Impact of law enforcement efforts

Rhino horn trafficking as a form of transnational organised crime 2012-2021

2022 GLOBAL THREAT ASSESSMENT
The Wildlife Justice Commission acknowledges the immense challenges facing law enforcement agencies that are investigating the transnational organised criminal networks trafficking in rhino horn. These challenges include legislative deficiencies, insufficient resources, mandate, technical capacity, intelligence sharing issues, and of course, the scourge of corruption. We also pay our respects to those officers and rangers who have paid the ultimate price and those who continue to risk their lives on the frontline preventing the poaching of rhinos and investigating these criminal networks.

The Wildlife Justice Commission is committed to continuing to support law enforcement agencies as they work to end the trafficking of rhino horn.

It is with this mission that we produce this threat assessment. It aims to share strategic intelligence that identifies and provides insights on present and emerging organised crime threats relating to rhino horn trafficking. It interprets and analyses intelligence holdings and information from open sources to build the global intelligence picture, propose hypotheses about the immediate or imminent threats, identify where intelligence gaps exist, and highlight vulnerabilities that could become potential threats in the future.

We hope that this assessment will go some way towards assisting law enforcement agencies working across the illegal rhino horn supply chain to maximise their response and impact in addressing this issue, and to continue to build on the important progress and achievements that are being made.

The full report is set out in 10 chapters covering key criminal elements of the illegal rhino horn trade.

Recognising the density of detail in the report, each chapter is written to be able to be read as a standalone topic with the aim of making the report more accessible and useful for policy makers, practitioners and researchers interested in a specific aspect of criminality. The stand alone publication focuses on the on impact of law enforcement efforts.
Acknowledgements

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<table>
<thead>
<tr>
<th>Acronym</th>
<th>Description</th>
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<tbody>
<tr>
<td>AIS</td>
<td>Automatic Identification System</td>
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<tr>
<td>ANAC</td>
<td>National Administration of Conservation Areas</td>
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<tr>
<td>ASB</td>
<td>Anti-Smuggling Bureau</td>
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<tr>
<td>CITES</td>
<td>Convention on International Trade in Endangered Species of Wild Fauna and Flora</td>
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<tr>
<td>DFFE</td>
<td>Department of Forestry, Fisheries, and the Environment</td>
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<tr>
<td>DRC</td>
<td>Democratic Republic of Congo</td>
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<tr>
<td>EEFC</td>
<td>Environmental Enforcement Fusion Centre</td>
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<tr>
<td>FRELIMO</td>
<td>Liberation Front of Mozambique</td>
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<tr>
<td>HAWKS</td>
<td>Directorate for Priority Crime Investigation</td>
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<td>KLIA</td>
<td>Kuala Lumpur International Airport</td>
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<tr>
<td>OBK</td>
<td>Operasi Bersepadu Khazanah</td>
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<tr>
<td>PDR</td>
<td>(Lao) People’s Democratic Republic</td>
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<tr>
<td>PERHILITAN</td>
<td>Department of Wildlife and National Parks Peninsular Malaysia</td>
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<tr>
<td>RMB</td>
<td>Chinese Renminbi</td>
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<tr>
<td>SANParks</td>
<td>South African National Parks</td>
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<tr>
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<td>South African Police Service</td>
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<td>SAR</td>
<td>(Hong Kong) Special Administrative Region</td>
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<td>SERNIC</td>
<td>National Criminal Investigation Service</td>
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<td>TCM</td>
<td>Traditional Chinese medicine</td>
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<tr>
<td>UNODC</td>
<td>United Nations Office on Drugs and Crime</td>
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<tr>
<td>USD</td>
<td>United States Dollar</td>
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<tr>
<td>VND</td>
<td>Vietnam Dong</td>
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Rhino horn trafficking remains a severe problem that needs to be addressed with a new sense of urgency as transnational organised crime. Over the past 10 years, the illegal killing of rhinos and trafficking of their horns has grown as a global criminal enterprise, comprising multiple criminal components dominated by greed and the pursuit of substantial profits.

This threat assessment presents a comprehensive analysis of rhino horn trafficking during the decade from 1 January 2012 to 31 December 2021.

It was compiled following analysis of 674 rhino horn seizure incidents collected from open-source reports that occurred globally during this decade, in addition to seven years of criminal intelligence and findings from Wildlife Justice Commission investigations into rhino horn trafficking conducted since 2015, and other open-source research.

This assessment aims to examine the driving forces behind the trade and changes in the criminal landscape. It also considers the threat to rhinos in 2022, with recommendations to help inform interventions to address this issue and ensure the global response is commensurate and appropriately targeted to current and future needs.
Impact of law enforcement efforts

This chapter identifies examples of positive law enforcement developments to combat rhino horn trafficking during the past 10 years and areas where some crucial gaps remain. Whilst it is recognised that many countries have stepped up their efforts to detect, investigate, prosecute, and adjudicate these crimes, this chapter focuses on the six most prominent countries and territories in the rhino horn supply chain which proportionately have a much larger role to play in responding to the global problem and disrupting criminal networks: South Africa, Mozambique, Malaysia, Hong Kong SAR, Vietnam, and China.

