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Making criminals outcasts in society

Deterrence is a critical concept in enforcement. When effective law is combined with strict penalties and aggressive enforcement, most ordinary people are deterred from illegal behavior that society wishes to contain or reduce.

Enforcing laws protecting Vietnam's wildlife is similar to implementation of any other law. The law must be clear. Enforcement must be aggressive. Penalties must be sufficient to eliminate all but the most hardened criminals from illegal behavior.

Some provinces in Vietnam recognize the importance of deterrence in their efforts to get control of and reduce illegal hunting and trade of wildlife.

Khanh Hoa courts gained recent national attention after stiff prison sentences were handed down to six defendants in two separate cases involving hunting and trade of black-shanked douc langurs (*Pygathrix nigripes*) in the province. Each of the defendants was sentenced to between two to three years in prison for their crimes. A total of 12 dead langurs were confiscated from the men, five of which were poached from within a nature reserve. In Dong Nai, a hunter that was arrested and prosecuted in 2009 for illegally killing a loris and a mouse deer received a 14-month prison sentence, while a smuggler in Hanoi was recently



Lam Dong authorities show determination in combating the illegal wildlife trade

Photo: Wildlife Conservation Society

sentenced to two years in prison for smuggling three king cobras (*Ophiophagus hannah*) and two common cobras (*Naja sp.*).

Meanwhile in Ho Chi Minh City, Environmental Police (EP) and forest rangers raided a home in District 12 confiscating a king cobra, loris, water monitor, and a few other animals. The homeowner was prosecuted for illegal trade of wildlife and sentenced to three years in prison.

Two recent decisions handed down from the People's Committee in Thanh Hoa province resulted in fines of 40 million VND to traders in two separate cases for smuggling of pangolins. One case involved three pangolins being transported north on Highway One on a public bus, and the other case involved four pangolins discovered in a private car.

All of these recent cases illustrate how authorities in some provinces and their supporting government institutions are getting tough on wildlife crime, recognizing the need to set examples of criminals that will help deter others from committing crimes.

These few recent examples also show that existing law is clear enough and sufficient to punish those that choose to break it. The idea that the law does not permit such aggressive enforcement or punishment echoed by some provincial authorities is proven false by the fine examples displayed authorities in Thanh Hoa, Khanh Hoa, Dong Nai, Ho Chi Minh, and Hanoi.

Stopping illegal hunting and trade of wildlife is not an easy task for enforcement agencies. They need effective laws that are clear and do not permit criminals from hiding their illegal business within gray areas of the law or escaping through loopholes in the law. They must have backing from leaders and politicians that share an interest in enforcing laws intended to protect wildlife. Enforcement agencies must have both the respect and support of the public, on which they depend to report crimes, provide information, and help foster positive attitudes within society that are opposed to illegal activities and help reduce crime.

Above all, the authorities must aggressively pursue enforcement, setting an example and deterring others from violating the law. To achieve this, enforcement measures must be backed by strict punishment administered to criminals by the courts, and handed down by local leaders



Khanh Hoa authorities consistently demonstrate that serious wildlife crimes will be strictly punished under current wildlife protection laws and policies.

Photo: Cu Chi Rescue Center

where administrative penalties are applied, as we have witnessed by the examples we have cited.

Establishing deterrent value to enforcement takes time, and this process has only just begun. Such examples of strict punishment must be followed by amplifying the message in the media to the public, and enforcement measures must be both tough and consistent, leaving little breathing room for criminals to operate.

As society comes to respect the work of professionally led and managed enforcement agencies, compliance with the law will prevail, and support from the public will grow, increasingly isolating the much smaller percentage of criminals and their enterprises, pursued by the authorities and scorned by the public as outcasts within society.

ENV strongly supports the efforts of these active enforcement agencies and the provincial leaders that stand behind them. The battle has just begun to bring necessary change and support from all elements within society that will ensure protection of Vietnam's wildlife into the future.

Report corruption

If you are aware of authorities accepting money or gifts from individuals involved in the wildlife trade or wildlife farming, report the incident to the National Anti-corruption

Department: 080 48 228

ALERT Stop selling critically endangered tortoises and freshwater turtles!

ENV has documented a number of recent cases whereby provincial Forest Protection Departments (FPD) have auctioned off critically endangered turtle species that have been confiscated from the illegal trade. While local authorities often use the excuse that many of the animals are “sick and dying” to justify the sale, it is well known amongst enforcement and conservation experts that this reasoning is more often an excuse used to justify the sale, when authorities could just as easily place the animals in a rescue center.

“Even if the animals were sick or stressed from the trade, many of them could recover if put immediately into the hands of professionals at rescue centers,” says Tim McCormack of the Asian Turtle Program. “However, some authorities prefer to sell them over taking appropriate action to help conserve the species.”

Selling critically endangered turtle species may not be against the law, but most experts agree such behavior is without doubt a crime against nature.

