

WILDLIFE CRIME

BULLETIN

env
ACTION AGAINST EXTINCTION

ISSUE 2
2022

02

**RESPONSIVENESS
REPORT CARD 2021**

03

**PROSECUTION REVIEW
OF WILDLIFE TRAFFICKING CASES
IN VIETNAM 2021**

05

**NO COMPENSATION
FOR BEAR FARM OWNERS**

09

**ENV WILDLIFE CRIME
UNIT OPERATIONS
JANUARY – SEPTEMBER 2022**

RESPONSIVENESS REPORT CARD 2021

Given the important role the public plays in helping law enforcement tackle wildlife crime in Vietnam, ENV has maintained the Responsiveness Reporting System since 2020 to evaluate the responsiveness of local law enforcement agencies to publicly reported wildlife crimes, comparing statistics between provinces, as well as establishing a national average.

The below results show the performance of local law enforcement agencies tasked with wildlife protection, comparing provinces' statistics while calculating the national average in 2021.



1,056

Public reports

Number of public reports through the ENV Hotline, where information is transferred to law enforcement agencies via phone call, correspondence, or direct meeting.



97%

Responsiveness rate

Percentage of violations reported in 2020 resulting in a confirmed response by authorities.



28.9%

Success rate

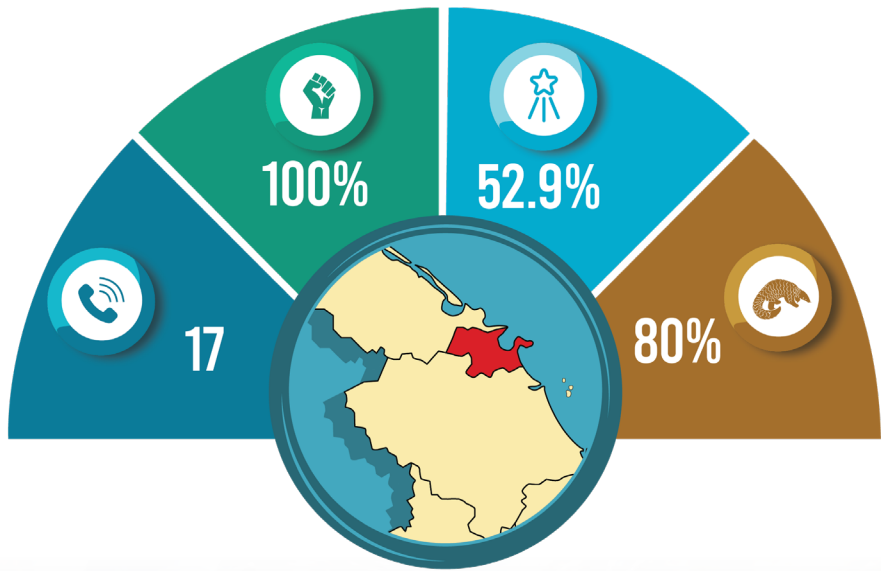
Percentage of cases resulting in the confiscation of animals and/or legal punishment of the involved subjects.



29.8%

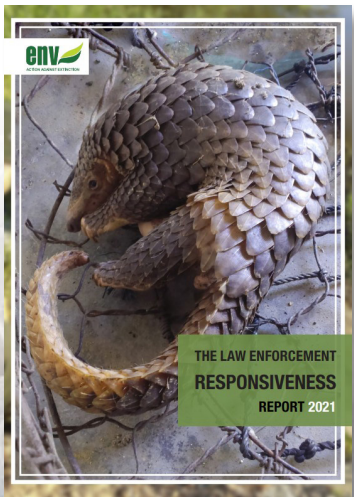
Live animal success rate

Percentage of live wild animal cases reported in 2020 resulting in a successful confiscation of the live wild animal(s). Live animal cases are an effective performance indicator, as they generally require a timely and proactive response by authorities in order to yield success.



Best Overall Performance
Da Nang

To learn more about your province, please read the full electronic version of ENV's Responsiveness Report Rard 2021 at the link:



PROSECUTION REVIEW

OF WILDLIFE TRAFFICKING CASES IN VIETNAM 2021

ENV produces the Prosecution Review of Wildlife Trafficking Cases in Vietnam annually with the aim of highlighting the performance of Vietnam’s criminal justice system in dealing with wildlife trafficking cases. The 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 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.