1. Sanitised intelligence and findings from seven years’ worth of Wildlife Justice Commission investigations are interwoven throughout this threat assessment to provide context and insights into changes in the criminal dynamics of rhino horn trafficking. Where information is drawn from any other source, it is referenced with footnotes and acknowledged as such. Any non-referenced information, inferences or interpretation should be understood as being sourced from Wildlife Justice Commission intelligence analysis.
Good practice

Establishing the Environmental Enforcement Fusion Centre as a national facility providing analytical capacity and integrating intelligence-led enforcement to boost tactical and strategic anti-poaching efforts.

South Africa has introduced a suite of measures over the last 10 years that have elevated rhino poaching as a national priority issue and oriented the approach towards tackling it as a form of transnational organised crime. In 2014, the government adopted the Integrated Strategic Management of Rhinoceros plan, a multidisciplinary strategy that brings the work of the Department of Forestry, Fisheries, and the Environment (DFFE) together with the South African Police Service (SAPS), the Directorate for Priority Crime Investigation (the Hawks), the Department of Justice, and other sectors of the security cluster. Since 2017, South Africa has also implemented the National Integrated Strategy to Combat Wildlife Trafficking, in which rhinoceros is one of the priority species. As the law enforcement response has been progressively scaled up, various operational, technological, and legal interventions have been implemented and are resulting in hundreds of arrests each year (Figure 2), inclusion of charges for additional offences in some cases (such as racketeering, fraud, and money laundering), and the imposition of heavy prison penalties in convicted cases.

These results are not without their criticisms, as it has been highlighted that a comparatively low number of arrests are prosecuted, and the majority of rhino-related cases that do end up in court involve lower-level poachers who are sentenced harshly for their crimes, such as three poachers who were sentenced to a combined 105 years imprisonment in September 2021 for killing three rhinos. Meanwhile cases involving higher-level suspects such as alleged poaching kingpin Dumisani Gwala (first arrested in 2014), game farmer Dawie Groenewald (first arrested in 2010 and again in 2021), and...
former police officer Joseph “Big Joe” Nyalunga (first arrested in 2011), have all faced substantial delays in the court system and remain ongoing.\textsuperscript{8} Deterrent penalties are a crucial part of the criminal justice response, but if they are misdirected at easily replaceable, lower-level actors while higher-level criminals enjoy impunity they will have no impact on stopping crime. This is evident in the continuing high levels of rhino poaching in South Africa despite the myriad law enforcement interventions over the years.

However, a recent initiative that should be seen as best practice in this field is the establishment of the Environmental Enforcement Fusion Centre (EEFC). The EEFC is a unique facility that aims to increase analytical capacity and boost anti-poaching efforts at the tactical and strategic levels by integrating

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\textsuperscript{7} Data compiled from the annual rhino poaching reports published by the South African Department of Forestry, Fisheries, and the Environment.

\textsuperscript{8} https://oxpeckers.org/2021/02/sas-rhino-convictions/
intelligence-led enforcement. It consists of an analytical unit with seven criminal intelligence analysts and an investigations unit, and plans are underway to include a cybercrime unit in the future. The EEFC works at the national level and provides analytical products for SAPS, provincial conservation agencies, and the DFFE’s Green Scorpions (environmental compliance officers), and also works closely with other intelligence agencies and analysts working in protected areas at the provincial level. The structure and mandate of the EEFC is effectively joining the dots in what has otherwise been a fragmented approach to law enforcement in South Africa, where the majority of resources had focused on the poaching threat in protected areas while authorities were slow to focus on the organised crime elements emanating from outside the parks.

Other positive indications that South Africa is increasingly looking beyond site-level anti-poaching solutions can be seen in the controlled delivery operation the Hawks conducted with Vietnam in July 2021 of a shipment of 138 kg of rhino horns and 3.1 tonnes of suspected lion bones, and joint cross-border investigations with China that have resulted in arrests in both countries.

There appears to be a perception among some stakeholders in South Africa that permitting issues around the domestic trade and transportation of harvested horns represent minor administrative violations that should be enforced as such. The South African government’s regulatory system requires provincial conservation departments to issue permits for the transportation and domestic trade of legal, registered harvested horns, and there has been pressure from some quarters for more lenient treatment of domestic seizures of rhino horns moving without such permits or outside of the permit scope. However, considering that estimates of 18-33% of rhino horn seized globally is originating from legal horn stockpiles, those types of domestic offences in South Africa could be preliminary offences committed prior to more significant international smuggling offences, and present valuable entry points for further investigation into potential links to transnational organised crime and illegal trade.

