

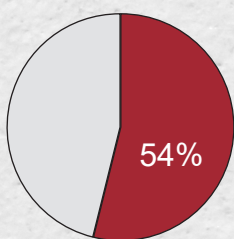
GUIDANCE ON HANDLING

**WILDLIFE CRIME
ON THE INTERNET**

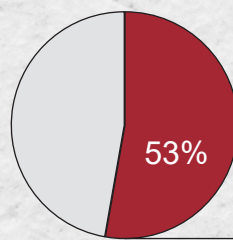


THE PROBLEM





The online wildlife trade has grown in popularity and complexity over the past few years. According to ENV's Wildlife Crime Incident Tracking Database, in the past five years (2017-2021), more than 6,300 internet wildlife cases were recorded, accounting for more than 54% of total wildlife cases recorded during the period. In the first quarter of 2022 alone (as of July 12, 2022), ENV recorded 1,862 wildlife crime cases, with 985 of these cases (or 53% of all cases) found on the internet.



6,300
internet wildlife crimes
2017 - 2021



1,862
internet wildlife crimes
First quarter of 2022

Taking advantage of the internet's global accessibility, wildlife traders have turned to the internet and social media like  Facebook,  Tik Tok,  YouTube and  Zalo to openly promote the illicit trade of wildlife, their body parts, and products made from wildlife for illegal profits. In fact, the vast majority of individuals involved in advertising and trading wildlife are aware that selling endangered and rare species, as well as species without legal origin is prohibited under the law. However, high returns on investment and the low risk of being caught and arrested have greatly contributed to the growth of wildlife crime online.

On July 23, 2020, the Prime Minister issued Directive No. 29 on urgent solutions to manage wildlife. Directive No. 29 requested both the Ministry of Public Security and the Ministry of Information and Communications to instruct relevant agencies to take decisive measures to combat wildlife crime online.

Prompt detection, combined with appropriately strict punishment for online wildlife traders, serve to reduce crime and deter others from engaging in similar criminal behavior. Moreover, reducing online wildlife crime contributes to the protection of wildlife both in Vietnam and globally.

QUICK REFERENCE FOR DEALING WITH ONLINE CRIME

- 1 If the subject is caught with goods - arrest, prosecute, or fine depending on the nature of the crime and the subject's history.
- 2 Where wildlife and products cannot be seized, strict fines for serious violators and lighter fines for less serious violators are strongly recommended.
- 3 Warnings should only be issued if the police agency believes that the warning will successfully result in removal of all violations and a permanent end to the subjects illegal activities.



HOW TO HANDLE WILDLIFE CRIMES ON THE INTERNET

When detecting wildlife being illegally advertised online, it's important for police to use various specialized methods to identify the relevant online seller(s). Once the online seller(s) is identified, the police should:



Verify and investigate the violations. If the investigation shows that the violator is illegally raising, possessing, transporting, or trading wildlife, wildlife body parts or wildlife products, the focus should be on executing a successful law enforcement intervention resulting in an arrest and prosecution or issuance of administrative fines, depending on the severity of the infraction.



If a police agency investigation does not conclude that the subject is physically keeping, possessing, transporting, or trading wildlife, wildlife body parts or wildlife products, efforts should turn toward:

- a) Issuance of an administrative fine that is appropriate for the violation(s) of illegal advertising, in accordance with Clause 2, Article 33 of Decree 38/2021/ND-CP (if the subject advertises wild animals included in Appendix III of the law on Investment) or
- b) Immediate penalization of the subject in accordance with Article 16 of Decree 35/2019/ND-CP (amended and supplemented by Decree 07/2022/ND-CP) if the subject advertises wild animals not included in Appendix III of the Law on Investment.

The authorities can also issue the subject with a warning and request the removal of the advertisements, as well as regularly monitor the subject to prevent recidivism.

Note: Identifying the subject is key in handling online wildlife crime. If needed, ENV is happy to share our methodologies with police to assist with subject identification.

