REPORT

Situational Analysis on Wildlife Crime and
Law Enforcement Response in Viet Nam
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WCS has been operating in Viet Nam since 2006, focusing on supporting activities to improve the legal framework on wildlife and strengthen the law enforcement capacity for relevant authorities in Viet Nam to fight wildlife crimes. WCS prioritizes several key areas of activity to impact wildlife trafficking networks, with the ultimate goal of supporting Viet Nam's enforcement agencies to effectively prevent and fight against this type of crime.

Website: https://vietnam.wcs.org/

Citation:

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ACKNOWLEDGMENT

INTERPRETATION OF TERMS AND ABBREVIATIONS

Case	A case of violation related to wildlife for which competent authority has issued a decision on initiation of criminal proceedings
CITES	Convention on International Trade in Endangered Species of Wild Fauna and Flora
CPC	Criminal Procedure Code
ICCWC	International Consortium on Combating Wildlife Crime
PC	People's Court
PP	People's Procuracy
SPC	Supreme People's Court
SPP	Supreme People's Procuracy
UNCAC	United Nations Convention Against Corruption
UNODC	United Nations Office on Drugs and Crime
UNTOC	United Nations Convention Against Transnational Organized Crime

EXECUTIVE SUMMARY

This report provides an overview of wildlife crime and law enforcement in Viet Nam in the period of 2020-2021. The content of the report is built on data collected, synthesized, and analyzed from statistical sheets provided by People's Procuracies (PP) at all levels in collaboration with relevant authorities. Data relevant to statistic criteria collected from 47 centrally governed provinces and cities (the remaining 16 localities did not record appropriate data) was analyzed following the set of indicators proposed by the International Consortium on Combating Wildlife Crime (ICCWC), United Nations Office on Drugs and Crime (UNODC), and organizations and experts working in prevention and control of wildlife-related crimes. The report also compares and evaluates the effectiveness of wildlife crime handling before and after the Covid-19 pandemic (2018-2019 and 2020-2021).

Below is a summary of the key findings presented in this report:

● *Total number of cases and persons arrested and criminally handled*

In two years (2020-2021), authorities initiated criminal proceedings in 298 cases with 389 suspects for violations of the law on the protection of wildlife in general and endangered, precious, and rare animals in particular. Specifically:

In 2020: initiation of criminal proceedings in 130 cases with 158 suspects.

In 2021: initiation of criminal proceedings in 168 cases with 231 suspects.

Of the 298 aforementioned cases, there were 16 cases in which suspects had not been identified.

● *Offenses committed by persons arrested and initiated legal proceedings*

Out of 389 suspects arrested and initiated criminal proceedings, wildlife trade was the most frequent offense subject to initiation of criminal proceedings, accounting for 43.7% (170/389 suspects), followed by illegal transportation with 21.08% (82/389 suspects), illegal storage with 8.74% (34/389 suspects), illegal poaching with 4.63% (18/389 suspects), illegal keeping with 3.86% (15/389 suspects). The rest were combined offenses accounting for 17.48% (68/389 suspects).

● *Seized wildlife exhibits*

Within two years (2020-2021), law enforcement agencies seized at least 2,046 individuals and 12,744 kilograms of wildlife, related to 84 species that were illegally hunted, killed, reared, held, stored, transported, and traded. In particular, the most commonly seized species were endangered, precious and rare species such as Sunda pangolin, elephant, king cobra, tiger, big-headed turtle, Yellow-headed box turtle, hawksbill sea turtle, rhinoceros, etc. The most common types of seized wildlife exhibits were wildlife individuals (alive, dead, frozen, dried - specimens) or bones, ivory, rhino horns, etc.

● *Source, destination, and origin of wildlife*

Collected data shows that wildlife-related cases with origin, source, and destination within Viet Nam accounted for the majority of cases with 92.28% (275/298 cases) and the remaining 7.72% (23/298 cases) involved foreign elements (source/ destination/ origin). *Of*

note, this data only partially reflects the reality about the source, destination, and origin of wildlife because in many cases, the offenders did not declare or declared incomplete or incorrect information pertaining to source, destination, and origin.

- ***Distribution of gender, nationality, and age of offenders***

In the period of 2020-2021, male offenders related to wildlife accounted for the majority compared to females with the proportion of 83.8% (326/389 suspects) and 16.2% (63/389 suspects), respectively.

In terms of nationality, of the suspects arrested for wildlife-related crimes, Vietnamese nationals accounted for the majority with 99.74% (388/ 389 suspects) and only 1 suspect was a foreigner (Cambodian citizen), accounting for 0.26%.

Notably, wildlife-related offenders were mainly young people of working age. Of whom, offenders aged from 30 to 35 years old accounted for a high proportion of 22.37% (87/389 suspects), followed by the age group of 24 - 29 with 19,79% (77/389 suspects), 36 - 41 with 18.51% (72/389 suspects), 42 - 47 with 11.31% (44/389 suspects), 48 - 53 with 10.03% (39/389 suspects), 18 - 23 and 54 - 59 with 7.2% (28/ 389 suspects) each, 60 - 65 with 2.57% (10/ 389 suspects) and the smallest age group of 66 and older, with only 1.03% (4/389 suspects). In particular, there was no case of wildlife-related offenders aged under 18 during this period.

- ***Effectiveness of law enforcement in localities***

Some localities had a high number of wildlife-related arrests and initiation of criminal proceedings with an even distribution throughout 24 months (2020-2021). These were large cities or provinces with border areas and considered "hot spots" for wildlife crime, including Ha Noi (84 cases/113 suspects), Nghe An (24 cases/30 suspects), Thanh Hoa (16 cases/14 suspects), Quang Ninh (14 cases/26 suspects), Ho Chi Minh City (12 cases/10 suspects), Ha Tinh (8 cases /11 suspects), Son La (8 cases/ 14 suspects), Tuyen Quang (10 cases/ 9 suspects), Lai Chau (8 cases/ 14 suspects), Dak Nong (8 cases/ 9 suspects), Lam Dong (8 cases/ 8 suspects), Quang Binh (7 cases/ 9 suspects), Dak Lak (6 cases/ 10 suspects), Kien Giang (6 cases/ 10 suspects) and Ninh Binh (6 cases/ 9 suspects). Meanwhile, some localities recorded a low number of cases or suspects initiated in legal proceedings (1 case/1 suspect) such as Phu Tho, Ha Nam, Hung Yen, Binh Thuan, and Can Tho.

16 localities reported no initiation of criminal proceedings related to wildlife during this period, including Binh Dinh, Ca Mau, Cao Bang, Hai Phong, Lao Cai, Thai Binh, Khanh Hoa, Long An, Bac Lieu, Ben Tre, Dong Thap, Hau Giang, Tien Giang, Tra Vinh, Vinh Long, and Soc Trang. Within which Long An, Bac Lieu, Ben Tre, Dong Thap, Hau Giang, and Soc Trang were 6 localities that documented no wildlife violations subject to criminal handling in 4 consecutive years (from 2018 to 2021).

- ***Applied crimes***

Among the total of 367 defendants tried by People's Courts (PCs) at all levels according to first-instance procedures, most defendants were tried for the crime of violating stipulations on management and protection of endangered, precious and rare animals (Article 244 of the 2015 Penal Code, *amended and supplemented in 2017*) accounting for 98.09% (360/367

defendants) while defendants tried for the crime of violating stipulations on wildlife management and protection (Article 234 of the 2015 Penal Code, *amended and supplemented in 2017*) and the crime of storing and transporting banned goods (Article 191 of the Penal Code 2015, *amended and supplemented in 2017*) accounted for 1.63% (6/367 defendants) and 0,27% (1/367 defendants), respectively.

- *Type of penalty and level of punishment*

Among the total of 367 suspects tried by PCs at all levels according to first-instance procedures, term imprisonment accounted for the highest proportion with 49.32% (181/367 defendants), suspended sentence ranked second with 47.96 % (176/367 defendants); monetary fines and non-custodial rehabilitation made up the lowest proportion with 1.91 % (7/367 defendants) and 0.54% (2/367 defendants), respectively. In addition, 0.27% (1/367 defendants) were exempted from penal liability.

Of the total of 181 defendants sentenced to term imprisonment for wildlife-related crimes, the number of defendants sentenced to imprisonment of 1 to 3 years accounted for the highest proportion of 59.67% (108/181 defendants); the number of defendants sentenced to imprisonment of over 3 to 7 years ranked second with 24.31% (44/181 defendants); the number of defendants sentenced to imprisonment of over 7 to 10 years ranked third with 6.63% (12/181 defendants); the number of defendants sentenced to imprisonment of more than 10 years accounted for 5.52% (10/181 defendants) and the number of defendants subject to imprisonment of less than 1 year made up the smallest proportion of 3.87% (7/381 defendants).

Of the 10 defendants who were fined (as the main penalty) with a total amount of 3.850 billion VND, the highest fine was 700 million VND, and the lowest fine was 50 million VND.

In addition to the main penalty, 22 out of 367 defendants who were tried according to first instance procedures (6%) were also subject to the additional penalty of fine with a total amount of 1.165 billion VND, of which the highest fine was 100 million VND and the lowest one was 50 million VND. Only 1 defendant out of 367 (0.27%), who was tried according to first instance procedure and subject to the additional penalty of deportation was a foreigner committing wildlife-related crimes in Viet Nam.

OVERVIEW

1. Assessment context

2020-2021 is the most severe period of the Covid-19 pandemic worldwide that claimed the lives of millions of people. In Viet Nam, the Covid-19 pandemic not only caused damage to the life and health of the entire society but also directly affected economic development, security, and order, including law enforcement activities of authorities. The prolonged time for verification and investigation work due to travel restrictions and limited contact with many people during social distancing periods had significant impacts on the acceptance and handling of law violations in general and violations related to wildlife protection in many agencies and localities. Besides, Covid-19 is believed to be the driving factor for the increasing wildlife-related violations in cyberspace, such as sale advertisements on social network platforms (such as Facebook, YouTube, Zalo, TikTok, etc.) or other e-commerce sites. In addition, Covid-19 is also thought to have originated from wildlife at a live wildlife market in China (*Cyranoski, 2020; Lu et al., 2020; Zhang et al., 2020; Zhou et al., 2020*). Therefore, during this period, the risk of disease transmission from wildlife to humans was of particular concern in Viet Nam.

To minimize the threat to public health, the Government has taken rapid and drastic actions to limit the risk of pathogen emergence, specifically the potential diseases caused by viruses transmitted from wildlife to humans regardless via legal or illegal trade activities. Concurrently, the Government has provided specific instructions to relevant law enforcement agencies to enhance investigation, arrest, and handling with due punishments of individuals and legal entities involved with illegal wildlife trafficking networks, particularly transnational organized crime groups.

In Directive No. 05/CT-TTg dated January 28, 2020, on the prevention and control of acute respiratory infections caused by a new strain of Coronavirus, the Prime Minister directed the *"ban on importing wildlife into Viet Nam"*. Following that, the Prime Minister issued Directive No. 29/CT-TTg dated July 23, 2020, on a number of urgent solutions to wildlife management, in which a special directive was "*to stop importing wildlife, live or dead, eggs, larvae, parts, derivatives thereof […] until there is a new direction of the Prime Minister, or a special case is approved by the Prime Minister. Any case of importing wildlife contrary to this Directive must be strictly handled according to the provisions of the law on illegal wildlife*". With Directive 29, the Prime Minister directed all agencies and departments at both central and local levels to join hands to protect wildlife by improving management and law enforcement and strictly handling violations of legislation on wildlife protection. At the same time, the Prime Minister proposed the SPP and SPC apply severe punishments to the masterminds, leaders, and those who abuse their positions and powers to commit crimes related to wildlife and endangered, precious and rare wild animals.

The period of 2020-2021 also saw the issuance of new stipulations on wildlife management and protection since the major changes in the Penal Code in 2015 (*amended and supplemented in 2017*) on wildlife-related crimes. Specifically, the National Assembly promulgated the Law on Investment in 2020, which contains an Appendix specifying the list of endangered, precious, and rare species of forest flora, fauna, and aquatic species as a basis for stipulating business

areas and lines prohibited from investment (effective from January 1, 2021). In addition, the Government also issued, amended, and supplemented a number of documents such as Decree 98/2020/ND-CP dated August 26, 2020, providing for penalties for administrative violations on commerce, production, and trade in counterfeit and banned goods, and protection of consumer rights (effective as of October 15, 2020); Decree 38/2021/ND-CP dated March 29, 2021, stipulating penalties for administrative violations in the field of culture and advertising (effective as of June 1, 2021); Decree 84/2021/ND-CP dated September 22, 2021 amending and supplementing a number of articles of Government's Decree 06/2019/ND-CP dated January 22, 2019 on the management of endangered, precious and rare fauna and flora and CITES implementation (effective as of November 30, 2021).

In this context, regular analysis and assessment on a national scale provide insight into wildlife-related crime and trends to support the relevant authorities to come up with solutions for the prevention and combatting of illegal wildlife trade and timely and effective disease prevention and control, among other solutions.

2. Assessment objectives

a. To analyze and assess wildlife crime situation and trends from 2020 through 2021 (through the number of cases, violated wildlife species or confiscated wildlife products, offenders, offenses, and criminal tools);

b. To analyze and assess law enforcement effectiveness of functional authorities on this type of crime (agencies in charge of arrest/ prosecution/ trial and coordination mechanism, etc.);

c. To identify the advantages and disadvantages of case handling practice. On such basis, to make recommendations to improve the legal framework and enhance enforcement efficiency by relevant authorities.

3. Assessment scope

The assessment in this report is caveated by the following:

- Types of violations: Only including wildlife-related violations subject to criminal handling (excluding violations that were administratively handled).
- Violated species: Including wildlife species being forest animals and other terrestrial animals, excluding aquatic species (except sea turtles).
- Crimes initiated legal proceedings, prosecuted and adjudicated: Only including cases, suspects, and defendants subject to decisions on initiation of legal proceedings, prosecuted and tried by Viet Nam's authorities under 03 articles of the Penal Code 2015 (*amended and supplemented in 2017*), namely the crime of storing and transporting banned goods (Article 191); the crime of violating stipulations on protection of wild animals (Article 234) and the crime of violating stipulations on protection of endangered, precious and rare animals (Article 244).
- Duration of statistical data collection: Only including cases, suspects and defendants initiated legal proceedings, prosecuted, and adjudicated from January 1, 2020 to December 31, 2021.
- Law enforcement agencies on wildlife protection: In addition to key law enforcement forces (Police, Rangers, Border Guards, Customs), including other collaborating forces in detecting, arresting, and handling wildlife-related crimes such as market surveillance and aviation security, etc.

4. Assessment methodologies

a. Data collection:

Department 2, SPP served as the focal point in gathering, synthesizing, and analyzing data collected and provided by PPs at all levels in collaboration with relevant functional authorities of provinces and centrally governed cities nationwide.

Data was collected from data sources on receiving and handling denunciations, crime reports, proposals on initiation of legal proceedings, and files of criminal cases related to wildlife across the country. Collected criminal cases included cases initiated legal proceedings, prosecuted and tried in the period from January 1, 2020, to December 31, 2021, and cases detected and arrested during this period but had legal proceedings initiated after December 31, 2021, were not included. Cases that had initiated legal proceedings or were prosecuted before January 1, 2020, but prosecuted or tried after January 1, 2020, were still collected for analysis and included.

Detailed information is described in the Statistical Form on handling violations of stipulations on the protection of wildlife, endangered, precious, and rare animals (Appendix).

b. Data verification:

To further clarify the comments and assessment presented in the report, Department 2, SPP together with WCS Viet Nam selected and conducted a field survey in a number of localities, including Lai Chau, Dien Bien, Kon Tum, Dak Lak, Tay Ninh, and Ca Mau. Through working sessions with representatives of provincial PPs, law enforcement, and judicial authorities, the survey aimed to verify the collected data; and concurrently obtain relevant additional information for the report.

c. Data collection and analysis:

Collected data was aggregated and analyzed by indicators based on methods proposed by ICCWC, UNODC, organizations, and experts in the field of crime prevention and combating related to wild fauna and flora species.

In addition, data on the results of handling wildlife-related crimes from 2020 through 2021 was also compared with that of the period of 2018-2019 to measure the effectiveness in fighting, handling, and preventing wildlife-related crimes in the period before and after the outbreak of Covid-19 pandemic in Viet Nam.

5. Limitations of the assessment

a. Comprehensiveness

- The assessment data does not include administrative violations, thereby it does not fully reflect the overall picture of wildlife violations and crimes in Viet Nam in the period of 2020- 2021.

- Data appropriate for the given criteria were collected only in 47 provinces and centrally governed cities as the remaining 16 localities reported no violations related to wildlife requiring arrest or prosecution from 2020 through 2021, including Binh Dinh, Ca Mau, Cao Bang, Hai Phong, Lao Cai, Thai Binh, Khanh Hoa, Long An, Bac Lieu, Ben Tre, Dong Thap, Hau Giang, Tien Giang, Tra Vinh, Vinh Long, and Soc Trang.

- Some data were not fully recorded, including limited documentation of reported arrests,

origin, source, and destination, making it difficult to draw accurate and comprehensive conclusions about key routes and areas. Some violations were terminated or suspended from the investigation with the documented reason of "change in policies and laws" without specifying which policies and laws.

- This is a quantitative and problem analysis report based on specific numbers related to criminal handling of wildlife-related crimes. Due to the lack of qualitative information, the report cannot provide an in-depth analysis of the main causes of illegal wildlife poaching, killing, rearing, confining, storing, transporting, and trading; and difficulties and obstacles in the application of law and the detection and handling by the authorities to be able to propose concrete measures to improve the efficiency of this work.

b. Consistency

- On the unit of wildlife: To be able to analyze in detail the extent and situation of wildlife species being poached, killed, reared, confined, stored, transported, and traded illegally, it is required to collect detailed information on wildlife species, types of wildlife and wildlife products (live, frozen, skin, meat, bones, horns, tusks, scales, manufactured products, etc.), quantity of each species (individual, chunks, horns, pieces, feathers, tails, etc.) and the weight of each seized species by type (number of kilograms). Although the focal agency developed a statistical form and detailed instructions for local agencies to consistently apply calculation methods for statistics and data analysis, many forms of wildlife and wildlife products were difficult to unitize, for example: documenting bear bile in bottles/jars or milliliters, rhino horns in pieces/chunks or kilograms, etc.

- On the method of inventory: Authorities applied different methods of inventorying wildlife exhibits in the violation cases, including by quantity (individuals, parts, products, etc.) or by weight of wildlife, wildlife products; many authorities even did not record (and/or enter) full quantity (individuals), weight (kilograms) of various parts of wildlife (heads, nails-claws, teeth - fangs, bile, etc.) in the Statistical Form, so it is not possible to fully summarize the number, weight and other forms of wildlife that were seized and criminally handled from 2020 through 2021.

This inconsistency does not allow further analysis of trends, number, and weight of wildlife and other forms of wildlife (heads, nails/claws, teeth/fangs, bile, etc.) poached killed, reared, confined, stored, transported, and traded illegally, thereby limiting the reliability and completeness of the report.

c. Objectivity

As raw information and data used in this report were collected by local prosecutors and then passed through several levels before being aggregated, errors are inevitable.

I. SITUATION OF WILDLIFE CRIMES IN VIET NAM, 2020-2021

1.1. Magnitude of wildlife crimes

1.1.1. Number of cases and number of seized wildlife species

From 2020 through 2021, law enforcement agencies of Viet Nam issued decisions to initiate criminal proceedings in 298 cases and against 389 suspects for violating law stipulations on the protection of endangered, precious, and rare species (in which, there were 16 cases where suspects were not identified).

In the aforementioned 298 cases, violations connected to **84** different protected **species**. Specifically: **40/84** species are on the List of endangered, precious and rare species prioritized for protection attached to Decree No. 64/2019/ND- CP dated July 16, 2019, of the Government; **42/84** species are of group IB and **23/84** species are of group IIB of the List of endangered, precious and rare fauna and flora attached to Decree No. 84/2021/ND-CP dated September 22, 2021, of the Government; **01/84** species is on the List of endangered, precious and rare aquatic species enclosed with Decree No. 26/2019/ND-CP dated March 8, 2019, of the Government and **14/84** species are common forest animals.

The number of cases related to Sunda pangolin *(Manis javanica)* accounted for the largest proportion of 23.49% (70/298 cases), followed by king cobra *(Ophiophagus hannah)* with the second highest proportion of 22.48% (67/298 cases), yellow-headed box turtle (*specific species unknown*) and Asian black bear (*Ursus thibetanus*) with the proportion of 10.74% (32/298 cases) each, serow (*Capricornis milneedwardsii*) with 8.05% (24/298 cases), big-headed turtle (*Platysternum megacephalum*) with 6.71% (19/298 cases), leopard species with 6.04% (18/298 cases), tiger species with 5.7% (17/298 cases), and rhino species with 5.37% (16/298 cases) - (**Figure 1**).

1.1.2 Forms of seized wildlife

Wildlife species seized in violations existed in the forms of individuals (alive, dead, or frozen) with measuring units by individual and kilogram (kg); body parts (meat, bones, skin, limbs, scales, horns, etc.) measured by the kilogram (kg) and others such as nails, claws, teeth, manufactured products, bile, etc. counted per piece.

In 298 wildlife-related criminal cases in the 2020-2021 period, there was a total of 2,046 individuals and 12,744.13 kg of wildlife. In which:

- Regarding the number of individuals, of the total 2,046 wildlife seized by law enforcement agencies, 78.49% were still alive (1,606/2,046 individuals); 11.73% dead (240/2,046 individuals); 6.55% frozen (134/2,046 individuals); 1.91% in specimens (39/2,046 individuals); 1.27% dried (26/2,046 individuals) and 0.05% (01/2,046 individuals) stuffed (**Figure 2**).

- In terms of weight, of the total over 12,744.13 kg of wildlife seized by law enforcement agencies, live wildlife accounted for the highest proportion of 29.84% (3,803.2/12,744.13 kg), followed by wildlife bones which accounted for 25.07% (3198.2/12,744.13 kg), dead wildlife consisted of 13.35% (1,701.4/12,744.13 kg), frozen wildlife accounted for the third highest proportion of 4.87 % (621/12,744.13 kg), ivory ranked fourth with 3.24% (413.32/12,744.13 kg) and rhino horn ranked fifth with 2.86% (363.86/12,744.13 kg). In

addition, there was a small proportion of wildlife meat, dried wildlife, limbs, specimens, manufactured products, and other forms of wildlife (**Figure 3**).