11. For example, this is suggested by the High Court challenge to release seized rhino horns from police custody that were the subject of a criminal offence for illegal possession and transportation of horns without a permit: https://sundayworld.co.za/business/rhino-breeder-loses-millions/
14. Refer to Key finding (v) of Chapter 2 for full details of this estimation.
Appointment of special prosecutors in each province who are mandated to deal with environmental crimes, assisted by technical experts in the responsible investigating agencies.

The introduction of the Law for the Protection, Conservation and Sustainable Use of Biological Diversity in 2014 was a vital development that criminalised rhino poaching in Mozambique with heavy penalties of 12 to 16 years imprisonment and a corresponding fine. Prior to this law, poaching was considered a misdemeanour offence and there were no strict penalties for rhino poaching or possession of rhino horn.

Implementation issues followed the new law, such as evidence not meeting prosecutorial standards and poor presentation of cases at court, which resulted in the failed prosecution of several cases and subsequent release of offenders. In response to these issues, special prosecutors were appointed in each province who are mandated to deal with environmental crimes, while the National Administration of Conservation Areas (ANAC) and the National Criminal Investigation Service (SERNIC) provide technical assistance to prosecutors where needed in crimes against biodiversity. The appointment of specialised prosecutors is a good practice as it enables prosecutors who are trained and experienced in the complexity and technicalities of environmental law to handle these cases with assistance from technical experts in the investigating agencies, ensuring more effective prosecution results.

Data from recent years demonstrates the impact that this approach is having in Mozambique, with more poaching cases progressing through the courts and sentenced with fines and imprisonment. According to ANAC records, 541 suspects


16. This arrangement is enabled by Article 63B of Law Nr. 5/2017, issued in May 2017 as an amendment to the 2014 Law for the Protection, Conservation and Sustainable Use of Biological Diversity.
were arrested for wildlife poaching in 2019 and 63% of the accused were successfully prosecuted and convicted.\textsuperscript{17} In 2020, 444 suspects were arrested for poaching offences, and at least 16 cases received significant prison terms ranging from four to 19 years,\textsuperscript{18} while at least five cases were convicted in 2021 for prohibited hunting and wildlife trafficking offences and were issued prison sentences ranging from 14 to 30 years.\textsuperscript{19} 

In August 2019, Mozambique had its first successful conviction of a foreign national for rhino horn trafficking, when a Chinese citizen who was operating as a courier was arrested in possession of 4.2 kg of rhino horn at Maputo International Airport and sentenced to 15 years in prison and a fine.\textsuperscript{20} SERNIC’s apprehension of a major Mozambican trafficker in June 2021 who was identified as being responsible for shipping over 200 kg of rhino horn and at least 14 tonnes of ivory to Southeast Asia between 2016 and 2018, and the sentencing of a high-level rhino poaching coordinator Admiro Chauque to 30 years imprisonment in January 2022,\textsuperscript{21} also indicates an increasing willingness of the police and criminal justice system to tackle high-level criminality in the country.

In another important result in July 2022, one of Mozambique’s biggest rhino poaching coordinators, Simon Ernesto Valoi, also known as ‘Navara’, was arrested in Maputo along with his alleged second-in-command, Paulo Zukula. The two men were caught in the possession of eight rhino horns that they were expecting to sell to a potential buyer.\textsuperscript{22} Over the years, Valoi had risen to become one of the most notorious poaching coordinators operating in southern Africa. He is also known to have a history in the stolen vehicle industry and outstanding arrest warrants against him in South Africa for murder charges. The Wildlife Justice Commission provided intelligence and operational support to SERNIC to secure his arrest, which marks a crucial development in tackling rhino horn trafficking in Mozambique.\textsuperscript{23}

\textsuperscript{17} https://oxpeckers.org/2021/03/mozambique-tackling-rhino-crimes/
\textsuperscript{18} Ibid.
\textsuperscript{19} ANAC report summarising relevant cases 2020-2021, provided to the Wildlife Justice Commission.
\textsuperscript{20} https://www.afd.fr/en/actualites/rhino-horn-trafficking-mozambique-first-major-conviction
\textsuperscript{21} https://www.iol.co.za/news/africa/mozambique-court-sentences-poaching-boss-to-30-years-206f7eb5-a19d-5a02-944e-5eb0d0f1e9d3
\textsuperscript{22} https://news.mongabay.com/2022/08/mozambique-busts-notorious-rhino-poacher/
\textsuperscript{23} https://wildlifejustice.org/arrest-of-major-rhino-poaching-trafficker-in-mozambique/
Establishing a multi-agency task force to address wildlife crime, involving national and state-based law enforcement agencies and environmental authorities.

A new task force called the Operasi Bersepadu Khazanah (OBK) was established in September 2019 to address trespassing, illegal logging, poaching and wildlife trafficking. The task force was originally the result of collaboration between PERHILITAN and the Royal Malaysia Police and launched as a special initiative to protect tigers.