“These turtles are the last of their kind,” says McCormack. “They are critically endangered and authorities are supposed to be protecting them not selling them. This practice must be stopped immediately or some of Vietnam's turtle species will almost certainly follow the path of Vietnam's rhinos, and be lost forever.”

ENV has documented 111 seizures from smugglers involving tortoises and freshwater turtles since 2006. These seizures have been comprised of 15 different native species, accounting for approximately 13 tons of animals or about 9,400 turtles. However, these statistics only represent seizures documented by ENV's Wildlife Crime Unit, and do not account for the much larger volume of turtles that are illegally traded undetected.

If critically endangered species are confiscated in the trade, ENV strongly urges local authorities to turn these animals over to rescue centers where they can then be rehabilitated and released back into nature or held to establish assurance colonies that will help ensure the long-term survival of the species.

Vietnam is home to 25 species of tortoises and freshwater turtles. These include three species that are currently known to be endemic to Vietnam, and found nowhere else in the world; *Mauremys annamensis*, *Cuora bourreti*, and *Cuora picturata*.



Indochinese box turtle (*Cuora picturata*)
Photo: Bui Dang Phong



Indochinese box turtle (*Cuora bourreti*)
Photo: Bui Dang Phong



Vietnamese pond turtle (*Mauremys annamensis*)
Photo: Bui Dang Phong

Six species are listed as critically endangered on the global list of threatened species, and ten species are listed as endangered (IUCN Red list 2011). Vietnam is known as one of four diversity hotspots in Asia for tortoises and turtles.

ENV's online field guide to Vietnam's tortoises and freshwater turtles can be accessed at:

<http://thiennhien.org/userfiles/file/Turtle%20ID%20Book.pdf>

Enforcement advisor

Cage to cage, what's the point of confiscation?

As a forest ranger, I feel that confiscating macaques makes no sense at all because we only transfer them from one cage to another. We should only confiscate macaques if they can be released.

From a welfare perspective, you might be right that it seems like confiscating an animal from one captive environment to move it to another does not make sense, but ultimately, the issue boils down to a question of law. The owner keeping the macaque in his shop is doing so illegally. It is the responsibility of the authorities to enforce the law so that citizens respect the laws that govern society. As a forest ranger, if you turn your back on a violation, you ignore your responsibility to society, and undermine the effectiveness of the law. Other people see that the law is not enforced, and the important value of deterring others from committing similar crimes is lost.

One illegal macaque left in the hands of a shop owner will result in others buying macaques and keeping them. Ultimately, by allowing someone to keep a macaque illegally, we ensure that other macaques will be hunted from the wild. Perhaps think of the issue of welfare when you think of wild macaques that have not yet been captured and placed in cages. It seems that stopping the illegal trade is probably the best solution possible to address the welfare concerns of wildlife.

Suspect escapes?



I read with interest in the newspaper about several seizures of animals in a province in central Vietnam. In all of these cases, the trader that was accompanying the shipment escaped after being stopped by the authorities. How is it that a trader can escape when stopped on the road? I wonder if the traders have super-human ability that permits them to run faster than the authorities, or are the authorities just simply out of shape and unable to catch them when they walk away?

This is a sensitive issue in most respects. Some traders or vehicle drivers may allude the authorities by dumping their goods or fleeing in a vehicle, which happens in some cases, but in other cases, there may be an element of corruption involved, as suspects may pay local authorities to walk away from the crime.

In the past, this type of incident was believed common, but it has become less common in recent years as local authorities have become more professional and better supervised. We hope this positive trend of catching the bad guys rather than cutting a deal with them continues so that the people will view the authorities with respect and professionalism, and not question their interests in enforcement actions.

Authorities often avoid dealing with illegal macaques as many rescue centers do not accept these animals.

Photo: ENV

Hanoi

On January 2, 2011, Hanoi EP confiscated three king cobras (*Ophiophagus hannah*) from a woman residing in Vinh Phuc province. The owner claimed that she bought the animals for VND 22 million/kg (USD \$1,000), and planned to sell them in Hanoi. The animals were immediately transferred to the Soc Son Rescue Center (Case ref. 3145/ENV).

On January 5, 2011, a student from a high school in Hanoi transferred one Indochinese box turtle (*Cuora galbinifrons*) and two elongated tortoises (*Indotestudo elongata*) to the Cuc Phuong Turtle Conservation Center (TCC). She said that the turtles belonged to one of her friends at her school (Case ref. 3230/ENV).

Also in January, judges in Hanoi delivered sentences to two men from Vinh Phuc province for illegally transporting three king cobras (*Ophiophagus hannah*) and two common cobras (*Naja naja*). One man received 24 months in prison and the other man was sentenced 24 months of probation (Case ref. 2652/ENV).

In another case, a local resident received a 15-month suspended sentence and 30-month probation for possessing illegal tiger parts. The subject claimed that he



A grey-shanked douc langur at a coffee shop shortly before it was confiscated in Gia Lai.

Photo: ENV wildlife protection volunteer

bought the tiger parts from a man in Nghe An province and planned to make tiger glue (Case ref. 3158/ENV).