Species	Percentage
Sunda pangolin	23.49%
King cobra	22.48%
Indochinese box turtle	10.74%
Asian black bear	10.74%
Serow	8.05%
Big-headed turtle	6.71%
Leopard Cat	6.04%
Tiger	5.70%
Rhinoceros	5.03%
Elephant	4.36%
Oriental small-clawed otter	4.36%
Pygmy loris	4.36%
Sun bear	3.69%
Binturong	2.35%
Black-shanked douc langur	2.01%
Leopard Cat	2.01%
Lion	1.68%
Slow loris	1.68%
Lesser mousedeer	1.68%
Siamese crocodile	1.68%
Yellow crested gibbon	1.34%
Red-shanked douc	1.34%
Callosciurus erythraeus	1.34%
Clouded monitor	1.34%
Great hornbill	1.34%
Grey peacock-pheasant	1.34%
Atherurus macrourus	1.34%
Masked palm civet	1.34%
Asian palm civet	1.34%
Vietnamese pond turtle	1.01%
Keeled box turtle	1.01%
Hawksbill sea turtle	1.01%
Wild boar	1.01%
Hoary bamboo rat	1.01%
Silver-cheeked lemur	1.01%
White-necked langur	0.67%
Grey shanked douc	0.67%
Alexandrine parakeet	0.67%
Chinese pangolin	0.67%
Black giant squirrel	0.67%
Red giant flying squirrel	0.67%
Impressed tortoise	0.67%
Black-breasted leaf turtle	0.67%
Oldham's leaf turtle	0.67%
Four-eyed turtle	0.67%
Sea turtle	0.67%
Wreathed hornbill	0.67%
Giant muntjac	0.67%
Asian water monitor	0.67%
Stump tailed macaque	0.67%
Pig tailed macaque	0.67%
Silver pheasant	0.67%
Oriental darter	0.67%
Spotted linsang	0.67%
Gaur	0.67%

Figure 1. Percentage of cases initiated criminal proceedings by wildlife species
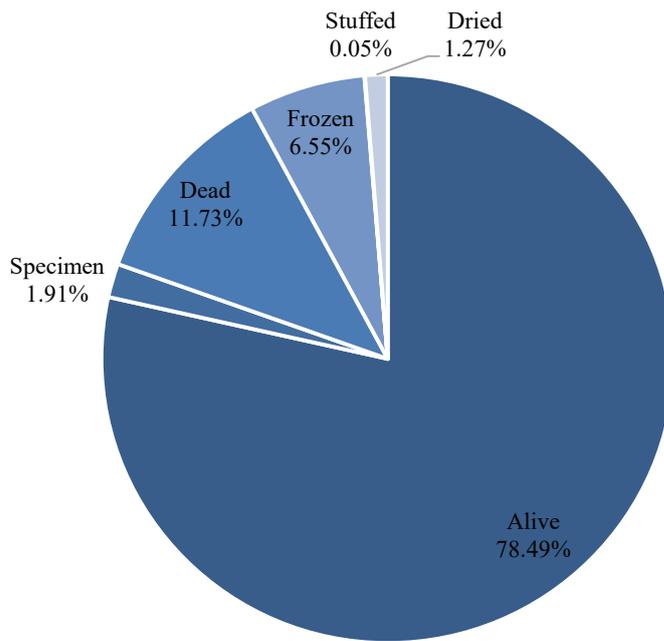
Figure 2. Percentage of wildlife forms seized in cases by the number of individuals
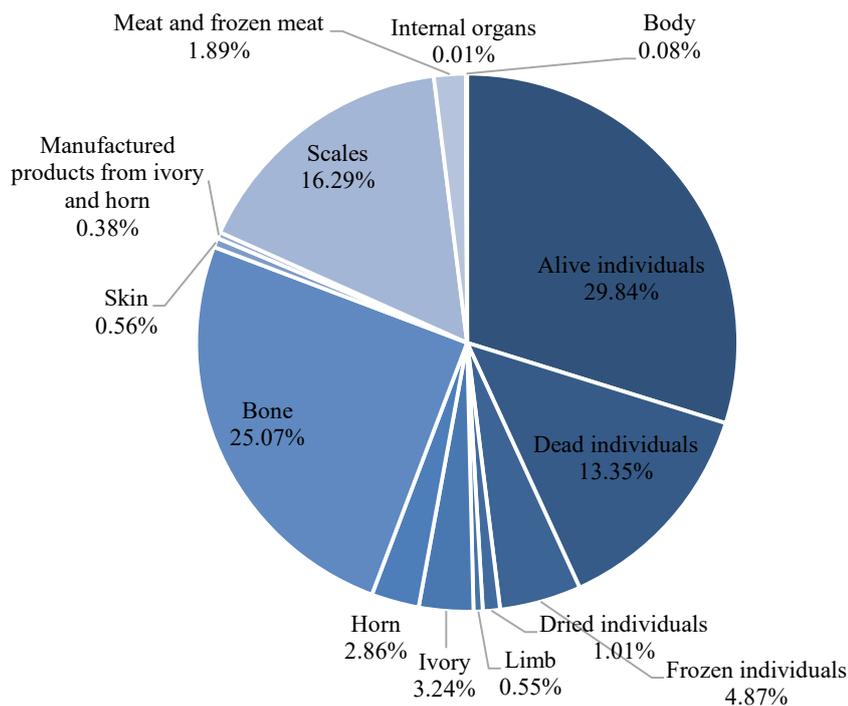
Figure 3. Percentage of wildlife forms seized in cases by weight

- Regarding other forms of wildlife seized (heads, nails-claws, teeth-fangs, bile, etc.): In addition to the aforementioned individuals and weight of wildlife, law enforcement agencies also seized other forms of wildlife, including 20 heads, 118 teeth/fangs, 256 nails/claws and 146 bottles of bile of wildlife species.

1.1.3. Number of individuals and weight of seized wildlife species

#### 1.1.3.1. Number of individuals of seized wildlife

In cases initiated criminal proceedings, there were 2,046 individuals in the forms of live, dead, frozen, and specimens. Concerning the number of individuals by wildlife species alone, Sunda pangolin (*Manis javanica*) accounted for nearly one-third of the total number of seized wildlife with 30.79% (630/2,046 individuals), followed by the big-headed turtle (*Platysternum megacephalum*) with 12.32% (252/2,046 individuals), yellow-headed box turtles (*specific species unknown*) with 10.95% (224/2,046 individuals), king cobra (*Ophiophagus hannah*) with 7.48% (153/2,046 individuals), hawksbill sea turtle (*Eretmochelys imbricata*) with 2.64% (54/2,046 individuals), Asian palm civet (*Paradoxurus hermaphroditus*) with 2.15% (44/2,046 individuals), oriental small-clawed otter (*Aonyx cinerea*) with 1.91% (39/2,046 individuals); species accounting for the smallest proportion included spot-billed pelican (*Pelecanus philippensis*), musk deer (*Moschus berezovskii*), stump-tailed macaque (*Macaca arctoides*), golden-winged laughingthrush (*Garrulax ngoclinhensis*), giant muntjac (*Muntiacus vuquangensis*), monocled cobra (*Naja kaouthia*), hairy-footed flying squirrel (*Belomys pearsonii*) with only 0.05% each (1/2,046 individuals) (**Figure 4**).

1.1.3.1. Weight of seized wildlife

The total weight of wildlife seized in the cases was nearly 12.75 tons (12,744.13 kg). The Sunda pangolin (*Manis javanica*) was the species with the largest weight, accounting for 35.72% (4,552.55/12,744.13 kg), followed by lion species with 24.39% (3,108/12,744.13 kg), tiger species with 10.19% (198.39/12,744.13 kg), serow *(Capricornis milneedwardsii)* with 5.35% (682.1/12,744.13 kg), elephant species with 4.06% (517,888/ 12,744.13 kg), rhinoceros species with 2.98% (379,261/ 12,744.13 kg) and Asiatic black bear (*Ursus thibetanus*) with 2.97% (378.7/12,744.13 kg) (**Figure 5**).

Of note, the above figures only partially reflect the total number of individuals, weight, and other forms of seized wildlife because in some criminal cases, wildlife was not counted or recorded by the number of individuals nor the number of body parts, wildlife products (meat, bones, skin, limbs, etc.) nor by weight (kg) of seized exhibits; especially, for other forms (heads, nails/claws, teeth/fangs, bile, etc.).
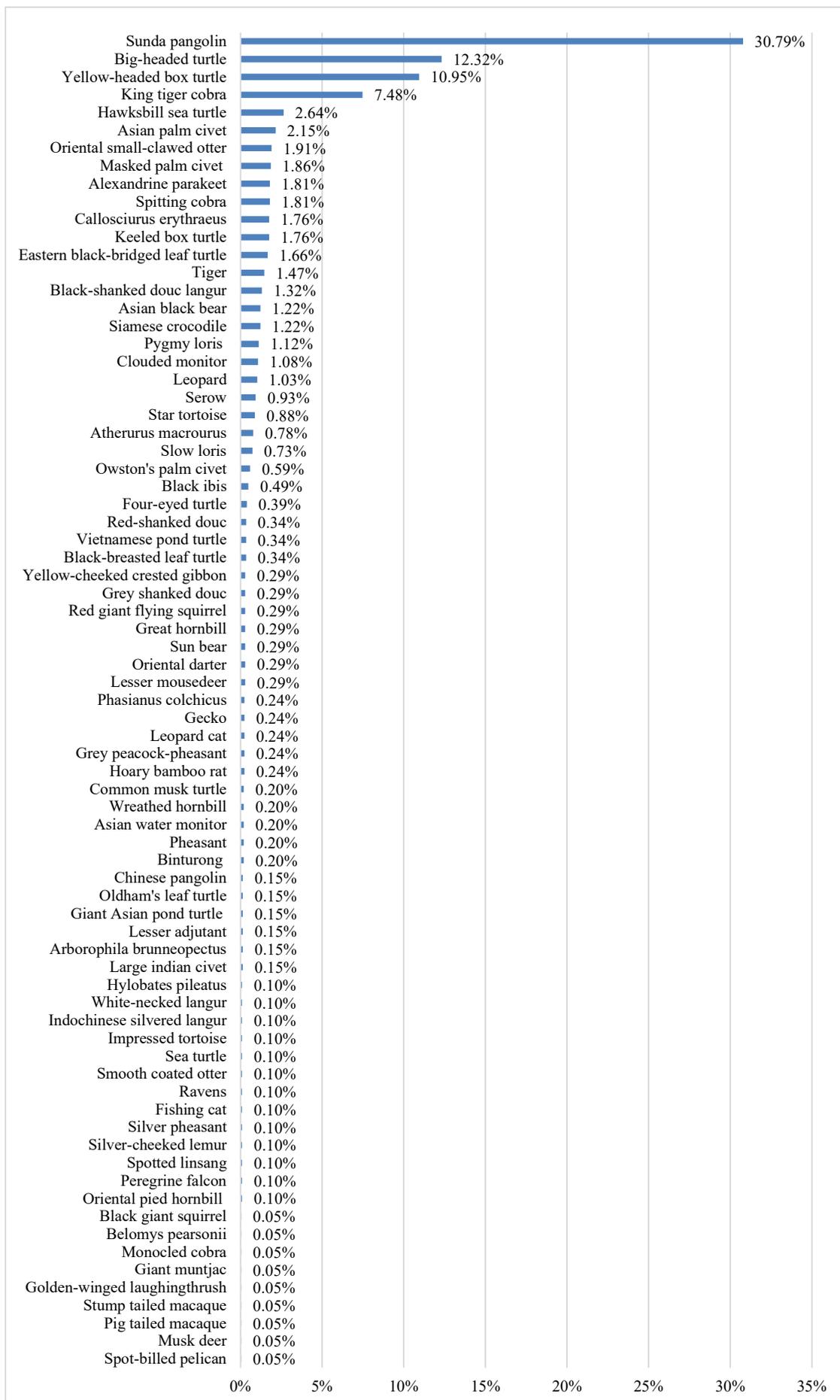
Figure 4. Percentage of wildlife species seized in cases by the number of individuals
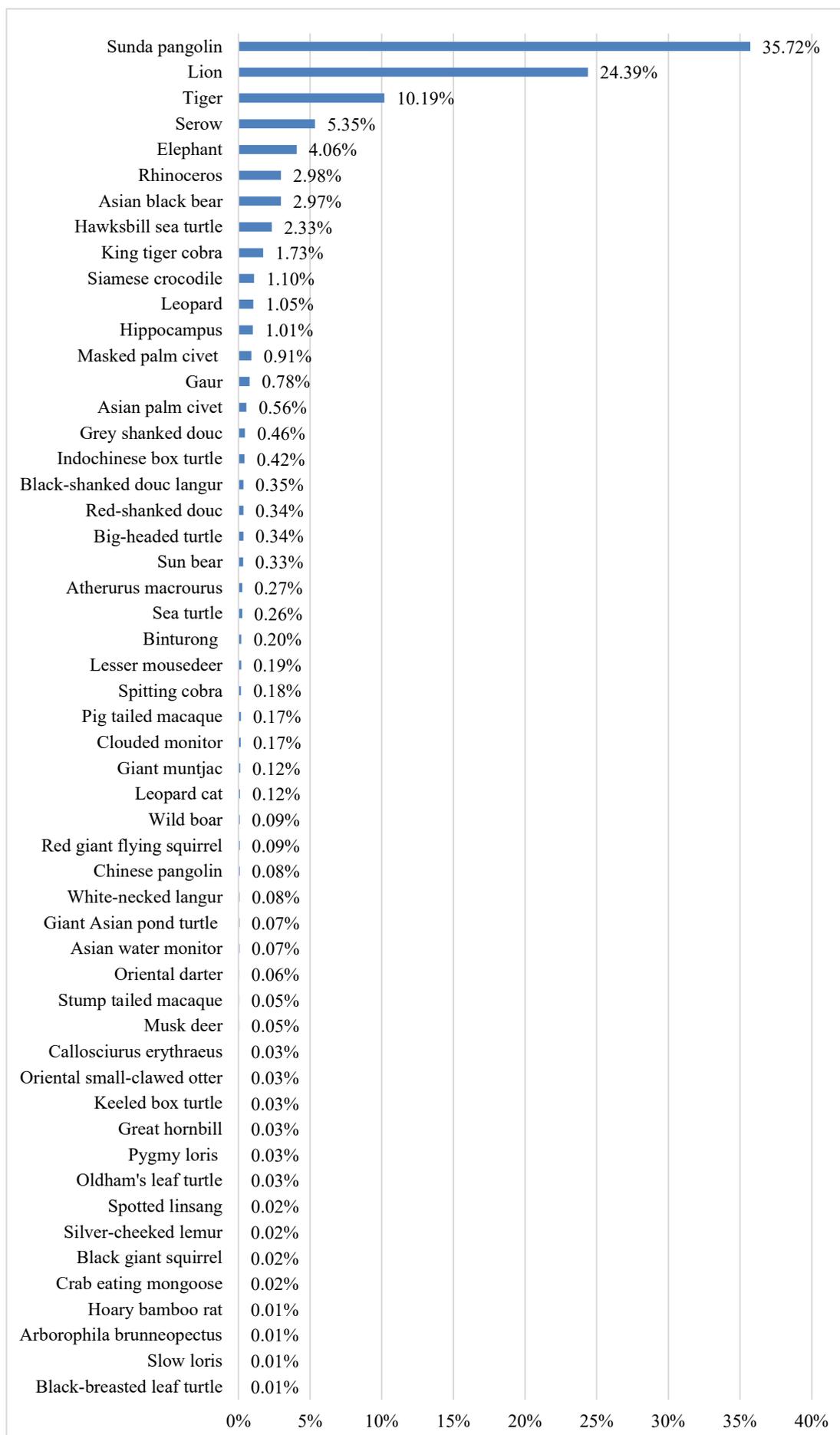
**Figure 5. Percentage of wildlife species seized in cases by weight**

1.1.4. Elephant-related crimes

Regarding seized exhibits: From 2020 through 2021, law enforcement agencies handled 13 cases related to elephants with seized exhibits in the forms of raw ivory, skin, and ivory products. The total weight of elephant products seized in these cases was 517.89 kg (ranked fifth, accounting for 4.06% of the total weight of wildlife seized during the assessment period). Raw ivory made up 79.81% (413.32/ 517.89 kg), followed by skin 13.9% (72/517.89 kg) while products made from ivory (rings, bracelets, etc.) only accounted for a small proportion of 6.29% (32.57/517.89 kg) (**Figure 6**).
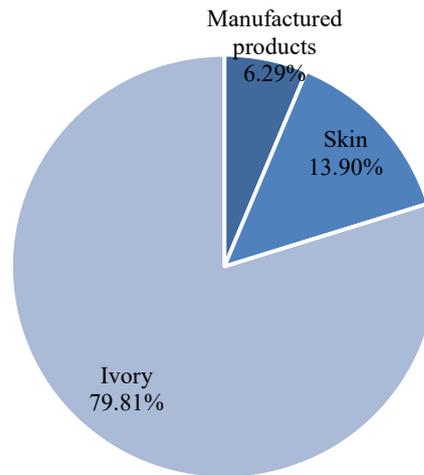
Figure 6. Percentage of products of elephants as exhibits in cases by weight

Regarding the scale of crime: Among the total 13 cases related to elephants, there were 2 cases (accounting for 15.38%) with unspecified weight, the number of cases related to ivory or ivory products weighing less than 20 kg accounted for the highest proportion with 53.85% (7/13 cases), followed by cases involving 100 kg - 125 kg accounting for 23.08% (3/13 cases) and cases involving 70 kg - 80 kg accounting for 7.69% (1/13 cases) (**Figure 7**).
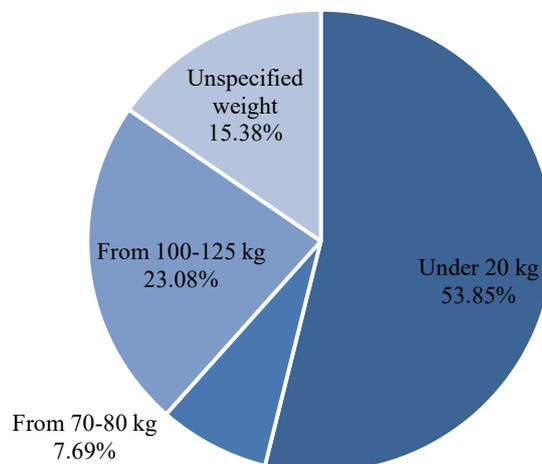
Figure 7. The scale of ivory-related cases by weight

Regarding the localities of seizing and handling: 13 cases related to elephants occurred in 6 provinces and centrally governed cities as follows:

- By the number of cases initiated criminal proceedings: Ha Noi (8 cases); Ho Chi Minh City, Lang Son, Binh Duong, and Quang Ninh: 1 case each (**Figure 8**).

- By weight of seized ivory or ivory-related products: Ha Noi (433.96 kg), Quang Ninh (72 kg), Ho Chi Minh City (9.52 kg), Lang Son (2.3 kg), and Binh Duong (0.108 kg) (**Figure 8**).

Figure 8. Elephant-related cases by locality

1.1. 5. Pangolin-related crimes

Regarding seized exhibits:

From 2020 through 2021, authorities handled 72 cases related to pangolins in the form of individual animals (alive, dead, frozen, and dried); and among cases with exhibits, Sunda pangolin accounted for the majority with 97.22% (70/72 cases) while Chinese pangolin accounted for only 2.78% (2/72 cases). The total number of seized pangolins was 633 individuals, and the total recorded weight was 4,563.2 kg.

- In terms of the weight of exhibits: Out of 72 cases related to pangolins, there were 13 cases with no weight recorded and 59 cases with weight recorded. Pangolins were the species accounting for the highest proportion of the total weight of wildlife exhibits seized in criminal cases of this period with 35.81% (4,563.2/12,744.13 kg) (**Figure 5**). The weight of live pangolins accounted for the highest proportion of 50.12% (2,287.15/4,563,2 kg), followed by pangolin scales with 45.49% (2076/4,563.2 kg), dead pangolins with 4.19% (191.3/4,563,2 kg) and frozen pangolins with only 0.2% (9/4,563.2 kg) (**Figure 9**).

- In terms of individual animals: Out of the total seized 633 individuals, live pangolins accounted for the majority with 84.04% (532/633 individuals), followed by dead pangolins with 14.85% (94/633 individuals), frozen pangolins accounted with 0.95% (6/633 individuals) and dried pangolins with only 0.16% (1/633 individuals).

Regarding the scale of crime:

- Out of a total of 72 cases involving pangolins, 10 cases did not record the number of individuals, and 62 cases recorded the number of individuals. The number of violations with less than 3 individuals accounted for the highest percentage of 55.56% (40/72 cases), followed by cases with between 3 to 7 individuals, accounting for 19.44% (14./72 cases), cases with between 8 to 13 individuals and over 100 individuals, each accounted for 4.17% (3/372 cases); cases involved from 15 to 20 individuals and from 40 to 50 individuals accounted for the lowest percentage of 1.39% (1/72 cases) (**Figure 10**).

Regarding the localities of seizing and handling:

72 cases related to pangolins occurred in 25 provinces and centrally governed cities, including:

• By the number of cases initiating legal proceedings: Nghe An (9 cases); Ha Noi, Thanh Hoa (6 cases each), Quang Ninh, Quang Nam (5 cases each); Ha Tinh, Lam Dong, and Ho Chi Minh City (4 cases each); Binh Phuoc, Kon Tum and Kien Giang (3 cases each); Quang Binh, Quang Tri, Binh Duong, Dak Lak and Dak Nong (2 cases each); Dien Bien, Dong Nai, Gia Lai, Ha Giang, Hung Yen, Lai Chau, Lang Son, Ninh Binh and Phu Yen (1 case each) (**Figure 11**).

• The weight of exhibits being pangolins and products from pangolins: Quang Ninh (1,584.78 kg), Hung Yen (780 kg), Ha Tinh (683.4 kg), Nghe An (145.8 kg), etc. and Phu Yen, the lowest (0.4 kg) (**Figure 11**).
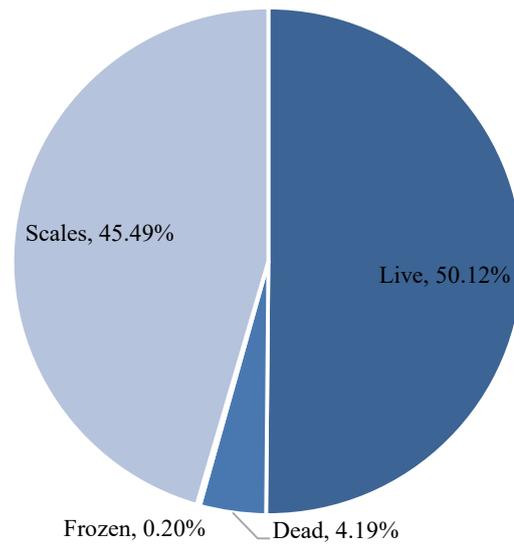
Figure 9. The proportion of forms of pangolins being exhibits in cases by weight
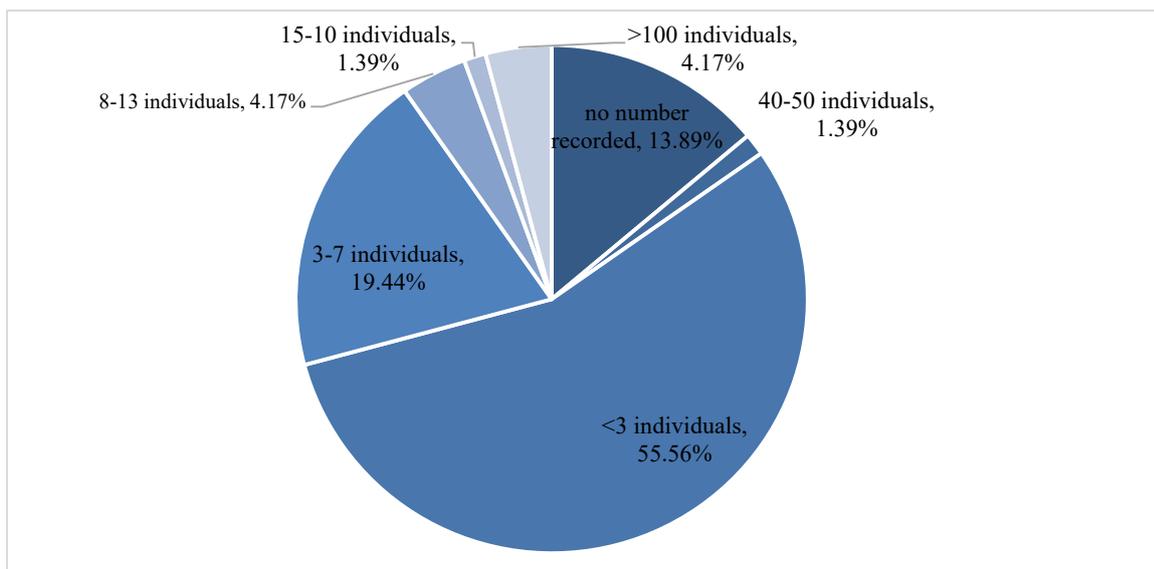
Figure 10. The scale of pangolin-related cases by the number of individuals

Figure 11. Pangolin-related cases by locality

1.1.6. Rhino-related crimes

Regarding seized exhibits: From 2020 through 2021, authorities handled 15 cases related to rhino species; seized exhibits in the forms of horns and manufactured products with a total weight of 379.26 kg, accounting for 2.98 % of the total weight of wildlife exhibits seized and criminally handled during this period.

