



**Wildlife  
Justice  
Commission**

**Wildlife Justice Commission**

# Rules of Procedure

Approved by the Supervisory Board on  
19 April 2017

# Introduction

The Wildlife Justice Commission seeks to disrupt transnational, organised wildlife crime by seeking effective prevention and suppression of such crimes by the government authorities concerned. Typically, this process may encompass the following phases.

## Immediate action

Whenever appropriate the Wildlife Justice Commission shares information and intelligence on wildlife crimes and works with law enforcement agencies or local non-governmental organisations (NGO's) to trigger immediate action. This sharing of information and intelligence is governed by Standing Operating Procedures.

## Case File

If cooperation with responsible agencies or local NGO's towards immediate action is not possible, an investigation will result in a Case File.

## National Dialogue

If needed, the Wildlife Justice Commission then engages with the National Authorities and works, where necessary with other stakeholders, to trigger necessary action on the basis of the Case File provided.

## Public Hearing

If the National Dialogue is unsuccessful and there is not sufficient action taken by the National Authorities, the Wildlife Justice Commission may convene a Public Hearing.

These Rules of Procedure apply to situations where it is decided that a Case File will be prepared.

The purpose of these Rules of Procedure is to regulate and explain the preparation and review of a Case File, contacts with the National Authorities involved and, as may be required, the conduct of a Public Hearing and the responsibilities of a Designated Independent Review Panel in that situation.

# The Independent Review Procedure

## Underlying Principles

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Fairness

Integrity

Objectivity

Transparency

## Glossary

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**Executive Director**

The Executive Director of the Wildlife Justice Commission.

**Chief of Investigations**

The Chief of Investigations of the Wildlife Justice Commission.

**Case File**

A compilation of investigative findings, background information, intelligence and investigation reports and other elements relevant to the commission of wildlife crimes or ancillary crimes, that form the basis for seeking enforcement action or the initiation of an investigation in accordance with the legal framework of the government concerned.

**Independent Review Panel members**

All individuals, appointed by the Executive Director as members of the Independent Review Panel, who have confirmed their willingness to participate as such in the independent assessment of Case Files, be it in the role of (advisor to the) Initial Reviewer or as a member of the Designated Independent Review Panel in a Public Hearing.

**Initial Reviewer**

An Independent Review Panel member doing a first assessment of the Case File.

**Designated Independent Review Panel**

Members of the Independent Review Panel invited to review a specific case in a Public Hearing.

**National Authorities**

Those government officials within the countries mentioned in the Case File, considered by the Executive Director to be competent to address the circumstances described in the Case File.

**Observer**

An individual or organisation participating in the Public Hearing with a right to speak.

**Website**

The website of the Wildlife Justice Commission.

# 1. General rules

(1.1)

The authoritative language of all documents and oral presentations referred to in this procedure is English.

If deemed necessary for the fairness of the proceedings, the Executive Director shall decide to have documents and oral presentations translated.

(1.2)

The Executive Director and the Chief of Investigations may delegate the tasks or activities allocated to them.

(1.3)

The appointment of Independent Review Panel members is approved by the Wildlife Justice Commission's Supervisory Board on the basis of criteria published on the website.

(1.4)

The Executive Director shall ensure that these Rules of Procedure are observed and interpreted in a manner that safeguards the underlying principles while at the same time allowing for flexibility where necessary.

(1.5)

These Rules of Procedure are set and amended by the Wildlife Justice Commission's Supervisory Board in accordance with the Wildlife Justice Commission's Articles of Association.

## 2. Preparation and Review of the Case File

### Objectives of this phase of the procedure

1. To define terms of reference for the Case File;
2. To identify the procedure for the selection of an Initial Reviewer;
3. To define criteria for the assessment of the Case File by the Initial Reviewer.

### Rules

#### (2.1) Completion of the Case File

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1. The Chief of Investigations shall compile a Case File, presenting the results of investigations into alleged wildlife and ancillary crimes.
2. A Case File contains at a minimum the following elements:
  - a. Relevant background information, including the context of the investigation;
  - b. A description of the investigation and the methodology used for gathering relevant objective information;
  - c. Presentation of the investigative findings;
  - d. Different possible, and more or less likely, explanations for findings where appropriate, including an assessment of their probability, if possible;
  - e. Legal framework and alleged violations;
  - f. Recommendations to the National Authorities for addressing the alleged illegal activities described in the Case File;
  - g. Intelligence and Investigation reports;
  - h. Files on individuals suspected of the illegal activities described in the Case File;
  - i. Prices and quantities of illegal wildlife parts and products observed, if available;
  - j. Expert witness statements, if available.
3. A Case File is consistent and thorough, and is fair and objective in its wording. It contains factual information that explains certain activities, rather than accusations.
4. The processing of the personal information that is contained in the Case File shall be subject to the Wildlife Justice Commission's Privacy Protocol and Dutch privacy legislation ('Wet Bescherming Persoonsgegevens').
5. When the Case File is complete the Chief of Investigations shall send it to the Executive Director.

