

CONVENTION ON INTERNATIONAL TRADE IN ENDANGERED SPECIES
OF WILD FAUNA AND FLORA



Sixty-ninth meeting of the Standing Committee
Geneva (Switzerland), 27 November – 1 December 2017

Species specific matters

RHINOCEROSSES (RHINOCEROTIDAE SPP.);
REPORT OF THE SECRETARIAT

1. This document has been prepared by the Secretariat.
2. At its 17th meeting (CoP17, Johannesburg, 2016), the Conference of the Parties adopted Decisions 17.133 to 17.144 on *Rhinoceroses (Rhinocerotidae spp.)*, as follows:

Directed to all Parties

17.133 *All Parties should review their implementation of Resolution Conf. 9.14 (Rev. CoP17) on Conservation of and trade in African and Asian rhinoceroses, and the strategies and proposed actions developed by the CITES Rhinoceros Enforcement Task Force contained in the Annex to Notification to the Parties No. 2014/006 of 23 January 2014, to achieve good implementation of the Resolution and the strategies and proposed actions, and to increase the effectiveness of the law-enforcement response to rhinoceros poaching and rhinoceros horn trafficking.*

Directed to all range States for rhinoceroses

17.134 *All rhinoceros range States should continuously review poaching and trafficking trends, to ensure that the measures they implement to prevent and combat rhinoceros poaching and rhinoceros horn trafficking remain effective and are quickly adapted to respond to any newly identified trends.*

Directed to the Secretariat

17.135 *The Secretariat shall conduct a mission to Viet Nam to meet with enforcement and justice sector agencies to review arrests, seizures, prosecutions, convictions, and penalties for illegal possession and trade of rhinoceros horn, including offences detected at border points and domestic markets in Viet Nam.*

17.136 *The Secretariat shall report to the 69th meeting of the Standing Committee on its mission to Viet Nam, particularly regarding the rate of successful and unsuccessful prosecutions, convictions and penalties, the reasons for those successes and failures, and any priority actions needed.*

17.137 *The Secretariat shall conduct a mission to meet with the Mozambique Ministry of Land, Environment and Rural Development, including the CITES Management Authority, as well as law enforcement and justice sector agencies that are mandated to enforce illegal wildlife trade and the implementation of CITES and related national legislation. This mission shall focus on implementation of Mozambique's National Ivory and Rhino Action Plan, in particular to assist Mozambique with the priority actions identified in the recommendations agreed at the 67th meeting of the Standing Committee.*

17.138 *The Secretariat shall report to the 69th meeting of the Standing Committee on its mission to Mozambique, paying particular attention to both the rate of successful or unsuccessful prosecutions, convictions and penalties, the reasons for these successes and failures and priority actions needed to address these, and to the status and security of Mozambique's stockpiles and the strength of its stockpile management system; that report should include any recommendations for the consideration of the Standing Committee.*

Directed to Mozambique and Viet Nam

17.139 *Mozambique and Viet Nam should implement the recommendations agreed by the Standing Committee at its 67th meeting and welcome the Secretariat missions called for in Decision 17.135 and Decision 17.137.*

Directed to the Standing Committee

17.140 *The Standing Committee shall evaluate, at its 69th and 70th meetings, Parties' implementation of Resolution Conf. 9.14 (Rev. CoP17) and measures to prevent and combat rhinoceroses poaching and trafficking in rhinoceros horn, taking into consideration the recommendations in CoP17 Doc.68 Annex 5 and, focusing particularly on countries identified for priority attention as presented in that report, make any recommendations as appropriate.*

17.141 *The Standing Committee shall evaluate the reports submitted by Mozambique and Viet Nam, as called for in the recommendations agreed at its 67th meeting, and shall make additional recommendations as appropriate.*

17.142 *The Standing Committee shall evaluate the report of the Secretariat on its missions to Mozambique and Viet Nam, and shall make any additional recommendations for further action and request additional reporting to its 70th meeting, as necessary.*

17.143 *Based on its assessment of progress by Mozambique and Viet Nam, both at its 69th and 70th meetings, the Standing Committee shall determine if Mozambique and Viet Nam have satisfactorily addressed all recommendations, or if further actions, up to and including compliance measures, are warranted.*

17.144 *The Standing Committee shall report its findings and recommendations to the 18th Conference of Parties.*

3. Decision 17.140 directs the Standing Committee to evaluate Parties' implementation of Resolution Conf. 9.14 (Rev. CoP17), and the measures implemented to prevent and combat rhinoceroses poaching and trafficking in rhinoceros horn, with a particular focus on Parties identified for priority attention in [Annex 5](#) to document CoP17 Doc.68 on *Rhinoceroses (Rhinocerotidae spp.)*. This document identifies Mozambique, South Africa, Viet Nam and Zimbabwe as Parties for priority attention. The Secretariat in the present document limits its reporting to these four Parties.
4. Decision 17.141 directs the Standing Committee to evaluate the reports submitted by Mozambique and Viet Nam, called for in [recommendations b\) and f\)](#) on Conservation of and trade in African and Asian rhinoceroses (*Rhinocerotidae spp.*), agreed at the 67th meeting of the Committee (SC67, Johannesburg, 2016), and to make additional recommendations as appropriate. Mozambique included the reporting requested in SC67 recommendation b), in its report on its National Ivory and Rhino Action Plan (NIRAP) (see [Annex 12](#) to document SC69 Doc. 29.3 on *National ivory action plans process*). The report prepared by Viet Nam as requested in SC67 recommendation f) is available as Annex 1 to the present document. Viet Nam included the names, addresses and personal details of a number of offenders in its report. The Secretariat deleted the addresses and some personal details from the report, since it would not be appropriate to make this information available publicly.
5. The Conference of the Parties, at CoP17, adopted Decisions 17.135 to 17.138, directing the Secretariat to conduct a mission to both Mozambique and Viet Nam, and to report on the findings of these missions to the present meeting. Decision 17.142 directs the Committee to evaluate the report of the Secretariat, and to make any additional recommendations for further action and request additional reporting to its 70th meeting, as necessary. The reporting of the Secretariat on these missions, and the associated recommendations prepared by the Secretariat for consideration by the Committee, are included in the present document.

6. Decision 17.143 directs the Standing Committee to, based on its assessment of progress by Mozambique and Viet Nam, determine if these two Parties have satisfactorily addressed all recommendations, or if further actions, up to and including compliance measures, are warranted.

Mozambique

7. Mozambique was identified as a Party of “secondary concern” in the [Elephant Trade Information System \(ETIS\) Report](#) submitted to the 16th meeting of the Conference of the Parties (CoP16, Bangkok, 2013). It is one of the Parties that was requested by the Standing Committee to develop a National Ivory Action Plan (NIAP), and the only Party that was requested by the Standing Committee to also prepare a National Rhinoceros Action Plan. As a result, Mozambique prepared a [combined National Ivory and Rhinoceros Action Plan \(NIRAP\)](#). Mozambique, in the [ETIS Report prepared for CoP17](#), moved into a NIAP category of lesser prominence and is identified as a Party of “importance to watch” in that Report.
8. The Conference of the Parties adopted Decision 17.139 requesting Mozambique to implement the recommendations agreed by SC67, and to welcome a mission of the Secretariat. The Secretariat conducted the mission from 17-20 July 2017, and would like to thank the National Administration for Conservation Areas (ANAC), the CITES Management Authority (MA) of Mozambique, for its excellent facilitation the mission. The Secretariat also thanks the Hong Kong Special Administrative Region of China for the generous funds provided to the Secretariat, which enabled it to undertake the mission.
9. Mozambique reports in detail on the implementation of the priority actions identified in the recommendations on rhinoceroses agreed at SC67, and provided the same detailed information to the Secretariat during its mission. Mozambique has fully implemented a number of the priority actions identified in the recommendations, and the Secretariat commends the Party for the further progress made.
10. The approval of the amended Conservation Law by the Mozambican Parliament on 30 November 2016, and its entry into force on 11 May 2017, represent the achievement of a significant milestone. The Secretariat was informed during the mission that the associated Regulations have been drafted, and at the time of the mission, it was expected to be approved by September 2017. Mozambique may wish to provide a further update on this at the present meeting.
11. In addition, the Council of Ministers approved a CITES Regulation that entered into force on 25 August 2017. This Regulation establishes 12 designated ports in Mozambique, including air, sea and land ports, for the import and export of CITES-listed specimens. ANAC informed the Secretariat that more than 400 representatives from different authorities in Mozambique, including customs, police and others, received training to date, on the new CITES Regulation and other CITES matters. This includes officers based at all 12 ports established by the CITES Regulation.
12. ANAC informed the Secretariat that deliberations between the relevant authorities within the country concluded that it would not be appropriate for the Supreme Court, as an independent supreme body, to prepare and send an administrative circular from the President of the Supreme Court to all courts, as was anticipated by the actions included in the NIRAP. Instead, ANAC prepared a circular which the Supreme Court sent to all courts to implement this NIRAP action.
13. During the mission, different authorities and other players in Mozambique expressed great optimism about the amended Conservation Law. Representatives from agencies and organizations without exception viewed the amended law as the beginning of a new era in Mozambique, where authorities will be able to take strong action against wildlife crime. Information about the application of the amended Conservation Law was at the time of the mission still limited, but the Secretariat believes that this is understandable, considering that it only entered into force in May 2017. There are however signs that this could be gaining momentum, as exemplified by the arrest of a key individual alleged to be responsible for managing and organizing poaching and illegal trade between Mozambique and the United Republic of Tanzania, a week prior to the mission. Mozambique elaborates in more detail on this arrest in its report prepared for the present meeting.
14. The amended Conservation Law can only have the desired impact if effectively implemented, and it is important to note that a number of urgent capacity building needs continue to exist in Mozambique. This includes the need for further training on the amended Conservation Law and its Regulations to ensure that all national agencies responsible for wildlife law enforcement are familiar with its provisions and actively pursue its application. Further to this, training on crime scene management and evidence collection for first responders, the preparation of case files for court, and training to improve statement writing skills, were identified as key capacity building needs to be addressed as a matter of priority.

15. Another matter which the Secretariat believes is important to note is the potential role that the Department of Environment, which was established within the Office of the Attorney General in 2015, could play. This department was established to support prosecutors at national level with environmental crime related prosecutions, and to facilitate the necessary interaction between prosecutors and national investigation authorities. During the mission, this department indicated to the Secretariat that its activities are currently significantly hampered as a result of the lack of basic equipment, such as computers, and that capacity building needs exist within this department, including notably for the officers at its 29 regional offices. The Secretariat was informed that communication and information sharing between the national department and its regional offices are currently often slow and inadequate, due to the lack of physical resources.
16. The Department of Environment within the Office of the Attorney General indicated that it did not currently have access to a database to keep track of the number of cases on wildlife crime in court, the results of prosecutions, etc. It appears to the Secretariat that this office is not aware of the national level database to collect information and follow up on the prosecution of wildlife crime cases in court, the registry of infractions operational in all conservation areas, and the lawyer that will be hired and tasked, *inter alia*, to assist ANAC in the follow-up of the judicial processes related to wildlife crime. ANAC was encouraged to engage with this department to explore how these initiatives could support its work. Given the important role that the Department of Environment in the Office of the Attorney General could play in contributing to successful prosecutions, the Secretariat believes that urgent steps should be taken to enhance the capacity of this department.
17. An important and positive development that was brought to the attention of the Secretariat during the mission, is the appointment of customs focal points on wildlife crime, in early 2017, in each province in Mozambique. These focal points actively engage customs officers within their respective provinces to raise awareness about wildlife crime, and to promote taking action to address it. The Secretariat was informed that the focal point system has already proven to be valuable in the context of gathering intelligence about wildlife crime to support the development of appropriate customs responses. Further capacity building for the recently appointed customs focal points, in particular on the amended Conservation Law and its Regulations, as well as on CITES implementation and enforcement, could be of great value to further strengthen the capacity of these focal points to engage with their counterparts in the respective provinces.
18. During one of the field visits conducted by the Secretariat, the continued challenge posed by criminal syndicates using the money they gain from their illegal activities to influence and corrupt some local communities in Mozambique was emphasized. In particular, criminal syndicates had reportedly infiltrated communities implicated in rhinoceros poaching the Mkukaza area in Mozambique. When money does not work, these syndicates revert to violence or threats of violence against individuals and their families to instil fear, thus preventing communities from cooperating with authorities. Efforts should be stepped up to address criminal syndicates targeting communities in the Mkukaza, as well as other areas. This could be done by strengthening efforts to gather intelligence about the members of these syndicates and their activities, to map out their criminal networks, and to initiate targeted intelligence driven law enforcement action with a particular focus on those individuals that manage and organize these activities. Anti-money-laundering and asset recovery investigations against the offenders involved could also be deployed.
19. Mozambique is doing good work educating communities. For example, the annual Mozambican National School Championship Games in which more than 1000 children participated, was held in the Gaza province of Mozambique in July 2017. The President of the Republic of Mozambique opened the event which had a strong conservation theme, and the Secretary General of CITES delivered a video message at this event.
20. Authorities in Mozambique reported continued good collaboration with authorities in South Africa on various fronts, including good cross border collaboration on the border between the Kruger National Park in South Africa and Mozambique. This was also highlighted by rangers during a site visit to a Game Park in Mozambique, bordering the Kruger National Park. ANAC highlighted the participation of 10 magistrates from Mozambique, as well as the General Secretary of the Superior Council of the Judicial Magistracy, in a Judicial Colloquium held in the Kruger National Park, South Africa, in December 2016. The Environmental Police also mentioned a joint operation with South Africa that led to the seizure of a number of firearms, as well as arrests.
21. With regards to the status and security of Mozambique's stockpiles and the strength of its stockpile management system, the Secretariat visited the new centralized national stockpile facility for ivory and rhinoceros horn, managed by ANAC. This facility was upgraded in late 2016, with funding secured from the African Elephant Fund. The location of the facility is for security reasons known only to a small selected group of nominated officials. Security measures have been put in place and are operational, and a strict protocol is in place to control access to the facility. The Secretariat was also provided with information on

the comprehensive measures implemented for facilities where stocks could be kept at provincial level. For security reasons, the Secretariat will not to disclose more on this in the present document. The Secretariat was informed that a formal policy on the final storage and disposal of confiscated ivory and rhinoceros horn will be developed, and that the draft Terms of Reference for this work has been finalized. The Secretariat notes that Mozambique has not yet declared its 2017 rhinoceros horn stocks to the Secretariat in accordance with paragraph 2 a) of Resolution Conf. 9.14 (Rev. CoP17).