Ministry of Public Security directs functional forces improving the prevention and inspection of and combating wildlife crime, as well as promptly handling violations related to wildlife, focusing especially on dismantling transnational organized crime networks involved in the illegal trade, stockpiling, transportation, export, import, temporary import, re-export, and illegal transit of wildlife, and coordinating with relevant agencies on inspecting and handling the illegal advertising and trading of wildlife on the Internet.

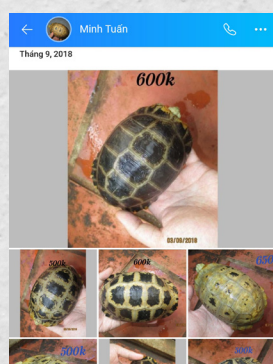
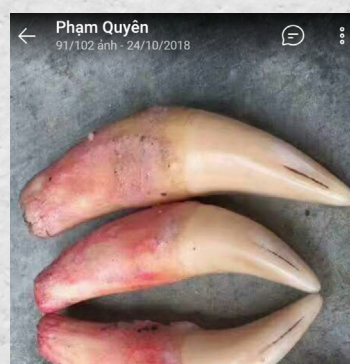
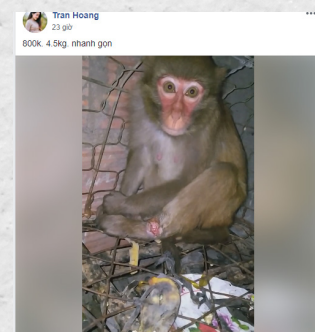
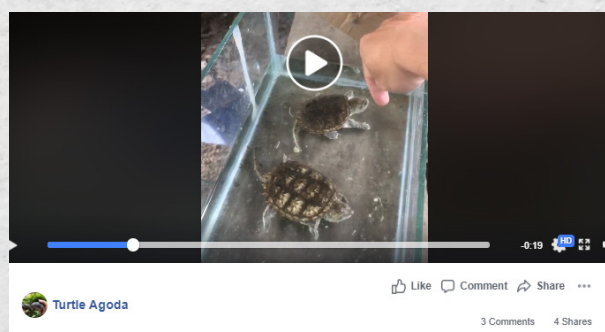
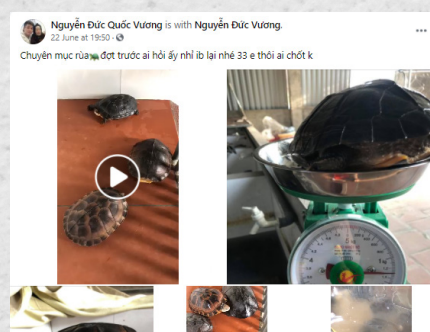
- Directive No.29 dated July 23, 2020 of the Prime Minister on urgent solutions to manage wildlife.



LEGAL REGULATIONS ON HANDLING WILDLIFE CRIME ON THE INTERNET

ILLEGALLY ADVERTISING WILDLIFE FOR SALE

	For wildlife included in Appendix III of the Law on Investment (endangered forest animals and aquatic species in Vietnam)	For wildlife NOT included in Appendix III of the Law on Investment (all other wildlife)
Legal basis	Point a, Clause 2, Article 33 of Decree 38/2021/ND-CP	Point dd Clause 4 Article 16 of Decree 35/2019/ND-CP (amended and supplemented by Decree 07/2022/ND-CP)
Penalty	Impose fine ranging from VND 70 - 100 million	Impose fine ranging from VND 1-1.5 million
	Compelling the removal of advertisements	Compelling the removal of advertisements
Note	In this case, the relevant police must propose that the Provincial People's Committee issue fines to the subjects.	In this case, the police can either issue the punishment decision themselves or request the relevant Forest Protection Department or People's Committee to issue the punishment decision.