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### (2.2) Selection and task of Initial Reviewer

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1. The Executive Director shall select from the Independent Review Panel members an Initial Reviewer for each Case File.
2. The Initial Reviewer's task is to assess the Case File; the Initial Reviewer's approval is needed before the Case File can be submitted to the National Authorities.

### (2.3) Initial Review of the Case File

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1. The Executive Director shall send the Case File to the Initial Reviewer.
2. The Initial Reviewer shall assess whether:
  - a. The Case File is consistent and thorough and contains fair and objective information regarding:
    - (i) The alleged illegal activities described in the Case File;
    - (ii) The actions taken by the National Authorities with regard to the circumstances described in the Case File;
  - b. The methodology used for gathering information is appropriate and abided by.
3. The Initial Reviewer should complete the assessment of the Case File within two weeks.
4. The Executive Director shall schedule a review meeting during which the Initial Reviewer and the Chief of Investigations discuss the Case File. During this meeting the Initial Reviewer may pose questions and request clarifications.
5. The Initial Reviewer shall decide to:
  - a. Affirm the Case File in its entirety; or
  - b. Suggest revisions to the Case File.
6. If the Initial Reviewer so requests, the Executive Director shall invite another member of the Independent Review Panel to advise the Initial Reviewer.
7. The Initial Reviewer should take a decision within five days after receiving a revised Case File, on whether the revised Case File can be affirmed or not.
8. As long as the case is ongoing, the Initial Reviewer shall not discuss the contents of the Case File reviewed, or to be reviewed, with other Independent Review Panel members.

# 3. Notification of National Authorities, National Dialogue and Monitoring

## Objectives of this phase of the procedure

To establish a dialogue with the National Authorities of the countries mentioned in the Case File:

1. To encourage the National Authorities, in the spirit of cooperation, to take action to address the circumstances described in the Case File;
2. To monitor responses by the National Authorities to the circumstances described in the Case File;
3. To monitor developments with regard to the alleged illegal activities described in the Case File;
4. To ensure that the Initial Reviewer and the members of a possible Designated Independent Review Panel are provided with up-to-date information.

## Rules

### (3.1) Notification of National Authorities

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1. After the Initial Reviewer has affirmed the Case File, the Executive Director shall submit the Case File to the National Authorities and shall include information about the Wildlife Justice Commission and the way that it operates.
2. The Executive Director may also submit copies of the Case File to other officials within the government or governments concerned with the aim of ensuring proper communication and information.
3. The Executive Director may inform the public that the Case File has been submitted to the National Authorities.

### (3.2) Dialogue with the National Authorities

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1. The Executive Director shall undertake to establish a dialogue with the National Authorities.
2. This National Dialogue shall seek to:
  - a. Foster cooperation between the Wildlife Justice Commission and the National Authorities;
  - b. Discuss the circumstances described in the Case File;
  - c. Hear and collect information gathered by National Authorities to substantiate their views on the circumstances described in the Case File;
  - d. Identify effective ways to address the circumstances described in the Case File;
  - e. Where necessary, offer assistance to address the circumstances described in the Case File;
  - f. Clarify with the National Authorities the Independent Review Panel Procedure and its implications; and
  - g. Establish communication channels between the Wildlife Justice Commission and the National Authorities.
3. If deemed necessary to address the circumstances described in the Case File, the Executive Director may engage other stakeholders and share information regarding the case.

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### (3.3) Monitoring

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1. The Executive Director shall monitor responses by the National Authorities to the circumstances described in the Case File for a reasonable amount of time.
2. The Chief of Investigations shall monitor the developments with regard to the alleged illegal activities described in the Case File for a reasonable amount of time.