Regarding the scale of crime: Out of the total 15 rhino-related cases, the number of cases with seized rhino horns weighing from 2 to 10 kg accounted for the highest proportion with 33.33% (5/5 of 15 cases), followed by cases involving 11 - 20 kg with 26.67% (4/15 cases), cases involving under 1 kg with 20% (3/15 cases), cases involving over 100 kg with 13.33% (2/15 cases) and cases involving from 20 kg - 30 kg with the lowest proportion of 6.67% (1/15 cases) (**Figure 12**).
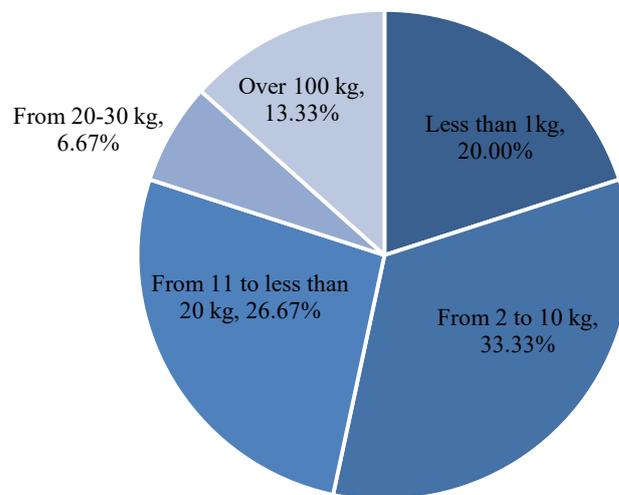

Figure 12. The scale of rhino-related cases by weight

Regarding the localities of seizing and handling: 15 rhino-related cases occurred in 08 provinces and centrally governed cities, including:

- By the number of cases: Quang Ninh (6 cases), Ha Noi (3 cases), the remaining Can Tho, Da Nang, Gia Lai, Ho Chi Minh City, Ninh Binh, and Nghe An with the same number of cases (1 case in each locality) (**Figure 13**).

- The weight of rhino horn exhibits: Da Nang (138.78 kg), Ha Noi (136.07 kg), Quang Ninh (53.74 kg), Can Tho (28.25 kg), Nghe An (15.4 kg), Ho Chi Minh City (6.1 kg), Ninh Binh (0.83 kg) and Gia Lai with the lowest seized weight of 0.1 kg (**Figure 13**).

Figure 13. Rhino-related cases by locality

1.1.7. Crimes involving tiger and other big cat species

Regarding tiger species:

Regarding seized exhibits: From 2020 through 2021, law enforcement agencies handled 17 cases involving tigers in individual form (30 live, dead, and frozen individuals) with a weight of 1,298.385 kg, accounting for 10.19% (1,298.385/12,744.13 kg) of the total weight of seized wildlife and 46 nails or claws.

Regarding the scale of crime: Out of the total 17 tiger-related cases, authorities seized

a total of 30 tigers, in which the number of live tigers accounted for the highest percentage of 60% (18/30 individuals), followed by a total of 30 dead tigers with 33.33% (10/30 individuals) and frozen tigers with 6.67% (2/30 individuals) (**Figure 14**).

Regarding the localities of seizing and handling: 17 cases related to tigers occurred in 10 provinces and centrally governed cities, including:

- By the number of cases: Nghe An (4 cases), Ha Noi (3 cases); Son La and Binh Duong (2 cases in each locality); the remaining were in Bac Ninh, Ninh Binh, Ha Tinh, Quang Binh, and Ho Chi Minh City with an equal number (one case in each locality) (**Figure 15**).

- By the weight of seized exhibits being tigers and products from tigers: Nghe An (1,005.2 kg), Ha Tinh (250 kg), Son La (29 kg), Ho Chi Minh City (7 kg), Ha Noi (6 kg) and Bac Ninh, the lowest (1,185 kg) (**Figure 15**).

Regarding other species of big cats:

Viet Nam's law enforcement agencies handled 20 cases involving leopards and lions, with a weight of 3,241.4 kg, including 19 cases related to Asian golden cats (*Catopuma temminckii*) and leopards (*Panthera pardus*) and 1 case involving lions, specifically:

- Out of the total 19 cases related to Asian golden cats (*Catopuma temminckii*) and leopards (*Panthera pardus*): Exhibits included 21 individuals as Asian golden cats and leopards, with 14 dead individuals, equivalent to 66.67%, 6 live individuals - 28.57 %, 1 frozen individual with recorded weight of 133.4kg – 4.76% and 98 teeth - fangs; 68 nails – claws and 1 skull (**Figure 16**).

- In addition, 1 case involved lions with exhibits consisting of 3,108 kg of lion bones.

Regarding the localities seizing and handling 20 cases related to other big cat species: Son La, Ha Noi, Quang Ninh, Nghe An, Thanh Hoa, Dien Bien, Ho Chi Minh City, Nam Dinh, Binh Duong, Ba Ria - Vung Tau, Kon Tum, and Da Nang were recorded localities. Within which, Son La seized the highest amount (5 individuals with 38.9 kg recorded), followed by Nghe An (4 individuals with 50 kg recorded), Thanh Hoa (2 individuals with 34,5 kg recorded), Ho Chi Minh City (4 individuals but no weight recorded), Ha Noi (2 individuals but no weight recorded), Dien Bien (1 individual with 10 kg recorded) and Kon Tum (1 individual but no weight recorded). For lions, one locality that documented violations related to this species was Da Nang (3,108 kg of lion bones).
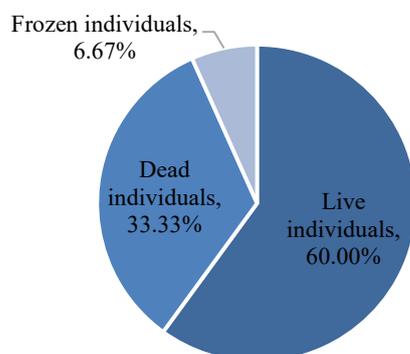
Figure 14. Percentage of tiger individuals being exhibits in cases by weight

Figure 15. Tiger-related cases by locality
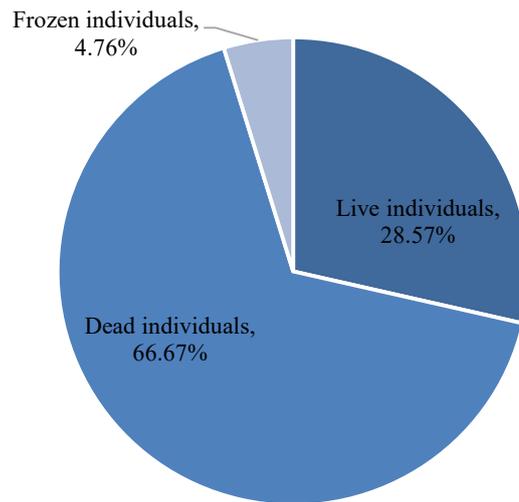
Figure 16. Percentage of forms of big cat individuals being exhibits in cases by weight

1.1.8. Turtle-related crimes

Regarding seized exhibits: From 2020 through 2021, authorities handled 54 cases related to at least 14 turtle species with 654 individuals, of which the number of big-headed turtles (*Platysternon megacephalum*) accounted for the highest proportion of 38.53% (252/654 individuals), yellow-headed box turtle species (*specific species unknown*) accounted for the second highest proportion of 34.25% (224/654 individuals), followed by hawksbill sea turtle (*Eretmochelys imbricata*) with 8.26% (54/654 individuals), keeled box turtle (*Cuora mouhotii*) with 5.5% (36/654 individuals), Vietnamese leaf turtle *(Cyclemys pulchristriata*) with 5.2% (34/654 individuals), star tortoises (*Geochelone spp.*) with 2.75% (18/654 individuals) and the lowest, namely impressed tortoise (*Manouria impressa*) and sea turtles (*unspecified scientific name*) each accounting for only 0.31% (2/654 individuals) (**Figure 17a**).

In 54 cases related to turtle species in general, 100% of cases recorded the number of individuals (56/56 cases). Out of the total 654 turtles of all kinds, live turtles accounted for the majority with 97.09% (635/654 individuals), the rest included frozen turtles with 1.83% (12/654 individuals), dead turtles with 0.61% (4/654 individuals) and dried individuals with 0.46% (3/654 individuals) (**Figure 17b**).
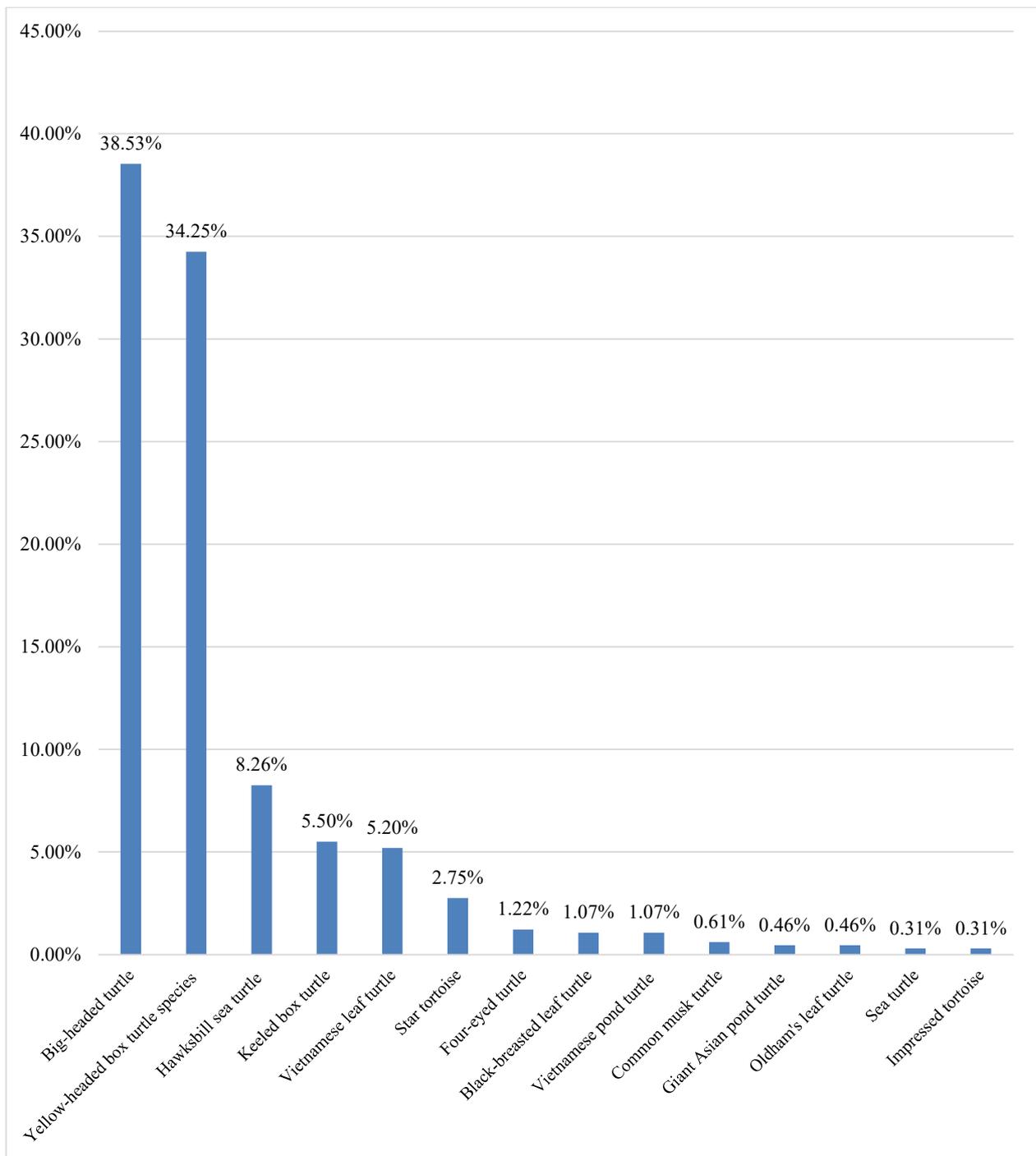
Figure 17a. Percentage of turtle species being exhibits in cases by the number of individuals
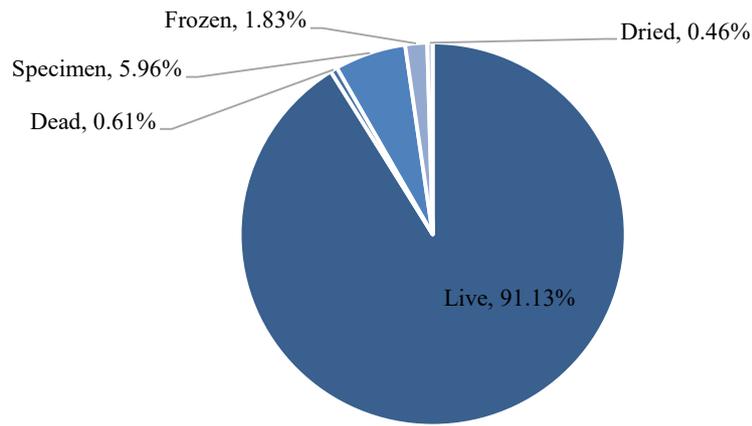
Figure 17b. Percentage of turtle individuals being exhibits in cases

Regarding scale of crime: Of the total 54 cases related to turtle species, the number of cases recorded with less than 20 individuals linked to violations accounted for the highest proportion (44/54 cases, accounting for 81.4%), followed by the number of cases recorded with 21 - 40 individuals (6/54 cases, accounting for 11.1%) and the cases recorded with a large number of individuals linked to violations (from 41 individuals or more) with only 1-2 cases (**Figure 18**).
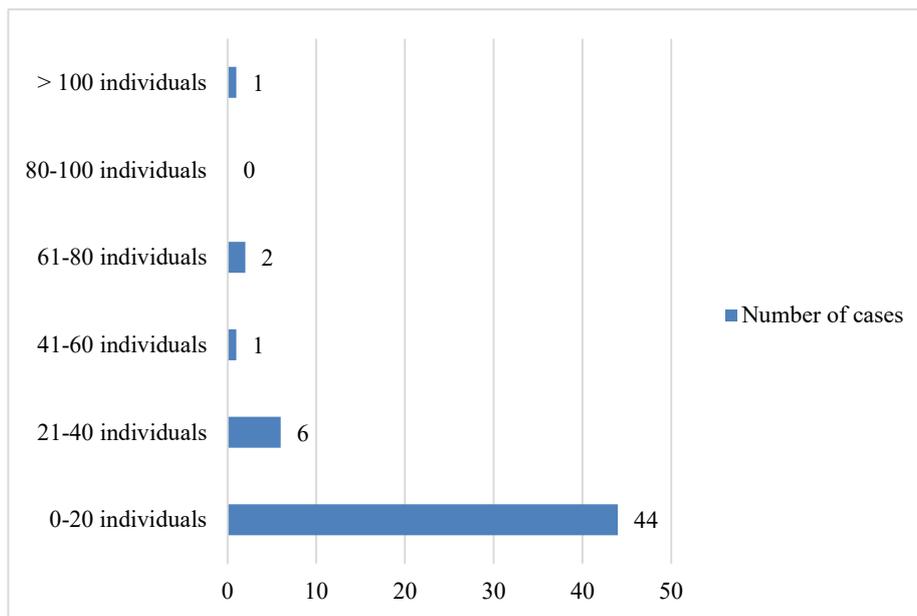
Figure 18. The scale of turtle species-related cases by the number of individuals

Regarding the localities of seizing and handling: 54 cases related to turtle species occurred in 20 provinces and centrally governed cities, including:

- By the number of cases: Ha Noi (18 cases); Quang Nam (5 cases); Quang Ninh, Ha Tinh (4 cases in each locality); Tuyen Quang, Son La (3 cases in each locality); Lai Chau, Kien Giang, Kon Tum, Ho Chi Minh City (2 cases in each locality); the remaining were in Binh Duong, Dak Lak, Dien Bien, Gia Lai, Hoa Binh, Nghe An, Quang Binh, Tay Ninh, Thanh Hoa and Yen Bai (with 1 case each) (**Figure 19**)

- By the weight of turtles of various species seized by the locality: Kon Tum (19.6 kg), Quang Ninh (17.243 kg), Kien Giang (12.2 kg), Gia Lai (11.7 kg), and Ha Tinh (11 kg) (**Figure 19**).

Tuyen Quang (3 cases; 43 individuals)
Lai Chau (2 cases; 3 individuals)
Yen Bai (1 case; 2 individuals)
Dien Bien (1 case; 3 individuals)
Ha Noi (18 case; 76 individuals)
Son La (3 cases ;43 individuals)
Quang Ninh (4 cases; 162 individuals)
Hoa Binh (1 case; 8 individuals)
Thanh Hoa (1 case; 1 individuals)
Nghe An (1 case; 6 individuals)
Ha Tinh (4 cases; 54 individuals)
Quang Binh (1 case; 1 individual)
Quang Nam (5 cases; 93 individuals)
Kon Tum (2 cases; 65 individuals)
Dak Lak (1 case; 47 individuals)
Gia Lai (1 case; 5 individuals)
Tay Ninh (1 case; 39 individuals)
Binh Duong (1 case; 3 individuals)
Ho Chi Minh City (2 cases; 26 individuals)
Kien Giang (2 cases; 2 individuals)

Figure 19. Turtle species-related cases by locality

1.2. Wildlife supply chain

Viet Nam has been identified with 3 roles in the wildlife supply chain, including the roles of supplying wildlife, transiting country, and market for wildlife consumption. Therefore, the

collection and analysis of statistical data on the sources, destinations, and origin of wildlife from cases will help clarify the aforementioned roles and concurrently be useful for the identification of key areas and routes of wildlife crime. The data used for analysis is based on the testimonies of offenders documented in case files. However, this data was not recorded in a complete, clear, and consistent manner, possibly because offenders did not declare nor failed to declare concretely or accurately, thereby the below analysis only partially reflects the source, destination, and origin of wildlife.

1.2.1. Source, destination, and origin of wildlife

Wildlife-related cases having origin, source, and destination within Viet Nam made up the majority with 92.28% (275/298 cases), and the rest 7.72% (23/298 cases) had foreign elements (source/ destination/ origin), specifically:

* Source of wildlife was within Viet Nam :

Regarding the number of cases, out of the total 275 cases originating within Viet Nam, involving localities recorded included: Ha Noi (98 cases), Quang Ninh (14 cases), Son La (10 cases), Tuyen Quang (10 cases), Lai Chau (9 cases), Nghe An (23 cases), Thanh Hoa (17 cases), Ha Tinh (9 cases), Quang Nam (8 cases), Ho Chi Minh City (12 cases), Lam Dong (9 cases), Dak Nong (8 cases), Dak Lak (7 cases) and Kien Giang (7 cases).

* Source, the origin of wildlife was outside of Viet Nam but the destination was Viet Nam:

23 wildlife cases having foreign elements involved 11 wildlife species, including leopard (*unspecified species*), slow loris (*Nycticebus bengalensis*), hawksbill sea turtle (*Eretmochelys imbricata*), Asiatic black bear (*Ursus thibetanus*), tiger (*unspecified species*), big-headed turtle (*Platysternon megacephalum*), yellow-headed box turtle (*unspecified species*), rhinoceros (*unspecified species*), Sunda pangolin (*Manis javanica*), elephant (*unspecified species*) and lion (*unspecified species*); in which:

- *Regarding source and origin countries,* more than 69.57% (16/23 cases) involved wildlife originating from Asia, and the remaining 30.43% (7/23 cases) involved wildlife originating from African countries. In Asia, wildlife mainly originated from Southeast Asian countries with 14 out of 16 cases, including Laos accounting for the largest proportion of 62.5% (10/16 cases); Cambodia and Malaysia accounting for a smaller proportion, 12.5% each (2/16 cases). Wildlife originating from East Asian countries (Japan) and South Asia (India) only made up a small proportion of 8.7% (2/23 cases). By countries, cases involved wildlife sourced and originating from Laos accounted for the highest proportion of 43.48% (10/23 cases), followed by Angola with 13.04% (3/23 cases); Cambodia, Malaysia, and Mozambique with 8.7% (2/23 cases) each; and the remaining India, Saudi Arabia, South Africa, and Japan with 4.35% (1/23 cases) each - (**Figure 20**).
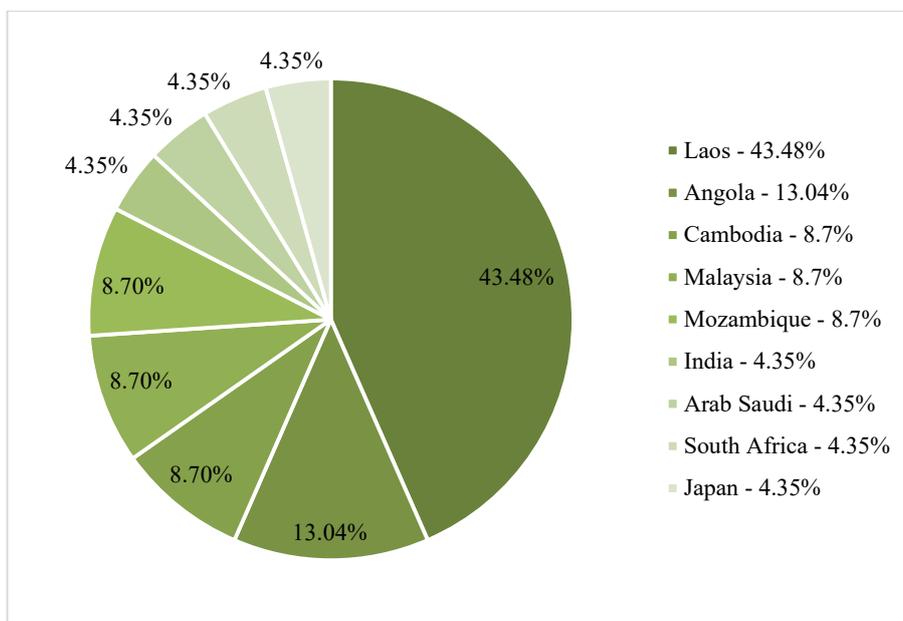
Figure 20. Cases having wildlife exhibits originating from abroad by source/origin country

- The total weight of wildlife transported from abroad into Viet Nam identified in 23 cases related to wildlife of foreign origin was 5,489.4 kg, comprising 512 live and dead individuals and specimens (1,745.2 kg), 2 pieces of ivory (9.52 kg) and products made from ivory (14.7kg), 130 horns (333 kg), 3,108 kg of lion bones, 279 kg of Sunda pangolin scales; in addition, there were 60 canines and 66 claws of wildlife (of unknown weight).