22. On 21 July 2017, the Secretariat joined the United Nations Office on Drugs and Crime (UNODC) as one of its partners in the [International Consortium on Combating Wildlife Crime](#) (ICCWC), in Maputo, to present the report on the implementation of the [ICCWC Wildlife and Forest Crime Analytic Toolkit](#) in the country to the Government of Mozambique. The recommendations in the Toolkit implementation report respond well to the capacity building needs identified during the mission, and the implementation of these recommendations will make an important contribution to addressing some of the key challenges and capacity building needs that currently exist in the country. The Secretariat communicated the capacity building needs identified during the mission to UNODC that was at the time of writing developing a work plan on behalf of ICCWC, to support the implementation of priority recommendations. Generous funding made available to ICCWC by Germany enabled the Consortium to offer this support to Mozambique.
23. There are currently a number of activities and initiatives being implemented in Mozambique through a variety of different players. Parties, donors, intergovernmental and non-governmental organizations with ongoing initiatives, programmes and activities in Mozambique are encouraged to liaise with ANAC to explore how their ongoing work could also support the implementation of the Toolkit recommendations.
24. The positive momentum observed in Mozambique in recent years continues and, since SC67 and CoP17, further significant progress have been made with NIRAP implementation and on other fronts. The Party however continues to play a key role in the illegal rhinoceros horn and ivory trade chain, and for this reason continued and sustained vigilance and efforts are needed. Further steps to progress and strengthen the implementation of the amended Conservation Law are essential. It is crucial that the application of this law translates into the arrest, prosecution and conviction of criminal elements that are still active in the country. Action is now needed to ensure that all national agencies responsible for wildlife law enforcement are familiar with the provisions of the amended Conservation Law, and actively pursue its application.
25. The Secretariat believes that it will be appropriate for the Standing Committee to keep under review progress with the implementation of the amended Conservation Law, and how it impacts illegal trade in wildlife in Mozambique. The Secretariat recommends that the Committee revisit this matter at its 70th meeting, in accordance with the provisions of Decision 17.143. To avoid duplication and to limit the reporting burden on the Party, the Secretariat recommends that the Committee request Mozambique to include its reporting on rhinoceroses to SC70 in its report on the implementation of its NIRAP.

South Africa

26. At CoP17, the Secretariat reported that 1,175 rhinoceroses had been poached in South Africa in 2015, compared to the record number of 1,215 rhinoceroses poached in the country in 2014. This represented the first decrease in the annual number of rhinoceroses poached in South Africa since poaching started escalating in 2008. [Statistics](#) released by the South African Department of Environmental Affairs in February 2017, confirmed that 1,054 rhinoceroses were poached in South Africa in 2016. This represents a decline in the annual number of rhinoceroses poached in South Africa, for the second consecutive year. It is also worth noting that the number of offenders arrested in South Africa for rhinoceros poaching and rhinoceros horn trafficking related crimes increased to 680 in 2016, compared to 317 in 2015 and 258 in 2014. Information on a number of high-profile cases and successful convictions are included in the February 2017 media release, indicating strong deterrent sentences that were imposed, varying from 5 up to 20 years imprisonment. The Secretariat commends for its continued positive progress in pushing poaching levels down, and bringing the perpetrators to justice.
27. The Minister of Environmental Affairs, in the statement released in February 2017, elaborates in detail on South Africa's Integrated Strategic Management of Rhinoceros strategy, a comprehensive strategy that aligns well with the provisions of Resolution Conf. 9.14 (Rev. CoP17), as well as the strategies and proposed actions developed by the CITES Rhinoceros Enforcement Task Force.¹ The measures being implemented through this strategy are too comprehensive to describe in the present document, and Parties are invited to

¹ See Notification to the Parties No. 2014/006 of 23 January 2014

consult the February 2017 release by the South African Department of Environmental Affairs, for further information.

28. As stated at CoP17, the reduction in the number of rhinoceroses poached in South Africa is a positive sign, but could result in an increase in poaching in other rhinoceros range States, as criminals seek out locations where rhinoceroses might be easier to target. This is exemplified by experiences in South Africa itself. The information released indicates that poaching in South Africa's Kruger National Park, which to date bore the brunt of the poaching incidents in the country, reduced from 826 cases in 2015, to 662 cases in 2016, a reduction of 19.85%. However, while there has been a decrease in the number of rhinoceroses killed in the Kruger National Park, the number of rhinoceroses poached increased in other parts of the country, indicating that criminal syndicates are feeling the pressure from the measures being deployed in and around the Kruger National Park and diverting their illegal activities elsewhere. It is good to note that the Party is responding to these newly identified trends. It remains imperative for all Parties to continue to review poaching and trafficking trends, to ensure that the measures they implement to prevent and combat rhinoceros poaching and rhinoceros horn trafficking are effective and quickly adapted to respond to any newly identified trends.
29. The Secretariat, in its documents on rhinoceroses prepared for CoP16 and CoP17, reported on the project that was approved by the Governing Council of the Global Environment Facility (GEF), to strengthen forensic capabilities in South Africa to combat wildlife crime.² A wide range of activities have been and continues to be conducted as part of this GEF project. In the statement released in February 2017, the South African Minister of Environmental Affairs stated that this project enabled the renovation of a new laboratory at the Veterinary Genetics Laboratory of the University of Pretoria where rhino DNA samples are analysed. South Africa at CoP17 launched guidelines on procedures for rhinoceros horn DNA sampling, and Parties are encouraged to engage with South Africa to obtain copies of these guidelines, as may be needed. The Secretariat take this opportunity to remind all Parties about paragraph 1 g) of Resolution Conf. 9.14 (Rev. CoP17), and the *Form for collection and sharing of data on rhinoceros horn seizures and on samples for forensic analysis* contained in the Annex to the Resolution. All Parties are encouraged to fully draw upon the use of forensic applications in their fight against rhinoceros poaching and rhinoceros horn smuggling.
30. A number of other developments on rhinoceros related matters took place in South Africa since CoP17. On 5 April 2017, the Constitutional Court of South Africa dismissed an application by the South African Department of Environmental Affairs for leave to appeal the 2015 order by the High Court of South Africa that set aside the moratorium on the domestic trade in rhino horn.³
31. In February 2017, three draft sets of regulatory measures for domestic trade in rhinoceros horn in South Africa were published for public comment in the South African Government Gazette.⁴ In response to questions received from Parties and journalists, as well as messages of concern from the general public, regarding the measures that were proposed by South Africa, the Secretariat prepared a Q&A document in an effort to help explain how the Convention deals with such issues.⁵ In June 2017, the South African Department of Environmental Affairs issued a clarification statement on this issue,⁶ and in August 2017 it released a further statement in which it indicated that domestic trade in rhinoceros horn will be subjected to strict regulation to ensure that it does not contribute to illegal international trade, and clarified that the CITES prohibition on commercial international trade is not violated.⁷ It was indicated in this statement that the comments received on the three sets of regulatory measures during the public participation process were being processed, and that the draft regulatory measures were at the time subjected to a cooperative governance process, after which the Parliamentary process for approval will commence. It was further indicated that once approved, the draft regulatory measures will be published in the Government Gazette for implementation and that a commencement date will be announced. In this context, the provisions of Decision 17.134 seems of particular relevance, and South Africa is encouraged to closely review poaching and trafficking trends once these new measures are in place, to ensure that any new crime trends that may emerge regarding these new measures are swiftly identified and addressed.

² https://cites.org/eng/news/pr/2012/20120613_rhino_project.php

³ https://www.environment.gov.za/mediarelease/molewa_notes_constitutionalcourtdecision

⁴ http://www.gov.za/document?search_query=40601&field_gcisdoc_doctype=All&field_gcisdoc_subjects=All&start_date=2017-02-08&end_date=

⁵ https://cites.org/eng/news/Background_issuance_CITES_permits_export_of_rhinoceros_horn_15032017

⁶ <https://www.environment.gov.za/mediarelease/deaclarifiesrhinohorntrade>

⁷ https://www.environment.gov.za/mediarelease/molewa_restategovernmentpositionondomesticrhinohorntrade

Viet Nam

32. The Conference of the Parties adopted Decision 17.139 requesting Viet Nam to implement the recommendations agreed by SC67, and to welcome a mission of the Secretariat. The Secretariat conducted the mission from 18-22 September 2017, and would like to thank the Ministry of Agriculture and Rural Development (MARD), the CITES Management Authority (MA) of Viet Nam, for its excellent facilitation of the mission. The Secretariat also thanks France for the generous funds it provided to ICCWC,⁸ which enabled the Secretariat to undertake the mission.
33. Information provided to the Secretariat during the mission suggests that different authorities in Viet Nam are increasingly becoming involved in the fight against wildlife crime, increasingly work together in a multi-disciplinary manner to combat it, and that wildlife crime is increasingly being treated as a serious crime.
34. The Secretariat commend authorities in Viet Nam, in particular the CITES MA, for the extensive work done in collaboration with a wide range of players, including embassies from other countries in Viet Nam, intergovernmental organizations, non-governmental organizations, the business sector, and others, to implement a number of measures and progress a wide variety of activities. These include training for investigation and judicial officers on the new revised Penal Code (Penal Code 2017), adopted by the Vietnamese National Assembly in June 2017, and which will enter into force on 1 January 2018; working with the media to raise awareness about Penal Code 2017 and the penalties that can be imposed in accordance with its provisions; continued activities to raise awareness about illegal trade in wildlife and to implement demand reduction strategies. Viet Nam reports in detail on these measures and activities, as well as the implementation of the priority actions identified in the recommendations on rhinoceroses agreed at SC67, in its report to the present meeting (see Annex 1).
35. Despite the excellent and significant work being done and the progress made to date, it was however evident during the mission that there is no room for complacency, and that there are still areas where Viet Nam should consider further enhancing its efforts. This includes in particular further strengthening inter-agency collaboration to ensure that all national agencies with a role in wildlife law enforcement are fully engaged in the issue, and ensuring that the required support from the central government is available to authorities at provincial and local level, enabling them to respond effectively to the complex nature of wildlife crime. Some national agencies responsible for wildlife law enforcement during the mission insisted that Viet Nam is only a transit country for illegal wildlife trade. In particular, representatives from the Environmental Police Department expressed a strong view on this. These observations were noted with concern by the Secretariat, considering the significant information and evidence available suggesting otherwise, and in particular considering the central role of the Environmental Police Department in addressing wildlife crime committed at domestic level. It is essential to achieve a government-wide understanding of wildlife crime as it affects Viet Nam. This will enable a stronger national response to all aspects of wildlife crime in the country.
36. Viet Nam still needs to scale up its efforts to address the activities of organized crime groups involved in illegal trade in wildlife. These efforts must translate into the arrest of the offenders involved, in particular those that manage and organize the illegal trade. These arrests should translate into prosecutions and convictions with strong deterrent penalties, both for offences involving wildlife committed at border points, and domestically within Viet Nam.

The new revised Penal Code (Penal Code 2017)

37. The Vietnamese National Assembly, as mentioned in paragraph 34 above, adopted in June 2017 a new revised Penal Code (Penal Code 2017), that will enter into force on 1 January 2018. The Secretariat believes that this represents the most significant recent development in Viet Nam.
38. The primary challenge to achieving successful arrests, prosecutions and convictions in Viet Nam, repeatedly raised by different authorities during the mission, was that legislation prior to the revision of the Penal Code, had a number of limitations which hampered the ability of authorities to effectively take law enforcement action and initiate prosecution for offences involving wildlife specimens.
39. Similar to what was observed by the Secretariat during its mission to Mozambique, all Ministries in Viet Nam were optimistic and believed that the new amended Penal Code will enable authorities to take strong action against illegal trade in wildlife. Penal Code 2017 makes provision for deterrent penalties, including custodial sentences, as anticipated by Resolution Conf. 9.14 (Rev. CoP17). Any trade in rhinoceros horn of more than

⁸ https://www.cites.org/eng/news/pr/New_Funds_France_Monaco_boost_global_alliances_frontline_efforts_combat_wildlife_crime_26062017

50 grams is considered to be a serious offence under the amended Penal Code, is punishable by an administrative fine of up to USD 50,000, or up to 15 years imprisonment, or both, for individuals. For legal entities, an administrative fine of up to USD 75,000 can be imposed, and such entities can also be prohibited from conducting business in certain specified industries or be prohibited from raising capital for its activities, for a period of between one to three years.