### (3.4) Updating the Case File

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If circumstances so warrant, the Chief of Investigations may update the Case File to include:

- a. Developments with regard to the alleged illegal activities described in the Case File;
- b. Actions taken by the National Authorities as from the date of Notification of the Case File;
- c. Information provided by the National Authorities in relation to the circumstances described in the Case File.

### (3.5) Assessment of the updated Case File

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1. The Executive Director shall send the updated Case File to the Initial Reviewer.
2. The Initial Reviewer shall assess whether the updated Case File reflects in a fair and objective way:
  - a. Developments with regard to the alleged illegal activities described in the Case File as from the date of notification to the National Authorities;
  - b. Information provided by the National Authorities regarding progress in addressing the circumstances described in the Case File.
3. The Initial Reviewer should complete the assessment of the updated Case File within two weeks.
4. The Executive Director shall, upon request by the Initial Reviewer, schedule a review meeting during which the Initial Reviewer and the Chief of Investigations discuss the updated Case File. During this meeting the Initial Reviewer may pose questions and request clarifications.
5. The Initial Reviewer shall decide to:
  - a. Affirm the updated Case File in its entirety; or
  - b. Suggest revisions of the updated Case File.
6. If the Initial Reviewer so requests, the Executive Director shall invite the other member of the Independent Review Panel referred to in Rule (2.3.6) to advise the Initial Reviewer.
7. If the Initial Reviewer decides to suggest revisions of the updated Case File, he or she should take a decision within five days after having received the revised version of the updated Case File, on whether the revised version of the updated Case File can be affirmed or not.

### (3.6) Decision regarding the initiation of the Public Hearing process

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1. The Executive Director shall decide, based on the outcome of the National Dialogue and the (updated) Case File, whether to:
  - a. Initiate the process leading to a Public Hearing; or
  - b. Continue to monitor the progress while maintaining the National Dialogue; or
  - c. Close the case.
2. The Executive Director shall inform the National Authorities of his or her decision and send them the updated Case File if this has been prepared by the Chief of Investigations and affirmed by the Initial Reviewer.

3. If the Executive Director decides to continue the National Dialogue in accordance with Rule (3.6.1) under b, the Executive Director may decide at any time to initiate the process leading to a Public Hearing, if circumstances so warrant.

#### (3.7) Designated Independent Review Panel

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1. If the Executive Director decides to initiate the process leading to a Public Hearing, the Executive Director shall invite five Independent Review Panel members, not being the Initial Reviewer or his or her advising reviewer in the case at hand, to participate in the Public Hearing.
2. The Executive Director shall also engage a Director of Proceedings. The Director of Proceedings shall not be part of the Designated Independent Review Panel set up for the Public Hearing which he or she facilitates. Nor shall the Director of Proceedings have taken part in the initial review of the Case File, be it as Initial Reviewer or as his or her advising reviewer.
3. The Designated Independent Review Panel members' task is to evaluate the Case File, render Findings and provide Recommendations.
4. The Director of Proceedings' task is to facilitate the Public Hearing.

## 4. Public Announcement

### Objectives of this phase of the procedure

To inform the public of the decision referred to in Rule 3.6 and raise awareness about:

1. The circumstances described in the Case File;
2. Actions taken by the National Authorities with regard to the circumstances described in the Case File;
3. The process that will follow.

### Rules

#### (4.1) Public announcement of the Public Hearing

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1. The Executive Director shall publicly announce that the Wildlife Justice Commission has decided to hold a Public Hearing.
2. To this end, the Executive Director shall send out a media announcement and may hold a press conference to provide information.
3. At a minimum, the public announcement shall refer to:
  - a. Information on how the public and media can attend the Public Hearing;
  - b. Information on how interested individuals and organisations can participate in the Public Hearing as Observers.

#### (4.2) Public announcement of the closing of the case or continued monitoring

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The Executive Director may publicly announce the decision to close a case or to continue monitoring and maintain the National Dialogue.

# 5. Public Hearing

## Objectives of this phase of the procedure

1. To provide the Designated Independent Review Panel members with information on the basis of which they can evaluate the Case File;
2. To ensure that all those participating in the Public Hearing can express their views before the Designated Independent Review Panel, whilst at the same time allowing sufficient opportunity for the Designated Independent Review Panel members to secure the information they require for a proper evaluation;
3. To raise public awareness about the circumstances described in the Case File and the reaction of the National Authorities to these circumstances.