Table 1. Arrests and prosecutions of wildlife trafficking cases in Vietnam (by incident date)

	2017		2018	2019	2020	2021
Criminal trafficking cases	94	Revised Penal Code in effect	122	154	129	161
Cases with arrests	80		107	135	122	151
Percentage of criminal cases with arrests	85.1%		87.7%	87.7%	94.6%	93.8%
Number of subjects arrested	134		176	226	171	251
Number of cases prosecuted	55		94	122	110	115
Percentage of criminal cases prosecuted	68.8%		87.9%	90.4%	90.2%	76.2%*

*2021 prosecution/conviction data does not reflect the results of 24 cases that are currently pending prosecution.

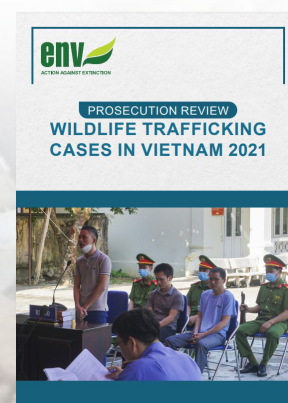
TRIAL OUTCOMES IN 2021: CONVICTIONS AND PRISON SENTENCES BY TRIAL DATE

Table 2. Court performance by verdict date

	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%	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

Note: The number of prosecutions shown by verdict date in Table 2 will differ from the numbers shown in Table 1, as Table 2 ONLY reflects cases that were tried during each given year, including cases where seizures and arrests occurred during previous years.

To learn more about ENV’s wildlife criminal prosecution review and analysis, you can find the full electronic version of ENV’s report here:



LET'S END THE BEAR BILE BUSINESS IN THE NATION'S CAPITAL

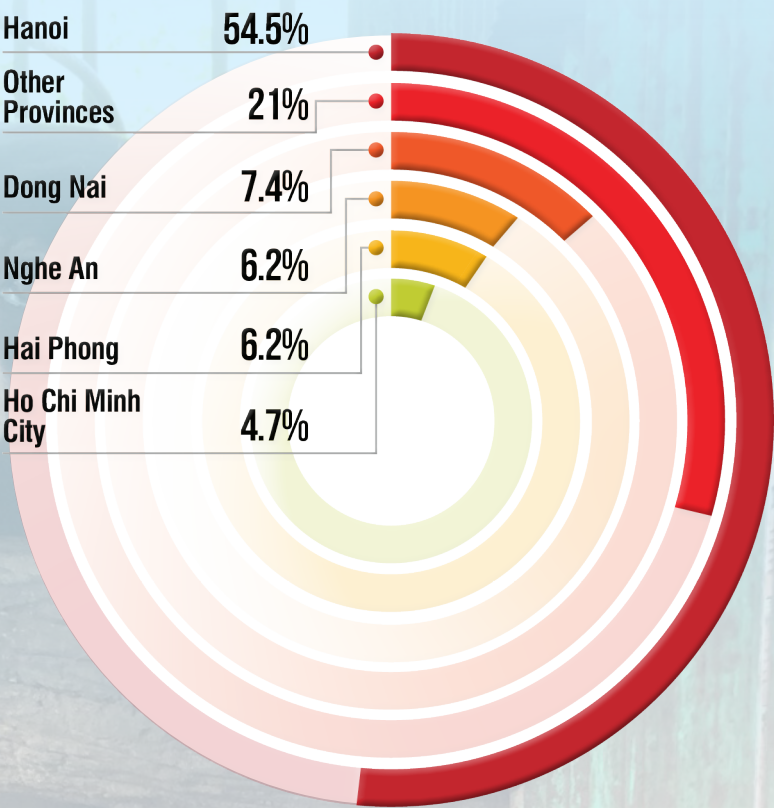
As of October 2022, Hanoi – Vietnam’s capital city – continues to maintain the largest concentration of captive bile bears in Vietnam, with 140 bears still on private farms. Hanoi alone accounts for 54.5% of the total bile bears (257 bears) in Vietnam.