40. With this new Penal Code, Viet Nam is one of the Parties with the strictest legislation in place in Asia to combat illegal trade in wildlife. The importance of effective implementation of the new Penal Code can however not be overemphasized. If effectively applied, Viet Nam could be entering a new era where criminals involved in wildlife crime will face arrest, prosecution, conviction, and strong deterrent penalties. The provisions of Penal Code 2017 is available in Annex IV of the report submitted by Viet Nam.
41. The Secretariat was informed that in addition to training courses already held for law enforcement authorities and judicial officers, further training courses on the new Penal Code were planned to be held before the end of 2017.
42. Given that Viet Nam continues to be significantly affected by illegal trade in rhinoceros horn and other wildlife specimens, the Secretariat believes that it will be appropriate for the Standing Committee to keep under review progress with the implementation of Penal Code 2017, and how it impacts illegal trade in wildlife in Viet Nam. The Secretariat notes however that it might not be possible to realistically determine progress and impact by SC70 due to the short period of time between the date of entry into force of the Penal Code (1 January 2018) and SC70. The Secretariat recommends that the Committee revisit this matter at its 71st meeting (SC71).
43. As indicated in document SC69 Doc. 29.3 on *National Ivory Action Plan Process*, the Secretariat believes that it will also be important for Viet Nam to consider to include actions to promote the implementation of Penal Code 2017 in any revised NIAP, should the Standing Committee agree to the recommendation made by the Secretariat in that document.

Inter-agency collaboration

44. The Environmental Police Department confirmed that a number of villages in Viet Nam historically known to be “carving villages”, in particular for wooden sculptures, have in recent years been targeted by organized crime groups involved in the illegal rhinoceros horn and ivory trade. Enforcement operations were conducted in these villages in response to actionable information received. Following these enforcement operations, instructions have been issued to local authorities in these villages to continue to police places known to be affected by wildlife crime. The Ministry of Public Security provided information on arrests, prosecutions and convictions that was included in Viet Nam’s report to the present meeting.
45. The Secretariat visited two of these villages, Nhi Khe and Thuy Ung, and met with local authorities in Nhi Khe. Local authority representatives indicated that the People’s Committees in provinces and central cities have issued orders placing greater responsibility on area leaders to increase inspections to detect and address illegal wildlife trade, in particular focussing on elephant ivory and rhinoceros horns, and focusing on artisan villages, tourist locations, souvenir shops, traditional medicine outlets, and others.
46. Viet Nam, in Annex II of its report, indicates that provincial authorities do not always strictly apply the law; sometimes do not receive the required support from the central government; and sometimes lack the capacity to conduct investigations beyond first level offenders and into the activities of those managing and organizing the illegal trade. The Secretariat believes that this represents a key issue and a very real challenge. Based on its field visits, the Secretariat believes that it will be challenging if not impossible, for local authorities in Viet Nam working in areas significantly affected by illegal trade in wildlife, to address wildlife crime without the support that can be availed through the central government, and in particular the Environmental Police Department in collaboration with the intelligence unit within the Ministry of Public Security. This is in particular relevant in the case of rhinoceros horn smuggling, which involves a high value CITES-listed specimen targeted by highly sophisticated organized crime groups, and in particular where the activities of these criminal groups might have been displaced or be conducted more discreetly as a result of the enforcement action taken to date. For this reason, the Secretariat believes that it is essential for authorities from central, provincial and local governments to work closely together in areas significantly affected by this illegal trade, to gather intelligence, identify and map out criminal networks, and implement activities to respond to the illegal trade and the offenders involved, in particular those managing and organizing it.

47. In SC67 recommendation c), the Standing Committee encouraged Viet Nam to establish a task force consisting of the different national agencies responsible for wildlife law enforcement to investigate the activities of organised crime groups within the country involved in the trafficking of rhinoceros horn and other wildlife specimens. According to different national authorities, Viet Nam considers that the National Wildlife Law Enforcement Network Steering Committee (Viet Nam WEN) fulfils the role of this task force.
48. Given the important role of Viet Nam WEN and the mechanisms already put in place, and considering that available information and intelligence suggest that the activities of key individuals involved in illegal trafficking of rhinoceros horn and other wildlife specimens in Viet Nam continues, the Secretariat believes that it could be of great value to strategically target the places that are most affected by or used for wildlife crime within the country through Viet Nam WEN. This could assist in engaging all relevant authorities in addressing this matter. It could be in particular beneficial to scale up efforts to conduct analyses of available information through deepening engagement between the Environmental Police Department and the intelligence unit within the Ministry of Public Security, an activity scheduled to take place according to officers from the Environmental Police Department. Such engagement could assist in generating actionable intelligence that can be used to initiate targeted operations and investigations to address the activities of those criminal elements that remain active in the country.
49. The work of local authorities operating in villages and areas known to be significantly affected by illegal trade in wildlife, in particular illegal rhinoceros horn trade, could be supported by convening multi-disciplinary teams through Viet Nam WEN to work closely with local authorities in key identified areas, to gather intelligence, analyse data to map out criminal syndicates, and to initiate targeted operations to address them.

Arrests, seizures and prosecutions

50. Annex I to the report submitted by Viet Nam provides information on seizures of rhinoceros horn made in the country between 5 May 2016 and 22 July 2017, and reflects that in this period 233.88 kg of rhinoceros horn were seized in 12 seizure incidents. It also includes information on arrests, prosecutions and convictions.
51. It is particularly worth noting the arrest of Nguyen Mau Chien on 27 April 2017. Chien is the suspected leader of a major criminal network believed to be involved in the trafficking of rhinoceros horn, ivory, tiger specimens and other high value wildlife products. Chien was arrested during investigations that followed the arrest of three mules smuggling 36 kg of rhinoceros horn, which allegedly worked for him. The case is currently pending.
52. During its meeting with the Supreme People's Procuracy, the Secretariat enquired about the status of old cases that have previously been suspended pending the new Penal Code. The Supreme People's Procuracy, in the period between January 2010 and June 2017, received 74 cases on illegal trade in wildlife involving either ivory or rhinoceros horn or both. Of these cases, 24 were suspended. In 2016, a national Order was issued to revive these cases and all cases have been investigated. It must however be noted that a number of challenges confronted the Supreme People's Procuracy in pursuing these cases, including the lack of evidence to progress prosecution, the fact that the old Penal Code (Penal Code 1999) did not address all elements of the crimes committed, or other reasons, e.g. the offender died. This is also elaborated upon in Viet Nam's report. The Supreme People's Procuracy confirmed that these cases were being finalized in accordance with Penal Code 1999. Beyond the cases finalized or being finalized, it was not possible to pursue any of the other cases that have previously been suspended further, due to a lack of sufficient evidence or for other reasons as explained above.
53. The report received from Viet Nam shows that five of these cases were finalized in June 2017, and one in October 2017. These cases and the penalties imposed are, among other cases, reported upon by Viet Nam in Annex III to its report.
54. The Secretariat notes that the Supreme People's Procuracy unequivocally stated that the new revised Penal Code addresses the limitation of Penal Code 1999, and that it will enable much stronger enforcement, prosecution and penalties in future.

Illegal cross border tourist-trade

55. Viet Nam provides information on its engagement with China and other countries in the context of SC67 recommendations d) and e) iii). This includes information on a meeting between enforcement agencies from China, the Lao People's Democratic Republic (PDR) and Viet Nam on 12 January 2017, to develop an action

plan to enhance CITES enforcement and address illegal trade in wildlife. It further elaborates upon a meeting between enforcement agencies from China and Viet Nam, from 31 May to 2 June 2017, on strengthening bilateral cooperation on CITES enforcement, and to put in place a bilateral cooperation mechanism to prevent and address illegal wildlife trade. The Tourism Administration in Viet Nam directed travel agencies catering for Chinese tourists to raise awareness among these tourists not to buy or sell ivory and rhinoceros horn specimens. The CITES MA of Viet Nam is putting in place arrangements to develop and make available leaflets to further raise awareness of this issue among tourists in cooperation with the Tourism Administration in Viet Nam.

56. Authorities in Viet Nam indicated that no joint cross border investigations into the activities of criminals involved in illegal cross-border trade in wildlife have been initiated between China and Viet Nam to date. In this regard, Viet Nam is encouraged to enhance efforts to engage more proactively with China to investigate the activities of organized crime groups involved in illegal cross border trade between the two countries, to bring the perpetrators to justice.
57. For customs officers to be able to take action, they must suspect irregularity and, in the context of wildlife, be able to identify the specimen involved. Detecting irregularities can be in particular challenging when worked ivory and rhinoceros horn specimens are involved. When a number of worked items are found in check-in or carry-on baggage, or if a person for example wears an excessive amount of jewellery, this will likely attract attention and customs officers will closely scrutinize such items and take action as appropriate. However, when people wear jewellery as normal, and if it is not possible to, on sight, identify that the item is made of rhinoceros horn or ivory, or if something do not raise suspicion, it is likely that such persons will be allowed to proceed without being confronted. This is not something unique to Viet Nam, and authorities are confronted to similar practical challenges around the world every day. Since it is well known that illegal cross border tourist trade is driving the market for such items in Viet Nam, authorities in Viet Nam may wish to consider to develop country-specific guidelines and materials that can assist officers in identifying items such as jewellery made of ivory and rhinoceros horn. This could facilitate greater awareness about such items among frontline officers working at posts where they might encounter tourists wearing these items, and ensure that officers will be alert to the detection of such commodities. The Secretariat believes that this would greatly assist authorities to identify irregularities, take appropriate action, and ensure that any attempts to exploit smuggling wildlife specimens in this manner will also be addressed.

Forensic applications

58. Authorities informed the Secretariat that samples are collected for forensic analyses from wildlife specimens seized, when the results of such analyses are needed for court purposes in Viet Nam. These samples are sent to appropriate facilities within Viet Nam for analysis, primarily for species identification.
59. With regard to the collection and submission of samples for forensic analysis at facilities in other countries for the purposes as outlined in Resolution Conf. 9.14 (Rev. CoP17), paragraph 1 f), and Resolution Conf. 10.10 (Rev. CoP17), paragraph 22, Viet Nam has on a number of occasions provided samples from rhinoceros horn and ivory for forensic analyses to determine the geographical origin of such specimens, and conduct analyses with the aim of linking seized rhinoceros horns to crime scenes and potentially to implicated suspects. To date however, this has been done in an *ad hoc* manner, and the lack of a national protocol in Viet Nam for such sample collection and sharing represents the most significant impediment to doing so. The MA indicated to the Secretariat that plans are underway to develop such a protocol, and the Party is encouraged to do so as soon as possible. It will be important for such a protocol to institutionalize sample collection as a standard practice, and to facilitate the collection of samples in accordance with recognized procedures and relevant legislation regulating the exchange of such specimens.
60. It is important to note that authorities in Viet Nam emphasized that when samples are collected and sent to facilities in other countries for analysis, the feedback provided should also include information on whether the analysis enabled identifying any suspects associated with the case. Information about such suspects, if any, must to the full extent possible be included in the feedback, so that the Party who submitted the samples can also use the information to conduct, or progress, its own investigations.

Zimbabwe

61. Table 2 in [Annex 5](#) to document CoP17 Doc. 68 on *Rhinoceroses (Rhinocerotidae spp.)* shows that a total of 50 rhinoceroses have been poached in Zimbabwe in 2015. More recent information the Secretariat received from the International Union for Conservation of Nature Species Survival Commission African Rhino Specialist Group (IUCN SSC AfRSG), shows that the number of rhinoceroses poached in Zimbabwe

declined to 30 in 2016, which is – with the exception of 2014 when only 20 rhinoceroses were reported as poached in the country – the lowest number of rhinoceroses poached per year in Zimbabwe since 2007.

62. Limited information about the measures deployed in Zimbabwe to combat rhinoceros poaching was available to the Secretariat at the time of writing. Open source information however suggests that the Party continue to be under pressure from poaching, in particular by poachers using cyanide to poison animals, mostly elephants.⁹ Action is however being taken to respond to these challenges,¹⁰ including by better equipping and training rangers.¹¹
63. Open source information also indicates that the Zimbabwe National Parks and Wildlife Authority (ZimParks) reported 443 arrests in Zimbabwe during 2016 for poaching offences.¹² More recent information suggests that, by September 2017, more than 400 offenders have been arrested in Zimbabwe for poaching offences.¹³ The decline in the number of rhinoceroses poached in Zimbabwe in 2016 suggest that the measures being implemented to combat rhinoceros poaching is delivering positive results. In light of the ongoing threat posed by poaching in the country, the Party is encouraged to remain vigilant in its efforts to combat it, and to continuously pursue the implementation of Decisions 17.133 and 17.134 to the fullest extent possible, to push these numbers down further.

