

Wildlife

Off the Hook 2

An assessment update on the need for transparency and better criminal justice in tackling wildlife crime

December 2024



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ABOUT EIA

We investigate and campaign against environmental crime and abuse.

Our undercover investigations expose transnational wildlife crime, with a focus on elephants and tigers, and forest crimes such as illegal logging and deforestation for cash crops like palm oil. We work to safeguard global marine ecosystems by addressing the threats posed by plastic pollution, bycatch and commercial exploitation of whales, dolphins and porpoises. Finally, we reduce the impact of climate change by campaigning to eliminate powerful refrigerant greenhouse gases, exposing related illicit trade and improving energy efficiency in the cooling sector.

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Above: Transnational, organised wildlife trafficking continues to threaten the survival of both iconic and lesser known species. Countries need to further strengthen their criminal justice responses to combat the crime.

CONTENTS

Executive summary and recommendations	4
Introduction	6
Lack of harmonised data and transparency on criminal justice responses	7
Challenges of a standardised national criminal justice database	10
Empowerment and proportionate sentencing are needed to address wildlife crime as a serious crime	12
Limited financial investigations in wildlife crime	15
Accessible tools are needed to empower law enforcement, prosecutors and judges	18
References	20



Executive summary and recommendations

In 2021, EIA's report *Off the Hook – The need for transparency and accountability in tackling wildlife crime* advocated for better access to information and justice, stronger anti-corruption measures, increased international collaboration and more frequent evaluations of key indicators to improve transparency and criminal justice in the fight against wildlife crime.

Since then, EIA has continued to campaign for stronger responses to wildlife crime. EIA research from 2024 highlights that significant concerns remain regarding transparency, information sharing and criminal justice in the global fight against wildlife crime.

This report is part of EIA's regular assessment and focuses on four themes, which build upon the findings of the previous report.

1. A persistent lack of harmonised and accessible national databases

creates siloed systems between relevant law enforcement and justice authorities, hindering information exchange and collaboration. Although the creation and maintenance of such wildlife crime databases is resource-intensive and must navigate balancing open justice with the protection of personal information, they would benefit government

and non-government stakeholders in the development of evidence-based interventions. Such databases would also facilitate domestic and international cooperation to target and deter wildlife crime.

EIA recommends that:

- Governments should allocate resources to set up and maintain centralised wildlife crime databases, tailored to the needs of law enforcement and justice departments, applying the principles of data harmonisation and referring to the guidelines produced by the United Nations Office on Drugs and Crime (UNODC)
- Governments should observe the principle of open justice, collaborate with civil society stakeholders such as conservation organisations and the finance sector to improve the comprehensiveness of wildlife crime databases and data transparency
- Conservation organisations should collaborate in their efforts to collate and maintain wildlife crime databases, sharing information to minimise duplication of efforts and maximise the comprehensiveness of data
- Governments should proactively use existing interjurisdictional collaboration mechanisms such as channels provided by INTERPOL and the World Customs Organisation (WCO) to share information and coordinate law enforcement.

2. Law enforcement actions predominately target the lower levels of the illegal wildlife trade chain

despite progress in instating national legislation and policy that include wildlife crime as a form of organised and serious crime. Limited or ambiguous mandates, along with insufficient resources within relevant law enforcement agencies, continue to hinder the effective targeting of major offenders and the imposition of appropriate sentences.

EIA recommends that:

- National legislation and policy should define wildlife trafficking as a serious and organised crime punishable by appropriately severe sentences as recommended by the UN Convention on Transnational Organised Crime (UNTOC); stipulate clear mandates of law enforcement agencies, and set frameworks for multi-agency collaboration to secure criminal justice
- Law enforcement agencies mandated to investigate and prosecute wildlife crime should have the expertise to handle cases as organised and serious

crime and a feasible investigation timeframe to allow sufficient information gathering and assessment to determine the nature and scale of the crime

- Governments should make use of existing cross-departmental taskforce/mechanisms to investigate wildlife crime as organised crime
- Governments and law enforcement agencies should allocate resources to conduct wildlife crime investigations including financial investigations to secure evidence to prosecute principal suspects of trafficking networks rather than just low-level transporters and poachers
- Media outlets should continue monitoring wildlife trafficking incidents, placing greater emphasis on tracking progress in securing criminal justice outcomes, rather than focusing solely on seizure events.

3. Financial investigations in wildlife crime cases remain insufficient.

Know Your Customer (KYC) processes contribute towards anti-money laundering (AML) frameworks and counter-financial crime efforts. As KYC checks rely on linking nominal details with information about involvement in crimes, data collection and sharing between financial institutions and amongst law enforcement authorities, the financial sector and civil society organisations enhance the diligence of KYC processes and help disrupt the financial activities of wildlife criminals.

EIA recommends that:

- Financial Institutions should establish and maintain protected and secure data sharing practices to be better informed about criminal syndicates that are active across the global economy through multiple banks
- Financial institutions should increase information exchange with civil society organisations (CSOs), including EIA, that collect nominal information of wildlife crime perpetrators to enhance their AML measures.

4. Civil society stakeholders can enrich the criminal justice toolbox

by supporting the creation and application of enforcement resources, rapid reference guides, sentencing guidelines, species victim impact statements and delivering relevant training.