- Regarding localities of seizing and handling cases related to wildlife of foreign origin, Ha Tinh and Quang Ninh were the two provinces which seized and handled the most with 4/23 cases per each locality; followed by Ha Noi, Kon Tum, Nghe An, and, Ho Chi Minh City – 2/23 cases per locality; the lowest was with An Giang, Can Tho, Da Nang, Dien Bien, Tay Ninh and Quang Binh – 1/23 case each. - (**Figure 21**).
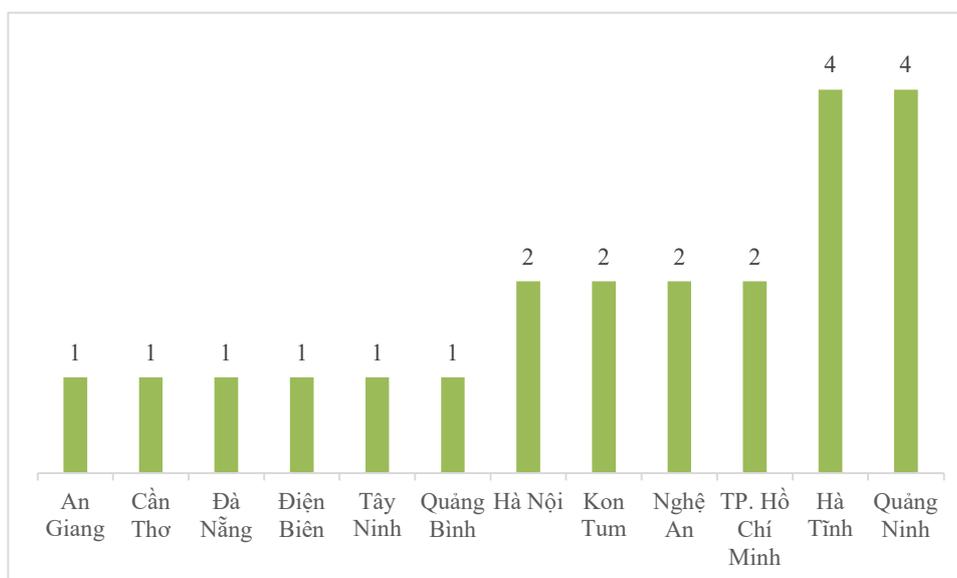

Figure 21. Cases having wildlife exhibits originating from abroad by localities of seizing and initiating criminal proceedings

* Destination of wildlife is outside of Viet Nam

3 out of 298 cases had recorded destinations outside of Viet Nam, namely China, which were seized and handled by law enforcement agencies of Quang Ninh province, specifically: 1 case related to turtle species (74 big-headed turtles (*Platysternon megacephalum*), 28 yellow-headed box turtles (*unspecified species*) and 2 cases related to rhino horns (*unspecified species*) (5.32 kg).

1.2.2. Vehicles for illegal wildlife transportation

Among 298 wild-life cases for which Viet Nam's law enforcement agencies issued decisions on initiation of legal proceedings from 2020 through 2021, the number of cases detected and seized during this time was 285. Out of these total 285 cases, 55.79% (159/285 cases) documented the use of vehicles for illegal wildlife transportation and the remaining 126/285 cases, accounting for 44.21%, did not. Among 159 wildlife cases with recorded information on vehicles for illegal wildlife transportation, motorbikes (motorcycles) accounted the largest proportion of 53.46% (85/159 arrests), followed by personal cars with 20.13% (32/159), public passenger buses with 14.47% (23/159) and the remaining means of transportation of taxis, trucks, airplanes, trains, ships, etc. with 11.95% (19/285) only (**Figure 22**).
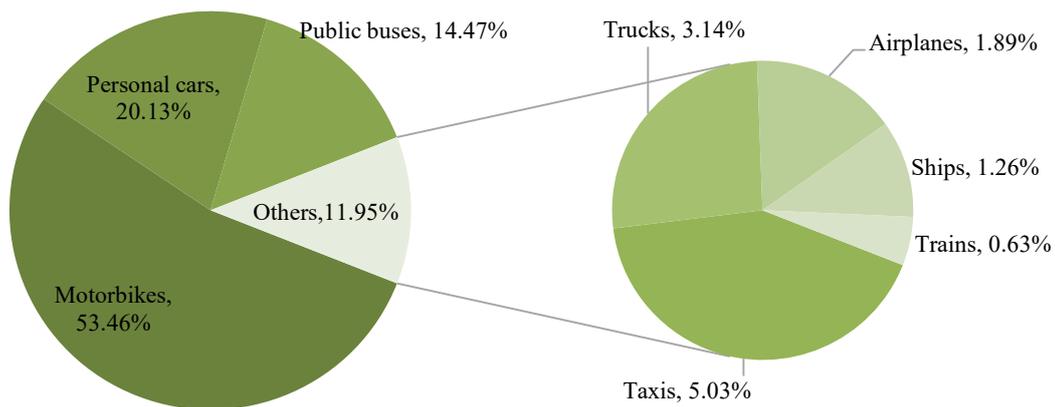
Figure 22. Percentage of vehicles used to illegally transport wildlife in cases

1.2.3. Characteristics of suspects and defendants of wildlife-related crimes

1.2.3.1. Suspects

Two hundred and ninety-eight wildlife-related cases with 389 suspects were arrested and initiated in criminal proceedings by law enforcement agencies from 2020 through 2021 (16 cases concerned unidentified suspects). Among these:

- 100% of cases were committed by suspects being individuals (298/298 cases and 389/389 suspects). No case was committed by suspects being commercial legal entities.
- Cases in which the Vietnamese suspects (individuals) committed crimes accounted for the majority of 99.66% (297/298 cases) with 99.74% (388/389 suspects); in the remaining small percentage of 0.34% of the cases (1/298 cases) - 0.26% of the suspects (1/389 suspects) was Cambodian.

1.2.3.2. Places of residence of the suspects

The residence places of the suspects when committing wildlife-related offenses from 2020 through 2021 spread in many localities across the country but concentrated in big cities and border areas, largely in northern provinces. Among 389 suspects subject to initiation of criminal proceedings, localities documented as places of residence of a large number of suspects included: Ha Noi (48 suspects), Nghe An (37 suspects), Ha Tinh (18 suspects), Quang Ninh (16 suspects), Son La (15 suspects); Ninh Binh, Thanh Hoa, Tuyen Quang (13 suspects each); Nam Dinh, Quang Binh (12 suspects each), Lai Chau, Ho Chi Minh City (10 suspects each), Kien Giang (9 suspects); Dien Bien, Lang Son, Phu Tho, Dak Nong and Thua Thien Hue (8 suspects each) (**Figure 23**).

1.2.3.3. Gender of the suspects

Out of the total 389 suspects arrested and initiated in criminal proceedings by Viet Nam's law enforcement agencies for violating legal provisions on wildlife protection from 2020 through 2021, men accounted for the majority compared to women with a proportion of 83.8% (326/389 suspects) and 16.2% (63/389 suspects), respectively (**Figure 24**).
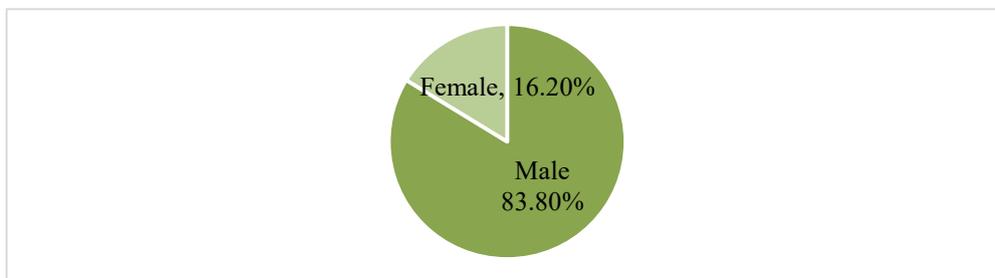
Figure 24. Gender of suspects of wildlife-related crimes

1.2.3.4. Age of the suspects

Out of the total 389 suspects who were initiated criminal proceedings for wildlife-related crimes, those in the age group of 30 - 35 years old accounted for highest proportion of 22.37% (87/389), followed by the age group of 24 - 29 with 19.79% (77/389), 36 - 41 with 18.51% (72/389), 42 - 47 with 11.31% (44/ 389), 48 - 53 with 10.03% (39/389), 18 - 23 and 54 - 59 with 7.2% (28/389) each, 18 - 23 with 7.2% (28/389), 60 - 65 with 2.57% (10/389) and the age group of 66 and older accounting for the smallest proportion of 1.03% (4/389). In this period, there were no cases of suspects aged under 18 years old committing crimes related to wildlife protection (**Figure 25**).
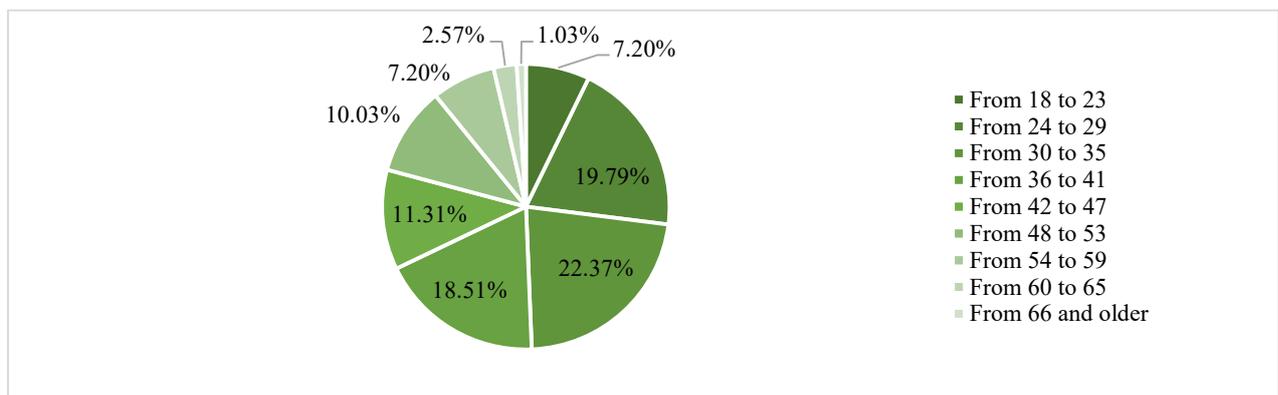
Figure 25. Age distribution of suspects in wildlife-related crimes

Figure 23. Places of residence of suspects by locality

1.2.3.5. Occupation of the suspects

Regarding the occupation of the suspects, among the total 389 suspects subject to initiation of criminal proceedings for wildlife-related crimes in the period of 2020-2021, 249 suspects have occupation information recorded (the remaining 140 suspects did not declare nor had this information in the record). According to collected data, 11 types of occupations of the suspects were documented at the time of committing the crime, namely *traders, businesspersons, workers, chefs, directors of limited liability companies, public employees, architects, drivers/driver assistants/motorcycle taxi drivers, farmers/planters, self-employed/contracted labor, and captains*.

Out of the total 249 suspects whose occupation information was recorded, the occupation of self-employed or contracted labor accounted for the highest proportion of 51.41% (128/249), followed by farmers or planters of 28.51% (71/249); traders of 7.23% (18/249), drivers, driver assistants or motorbike taxi drivers of 6.43% (16/249) and the architects and public employees accounting for the smallest proportion of only 0.4% each (1/249) (**Figure 26**).
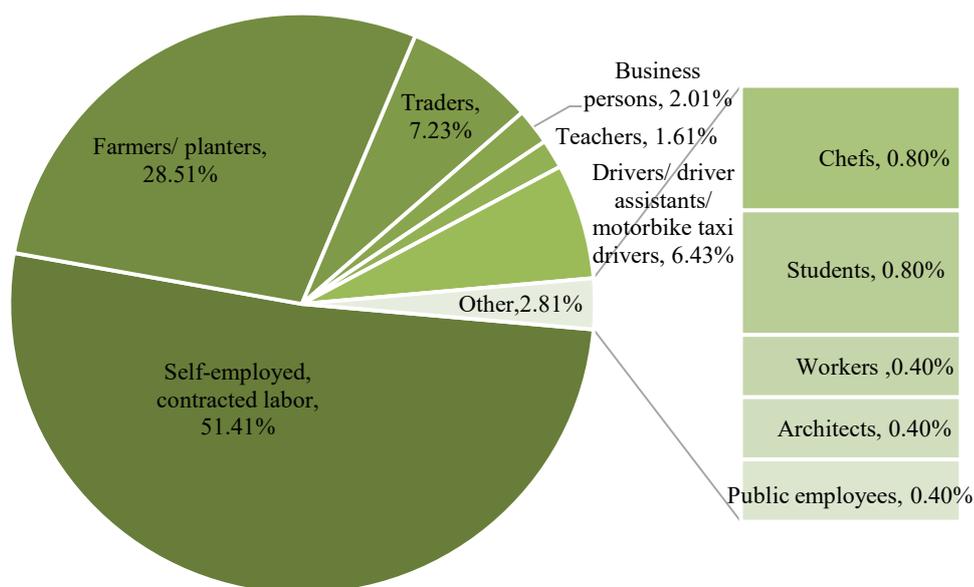
Figure 26. Occupation of suspects of wildlife-related crimes

1.2.3.6. Education level of the suspects

With regards to the education level of the suspects, out of the total 389 suspects subject to initiation of criminal proceedings for wildlife-related crimes in the period of 2020-2021, 378 suspects had documented information on educational qualifications (*illiterate, primary school, junior high school, high school, vocational school, college, and university*) and the remaining 11 suspects did not. Of whom, suspects with high school education level accounted for the highest proportion of 42.06% (159/378), followed by junior high school with 31.48% (119/378), primary school with 16.67% (63/378), and college, the smallest group, with 1.06% (4/378) only - (**Figure 27**).
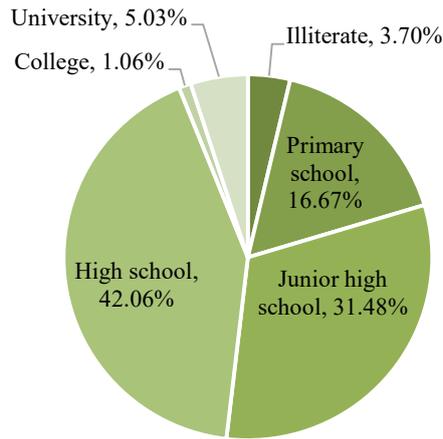
Figure 27. Education level of the suspects of wildlife-related crimes

1.2.3.7. Offences subject to initiation of legal proceedings

As shown through collation and analysis of data from statistical sheets, it was found that, out of the total 389 suspects arrested and initiated criminal procedures, illegal wildlife trade was the most frequently prosecuted act with 43,7% (170/389 suspects), followed by transportation with 21.08% (82/389 suspects), storage with 8.74% (34/389 suspects), poaching with 4.63% (18/389 suspects), rearing and confinement with 3.86% (15/389 suspects) and the rest being combined acts of 17.48% (68/ 389 suspects) (**Figure 28**).
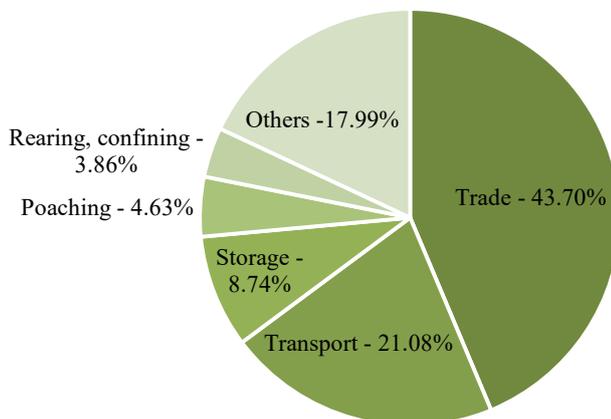
Figure 28. The proportion of wildlife crime-related offenses

1.2.3.8. Accomplices

Out of the total 298 wildlife-related criminal cases handled from 2020 through 2021 cases involved suspects with accomplices (with 2 or more people committing offenses), accounting for 23.15%. Among cases with accomplices, the number of cases with 2 accomplices accounted for the majority at 79.71% (55/69 cases), followed by cases with 3 accomplices with 11.59% (8/69 cases), cases with 4 accomplices with 4.35% (3/369 cases), and cases with 5, 6 and 9 accomplices with 1.45% (1/69 cases) (**Figure 29**).
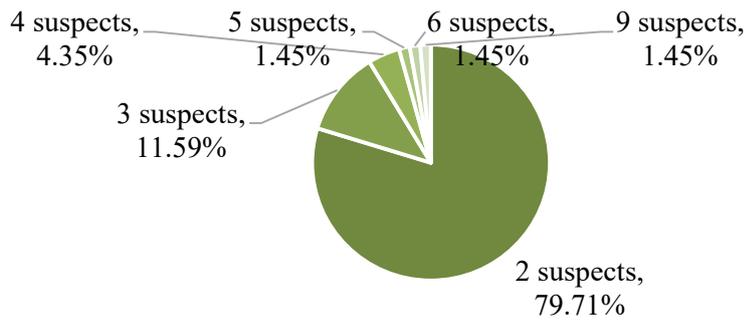
Figure 29. The proportion by the number of accomplices of wildlife-related suspects

1.2.3.9. Motives and purposes of the suspects

As shown through the analysis of a total of 389 wildlife-related suspects subject to criminal proceedings, 345 suspects have motives and purposes for committing crime documented (44 suspects did not). Profit-making motive/purpose accounted for the majority of 77.97% (269/345 suspects); food earning ranks second with 7.25% (25/345 suspects); transporting service ranks third with 6.96% (24/345 suspects); and the rest including obtaining medicine or decorations or hunting food only accounted for 4.64% (16/345 suspects) (**Figure 30**).
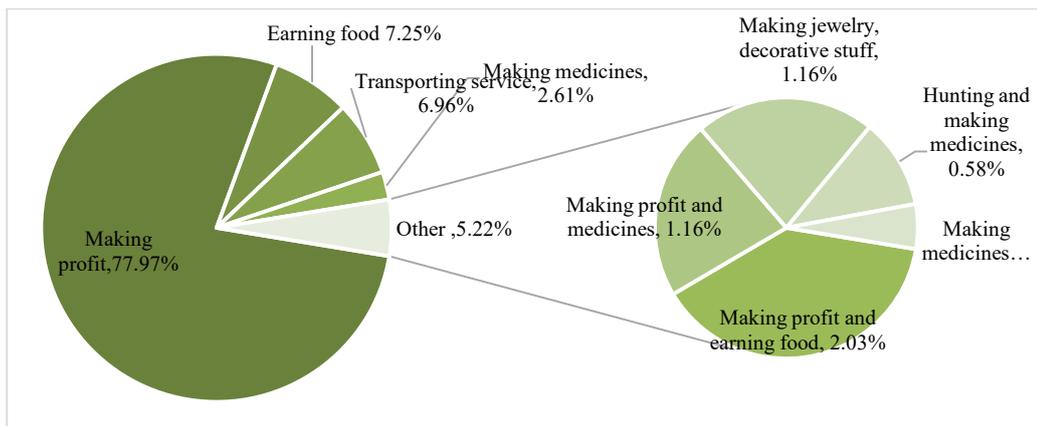
Figure 30. The proportion of motives and purposes of wildlife-related suspects

1.2.3.10. Role of the suspects

As shown through the analysis of the specific roles of the suspects, out of the total 389 suspects subject to initiation of criminal proceedings for wildlife-related crimes, 284 suspects had their roles when committing crimes documented. In which, the role of wildlife retailers accounted for the highest proportion of 30.63% (87/284 suspects), service transporters accounted for the second highest proportion of 26.06% (74/284 suspects), wholesalers accounted for the third highest proportion of 22.18% (63/284 suspects), consumers accounted for the fourth highest proportion of 5.99% (17/284 suspects), wildlife hunters accounted for the fifth highest proportion of 5.63% (16/284 suspects), poachers accounted for 1.76% (5/284 suspects), and the remaining roles of storekeepers, captive breeders, brokers, etc. only made up 7.75% (22/284 suspects) (**Figure 31**).
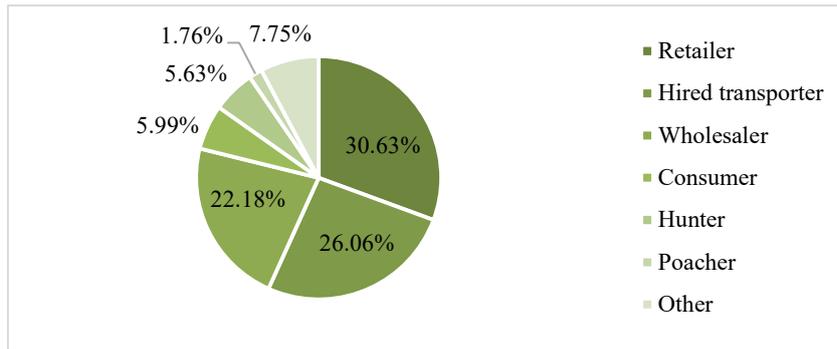
Figure 31. Role of the suspects in wildlife-related crimes

1.2.3.11. Criminal record of the suspects

Out of the total 367 defendants tried by PCs at all levels according to first-instance procedures in from 2020 through 2021 defendants, accounting for 4.9%, had records of previous administrative sanctions or criminal convictions before committing crimes related to wildlife, specifically:

- Regarding records of previous administrative sanctions, there were 7 defendants, accounting for 1.91% (7/367 defendants) who had records of previous administrative sanctions (administratively handled or punished for violations related to wildlife), of whom 6 defendants or 85,71% (6/7 defendants) were administratively handled once, 1 defendant or 14.29% (1/7 defendants) was administratively handled twice.

- Regarding records of previous criminal convictions, there were 11 defendants, accounting for 3% (11/367 defendants) who had criminal records (tried and convicted for criminal offenses by courts), of whom 6 defendants or 54.54% (6/11 defendants) recidivated due to previous wildlife-related offenses (in Dak Lak - 2 defendants; Vinh Phuc, Ha Noi, Ha Tinh, Kon Tum - 1 defendant each); 5 defendants or 45.45% (5/11 defendants) recidivated due to offenses not related to wildlife during this period (in Thanh Hoa – 2 defendants, Bac Ninh, Ha Noi, Nghe An - 1 defendant each), of whom 4 defendants or 80% (4/5 defendants) had been criminally handled once and 1 defendant or 20% (1/5 defendants) had been handled by the criminal justice system 4 times (**Figure 32, 33**).
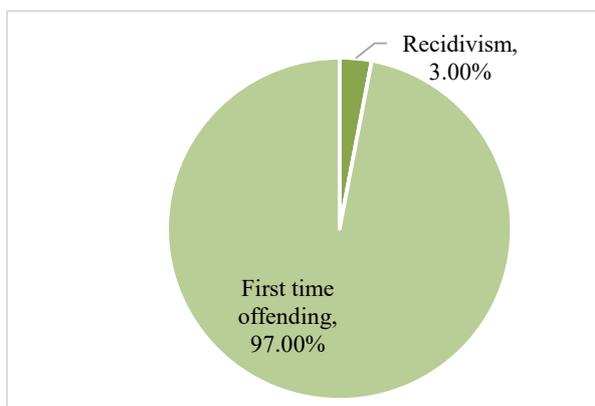
Figure 32. Defendants' recidivism rate
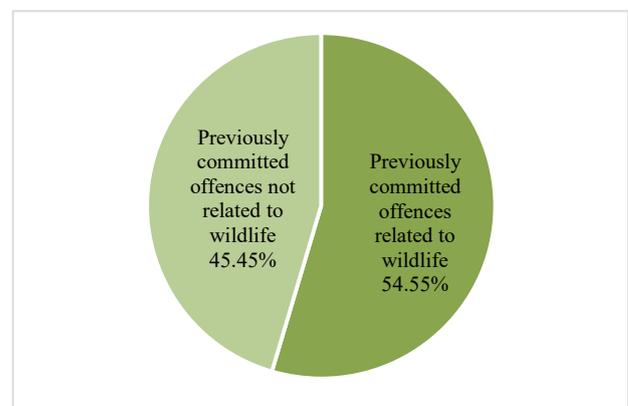
Figure 33. Defendants' previous convictions related to wildlife

II. RESULTS OF LAW ENFORCEMENT WORK ON WILDLIFE-RELATED CRIMES IN VIET NAM IN THE PERIOD OF 2020-2021

In this report, data on cases that initiated criminal proceedings by Viet Nam's law enforcement agencies from 2020 through 2021 was gathered from 47 provinces and centrally-governed cities across the country; the remaining 16 localities did not record violations during this period or their recorded data did not meet statistical criteria, namely: Binh Dinh, Ca Mau, Cao Bang, Hai Phong, Lao Cai, Thai Binh, Khanh Hoa, Long An, Bac Lieu, Ben Tre, Dong Thap, Hau Giang, Tien Giang, Tra Vinh, Vinh Long, and Soc Trang. Six localities, Long An, Bac Lieu, Ben Tre, Dong Thap, Hau Giang, and Soc Trang, did not have any wildlife offenses handled by the criminal justice system recorded in 4 consecutive years (from 2018 to 2021).