Other matters

Declaration of stocks of rhinoceros horn

64. Resolution Conf. 9.14 (Rev. CoP17) in paragraph 2. a), urges all Parties that have stocks of rhinoceros horn to identify, mark, register and secure such stocks, and declare these to the Secretariat each year before 28 February of each year. The Secretariat received rhinoceros horn stock declarations from 10 Parties (two of which held no stocks). The fact that Parties used different descriptions and measuring methods in their declarations made it difficult for the Secretariat to process the information. The Secretariat encourages all Parties to use the template it provided in Notification to the Parties [No. 2017/009 of 23 January 2017](#), to facilitate standardized reporting in future. In total, these Parties reported holding rhinoceros horns and horn pieces weighing approximately 1,021 kg.
65. Data on rhinoceros horn stockpiles in the custody of Parties is useful to better understand the dynamics of the illegal trade chain. The Secretariat will in due course make an aggregated summary of the rhinoceros horn stock declarations of Parties available to the IUCN/SSC African and Asian Rhino Specialist Groups and TRAFFIC for analysis, in accordance with paragraph 9 a) of Resolution Conf. 9.14 (Rev. CoP17).

IUCN/SSC African and Asian Rhino Specialist Groups and TRAFFIC report for CoP

66. In paragraph 7 of Resolution Conf. 9.14 (Rev. CoP17), the Conference of the Parties directed the Secretariat to, pending external funding, commission the IUCN/SSC African and Asian Rhino Specialist Groups and TRAFFIC to prior to each meeting of the CoP, submit a report to the Secretariat on the national and continental conservation status of African and Asian rhinoceros species, trade in specimens of rhinoceros, stocks of specimens of rhinoceros and stock management, incidents of illegal killing of rhinoceroses, enforcement issues, conservation actions and management strategies with an evaluation of their effectiveness; and measures implemented by implicated States to end the illegal use and consumption of rhinoceros parts and derivatives. In paragraph 8, the Conference of the Parties further requests the IUCN/SSC African and Asian Rhino Specialist Groups and TRAFFIC to engage with range and implicated States as appropriate, as well as with the UNEP World Conservation Monitoring Centre, when producing the report, and to reflect the outcomes of these consultations in their reporting pursuant to this Resolution.
67. No external funding to commission this work has been identified at the time of writing, and Parties are reminded of paragraph 10 of Resolution Conf. 9.14 (Rev. CoP17), in which the Conference of the Parties encourages the Parties to support the Secretariat financially, to enable it to commission this report for each of its meetings.

⁹ <http://zimparks.org/zimbabwe-parks-and-wildlife-management-authority-working-with-communities-in-anti-poaching-activities-2/>

¹⁰ <http://zimparks.org/two-poachers-killed-at-matusadonha/>

¹¹ <http://www.zbc.co.zw/2017/07/20/zimparks-receives-anti-poaching-equipment/>

¹² http://www.defenceweb.co.za/index.php?option=com_content&view=article&id=46451&catid=74&Itemid=30

¹³ <https://www.newsday.co.zw/2017/09/400-arrested-poaching-far-2017/>

Recommendations

68. The Secretariat recommends that the Standing Committee:

Mozambique

- a) encourage Mozambique to strengthen efforts to address criminal syndicates targeting and corrupting local communities in the Mkukaza, as well as other areas in Mozambique, by enhancing intelligence gathering on the members of these syndicates and their activities, to map out their criminal networks, and to initiate targeted intelligence driven law enforcement action, including deploying anti-money-laundering and asset recovery investigations as appropriate, against the offenders involved, with a particular focus on those individuals that manage and organize these activities;
- b) request Mozambique to include in its report on the implementation of its NIRAP to SC70, reporting on the implementation of the amended Conservation Law, including information on arrests, prosecutions and convictions for offences involving rhinoceros and elephant poaching or illegal trade in rhinoceros horn and ivory, achieved through the implementation of the amended Conservation Law, and on any activities conducted or measures implemented in accordance with recommendation a) above, so that the Secretariat can make the report available to the Standing Committee together with any recommendations it may have; and
- c) consider the report submitted by Mozambique and the recommendations of the Secretariat, at SC70, to determine if the implementation of the amended Conservation Law and the activities or measures implemented sufficiently respond to illegal trade in rhinoceros horn as it affects Mozambique, or if any further measures may be needed.

South Africa

- d) encourage South Africa to closely review poaching and trafficking trends in accordance with Decision 17.134, to ensure that any new crime trends that may emerge regarding any regulatory measures for domestic trade in rhinoceros horn in South Africa are swiftly identified and addressed.

Viet Nam

- e) encourage Viet Nam to:
 - i) scale up efforts to conduct analyses of available information to map out the organized crime groups active in the country, with a strategic focus on the places within Viet Nam most affected by wildlife crime;
 - ii) through Viet Nam WEN, convene multi-disciplinary investigative teams involving all relevant authorities, to work in close collaboration with local authorities in key identified areas, and initiate intelligence driven operations and investigations to address the activities of those criminal elements that remain active in Viet Nam, with a particular focus on illegal rhinoceros horn trade;
 - iii) institutionalize the collection of samples from seizures for forensic analyses, with a particular focus on paragraph 1 f) of Resolution Conf. 9.14 (Rev. CoP17), and paragraph 22 of Resolution Conf. 10.10 (Rev. CoP17) by putting in place a national protocol that will facilitate the collection of samples in accordance with recognized procedures, and relevant legislation regulating the exchange of such specimens; and
 - iv) develop country-specific guidelines and materials that can assist officers to identify worked rhinoceros horn and ivory specimens worn as jewelry, to facilitate greater awareness about such items among frontline officers working at posts where they might encounter tourists wearing these items, and to ensure that officers will be alert to the detection of such commodities, and that any attempts to exploit smuggling wildlife specimens in this manner can be detected and addressed;
- f) request Viet Nam to submit a report on the implementation of Penal Code 2017, including information on arrests, prosecutions and convictions for offences involving illegal trade in rhinoceros horn committed at both border points and domestic markets in Viet Nam, achieved through the implementation of Penal Code 2017, and information on any activities conducted or measures implemented in accordance with recommendation e) i) to iv) above, to the Secretariat by 31 January 2019, so that the Secretariat can

make the report available to the Standing Committee at its 71st meeting, together with any recommendations it may have;

- g) consider the report submitted by Viet Nam and the recommendations of the Secretariat, at SC71, to determine if the implementation of Penal Code 2017 and the activities or measures implemented sufficiently respond to illegal trade in wildlife as it affects Viet Nam, in particular illegal trade in rhinoceros horn, or if any further measures may be needed.



**MINISTRY OF AGRICULTURE
AND RURAL DEVELOPMENT**
VIETNAM ADMINISTRATION OF FORESTRY
VIETNAM CITES MANAGEMENT AUTHORITY



Ha Noi, September 2017

REPORT
***Implementation of CITES Standing Committee's
Recommendations on Rhinoceros***

1. Establish a task force to monitor wildlife trade in Viet Nam

In 2010, the Government of Viet Nam has established Viet Nam's National Steering Committee for Wildlife Law Enforcement Network (Viet Nam - WEN), including Viet Nam Administration of Forestry, Viet Nam CITES Management Authority, Forest Protection Department, Animal Health Department, Directorate of Fisheries, Department of Foreign Affairs, Department of Environmental Police, Department of Economic Security Agriculture, Forestry and Fishery (Ministry of Public Security), General Department of Viet Nam Customs (Ministry of Finance), Department of Market Control (Ministry of Trade and Industry), Department of Drug-related Crime Prevention (Border Defence Force), Department of Biodiversity Conservation, Department of Legislation and Scientific Management (Supreme People's Court), Department for Prosecution and Supervision over Investigation of Economic and Position-related Cases (Supreme People's Procuracy). Viet Nam – WEN is responsible for advising and assisting the Minister of Agriculture and Rural Development in directing the enforcement of wildlife trade legal regulations across the country. Viet Nam - WEN has issued regulations on the sharing of information among members through the focal officers of each unit.

Regarding rhino horns trade monitoring, Viet Nam - WEN advised the submission of Minister of Agriculture and Rural Development to the Prime Minister for issuing Decision No. 11/2013/QĐ-TTg, dated 24/1/2013 on the Prohibition of Export, Import, and Trade of various wildlife species listed in CITES Appendices (including the prohibition of the export, import, and trade of any African rhino samples); Order No. 03/CT-TTg, on strengthening the direction and implementation of method of control and conserve endangered, rare, and precious CITES listed animal species; as well as Order No. 28/CT-TTg, dated 17/09/2016 on the emergency measures for the illegal violation activities against wildlife.

Specialized forces combatting environment related crimes include: Department of Environmental Police (established in 2006) under Ministry of Public Security and Department of Drug and Crime Prevention (established in 2005) under the High Command of Vietnam Border Defence Force. These units are responsible in combatting against environmental, drug-related crimes, specifically against legal violations on wildlife protection. Besides, The General Department of Viet Nam Customs also established a specialized investigation on illegal wildlife trade.

2. Regarding the implementation of the Penal Code, approved in 2015

The Penal Code was approved by the 13th National Assembly in 2015, which included 01 Article on the crime of illegal rhino horn trade. However, due to some circumstances, the National Assembly issued the Resolution on postponing the implementation of the Penal Code 2015. In June 2017, the National Assembly officially approved the Penal Code 2017 and this Penal Code will be enforced starting from 1st January 2018; according to this document, any trade of rhino horns from 50 gr and above shall be considered serious violation, specifically, individual committed offense will be subjected to an administrative fine from 50,000 USD on top of a 15 years of imprisonment; legal entity committed offense will be subjected to an administrative fine from 75,000 USD, be banned from business in some specific industries or be banned from raising capital during 01 to 03 years (details in Annex IV).

To prepare for the implementation of the Penal Code 2017, Viet Nam CITES Management Authority has cooperated with the media and news agencies to publicize the content of the Penal Code related to violations including illegal trade, transportation, stockpile of endangered wildlife.

The Ministry of Justice implemented 03 training courses on the Penal Code for investigation and judicial officers working in the wildlife fields. Previously, Viet Nam CITES Management Authority also cooperated with WCS to organize 01 workshop for 50 judges. With the aid commitment from HSI (Humane Society International), Viet Nam CITES Management Authority will jointly cooperate with the Department of Criminal and Administrative Legislation, Department of Drugs and Crimes Prevention in organizing 03 training courses on implementing provisions on wildlife crime for 120 customs officers, police officers, border guards, judges and prosecutors; these courses will end in November 2017.



Training for judges in Phu Quoc, Kien Giang

The Penal Code has been published on government gazette and has been released to provinces and central cities for guidance.

Regulations of wildlife-related crimes handling in the new Penal Code has been publicized through interview sections in online newspapers such as Customs News and online portals of the National Assembly, the Voice of Vietnam (VOV), Vietnam News Agency (VNA)...

3. The resolutions and actions to investigate organized criminal groups involved with illegal trade, transportation of rhino horns and other specimens

3.1. To combat wildlife crime in general, and the violation against rhino and elephant protection regulations specifically, the government agencies have executed the following actions:

Activity 1: Improve coordination among CITES enforcement agencies, via the signing of cooperation mechanism between agencies, specifically in the period 2007-2017:

- Cooperation Mechanism No. 3717/QCPH/BTLBP-TCLN, dated 27 October 2016 between the Headquarter of the Border Defense Force and the Administration of Forestry on cooperation in management, protection of forest at border areas; combat trafficking, illegal transportation of forest product across border;
- Cooperation Mechanism No. 10472/QC-TCHQ-BTLCBS, dated 21 August 2014 between the General Department of Vietnam Customs and the Headquarter of Marine Police
- Cooperation Mechanism No. 5341/QCPH/TCHQ-TCCS, dated 22 November 2007 between the General Department of Vietnam Customs and

General Department of Vietnam Police, in combat and prevent crimes and violations;

- Cooperation Mechanism No. 1005/QCPH/ QLTT-TCHQ, dated 1 December 2008 between Department of Market Control and General Department of Vietnam Customs.

Activity 2: Order provincial government agencies at all levels and disciplinary to continue to focus and invest in the conservation of endangered animal species, in order to implement the international commitment on wildlife protection which Viet Nam is a member of.

On 12 January 2017, The 12th Central Secretariat of the Communist Party of Viet Nam issued Order No. 13-CT/TW on strengthening the Party's authority on the management, protection and development of the forest, requesting the committees, Party's organization, government, national frontier, political - social organizations, the people's organizations to *"strengthen the cooperation among Ministries, both Central and Provincial levels to implement aggressively, effectively the inspection and supervision, to timely and strictly handle any violation, to establish order and discipline in management, protection and development of the forest"*.

On 8 August 2017, the Government issued Decree No. 71/NQ-CP, on the Action Programme of the Government to implement Order No. 13-CT/TW, dated 12 January 2017, of the Secretariat of the Communist Party, on strengthening the authority of the Communist Party on the management, protection and development of the forest. In this Decree, the Government requested:

(i) the Ministries of Public Security, Finance, Industry and Commerce, Defense, Agriculture and Rural Development, and other agencies to cooperate and combat acts of violation against the law of forest protection and development, stop trafficking, illegal trade of forest product across border and commercial fraud in import/export wood and forest product; increase the order, inspection, and guidance of law enforcement in management and protection of the forest nationwide.