The illegal and cruel bear bile business is fast approaching its end across the country. Binh Phuoc and Thai Binh became the 41st and 42nd bear bile farm-free provinces in 2022, and Ha Nam is soon to follow with the upcoming transfer of the last bear in the province to a rescue center. What’s more, Ho Chi Minh City was previously counted as the second-biggest bear bile farming hotspot in Vietnam, but it now only has 12 bile bears left on farms.

Unfortunately, at the current rate, Hanoi will linger on as the only province where bile bears still remain on farms, despite the expectation that the capital should lead the nation’s efforts to end bear bile farming.

Once again, ENV urges the Hanoi People’s Committee to take decisive actions aimed at accelerating the process of ending bear bile farming in Hanoi, especially in Phuc Tho district.

After 17 years since the Government of Vietnam launched an initiative to end bear bile farming in Vietnam, and dozens of provinces across the country have succeeded in or are on their way to becoming bear bile farm-free, it’s time for Hanoi to do their part. By 2025, bear bile bear farming in Vietnam should be a problem of the past. Don’t let Hanoi remain last in the race!



VIETNAM: BEARS ON BILE FARMS

NO COMPENSATION FOR BEAR FARM OWNERS

ENV and its partners have been actively involved with both seizures and voluntary confiscations of a majority of the bears that have ended up in rescue centers in Vietnam. The issue of compensation comes up frequently, as owners expect the government to pay them to transfer their bears to authorities.

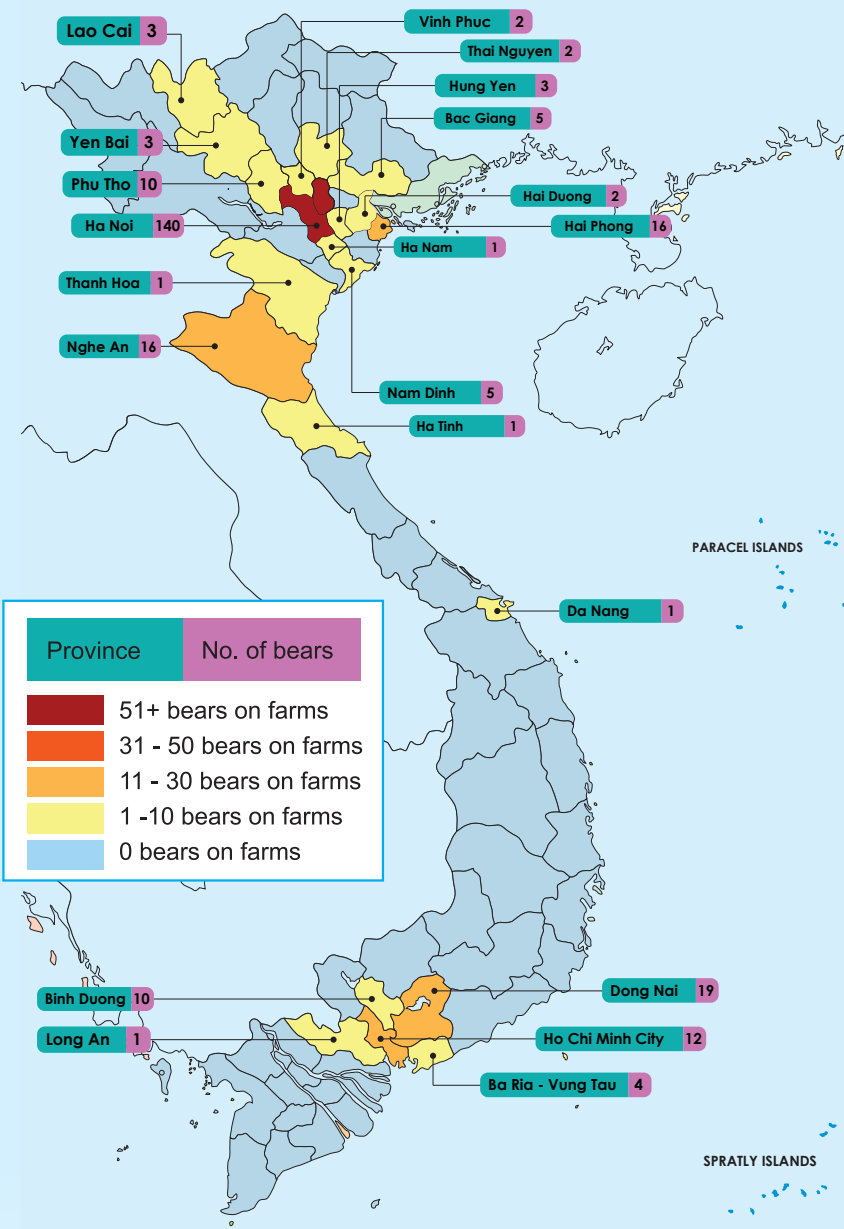
However, each of the bears on bile farms were illegally purchased in the 1990s and early 2000s, most as cubs collected after their mothers were shot and killed in violation of the law. The bears may be registered and chipped, but these measures were taken only as a control mechanism to prevent any new bears from entering farms and does not change the fact that the bears are all of illegal origin. Therefore, bear owners – who purchased these bears illegally and have exploited them for their bile for so many years – have no legal grounds for their continued appeals for compensation.