EIA recommends that:

- Governments, with support from civil society stakeholders, should develop and implement sentencing guidelines and species victim impact statements to aid discretion in determining sentences.



©Nigeria Customs Service

Introduction

EIA's 2021 Off the Hook report highlighted that enhancing access to information and justice is key to achieving the UN Sustainable Development Goals (SDG).

The SDGs call for actions to end poverty and inequality, protect the planet and ensure health, justice and prosperity for all. Specifically, Goal 15 aims to protect, restore and promote sustainable use of terrestrial ecosystems and halt biodiversity loss.¹

In the report, EIA noted that access to information and justice in the field of counter-wildlife trafficking efforts was being undermined by several challenges, including:

- 1. limited public accessibility to law enforcement outcomes**
- 2. lack of clarity regarding the statutory role and mandate of relevant agencies to tackle wildlife crime and limited empowerment of relevant agencies to conduct effective investigations**
- 3. insufficient financial investigations into wildlife crime**
- 4. lack of sentencing guidelines which could result in disproportionate penalties**
- 5. weak international collaboration.**

Although some improvements have taken place since 2021, the 2024 UN Office on Drugs and Crime (UNODC) World Wildlife Crime Report found that current efforts are still not on track to meet the 2030 target towards ending illegal wildlife trade. In terms of gaps, the report pointed to the need to harmonise legal regimes, law enforcement efforts and criminal justice as essential elements to successfully counter wildlife trafficking.²

This report draws on EIA research undertaken since 2021 and examines the significance of a national wildlife crime law enforcement outcome database, the interconnection between clarity of mandate, capacity of agencies and proportionate sentencing, how cross-sectoral collaboration can benefit financial investigations and tools to support criminal justice.

These elements are complementary to the five key points previously raised and form part of the regular evaluation EIA recommended in the 2021 report calling for improved transparency and criminal justice.

Above: 7200kg pangolin scales were seized by Nigeria Customs Service in Aug 2024, representing thousands of pangolins poached from the wild.

Lack of harmonised data and transparency on criminal justice responses

Data collected in a standardised, consistent way helps reveal what occurred, where, when and how the criminal justice system responded and the persons involved.³ Analysis can then identify wildlife trafficking trends and prioritise crime reduction efforts accordingly.

The UNODC identified three key objectives of recording law enforcement and prosecution data:

- to provide detailed aggregated information about the performance of the prosecution service and the courts so their operations can be improved
- to enhance public trust in the criminal justice system by fostering open data, presenting facts and showcasing the performance of the criminal justice system
- to create a coherent framework to standardise criminal justice system data so the information can become more consistent, comparable and transparent, both at national and international level.⁴

Despite the above, challenges persist in the development and maintenance of shared, accessible and transparent national databases for law enforcement outcomes in the field of wildlife crime.

Benefits of a standardised national criminal justice database

- **Standardised national criminal justice databases can improve law enforcement effectiveness**

Law enforcement agencies do not always share records of enforcement outcomes with counterpart agencies, which is particularly concerning as (wildlife) criminal justice is best secured through multiagency cooperation including with the police, customs, prosecution services, ministry of justice, prison and probation services etc.^{5,6} This inevitably creates siloed systems between the different agencies, which complicates the flow of information between them.⁷

A centralised, harmonised system would therefore streamline approaches for law enforcement agencies, prosecution and judiciary authorities to achieve evidence-based strategic policy and joint operational decisions to tackle wildlife crime. Maintaining such a database would, however, depend on a mandated agency having the necessary capacity to coordinate inputs from other relevant agencies.

A centralised national database would also be useful in determining the impact of wildlife crime interventions, such as trade bans and demand reduction efforts, as the data can be analysed alongside wildlife population numbers and poaching rates. Ultimately, these baseline analyses can support the development of evidence-based interventions to target and deter wildlife crime.

- **Standardised national criminal justice database can increase transparency in the fight against IWT and help deter wildlife crime**

A centralised national database with certain key aspects made accessible to the public would improve transparency, which is key to tackling and deterring wildlife crime.

Public access may help increase knowledge about the policies and regulations governing wildlife trade as well as information about penalties which are important in influencing behaviour and preventing and deterring wildlife crime. At minimum, national crime databases should make public data relating to incident details, prosecution progress and prosecution outcomes. Such transparency would support efforts by governments, CSOs and other stakeholders in the collation of knowledge and to facilitate international information exchange and collaboration.

Such a system would make corrupt practices more difficult through its promotion of transparency and accountability and would increase public trust.^{8,9} In particular, open access of verdicts is important for civil society stakeholders in the space of counter-wildlife crime as they contain information about the modus operandi of criminal networks, such as how products were sourced, the illicit financial flows and corruption. They also allow judiciary officers, students, academics and civil society stakeholders to understand the legislations applied in each case, the considerations taken into account in sentencing and the fairness of the trials.

Table 1: National wildlife crime database in countries in Africa and Asia that are particularly affected by ivory and pangolin trafficking, based on EIA research and communication with in-country partners.

