



## Confiscated tigers should not end up as glue

Over the past year there have been a number of cases in which provincial authorities have sought to dispose of tigers, ivory, and other fully protected wildlife (seized from illegal trade) in a manner that is potentially illegal, and almost certainly does not represent the interests of the law intended to protect these species.

For the record, when frozen tigers and tiger skeletons are seized from illegal trade, they should be either destroyed or turned over to a legitimate institution such as the Museum of Natural History in Hanoi. They may not be used to make tiger bone glue, sold or auctioned off to raise state funds.

On May 16, 2007 the Former Deputy Prime Minister Nguyen Sinh Hung issued correspondence 611/TTg-NN asking that provinces and Police, Customs, Forest Ranger, and Market Management authorities turn evidence over to the Natural History Museum. Many provinces have complied with this correspondence. However, some have not, and recent cases in Thanh Hoa, Ninh Binh, Quang Ninh and Quang Tri are of particular concern, as the tigers involved either remain where they are pending a decision by the provincial finance department, have disappeared, or have been turned into tiger bone glue.

The issue of disposal, or what to do with confiscated tigers is an issue that reflects how provincial authorities perceive their role in protecting endangered wildlife.



*Photo: Ninh Binh Forest Protection Department*

Are they promoting illegal trade by their actions or working hard with others to put a stop to illegal activities?

In Ha Tinh, the People's Committee issued a correspondence instructing functional agencies to hand over any confiscated tigers to the Natural History Museum in Hanoi. This represents a responsible course of action that should be followed by other provincial leaders, so that their departments have clear guidelines and can no longer take advantage of ambiguity in the law.

The issue of properly disposing of confiscated tigers and tiger parts, also applies to other fully protected

wildlife under Decree 32 including ivory, rhino horns, and any other species listed under Group 1B. If such products are confiscated, they should not “disappear” as some have, but should be catalogued and transferred to a legitimate government establishment for scientific and educational purposes.

Trust may be a factor in such decisions (why should we transfer valuable evidence to another institution which may simply sell the evidence out the back door?). This is a valid concern that should be considered. However, in the case of the Museum of Natural History, evidence is carefully catalogued and safeguarded indefinitely as property of the museum. It is not allowed to be sold or traded.



A tiger bone glue making operation in Hanoi raided by the Environmental Police in January. The subject in this case had previously served an 18 month sentence for buying and making bone glue from a tiger

*Photo: Tran Thanh Tu*

## Summary recommendations

- Place confiscated wildlife at a legitimate establishment where there is no commercial interest in the product
- Issue a correspondence to relevant provincial agencies instructing and giving clear guidance on this issue
- Consult with the Ministry of Justice if there are questions concerning interpretation of the law
- Don't auction, keep, trade, donate for commercial use, endangered wildlife that has been confiscated
- Alternatively, destroy evidence in accordance with the law and witness of other agencies.

### Department of Examination of Legal Normative Documents

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### Museum of Natural History

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Cau Giay Dist., Ha Noi  
Tel: (+84-4) 3 7568328

## Report corruption

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

**080 48 228**

## Compensating violators for compliance is a bad idea

Once upon a time, there was a motorbike thief. He stole motorcycles for a living and sold them to others for a nice profit. One day, the thief stole a really nice motorbike, which was so nice, that he decided to take a risk and drive it around for a week or two before he sold it. However, this proved to be a stupid idea, because he was stopped by traffic police about a week later on the stolen bike.

However, when the police told him to get off the bike and turn over the key, he refused stating that unless he was compensated for the cost of parking the bike over the previous week, as well as washing it and putting oil and petrol into it (there was still a half tank of petrol), he would not turn over the bike under any condition.

The police yanked him off the bike and arrested him, returning the bike to its owner.

Sadly, when wildlife is taken, traded or kept illegally, the outcome is not always so clear-cut. Some provincial authorities seem timid in their dealings with people who hunt, trade or keep wildlife in violation of the law, at times trying to negotiate the costs of “caring for the animal” and in some cases even “feeling sorry for the poor violator”.

The law is not subject to negotiation. Whenever possible, it is acceptable to encourage compliance when the violator is clearly not a criminal or may not be fully aware of the crime(s) that he or she has committed, but when the violator starts dictating the conditions under which he or she will comply with the law, it's time to stop being nice, and as with the stolen motorbike, enforce the law swiftly and effectively.