During its first year of inception, a total of 87 offenders were arrested, wildlife products worth MYR 2.7 million (approximately USD 670,000) were seized\(^\text{24}\) and over 450 wire traps were deactivated\(^\text{25}\). By the end of its second year, the OBK was reported to have arrested a total of 350 offenders, seized more than MYR 36 million worth of wildlife products, destroyed 1,450 wildlife traps, and seized 28 firearms\(^\text{26}\). This included a seizure of 50 rhino horns in September 2021 near Kuala Lumpur International Airport, estimated to be worth MYR 30 million\(^\text{27}\).

The task force has since grown to include the Royal Malaysian Customs Department, Peninsular Malaysia Forestry Department, State Forestry Department, Perak State Parks Corporation, Johor State Parks Corporation, and several NGOs. With the operation’s success, the taskforce has also expanded geographical operations into the states of Sabah and Sarawak to further protect wildlife from environmental crime.

In 2021, the OBK received an environmental award presented during the 5th Asia Environmental Enforcement Awards Council organised by the United Nations Environment Programme (UNEP) as it was recognised for its “outstanding success”\(^\text{28}\).

As a transit country in the rhino horn supply chain, Malaysia has made many significant rhino horn seizures over the years. While the multi-agency OBK task force represents an important development in the country’s efforts to address wildlife trafficking, the challenge lies in going beyond...
the seizures to identify the owners or facilitators of those shipments and bring them to justice. Recognising this issue in December 2021, a Malaysian Senator urged further investigation into the September 2021 seizure in a parliamentary address.29 Malaysia has strong wildlife protection laws and skilled law enforcement agencies that are capable of addressing serious organised crime, but so far there has been little indication that these agencies are prepared to target the high-level criminals driving the trafficking through the country’s borders and to tackle the corruption that has enabled this trade to flourish.


**Hong Kong SAR**

**Good practice**

Policy reform to recognise wildlife trafficking as a form of serious organised crime, enabling the use of wider investigation powers, confiscation of proceeds of crime, and heavier sentences for convictions in such cases.

Despite playing a prominent transit role for rhino horn shipments moving from Africa to Asia, Hong Kong SAR has seen few rhino horn cases prosecuted through the courts and for many years, only lenient penalties were issued.

Analysis by ADM Capital Foundation of 23 rhino horn seizures involving a total of 134 kg of mostly raw horns made between 2013 and 2017, found that only eight cases proceeded to prosecution, one of which was acquitted. Examples of convicted cases included a South African national who was sentenced to four weeks in prison for smuggling three pieces of rhino horn weighing 2.69 kg, and a Hong Kong citizen who received a postal package containing 5.9 kg of rhino horn and arrested a traveller from South Africa at Hong Kong International Airport, June 2018. **Source:** Information Services Department, Hong Kong SAR.

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Image 1: Customs officers seized 5.9 kg of rhino horn and arrested a traveller from South Africa at Hong Kong International Airport, June 2018. **Source:** Information Services Department, Hong Kong SAR.
6.5 kg of rhino horn and was sentenced to three months imprisonment.\textsuperscript{30}

In response to these issues and to provide a stronger deterrent against wildlife smuggling, the Protection of Endangered Species of Animals and Plants Ordinance was amended in 2018, increasing the maximum penalty five times higher to a fine of HKD 10 million and imprisonment of 10 years.\textsuperscript{31}

Subsequent rhino horn cases brought to court since the amended law came into effect do indicate that higher penalties are being issued for prosecuted cases, but cases almost exclusively involve low-level couriers or mules, and investigations have not progressed beyond the seizure to identify connections to broader criminal networks.

For example, a mainland Chinese businessman was sentenced to four months in prison for illegally transporting 6 kg of rhino horn through Hong Kong SAR in July 2018,\textsuperscript{32} while another mainland Chinese man was sentenced to eight months in prison for smuggling 3.1 kg of rhino horn pieces from Mozambique in October 2018.\textsuperscript{33} In a small seizure of 1.32 kg of rhino horn linked to two individuals, one person received a 12-month prison sentence and the second person received an eight month sentence.\textsuperscript{34} Although these cases are a positive step forward with higher penalties, they also illustrate some potential consistency issues in sentencing levels relative to the quantities of contraband involved.