That’s why the message from the Ministry of Agriculture and Rural Development (MARD) is clear: “MARD does not support the compensation of bear owners for their bears.” ENV, backed by the other members of the Vietnam Bear Coalition, World Animal Protection and Four Paws, fully supports MARD’s position, recognizing that “buying bears,” whether directly or indirectly, is not only against the law, but also promotes a market for captive animals, undermining enforcement and putting other animals at risk. A dangerous precedent will be set if even one bear owner is compensated for their bears. What’s next – tigers? Pangolins?

In August, bear farmers in a particular province claimed that they were offered up to VND 30 million in compensation by local authorities if they transferred their bears to a sanctuary. ENV reached out to the Provincial People’s Committee and Provincial Forest Protection Department (FPD), who confirmed that they have not done so in the past. However, the concern remains about whether such a compensation plan is in fact under way, in any bear-keeping province.

Ending bear bile farming should absolutely be a priority for provinces. However, supporting bear owners financially, whether directly or indirectly, should never be considered a solution, as its adverse impact on the country’s biodiversity – especially critically endangered species – is severe and carries long-term consequences. Think big, act locally!

BEARS REMAINING ON BILE FARMS IN VIETNAM
(as of October 2022)





ALERT

ALL WILD BIRDS ARE PROTECTED IN VIETNAM

On May 17, 2022, the Prime Minister issued Directive No. 04/CT-TTg (Directive 04) on a number of urgent tasks and solutions to be implemented to conserve wild and migratory birds in Vietnam. Accordingly, the Prime Minister requested different ministries and provincial People's Committees to implement a number of actions, focusing on inspecting and addressing wild bird-related crimes, and conserving wild birds in their natural habitats, on their cross-border migration routes, and at their migratory route resting stops.

Following on the directive, on September 27 2022, the Minister of the Ministry of Agriculture and Rural Development (MARD) also sent Correspondence No. 6461, which requests that provincial People's Committees instruct their relevant subordinate agencies to strictly handle wild bird crimes, as well as educate the public not to trap, sell, or consume wild and migratory birds.

These instructions highlight both the government's and MARD's focus on the issue of wild bird-related crimes in Vietnam, and ENV urges law enforcement agencies, police, and other relevant agencies to strictly implement said instructions and take a stand in dealing with wild bird-related crimes, as well as removing and destroying all bird nets discovered.

Punishment for wild bird-related crimes

Crimes related to endangered birds: Depending on the level of protection of the wild birds, as well as the severity of the crime, punishment for individuals ranges from administrative punishment of up to VND 400 million or criminal liability of up to 15 years in prison, according to Decree 35/2019/ND-CP (revised by Decree 07/2022/ND-CP) and Articles 234 and 244 of the Penal Code.

Crimes related to non-listed birds: All bird species are considered wildlife in accordance with Section 29, Article 3 of Decree 06/2019/ND-CP (revised by Decree 84/2021/ND-CP). For violations relating to those non-listed birds that are considered common forest animals, punishment for individuals ranges from administrative punishment of up to VND 300 million or criminal liability of up to 12 years in prison, according to Decree 35/2019/ND-CP (revised by Decree 07/2022/ND-CP) and Article 234 of the Penal Code. Meanwhile, non-listed birds that are not considered common forest animals are to be considered “other terrestrial wild animals,” and punishment for relevant violations include administrative fines of up to VND 300 million, according to Decree 35/2019/ND-CP (revised by Decree 07/2022/ND-CP).