(ii) Provincial and Central City People's Committees order enforcement agencies to cooperate with the committees, local authorities, to maintain inspection of key forests which are exposed to the risk of destruction, overtake, overexploitation against the law of forest protection and development, focusing on synthetizing, investigating, identifying "kingpin", focal point of illegal wildlife trade network.

The Ministry of Agriculture and Rural Development issued Document No. 7987/BNN-TCLN, dated 20 September 2016 to the People's Committees of Provinces and Central Cities on the implementation of Order No. 28/CT-TTg, dated 17 September 2016, of the Prime Minister on activities against illegal trade process, export, import of endangered, rare and precious wildlife.

The Ministry of Public Security issued Plan No. 215/KH-BCA, dated 7 July 2014 on executing Order No. 03/CT-TTg of the Prime Minister in order to improve the measures of preventing, combating, and neutralizing organized transnational criminal network in the illegal trade, transportation, importation, exportation, re-exportation, advertisement, consumption of the specimens and products originated from endangered, rare and precious animal, especially products originated from foreign rhinos and elephants.

The People's Committees of Provinces and Central Cities such as Thanh Hoa, Dak Nong, Binh Thuan, Da Nang, Hau Giang, Ca Mau, etc. have issued documents ordering:

(i) authorities to increase the responsibility of the area's leader in managing the increased inspection, detect and resolve strictly the act of hunting, capturing, transporting, trading, and consuming wild animals, especially elephant ivory, rhino horns; focusing on supervising artisan villages, processing units, souvenir shops at tourism location, harbor, traditional medicine shop, etc. Timely reward the organizations, individuals who positively take part in and have achievements in detecting, preventing the acts of hunting, capturing, trading, possessing, transporting, and consuming wild animal illegally.

(ii) Officers, members of the Communist Party, permanent employees, and members of other political, social, professional organizations should set examples in saying "no" to hunting, capturing, trading, consuming, using, gifting, and receiving wild animals and their products; encourage family, friends, colleagues to act and involve directly with propaganda programmes, antagonizing violations related to wild animals.

Activity 3: Improve anti-trafficking and anti-fraud measures in wild animal trade.

According to Decision No. 361/QĐ-BCD389, dated 1 June 2017, the National Steering Committees on preventing trafficking, commercial fraud and unauthentic goods (Steering Committees 389) issued the Mechanism of Responsibility and cooperated relationship between the National Steering Committee 389, ministerial, provincial Steering Committees 389 to agree upon

the direction of action in preventing trafficking, commercial fraud and unauthentic goods, commands:

(i) Ministerial and provincial Steering Committees 389 shall direct and supervise the enforcement agencies within its authorization and implementing the plan, the solutions, and professional groups to investigate, detect, prevent, convict, resolve the acts of trafficking, commercial fraud and unauthentic goods, to ensure the effectiveness, relevant to the actual situation; while having the responsibility to cooperate, support relevant enforcement agencies in exchanging and providing information, implementing investigation, inspection, market monitoring, clarification, resolution plan for the alleged individuals involved with trafficking, commercial fraud, unauthentic goods (including wildlife criminals); receive, handover cases, culprits, evidences to investigate and resolve in accordance with the authority and regulation of the law.

(ii) Steering Committees 389 of all levels and local enforcement agencies shall inspect, monitor the legal compliance in manufacturing, trading, and services at the locations; detect, prevent and resolve the acts of trafficking and commercial fraud in a timely manner, etc., direct enforcement agencies to cooperate in complex cases, frequently exchanging and sharing information related to trafficking and commercial fraud... to formulate measures to combat, prevent timely and effectively, discourage the people from involving, assisting the trafficking, transporting endangered, rare and precious wild animal illegally.

(iii) The ministries, local agencies, enforcement agencies are responsible to cooperate during the investigation, resolution of violation acts on trafficking, commercial fraud and unauthentic goods, in accordance with the regulations of the Penal Code, Criminal Code, law on the organization of crime investigation agencies, law on resolving administrative violations, and other laws, cooperate in foreign affairs related to preventing trafficking, commercial fraud and unauthentic goods.

Activity 4: Coordinate; identify key routes, locations, and individuals that involved in illegal wildlife trade.

According to the direction of Ministry of Public Security, Ministry of Defense, Ministry of Finance, Ministry of Industry and Trade and provinces, cites nationwide, the Police agencies, Border Guards, Customs Officers, Market control Officers focus on land border gate, illegal wildlife trade hotspots at the border areas and within the domestic market; increase patrolling, monitoring border, border gates, especially key areas within and at the border of specialized forest, national park, conservation zone, etc. to timely detect, prevent the illegal

trade, transportation, exploitation, hunting of wild animals; in addition to developing and implementing the inspection plan for foreigners, or Vietnamese who live, work, and travel to African nations.

Police, Rangers, Market Control, Customs, Border guards frequently coordinate to investigate, resolve strictly the individuals who hunt, capture, trade, transport, possess, process wild animal of illegal origin, frequently inspect cases that have signs of illegal transportation of wild animals on routes. Local Police agencies shall increase intelligence gathering on individuals who have signs of violation against wild animals on the territory which they manage; closely cooperate with relevant agencies to organize, supervise, investigate, inspect, and resolve the organizations, individuals who acted in violation with the regulations of the law on managing, protecting wild animal.

Firmly resolve, confiscate wild animals without legal origin, and monitor rearing and trading activities, and increase intelligence gathering for investigation, conviction, and resolution of acts that damage, advertise, and consume endangered, rare and precious wild animal specimens illegally, especially elephant ivory and rhino horns.

3.2. Organize the neutralization of organized criminal network, transnational crimes in trading, transporting, exporting, importing, re-exporting, import-for-export, advertisement and consumption of endangered, rare and precious wild animal specimens, especially African rhino horns.

Activity 1: During Quarter II, III, and IV of 2016 and the first 6 months of 2017, Provincial Forest Protection Departments of various central cities and provinces coordinated with Environmental Police, Market control to strengthen the inspection of transportation, consumption, in rearing facilities, restaurant, processing workshops, traditional medicine shops; carrying out the management, set up profile to supervise, manage closely the wildlife farms, strictly resolve violations.

Activity 2: Strengthen the role of enforcement agencies, in monitoring wildlife trade

(i) Cooperate with CITES enforcement agencies: Viet Nam CITES Management Authority, Customs, Rangers, Marine Police, Environmental Police, Border Guards, Market Control, etc. via the actions of the Steering Committees of Viet Nam – WEN to timely exchange information on individuals, networks, organizations that show signs of trade, transport, export, import, re-export, import-to-export, advertise, consume endangered, rare and precious wild animal

specimens; organize the detection, prevention, investigation, resolution in accordance with the law.

(ii) Police, Forest Protection Department, Market Control, Customs, Border Defense Force agencies are responsible in investigating, dismantling gangs and chain of criminals who were involved in illegal trade, transportation, stockpile, consumption of endangered wildlife specimens, especially ivory and rhino horns.

(iii) Procuracy, Courts at all levels shall cooperate closely with relevant agencies to enhance the investigation, prosecution, and sentencing of individuals who violated criminal law by trading, transporting wild animal specimens, especially ivory, rhino horns; and publicize such information on mass media.

Activity 3: Organize training sessions, workshops, enhance the enforcement capacity of Rangers, Customs Officers, Environmental Polices, Border Guards, Market Control.

The Ministries positively coordinated with international organization, NGO with regard to conservation, organized various training sessions and workshops, updating the regulations of CITES and Viet Nam law on wildlife protection, technical training sessions on investigation and resolution of violation of forestry law, especially law on wildlife protection for Rangers, Customs Officers, Environmental Polices, Border Guards, sharing information on the modus operandi of wildlife criminals, and identification of frequently trade species (the result is comprised among NGO and various agencies are presented in Appendix II):

Activity 4: Increase information exchange, international cooperation on combat illegal wildlife trade between Viet Nam and China, Laos, Cambodia, South Africa, Indonesia, Czech Republic, promoting the signing of Memorandum of Understanding (MoU) between Viet Nam and Mozambique, as well as other African nations.

- On 12 January, 2017, enforcement agencies of Viet Nam, Laos, and China had a meeting on developing an action plan to enhance CITES enforcement in preventing illegal wildlife trade, in order to carry out Viet Nam's commitment at Hanoi IWT, MoUs signed between Viet Nam and China, between Viet Nam and Laos, and relevant CITES Resolution.

- From 31 May to 2 June 2017, enforcement agencies of Viet Nam and China had a bilateral meeting on strengthening the bilateral cooperation in CITES enforcement, reinforce, and complete the cooperation mechanism in order to prevent and stop trafficking of wild species, promoting legal trade activities between the two nations, strengthening the cooperation, intelligence sharing on

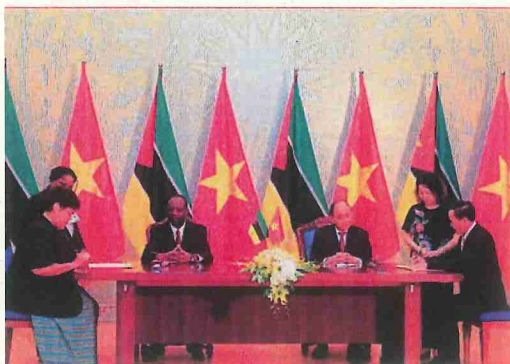
wild species, especially among relevant enforcement agencies at border provinces.

- On 11 July 2017, Viet Nam and South Africa had a bilateral meeting on strengthening the implementation of the MoU and the Action Plan on cooperation to conserve biodiversity. Viet Nam also handed over to South Africa 50 specimens of rhino horns, confiscated as evidences of seizure, for forensic purpose. These will be used to track the information of rhino horns origin which serves the investigation.

- On 1 August 2017, Viet Nam and Indonesia had a bilateral meeting on strengthening the prevention of illegal wildlife trade, enhance cooperation and high-ranking commitment between both nations in law enforcement against wildlife crime, and agreed on priority actions.

- On 1 August 2017, Viet Nam and Mozambique Governments signed the MoU on Cooperation in Wild Species Protection and Conservation, setting the foundation for cooperative conservation and monitoring wildlife trade activities.

- From 5 to 10 March 2017, the delegation of Viet Nam's People Supreme Procuracy had a working visit to the Office of the Mozambique attorney general; they agreed to mutually sign the Memorandum of Understanding between the two agencies and to prepare for the signing of the Mutual Legal Assistance Treaty in Criminal Matters in the near future in order to enhance the mutual efforts in legal enforcement, including the cooperation of both parties against illegal wildlife trade.



Signing the Memorandum of Understanding between Viet Nam and Mozambique on Cooperation in wild species conservation and protection



Viet Nam – Laos – China meeting on cooperation in CITES implementation



Review of the implementation of Viet Nam – South Africa on Biodiversity conservation



Viet Nam – Indonesia 6th bilateral meeting on strengthening cooperation in combatting against illegal wildlife trade



Workshop on Legal Assistance in the field of combatting against illegal wildlife trade between Vietnam and Mozambique

- During 2017, Vietnam and the Republic of Czech jointly produce a propaganda leaflet on changing the perception of the Vietnamese community (living and working in the Czech Republic) with the theme: “DO NOT PURCHASE - DO NOT SELL RHINO HORNS”.

1 Các loài khác cũng đang bị đe dọa vì là được
liều thuốc y học cổ truyền châu Á hoặc là đồ
vật trang trí

Tuần đầu được giới thiệu về các loài động vật
hiếm và truyền thống y học cổ truyền châu Á
được tổ chức tại Hà Nội

2 Ngà voi - mỗi năm ở châu Phi có
đến 30.000 con voi bị giết chết
để lấy ngà

Shoebill - loài chim quý hiếm ở châu Phi
được bán ở thị trường ngà voi

3 Xương hổ - trong
thiên nhiên giờ còn
chưa đến 4.000 con hổ

Động vật quý hiếm ở Việt Nam
được bán ở thị trường ngà voi

4 Máu gấu - để
lấy máu, các loài
gấu nguy cấp
được nuôi tại
các trang trại
tại châu Á (gấu
Malaysia, gấu
chó...)

Medicine for
protection
of the
wildlife
in
Vietnam

5 Vây tế - để đáp ứng nhu
cầu vây và thịt tế, hàng
năm có đến ngàn tấn tế
chết được xuất khẩu từ châu
Phi

Loại động vật quý hiếm ở châu Phi
được bán ở thị trường ngà voi

CITES

Công ước về buôn bán quốc tế các loài động vật
và thực vật hoang dã bị đe dọa (CITES)
được thành lập vào năm 1973 để bảo vệ các loài
động vật hoang dã bị đe dọa và thực vật hoang dã
bị đe dọa. CITES là một hiệp ước quốc tế nhằm
bảo vệ các loài động vật hoang dã bị đe dọa và
thực vật hoang dã bị đe dọa. CITES là một hiệp
ước quốc tế nhằm bảo vệ các loài động vật hoang
dã bị đe dọa và thực vật hoang dã bị đe dọa.

Úm lược về buôn bán quốc tế các loài động vật
và thực vật hoang dã bị đe dọa (CITES)
được thành lập vào năm 1973 để bảo vệ các loài
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Thông tin và địa chỉ liên lạc:
Vice information and contact here:
www.mzp.cz/cites, cites@mzp.cz
www.dzp.cz/CITES
www.nature.cz
www.cites.org - official website of CITES

**Đừng mua và đừng bán!
Nekupuj a neprodávej!**



Hãy giúp chúng tôi cùng nhau
bảo vệ thiên nhiên.
A pomoz tak spoločne s námi
chrániť svätou prírodu.

