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Introduction

The illegal wildlife trade involves many actors such as poachers, middlemen, local communities, processing centres, web and markets (Moreto, 2011). It is **one of the most profitable criminal activities** capable of generating huge illegal incomes.

Illegal wildlife usually comes from African and Asian countries, with destination countries including China, Malaysia, Vietnam, and Singapore. **The EU is a major transit point for illegal trade** in wildlife and an important destination market from different points of view (Lemaitre, 2020).

The EU adopted an **Action Plan against wildlife trafficking** in February 2016. Six years after its adoption many problems still persist, and the EU remains a major transit region of illegal wildlife trade as well as one of the most important markets for the trafficking in endangered species.

The worldwide legal wildlife trade is estimated to be worth over 300 billion USD annually, while the IWT is valued at up to **20 billion USD** (EFFACE project, 2020). The international nature of the trade makes it difficult to control. The impact on biodiversity is simply catastrophic, with many species brought to the brink of extinction.



The involvement of organised crime groups has been deeply documented by **Europol**, while the majority of experts also identifies a connection between organised crime and the illegal trade in birds, ivory and Rhino horn, reptiles and tiger parts in Asia, Africa, Europe and Latin America.

While most illegal wildlife trade offences are reportedly committed by individuals, **the role of organised crime groups in the trade has demanded further attention due to the greater scale of their offending** and their capacity to engage in armed violence and **corruption**.

All EU Member States, as Parties to CITES, are required to monitor and regulate the trade in CITES-listed wild species. CITES regulates the trade in appendix II listed species and generally bans the trade of appendix I listed species. However, there are many more species in trade, which are not protected under the Convention. The effectiveness of CITES, and related legislation, relies on adequate enforcement and prosecution.

In addition to the international trade, internal illegal trade can also be a problem.



Some Member States such as Slovenia, the Czech Republic and Spain have designed strategic plans to tackle wildlife trafficking at the national level.

For more information: <https://www.animalshealth.es/fileuploads/user/Plan%20TIFIES.PDF>

Civil society organizations also have a role to play in supporting the efforts of authorities in tackling illegal wildlife trade.

EU and the Member States have obtained interesting political results with the adoption of several **resolutions** and have dedicated huge financial support to the fight against illegal wildlife trade. However, the **role played by civil society organisations** in tackling illegal wildlife trade has not been acknowledged or reflected by such initiatives.

The **partnerships concluded by Europol with TRAFFIC and the Wildlife Justice Commission** in 2017 to join forces to combat wild-life crime are an important example that should be further replicated.



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Facts

In 2010, in Czech Republic, a custom officer while checking transport documentation of rhino horns from the Republic of South Africa to Czech Republic as a personal trophies of a Czech hunter, discovered a **Vietnamese veterinary certificate of the trophy**. This immediately aroused suspicion of a rhino horns trafficking case.

An investigation then started on the basis of these suspicious facts, and in March 2012, 5 pairs of rhino horns transported in the names of other Czech hunters were seized at Vaclav Havel Airport in Prague. The officially declared value of each pair was 100 dollars (Nožina, 2020).

In 2011, Slovak customs officers detained five Czech citizens at Bratislava Airport with rhino horns in their luggage. They had all the documents that were required for the transport of rhino horn in order, but their official declaration contained an **improbably low customs value for the horns**.

A Czech business professional and a Vietnamese business professional were identified as parties in the case. Czech dealers were **pretending to be hunters undercover as criminals** connected to the Vietnamese organization with purpose to introduce rhino horns at low prices and then sell them at very high prices in the black market. An unattached structure of the criminal grouping was identified, acting both in Czech Republic and Vietnam.

