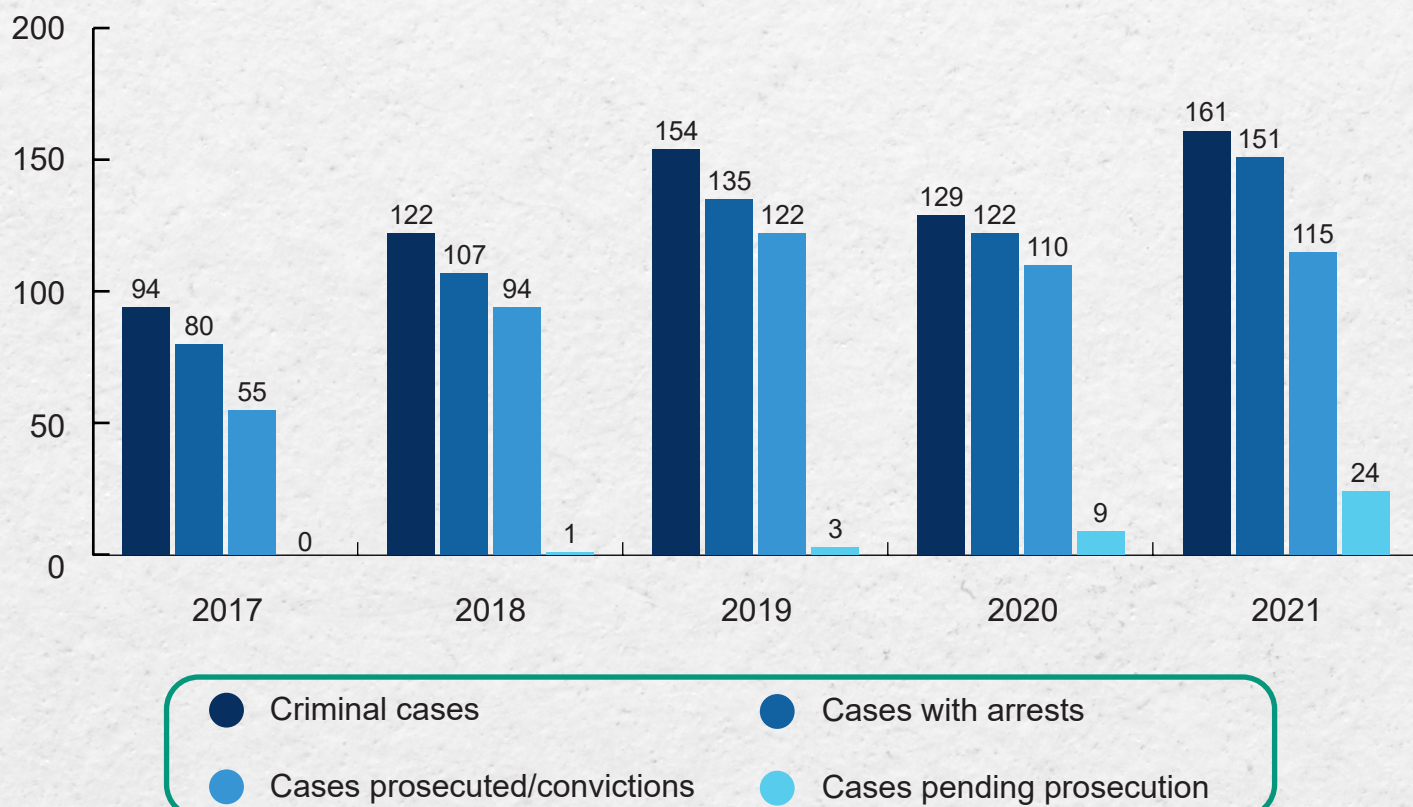


Chart 1: Arrests and convictions by incident date



Outstanding achievement: The largest seizures of “basement” tigers in Nghe An

During the first week of August 2021, Nghe An authorities seized 17 tigers from two households in Yen Thanh district. Two subjects were sentenced to 30 months in prison and seven years in prison respectively. The confiscation of 17 tigers and the arrest, prosecution, conviction, and imprisonment of two subjects keeping the tigers represent a significant step forward for those authorities in Nghe An tasked with eliminating what is estimated to be perhaps hundreds of captive tigers being raised by households on behalf of known tiger traffickers in the province.



TRIAL OUTCOMES IN 2021: CONVICTIONS AND PRISON SENTENCES BY TRIAL DATE

Trial dates are used to analyze the performance of the courts. These data include all wildlife trafficking cases that were tried during 2021, and thus include arrests that may have occurred prior to 2021.



45.7% of all convicted cases resulted in a prison sentence



The percentage of convictions resulting in prison sentences in 2021 (45.7%) was down slightly from 49.2% in 2020.

3.73 The average term
YEARS for a wildlife trafficking
offense in 2021

Prison sentences in 2021 averaged 3.73 years – a decrease from 2020 when the average term was 4.09 years. However, the average remains substantially higher than the 1.21-year average prison sentence in 2017, prior to the enactment of the revised Penal Code in 2018.