QUICK NOTES ON MANAGING COMMERCIAL WILDLIFE FARMS

The following information is a summary of the procedures and documents required in the registration and operation of commercial wildlife facilities. Inspecting authorities should be aware of the documents required in each case in order to perform their duties correctly.

Registration

Dossiers required for granting registration

- An application form for issuance of the code, according to Form No. 3 provided in the Appendix of Decree 06 (revised by Decree 84).
- Farming plans following the format of the relevant forms of Decree 06 (revised by Decree 84).
- Papers showing legal origins of wildlife kept at the farms: List of forest products certified by the Forest Ranger Authority (for wild animals), or the certificate of origin and certification of aquaculture registration/maritime aquaculture license (for aquatic products), and other legal proof of origin.
- Written certification from the Vietnamese CITES Scientific Agency, stating that the rearing does not affect the survival of the reared species and other related species in the wild (this should be obtained from the licensing authority upon receipt of application dossiers from the farm owner).

Note: *Facilities raising common animals and other terrestrial animals are not required to include the farming plan and the written certification of the CITES Scientific Agency of Vietnam in the application dossier.*

Operations

Documentation required at a wildlife farm

These documents must be available for inspection by local authorities during farm inspections:

- Farm code registration paper (if the farm keeps any endangered species listed in Group IB or IIB, or CITES Appendices I, II, or III).
- Business registration certificate.
- Appraisal result of environmental impact assessment reports and environmental permits/ environmental registrations (if applicable).
- Updated farming activity monitoring book.
- Updated specimen marking logbook (for endangered species listed in Group IB or IIB, or CITES Appendices I, II, or III).
- Updated reproductive monitoring book (for facilities conducting breeding activities).
- Updated wildlife processing monitoring book (for facilities that also conduct wildlife processing and trading activities).
- List of forest products and other documents proving legal origin of wildlife.

Selling wildlife

Documents required for transporting wildlife

These documents must be on hand for inspection by relevant authorities when animals are transported. Failure to produce these documents during inspection could result in fines and seizure of the animals.

- Certified list of forest products, with each transaction and/or other documents showing legal origins of the animals.
- Quarantine certificate (if transporting between provinces).

Note: *Authorities should only certify the lists of forest products for facilities farming CITES Appendix I or Group IB-listed wildlife if the wildlife is of the F2 generation or later, and the farm owner is able to prove so.*

**“PEOPLE WHO BUY, SELL,
OR TRADE WILDLIFE IN
VIOLATION OF THE LAW
ARE CRIMINALS.”**



RECOGNITION

During the 2nd and 3rd quarters of 2022, ENV continued to document exemplary achievements from police and the justice system in the fight against the illegal wildlife trade in Vietnam. Overcoming many difficulties, the below agencies have reinforced a strict zero-tolerance policy with regards to wildlife crime and greatly contributed to national efforts to combat wildlife trafficking in Vietnam.

Kon Tum Police

Worked with the Kon Tum People's Committee to issue administrative fines ranging between VND 70 million and VND 80 million to two online sellers who advertised ivory, rhino horn, and other endangered wildlife products for sale on the internet in 2021, setting an excellent example for other police agencies to follow when dealing with internet crime.

Kien Giang Environment Police

Made consecutive arrests of wildlife criminals in three cases involving endangered wildlife in 2022. The evidence confiscated comprised 0.5 kg of ivory, 10 kg of dugong meat, three monitor lizards, and a 2.2-kg green sea turtle.

Pleiku Court and Procuracy

Set a new precedent for dealing with internet crimes in Gia Lai on June 16, 2022 by imposing prison sentences of 18 months and 15 months respectively on two online wildlife traders found guilty of selling 100 g of rhino horn.

Hanoi Environment Police

Confiscated 350 bear bile vials in Phuc Tho district of Hanoi – Vietnam's biggest hotspot for bear bile farming – on May 27, 2022. This led to the successful arrest and prosecution of the bear owner, as well as the transfer of seven bears from his possession to the State.