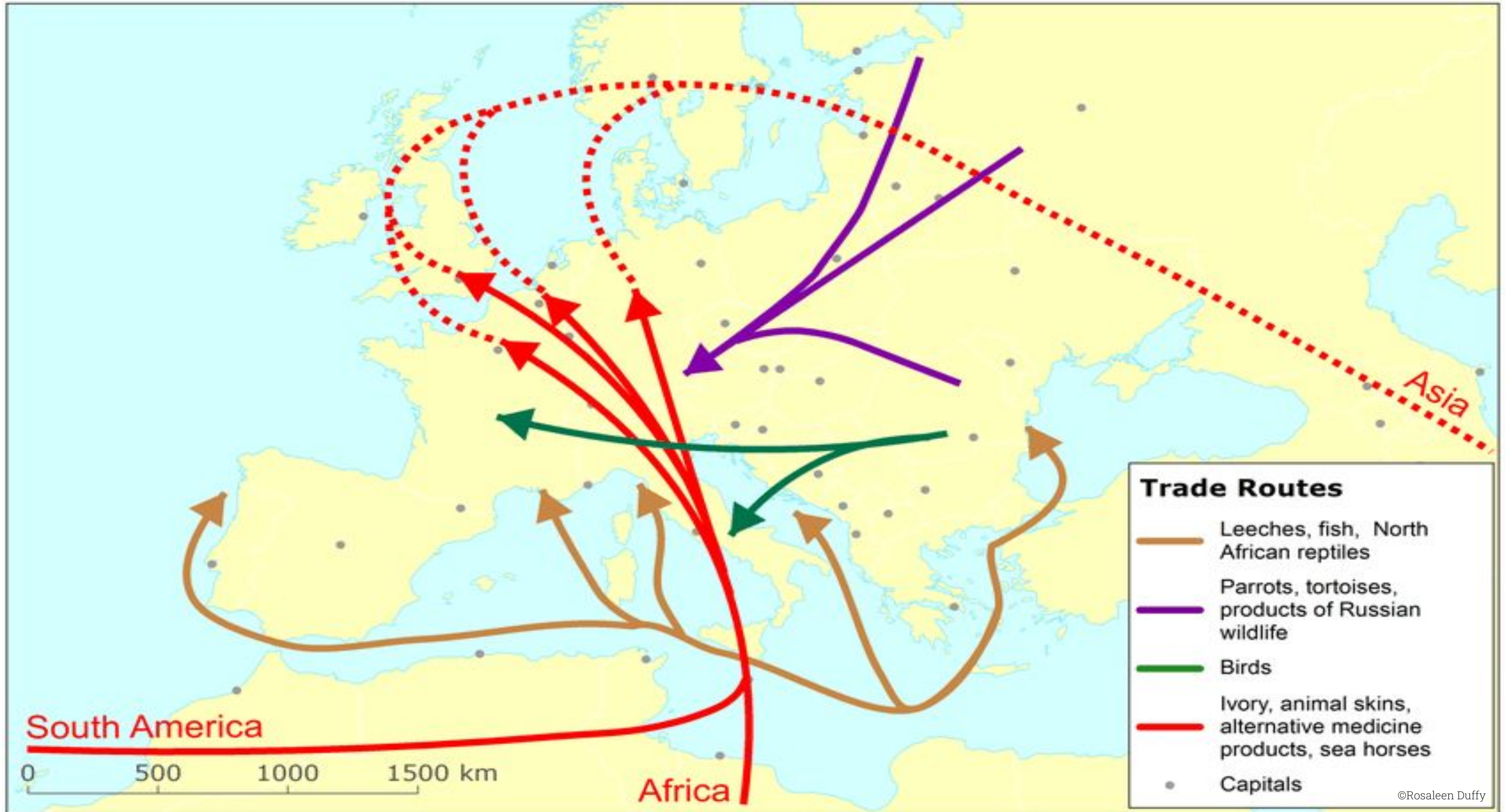


As reported by Miroslav Nožina (2020), the horns were handed over to the Vietnamese organisers, who cut them into smaller pieces and then sold them to Vietnamese residents in the CR or sent them to Vietnam. The smuggling of the horns to Vietnam was carried out via Václav Havel Airport Prague, but also via other international airports in the EU—for example, Frankfurt International Airport.

The hunting for trophies was encouraged and at the same time financed by Vietnamese criminal organisations with the purpose to deliver the horns to local Vietnamese communities living in Czech Republic and, at the same time, trying to get horns in Vietnam.