Furthermore, prosecution was not pursued in Hong Kong’s largest rhino horn seizure of 82.5 kg in April 2019, which was smuggled by air cargo.\textsuperscript{35} This is a longstanding issue that Hong Kong’s largest wildlife seizures have not been prosecuted\textsuperscript{36} and was also the case with the seizure of 7.2 tonnes of elephant ivory in July 2017.\textsuperscript{37} The ivory shipment was concealed in a shipping container of frozen fish originating from Malaysia, and at the time, it was the world’s largest ivory seizure ever recorded. The Wildlife Justice Commission conducted further analysis into this shipment, identifying the organisers and at least five other large-scale wildlife shipments they had imported, using the same shipping agent at least three times.

\begin{tabular}{l}
\textsuperscript{30} ADMCF (2018), \textit{Trading in Extinction: The Dark Side of Hong Kong’s Wildlife Trade}, Hong Kong. \\
\textsuperscript{31} https://www.elegislation.gov.hk/hk/cap586?xpid=ID_1438403490136_003 \\
\textsuperscript{34} ADMCF (2021), \textit{Still Trading in Extinction: The Dark Side of Hong Kong’s Wildlife Trade}, Hong Kong. \\
\textsuperscript{35} https://www.reuters.com/article/us-hongkong-wildlife-trafficking-idUSKCN1RI085 \\
\textsuperscript{36} ADMCF (2021), \textit{Still Trading in Extinction: The Dark Side of Hong Kong’s Wildlife Trade}, Hong Kong, \\
\textsuperscript{37} https://www.theguardian.com/environment/2017/jul/06/hong-kong-authorities-seize-record-ivory-haul
\end{tabular}
Efforts to impel Hong Kong authorities to conduct follow-up investigations into the criminal network behind these shipments were unsuccessful, with one element of the problem being a lack of legislative capability as wildlife trafficking was not yet considered a serious organised crime under Hong Kong law.

However, this important policy reform occurred in August 2021 with the amendment of the Organised and Serious Crimes Ordinance to classify wildlife trafficking as a form of serious organised crime.\(^{38}\) This law contains wide investigation powers for police, broader powers for courts to confiscate the proceeds of organised crime, and heavier sentences for those convicted of organised crimes.\(^{39}\) This amendment was long advocated for within Hong Kong to facilitate the criminal investigation of those behind wildlife crimes, and it is now incumbent on Hong Kong’s law enforcement authorities to use it to target high-level kingpins rather than couriers or smuggling mules.

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\(^{39}\) https://www.elegislation.gov.hk/hk/cap455?xpid=ID_1438403216374_002

\(^{40}\) Prime Minister Decision No. 11/2013/QD-TTg, which came into effect on 15 March 2013.
take place. The new wildlife offence (Article 244) considerably increased the penalties available and provided a clear basis to apply them to rhino horn cases based on the weight of products seized.

Since then, the prosecution and sentencing of rhino horn trafficking cases has substantially improved, such as a smuggler who was sentenced to 12.5 years imprisonment and a VND 100 million fine in 2020, and the longest prison term yet of 14 years which was issued in 2021. The defendant in the latter case appealed to reduce the sentence, but it was upheld by the Hanoi People’s High Court in April 2022. Furthermore, the Supreme People’s Court has established a public database of court judgements which is a positive development in improving transparency and access to information on court decisions.

Law enforcement in Vietnam was slow to counter the rhino horn trafficking problem, but there are indications that efforts are resulting in some changes on the ground. In Nhi Khe village, the hot-spot near Hanoi that was at the centre of the trade in Vietnam, increased police inspections and arrests have suppressed the “open” trade of rhino horn and ivory. From 2016, traders reported that business had become much more difficult due to the police attention. In May 2017, one trader claimed fewer rhino horns were coming in and the risks were increasing, which was pushing prices up. Others indicated rhino horn was still traded behind closed doors, but only with old, trusted customers.

In October 2017, a Vietnamese trafficker complained that smuggling rhino horn from Vietnam to China had become more difficult. “Not only the wind blows between China and Vietnam, the wind also blows between Vietnam and Thailand and Cambodia,” referring to the tightened law enforcement. By late 2019, many Vietnamese traffickers were reporting that transport to China was not possible due to strict law enforcement, especially for raw products or large quantities. Around this time, a major Malaysian transporter was also sending rhino horn shipments to Vietnam overland through Thailand and Lao PDR due to strengthened controls at Noi Bai International Airport in Hanoi.

While Vietnamese authorities have made regular rhino horn seizures over the past decade, the ongoing area of concern is the lack of targeted

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41. Criminal Code No. 100/2015/QH13, amended by Law No. 12/2017/QH14, which came into effect on 1 January 2018. The maximum penalty for wildlife offences under Article 244 is 15 years imprisonment and up to VND 2 billion fine (approximately USD 86,000).
44. According to the Vietnamese Supreme People’s Court website of published court judgements and decisions: https://congbobanan.toaan.gov.vn/
45. The database was established in accordance with the Vietnam government’s Resolution No. 03/2017/NQ-HDTP issued on 16 March 2017.
interventions to tackle the higher-level criminals driving the trade. Although there are some important examples where this has occurred, they are currently too few compared to the number of Vietnamese criminal networks operating in this field.