NEVER pay or compensate violators when applying the law. Such actions show weakness on behalf of the authorities, undermine the value and effectiveness of the law, and set a poor example for others which can lead to more crime.



Pangolins seized at the Cau Treo Border Gate by Customs and Police, one of many shipments seized in Vietnam during the two months leading up to Tet

*Photo: htcustoms.gov.vn*

### Alert

#### Rhino trophies may not be sold or consumed

Between 2007 and 2009, Vietnam legally imported 78 rhino horns (CITES Vietnam). The law permits rhino horns that are legally acquired to be imported and kept as trophies. However, any sale or use of these rhino horns after they enter Vietnam would be in violation of the terms of the CITES permit which allowed the horn to be exported. The purpose of the law is to permit individuals who obtain such trophies from legal hunts to keep them as trophies.

#### Rhinoceros poaching on the rise

South African officials report that as many as 450 rhinos were killed in 2011, representing a remarkable increase over previous years. In 2007, only 12 rhinos were poached during the entire year. This would suggest a drastic increase in global demand for rhino horn, with China and Vietnam being cited as two major consumers of rhino horns. Vietnamese nationals have been implicated in numerous cases involving hunting and smuggling of rhino horns from South Africa to Vietnam.



## On Watch



A macaque awaits rescue at a hotel in Thai Binh province

Photo: ENV

### Quang Ninh

Watching Quang Ninh to see if the provincial government succeeds in putting an end to bear bile tourism at three farms that are still operating for Korean tourists. This issue, now going into its fifth year without decisive action to close these operations, remains a flagship case for how provincial authorities deal with major and very public wildlife crime within their province. The continuance of these illegal operations also casts a negative image upon our most famous natural wonder and important tourist site, Ha Long Bay.

### Binh Dinh

Watching Binh Dinh province to ensure that the remains of 102 marine turtles confiscated in 2011 are destroyed or transferred to a legitimate scientific institution.

### Ninh Binh

Watching Ninh Binh province to confirm that the remains of two tigers confiscated in Tam Diep district in 2011 are transferred to the Natural History Museum of Hanoi or destroyed.

### Binh Duong

Watching Binh Duong province to see if authorities confiscate the tigers from Thanh Canh Entertainment Park now that the owner and his son were found guilty of trading tigers in March 2011. The owner, Mr. Hai was allowed to keep his tigers specifically for the purpose of "conservation" when they were registered in 2006. Mr. Hai lost that privilege when he was convicted as a tiger trader. The tigers, and other wildlife at his facility should be transferred to a legitimate and legal establishment without commercial ties to the wildlife trade.

## Direct from the public

### On wildlife farming

*"Wildlife farming leads to hunting and trade of animals sourced from nature"*

(60% of those surveyed during an ENV Wildlife Trade Event in Hanoi, October 2011)

*"Wildlife farming is cruel and inhumane"*

(Comments from 30% of those surveyed during an ENV Wildlife Trade Event in Hanoi, October 2011)

*"I am angry because many bear farms still exist in Hanoi. When I travel to Son Tay town, I see many signboards advertising bear bile. Why can't authorities punish violators and close all bear farms?"*

(Elderly man, Hanoi, February 2012)



A hawksbill marine turtle confiscated from a gas station in Khanh Hoa just prior to its release back into the sea

Photo: ENV

## Enforcement advisor

### The Fool of Son La

*Q: In a recent news article, a man in Son La caught a low flying Himalayan griffon vulture as it swept over his property. He said he did so to rescue it. But I am confused with the idea that he caught the bird to rescue it. Why not just leave it alone? Moreover, when Son La authorities went to his house to receive the bird, he argued that he intended to keep it and asked the authorities for compensation. How is it that such things happen? Catching the bird was illegal. Keeping it was illegal. Asking for money? Why not fine the person for being so foolish? Luckily, the vulture was transferred to a rescue center and I understand that it will soon be released again?*



The vulture is being cared for at Soc Son Rescue Centre, until it is fit enough for release

*Photo: Falk Wicker*

A: Thank you for your comments. It is true that this sort of problem happens frequently. ENV recently had a bear case where the owner kept the unregistered bear illegally and demanded compensation for caring for it. A man who illegally caught a huge soft-shell turtle in the Red River also demanded compensation to turn it over to authorities. In that case, Hanoi authorities did not even bother to respond and the man sold the turtle to a Chinese buyer. In the central provinces, a seal case ended in disaster when lack of an effective response by authorities resulted in the owner eating the animal. Some fishermen who catch marine turtles ask to be paid to turn them over.