Vietnam, along with China, is one of the main markets for illegally traded rhino horn (all international trade in rhino horn has been illegal since 1977). Rhino horn is used, particularly in Vietnam, as **a symbol of wealth and status**, and in both countries as an ingredient in **traditional medicine** (Stoner, 2017). They use rhino horn to treat various ailments including hangovers, fever, gout and potentially terminal illnesses, like cancer or stroke.

China has banned the consumption of wildlife products as food, though its use as medicine and for other purposes remains legal. Vietnam proposed a similar ban in April 2020, but there was no subsequent news.





Issues

The reasons why the Czech profiles accepted to act as hunter, while they were not, are deeply rooted in socio economic dynamics. **Low incomes, the need to make money and the total ignorance of the damage being done** are the main causes triggering such actions.

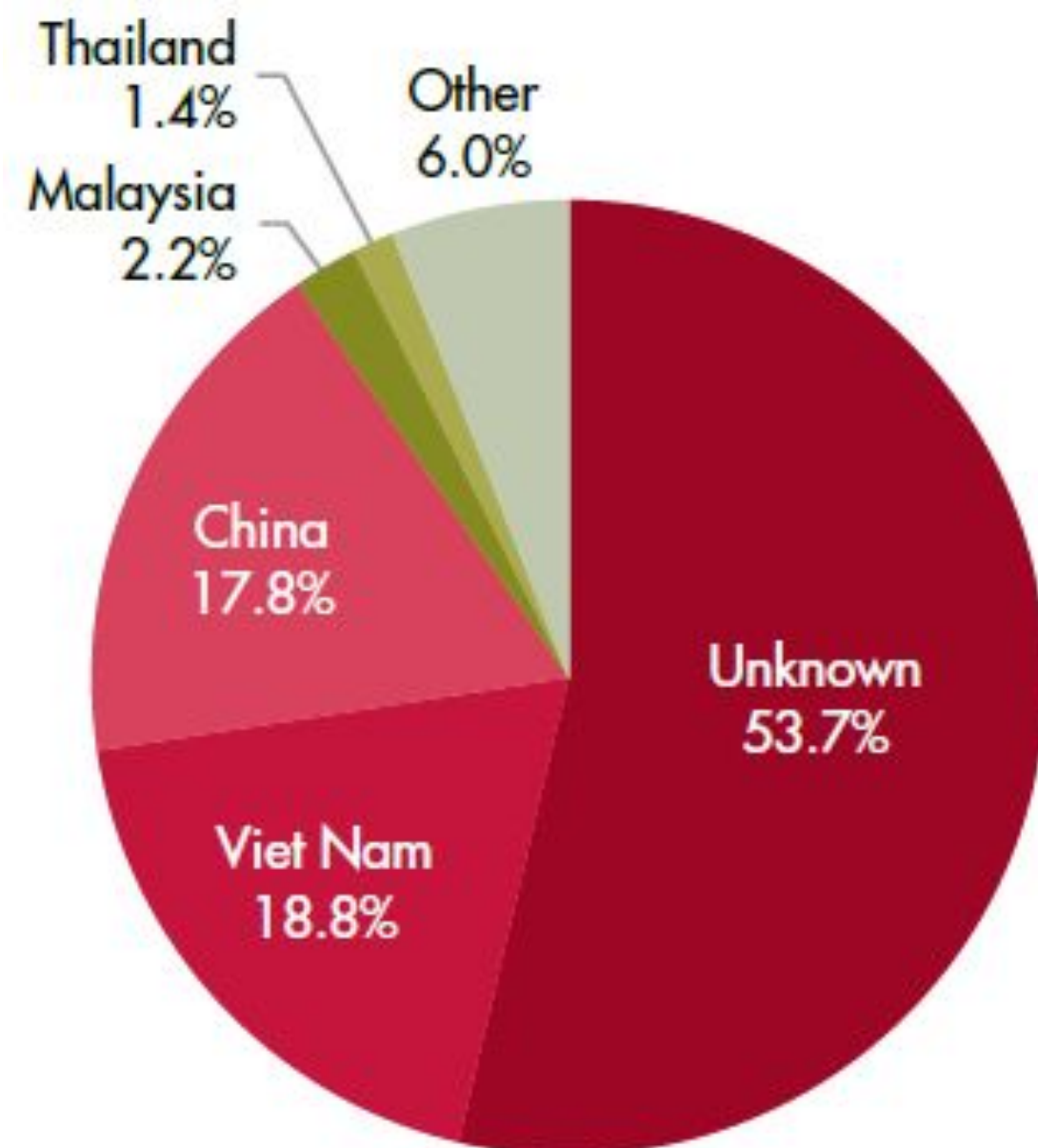
During this long investigative operation, 164 agents from General Directorate of Customs and Criminal Police and Investigation were employed, **15 persons were arrested** (one person was abroad and one other one has gone into hiding), and an additional **22 rhino horns were seized. Sixteen persons, 4 organisers and 12 pseudo-hunters were finally accused of participation in the illegal wildlife trade in July 2013.**