The first high-profile criminal to be convicted was Nguyen Mau Chien, who was sentenced to 13 months in prison in March 2018 for smuggling 36 kg of rhino horn, which was backdated to his arrest date in April 2017 as he had been held in custody since that time. Prosecutors appealed the leniency of his sentence, and in March 2019 the appellate court ruled for a further three months of imprisonment. The verdict was appealed again to the Supreme Court of Vietnam, which overturned the conviction and ordered the District Court to retry the case with the purpose of issuing a stronger punishment. The retrial added seven months in prison, bringing the total penalty to 23 months imprisonment. Although the adjudication process was cumbersome and the final penalty still low compared to the many years of wildlife trafficking from Africa to Asia that Nguyen Mau Chien was known to have perpetrated, it demonstrated that the system did have the capacity to bring high-level criminals to justice. Intelligence from Wildlife Justice Commission investigations suggests that since his release from prison, Nguyen Mau Chien continues to operate but with much more caution.

The second high-profile conviction was that of Nguyen Van Nam in July 2020, who was served with an 11-year prison sentence for the illegal trade of 204 kg of ivory. He was one of Vietnam's top wildlife criminals and the lead broker for a criminal network responsible for trafficking a minimum of 477 kg of rhino horn and 17.6 tonnes of ivory from Africa to China via Vietnam between 2016 and 2019. His imprisonment has impacted the way other criminals are perceiving the risk-reward ratio of wildlife trafficking in Vietnam (see the Case Study at the end of this chapter for full details).

Vietnamese Police also arrested a suspect in June 2022 who is alleged to be the leader of the criminal network that orchestrated the shipment of 138 kg of rhino horns and three tonnes of lion bones from South Africa that was seized at Tien Sa port in Danang, Vietnam in July 2021. The suspect is alleged to have used fake identification cards to set up shell companies that were used to conceal the importation of shipments of illegal wildlife products. This case has been the focus of a joint operation and controlled delivery between Vietnam and South Africa.

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47. https://env4wildlife.org/rhinos/
Implementing a strategy to target investigations on entire criminal networks, including national citizens who are committing wildlife crimes in foreign jurisdictions, and engage in international cooperation to bring them to justice.

Over the past few years, faced with an ever-growing international pressure to tackle the illegal trade in threatened and endangered species, the Chinese government has implemented stricter legislative measures coupled with an amplified law enforcement response, which is resulting in a growing number of convicted cases and people charged with wildlife crimes. Analysis of China Judgements Online shows that the number of wildlife crime convictions continues to increase each year. For example, at the time of writing, there were 6,215 verdicts delivered in 2020 compared to 4,515 in 2019, representing a 38% increase in cases, although this dropped to 2,396 cases in 2021 due to the COVID-19 pandemic. In the first nine months of 2020, more than 15,000 people were prosecuted for wildlife-related crimes, representing an increase of 66% compared to 2019. Of these cases, around 3,000 (20%) were prosecuted for illegally purchasing, transporting, and selling endangered wildlife products, and 273 people for smuggling endangered wildlife.

Accompanying the success of investigation, prosecution, and conviction in China is the heavy sentencing which seeks to address the higher-tier of organised wildlife crime, rather than targeting lower-level players such as poachers or couriers who are easily replaceable. According to China’s Criminal Law, “harming precious and endangered wildlife” offences have several categories of penalties depending on the severity of the crime. In addition, life sentences can be issued if a judge

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51. For example, the national ivory trade ban introduced on 31 December 2017 and amendments to the Wildlife Protection Law such as a major update to the list of endangered and protected species covered by the law. Information on the ivory trade ban was accessed at this link: http://www.gov.cn/zhengce/content/2016-12/30/content_5155017.htm. Information on the updated list of protected wildlife species can be accessed at this link: http://www.gov.cn/xinwen/2021-02/09/content_5586227.htm

52. https://wenshu.court.gov.cn/


54. This was a major change in Chinese criminal law in 2021, when the offence for illegal killing, transportation, sale, or purchase of protected wildlife species was broadened to “harming precious and endangered wildlife.” https://www.spp.gov.cn/spp/xwfbh/wsftb/202102/t20210227_510055.shtml
considers the situation to be serious enough, and although they are rare, three individuals were sentenced to life in prison for their roles leading a criminal network that smuggled more than 20 tonnes of ivory and rhino horn from Nigeria to China between 2013 and 2018.

Specifically in relation to rhino horn trafficking, the Wildlife Justice Commission identified 210 cases concerning the crimes of smuggling, purchasing, selling, or transporting raw or processed rhino horn products between 2017 and 2021 published on China Judgements Online, which resulted in the conviction and sentencing of 374 individuals (Table 1). The number of rhino horn cases handled by the courts more than doubled from 2018 to 2020, but significantly decreased in 2021; while the average weight of rhino horn products involved doubled from 2.2 kg in 2017 to 4.1 kg in 2019, decreasing to 1.7 kg in 2020, then increasing again to 4.4 kg per case.

Table 1: Rhino horn-related cases convicted and sentenced in China, 2017-2021.