Activity 5: Organizing campaigns for demand reduction and awareness raising.

(i) To organize awareness raising workshops for entrepreneurs and logistics transport companies on the role of wildlife and the negative effects of wildlife consumption and transportation to the national resources, community, society, and each enterprise. As a result, several leading transport companies in Vietnam, such as Vietnam Airlines, have announced to forbidden on transportation of certain endangered wildlife species from July, 2017.

(ii) To promote and develop the role of conservation organizations and non-governmental organizations in implementing wildlife demand reduction campaigns. Carry out media campaigns, share knowledge about the role of wildlife in order to raise awareness among students, teachers, women's unions, and to make positive changes in awareness on wildlife in the society:

- Annually, the Vietnam CITES Management Authority has coordinated with the Department of Drugs and Crimes Prevention (High Command of the Border Guard Defense), General Department of Vietnam Customs, Forest Protection Department to organize training courses on CITES implementation and identification wildlife species. In 2016 and 2017, 175 officers have been trained in rhino horn identification and concealing contrivance in airway transportation.

- On 22 July 2015, the Nature Education Center (ENV), USAID and Freeland hosted an award ceremony for individuals and teams who won the painting competition with the theme "Action for Wildlife", which show the community's concern for wildlife protection and conservation.

- In April 2017, Viet Nam Administration of Forestry organized competitions on knowledge of biological characteristics and the importance of rhino in biodiversity balance, by drawing, eloquences on issues around the use of rhino. The contest attracted the participation of nearly 1,500 high school students and teachers in Hanoi and Da Nang City.



- From May to June 2017, the Viet Nam CITES Management Authority in collaboration with the Department of Education and Training of Hai Phong, Khanh Hoa, Ho Chi Minh City and Can Tho City organized propaganda activities on wildlife demand reduction in Hai Phong, Khanh Hoa, Ho Chi Minh City and Can Tho.

- During 2017-2018, Viet Nam Administration of Forestry cooperated with the Ministry of Education and Training to develop the educational content of wildlife conservation into the extra-curricular secondary education program effected from 2018.

- Viet Nam CITES Management Authority cooperated with USAID to develop and implement the Combating wildlife trafficking project for the period of 2017 - 2021.

4. Measures to identify the activities of organized criminal gangs related to trade and tourism in relation to illegal wildlife specimens, particularly the rhino horn between Vietnam and China

4.1. To conduct inspection, verification of trading and handcraft activities of ivory and rhinoceros horn in Nhi Khe Village and Thuy Ung Village, Thuong Tin District, Hanoi.

The Ministry of Public Security has instructed Polices of Ha Noi, Ho Chi Minh City, Bac Ninh, Nghe An and Da Nang City to conduct investigations on illegal wildlife trade. The case is under investigation, initially the authorities have carried out the following activities:

(i) On 12 October 2016: detected and arrested 02 suspects named Tran Van Sy and To Van Hien [REDACTED] who illegally traded 0.9 kg of rhino horns at Good control Area of Control station Km 15, Dan Tien Port, Quang Ninh Province.

(ii) On 27 April 2017, arrested a suspect named Nguyen Manh Chien object [REDACTED] illegally transported 36 kg of rhino horn at Hanoi railway station.

Box 1. Nguyen Mau Chien Case

General Information

Name: Nguyễn Mậu Chiến
[REDACTED]
[REDACTED]

History

Chien's activities have been linked to numerous cases involving illegally trading and smuggling of wildlife since 2007, when Chien was caught in Tanzania and fined for smuggling wildlife products. Chien has also long been suspected of laundering tigers through his farm [REDACTED] and has been linked to a number of tiger seizures in recent years. Over the past five years, Chien's network has surfaced in Africa where he appeared to be expanding his operation considerably, focusing mainly on rhino horn, ivory, and pangolin scales.

Raid information

April 26, 2017

After following the subject network for a year, Department 2 of C74 seized two suitcases containing rhino horns weighing 34 kg in Hang Co train station (Hanoi train station). The rhino horn belonged to Nguyen Mau Chien, three subjects were caught, two Vietnamese and one Malaysian. Two Vietnamese people are Nguyen Van Tung and Nguyen Duc Dung, they are said to work for Chien. According to the police, the rhino horn shipment was transported from Malaysia to Ca Mau Province then transported to Hanoi by train to avoid being caught. Chien's people picked up the shipment in Hanoi, they were arrested right before they intended to get in the car.

Offenders:

Nguyen Van Tung, [REDACTED]

Nguyen Duc Dung, [REDACTED]

Evidences: 33 kg of rhino horn.

April 27, 2017

C74 searched Chien's house [REDACTED] at the same time. Nguyen Mau Chien's wife Le Thi Hong and another woman were at Chien's house that time. Chien was arrested on the way from Noi Bai airport to Phu Quoc.

Evidences:

Confiscated at Chien's house: 3kg rhino horn, 6kg ivory, 2 frozen tiger cubs, 4 sets of lion skin and about tens kg of other wildlife products such as: tiger bone TCM, lion bone TCM, ivory chopsticks, bracelets, combs.

Prosecution information

The investigation team is continuing their investigation and the prosecution stage will start early. All relevant enforcement agencies agreed that Chien should be charged for two offenses: (1) illegal possession of and (2) illegal of transportation of prohibited goods. Chien's wife will also be prosecuted for illegal possession of prohibited goods.



Arresting Nguyen Mau Chien and confiscating his rhino horn

(iii) On 26 May 2017, with the support of NGOs' information, authorities seized 13kg of rhino horn which were illegally stored at Nguyen Anh Son's house in [REDACTED] Hanoi.

Box 1. Nguyen Anh Son Case

General Information

Name: Nguyễn Anh Sơn

Raid information

Time: 22:30 on May 26, 2017

Location: [REDACTED] La Noi.

Evidence: 18 rhino horns weighing 13.92kg in total.

Offender: Nguyen Anh Son [REDACTED]

[REDACTED] He was temporally kept at Hoang Mai district police.

At around 22:00, May 26, 2017, Nguyen Anh Son and his wife went back to the house from the rear gate, however they immediately closed the gate. The police team asked them to open the gate but they did not respond. The police guys had to climb over the wall to approach the room and saw subject Nguyen Anh Son was carrying out two cartoon boxes went upstairs where another family lived there (Son put the rhino horns into two smaller card board boxes) . The police stopped the subject and took the two boxes. The subject stated that he got the rhino horn from two unknown men on the way. Institution of Ecology and Biological Resources confirmed that the confiscated horns were real horn.

Prosecution information

Subject was arrested with evidences and now under prosecution process.



Arresting Nguyen Anh Son and confiscating his rhino horn

4.2. To strengthen the cooperation on internet controls, focusing on social networks, online transactional applications, especially Facebook, WeChat, Zalo, to detect and block trading transactions on wildlife trade between Vietnamese citizens and Chinese citizens.

On 18 July 2016, the police arrested 36kg of ivory transported by Le Thi Dung (resident at Nhi Khe village, Thuong Tin district, Hanoi). This suspect advertised to sell ivory, rhino horns via social networks and make the delivery by motorcycle.

4.3. Vietnam Administration of Tourism has conducted inspections of tourism activities of travelling agencies organized for Chinese tourists in Hanoi, also directed agencies to propagate to Chinese tourists not to buy, sell ivory, rhino horn and their products. Vietnam CITES Management Authority plans to cooperate with Vietnam Administration of Tourism to develop and issue leaflets circulating to tourist on things to and not to do when visiting Vietnam.

4.4. To develop lists and conduct investigations of organizations and individuals who engaged in advertising, publicly offering ivory, rhino horns on social networks.

4.5. Strengthen inspection and control on immigration activities of Vietnamese citizens and foreign citizens at border gates between Vietnam and China, to supervise export, import and re-export of goods at the border between Vietnam and China.

4.6. To carry out extraordinary inspections at restaurants, shops selling souvenirs at airports, ports, train stations. To strengthen the investigation and supervision means of transportation on land from Hanoi to Bang Tuong and Nanning of China; International flights from/to Hanoi and Ho Chi Minh City to/from Beijing, Shanghai, Guangzhou, Nanning of China. To supervise the activities of logistic companies transporting goods from Vietnam to China in order to prevent and detect illegal wildlife trade, especially rhino horn. In 2016 and the first 6 months of 2017, enforcement agencies at Noi Bai International Airport discovered and seized more than 150kg of rhino horns in baggage on international flights to Vietnam (Appendix 1).

5. The implementation of Resolution 9.6 (Revised at CoP16) to ensure that any counterfeit rhino horn products are treated to follow the enforcement procedures.

- In according to the Prime Minister's Decision No. 11/2013/QĐ-TTg dated 24 January 2013, specimens of rhino horns are prohibited from export, import, purchase and sale.

- The evidence of arrest, prosecution, adjudication, rhinon specimens are transferred to the national archives under the confidentiality regime and under the management of the Department of Public Asset Management and the General Department of State Reserves. They are all marked and archived. A few rhino

horns specimens are preserved at museums for scientific research purpose and conservation education.

- In 2016, the Vietnam Government organized the destruction of more than 02 tons of ivory and more than 70 kg rhino horns. All are evidences of illegal trade and transportation that are discovered and seized by enforcement agencies.

- For counterfeit products of rhinoceros horns, organizations and individuals shall be handled in according to the Penal Code 1999 (Article 156. Production and/or trading of fake goods), with imprisonment ranging from 6 months to 05 years. The counterfeit products of rhinoceros horns are arrested and destroyed publicly in the presence of the relevant authorities. Under the provisions of the Penal Code 2015, the crime of producing or trading fake goods is punishable by imprisonment of from 1 to 5 years or a fine of between VND 100 million and VND 1 billion.

6. Results of investigation, arrest, prosecution, trials and penalties for crimes of illegal rhino horns ownership and trafficking in border areas and domestic markets; cause of success (or unsucccess) of prosecution and trial

6.1. Resuts of investigation, arrest, prosecution, trials and penalties

6.1.1. Since 2011, Vietnamese authorities have discovered and arrested 38 cases of illegal rhino horn trade; confiscated 1.85 tonnes rhino horn; prosecuted 34 cases and 41 defendants.

6.1.2. Penalties:

(i) 07 months and 22 days of imprisonment for Ha Chan Chinh who convicted illegal transportation of 7.2 kg of rhino horns (2013). Date of judgment: 1 June 2017.

(ii) 01 year of suspended sentence for Nguyen Duc Duong who convicted illegal transportation of 16.26 kg rhino horns (2013). Date of judgment: 14 June 2017.

(iii) 01 year of suspended sentence for Ta Dinh Tien who convicted illegal transportation of 4.98 kg rhino horns (2013). Date of judgment: 27 June 2017.

(iv) 01 year of suspended sentence for Vong Cong Lan who convicted illegal transportation of 13.1 kg rhino horns (2014). Date of judgment: 29 June 2017.

(v) 09 months of imprisonment for Vu Thanh Hung who convicted illegal transportation of 4.76 kg rhino horns (2015). Date of judgment: 25 October 2017.

(vi) The remaining cases could not be handled due to legal barriers and other causes.

6.2. Causes:

6.2.1. Legal regulations

(i) Arrested specimens were not on the list of endangered, precious and rare species prioritized protection under Viet Nam's legal regulations.

All rhino horn specimens at the seizures belong to the white rhinoceros species (*Ceratotherium simum*). This species is listed in Appendix I of CITES (South Africa and Swaziland white rhinoceros species listed in Appendix II), but is not listed in the list of endangered precious and rare species prioritized protection under the Decree No. 160/2013/ND-CP dated 12/11/2013 of the Government on criteria to determine species and the regime of managing species under lists of endangered, precious and rare species prioritized protection. Therefore, these cases could not be handled in accordance with Article 190 of the Penal Code "Breaching regulations on the protection of animals on the list of endangered, precious and rare species prioritized protection" but can only be handled under Article 155 "Manufacturing, stockpiling, transporting, trading in banned goods" or Article 153 of the Penal Code "Smuggling".

(ii) There are no specific regulations about the quantity and valuation for rhino horn specimens.

Even though there are regulations on "manufacturing, stockpiling, transportation and trading of goods that the State bans from business in great quantity, gaining great illicit profits", there are no specific regulations on great quantities cases.

On the other hand, rhinos are banned from export, import, trade in accordance with legal regulations of Viet Nam, and are not circulated in the market so their true value can not be determined to have grounds to identify crimes, and penalties. Hence, procedural agencies do not have grounds to handle the illegal rhino horn trade in accordance with the Penal Code 1999.

(iii) The penalties are not suitable for the offense

In case of illegal rhino horns trade, transportation or stockpiling, in accordance with the provisions of the Penal Code 1999, the maximum penalties for the offenders are 07 years of imprisonment or 500 million VND of fine. These penalties are not suitable for the offense and does not have the deterrent effect on the offenders while the actual profit earned from illegal trade or transportation of the rhino horns is very large. In addition, the Penal Code 1999 has no provisions

about the penalties for commercial entities that result in the slipping of criminals. In fact, many have established companies that illegally trade and transport rhino horns for profit.