Below presents the effectiveness of wildlife crime handling by localities, over time, and by authorities through the indicators of the number of cases or the number of suspects or defendants who were arrested, initiated legal proceedings, prosecuted, and tried.

2.1. Work of receiving and settling/handling denunciations and reports on wildlife-related crimes

From 2020 through 2021, Viet Nam's law enforcement agencies received 295 denunciations, reports, and proposals for initiation of legal proceedings on wildlife-related crimes, specifically:

- Number of denunciations and reports on crimes from citizens: 64/295, accounting for 21.69%
- Number of denunciations and reports on crimes transferred by Forest Protection Departments: 43/295, accounting for 14.58%
- Number of denunciations and reports on crimes transferred by Customs Offices: 0
- Number of denunciations and reports on crimes accepted through mass media: 6/295, accounting for 2.03%
- Number denunciations and reports on crimes from other sources: 182/295 accounting for 61.69%. (**Figure 34**).
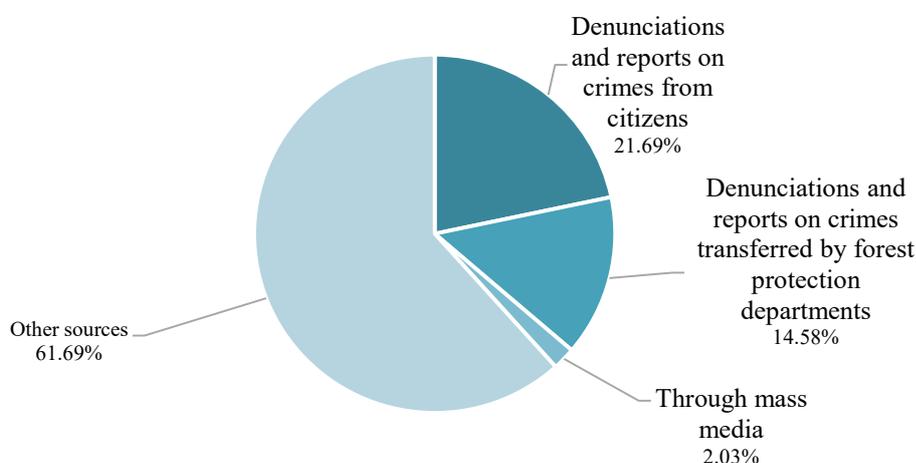
Figure 34. Received, settled/handled denunciations, reports, and proposals for initiation of legal proceedings on wildlife-related crimes

Out of the total 295 denunciations, reports, and proposals for initiation of legal proceedings on wildlife-related crimes that were received and settled or handled, Viet Nam's law enforcement agencies issued decisions on settling or handling 289 (97.97%), including decisions on initiating criminal proceedings in 254 cases, accounting for 87.89% (254/289), decisions on not initiating criminal proceedings accounting for 10.38% (30/289) and decisions on suspending case handling accounting for 1.73% (5/289). The rest included cases being handled, accounting for 2.03% (6/295) - (**Figure 35**).
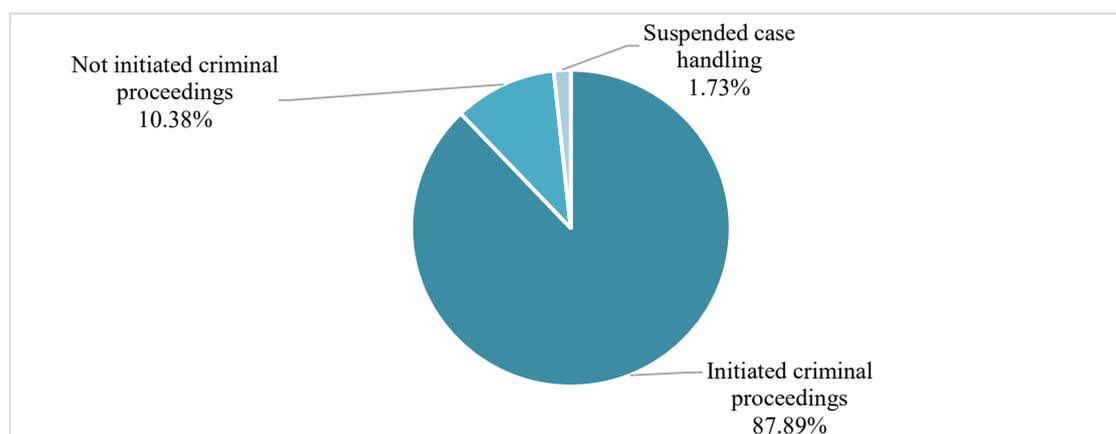
Figure 35. Settled/handled denunciations, reports, and proposals for initiation of legal proceedings on wildlife-related crimes

2.2. Work of arresting wildlife-related suspects

2.2.1. Work of arresting wildlife suspects by time

- By year: As found through an analysis of the number of arrests by Viet Nam's law enforcement agencies and the number of cases or suspects subject to initiation of legal proceedings for wildlife-related offenses in 2 years (2020 and 2021), there is a relatively large difference between 2 years and the percentage of violations and the number of cases or suspects in the following year is higher than that in the previous year, specifically:

- In 2020, authorities conducted arrests in 134 cases, initiated criminal proceedings in 114 cases against 133 suspects[1]

- In 2021, authorities conducted arrests in 151 cases (increasing by 12.69%) and initiated criminal proceedings in 146 criminal cases (increasing by 28.07%) against 195 suspects (increasing by 46.62%).[2]

- By month: In terms of efficiency, although big cases can lead to large-scale arrests and may dismantle criminal rings, frequent and persistent law enforcement activities prove more efficient in crime prevention. Therefore, to evaluate law enforcement effectiveness, in addition to the indicator of the total number of violations caught and handled by law enforcement agencies, here this analysis also examines the consistency and regularity of arrests by month of the year.

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[1] This figure may not include arrests in 2020 that has not been initiated criminal proceedings in 2020.
[2] This figure may not include arrests in 2021 that has not been initiated criminal proceedings in 2021.

Month by month, the number of arrested violations decreased markedly in February of both years, accounting for only 3.16 % (9/285 cases) compared to the total number of arrested violations in the period of 2020-2021. A possible reason is the occurrence of the Lunar New Year holidays this month, so offenders decreased their criminal activities and/or authorities reduced law enforcement activities. Meanwhile, January, September, December, May, and March recorded a higher number of arrested violations than in other months of the year. This partly reflects the results of crime suppression campaigns by law enforcement agencies around the Lunar New Year (**Figure 36**).
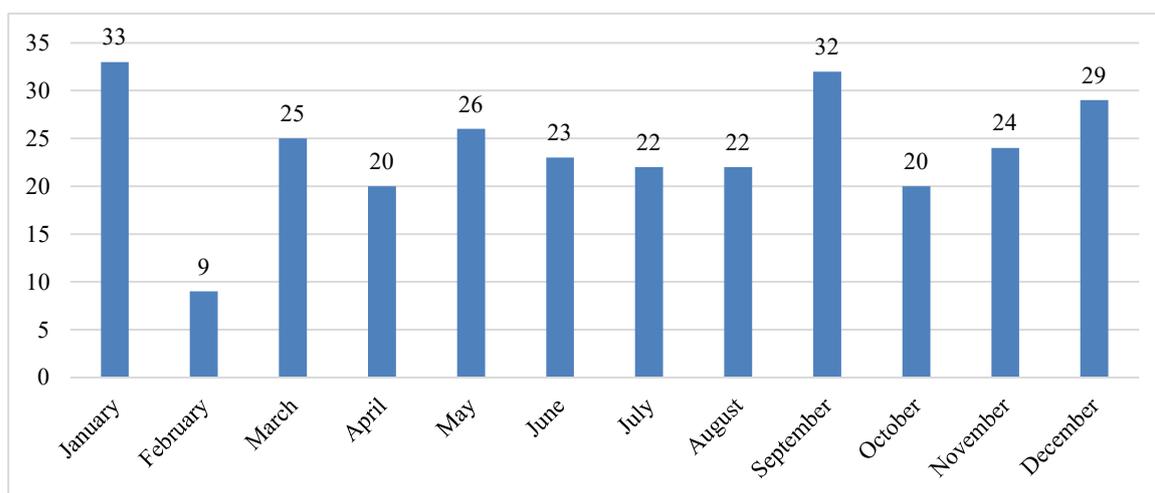
Figure 36. Number of wildlife cases detected and arrested by month

Through the analysis of the consistency and regularity of local law enforcement evidenced by the number of arrests and prosecutions by month, Ha Noi, Nghe An, Thanh Hoa, Quang Ninh, Ho Chi Minh City, Tuyen Quang, Ha Tinh, Lai Chau, and Son La were localities where law enforcement agencies maintained high frequency of wildlife-related law enforcement activities. Law enforcement activities were documented in 21/24 months of 2 years (2020-2021) in Ha Noi, 14/24 months in Nghe An and Thanh Hoa, 9/24 months in Quang Ninh, 8/24 months in Tuyen Quang, 7/24 months in Lam Dong, Lai Chau, Dak Nong and Ha Tinh each.

In contrast, some localities only recorded law enforcement activities between 1 to 3 months out of the total 24 months, specifically: Ha Giang, Phu Tho, Bac Giang, Hai Duong, Ha Nam, Binh Thuan, Quang Tri, Can Tho, Da Nang, Quang Nam, Gia Lai, and Vinh Phuc had documented law enforcement activities in 1 out of 24 months. Ba Ria - Vung Tau, Bac Kan, Bac Ninh, Binh Duong, Dong Nai, Thua Thien - Hue, Ninh Thuan, Quang Ngai, and Tay Ninh had recorded law enforcement activities in 2 out of 24 months. Hoa Binh, Lang Son, Phu Yen, Quang Binh, Thai Nguyen, and Yen Bai recorded law enforcement activities in 3 out of 24 months (**Table 1**).

The high frequency of wildlife-related law enforcement activities in localities such as Ha Noi, Nghe An, Thanh Hoa, Quang Ninh, Ho Chi Minh City, Tuyen Quang, Ha Tinh, Lai Chau, and Son La may be attributed to the proactiveness of the authorities and/or the complicated wildlife crime situation in these localities.

Table 1. Number of wildlife cases by month of arrest and by locality

No	Province/City	Jan	Feb	Mar	Apr	May	Jun	July	Aug	Sept	Oct	Nov	Dec	Total
1	Ba Ria - Vung Tau					1					1			2
2	Bac Giang											1		1
3	Bac Kan			1		2								3
4	Bac Ninh	1		2										3
5	Binh Duong					1						1		2
6	Binh Phuoc			2			2					1		5
7	Binh Thuan	1												1
8	Can Tho			1										1
9	Da Nang						1							1
10	Dak Lak					2	2			1		1		6
11	Dak Nong	1			1	1	1			2	1			7
12	Dien Bien			1	1					2		1	1	6
13	Dong Nai							1				2		3
14	Gia Lai										2			2
15	Ha Giang										1			1
16	Ha Nam	1												1
17	Ha Noi	13	5	6	3	6	7	6	7	6	2	3	15	79
18	Ha Tinh	1			1	1		2		2		1		8
19	Hai Duong										1			1
20	Hoa Binh	1				1			1					3
21	Hue								1			1		2
22	Kien Giang		3	1		1				1				6
23	Kon Tum			1			1			1		1		4
24	Lai Chau			2	1	1	1	2			1			8
25	Lam Dong					1	1		1	2	1	1		7
26	Lang Son	1		2						1				4
27	Nam Dinh				1	1					1		1	4
28	Nghe An	2		1		2	1	2	6	3	2	4	1	24
29	Ninh Binh					1				1	1	2	1	6
30	Ninh Thuan	1									1			2
31	Phu Tho							1						1
32	Phu Yen	1						1		1				3
33	Quang Binh	1		1		1								3
34	Quang Nam										1			1
35	Quang Ngai								1		1			2
36	Quang Ninh	1		2	1		3		1	4	1		1	14
37	Quang Tri											1		1
38	Son La	1			3		2	1	1					8
39	Tay Ninh				3							1		4
40	Thai Nguyen		1					1				1		3
41	Thanh Hoa	2		2	1	1	1	1	1	2	2	1	2	16
42	Ho Chi Minh City	2		1					1	4		1	2	11
43	Tuyen Quang	2		1	2	1	2	1			1			ten
44	Vinh Phuc											2		2
45	Yen Bai					1	1				1			3
	Total	33	9	25	20	26	23	22	22	32	20	24	29	285

Number of cases

1	
2	
3	
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15	

2.2.2 Analysis of the application of detention preventive measures to the suspects of wildlife-related crimes

Out of the total 389 wildlife-related suspects arrested and initiated criminal proceedings by law enforcement agencies, 20.57% of the suspects were subject to strict preventive measures of detention (80/389 suspects), the rest were applied other preventive measures (residential confinement, bail, etc.) accounting for 79.43% (309/389 suspects). Among 80 suspects who were subject to the preventive measure of detention, the number of suspects who were subject to detention duration of 3 to 4 months accounted for the highest proportion of 42.5% (34/80 suspects). Those subject to detention duration of 1-3 months accounted for the second highest proportion of 41.25% (33/80 suspects), followed by the detention duration of less than 1 month of 13.75% (11/80 suspects) and the minimum detention duration of over 4 months of only 2.5% (2/80 suspects) (**Figure 37**).
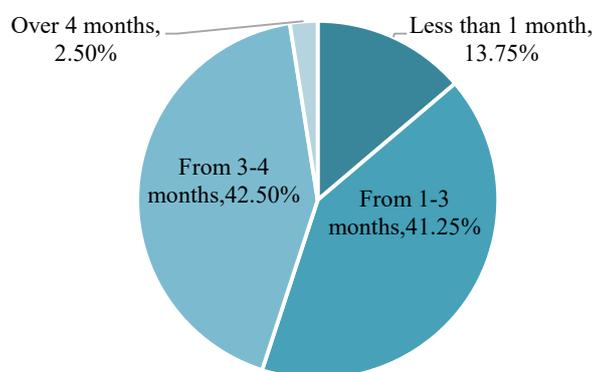
Figure 37. The proportion of duration of applied detention as a preventive measure for suspects of wildlife-related crimes

2.2.3. Involvement of law enforcement agencies in wildlife-related crime arrests

Out of the total 298 wildlife-related cases handled by Viet Nam's criminal justice system and law enforcement agencies from 2020 through 2021, arrests conducted by the police force accounted for the highest proportion, 92,95% (277/298 cases), followed by Forest Protection Department with 4.36% (13/298 cases), customs handled 2.01% (6/298 cases), market surveillance was involved with 0.34% (1/298 cases) and interdisciplinary forces concerned 0.34% (1/298 cases) (**Figure 39**).
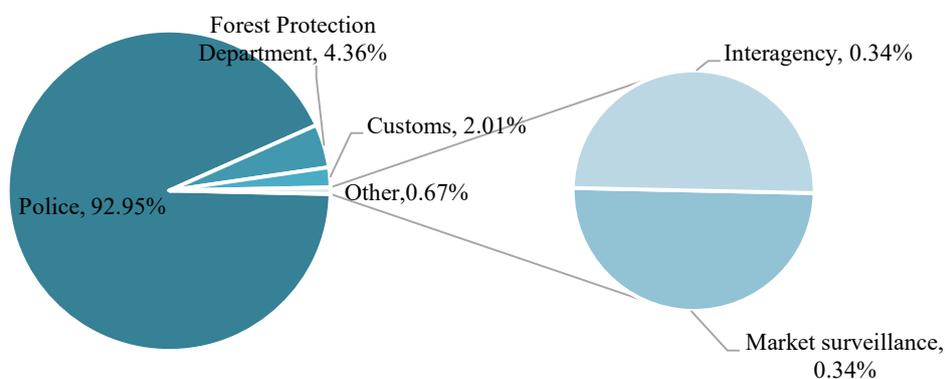
Figure 38. The proportion of wildlife cases arrested by law enforcement agencies

By the police force: The number of cases arrested by district police accounted for the highest proportion of 71.84% (199/277 cases), the provincial police possessed the second highest proportion of 23.83% (66/277), commune police with third highest proportion of 2.89% (8/277) and by ministerial-level police (Ministry of Public Security) with the remaining proportion of 1.44% (4/277) (**Figure 39**).
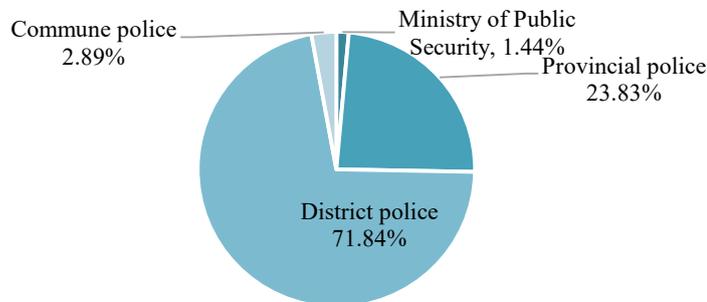
Figure 39. The proportion of wildlife cases arrested by police forces at all levels

By Forest Protection Department: Out of the total 13 wildlife-related cases arrested by Forest Protection Department, the number of wildlife-related cases initiated criminal proceedings and arrested by district forest protection divisions (in counties and protected areas, etc.) as the main force accounted for 84.62% (11/13 cases) and by provincial forest protection departments accounted for 15.38% (2/13 cases) (**Figure 40**).
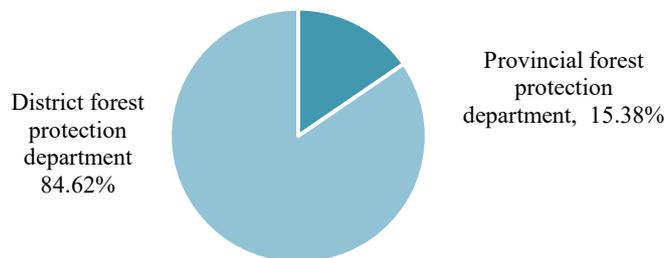
Figure 40. The proportion of wildlife cases arrested by the Forest Protection Department at all levels

By customs force: Out of the total of 6 cases arrested by customs, sub-department-level customs conducted the majority of wildlife-related arrests with 66.67% (4/6 cases) while those by department-level customs accounted for only 33.33% (2/6 cases) - (**Figure 41**).
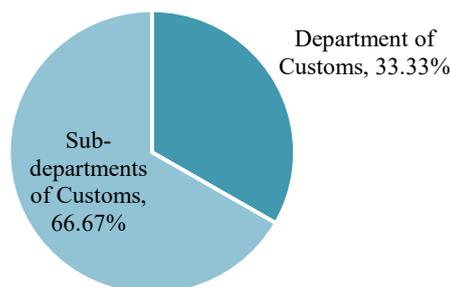
Figure 41. The proportion of wildlife cases arrested by customs forces at all levels

2.2.4 Interdisciplinary coordination in arresting wildlife-related crimes

According to the data collected within the scope of this report, from 2020 through 2021, 27.52% (82/298 cases) of the total arrested wildlife-related cases were documented as having inter-level coordination (ministerial level, and provincial level, ministerial level, and district level, ministerial and with commune level, provincial level and district level or district level and commune level, etc.) and inter-agency coordination (police and rangers and border guards, police and customs or police and market surveillance, etc.):

- Inter-level coordination in arresting wildlife-related crimes: 71 cases with inter-level coordination, accounted for 23.8% (71/298 cases), of which coordination between provincial and district levels made up the highest proportion of 56.3% (40/71 cases), followed by coordination between district and commune level with 33.8% (24/71 cases) and the remaining 9.9% (7/71 cases) being coordination between ministerial level and district level, ministerial level and commune level, ministerial level with provincial and district levels, and provincial level with district and commune levels (**Figure 42**).
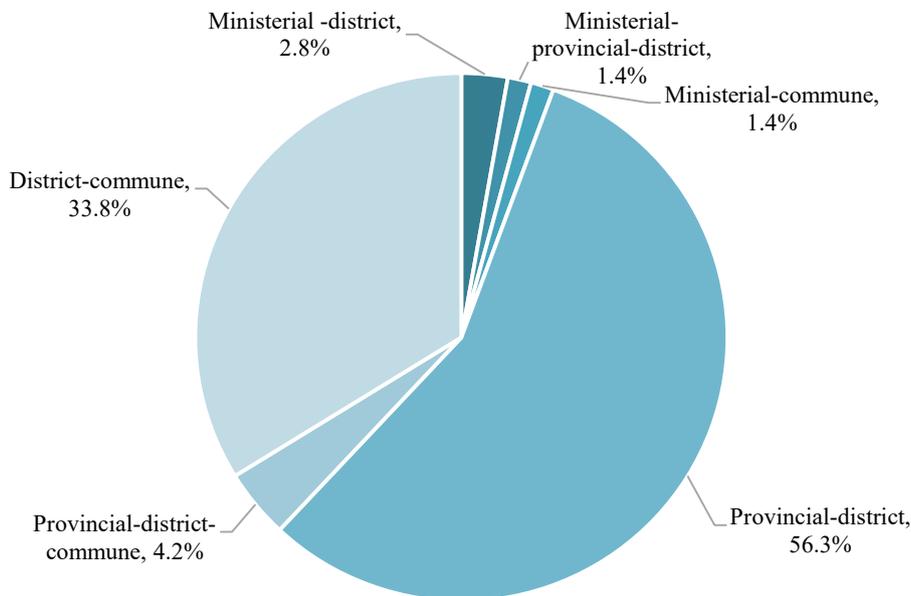
Figure 42. The proportion of inter-level coordination in arresting wildlife-related crimes

- Inter-agency coordination in arresting wildlife-related crimes: 24 cases were documented having inter-agency coordination, accounting for 8.1% (24/298 cases), in which coordination between police and forest protection department accounted for the majority of 75% (18/24 cases), followed by coordination between police and customs with 8.3% (2/24 cases), between police with border guards and customs, between police with border guards and forest protection department, between police with customs and aviation security and between police and market surveillance with 4.2% (1/24 cases) each (**Figure 43**).
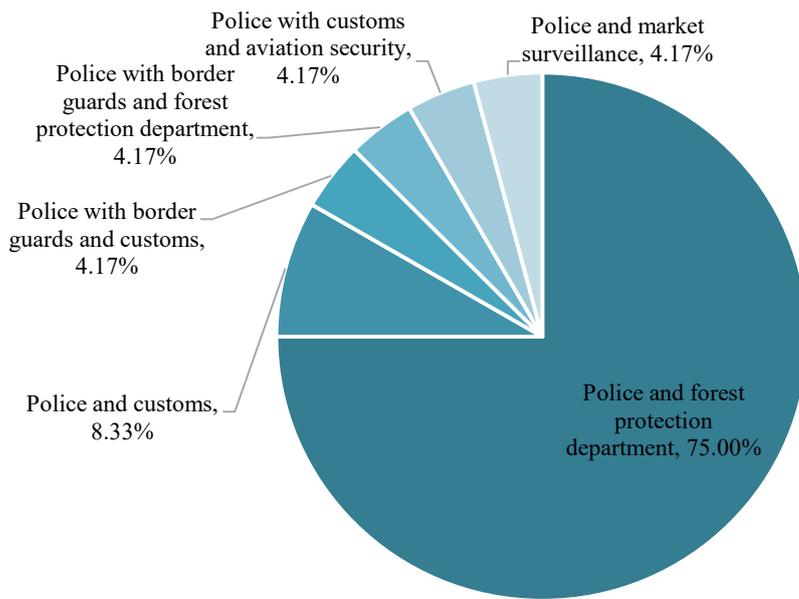
Figure 43. The proportion of inter-agency coordination in arresting wildlife-related crimes

2. 3. Work of initiating legal proceedings against wildlife suspects by locality

In two years (2020-2021), authorities initiated criminal proceedings in 298 cases against 389 suspects for offenses related to wildlife species in general and endangered, precious, and rare animals in particular (of which, 16 cases could not identify suspects).