Country	Has a centralised, national wildlife crime database?	Is the database accessible for the public?
Cameroon	No	Not applicable
Democratic Republic of Congo	Unknown	Unknown
Gabon	No. Different law enforcement authorities have their own datasets such as the Direction Générale de la Documentation et de l'Immigration (DGDI), Eaux et Forest, Tribunaux. The DGDI is the most organised of them, but the datasets of all these authorities are not harmonised and some lack information.	Not applicable
Nigeria	Different law enforcement authorities may hold their own dataset though data not harmonised. No centralised database exists though a pilot project to set up such a database is underway.	Not applicable.
Republic of Congo	No	Not applicable
China	Yes for prosecution and verdicts, which are hosted as separate websites. Law enforcement authorities hold their own seizure datasets, but it is unknown if there is a centralised database.	Yes for prosecution and verdicts, requires registration and not all cases available to the public. No public seizure database.
Vietnam	Yes for verdicts. Law enforcement authorities may hold their own seizure datasets, but it is unknown if there is a centralised database.	Yes, but not all cases available to the public and limited number of wildlife crime cases.

• Standardised national criminal justice databases can increase international coordination and collaboration

Standardised information from a well-maintained national crime database would enable smoother intelligence exchange between countries implicated at all stages of the illegal wildlife trade chain, which in turn may strengthen collaboration and prosecution efforts. Having in place a harmonised national database would also enhance strategic decision-making in international policy forums.



Case study: CITES Annual Illegal Trade Report (AITR)

There are currently 184 Parties to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES).

To help ensure that international trade in CITES-listed species does not threaten the survival of the species in the wild, Parties are required, inter alia, to submit annual legal and illegal trade reports (AITRs) summarising legal trade and trade violations involving CITES-listed species to, from and through their territories.

Information provided in AITRs feeds into the CITES Illegal Trade Database,¹⁰ with the aim of facilitating the research and analysis of wildlife and forest crime by Parties and International Consortium on Combating Wildlife Crime (ICWC) partner organisations. Where possible, the information also informs decision-making at CITES meetings.

Although both types of reports are recognised under CITES as critical tools for monitoring the implementation of the Convention and the level of legal and illegal international trade in endangered species, it is only the non-submission of annual legal trade reports that is treated as a serious matter of compliance.¹¹ This lack of incentive may be one reason why the submission rate of AITRs has remained poor since Parties were first mandated to report in 2017.¹²

Table 2: Percentages of Sovereigns/Dependent territories that submitted AITRs 2019 – 2023¹³

Year	2019	2020	2021	2022	2023
Percentage	44.2	51.9	48.1	42.5	34.8

Of those AITRs submitted, the quality varies significantly and the CITES Secretariat was directed at the 19th Conference of the Parties in 2022 to assist with increasing overall submission and quality of the reports.¹⁴

Incomplete and poor-quality data undermine accurate analysis of illegal wildlife trade (IWT) trends and undermines efforts by countries of concern to develop effective evidence-based interventions. Harmonised and up-to-date national wildlife crime databases would therefore allow national CITES Management Authorities to extract and submit AITRs in a standardised format with quality data that fulfil the intended functions for the CITES Illegal Trade Database.

Challenges of a standardised national criminal justice database

Very few countries have national criminal justice databases despite recognition by governments and academics of their utility.¹⁵

• Resources and capacity

Creating and maintaining national databases involves labour-intensive processes regarding data consolidation, standardisation and regular uploads to a digital platform.¹⁶ In the countries most affected by wildlife crime, both government and civil society organisations face capacity and resource shortages. It is not uncommon for criminal justice systems to still rely on paper documents with information recorded by hand, aggravating the process for national information consolidation and error checking.

Moreover, a centralised database needs to be tailored to meet the different needs of operational staff, analysts and policy-makers. The process of integrating data and securing timely updates requires strong collaborative relations and information sharing agreements between all departments involved.

• Data privacy and protection of personal information

A balance between open justice and the protection of personal information is important. Concerns about cyber security, inappropriate media attention and privacy infringement were cited as one of the main reasons Chinese authorities reduced input into their public court documents database.¹⁷ However, publishing certain details about the accused and the circumstances of the crime is important both for analytical reasons (e.g. to identify vulnerable demographics, tailor crime prevention measures etc) and for substantiating the legitimacy of the judgement through the demonstration of case-specific facts rather than generalised summaries of violations of articles.¹⁸

coordination and resource allocation. Officers may be less motivated to act against wildlife trafficking if their roles and responsibilities in the investigation and prosecution process are unclear.

Below: Verdicts of the Shuidong ivory trafficking case, first exposed by EIA, were available on the China Judgement Online platform and revealed the sourcing, shipment logistics and financial flows of the criminal network.



The screenshot shows the homepage of the China Judgements Online platform. At the top, there is a red banner with the Chinese emblem and the text '中国裁判文书网' (China Judgements Online). Below the banner, the main content area displays a criminal verdict titled '王志拥、王志平、林世明等走私珍贵动物、珍贵动物制品罪二审刑事裁定书' (Criminal Verdict of the Second Instance for the Crime of Smuggling Precious Animals and Precious Animal Products by Wang Zhiyong, Wang Zhiping, Lin Shiming, et al.). The case number is '(2019) 闽刑终151号'. The court is identified as '福建省高级人民法院' (Fujian Provincial High People's Court). The verdict number is '(2019) 闽刑终151号'. There is a '浏览次数 994' (Viewed 994 times) indicator. A red button labeled '点击了解更多' (Click to learn more) is visible next to the case title.