The EU Action Plan lists six Actions that the EU and its Member States can take to close loopholes in the EU legal framework (Action 9, Action 14, Action 20, Action 22, Action 23, and Action 29). A comprehensive approach has been undertaken whereby the EU and its Member States have been focusing their efforts strengthening consistency of actions not only by aiming at protecting endangered species but also by **targeting associated crimes such as corruption and money laundering** (Lemaitre, 2020).

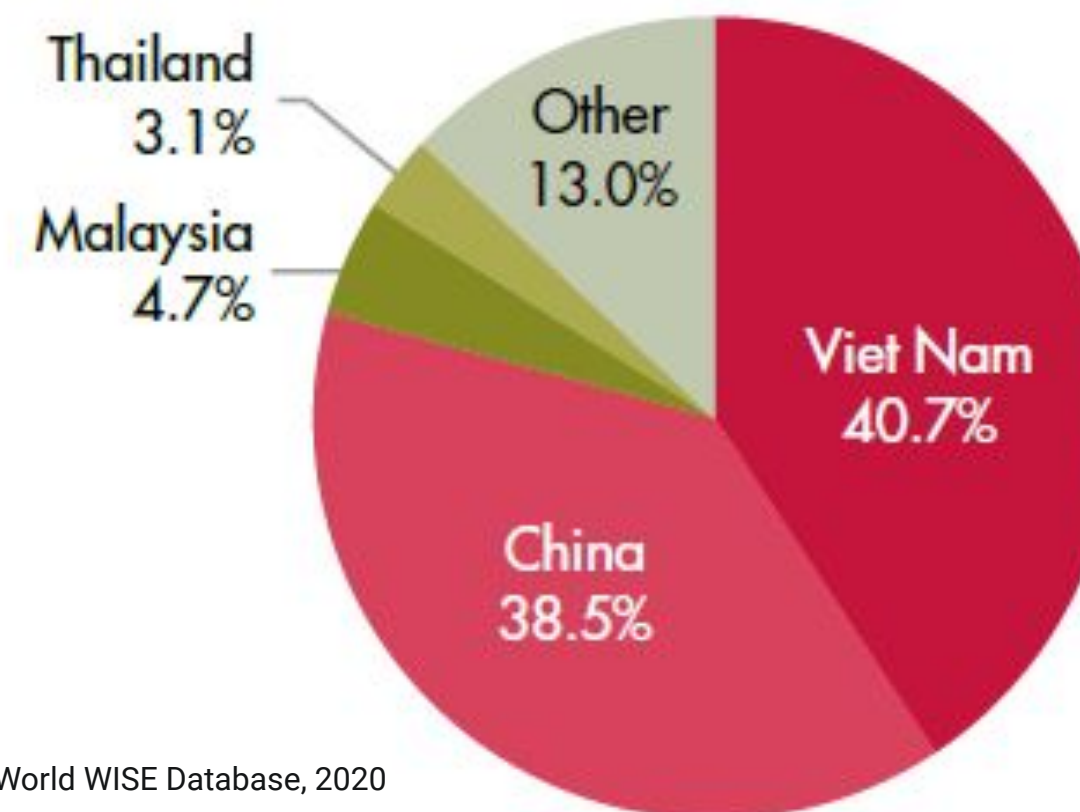


Wildlife trafficking was included in May 2017 as a **priority for the EU Policy Cycle on organised crime** for 2018-2021, which is a crucial step and should bring the EU’s action to the next level, notably by leading to more financial resources devoted towards combating illegal wildlife trade. **A Multi-Annual Strategic Plan on Environmental Crime was adopted in September 2017.** The “*killing, destruction, possession or trade of protected wild animal or plant species*” has been also made as one of the **European multidisciplinary platforms against criminal threats (EMPACT) priorities of Europol.**