As shown by the collected data, localities with a large number of wildlife-related cases and suspects were mostly provinces, big cities, or localities with border crossings between Viet Nam – Laos, Viet Nam – Cambodia, and Viet Nam - China, such as Ha Noi (84 cases, 113 suspects), Nghe An (24 cases, 30 suspects), Thanh Hoa (16 cases, 14 suspects), Quang Ninh (14 cases, 26 suspects), Ho Chi Minh City (12 cases/10 suspects), Tuyen Quang (10 cases, 9 suspects), Son La (8 cases, 14 suspects), Lam Dong (8 cases, 8 suspects), Lai Chau (8 cases, 14 suspects), Ha Tinh (8 cases, 11 suspects), Dak Nong (8 cases, 9 suspects), Quang Binh (7 cases, 9 suspects), Ninh Binh (6 cases, 9 suspects), Kien Giang (6 cases, 10 suspects), Dien Bien (6 cases, 5 suspects) and Dak Lak (6 cases, 10 suspects), etc. (**Figure 44**).

Ha Noi and Nghe An were two localities with the highest number of wildlife-related cases and suspects subject to initiation of criminal proceedings in the country, specifically, cases that initiated legal proceedings numbered 84 and 24 respectively, accounting for a combined proportion of over 36.24% (108/298 cases) and 113 and 30 suspects, accounting for a combined proportion of over 36.76% (143/389 suspects). Ha Noi was the locality with the highest number of criminal proceedings initiated in the country from 2020 through 2021, with 28.19% (84/298 cases) and 29.05% (113/ 389 suspects) (**Figure 44**).
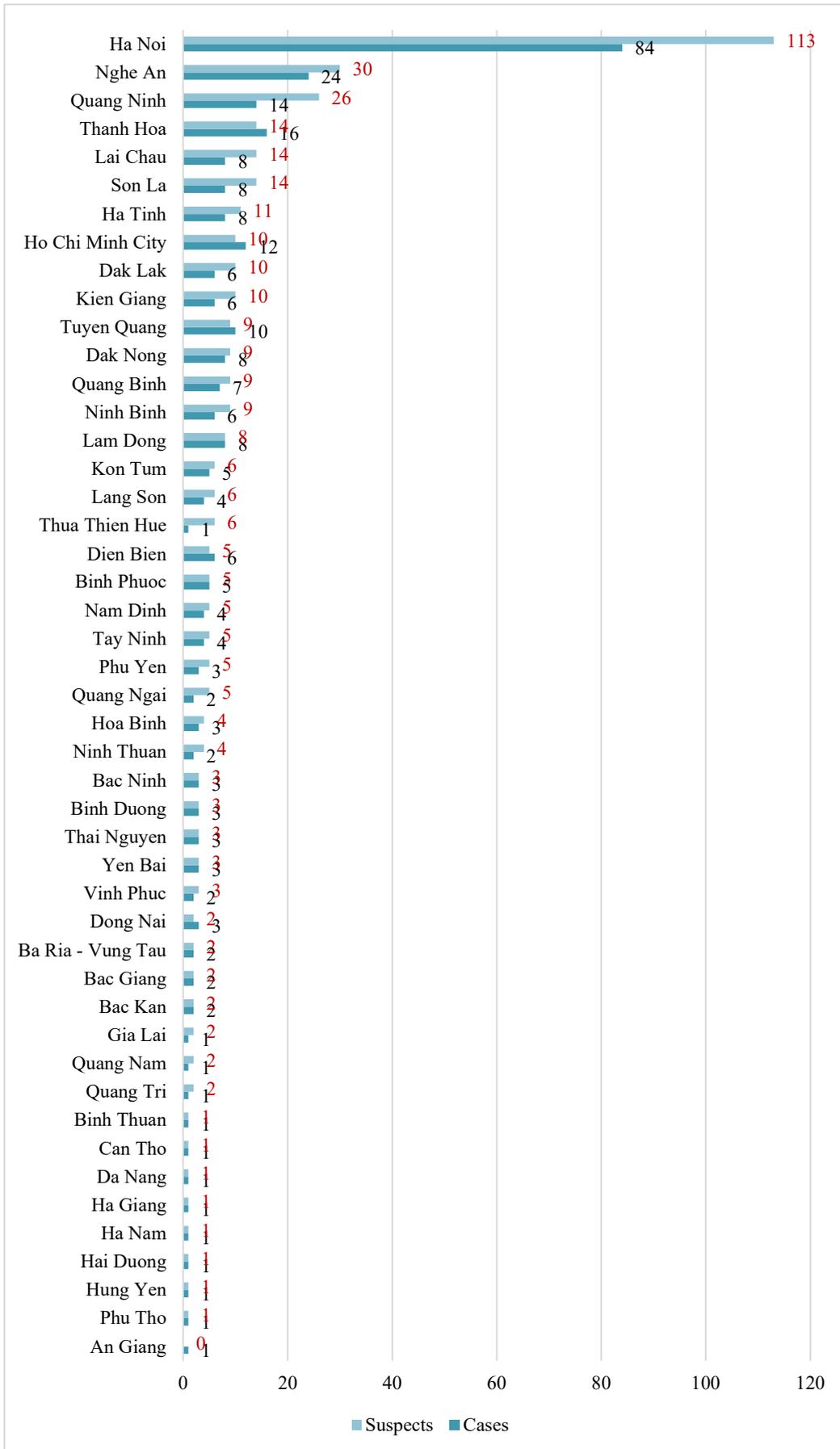
Figure 44. Number of wildlife-related cases and suspects subject to initiation of criminal proceedings by locality

2.4. Work of investigating, prosecuting, and trying wildlife-related crimes

2.4.1. Number of cases and suspects subject to initiation of criminal proceedings for wildlife-related crimes

From 2020 through 2021, Viet Nam's authorities issued decisions on initiating criminal proceedings in 298 cases and against 389 suspects (in addition, there were 16 cases where offenders were not identified), specifically by year (**Figure 45**) as follows:

- In 2020: initiation of criminal proceedings in 130 cases and against 158 suspects.

- In 2021: initiation of criminal proceedings in 168 cases and against 231 suspects.
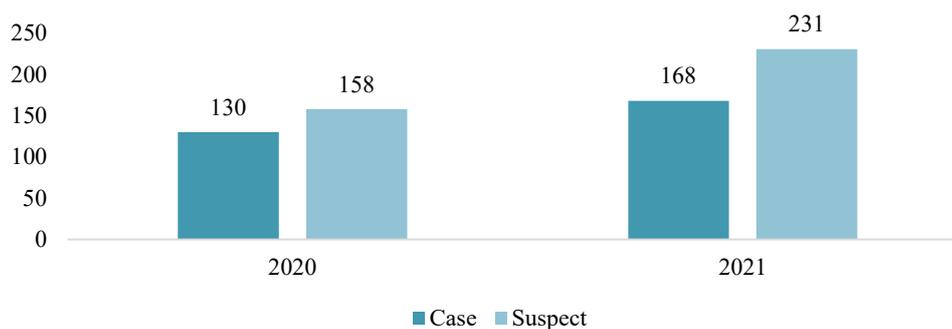
Figure 45. Number of cases and suspects subject to initiation of criminal proceedings for wildlife-related crimes

- *Investigation results of investigating agencies on wildlife-related crimes:*

The number of cases and suspects having investigations completed and proposed for prosecution by competent authorities at all levels accounted for 95.97% (286/298 cases) and 99.74% (388/389 suspects), respectively. Meanwhile, the number of cases and suspects having investigation suspended accounted for 3.02% (9/298 cases) and 0.26% (1/389 suspects), respectively, and the number of cases and suspects having investigation terminated accounted for 1.01% (3/298 cases) and 0 suspects (**Table 2**):

Table 2. Number and percentage of cases and suspects initiated legal proceedings, prosecuted, suspended, and terminated of investigation by year

Year	Initiation of criminal proceedings		Completion of investigation and proposal for prosecution		Suspension of investigation		Termination of investigation	
	No of cases	No of suspects	No of cases	No of suspects	No of cases	No of suspects	No of cases	No of suspects
2020	130	158	127 97.69%	158 100%	2 1.54%	0 0%	1 0.77%	0 0%
2021	168	231	159 94.64%	230 99.57%	7 4.17%	1 0.6%	2 1.19%	0 0%
Total and %	**298**	**389**	**286** **95.97%**	**388** **99.74%**	**9** **3.02%**	**1** **0.26%**	**3** **1.01%**	**0** **0%**

- *The reason for investigation suspension and termination:*

88.89% of cases (8/9 cases) had the investigation suspended due to the expiration of the investigation time limit since the suspects were not identified (Point a, Clause 1, Article 229 of the CPC 2015);

11.11% (1/9 of the cases) had the investigation suspended due to the expiration of the investigation time limit while no expert assessment conclusion was available (Point c, Clause 1, Article 229 of the CPC 2015);

100% (3/3 of the cases) had the investigation terminated due to the expiration of the investigation time limit while the suspects' crime was not proved (Point b, Clause 1, Article 230 of the CPC 2015).

- *Comparison by year:*

The proportions of cases and suspects having investigation completed and proposed for prosecution in 2020 were 97.69% (127/130 cases) and 100% (158/158 suspects), which was higher than those in 2021, namely 94.64% (159/168 cases) and 99.57% (230/231 suspects).

In contrast, the proportions of cases and suspects having investigations suspended and terminated in 2020 were lower than in those in 2021. Specifically, the proportions of cases and suspects having investigation suspended in 2020 were 1.54% (2/130 cases) and 0 suspects, lower than those in 2021, namely 4.17% (7/168 cases) and 0.6% (1/168 suspects). The proportion of cases terminated in 2020 was 0.77% (1/130 cases), lower than that in 2021 of 1.19% (2/168 cases).

2.4.2. Number of suspects prosecuted by PPs at all levels for wildlife-related crimes

From 2020 through 2021, PPs at all levels conducted criminal prosecution in 286 cases and against 382 suspects, in which there was a significant difference in the number of cases and suspects prosecuted in 2020 and 2021 - with the numbers of the following year higher than those of the previous year, specifically (**Figure 46**):

- In 2020: Criminal prosecution of 125 cases, 165 suspects
- In 2021: Criminal prosecution of 161 cases (increasing by 28.8%) and 217 suspects (increasing by 31.51%).
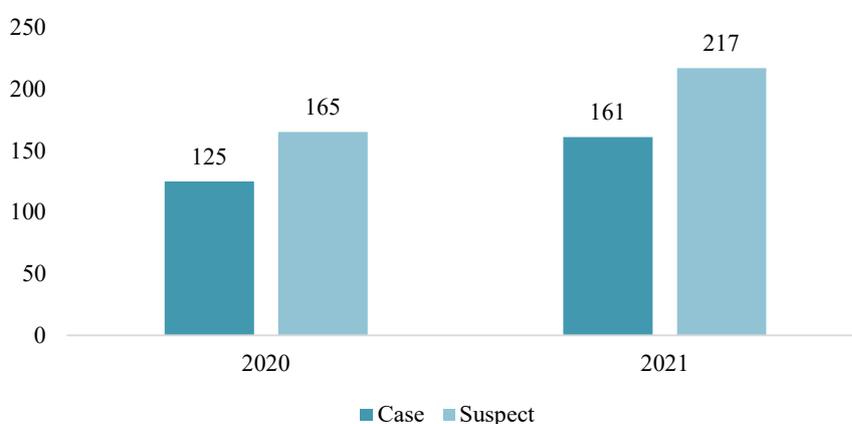
Figure 46. Total number of cases/suspects prosecuted for wildlife-related crimes

2.4.3. Number of defendants tried by PCs according to first-instance procedures for wildlife-related crimes

From 2020 through 2021, all levels conducted first-instance trials on 271 cases with 367 defendants, the detailed numbers as follows (**Table 3**):

Year	No of suspects initiated legal proceedings	No of suspects prosecuted	No of defendants tried by first-instance procedures
2020	158	165	169
2021	231	217	198
Total	**389**	**382**	**367**

Table 3. Number of suspects and defendants initiated legal proceedings, prosecuted and tried by first instance procedures for wildlife-related crimes

- Regarding the number of cases: in 2020, first-instance trials were conducted in 122 cases with 169 defendants; in 2021, first-instance trials were conducted in 149 cases with 198 defendants.
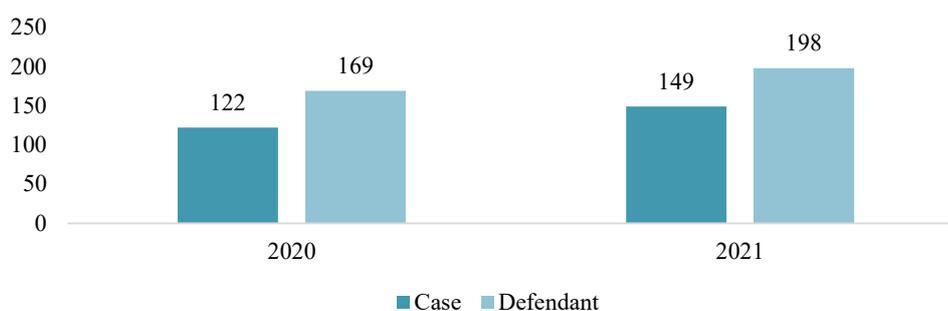
Figure 47. Total number of cases/defendants tried by first-instance procedures for wildlife-related crimes

- Regarding localities conducting first-instance trials: the top 3 localities with the largest number of cases and defendants tried by first-instance procedures in the country were: Ha Noi (85 cases, 114 defendants), Nghe An (18 cases, 21 defendants), Thanh Hoa (11 cases, 12 defendants). These were followed by Son La (9 cases, 16 defendants), Quang Binh (9 cases, 12 defendants), Quang Ninh (9 cases, 10 defendants), and Ho Chi Minh City (9 cases, 9 defendants) (**Figure 48**).

- Crimes applied in the first-instance trial of defendants who committed wildlife-related-crimes:

Out of the total 367 defendants who were tried according to first-instance procedures by courts at all levels, those tried for crimes of violating stipulations on the management and protection of endangered, precious, and rare animals (Article 244 of the 2015 Penal Code, *amended and supplemented in 2017*) accounted for the majority of 98.09% (360/367 defendants), those tried for crimes of violating stipulations on wildlife management and protection (Article 234 of the Penal Code 2015, *amended and supplemented in 2017*) accounted for 1.63% (6/367 defendants), those tried for the crime of storing and transporting banned goods (Article 191 of the Penal Code 2015, *amended and supplemented in 2017*) only accounted for 0.27% (1/367 defendants) (**Figure 49**)
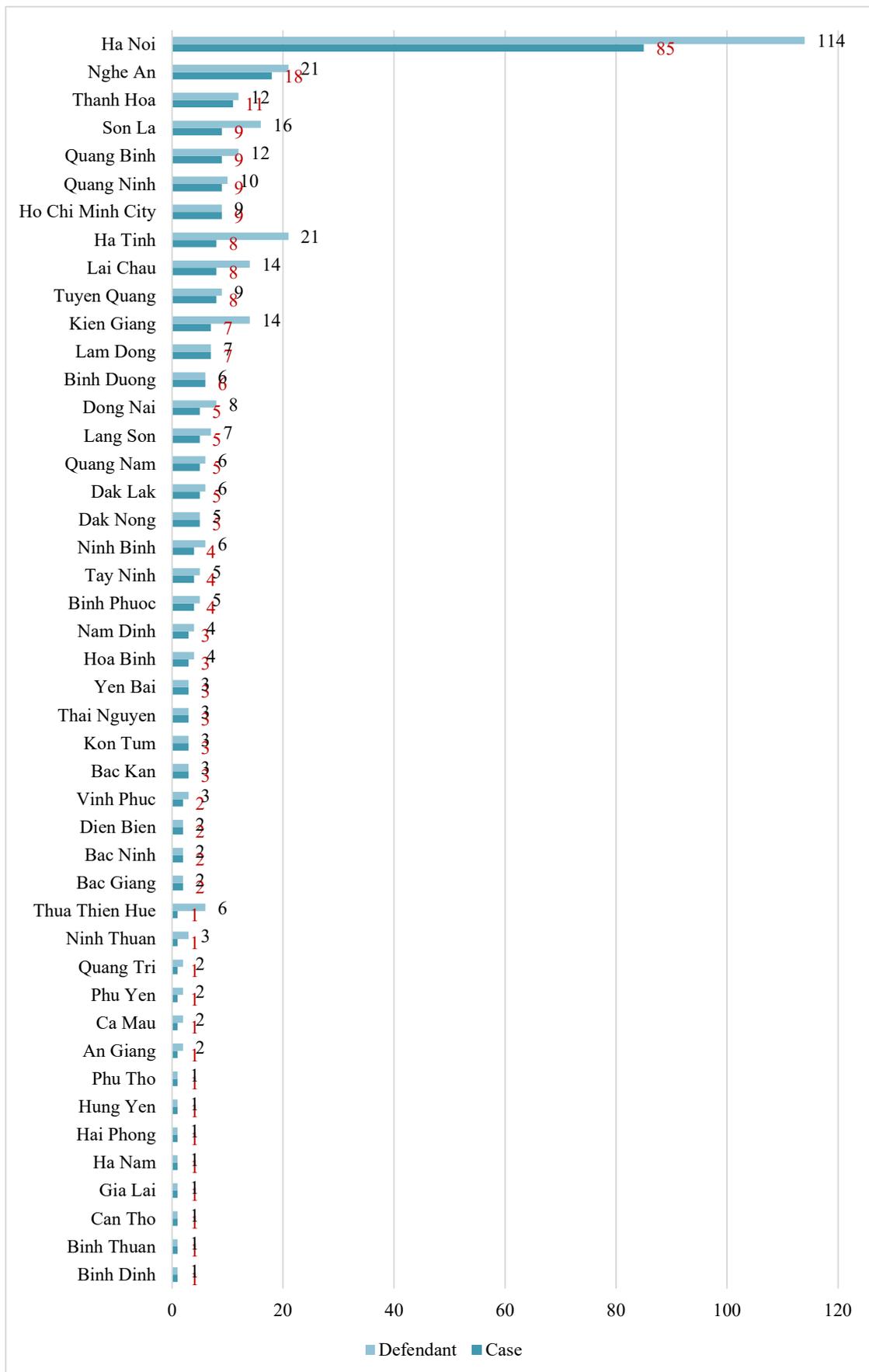
Figure 48. Number of cases and defendants tried by first instance procedures for wildlife-related crimes by locality

Locality	Defendant	Case
Ha Noi	114	85
Nghe An	21	18
Thanh Hoa	12	11
Son La	16	9
Quang Binh	12	9
Quang Ninh	10	9
Ho Chi Minh City	9	9
Ha Tinh	21	8
Lai Chau	14	8
Tuyen Quang	9	8
Kien Giang	14	7
Lam Dong	7	7
Binh Duong	6	6
Dong Nai	8	5
Lang Son	7	5
Quang Nam	6	5
Dak Lak	6	5
Dak Nong	5	5
Ninh Binh	6	4
Tay Ninh	5	4
Binh Phuoc	5	4
Nam Dinh	4	3
Hoa Binh	4	3
Yen Bai	3	3
Thai Nguyen	3	3
Kon Tum	3	3
Bac Kan	3	3
Vinh Phuc	3	2
Dien Bien	2	2
Bac Ninh	2	2
Bac Giang	2	2
Thua Thien Hue	6	1
Ninh Thuan	3	1
Quang Tri	2	1
Phu Yen	2	1
Ca Mau	2	1
An Giang	2	1
Phu Tho	1	1
Hung Yen	1	1
Hai Phong	1	1
Ha Nam	1	1
Gia Lai	1	1
Can Tho	1	1
Binh Thuan	1	1
Binh Dinh	1	1

Figure 49. The proportion of defendants tried by first-instance procedures for wildlife-related crimes by crime

- Application of aggravating and mitigating circumstances to trial according to first-instance procedures for wildlife-related crimes defendant

Out of the total 367 defendants tried according to first-instance procedures, PPs applied aggravating and mitigating circumstances in making decisions on the type and level of penalty at trial as follows:

Regarding the application of aggravating circumstances of penal liability (Article 52 of the Penal Code 2015, *amended and supplemented in 2017*), there were 11 defendants who were applied aggravating circumstances of penal liability, accounting for 3% (11/367 defendants), of whom, 8 defendants were applied the circumstance of "committing the crime twice or more" as specified at Point g, Clause 1, Article 52 of the Penal Code, accounting for 72.7% (8/11 defendants). Meanwhile, 3 defendants were applied the circumstance of "recidivism or dangerous recidivism" as specified at Point h, Clause 1, Article 52, accounting for 27.3% (3/11 defendants) (**Figure 50**).
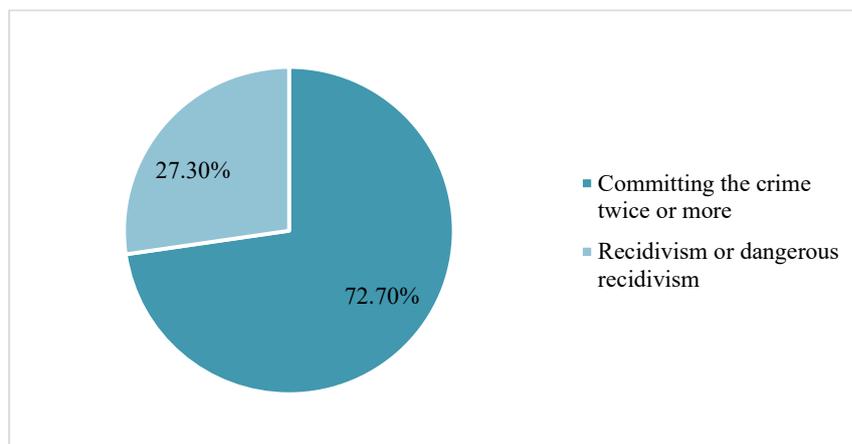
Figure 50. The proportion of aggravating circumstances of penal liability applied to defendants of wildlife-related crimes

Regarding the application of mitigating circumstances of penal liability (according to Article 51 of the Penal Code 2015, *amended and supplemented in 2017*): There were 308 defendants who were applied mitigating circumstances of penal liability, accounting for 83.92% (308/367 defendants). Of whom, 68% (210/308 defendants) were applied 1 mitigating circumstance, 30% (91/108 defendants) were applied 2 mitigating circumstances, and 2%

(7/308 defendants) were applied 3 mitigating circumstances. (**Figure 51**).
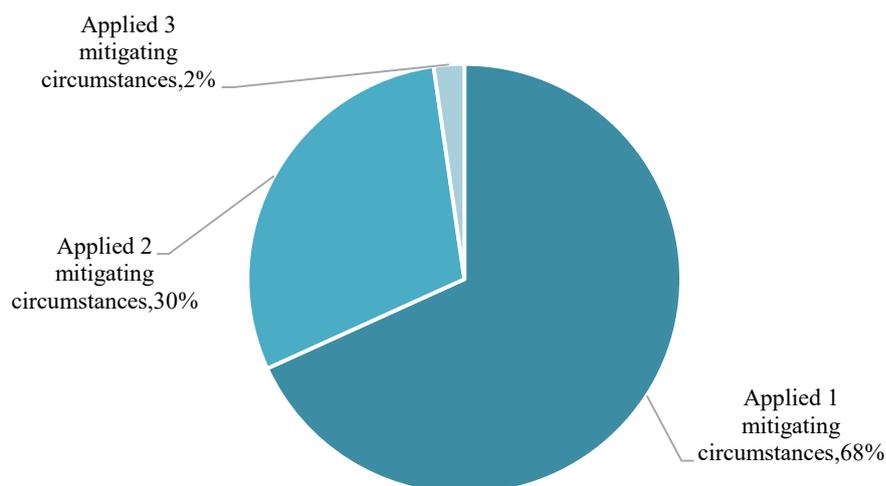
Figure 51. Percentage of defendants committing wildlife-related crimes applied mitigating circumstances by the number of circumstances

Among the applied mitigating circumstances specified in Article 51 of the Penal Code 2015 (*amended and supplemented in 2017*):

-   The circumstance of "The offender sincerely declares and repents" specified at Point s, Clause 1 was most frequently applied with 99.35% (306/308 defendants)

-   The circumstance of "The offender actively assists responsible agencies in crime detection or in case handling process" specified at Point t, Clause 1 was the second most frequently applied with 14.61% (45/308 defendants)

-   The circumstance of "The crime is committed due to obsolescence" specified at Point m, Clause 1 was the third most frequently applied with 4.22% (13/308 defendants)

-   The circumstances of "The offender has prevented or reduced the harm caused by the crime" and "The offender commits the crime because of lack of awareness that is not on his/her account" were applied least frequently (1/308 defendants each) **(Figure 52)**.