<table>
<thead>
<tr>
<th>Year</th>
<th>No. of cases</th>
<th>No. of people sentenced</th>
<th>Weight of rhino horn products</th>
</tr>
</thead>
<tbody>
<tr>
<td>2017</td>
<td>32</td>
<td>62</td>
<td>50.7 kg (plus nine cases of unspecified weight)</td>
</tr>
<tr>
<td>2018</td>
<td>29</td>
<td>48</td>
<td>65.1 kg (plus five cases of unspecified weight)</td>
</tr>
<tr>
<td>2019</td>
<td>55</td>
<td>106</td>
<td>177.4 kg (plus 12 cases of unspecified weight)</td>
</tr>
<tr>
<td>2020</td>
<td>79</td>
<td>131</td>
<td>94.9 kg (plus 24 cases of unspecified weight)</td>
</tr>
<tr>
<td>2021</td>
<td>15</td>
<td>27</td>
<td>44.5 kg (plus five cases of unspecified weight)</td>
</tr>
<tr>
<td>Total</td>
<td>210</td>
<td>374</td>
<td>432.6 kg (plus 55 cases of unspecified weight)</td>
</tr>
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55. [https://flk.npc.gov.cn/detail2.html?ZmY4MDgxODE3OTZhNjM2YT AxNzk4MjUhMTk2NDBjOTI%3D](https://flk.npc.gov.cn/detail2.html?ZmY4MDgxODE3OTZhNjM2YT AxNzk4MjUhMTk2NDBjOTI%3D)

56. Wildlife Justice Commission (2022), *Bringing Down the Dragon: An Analysis of China’s Largest Ivory Smuggling Case*. The last two suspects in this case who had not yet faced court at the time of writing the report were later convicted on 29 March 2022, with Chen Jiancheng (father) sentenced to life imprisonment, confiscation of a vehicle and fined RMB 5 million, and Hu Juqiang sentenced to five years imprisonment and confiscation of RMB 100,000.

57. Noting that this figure represents the number of cases found during the Wildlife Justice Commission’s research on the China Judgements Online database and is not necessarily a complete list of all rhino horn cases prosecuted and convicted in China during this period.
The number of offenders has remained relatively constant throughout the period, with an average of two people sentenced per case. Sentences vary according to the role of the offender and the seriousness of the crime, with local couriers who were caught transporting products from one province to another in China receiving lower sentences compared to a corrupt customs officer who facilitates the smuggling of rhino horn products into the country or those who are the “masterminds” behind the smuggling network. Analysis of the cases found that across the five years, approximately half of the offenders were sentenced to up to five years imprisonment, also reflecting the fact that the majority of cases concerned the illegal transportation and/or retail sale of small quantities of rhino horn products within China (Figure 2). Only 40 of the 210 cases (19%) involved raw rhino horns. Approximately 26% of offenders were sentenced to 5-10 years imprisonment and 19% were sentenced to 10-15 years imprisonment. Three cases involved offenders sentenced to more than 15 years imprisonment, with 18.5 years being the highest penalty observed for the cases in this period.

Figure 2: Length of prison sentences imposed in rhino horn-related cases in China, 2017-2021.
In 2018, the Chinese government began implementing a new strategy whereby Chinese nationals were being deported from Africa to China to face prosecution for wildlife crimes committed in African countries. Within China itself, entire trafficking groups were being arrested for wildlife offences. Chinese law enforcement is also now looking at foreign nationals committing serious offences in China, as demonstrated by the conviction of a Malaysian national who was a key actor in the Chen organised crime group convicted for smuggling more than 20 tonnes of elephant ivory and rhino horn into China.58

“Recently, the wind is blowing strong.” In April 2019 a Chinese trader told Wildlife Justice Commission investigators that rhino horn dealers were being arrested in China and sentenced to more than 10 years in prison, and they would provide information on other dealers in return for a reduced sentence. Several Vietnamese traffickers in 2019 said they no longer travelled to China for business due to the fear of being arrested.

The impact of these enhanced law enforcement efforts over the past four years is that in a short period of time, the global trafficking landscape has changed. It is likely that a large proportion of adaptations in traders’ behaviour such as the changing use of WeChat and movement to other communication platforms can be attributed to the response of the Chinese government. Crime displacement is occurring, and opportunities are now presenting for other crime groups to take over. The Wildlife Justice Commission’s investigations indicate that Vietnamese traffickers in particular are filling the void left by the removal of Chinese networks in South Africa, Mozambique, Angola, Namibia, DRC, and Nigeria.

However, an important factor that cannot be ignored is that China is, and will likely continue to be, a major destination for illegal rhino horn trade globally. The seizure data analysis and investigation findings presented in this report illustrate some systemic issues that continue to facilitate rhino horn trafficking from Africa to Asia. To address these persistent problems, all countries affected along the supply chain need to step up their efforts to ensure that crime is tackled in an effective and enduring manner.