## Rules

### (5.1) Invitations

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1. The Executive Director shall ensure that the following are invited to the Public Hearing well in advance and are given access to the Case File and an overview of the National Dialogue process:
  - a. The Designated Independent Review Panel members;
  - b. The National Authorities;
  - c. The Director of Proceedings.
2. The invitation shall contain references to all necessary details regarding the Public Hearing.

### (5.2) Other participants

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Besides the Chief of Investigations, the Designated Independent Review Panel, the National Authorities and the Director of Proceedings, there are two other categories of participants with the right to speak at the Public Hearing:

- a. Witnesses and experts;
- b. Observers.

### (5.3) Witnesses and Experts

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Both the Executive Director and the Designated Independent Review Panel may invite witnesses and experts who can provide relevant information for the proper evaluation of the Case File.

### (5.4) Observers

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1. The Executive Director shall recommend to the Designated Independent Review Panel which individuals or organisations may participate as Observers on the basis of:
  - a. The relevance and quality of their contribution;
  - b. The balance in views represented at the Public Hearing;
  - c. The ability to provide the Designated Independent Review Panel with information that can help evaluate the case at hand or its context;
  - d. The effectiveness of the Public Hearing.

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### (5.5) Inability to attend the Public Hearing

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1. If any of the participants invited to the Public Hearing in accordance with Rule (5.1.1) does not attend, or is unable to be present, the Public Hearing will continue as planned.
2. In such cases, the Executive Director shall take appropriate measures to ensure a well-informed Public Hearing and an independent review of high quality.
3. Participants referred to in Rule (5.2) under a and b, who cannot physically attend the Public Hearing may, upon request to and the approval of the Director of Proceedings, participate from a distance.

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### (5.6) Organisation of the Public Hearing

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1. The Executive Director shall ensure that the general public has access to the Public Hearing, through attendance in person where practicable, or through media channels, and that a recording of the Public Hearing will be published.
2. The Director of Proceedings shall:
  - a. Facilitate the Public Hearing;
  - b. Ensure that all participants can actively participate;
  - c. Explain the guidelines applicable to ensure a respectful and effective hearing;
  - d. Allocate sufficient time to the Designated Independent Review Panel members to gather from participants all information needed to complete their review of the case.
3. The Designated Independent Review Panel has the power to hear a participant confidentially, if hearing that participant in public could negatively impact his or her security or the security of any other person, or if it is not in the interests of justice.

# 6. Designated Independent Review Panel Evaluation, Deliberation, Findings and Recommendations

## Objectives of this phase of the procedure

1. For the Designated Independent Review Panel:
  - a. To consider the circumstances described in the Case File as well as the information presented at the Public Hearing;
  - b. To confirm or not to confirm the fair and objective character of the Case File;
  - c. To confirm or not to confirm that the circumstances described in the Case File are accurate;
  - d. To consider actions taken and not taken by the National Authorities;
  - e. On the basis of their evaluation, to issue recommendations to the National Authorities and other institutions and individuals as appropriate;
2. To facilitate an effective and efficient decision making process.

## Rules

### (6.1) Provision of assistance

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The Executive Director shall ensure that assistance and secretarial support is provided to the Designated Independent Review Panel during deliberations and the preparation of their Findings and Recommendations.

### (6.2) Deliberation and Findings; Recommendations

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1. The Designated Independent Review Panel shall take into account the views of the National Authorities, Witnesses, Experts and Observers on the circumstances described in the Case File.
2. The Designated Independent Review Panel members shall evaluate and make findings on:
  - a. The strength of the indications that the implicated individuals and entities have actually been involved in the alleged illegal activities referred to in the Case File;
  - b. The strength of the indications that National Authorities have taken appropriate action or have not taken such action;
3. On the basis of their Findings the Designated Independent Review Panel can make Recommendations to remedy the circumstances described in the Case File and confirmed by them.
4. The Designated Independent Review Panel shall decide on the Findings and the Recommendations on a majority basis. Panel members with dissenting views shall refrain from making these public.

### (6.3) Notification of the Findings and Recommendations

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1. The Executive Director shall notify the National Authorities about the Findings and Recommendations of the Designated Independent Review Panel.
2. The Executive Director shall make the Findings and Recommendations public and available online.
3. The Executive Director shall send the Recommendations to the specific actors to whom they are addressed.

#### (6.4) Monitoring of developments

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The Executive Director shall monitor for a reasonable amount of time the progress made towards implementing the Recommendations issued by the Designated Independent Review Panel. The Executive Director may inform the public about progress made.



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