2.4.4. Penalties applied to wildlife-related crimes

Out of the total 367 defendants tried according to first-instance procedures by PPs at all levels, term imprisonment accounted for the highest proportion of 49.32% (181/367 defendants), suspended sentence accounted for the second highest proportion of 47.96 % (176/367 defendants); fines and non-custodial rehabilitation account for the lowest proportion of 1.91% (7/367 defendants) and 0.54% (2/367 defendants), respectively and 0.27% (1/367 defendants) was exempted from penal liability (**Figure 53**).

Out of the total 181 defendants sentenced to term imprisonment for wildlife-related crimes, the number of defendants sentenced to imprisonment term of from 1 year to 3 years accounted for the highest proportion of 59.67% (108/181defendants); the number of defendants sentenced to an imprisonment term of over 3 years to 7 years accounted for the second highest proportion of 24.31% (44/181 defendants); the number of defendants sentenced to an imprisonment term of over 7 years to 10 years accounted for the third highest

proportion of 6.63% (12/181 defendants), the number of defendants sentenced to an imprisonment term of more than 10 years accounted for 5.52% (10/181 defendants) and penalty of the lowest proportion is less than 1-year imprisonment, only 3.87% (7/381 defendants) (**Figure 54**).
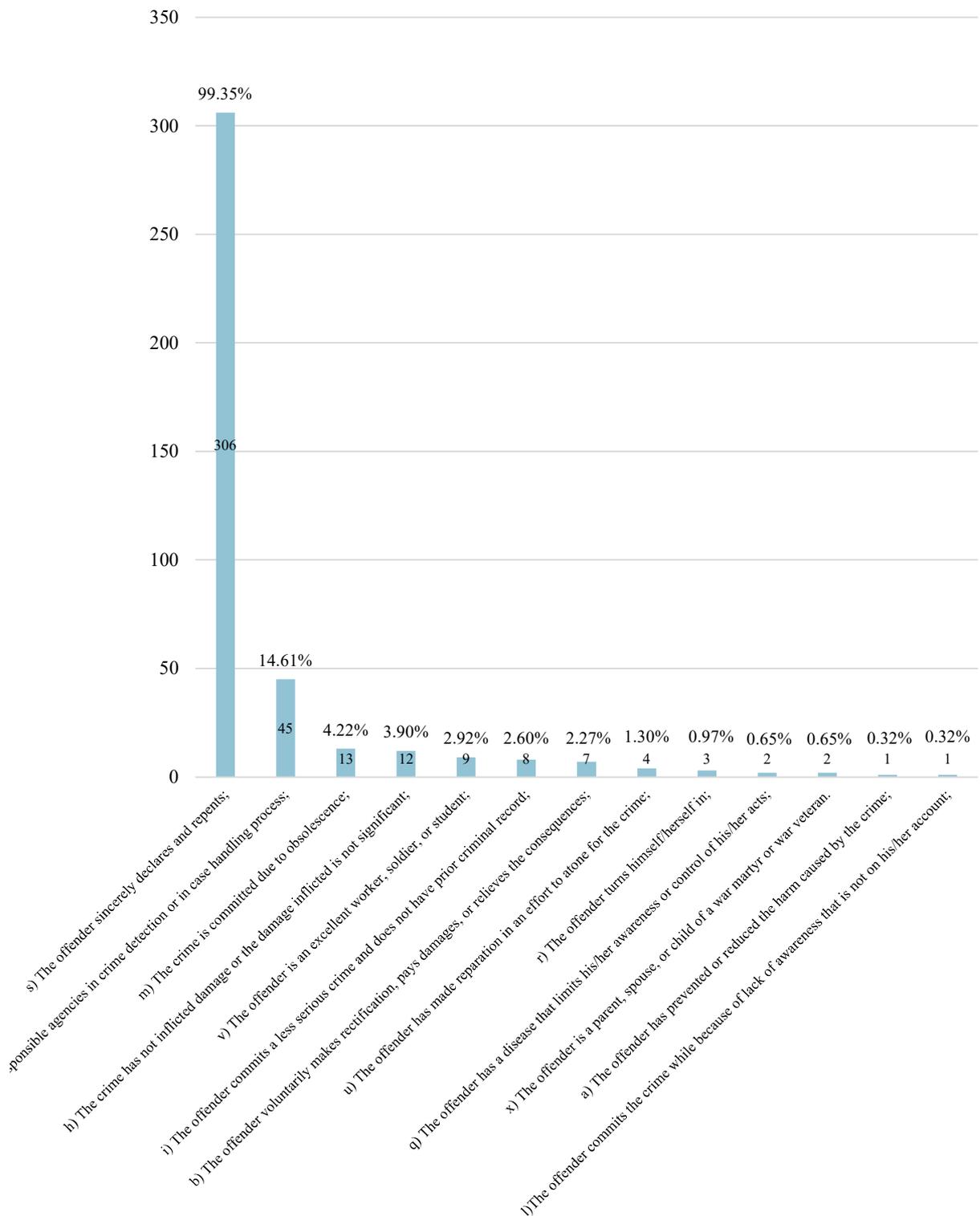
Figure 52. Percentage of defendants committing wildlife-related crimes applied mitigating circumstances by specific circumstances
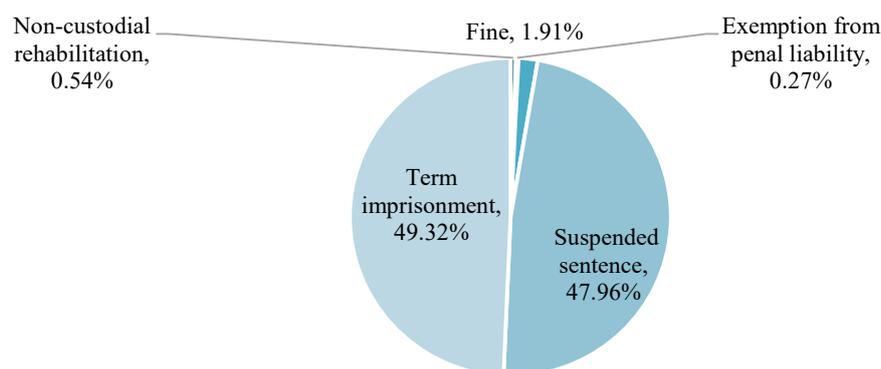
Figure 53. The proportion of penalties applied to wildlife-related crimes
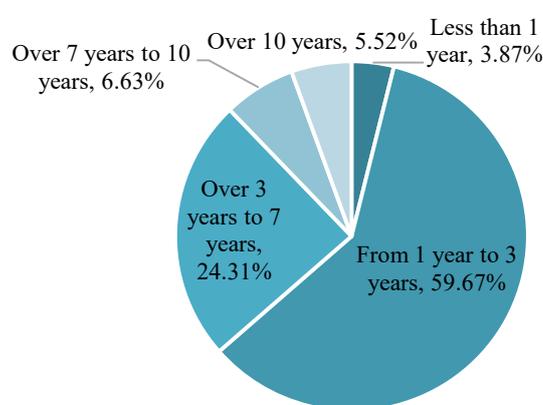
Figure 54. The proportion of term imprisonment applied to wildlife-related crimes

In addition to the main penalty, among the total 367 defendants who were tried according to first instance procedures, 22 defendants, accounting for 6% (22/367), were also subject to the additional penalty of fines totaling 1.165 billion VND, of which the highest additional fine was 100 million VND and the lowest was 50 million VND.

Further, 1/367 defendants, accounting for 0.27%, who was a foreigner committing wildlife-related crimes in Viet Nam was subject to the additional penalty of deportation.

2.4.5 Number of defendants tried according to appellate procedures by PCs at all levels for wildlife-related crimes

Out of the total 398 defendants tried by PCs at all levels in the period of 2020-2021, 48 defendants were tried according to appellate procedures (due to an appeal or protest from PPs), accounting for 12.1% (48/398 defendants), specifically as follows:

- Regarding the number of defendants who were tried according to appellate procedures by locality, Ha Tinh was the locality with the largest number, accounting for 39.58% (19/48 defendants), followed by Ha Noi with 18.75% (9/48 defendants), Quang Nam with 8.33% (4/48 defendants), Dak Lak with 6.25% (3/48 defendants); Dak Nong, Thua Thien Hue, Kien Giang and Quang Binh with 4.17% (2/48 defendants) each.

- Regarding the results of appellate trials: Among the total 48 defendants who were tried by PCs at all levels according to appellate procedures, the majority had their first-instance

sentences unchanged, accounting for 45.83% (22/48 defendants); followed by defendants who were switched from term imprisonment sentences to suspended sentences with 25% (12/48 defendants); defendants entitled to reduced imprisonment sentences accounted for 22.92% (11/48 defendants). The remaining defendants who were switched from term imprisonment to penal liability exemption (1/48 defendants), from suspended sentences to term imprisonment sentences (1/48 defendants), and had increased term imprisonment sentences (1/48 defendants), all accounted for 2.08% each (**Figure 55**).
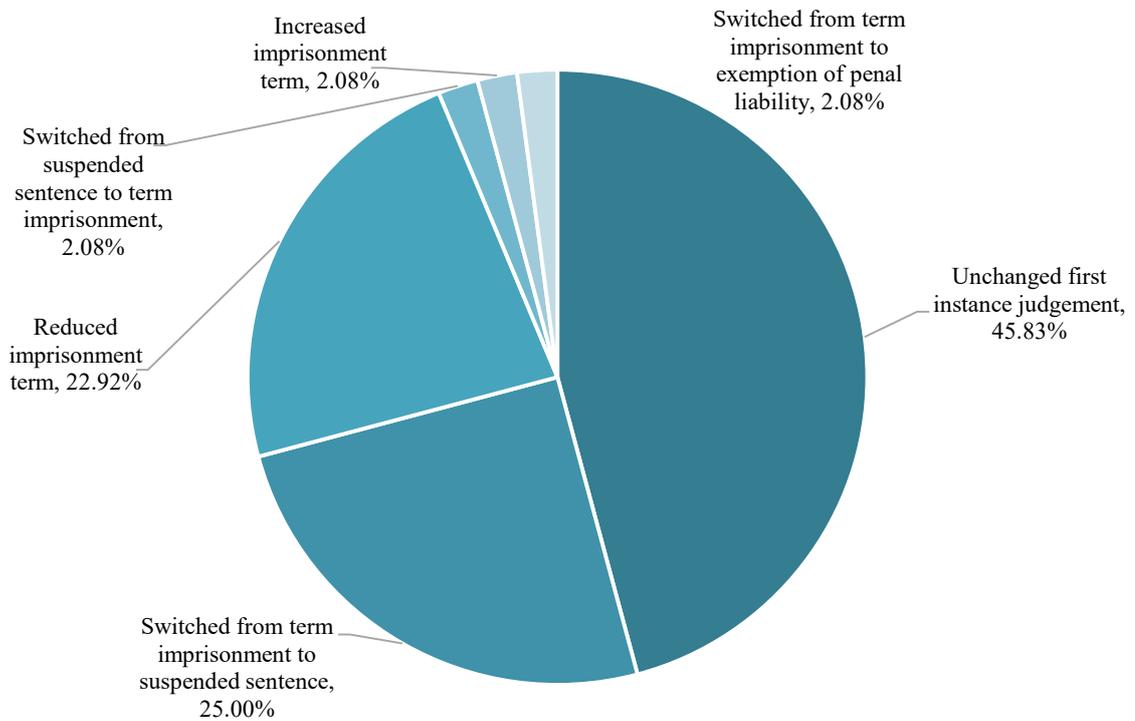
Figure 55. The proportion of appellate trial results of defendants of wildlife-related crimes

2.4.6 Methods of handling wildlife exhibits

Out of the total 298 wildlife-related cases initiated criminal proceedings from 2020 through 2021, 264 cases, accounting for 88.6%, have methods of handling wildlife exhibits documented, and the remaining 34 cases, accounting for 11.4% did not. The most common handling method was sending exhibits to rescue centers to ensure the life of wildlife (169/264 cases), followed by destruction (103/264 cases), releasing to the wild (40/264 cases), transfer to zoological gardens, scientific research centers, environmental training, and education establishments or specialized museums (36/264 cases), assigning to other State agencies competent for management and use such as transferring to competent Forest Protection Department (24/264 cases) and preservation pending handling (8/264 cases) (**Figure 56**).
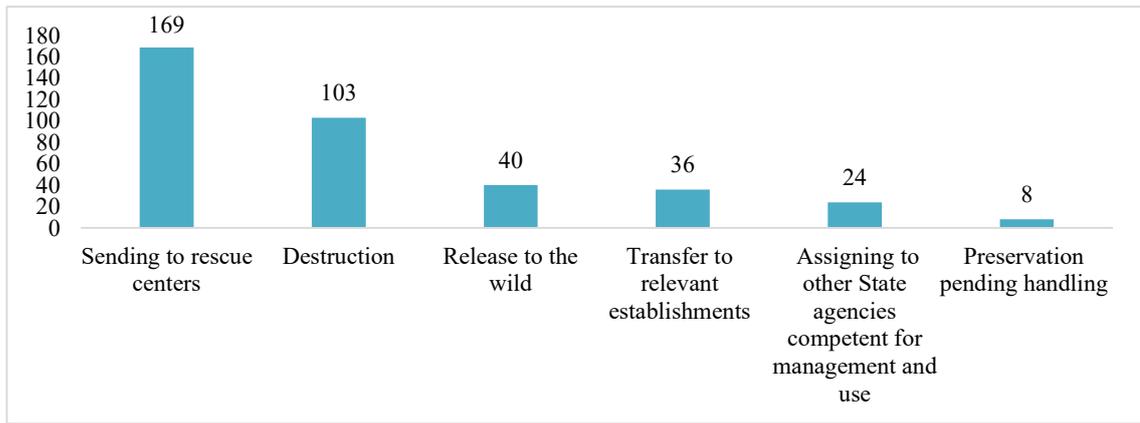
Figure 56. Methods of handling wildlife exhibits by case

2.4.7 Comparison of effectiveness in detecting, investigating, prosecuting, and trying wildlife-related crimes in the periods of 2020-2021 and 2018-2019

● The number of cases initiated legal proceedings, prosecuted, and tried (**Figure 57**):

- Initiation of legal proceedings: Law enforcement agencies initiated criminal proceedings in 267 cases with 326 suspects in the period 2018-2019 and 298 cases with 389 suspects in the period of 2020-2021. Thus, the number of cases and the number of suspects subject to criminal proceedings increased by 31 cases (equivalent to 11.61%) and 63 suspects (equivalent to 19.33%).

- Prosecution: PPs at all levels prosecuted 215 cases with 291 suspects in the period 2018-2019 and 286 cases with 382 suspects in the period 2020-2021. Compared to 2018-2019, the number of cases and the number of suspects prosecuted increased by 71 cases (equivalent to 33.02%) and 91 suspects (equivalent to 31.27%).

- First-instance trial: PPs at all levels conducted first-instance trials of 203 cases with 277 defendants in the period 2018-2019 and 271 cases with 367 defendants in the period of 2020-2021. Compared to previously, the number of cases and the number of defendants tried according to first-instance procedures increased by 68 cases (equivalent to 33.50%) and 90 defendants (equivalent to 32.49%).
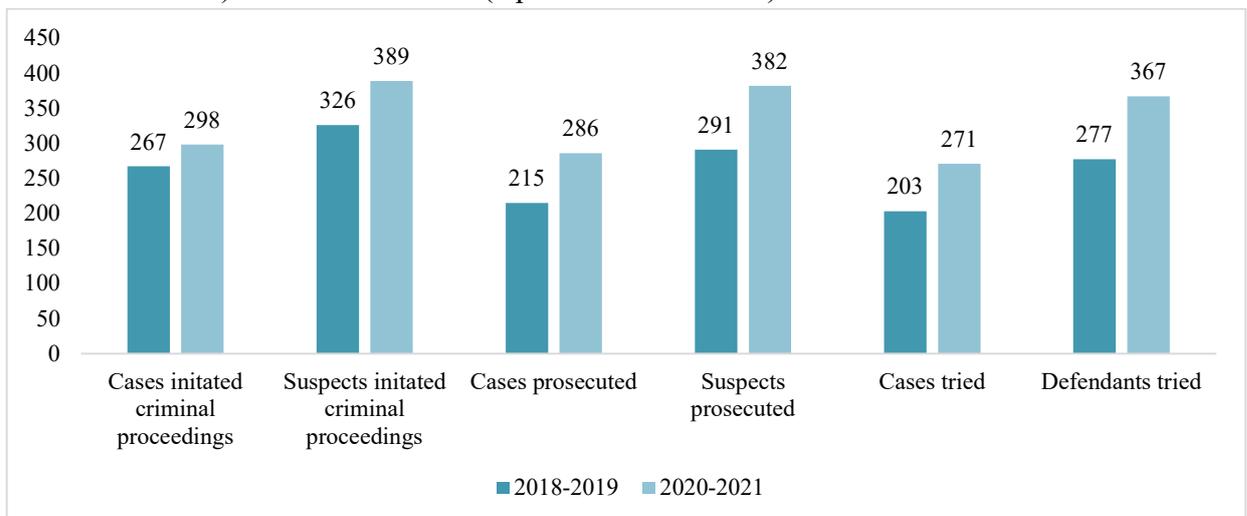
Figure 57. Number of cases and suspects and defendants prosecuted, initiated in criminal proceedings, and tried by first instance procedures in the periods of 2018-2019 and 2020-2021

● Regarding the types of penalty applied (**Figure 58**):

When comparing the types of penalty applied to defendants who committed wildlife-related crimes in the periods of 2018-2019 and 2020-2021, the trends are consistent in terms of types of applied penalties, specifically, the penalty of term imprisonment accounted for the highest proportion (56.32% in the 2018-2019 period with 156/277 defendants and 49.32% in the 2020-2021 period with 181/367 defendants), followed by suspended sentence (41.52% in the period of 2018-2019 with 115/277 defendants and 47.96 % in the period of 2020-2021 with 176/367 defendants). However, if considering the number of defendants who were sentenced to term imprisonment and suspended sentences, there was a noticeable difference, specifically, only 156 defendants were subject to term imprisonment in the period of 2018-2019 compared to 181 defendants in the period of 2020-2021 (increased by 25 defendants); only 115 defendants were applied suspended sentences from 2018 through 2019 compared to 176 defendants in the period of 2020-2021 (increased by 61 defendants).

As for other penalties such as fines and non-custodial reform, both accounted for a small proportion in both periods, specifically, fines and non-custodial reform accounted for 0.72% (2/277 defendants) and 1.44% (4/277 defendants) in the period of 2018-2019, respectively; and 1.91 % (7/367 defendants) and 0.54% (2/367 defendants) in the period of 2020-2021, respectively.
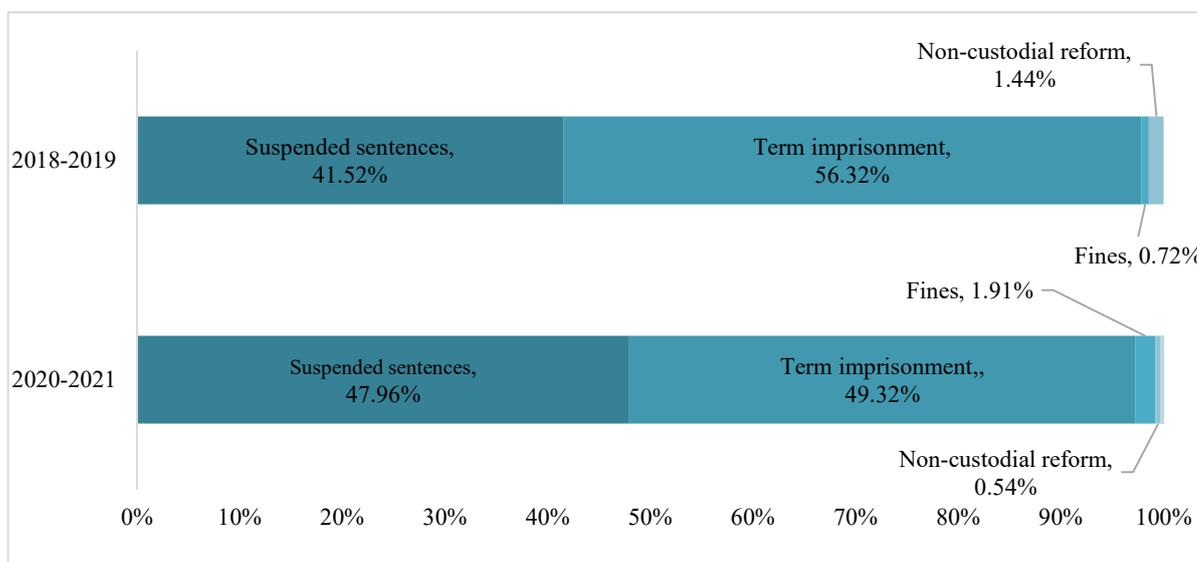
Figure 58. Comparison of types of penalties applied to wildlife-related crimes tried by first-instance procedures in the periods of 2018 - 2019 and 2020-2021

● Comparing the level of term imprisonment applied to defendants in the period of 2018-2019 with the period of 2020-2021, there were noticeable differences **(Figure 59)**, specifically:

- The number of defendants who were sentenced to between 1 year and 3 years of imprisonment accounted for 59.67% (108/181 defendants) from 2020 through 2021 and only 39.1% (61/156 defendants) in the period of 2018-2019

- The number of defendants who were sentenced to between 3 years and 7 years of

imprisonment accounted for 39.1% (61/156 defendants) in the period 2018-2019, but only 24.31% (44/181 defendants) in the period of 2020-2021

- The number of defendants who were sentenced between 7 years and 10 years of imprisonment accounted for 12.82% (20/156 defendants) in the period 2018-2019 but only 6.63% (12/181 defendants) in the period of 2020-2021

- The number of defendants who were sentenced to 10 years of imprisonment or more accounted for 6.41% (15/234 defendants) from 2020 through 2021 but only 5.52% (10/181 defendants) in the period of 2018-2019, among whom only 1 defendant was sentenced to 13 years of imprisonment (the case in Quang Ninh province) while 3 defendants were subject to the maximum penalty of 13 years of imprisonment in the period of 2020-2021.
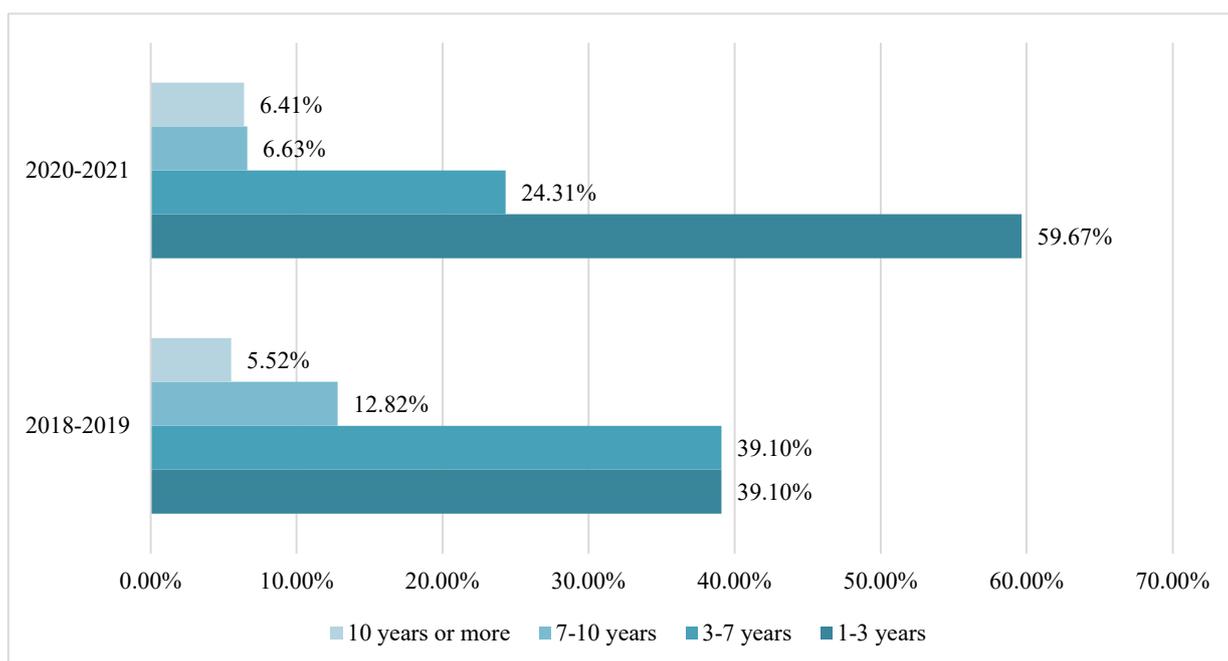
Figure 59. Comparison of term imprisonment sentences applied to wildlife-related crimes from first-instance trials in the periods of 2018-2019 and 2020-2021

- **Overall assessment:** The number of cases and suspects initiated legal proceedings, prosecuted, and tried according to first-instance procedures from 2020 through 2021 was always higher than that of the period of 2018-2019. The penalty of term imprisonment applied to defendants upon first-instance trial tended to be stricter, specifically illustrated in the higher proportion of defendants subject to imprisonment of 10 years or more in the period of 2020-2021 (6.41%) compared to the period of 2018-2019 (5.52%).