The law was written by people who intended to establish protection to a range of wildlife species that clearly need this protection. Effective protection is the intent of the law, but is not reflected in the practical application of the law. There is a gap between what was intended, and what is practiced, and our collective failure to close this gap is responsible for the loss of species, posing a significant threat to many forms of endangered wildlife.

Yes, the Son La resident that wanted to keep the vulture was acting foolishly to expect payment for capturing and keeping the vulture illegally. But we would argue that such foolish behavior is permitted by functional agencies that fail to stand up straight with the law behind them, to execute the law accordingly.

**Buying and selling wild animals and their parts is a CRIME**

# Crime log

## HAI DUONG

On December 18, 2011, Hai Duong Police confiscated a large amount of wildlife from a passenger bus, including 65 king cobras (*Ophiophagus hannah*) hidden in a sealed metal box. Also confiscated were 150 wild birds including storks, night herons and owls. Authorities have not decided on the punishment yet, although the subjects are in custody (Case ref.3886/ENV).

## BINH DUONG

On December 21, authorities confiscated a leopard cat (*Prionailurus bengalensis*) from a restaurant. The animal was immediately transferred to the Cu Chi Rescue Center. The case was discovered by a volunteer during a survey (Case ref.3887/ENV).

On December 23, Binh Duong Forest Protection Department (FPD) and local police confiscated a pig-tailed macaque (*Macaca leonina*) from a resident's home. The animal was released into a local forest and the subject was fined VND 500,000 (USD 25) (Case ref.3888/ENV).

## HO CHI MINH CITY

On December 13, the Environmental Police (EP) raided three residential houses owned by a major wildlife trader and confiscated a large amount of endangered wildlife including six frozen tiger skeletons, two tiger cubs in wine, 70 grams of rhino horns, four pairs of elephant tusks, four dried elephant feet, one frozen bear skeleton, four pairs of gaur horns, 30 kg of deer horn and many other wildlife products. The police also arrested two subjects who are waiting to be prosecuted (Case ref.3877/ENV).



Wildlife in a wine tank kept at a gold shop in Hanoi including species fully protected under the law

Photo: ENV

## PANGOLIN HUNTING AND TRADING SEASON

The confiscation of pangolins was unusually high during the months of December 2011 and January 2012. Authorities in Ha Tinh and northern provinces confiscated almost two tons of pangolins during this period. Most of these pangolins probably originated from Laos and were headed to China to meet the increasing demand for wildlife during the Lunar New Year (Case ref.3866/3867/3869/3904/3906/3979/ENV).

## HANOI

On December 13, the EP confiscated seven king cobras (*Ophiophagus hannah*) which were hidden in a suitcase being transported on a motorbike. However the subject reportedly managed to escape and the snakes were transferred to the Soc Son Rescue Center (Case ref.3872/ENV).

On December 20, Ha Noi FPD and Economic Police confiscated a stump-tailed macaque (*Macaca arctoides*) from a resident's home, thanks to a tip from a resident living in the same area. The animal was transferred to the Hanoi Zoo (Case ref.3881/ENV).

On January 9, Hanoi EP raided a restaurant and confiscated a tiger skeleton and 15 kg of serow bones which were being cooked to make tiger bone glue. The police arrested three subjects, one of which had been arrested several years ago when she was sentenced to 18 months in prison (Case ref.3928/ENV).

During the Chinese New Year months (January and February), the Hanoi EP confiscated seven leopard cats (*Prionailurus bengalensis*) being illegally transported or kept (in restaurants and other businesses). Subjects involved in these cases are waiting to be prosecuted (Case ref.3974/3943/3985/3896/ENV).

## KON TUM

On December 21, the EP confiscated a Northern buffed-cheeked gibbon (*Nomascus annamensis*) from a local restaurant. The animal was transferred to the Chu Mom Ray National Park. The case was reported by an informant in Hanoi (Case ref.3880/ENV).



## QUANG NINH

On February 14, Quang Ninh EP confiscated a dead tiger which was being hidden in an ambulance. The vehicle originated in Huong Son district of Ha Tinh province. This tiger most likely came from Laos and was being taken to China (Case ref.3965/ENV).