Case study: The rise and fall of one of Vietnam’s largest wildlife traffickers

“I have so much stuff, I’m just afraid you don’t have enough money.”

— NGUYEN VAN NAM, JANUARY 2017

Nguyen Van Nam was one of Vietnam’s top wildlife criminals and lead broker for a criminal network responsible for trafficking a minimum of 477 kg of rhino horn and 17.6 tonnes of ivory from Africa to China via Vietnam between 2016 and 2019. He was arrested in Hanoi in September 2019 in connection with the illegal trade of 204 kg of ivory, and in July 2020 was convicted and sentenced to 11 years in prison.

Ah Nam (his criminal alias in the trade) was a key subject in Wildlife Justice Commission investigations for three years, resulting in the collection of a wealth of intelligence and evidence of the inner workings of his criminal network.

Ah Nam and his key associate, Duong Van Phong (criminal alias Ah Phong, who was also arrested and imprisoned alongside Ah Nam), could both converse freely in Chinese, which was an asset for their business as it allowed them to engage directly with their predominantly Chinese clientele without the need for interpreters and gave them an advantage over other Vietnamese brokers. “All Chinese, so many,” Ah Nam said, referring to his customers. During meetings with Ah Nam, he was constantly receiving and sending voice messages in Chinese and discussing the availability and prices of wildlife products with potential buyers. His associate Ah Phong said on multiple occasions that if buyers did not pay the deposit in a timely manner, “I will have other Chinese buyers talking to me immediately.”

In August 2017, Ah Nam offered 76 rhino horns to the Wildlife Justice Commission in one single transaction, highlighting the huge volume of product he was able to move.


59. This represents only the quantities of rhino horn and ivory directly observed and verified by Wildlife Justice Commission operatives, while the actual volumes of product trafficked are likely to be much higher than this.

Ah Nam was based in Hanoi, and typically stored his products in the backrooms of residences, shops, or factory-like premises in several nearby locations including Nhi Khe village, Bac Ninh, Hai Duong, and Vinh Phuc. He did not travel to Africa to source products, but worked with multiple partners in South Africa, Malawi, Mozambique, Nigeria, and Zambia. His preferred method to receive rhino horn was either via air cargo shipped to Malaysia and then on to Vietnam, which he said was the safest way, or via couriers who hand-carried products in their luggage, whom he would meet at Noi Bai International Airport in Hanoi. Some larger rhino horn shipments were also known to have been smuggled by sea on container ships.

Products were delivered overland by truck to China, with legitimate local businesses trading agricultural products, vegetables, and fruit from Vietnam to China suspected to be used as a cover for the deliveries. The two main routes used were from Hanoi to Lang Son, then over the border to Pingxiang and other locations in China, and from Hanoi to Mong Cai, then on to Dongxing and elsewhere.
Ah Nam generally required a 20-30% deposit to be paid in RMB to one of five Chinese bank accounts belonging to “currency converters” prior to delivery. The remaining balance was to be paid upon receiving the products, either in cash to the transporter or by bank transfer to one of the nominated accounts. The currency converters would exchange the currency to VND and transfer it back to Vietnamese accounts or the cash would be physically smuggled back across the border.

Ah Nam and Ah Phong had a closed circle of Chinese buyers who generated enough demand and turnover that it was not necessary to seek new customers. WeChat was used for communication but very rarely to advertise products, while Facebook was only used for social purposes. Their reluctance to trade on social media set them apart from most other traders.

As a major Malaysian transporter describer in 2018 of Ah Nam’s increasing dominance of the trade in Vietnam, “There is only him in Hanoi now, no number two now.”

“Now the problem is that I’m a big risk in Vietnam... I’m afraid of being caught.”


During the course of investigations, law enforcement authorities in three countries played important roles in disrupting Ah Nam’s network. In total, at least 49 individuals associated with his extended network were arrested, 47 of whom were imprisoned with sentences as high as 15 years. Authorities also seized at least 192.9 kg of rhino horns, 3,892 kg of ivory, and 28.5 kg of pangolin scales in Vietnam, Malaysia, and China connected to Ah Nam’s operations. Furthermore, there are multiple rhino horn seizures made in South Africa which have a high likelihood of being linked to Ah Nam, but the connection is unconfirmed.

The successful arrest and conviction of Ah Nam was a significant achievement for Vietnam’s law enforcement authorities, and the heavy penalty he was dealt sent an important deterrent message to other wildlife criminals operating in Vietnam, with many traffickers concerned that the “wildlife business is now very dangerous.” A Vietnamese-Chinese interpreter who was personally connected to Ah Nam’s wife and sister had allegedly warned him before he was arrested that he should hold off on trading any large batches of product for the rest of the year due to law enforcement pressure in China. She later remarked, “Who dares to go whole pieces [of black materials] now?”
Law enforcement and legal experts fighting transnational organised wildlife crime.

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