There are various reasons for this trend including the improved awareness of all levels, sectors, and forces in the fight and prevention of this type of crime and particularly, the demonstration of the strictness of the law. The provisions of Articles 234, and 244 of the Penal Code 2015 *(amended and supplemented in 2017)* aggravate and criminalize some specific acts such as storage and add grounds based on the number of violations connected to wildlife individuals, etc. These are necessary and sufficient conditions to facilitate the application of law and handling of crimes in general and wildlife-related

crimes in the period of 2020 - 2021 in particular.

III. DIFFICULTIES, OBSTACLES, AND RECOMMENDATIONS

In addition to submitting completed Statistical Forms, local authorities also sent Department 2, SPP reports on the situation of law enforcement on wildlife protection in their localities. Accordingly, there remain shortcomings and limitations in the actual fighting and application of the provisions of the law to handle wildlife-related crimes, specifically, the stipulation of Articles 234, 244 of the Penal Code 2015 (*amended and supplemented in 2017*). These issues were also identified and consolidated through the process of analyzing data from cases and discussing them with authorities during field trips.

Below are some difficulties, and obstacles in law enforcement on wildlife protection, and recommendations to relevant competent authorities to provide references and contribute to enhancing the effectiveness of wildlife crime prevention and control in Viet Nam, including statistical work and data analysis on this type of crime.

3.1. Difficulties and obstacles in law enforcement on wildlife protection

3.1.1. *About the perception of people in general and wildlife offenders in particular*

People's awareness of wildlife and wildlife conservation in the country was not good while communication and education work to raise awareness for people by competent agencies was still limited. Therefore, in many cases, people "publicly" stored, transported, traded, reared, and confined wildlife illegally without knowing they were breaking the law until being arrested and handled by law enforcement agencies. This caused difficulties in the criminal handling process of detected violations, especially in proving offenders' subjective intentions.

3.1.2. *On the effectiveness of handling wildlife-related offenders*

As shown through the consolidation and analysis of statistical data on suspects and defendants in the period of 2020-2021, mainly hired transporters rather than owners of wildlife goods were caught. Therefore, crime handling was only limited to hired transporters but failed to catch masterminds and leaders. As a result, effective and thorough deterrence and education outcomes have not been achieved.

3.1.3. *About the provisions of the Penal Code, the Criminal Procedure Code, and their practical application*

The 2015 Penal Code (*amended and supplemented in 2017*) brought new changes compared to the provisions of the 1999 Penal Code on crimes of violating stipulations on the protection of endangered, precious and rare wild animals including providing concrete crimes for specific protected species such as poaching, killing, rearing, confinement, transporting and trading in endangered, precious and rare animals prioritized for protection; illegally storing, transporting and trading in ivory and rhino horns; stipulating the quantity or number of individuals as a basis for determining crimes and penalty bracket to address difficulties in valuating assets being endangered, precious and rare animals.

However, in the process of applying new provisions of the current Penal Code, many

localities still encountered some obstacles as follows:

- Article 244 only stipulates the application of penal liability to offenses involving animal body parts if they are "body parts indispensable for life", which is confusing and can lead to differing interpretations and difficulties for procedural agencies.

- Article 244 only stipulates criminal handling of the acts of hunting, killing, transporting, captive breeding, and trading in endangered, precious, and rare species prioritized for protection; illegally storing, transporting, or trading individuals, parts, or products thereof. This leads to the question of whether the act of "bone glue cooking" of individuals or parts of endangered, precious, and rare wildlife species prioritized for protection shall be criminally handled; as this act is not specified in the elements of crime. Meanwhile, the acts of "bone glue cooking" or "processing" wildlife also present great harm to society and directly impact wildlife as per collection.

- Clauses 1, 2, and 3, Article 244 currently stipulate the number of "body parts indispensable for life" being the ground for criminal handling and punishment. However, as shown through the investigation process, there were cases where the suspects committed the act of buying, selling, and transporting many parts indispensable for life, some of which might be subdivided from one individual for easy transportation or could be derived from many different individuals. Expertise agencies could hardly determine whether "many body parts" originated from one individual or many individuals, leading to challenges in the handling process.

- Point b, Clause 1, Article 244 stipulates: "… *illegal trade in individuals, body parts indispensable for life or products of animals specified at Point a of this Clause*", i.e., "products" of endangered, precious and rare animals specified in Clause 1 are among targets of offenses. Point A, Clause 2, Article 244 quantifies the minimum number of animal individuals and parts for penal liability examination according to Point A, Clause 1, Article 244. However, as for "products" of endangered, precious, and rare animals, Article 244 does not provide for the number, weight, or value of products as a quantitative basis for penal liability examination.

- Currently, there has been no document from competent authorities to determine the breeding and migration seasons of each species. Therefore, the lack of stipulation on this bracket-determining circumstance makes it hard for the consistent and unified application of the law, causing a lot of difficulties in the actual handling process.

In addition, the practical application of the 2015 Criminal Procedure Code (*amended and supplemented in 2021*) in the criminal handling of wildlife cases demonstrates the following shortcomings:

- Article 223 provides for special investigative and procedural measures such as secret audio and video recording; secret phone tapping; secret collection of electronic data, however, competent procedure-conducting persons can only apply these measures after the initiation of legal proceedings and to crimes of infringing upon national security, crimes related to drugs, corruption and money laundering; and organized crimes of

particularly serious types. Thus, such investigative measures are not applicable to wildlife crimes. This is one of the obstacles in the process of investigating and handling wildlife crimes.

- Challenges in determining foreign elements in criminal cases related to wildlife and endangered, precious, and rare animals cause difficulties in identifying competent handling agencies in Viet Nam.

3.1.4. Wildlife assessment

Determining the name of the violated wildlife species is a prerequisite for penal liability examination. However, wildlife species are special objects to be assessed by competent professional agencies for conclusions on their names and categories. The CITES Scientific Authorities are agencies competent to conduct assessments of CITES specimens as prescribed. For wildlife species, there are currently 7 designated authorities under Decision No. 2249/QD-BNN-TCLN dated June 17, 2020, and Decision No. 4519/QD-BNN-TCLN dated November 22, 2022, of the Minister of Agriculture and Rural Development. Although these agencies are located in three regions, North, Central, and South, it takes a long time to receive assessment results, requiring the extension of investigation time in addition to the high costs for transportation, assessment (particularly assessment costs of dead specimens, parts or products of wildlife) and exhibit preservation.

Locally, ad-hoc assessment organizations, on the whole, have not been established (as stipulated in the Law on Judicial Expertise) nor have specialized experts been appointed, which has caused delays and limits the quality and efficiency of expert analysis work. This has significantly affected the progress and quality of handling wildlife-related cases.

3.1.5. Wildlife valuation

According to the current Penal Code, in order to criminally handle violations of stipulations on the protection of wildlife and endangered, precious and rare animals, many criminal cases must be subject to valuation procedures. However, given no official basis for valuation councils when dealing with exhibits that are not traded on the market, upon valuation requests by procedure-conducting agencies, valuation agencies often refuse to valuate or set different prices for the same objects under valuation.

This shortcoming has led to situations when, for the same act on the same species or endangered, precious, and rare animal individuals, the application of inconsistent price valuation warrants penal liability examination in one locality but equally in another scenario, or in short, an unfair application of the law based upon the location of the crime.

Besides, in practice, valuation councils composed of representatives of specialized agencies at the district level mainly conduct valuation for common properties such as construction works, land, vehicles, etc. As for the valuation of wildlife exhibits, there remains a lot of confusion and limitations, particularly for exhibits of wildlife that have parts of their body lost and are not intact; or are partially intact.

3.1.6. Handling and preserving wildlife exhibits

Currently, there has been no clear stipulation on specialized management agencies taking care of wildlife in the process of handling violations; and order, procedures, technical protocols for rescue, etc. Therefore, methods of handling wildlife exhibits/materials captured and analyzed in this report have not been applied consistently. In addition, the handling and preservation of exhibits and evidence being live and dead animals or wildlife products practically (and violations of wildlife legislation generally) are challenged by limited facilities and human resources.

3.1.7. Regarding wildlife crime statistics and the use of statistical results

As discovered through case file review, in many localities, some wildlife violations did not involve a sufficient number of individuals or weight to be initiated in legal proceedings and thereby were administratively handled by authorities. However, the administrative handling was sometimes (or in some places) not strictly managed nor documented in a unified system for reference and referenced as a basis for criminal handling by various levels, sectors, and law enforcement forces. Potentially, crimes related to wildlife protection have been omitted.

3.2. Recommendations

3.2.1. Recommendation 1: Actively carry out law dissemination and education for people

Agencies in charge of propaganda, information, communication, press, etc. at the central and local levels need to properly implement Guideline No. 13-HD/BTGTW dated July 19, 2021, of the Central Committee for Propaganda on enhancing communication on the practice of not poaching, buying, selling, transporting, slaughtering, consuming, storing, advertising or infringing upon endangered, precious and rare fauna and flora. Agencies should be accelerating propaganda, education, and dissemination of laws on environmental protection, biodiversity, and wildlife protection for people, especially people in remote, distant, border and island areas, ethnic minorities in buffer zones around nature reserves, national forests, and border areas, etc.; renewing and diversifying methods of propaganda, education, and dissemination of laws (such as in-person communication, leaflets handing-out, writing articles and widely disseminating on mass media, social networks, movies, photos, newsletters, and running mock trials, etc.), focusing on communication, education, and dissemination of law through the internet, social networks, etc.; and strictly dealing with inappropriate propaganda and advertising activities about the role and effects of products derived from wildlife.

Enhancing the roles and responsibilities of cadres, Party members, civil servants, public employees, etc. (especially those assuming roles and tasks related to wildlife protection) in wildlife protection and communication, education, and dissemination of laws on environment, biodiversity and wildlife protection for comrades, colleagues, family members, relatives, friends, and people in residential areas; imposing strict sanctions on those who are negligent or irresponsible to let their family members and relatives commit violations or offenses on wildlife protection.

Considering close collaboration with conservation organizations in Viet Nam such as WWF, WCS, TRAFFIC, etc. to enhance communication and education for people to raise

their awareness about the responsibility to protect precious, rare fauna and flora and the environment; to not use wildlife-derived products, nor take part in nor assist acts of illegally trading, transporting, storing, and captive breeding of wildlife species.

3.2.2. Recommendation 2: Amending and supplementing provisions of law applicable to handling violations of the law on wildlife protection

The central-level judicial inter-agencies (Ministry of Public Security, SPP, SPC) and relevant ministries and branches (Ministry of Agriculture and Rural Development; Ministry of Natural Resources and Environment; General Department of Customs, etc.) need to advise the National Assembly and the Government to amend and supplement stipulations on handling violations related to wildlife. Specifically:

- Specific guidance on how to calculate the "quantity" of body parts indispensable for life as a basis for penalty bracket-determining circumstances

- Prohibiting time for hunting and catching endangered, precious, and rare forest animals

- Wildlife consumption acts

- Methods for determining the value of wildlife, endangered, precious, and rare animals of species banned trading on the market

- Storing, transporting, and trading in products of wild species of Group IB or CITES Appendix I

- Mechanism, funding, and responsibilities of stakeholders in the process of handling and preserving wildlife exhibits and material pieces of evidence in cases of wildlife-related offenses; and

- Valuation of endangered, precious, and rare animals.

In the immediate time, pending the revision of concerned legal documents, the development of case precedents related to wildlife should be considered an effective solution to address difficulties facing law enforcement agencies and ensure consistency in the handling of violations of the law on wildlife protection.

3.2.2. Recommendation 3: Improving the effectiveness of cross-sectoral coordination

Domestic law enforcement agencies need to establish coordination mechanisms, information networks, and connections across multiple channels to promptly detect wildlife-related violations and crimes. In particular, prosecutors should closely coordinate with investigators from the time of receiving, accepting, and handling crime information to properly conduct legal proceedings as prescribed; and promptly handle exhibits to protect the life of confiscated wildlife.

In addition, it is necessary to strengthen international cooperation between law enforcement agencies of Viet Nam and relevant countries in the process of handling transnational criminal cases related to wildlife protection.

3.2.3. Recommendation 4: Paying due attention to wildlife assessment to speed up investigation, prosecution, and trial progress

It is necessary to arrange and re-arrange specialized wildlife assessment organizations by region nationwide (North, Central Coast, Central Highland, South, etc..) to facilitate, serve and accelerate the progress of handling wildlife-related cases effectively and promptly.

Adding legal persons eligible for providing a judicial assessment of wildlife specimens to include judicial expertise organizations (of each province), experienced individuals (ad-hoc judicial experts) of the Forest Protection Department, police, market surveillance, border guard, and customs forces.

In addition, while the assessment of groups and species can be done by direct observation, via theory and basic experience of law enforcement officers, from a legal perspective, expertise must be solicited to handle violations. This requires specific stipulations feasible in terms of time, funding, and modernized assessment tools.

Ad-hoc judicial experts should be responsible for compensating for damages and depending on the nature and seriousness of the violations caused by the expertise results shall be handled in accordance with the law.

3.2.4. Recommendation 5: Organizing a periodic, complete, and consistent collection of statistical data and encouraging the reference of the results of analysis and assessment of wildlife-related crimes

It is necessary to automate data collection forms on violations of wildlife protection law and consider integrating them into interdisciplinary criminal statistics systems and train local officials on data collection skills.

In addition to maintaining data collection, analysis, and assessment of law enforcement practices on wildlife protection, it is also necessary to appoint a focal point and establish a common database on wildlife-related violations, paying attention to data related to the handling of administrative violations against violators as this is a circumstance and basis for determining crimes for criminal handling under the current Penal Code. The data on wildlife-related violations and crimes should be stored on a national common database which can be shared with relevant authorities to provide a basis for handling violations in an accurate, adequate, and timely manner.

APPENDIX

Appendix 1: Data collection form

PEOPLE'S PROCURACY   Form code:.........

....

<div align="center">

STATISTICAL FORM

Handling violations of legal stipulations on protection of endangered, precious and rare animal species

</div>

1. Information about suspects, defendants

1.1. Personal information

Suspect and defendant being individual			*Suspect and defendant being commercial legal entity*
Name: ……………	Gender: ☐ *Male* ☐ *Female*	Nationality:..........	Name of legal entity: ………………….
Date of birth: ...../......./.........	Place of birth……… ……	Place of residence (permanent/ temporary residence): …………	Legal entity's address: ………………….
ID or passport number * …….	Phone number * :………… Occupation * :…………		Business license number: ………………….
Education level : ☐ Postgraduate ☐ University ☐ College ☐ Vocational ☐ High School ☐ Junior High School ☐ Primary School ☐ Illiterate			Name and address of the representative of the legal entity: ....
Order and decision on detention No..date:...../../......... From day to day:.......	Agencies issuing detention orders and decisions:		

1.2. General information (for individuals and commercial legal entity)

Has been	Number of	Time of being	Method of	Level of

administratively handled for violations of stipulations on wildlife protection.	times handled:...	handled for the ....time Date...../...../.....	handling for the .... time: ………………	handling for the .... time: …………… ….............
		Time of being handled for the ....time Date...../...../.....	Method of handling for the .... time:	Level of handling for the .... time
		....	....	....
Has been criminally handled for violations of stipulations on wildlife protection.		Verdict: Number...date:../.././...	Penalty level: ……………………	
		Verdict: Number...date:../.././...	Penalty level: ……………………	
Has been criminally handled for other violations (Not a violation of the law on wildlife protection) .		Verdict*: Number...date:../.../... Applicable provision of law:		

Motive and purpose of the crime (multiple selection allowed) :

☐ *earning profit* ☐ *obtaining food* ☐ *obtaining medicine* ☐ *transportation service*

☐ *for jewelry* ☐ *for decorations* ☐ *giving gifts* ☐ *others*

Suspect, defendant being (multiple selection allowed):

☐ hunter ☐ wholesaler ☐ retailer ☐ broker ☐ shipper ☐ consumer ☐ others

2. Information about exhibits
2.1 . Wildlife exhibits

Species name (specify the name of each species)	Form (specify: live, frozen, meat, horns, tusks, bones, scales, manufactured products, etc)	Quantity (specify number for each species)	Weight (kg) (specify weight of each species)
1.......................	....	....	....
2.......................	....	....	....
3...........	....	....	....

Date of seizing exhibits:.../...../......	Place of seizing exhibits:

	....
Origin of wildlife: .... _ _ _ .... ._	

Source location:	Transit location: *	Expected destination:* ....
Handling of exhibits: *(specify the applied method for hanlding exhibits)*		

2.2 . *Other information*

- Means of transport *: (specify type of vehicle, control plate, flight number, etc...) : ....

....

- Means of rearing and confinement * : ....

....

- Weapons, supporting tools * : ....

....

- Other exhibits * : ....

3. Information about detecting and seizing agency:

Agency detecting and seizing exhibits: ....

....

Coordinating agency in seizing exhibits: ....

....

4. Handling violations

Decision to initiate legal proceedings on case: No... .date: ..../..../.....	Agency initiating legal proceedings: ....
Decision to initiate legal proceedings against the suspects No.... date:..../..../......	Agency initiating legal proceedings: ....
Acts subject to initiation of legal proceedings: ☐ *poaching* ☐ *killing* ☐ *rearing* ☐ *confining* ☐ *storing* ☐ *transporting* ☐ *trading* Aplied articles for initiating legal proceedings (specify articles of the Penal Code):	
Indictment for prosecution: No........date:..../../.........	
First-instance criminal judgment: No........... date:..../..../......	
Articles, clauses applicable to wildlife offence: Clause..... Article...............	☐ Exemption from penal liability, exemption from penalty
Mitigating circumstances for penal liability (Only specify circumstance applied in Article	Penalties applied to individual suspects
	Main penalties:	Additional penalties:

51 of the Penal Code): .... Aggravating circumstances for penal liability (Only specify circumstance applied in Article 52 of the Penal Code): ………………………………..	☐ *fine* ☐ *non-custodial reform* ☐ *suspended sentence* ☐ *term imprisonment* ☐ *deportation* Level of main penalties :	☐ *fine* ☐ *prohibition from holding positions* ☐ *prohibition from practicing or doing certain jobs* ☐ *deportation* Level of additional penalties: ....
	Penalties applied to suspects being legal entities	
	Main penalties: ☐ *fine* ☐ *term suspension of operation* ☐ *permanent suspension of operation* ☐ *prohibition of doing business, operating in some areas.* ☐ *prohibition of raising capital* Level of main penalties : .... Additional penalties: ☐ *fine* ☐ *prohibition of doing business, operating in some area* ☐ *prohibition of raising capital* Level of additional penalties:	Judicial measures: ☐ *confiscation of objects and money directly related to the crime* ☐ *return of property, repair or compensation for damage; forced public apology* ☐ *forced restoring to original condition* ☐ *forced implementation of measures to remedy and prevent further consequences.* Level applied by court: ....
- Other offences: Articles		

Appellate Criminal Verdict: No....date:..../..../......	
Article and clause applicable to wildlife crimes: Article..........clause……………………	☐ Exemption from penal liability, exemption from penalty
	Penalties applied to individual suspects
	Main penalty: ☐ *fine* ☐ *non-custodial reform* ☐ *suspended sentence* ☐ *term imprisonment* Level of main penalties: .... / Additional penalties: ☐ *fine* ☐ *prohibition from holding positions* ☐ *prohibition from practicing or doing certain jobs* Level of additional penalties: ....
	Penalties applied to suspects being legal entities
	☐ *fine* ☐ *term suspension of operation* ☐ *permanent suspension of operation* ☐ *prohibition of doing business, operating in some areas.* ☐ *prohibition of raising capital* Level of main penalties : .... Additional penalties: ☐ *fine* ☐ *prohibition of doing business, operating in some area* ☐ *prohibition of raising capital* / Judicial measures: ☐ *confiscation of objects and money directly related to the crime* ☐ *return of property, repair or compensation for damage; forced public apology* ☐ *forced restoring to original condition* ☐ *forced implementation of measures to remedy and prevent further consequences.* Level applied by court: ....

	Level of additional penalties:	

Termination or suspension of the case:

Decision on termination of the case: No....date: ..../../......	Agency issuing decision on termination: ....
Decision on termination of the suspect: No....date: ..../../......	Agency issuing decision on termnination: ....
Reason for termination:	
Decision on suspension of the case: No....date: ..../../......	Agency issuing decision on termination: ....
Decision on suspension of the suspect: No....date: ..../../......	Agency issuing decision on termnination: ....
Reason for suspension:	

5. Applied mutual legal assistance in criminal matters (MLACM) with foreign countries

If yes (multiple selection is allowed):

1 ☐ *Exchange of information*
2 ☐ *Serving papers, records and documents related to MLACM*
3 ☐ *Summoning witnesses and experts*
4 ☐ *Collecting and providing evidence*
5 ☐ *Examining penal liability*
6 ☐ *Other requests for mutual legal assistance in criminal matters*

..........., day....... month......... year..........
Completed by
(Sign and write full name)

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