中国裁判文书网

China Judgements Online

- 首页
- 刑事案件
- 民事案件
- 行政案件
- 赔偿案件
- 执行案件
- 其他案件
- 民族语言文书

高级检索 ▾

输入案由、关键词、法院、当事人、律师

搜索



开放 动态 透明 便民



今日新增
46,007 篇

- 民事文书 92,576,554 篇
- 赔偿文书 142,880 篇



文书总量
150,934,768 篇

- 刑事文书 10,358,051 篇
- 执行文书 43,353,339 篇



访问总量
114,712,004,446 次

- 行政文书 3,140,995 篇
- 其他文书 1,362,949 篇

Case study: China's progress towards "Open Justice"

The principle of "Open Justice" is affirmed in the Constitution of China.¹⁹ In 2013, the Supreme People's Court of China recognised the importance of transparent platforms to allow public access to information about trial processes, verdicts and outcomes.²⁰

By 2016, the verdicts platform China Judgement Online had become the largest online verdict platform in the world by the number of documents published and the number of visitors.²¹ The number of verdicts uploaded increased each year, reaching a peak of ca 19.2 million in 2020. The expansive database, together with China's digital judicial openness including streaming of court hearings and the online register of Procuratorate decisions, offers valuable insights into the criminal justice system.

However, since 2020 there has been a noticeable decline in the number of wildlife crime verdicts and other case rulings uploaded annually. Additionally, in 2023 the Supreme People's Court announced

plans for a new version of China Judgement Online, aimed at enhancing privacy, security and standardising content based on user feedback. This decision triggered substantial concern among academic and civil society stakeholders who feared that restrictions to the new database would undermine progress in achieving open justice. The Supreme People's Court has refuted such suggestions.

It is important to note that even at the height of China's database expansion in 2019-20, only a selection of files was actually released on the platform and it is unclear what criteria was used in assessing which files were "not suitable for publication". Furthermore, the extent to which administrative obstacles such as staff shortages, personal data protection or censorship hindered open justice is unclear.

Above: China Judgements Online hosts over 150 million verdicts and is a central element in China's implementation of Open Justice.

Empowerment and proportionate sentencing are needed to address wildlife crime as a serious crime

Wildlife crime is a serious crime

The United Nations General Assembly recognised that the illegal trade in endangered fauna and flora should fall within the scope of the UN Convention against Transnational Organised Crime (UNTOC) and CITES Parties have been urged to recognise wildlife and forest crimes as a serious and organised crime at the national level in their domestic CITES legislation.²²

UNTOC defines serious crime as any conduct constituting an offence punishable by a maximum imprisonment of at least four years or a more serious penalty.²³ This penalty is also mirrored in the CITES Guidelines on the Minimum Requirements for National Legislation.²⁴

Beyond CITES and UNTOC, the UN Convention Against Corruption (UNCAC) is also applicable to offences relating to IWT.²⁵ To effectively target and address all aspects of the illegal wildlife trade, domestic legislation should not only give effect to these Conventions, but should also ensure that transnational organised wildlife crime is specifically recognised with appropriate offences and penalties in a wide range of key ancillary legislation, such as legislation addressing mutual legal assistance in criminal matters, financial crimes and proceeds of crimes, anti-money laundering, customs-related offences and anti-corruption measures and related offences and penalties.

Ideally, there should be cross-referencing and harmonisation of all offences and penalties relating to wildlife crime between differing pieces of legislation to ensure wildlife crime is consistently recognised and treated as a serious crime.

Mandate and empower key law enforcement authorities

A critical aspect of ensuring that domestic legislation is sufficiently robust and well-developed is ensuring that the ministries and agencies and their agents mandated to enforce the legislation in question are clearly designated and are duly empowered by the legislation with the necessary powers and authorities to carry out their functions.

To address wildlife trafficking effectively, governments not only need to enact and enforce legislation and policy that define wildlife crime as a serious and organised crime and stipulate proportionate penalties, but also allocate resources to enhance their law enforcement



agencies' capability to investigate and secure evidence to prosecute higher level members of wildlife trafficking networks, those who organise and finance the crime.

For investigations to be carried out effectively and for appropriate evidence to be gathered, law enforcement authorities should have a clear mandate outlining their responsibilities vis a vis specific crime types. Such mandates can also specify how cross-departmental collaboration should take place to map out the modus operandi and structure of the trafficking networks, to trace financial flows and to successfully prosecute the principal criminals.

Furthermore, where a specified authority has the mandate to investigate and prosecute, this must be matched by sufficient expertise and capacity to carry out the necessary duties.

Above: Law enforcement authorities need clear mandates and empowerment to carry out inspections and other important duties effectively to deter crime.