6.2.2. The offenders

(i) Instigators

In many rhino horn and elephant ivory seizure cases, the authorities could only identify the identity of offenders involved in goods transportation but not identity of goods owners. In some cases, the offenders' identity can not be determined since the destination address are not real. Authorities continue to investigate, determine the real instigator and often extend the case solving duration.

(ii) Offenders operate in a large scale, even in an international scale; use many sophisticated and modern quackeries; take advantage of many routes including aviation, road, sea; use Internet transactions; utilize Vietnam's geographic position as a hub of ASEAN and the rest of Asia trade, share land and sea borders with China, Laos, and Cambodia.

6.2.3. Resources

(i) Human resources for enforcement agencies are still limited in terms of quantity and enforcement capacity. Officers lack implementation instrument and are inadequately equipped to meet the requirements of the new context while the offenders often use modern facilities and techniques and sophisticated quackeries.

(ii) Capacity of traded specimens identification and legal regulations implementation of enforcement agencies procedural agencies are not regularly improved.

6.2.4. Investigation, arrest, prosecution, and trials require the cooperation of many countries: country of origin, transit country and import country.

Currently, the cooperation between nations in combatting against illegal wildlife trade is limited in arrest information exchange since Vietnam and many countries have not signed any mutual judicial assistance agreement. Collaborative activities in extending and ending the investigation, especially the collection and submission of rhino horn samples for DNA forensic to determine the source of specimen, are not being focus. It is recommended that countries of origin and transit countries strengthen the inspection and monitoring of wildlife or suspicious transportation, trade to increase the effectiveness of CITES implementation globally.

7. Recommendations

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7.1. Countries of origin and transit countries should strengthen their inspection and supervision of the transportation, trade of shipments containing wildlife or suspicious consignments to increase the effectiveness of CITES enforcement globally.

7.2. Countries of origin and transit countries should increase the sharing of information on specimens of regularly traded and exploited species with Vietnam and other relevant countries.

7.3. Wildlife demand reduction should be implemented synchronously in countries.

7.4. The Government of Viet Nam hope to implement CITES in the most effective way and to legalize the Convention into specific legal regulations on rhino protection. Viet Nam expects CITES Members to have similar effort expressed by a general rule that does not allow the sale of rhinoceros specimens.

7.5. Viet Nam welcomes and is willing to support international organizations, NGOs in cooperation of building capacity, participating in legal policy development and sharing information on CITES implementation, supporting Viet Nam authorities effectively implementing CITES.

Annex I. Rhino horn seizures in Viet Nam from 2016 to 2017

Date	Quantity (kg)	Offenders	Transportation methods	Contrivance	Seizure locations	Seizure authorities
5/5/2016	1.40	Unidentified	Postal delivery	Hidden in postal package	Noi Bai International Airport	Ha Noi Customs
23/7/2016	1.8	Dang Van Phong (Ho Chi Minh City)	Aviation	Hidden in milk powder	Tan Son Nhat International Airport	Tan Son Nhat Customs
12/10/2016	0.9	Tran Van Sy và To Xuan Hien Thuy Ung Village, [REDACTED] Thuong Tin District, Ha Noi)	By road	Hidden in leather bags	Goods control area of the Control station Km15 of the Dan Tien Dock	Control station Km15 of the Dan Tien Dock
18/11/2016	4	Nguyen Duc Nguyen [REDACTED] Dien Chau District, Nghe An)	Aviation	Hidden in cardboard box	Tan Son Nhat International Airport	C74 and Tan Son Nhat Port Authority
26/10/2016	4	Vu Xuan Hoan, Pham Thi Nhung và Nguyen Ngoc Nam			Bac Ninh's motel	Bac Ninh Police
29/12/2016	50.0	Unidentified	Aviation	Hidden in baggages	Noi Bai International Airport	Ha Noi Customs
14/3/2017	102.0	Unidentified	Aviation	Hidden in baggages	Noi Bai International Airport	Ha Noi Customs

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27/4/2017	36.0	Nguyen Mau Chien Ha Dong District, Ha Noi)	Railway		Ha Noi Railway Station	C74, Hoan Kiem and Ha Dong Police
8/5/2017	1.5	Unidentified	Aviation	Hidden in cookie box	Tan Son Nhat International Airport	Tan Son Nhat Customs
26/5/2017	13.0	Nguyen Anh Son (Ha Dong District, Ha Noi)	Offender's house		Hoang Mai District, Ha Noi	C49, Hoang Mai Police and Ha Noi Market Control Department
14/6/2017	4.0	Le Van Ngoc và La Thi Loan (Ha Dong District, Ha Noi)		Hidden in cosmetics, kettle	Tan Son Nhat International Airport	Tan Son Nhat Customs
22/7/2017	5.184	Cao Xuan Vinh, Ho Van Viet. Nguyen Duc Nam	By road	Car	An Tinh Commune, Trang Bang District, Tay Ninh Province	Tay Ninh Provincial Police
Total	233.88					

Annex II. A summary of cooperation activities of NGOs and state agencies in combatting against illegal wildlife trade.

In addition to the work performed by MARD and other Ministries of the Government of Viet Nam, our efforts in combating illegal wildlife trade has been supported through local and international NGOs and IGOs in the following ways:

Laws and policies

Annually, Viet Nam CITES Management Authority cooperated with the Department of Drugs and Crimes Prevention (Border Guard Headquarter), Directorate of Customs, Directorate of Rangers to organise workshops, on CITES enforcement and identification of the frequently trade wildlife species. In 2016, 2017, 175 officers has been trained, including identification of rhino horns, and the method of concealment via air-transport.

ENV targets policies development, law enforcement, investigation, prosecution, and conviction of criminals. Specifically, assisting in researching and advising to complete the regulations related to the wildlife penal code, as approved in 2017; the Forest Protection and Development Law (amendment), and Prime Ministerial Decrees related to wildlife and forest protection and management.

TRAFFIC will continue providing information to appropriate government agencies regarding instances of illegal wildlife trade, to assist in the implementation of the revised Penal Code.

UNODC reviewed the Environmental Section of the 2015 Penal Code and provided recommendations, and developed a handbook for law enforcement (police, environmental manager, prosecutor, etc.) and training on the implementation the revised Penal Code 2015.

Seizures and housing of live animals

WCS / PREDICT collaborated with the Pangolin and Small Carnivore Rescue Centre, Endangered Primate Rescue Centre at Cuc Phuong National Park, Cat Ba langur programme and Cat Ba National Park conducted medical examination, and sampling of animals recovered from wildlife trade; WCS / PREDICT, in collaboration with the National Institute of Hygiene and Epidemiology (NIHE), the Ministry of Health, collected 148 bat guava samples in Bac Giang and transported samples to NIHE Laboratory for diagnosis, and organized a meeting to launch a monitoring program on humans.

Arrest, investigation, and prosecution

ENV coordinated related enforcement agencies, including the environmental and provincial police departments to demolish illegal wildlife trade chains and individuals. Specifically, ENV traced the trade chain of 10 tonnes of sea turtle in Khanh Hoa, assisted in the seizure of illegal ivory and rhino horns in Nhi Khe (Ha Noi), 14 kg of rhino horn in Hoang Mai, and identified individuals selling on the internet. ENV provides guidance for law enforcement and solutions for violations of wildlife protection regulations and records the results of all cases related to endangered, precious, rare, and prioritized species.

TRAFFIC monitors wildlife trade in Viet Nam and provides information to the appropriate agencies on instances of illegal wildlife trade. TRAFFIC has provided technical and financial assistance to government agencies for investigations, most recently for the DNA testing of seized rhino horn. TRAFFIC has facilitated connections between Viet Nam government agencies and other government agencies in the pursuit of combating illegal wildlife trade, for example the Nigerian Customs Service and South Africa CITES MA. TRAFFIC in Viet Nam works to combat wildlife crime by primarily monitoring legal and illegal wildlife trade both in physical and online markets.

UNODC strengthened the capability for investigating transnational crimes, illegal trade of wild animals and timber products, preserving the crime scenes, DNA sampling and forensics, online investigations, managing a criminal database and technical information, monitoring the border, supported a Border Liaison Office (BLO), managed risk, and prevented trafficking via sea container, Support the development technique for the standardized process of combating illegal wildlife trade for UNREDD.

WCS drafted a report on wildlife related crime based on statistical data of seizures and handlings by the provincial Procuracy, Rangers, Police, and Customs; and supported the People's Supreme Procuracy and MPS in Strengthening Law Enforcement Cooperation Against Transnational Crime and the IWT with the Mozambique's Attorney General's Office and Department of Justice.

Training

Freeland organized trainings for more than 1,000 People's Police Academy cadets on wildlife crimes, laws that are available to prosecute offenders, and how to use the Wildscan App for smartphones. Freeland also developed the Detection of Environmental Crime Training Manual (DETECT), which was deployed with second year cadets. Freeland also organized an ASEAN WEN information sharing workshop on seizures and investigations, and an Africa-Asia Counter-

Transnational Organized Crime course, which included two participants of the Hanoi Procuratorate University.

TRAFFIC in September 2016 through a workshop for Customs entitled, Improvement in Detection and Prevention Skills Regarding Unlawful Transport of Wildlife for Airport and Airline Staff in Tan Son Nhat International Airport.

UNODC held two regional interdisciplinary conferences for prosecutors and customs officers. UNODC also supported the strengthening of international coordination and cooperation with Interpol, WCO, and the Ministry of Public Security on transnational investigation on the illegal trade of ivory and rhino horns. UNODC also provided training on handling administrative fines and penalties in the environment sector including administrative violations and illegal trade of endangered animals and timber, preventing money laundering and corruption within the forestry sector, improving the effectiveness of the prosecution of these crimes, and a Train the Trainers programme for the prosecutors.

WildAct is collaborating with the University of Vinh to create a new module for their Master course in Biodiversity Management in order to train students to do surveys and research into illegal wildlife trade markets in Vietnam. WildAct conducted a survey of online wildlife sales through Facebook and is conducting a Facebook campaign against buying illegal products.

WCS supported the Congressional Judiciary Committee to hold a consultation workshop to review some of the regulations related to the protection of wildlife in the revised Penal Code; and with UNODC Coordinate the training course on wildlife trade crime trafficking.

Challenges and limitations

ENV has identified legal regulations that are not of sufficient detail and are not similarly applied among judicial agencies or provinces, leading to different outcomes of similar cases; provincial agencies do not receive requested aid from higher authorities, which leads to suspension of cases; provincial enforcement agencies do not strictly apply laws; and many cases are stopped after seizures and confiscation and do not continue to investigation of kingpins or a trade network.

UNODC cited the stagnation in implementing the Penal Code (2015) as international interdisciplinary cooperation mechanisms require the legal framework to complement the battle against organized transnational crimes, and a lack of awareness on source of crimes with regard to illegal wildlife trade.

Demand reduction and other efforts

ENV operates and maintains a free hotline (1800-1522) for wildlife-related crimes, as a focal point of communication for the citizen to notify enforcement agencies on wildlife-related violations (since 2005); sustains a network of 6,600 volunteers, protecting wildlife in 59 of 63 provinces nationwide; edits and broadcasts 31 short films on protecting wildlife on 70 channels, both central and provincial, and cooperates with VOV to broadcast 5,000 message on protecting wildlife, and 120 radio broadcast programmes since 2005; and has developed and maintained a network of 200 concerned journalist, who readily write about the management and protection of wildlife.

Freeland organized a "Run for Vietnam's Elephants" with MARD in Quang Nam province, and the campaigns Hanoi Clean-up and Voice up for Nature in Hanoi. Freeland also has a website iThink, which serves as a learning too and information and opinion sharing platform and has created original content for Vietnam television in collaboration with the iThink platform.

TRAFFIC continues to work on reducing wildlife demand through the Chi Campaign, a campaign to reduce demand for rhino horn in Viet Nam. Furthermore, TRAFFIC is part of the USAID Saving Species team working with CITES MA through the application of TRAFFIC's 5-step process of behavior change, to reduce consumer demand for products of species like rhino, pangolins and elephants. TRAFFIC is also working with VN Forest to build capacity in the identification of commonly and illegally traded timber species under RAFTIII.

UNODC The United Nations Office on Drugs and Crime is mandated to assist Member States in their struggle against illicit drugs, crime and terrorism.

WildAct ran a project entitled "Dispelling the myth: protecting rhinos and people", which aimed to raise awareness on the rhino crisis among hospital staff, patients and their relatives through a medical workshop program and distribution of education materials at 59 hospitals in Hanoi and Ho Chi Minh city.

WCS collaborated with People's Television to conduct 6 workshops with representatives of government agencies, NGOs, lawyers, journalists. On the situation and solutions to increase effectiveness in the prevention of crime of wildlife in Vietnam; WCS collaborated with VTV2 - Vietnam Television to organise interviews with Vietnamese prisoners serving in Kenya for violating national wildlife protection regulations. Interviewed representatives of some Kenya wildlife law enforcement agencies to make the documentary "Trả Giá" to raise awareness about the risks of illegal wildlife trade to Vietnamese living, working and travelling in Africa; WCS developed two printed documents on "Penalties for Wildlife Crimes" in Vietnam and some African countries;

Cooperate with some Vietnamese diplomatic agencies located in these countries to distribute these materials to the Vietnamese community

Responding IGOs and NGOs

Education for Nature – Viet Nam (ENV) combats illegal wildlife trade and aims to raise the public awareness on the necessity to protect nature and wildlife. ENV focuses on 3 main strategic objectives to prevent illegal wildlife trade: reducing consumers' demand of wildlife products via long-term campaigns to change public attitudes and behaviours; enhancing law enforcement via direct aid to enforcement agencies and encouraging positive involvement of the public to prevent illegal wildlife trade; and coordinating with policy makers to improve the existing policies, to address legal loophole, to develop effective policies, and to promote any decision-making process related to illegal wildlife trade.