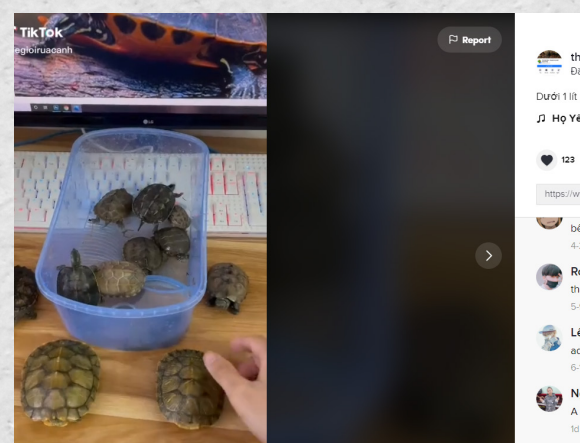
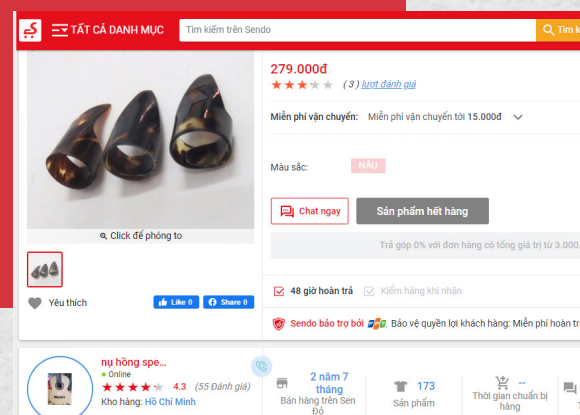


ILLEGALLY RAISING, POSSESSING, TRANSPORTING, AND TRADING WILDLIFE

In case an online trader is determined to be engaged in the illegal act of raising, possessing, transporting, or trading of wildlife, their body parts, and products thereof, the authorities shall apply Articles 190, 191, 234, and 244 of the Penal Code 2015, amended and supplemented in 2017, in order to conduct criminal prosecution or apply Decree 35/2019/ND-CP (amended and supplemented by Decree 07/2022/ND-CP) (Articles 21 and 23) and Decree 42/2019/ND-CP (Article 41) to fine the subjects in accordance with the law, depending on the species, number of wildlife individuals involved or monetary value of the wildlife.

Accordingly, the police can either issue punishment decisions themselves for the level of monetary punishment under their authority or propose that the People's Committee issue a punishment decision.

Note: Please feel free to contact ENV Policy and Legislation Team at **0865.242.882** if you have any questions regarding relevant regulations on handling online wildlife crimes.





EXAMPLES OF PUNISHMENTS ISSUED TO ONLINE WILDLIFE TRADERS

The following examples represent just some of the many cases where authorities have addressed online crime successfully using administrative fines and prosecution to deter criminal behavior.



ARRESTS AND PROSECUTIONS

Case refs. 8843,12692/ENV

On June 2, 2021, Nam Tu Liem District Police in Hanoi confiscated three bear claws, several fake tiger skin pieces, and 13 fake bear bile vials from an online seller during a sting operation. The case was reported to police by ENV through the issuance of a law enforcement evidence package (LEEP) profiling the supplier and summarizing the violations. The seller was arrested. Following information provided by the seller, on July 5, 2021, Nam Tu Liem District Police in Hanoi confiscated 90 bear claws from another online wildlife seller in Kon Tum province. Police had identified the subject as a supplier for the seller who was initially arrested. The supplier had more than 40 social media accounts dedicated to advertising wildlife and was moved to Hanoi for investigation.

On December 16, 2021, both the supplier and the seller were convicted by Nam Tu Liem District Court. The supplier was sentenced to a prison term of 13 months and had to pay VND 1,000,000 for profit that was gained illegally. The seller was sentenced to a prison term of 9 months. All evidence was destroyed.