Case study: Hong Kong to treat wildlife crime as a serious organised crime

The Environment and Ecology Bureau and the Agriculture, Fisheries and Conservation Department (AFCD) of Hong Kong have the mandate to enforce the Protection of Endangered Species of Animals and Plants Ordinance. The AFCD's Endangered Species Protection Division, a small team of ca 55 staff,²⁶ oversees one of the world's primary illegal transit and trade hub of endangered species for the pet, food and collectors' markets.^{27,28}

Wildlife trade in/via Hong Kong has increased in the past decade, from an average of 522 species imported annually in 2013 to 1,057 in 2021. Meanwhile, the number of CITES-listed species has also increased. Significant Government agency capacity is now needed to ensure that more than 3,000 licenses and certificates are handled correctly each quarter within the target time frame of two to five working days. Significant capacity is also required to carry out, on average, more than 5,000 inspections per quarter to intercept and deter illegal trade.^{29,30}

In August 2021, Hong Kong's Organised and Serious Crime Ordinance (OSCO) was amended to treat the illegal import, possession, export and re-export of CITES-listed species as serious and organised crimes under Schedule 1 of the Ordinance.³¹ The Customs and Exercise Department (C&ED) and Hong Kong Police Force (HKPF) are mandated to investigate offences under OSCO, using their expertise in investigating criminal networks and money laundering.

It appears that OSCO is implemented sparingly and in two primary ways in the context of wildlife and other forms of serious crime – to trigger more comprehensive investigations and asset freezes, and to enhance sentencing.

It has been noted that wildlife crime cases have often been passed on by the C&ED to the AFCD for follow-up investigations within days, even when tonnes of wildlife contraband was involved.^{32,33,34} It is unknown to non-government stakeholders what initial assessments the C&ED conducts in each wildlife crime case and how it determines handing over a case to the AFCD. However, the short timeframe observed is unlikely to allow thorough investigation of crime networks and financial flows.

Once a case has been handed to the AFCD, it is very difficult for the Department to gather evidence of organised crime to trigger actions under OSCO as it lacks the mandate, capacity and resources required.³⁵ To date, there is no record of the AFCD successfully referring a case to the C&ED or the HKPF for OSCO

enforcement, which leaves an open door for high level wildlife traffickers to evade justice.

Since its adoption, the OSCO amendment has only been applied in a few instances to spur investigations or to enhance sentences specifically in relation to wildlife crime. In January 2024, the C&ED arrested and charged an individual for alleged money laundering offences in connection with illegal wildlife trade – the first case to bring charges under both the Protection of Endangered Species of Animals and Plants Ordinance and OSCO.³⁶ The accused has been linked to a seizure made six months prior and had made thousands of suspicious transactions, with more than 700 counterparties between April 2021 and September 2023. The prosecution is ongoing and it is a landmark case in the application of OSCO.

In February 2024, the AFCD was separately able to secure enhanced sentences for the first time with a wildlife offence³⁷ as a predicate offence for OSCO, raising the prison term from 24 months to 30 for two persons convicted for the attempted smuggling of \$81,000-173,700 worth of CITES-listed Chinese agarwood (*Aquilaria sinensis*) to mainland China.^{38,39}

However, the imposition of heavier penalties has not been consistently applied. In July and September 2024, no charge under OSCO was filed for two persons trafficking hundreds of kilos of shark fins, even though the cases displayed signs of organised criminality – the same routes, same quantities and same concealment methods. The C&ED even referenced "crime syndicates" in its press release issued two days after the second seizure.^{40,41,42}

Although certain wildlife offences were introduced into OSCO in 2021, the increase in scope has not been met with proportionate resource allocation to the AFCD or C&ED for them to prioritise the implementation of the amendment. Tracking the application of OSCO by the relevant authorities remains challenging as there is no centralised channel where the public can filter and search for cases.

The successful and effective enforcement of legislation is dependent on several key elements, particularly mandating, empowering and involving the correct authorities and ensuring their adequate capacitation. For Hong Kong, the full potential of the 2021 OSCO amendment is yet to be achieved.

The importance of proportionate sentencing in wildlife crime

Proportionality in sentencing seeks to avoid excessive or arbitrary punishment, thereby protecting the human rights of the accused. The punishment needs to be in proportion to the gravity of the crime and the extent of responsibility the offender carries for the offence.⁴³

In the context of wildlife crime, EIA continues to note that law enforcement actions tend to focus on the lower levels of the trade chain such as poachers or small-scale dealers, a pattern unchanged since our 2021 report.

Punishing poachers and transporters has a limited impact on ending wildlife crime because crime networks with untouched organisers and assets can simply recruit replacements.

To ensure that higher-level criminals are prosecuted and their central role in wildlife crime networks reduced, systematic investigation into the networks needs to take place to map out and gather evidence of the key players and their roles and responsibilities

Below: The High Court of Kenya. Each seizure represents an opportunity to gather more evidence to bring the criminal networks involved to justice.



Case study: Lack of secured high-level trafficker conviction in Kenya

Kenya was identified as a Category A country under the CITES National Ivory Action Plan (NIAP) process in 2013, indicating it as a country severely affected by the illegal trade in ivory.

While under the NIAP process, Kenya made significant progress to address elephant poaching and ivory trafficking, including through strengthened legislation and targeted conservation actions that contributed to elephant population recovery. As a result, Kenya exited from the process in 2018.⁴⁴

While Kenyan courts continue to convict poachers and lower-level ivory transporters, sentencing them to custodial terms in line with UNTOC's serious crime definition, the country's success in securing convictions of high-level traffickers falls short.