Freeland was established A World Free of Wildlife Trafficking and Human Slavery, with a mission to innovate, develop, and continually improve programs and tools that empower society to overcome organized crime and corruption to restore secure, resilient communities and ecosystems.

TRAFFIC International works globally on trade in wild animal and plants in the context of both biodiversity conservation and sustainable development to ensure that trade in wild plants and animals is not a threat to the conservation of nature.

WildAct is a conservation charity and non-governmental organisation dedicated to raise Vietnamese people awareness on conservation issues by providing information and education programs for Vietnamese children.

WCS The Wildlife Conservation Society Vietnam program has a focus on combating illegal wildlife trafficking. WCS Vietnam works to degrade, disrupt, and dismantle wildlife trafficking networks and reduce poaching pressure on wildlife populations. WCS Vietnam has strong relationships with government law enforcement agencies and works with the Vietnamese Government to enhance their ability to successfully stamp out the illegal wildlife trade.

Annex III. Statistics of illegal rhino horns trade and transportation trials

No	Date of seizure	Species (Scientific name)	Sample description	Quantity (kg)	Location of seizure	Authorities	Offender	Date of trial	Applied provisions	Penalties	Handling samples
1	3/1/2008	<i>Ceratotherium simum simum</i>	Horn	18	Tan Son Nhat Airport	Ho Chi Minh City Department of Customs	Trần Văn Lập	14/3/2011	Article 155 of the Penal Code 1999	3 years of imprisonment	Transfer to Department of Public Asset Management to store at the National Stockpile
2	20/3/2009	<i>Ceratotherium simum simum</i>	Horn	2.7	Ho Chi Minh City	Ho Chi Minh City C49	Dương Thị T	3/2/2010	point d Clause 2 Article 190 of the Penal Code 1999	2 years of imprisonment	Transfer to Department of Public Asset Management to store at the National Stockpile
3	6/1/2013	<i>Diceros bicornis</i>	Horn	16.26	Tan Son Nhat Airport	Ho Chi Minh City Department of Customs	Hà Chấn Chính	1/6/2017	Clause 1, Article 155, point b, Clause 1 Article 46 of the Penal	7 months and 22 days of imprisonment	Transfer to Department of Public Asset Management to store at the National Stockpile

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4	5/5/2013	<i>Diceros bicornis</i>	Horn	7.2	Tan Son Nhat Airport	Ho Chi Minh City Department of Customs	Nguyễn Đức Dương	14/6/2017	Code 1999	01 year of impris onme nt	Transfer to Department of Public Asset Management to store at the National Stockpile
									Clause 1, Article 155, point b, Clause 1 Article 46, Article 45, Clause 1,2,5 Article 60 of the Penal Code 1999		

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5	10/6/2013	<i>Diceros bicornis</i>	Horn	6.98	Tan Son Nhat Airport	Ho Chi Minh City Department of Customs	Tạ Đình Tiến	27/6/2017	Clause 1, Article 155, point b, Clause 1 Article 46, Article 45, Clause 1,2,5 Article 60 of the Penal Code 1999	01 year of impris onme nt	Transfer to Department of Public Asset Management to store at the National Stockpile
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6	10/3/2014	<i>Diceros bicornis</i>	Horn	13.1	Tan Son Nhat Airport	Ho Chi Minh City Department of Customs	Vòng Cổng Lân	29/6/2017	Clause 1, Article 155, point b, Clause 1 Article 46, Article 60 of the Penal Code 1999; Clause 3 Article 7, Clause 1, Article 191 of the Penal Code 2015	02 years of impris onme nt	Transfer to Department of Public Asset Management to store at the National Stockpile
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7	27/5/2015	<i>Ceratotherium simum simum</i>	Horn	9.4	 Tan Chau District, Tay Ninh Province	Tan Ha Border Guard Station	Đỗ Khắc Duy	12/4/2016	Clause 1 Article 190, point h and p Clause 1 Article 46 of the Penal Code 1999	01 year and 6 month s of impris onme nt	Transfer to Department of Public Asset Management to store at the National Stockpile
8	12/8/2015	<i>Ceratotherium simum simum</i>	Horn	4.76	Noi Bai Airport	Department of Anti- smuggling Investigation	Vũ Thành Hung	25/10/2016	Article 155 of the Penal Code 1999	9 month s of impris onme nt	Transfer to Department of Public Asset Management to store at the National Stockpile
9	25/6/2007	<i>Ceratotherium simum simum</i>	Horn	3.2	Tan Son Nhat Airport	Ho Chi Minh City Department of Customs	Hoàng Văn Chung	18/6/2014	Article 155 of the Penal Code 1999	2 years of impris onme nt	Transfer to Department of Public Asset Management to store at the National Stockpile

Annex IV. Provisions of the Penal Code relating to wildlife protection

Article 234: Violations of regulations on wildlife protection

1. A person who commits one of the following acts, other than the cases specified in Article 232 and Article 244 of this Law, shall be subjected to a fine of 50,000,000 VND – 300,000,000 VND; a penalty of 03 years of non-custodial reform or from 06 months to 03 years of imprisonment:

a) Illegal hunting, killing, raising, imparking, trading animals included in the List of endangered, precious and rare forest plant and animal species of Group IIB or Appendix II of CITES which valued from 150,000,000 VND up to 500,000,000 VND, or other animals which valued from 300,000,000 VND up to 700,000,000 VND, or illegally profiting from 50,000,000 up to 200,000,000;

b) Illegal storing, transporting, or trafficking organs or products of animals included in the List of endangered, precious and rare forest plant and animal species of Group IIB or Appendix II of CITES valued from 150,000,000 VND up to 500,000,000 VND, or of other wildlife valued from 300,000,000 VND up to 700,000,000 VND, or illegally profiting from 50,000,000 VND up to 200,000,000 VND;

c) Illegal hunting, killing, raising, imparking, trading animals, animal parts, or animal products, or illegally profiting for an amount less than specified in Item a, Item b of this Clause; but have been subjected to administrative fine for one of the acts referred to in this Article, or have been convicted of this crime, have not yet remanded but still in violation.

2. Committing the offense categorized under any of the following cases, the offenders shall be subjected to a fine from 300,000,000 VND to 1,500,000,000 VND, or imprisonment from 3 years to 7 years:

a) Organized;

b) Abusing positions and authorities;

c) Abusing the names of agencies or organisations;

d) Using prohibited hunting tools and devices;

e) Hunting in restricted areas or restricted time;

f) Transnational transportation and trading;

g) Animals, animal parts, or animal products of species included in the List of endangered, precious and rare forest plant and animal species of Group IIB or

Appendix II of CITES valued from 500,000,000 VND up to 1,000,000,000 VND, or other wild animals valued from 700,000,000 VND up to 1,500,000,000 VND;

h) Illegally profiting from 200,000,000 up to 500,000,000 VND

i) Serious recidivism.

3. Committing the offense categorized under any of the following cases, the offenders shall be sentenced to imprisonment of 07 to 12 years:

a) Animals, animal parts, animal products of species included in the List of endangered, precious and rare forest plant and animal species of Group IIB or Appendix II of CITES valued more than 1,000,000,000 VND, or other wild species valued more than 1,500,000,000;

b) Illegally profiting 500,000,000 VND or more;

4. An offender may be subjected to a fine from 50,000,000 VND to 200,000,000 VND, or prohibited from holding certain authorized position for 01 to 05 years;

5. A legal entity who commits one of the above acts, shall be subjected to penalties as follows:

a) Committing the offenses categorized in Clause 1 of this Article shall be subjected to a fine of 300,000,000 VND – 1,000,000,000 VND;

b) Committing the offenses categorized in Item a, Item d, Item e, Item f, Item g, Item h, and Item I, Clause 2 of this Article shall be subjected to a fine of 1,000,000,000 VND – 3,000,000,000 VND;

c) Committing the offenses categorized in Clause 3 of this Article shall be subjected to a fine of 3,000,000,000 VND – 6,000,000,000 VND or be suspended of operation for a period of 06 months to 03 years;

d) Committing the offenses categorized in Article 79 shall be permanently suspended of operation;

đ) The offended entity may be subjected to a fine from 50,000,000 VND to 200,000,000 VND, prohibited from operating in certain industries or banned from capital mobilization for 01 to 03 years.

Article 244. Violations of regulations on the protection of endangered, rare and precious wild animals

1. Those who breach the regulations on protection of animals which on the species which are listed on The List of endangered, precious and rare species under protection or The List of endangered, rare and precious wild fauna and flora

Group IB or Appendix I of CITES in one of the following cases, shall be fined from 500,000,000 VND to 2,000,000,000 VND or sentenced to between 01 and 05 years of imprisonment:

a) Illegally hunting, catching, killing, capturing, transporting or trading the animal species which are listed on The List of endangered, precious and rare species under protection;

b) Illegally storing, transporting or trading individuals, organs or specimens which stipulated at Point a of this Clause;

c) Ivory weighs from 2 kilograms to under 20 kilograms; Rhinoceros horn weighs from 50 grams to under 01 kilograms;

d) Illegal hunting, killing, raising, imparking, trading animal species which are listed on The List of endangered, rare and precious wild fauna and flora Group IB or Appendix I CITES without the species specified in Item a of this Clause with number ranging from 03 to 07 individuals of mammal species, from 07 to 10 individuals of bird and reptile species, or from 10 to 15 individuals of other animal species;

đ) Illegally storing, transporting or trading individuals, organs with number ranging from 03 to 07 individuals of mammal species, from 07 to 10 individuals of bird and reptile species, or from 10 to 15 individuals of other animal species which are stipulated at Item d of this Clause;

e) Illegal hunting, killing, raising, imparking, trading wild animals, or illegally store, transport, trade individuals, organs or specimens with amount below the limits stipulated at Item c, d and đ of this Clause, but have already been administratively sanctioned for one of the acts prescribed in this Article or already convicted of this crime, not yet had their criminal records wiped out but again commit crimes.

2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 05 and 10 years of imprisonment:

a) The number of individuals or organs ranges from 03 to 07 individuals of mammal species, from 07 to 10 individuals of bird and reptile species, or from 10 to 15 individuals of other animal species which are stipulated at Item a, Clause 1 of this Clause;

b) The number of individuals or organs ranges from 08 to 11 individuals of mammal species, from 11 to 15 individuals of bird and reptile species, or from 16 to 20 individuals of other animal species which are stipulated at Item d, Clause 1 of this Clause;

c) From 01 to 02 individuals of elephant, rhinoceros or organs of 01 to 02 individuals of elephant, rhinoceros; From 03 to 05 individuals of bear, tiger or organs of 03 to 05 individuals of bear, tiger;

d) Ivory weighs from 20 kilograms up to 90 kilograms; Rhinoceros horn weighs from 01 kilograms to under 09 kilograms;

đ) In an organized manner;

e) Abusing positions and/or powers or abusing the names of agencies or organizations;

g) Using banned hunting/catching tools or means;

h) Hunting/catching in prohibited areas or during prohibited times;

i) Trading, transporting across borders;

k) Dangerous recidivism;

3. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 10 and 15 years of imprisonment:

a) The number of individuals or organs of 08 or more of mammal species, 11 individuals or more of bird and reptile species, or 16 individuals or more of other animal species which are stipulated at Item a, Clause 1 of this Clause;

b) The number of individuals or organs of 12 or more of mammal species, 16 individuals or more of bird and reptile species, or 21 individuals or more of other animal species which are stipulated at Item d, Clause 1 of this Clause;

c) From 03 or more individuals of elephant, rhinoceros or organs of 03 or more individuals of elephant, rhinoceros; From 06 or more individuals of bear, tiger or organs of 06 or more individuals of bear, tiger;

d) Ivory weighs from 90 kilograms or more; Rhinoceros horn weighs from 09 kilograms or more;

4. An offender may be subjected to a fine from 50,000,000 VND to 200,000,000 VND, or prohibited from holding certain authorized position for 01 to 05 years;

5. A legal entity who commits one of the above acts, shall be subjected to penalties as follows:

a) Committing the offenses categorized in Clause 1 of this Article shall be subjected to a fine of 1,000,000,000 VND – 5,000,000,000 VND;

b) Those who commit the crime in one of the cases stipulated at Item a, b, c, d, đ, g, h, i and k, Clause 2 of this Article, shall be fined from 5,000,000,000 VND to 10,000,000,000 VND;

c) Committing the offenses categorized in Clause 3 of this Article shall be subjected to a fine of 10,000,000,000 VND – 15,000,000,000 VND or be suspended of operation for a period of 06 months to 03 years;

d) Committing the offenses categorized in Article 79 shall be permanently suspended of operation;

đ) The offended entity may be subjected to a fine from 300,000,000 VND to 600,000,000 VND, prohibited from operating in certain industries or banned from capital mobilization for 01 to 03 years.