Ha Giang Environment Police

Promptly responded to information regarding the violations of a major online wildlife trader, and subsequently proposed that Ha Giang Provincial People's Committee hand down an administrative fine of VND 70 million to the trader for illegally advertising wildlife products, which included bear bile and gallbladders, as well as tiger bone traditional medicine.

Da Nang Economic Police

Conducted an outstanding investigation in response to two cases of wildlife trafficking from Africa to Vietnam through Tien Sa Port. The confiscated evidence comprised 138 kg of rhino horn, three tonnes of lion bones, 6.232 tonnes of pangolin scales, and 456.9 kg of ivory, leading to the successful arrest of one subject in 2022.

ENV WILDLIFE CRIME UNIT OPERATIONS

JANUARY – SEPTEMBER 2022

TACKLING WILDLIFE CRIME



The ENV Wildlife Crime Unit receives an average of **9** new cases reported to the ENV Wildlife Crime Hotline each day. Upon receiving a report, experienced case officers contact the appropriate authorities to address the violation and track each case through to conclusion, documenting the outcome on ENV's Wildlife Crime Incident Tracking Database. In cases involving the advertisement or sale of critically endangered species, ENV cooperates directly with law enforcement to undertake operations aimed at both apprehending traffickers and seizing wildlife.

A total of **2,600** cases were logged during the first three quarters of 2022, including **137** trafficking cases, **1,872** retail selling and advertising cases, and **587** cases involving illegal possession of wildlife, most commonly the possession of live animals.

Hotline reports from the public accounted for **1,509** new cases during the reporting period, of which **71%** resulted in successful outcomes. Successful outcomes include seizure of wildlife, arrest, and prosecution, as well as administrative penalty or voluntary compliance as a result of warnings issued by authorities or ENV.

During this reporting period, **2,101** live animals were confiscated or transferred to authorities with ENV's assistance. These included **97** macaques, **22** Asiatic black bears, **12** tigers, **295** tortoises and freshwater turtles, as well as many other species.

Additionally, **1,247** online advertisements were addressed either through law enforcement action, voluntary compliance following issuance of warnings, or deactivation and removal by websites and social media platforms.

A total of **92** online wildlife selling groups comprised of **243,336** members were deactivated since the beginning of 2022.

ENV wishes to thank our collaborating partners in law enforcement, provincial Forest Protection Departments, and most importantly, the public, for working together to strengthen wildlife protection and helping Vietnam meet its national and international responsibility to protect global biodiversity.

CRIME STATISTICS: January 1, 2022 – September 30, 2022

Crime classification	January – September 2022	TOTAL 2005 – September 30, 2022
Total cases [1]	2,600	24,644
Total number of violations	6,158	67,019
Trafficking	137	2,494
Selling and advertising	1,872	14,969
Possession	587	6,834
Hunting/other	81	678
Success rate (overall) [2][3]	59.1%	NA

[1] Some cases logged are not ultimately classified as violations, and thus the total number of cases may differ slightly from the total number in each classification (possession, trafficking, etc.).

[2] Overall success includes both publicly reported cases AND cases resulting from ENV enforcement campaigns. Successes include all successful conclusions that occurred during the month, including achievements that may have been reported in a previous month.




[3] Flagging of successful cases did not begin at ENV until 2014.

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 combating illegal wildlife trafficking in Vietnam. These include:

-  Working with policy-makers to strengthen legislation, close loopholes in the law, and promote sound policy and decision-making relevant to wildlife protection.
-  Strengthening enforcement through direct support and assistance to law enforcement agencies, and mobilizing active public participation in helping combat wildlife crime.
-  Reducing consumer demand for wildlife products through investment in a long-term and sustained effort to influence public attitudes and behavior.

ENV's efforts to combat illegal hunting and trade of wildlife are made possible thanks to the generous support of the following partners:



CONTACT US



ACTION AGAINST EXTINCTION

Block 17T5, 17th floor, Room
1701, Hoang Dao Thuy Str.,
Thanh Xuan Dist., Hanoi, Vietnam
Tel: (84 24) 6281 5424
Fax: (84 24) 6281 5423
Email: env@fpt.vn
Website: www.env4wildlife.org

 Education for Nature – Vietnam

 Education for Nature – Vietnam

 [env.wildlife](https://www.instagram.com/env.wildlife)