In 2016, major ivory trafficker Feisal Mohamed Ali was convicted in Mombasa for the illegal possession of 2,152kg of elephant tusks. This was celebrated as a landmark ruling, the first time a high-level wildlife criminal had been convicted in Kenya. However, closer scrutiny of

the case revealed that all the evidence presented was circumstantial and corruption within law enforcement might have had a significant role in the incident. Feisal Mohamed Ali appealed and was acquitted by the High Court in 2018.⁴⁵

Analysis in 2018 and 2024 showed that investigations following ivory trafficking incidents remain insufficient in Kenya, with preliminary information gathering tending to fall apart post-seizure and arrest. Often, the prosecution is protracted with multiple adjournments, evidence lost or tampered with and magistrates opting for the minimum sentences, with imprisonment only in default of non-payment of fines. In addition, corruption remains a major challenge in securing criminal justice.^{46,47}

The option for the convicted to choose between paying a fine and spending years in jail leads to further social injustice, as prolific traffickers are often the ones with the money to pay their way out, whereas those lower down in the trade chain driven into crime by poverty become incarcerated, with their families falling further into destitution.



Limited financial investigations in wildlife crime

Estimating the precise value of environmental crime is inherently complex due to the clandestine nature of the trade and the dynamics across jurisdictions. However, it is widely accepted that environmental crime is a hugely lucrative trade, with the Financial Action Task Force (FATF) estimating that it is one of the most profitable enterprises, generating around \$110-281 billion in criminal gains each year.⁴⁸

Illegal financial flows are an integral part of the process of wildlife crime as perpetrators buy and sell wildlife products. Trafficking networks use money laundering to conceal their assets and evade detection by law enforcement authorities. Therefore, the effective implementation of AML frameworks and financial investigations is crucial in combating wildlife crime.

However there has been a noticeable lack of financial investigations related to wildlife and environmental crime cases. As such, the information about how criminals extract the profits from wildlife and forest crimes and the identities of the main financial beneficiaries of those crimes remains limited.⁴⁹

Leveraging anti-money laundering (AML) frameworks and Know Your Customer Compliance to tackle IWT

The Know Your Customer (KYC) process, including Customer Due Diligence (CDD) measures, are a set of guidelines and regulations that are in place worldwide which require financial institutions to verify the identity of their customers.

These KYC checks often form part of a mandatory verification process.⁵⁰ This verification process is initiated once a financial institution obtains a new client and is carried out periodically after that. Verification checks include looking at a new or existing client's identifying information, such as date of birth or

nationality, to check whether they appear on any lists or databases of concern, such as government sanction lists.

KYC checks are also useful for financial institutions to improve understanding of their customer's financial transactions to better manage any risk they may come across.⁵¹

KYC checks are a key part of AML frameworks, which include legislation and procedures that prevent perpetrators from disguising illegally obtained funds as legal funds. KYC checks flag any potential clients or new customers who have been involved in financial crime, allowing financial institutions to either reject or revoke accounts that may be involved in financial crime, thus preventing perpetrators to use their accounts to enter illegal funds into the legal financial economy.⁵² The KYC processes therefore contribute towards the efforts of combatting financial crimes, such as money laundering and corruption, as well as other converging crime types

that rely on the concealment of illegal funds, including wildlife and environmental crime.

As KYC checks rely on nominal information of perpetrators in addition to information detailing their involvement in crimes, data collection and management are key to establishing a diligent KYC process.

When multiple financial institutions share this nominal data between them, they are more likely to identify any suspicious transactional patterns used by perpetrators across institutions, allowing them to build clear visualisations of criminal networks.

An increased collaboration within financial institutions and with law enforcement authorities and CSOs will further enhance their capability to prevent perpetrators from using accounts to commit financial crime





Media Monitoring Programme

Case study: Supporting AML frameworks and KYC checks through the Media Monitoring Programme

The Media Monitoring Programme (MMP)⁵³ AML frameworks to share information with key stakeholders about individuals profiting from wildlife trafficking and environmental crimes.. EIA has been feeding data into the MMP since 2017 and officially took over the management of the programme from the founding organisation, Liberty Shared, in January 2021.

The MMP provides a platform for CSOs⁵⁴ to compile and submit nominal information from open media sources about individuals implicated in wildlife crime. There is a list of requirements with which the submissions must comply as a measure of ensuring good data quality. This information is then provided to financial institutions on a monthly basis so they can avoid doing business with wildlife traffickers by using this information to assist with Customer Due Diligence (CDD) and Know Your Customer (KYC) checks.

Information is also distributed to several third-party data service providers, each with a role to play in identifying assets and accounts associated with individual traffickers.

The MMP therefore assists the financial sector in improving the identification of risks associated with money laundering and ensuring these are embedded into KYC systems. The MMP highlights risks of corruption and increases the detection of money laundering, contributing to the prosecution of IWT offenders for financial crimes. Removing criminal proceeds from wildlife crime offenders might also act as a deterrent to committing wildlife offences.

Although EIA targets its efforts on focal species and environmental crimes, which presently includes species such as elephant, pangolin, rhino, Asian big cats and totoaba fish and environmental crimes such as illegal logging and illegal fishing, the MMP itself is not limited to these focal areas and covers all species. In the future, EIA hopes to expand into other environmental crimes, such as the illegal trade in refrigerant gases and plastic waste.