Case ref. 21231/ENV

On December 7, 2021, Kon Plong (Kon Tum) District Police responded to a Law Enforcement Evidence Package (LEEP) from ENV, comprised of a profile and evidence of violations by an online supplier and confiscated three dead black giant squirrels (*Ratufa bicolor*), a masked palm civet (*Paguma larvata*), two sun bear (*Helarctos Malayanus*) claws and two Asiatic black bear (*Ursus thibetanus*) claws. The subject was first reported to ENV on September 21, 2021. Violations included various types of advertisements of pangolin scales, bear and tiger claws and canines, and ivory products.

On July 22, 2022, the subject was convicted by Kon Plong District Court and sentenced to a prison term of 13 months. The evidence was destroyed.

Case ref. 17046/ENV

On August 18, 2020, District 9 Police of Ho Chi Minh City responded to a public report via the ENV Wildlife Crime Hotline and confiscated 64 live tortoises, including four radiated tortoises (*Astrochelys radiata*), six Burmese star tortoises (*Geochelone platynota*), 12 Indian star tortoises (*Geochelone elegans*), 39 sulcata tortoises (*Centrochelys sulcata*), and three leopard tortoises (*Stigmochelys pardalis*) from the house of an online seller who used Facebook to advertise many exotic turtle species. The tortoises were transferred to Saigon Zoo, and the subject was arrested. On April 27, 2021, the Ho Chi Minh City People's Committee administratively fined the subject VND 65 million for illegally keeping species listed in Group IIB of Decree 06.

On November 16, 2021, the subject was convicted by Thu Duc District Court and sentenced to a prison term of six years and six months for the possession of other endangered wildlife.



ADMINISTRATIVE FINES

Case ref. 23510/ENV

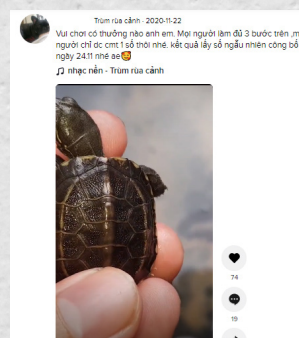
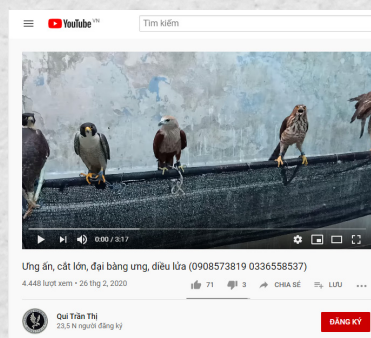
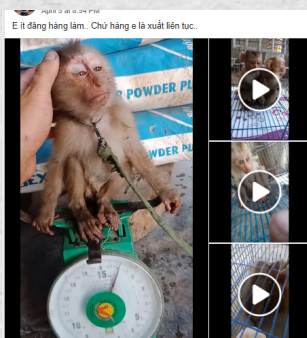
On August 12, 2022, Ha Giang People's Committee responded to a Law Enforcement Evidence Package (LEEP) from ENV, comprised of a profile and evidence of violations by an online supplier, and issued an administrative fine of VND 70,000,000 to the subject for illegally advertising wildlife products, as well as giving the subject a warning. Violations committed by the subject included advertisements for bear bile vials and gallbladders, as well as tiger bone TCM.

Case ref. 15154/ENV

On November 16, 2021, a subject advertising wildlife on his Facebook account was confronted by the Kon Tum Provincial Police and fined VND 86,250,000 for illegally advertising wildlife products, as well as being given a warning. Violations included advertisement for various types of pangolin wine, cobra wine, civets, macaques, clouded monitors, tiger claws, bear bile, tiger bone TCM, a marble cat trophy, a leopard cat trophy, an Owston's civet trophy, and serow heads.

Case ref. 13970/ENV

On October 30, 2019, Quang Nam Environment Police responded to an ENV law enforcement evidence package (LEEP), comprised of a profile and evidence of violations by an online wildlife supplier, and inspected the home of the subject, where wild pig tusks were found and confiscated. The subject had previously been discovered advertising tiger claws and canines, bear claws, and ivory products for sale online. The subject was fined VND 70 million for illegally advertising prohibited wildlife products.






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.



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