## HA TINH

On December 26, Ha Tinh authorities confiscated a large quantity of wildlife from a truck including 821 kg of giant Asian pond turtles (*Heosemys grandis*), more than 900 kg of water monitors (*Varanus salvator*) and numerous water snakes. The subject was fined a total of VND 450 million (USD 22,500) (Case ref.3898/ENV).

## DONG NAI

On March 3, a company in Dong Nai voluntarily turned over seven registered Asiatic black bears (*Selenarctos thibetanus*) to the Cat Tien Rescue Center. According to a company representative, the bears were bought in 2005 as cubs and the company no longer wishes to keep them (Case ref.3986/ENV).

## SON LA

On February 14, Son La FPD transferred a Himalayan griffon vulture (*Gyps himalayensis*), which was confiscated earlier from a local resident, to the Soc Son Rescue Center. The subject asked to be compensated for capturing and keeping the bird but his demand was refused by authorities (Case ref.3948/ENV).

## THANH HOA

On December 15, Thanh Hoa FPD stopped a public bus and confiscated more than 30 kg of snakes including king cobras (*Ophiophagus hannah*), Indochinese rat snakes (*Ptyas korros*) and radiated rat snakes (*Elaphe radiata*). The case was reported by an informant who was on the same bus originating from Ho Chi Minh City. The subject received a fine of VND 13 million (USD 650) (Case ref.3874/ENV).

## KHANH HOA

On February 7, Khanh Hoa authorities responded quickly to a public report and confiscated two Hawksbill sea turtles (*Eretmochelys imbricata*) from a local gas station. The animals were immediately released into the Dam Mon Nature Reserve (Case ref.3950/ENV).



A gibbon confiscated from a restaurant in Kon Tum province and transferred to the Chu Mom Ray National Park

Photo: Chu Mom Ray National Park

## GIA LAI

On January 10, authorities raided a resident's home and confiscated 315 kg of frozen wildlife meat. The subject claimed that he bought the meat from many different places in neighboring provinces (Case ref.3936/ENV).

## PHU YEN

On Dec 26, 2011 Tay Hoa district authorities confiscated 37 civets and 21 brush-tailed porcupines (*Atherurus macrourus*). The animals were released immediately in a local protected forest and the subject received an administrative fine (Case ref.3903/ENV).

## VINH PHUC

On December 22, Vinh Phuc authorities confiscated 37 king cobras (*Ophiophagus hannah*) which were being transported in a taxi. The subject said that he bought the animals from people in Dien Bien, Son La, and Lai Chau and was heading to Lang Son. The animals were transferred to the Soc Son Rescue Center and the subject is waiting to be prosecuted (Case ref.3905/ENV).

## QUANG NGAI

Almost three months since the case was reported, Quang Ngai FPD finally confiscated an Asiatic Black bear (*Selenarctos thibetanus*), which was being illegally kept by a local resident. The animal was transferred to the Animal Asia Foundation's Bear Sanctuary in Tam Dao National Park (Case ref.3817/ENV).

## The ENV Wildlife Crime Unit

ENV's Wildlife Crime Unit (WCU) was established in 2005 to encourage greater public involvement in efforts to combat illegal wildlife trade, and to strengthen the effectiveness of front line law enforcement agencies through support and cooperation, and facilitating public reporting of crimes.

The WCU administers a national toll-free 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 almost 4,000 wildlife crime cases as of February 29, 2012.

### The main aims of ENV's Wildlife Crime Unit 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

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

World Society for the Protection of Animals (WSPA)

Humane Society International (HSI)

Critical Ecosystem Partnership Fund (CEPF)

John D. and Catherine T. MacArthur Foundation

SeaWorld & Busch Gardens Conservation Fund

Rufford Maurice Laing Foundation

United States Fish and Wildlife Service

Cleveland Metroparks Zoo

Houston Zoo

Auckland Zoo

Columbus Zoo

Freeland Foundation

United States Agency for International

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ENV English Website: [www.envvietnam.org](http://www.envvietnam.org)

Wildlife Crime Gallery: [www.savingvietnamswildlife.org](http://www.savingvietnamswildlife.org)

ENV Facebook: <http://www.facebook.com/EducationforNatureVietnam>



## 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**