Since EIA took over the MMP in 2021 and up until September 2024, 8,455 perpetrator profiles have been submitted to recipients. Since 2020, information supplied has led to the creation of more than 3,618 new, in addition to the updating of 587 pre-existing profiles by the recipients, strengthening their AML efforts.

The MMP has been highlighted as a good example of CSO and financial sector collaboration by the Financial Action Task Force in its 2020 report *Money Laundering and the Illegal Wildlife Trade*.⁵⁵ It was also included as a key recommendation in the Centre for Global Advancement's 2022 report *Environmental Defender Lists*.⁵⁶

Currently, the finance sector uses the KYC database to help tackle money laundering and the transport sector has a red flag database to help identify illegal shipments. However, these datasets exist independently of each other and of wildlife seizure and prosecution databases. Information exchange between these databases can reduce duplication of work and enhance efforts to tackle financial and wildlife crime.

Accessible tools are needed to empower law enforcement, prosecutors and judges

Self-paced online training resources enhance capacity

The provision of regular, comprehensive training to law enforcement officers, prosecutors, judges and other relevant personnel in the criminal justice process is resource-demanding. Staff may not always receive capacity-building as they start a new position and skill retention can become a challenge where opportunities of recurrent training is limited.

In 2018, recognising the need for an easy-to-follow training resource for law enforcement authorities to improve efforts to tackle ivory trafficking across the entire illegal trade chain, EIA produced an online enforcement tool with support from the UK's DEFRA Illegal Wildlife Trade Challenge Fund.

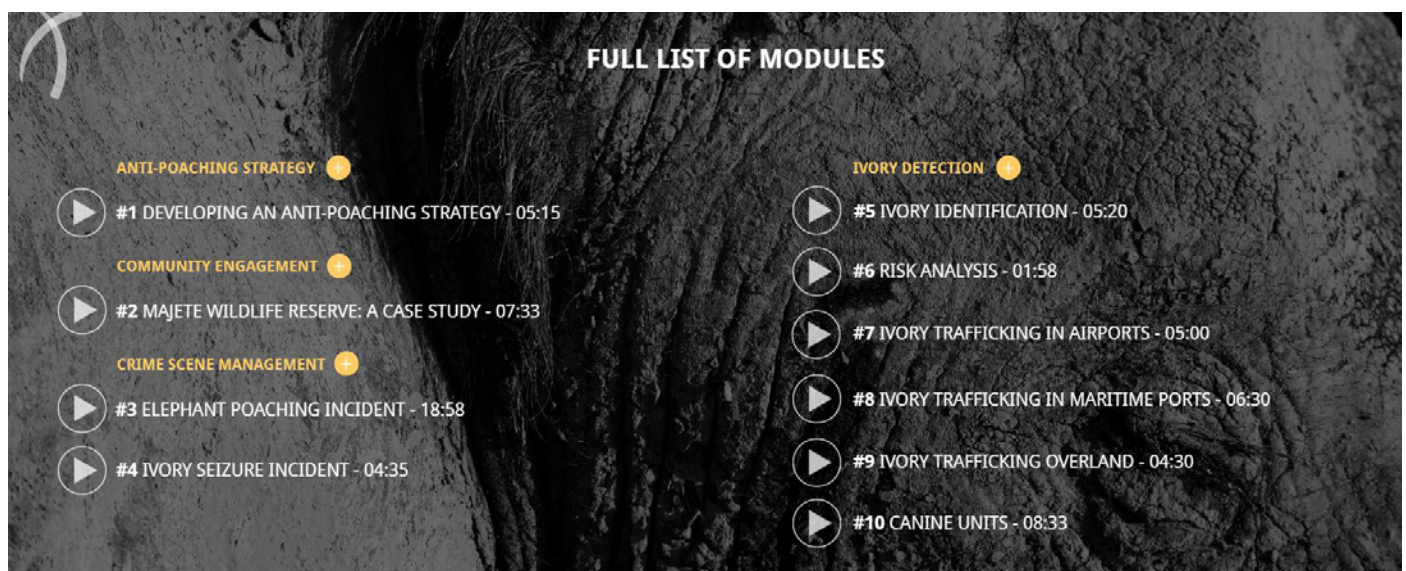
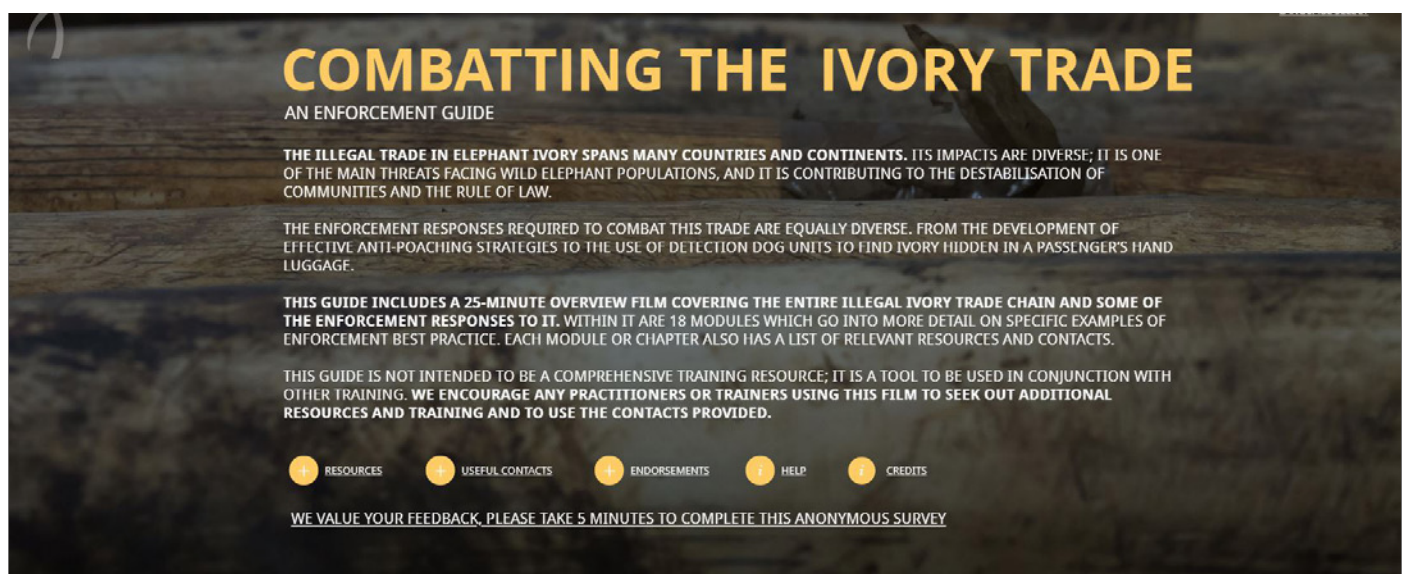
The tool is available in eight languages and includes 18 modules, each containing one or more videos covering topics from developing an anti-poaching strategy,