Reported national destination of rhino horn seizures by weight, 2002-2019



Excluding seizures with unknown destinations



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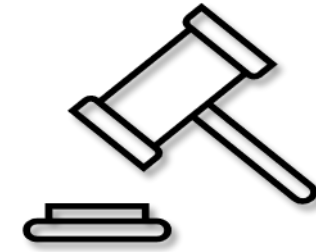


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Holdings



In June 2018, the court delivered a verdict: the Vietnamese responsible for organizing the illicit trafficking received a deferred **2-year sentence and a fine of 600,000 CZK (ca. 23,500 EUR)** for the “*unauthorised use of protected wildlife*”, and **all the other suspects were found not guilty.**

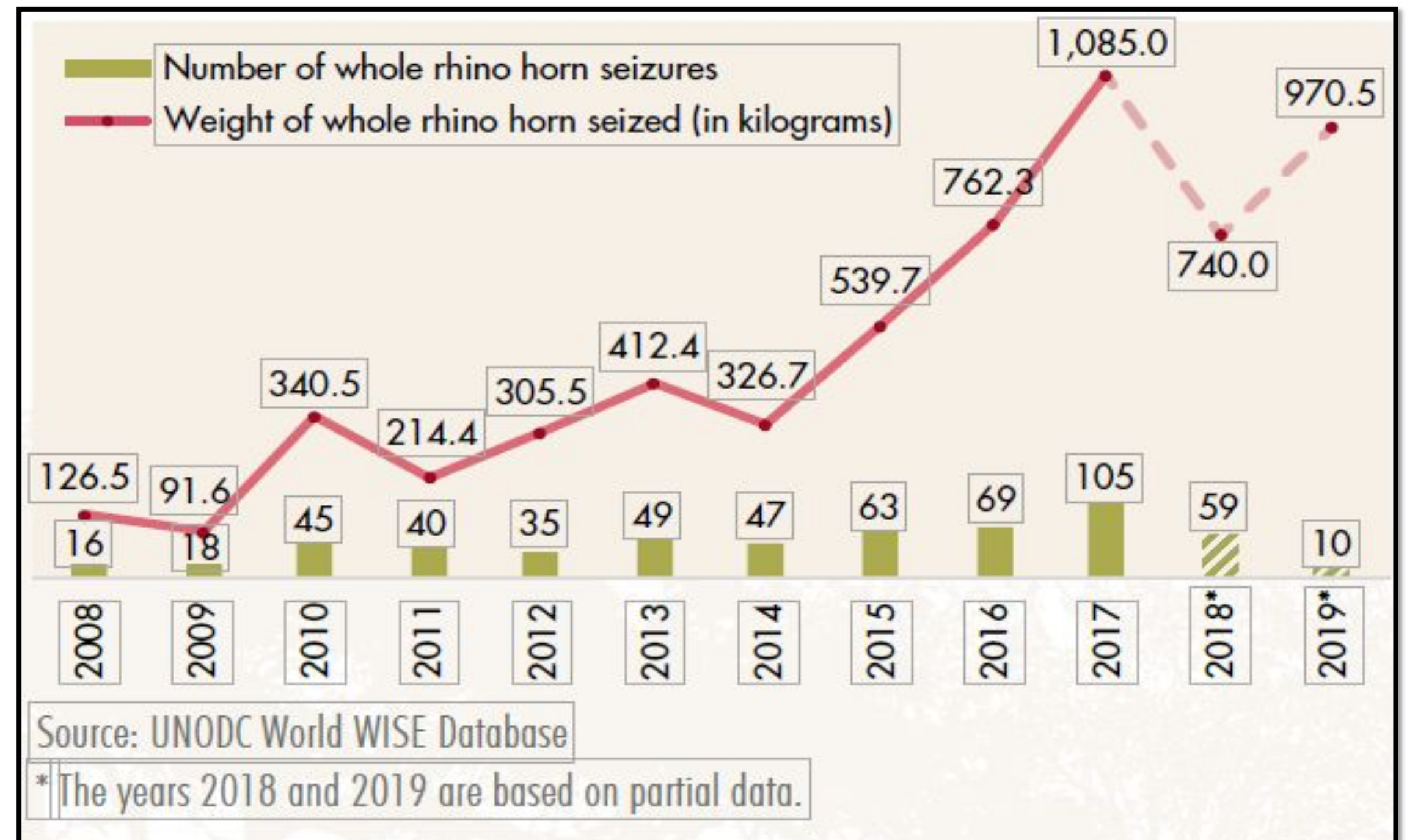
Despite the state attorney has raised an appeal, the trial is still being protracted. Although the modus operandi of the case is clear, and the engagements of the actors in the case were sufficiently proven, many discussions followed on how the case was interpreted and how the ruling was largely to be considered a misjudgment