On February 23, 2011, Hanoi EP confiscated an injured leopard cat (*Prionailurus bengalensis*) that was displayed at a shop at Huong Pagoda, thanks to a report from the public. The animal was immediately transferred to the Soc Son Rescue Center (Case ref. 3248/ENV).

Every animal counts! Your decision may save a species from extinction.

Crime log



One of six young otters offered for sale on the internet confiscated by Ho Chi Minh Environmental Police

Photo: Cu Chi Rescue Center



A red-shanked douc langur that was voluntarily transferred by a local resident to Phong Nha-Ke Bang Rescue Center

Photo: Phong Nha-Ke Bang Rescue Center

Thua Thien Hue

On February 12, 2011, the Cuc Phuong Endangered Primate Rescue Center received a loris from Hue FPD. The loris was voluntarily turned over by a young man who said that he bought the animal one year before (Case ref. 3160/ENV).

Ho Chi Minh City

On January 14, 2011, Ho Chi Minh authorities sentenced a woman to three years in prison after 43kg of live wildlife including a king cobra (*Ophiophagus hannah*), a loris, a water monitor (*Varanus salvator*), a cobra and an Asiatic soft-shell turtle (*Amyda cartilaginea*) were discovered in her home (Case ref. 3193/ENV).

Hai Phong

On January 18, 2011, Cat Ba FPD confiscated one dead civet and one injured leopard cat from a local woman. The cat was later transferred to the Cuc Phuong Small Carnivore and Pangolin Conservation Program (Case ref. 3194/ENV).

Ha Tinh

On January 17, 2011, Ha Tinh economic police seized a shipment of 20 Asian leaf turtles (*Cyclemys oldhami*) and a pangolin. The shipment originated from Laos and belonged to a man residing in Dien Chau district of Nghe An province. The subject was fined VND 15 million (\$USD700) (Case ref. 3200/ENV).

Quang Binh

On February 10, 2011, a resident of Quang Binh turned over a red shanked douc langur (*Pygathrix nemaeus*) to Phong Nha National Park Rescue Center. The owner said that he bought the langur for VND

Punish criminals today to prevent crime tomorrow.



The Bac Lieu Department of Agriculture and Rural Development releases a marine turtle confiscated from a restaurant

Photo: Bac Lieu Department of Agriculture and Rural Development

500,000. During his conversation with an ENV wildlife crime officer, he was advised not to buy wildlife in the future as it will promote illegal hunting and trade (Case ref. 3218/ENV).

Khanh Hoa

On January 23, 2011, Ninh Hoa Police confiscated 79kg of live and dead animals from a private residence, including a black shanked douc langur (*Pygathrix nigripes*). The subject claimed that he bought the animals from local hunters and planned to sell them to restaurants on the occasion of Chinese New Year. FPD transferred the

langur to the Cu Chi Rescue Center in Ho Chi Minh City and released the other live animals into a local forest on Hon Neo Peninsular. All the dead animals were incinerated (Case ref. 3209/ENV).

Binh Duong

On January 13, 2011, Binh Duong FPD confiscated three macaques from a local shop and fined the owner a total of VND 5.25 million (\$USD 260). The animals were released into the Nui Cau protected forest on the same day. The case was reported by a local wildlife protection volunteer to the ENV hotline (Case ref. 3148/ENV).

**The best way to protect wildlife is in its habitat where it belongs,
before it falls into the hand of hunters and traders.**

The ENV Wildlife Crime Unit

ENV's Wildlife Crime Unit (WCU) was established in 2005 to facilitate and motivate public involvement in efforts to combat wildlife trade, and to improve the effectiveness of front line law enforcement agencies. The WCU administers a public toll-free national hotline for reporting wildlife crimes. Information reported through the hotline is passed on to the appropriate authorities. ENV then works closely with law enforcement agencies, tracking each case through to conclusion, and documenting the results on ENV's Wildlife Crime Database. The WCU has documented more than 3,200 wildlife crime cases as of February 2011.

The main aims of the WCU are to:

- Encourage public participation in efforts to stop the illegal trade of wildlife
- Provide support to law enforcement agencies tasked with combating wildlife crime
- Document crimes and work with authorities to identify and address factors that contribute to wildlife crime

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Contact Us

ENV Wildlife Crime Unit

Education for Nature - Vietnam (ENV)

N5. IF1, lane 192 Thai Thinh Str, Dong Da Dist, Ha Noi

Tel/Fax: (84 4) 3514 8850

Email: env@fpt.vn

ENV Vietnamese Website: www.thiennhien.org

ENV English Website: www.envvietnam.org

Wildlife Crime Gallery: www.savingvietnamswildlife.org

ENV Facebook: <http://www.facebook.com/group.php?gid=47162312016>



Stop Wildlife Crime!

If you observe wildlife being kept, sold, transported, traded, consumed, or advertised, contact your local authorities or call the ENV Wildlife Crime Hotline:

Hotline: **1800-1522** Email: **Hotline@fpt.vn**