community engagement, crime scene management, ivory detection, securing seized ivory, investigation post seizure, cross-departmental collaboration between law enforcement authorities, best practice for successful prosecution and best practice in financial investigations.

Each module also has a list of relevant resources and contacts for users and the guide is intended to be supplement other trainings available to various practitioner categories.

To date, more than 100 national agencies, including law enforcement, from more than 25 countries have made use of the enforcement tool and EIA seeks to continue updating and adding applicable modules to best support criminal justice capacity in countries most exploited by wildlife traffickers.

Below: [Combatting the Ivory Trade, an online enforcement guide hosted by EIA.](#)





Rapid reference guides and sentencing guidelines as tools for prosecutors and judges

A proportionate punishment should take into account the interest of the state as stipulated in its relevant laws, the interest of the accused and that of the victim.⁵⁷

In wildlife crime cases, giving room to the voice of the victim becomes especially challenging. One of the challenges prosecutors and judges face in evaluating how wildlife crime harms state interests is that they

often have limited resources to gain insights into the impacts poaching has on the ecosystem, culture and socio-economy.

Rapid Reference Guides and sentencing guidelines are useful tools to guide prosecutors and judges in their decisions on the appropriate charges and penalties. These documents should be updated regularly to stay relevant and their contents concise and easy to navigate to ensure their usability.




HKU SPECIES VICTIM
IMPACT STATEMENTS INITIATIVE

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Species Victim Impact Statement (SVIS) Initiative

giving wildlife a voice in courts



©HKU Species Impact Statement Initiative

Case study: Species Victim Impact Statement (SVIS)

The Species Victim Impact Statements (SVIS) initiative was started in 2016 by Associate Professor Amanda Whitfort and her team at the Faculty of Law at the University of Hong Kong. The initiative aims to provide law enforcement authorities and the judiciary with reliable scientific data to inform and improve successful prosecution rates for wildlife crime.

Each SVIS contains information about the trafficked species, including its scientific name and common names, what parts and derivatives of the animal/plant are commonly traded, an estimated quantity trafficked, trade value estimate, forensics guide for specimen identification, commonly observed trade routes, current populations and threats the species faces.

The document presents wildlife welfare concerns, negative health and environmental impacts and culture and economic impacts caused by the illegal trade to the country of origin and the country/region where the illicit shipment has been intercepted. Last but not least, the SVIS provides a collection of case law as guidance for consistent sentencing.

As the SVIS need to be comprehensive, concise and up-to-date, joint efforts from conservation biologists, legal experts and local stakeholders are needed to tailor the content for each jurisdiction. To ensure that SVIS can be used effectively, training needs to be provided for law enforcement authorities, prosecutors and judges.

Since the introduction of SVIS in Hong Kong, the convictions and penalties of wildlife crime cases have increased by more than 20-fold.⁵⁸ SVIS has been adapted for use in 10 countries including China, Laos, Nigeria, South Africa, Thailand and Zambia and training in its use provided across South-East Asia and in South Africa. Feedback from judges and prosecutors using SVIS in 10 countries has identified it as an extremely simple and effective tool for understanding and responding to wildlife crime.

EIA is collaborating with the SVIS initiative to develop country-specific SVISs to provide enhanced information of the impact of wildlife crime related to West and Central Africa and South-East Asia and support effective criminal justice systems in the regions.



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