In November 2011, Interpol, Europol, the CITES Secretariat and the CITES Management Authority of the RSA were informed about the situation in the Czech Republic (CITES 2015). Further inspections revealed that the pretending to be hunters was not limited to the Czech Republic but also to participants from other Central European countries



In Poland, 28 rhino horns imported from South Africa were recorded between 2009 and 2011. Most of these imported rhino horns have supposedly been stolen shortly after they entered Polish territory. It is highly likely that Vietnamese criminal organisations used also Polish hunters as a proxy to acquire rhino horns from South Africa for destinating them to the Asian markets.

The international cooperation of the Czech security forces with the security forces in the RSA and Vietnam was very weak. **The described crimes have been evaluated from, according to the Czech legal perspective, as local criminal offences, and their international dimension and organised crime aspects played a meaningless role during the judgements (Nožina, 2020).**





Rationale

The transnational dimension of illegal wildlife trafficking is impressive.

Among the main problems there is the fact that nearly half of the parties which have joined CITES have not implemented the Convention as required. Furthermore, CITES is a trade treaty and not an environmental law.

The need to recognize the **international relevance** of wildlife trafficking is out of question, as clearly demonstrated by the “*Czech case*”. **Cooperation between state parties is fundamental**, particularly around information sharing. As reported by the case, the lack of good cooperation and the difficulties in coordinating the investigative operations have led to a dangerous slowdown in investigations. It took eight years to reach a judgement, and not even a satisfactory one.

The **complex architecture of the crime** certainly made its solution difficult. Different typologies of crimes have been touched. Money laundering, corruption, obstruction of justice are just few of the many crimes fueling illegal wildlife trafficking and irremediably compromising biodiversity and local communities.



As reported by the “*Czech case*”, the value of seizure data comes not from what they say about the country making the seizure, but what they say about the whole supply chain (UNODC, 2020), involving many different actors. Illegal trafficking has a strong impact on the country of origin and the country of destination.

Species are swiftly being wiped out by the illegal wildlife trade and the urgency of the situation is provoking violent response among those fighting to keep these species alive. Research on organized crime estimates that between 150 and 200 poachers were killed in the Kruger National Park (SA) from 2010 to 2015. It is a biodiversity but also human emergency.

The tension between utilization of wildlife and protection is everywhere, and the most important debate is about **humans’ relationship with the nature** and with the animals in our case. This is even more true in the represented case. **A judicial system that not embrace the cause of wildlife protection will never guarantee proper punishments.**



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