14 years is the highest punishment ever recorded for a wildlife criminal in Vietnam

In 2021, a wildlife trafficker was convicted by Hanoi Court for rhino horn trafficking and sentenced to 14 years in prison. This was the highest punishment ever recorded for a wildlife crime in Vietnam and marked a milestone in Vietnam's progress and determination to combat the illegal wildlife trade.



	2017 (Pre-Penal Code)	2018	2019	2020	2021
Prosecutions	64	63	92	120	140
No. of cases resulting in prison term(s)	19	29	45	59	64
% Cases resulting in prison term(s)	29.6%	46.0%	48.9%	49.2%	45.7%
No. of subjects imprisoned	27	39	80	95	84
Average prison term (years)	1.21	3.08	4.5	4.09	3.73

Table 1. Court performance by verdict date:
Table 1 includes a summary of prosecution data by verdict date.

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 trialed during each given year, including cases where seizures and arrests occurred during previous years.

Case no.	Court	Offender	Penalty	Violation
14737	Hanoi City Court	Do Minh Toan	14 years	Illegally transporting 126.5 kg of rhino horns from Dubai to Vietnam via air travel
16891	Tay Ninh Provincial Court	Phun Nhut Tac	12 years	Illegally possessing and trading 39 Hawksbill turtle trophies (<i>Eretmochelys imbricate</i>)
		Tran Minh Lanh	10 years	
14544	Hai Phong City Court	Nguyen Duy Thanh	11 years	Illegally raising and keeping 14 Asian small-clawed otters (<i>Aonyx cinereus</i>), 8 great hornbills (<i>Buceros bicornis</i>), and several other wildlife species
18930	Ha Dong District Court	Ngo Van Phuong	11 years	Illegally raising, keeping, and possessing 17 Sunda pangolins (<i>Manis javanica</i>)
19547	Quang Ninh Provincial Court	Tran Hoang Dung	11 years	Illegally transporting 54.5 kg of rhino horns and several wildlife products from Angola to Vietnam via air travel
		Nguyen Mau Thinh	10 years	
		Tran Thi Nhung	10 years	

Table 2. Notable criminal penalties in 2021


SUMMARY OF RESULTS

In 2021, Vietnam continued to strengthen efforts to address wildlife crime by targeting traffickers, demonstrated by a high number of arrests (94% of criminal cases with 251 subjects arrested). Sentencing also remained strong, with nearly 46% of the cases tried during 2021 cases leading to a prison sentence, and prison sentences averaging 3.73 years. One highlight was the 14-year prison sentence given to a subject for illegally facilitating a shipment of rhino horns – the longest sentence for a wildlife crime in Vietnam to date.

However, the lack of arrests and prosecutions resulting from major port seizures continues to undermine Vietnam’s otherwise very positive progress in counter-wildlife trafficking efforts. For example, since 2018, more than 60 tonnes of ivory, pangolin scales, and rhino horns have been seized after their arrival by container at major shipping ports. None of these major seizures have resulted in the arrest or prosecution of the owners of these shipments, though two cases did result in the arrest of the shipping agent at the time of this report’s writing.

In order for Vietnam to have a sustained and permanent impact on wildlife trafficking, efforts must be channeled into tackling the trafficking networks and their leadership – those who are wealthy and often influential.

While bringing the leadership of these wildlife trafficking criminal enterprises to justice is difficult, it is crucial in order to effectively eliminate Vietnam’s role in wildlife trafficking globally.



A silhouette of a man is shown against a height chart. The chart has horizontal lines at 6'4", 6'2", 6'0", 5'8", 5'6", 5'4", and 5'2". The man's head reaches the 6'0" mark, and his shoulders reach the 5'6" mark. A rectangular box is placed over the lower part of his torso, obscuring any identifying information.

**PORTRAIT OF A LEADER OF
A TRANSNATIONAL WILDLIFE
TRAFFICKING RING**




- Male
- Middle-aged
- Specializes in ivory and rhino horn trade
- Wealthy, influential, and has wide social connections
- Business owner (money laundering)

Education for Nature - Vietnam

Education for Nature - Vietnam (ENV) was established in 2000 as Vietnam's first non-governmental organization focused on the conservation of nature and the protection of the environment. ENV combats the illegal wildlife trade and aims to foster greater understanding amongst the Vietnamese public about the need to protect nature and wildlife. ENV employs creative and innovative strategies to influence public attitudes and reduce demand for wildlife trade products. ENV works closely with government partners to strengthen policy and legislation, and directly supports enforcement efforts in the protection of endangered species of regional, national, and global significance.

ENV STRATEGIC PROGRAMS

Since 2007, ENV has focused its activities on three major program areas that comprise ENV's integrated strategic approach for addressing illegal wildlife trade in Vietnam. These include:

-  Working with policy-makers to strengthen legislation, close loopholes in the law, and promote effective application of laws and policy that protect wildlife;
-  Strengthening enforcement through direct support and assistance to law enforcement agencies in combatting wildlife crime;
-  Reducing consumer demand for wildlife products through investment in a long-term and sustained effort to influence public attitudes and behavior, including mobilizing public participation and action protecting wildlife by reporting wildlife crime.

