

Trade in rhino horns in the territory of the Czech Republic

Report of Czech enforcement authorities

CURRENT CONDITIONS

Thefts of rhino horns

Horns that are stored in the collections of museums and chateaus are one the sources of rhino horns on the black market. In the most recent years, thefts of this kind have taken place in the entire Europe. In the Czech Republic, 7 cases of thefts in museums and chateaus have been documented between 2010 and 2012 with the biggest theft in the EU - at the chateau of Usov where 7 rhino horns were stolen. The investigation revealed that the same group of 3 Czech citizens was behind the thefts in the Czech Republic. It was impossible to prove their links with the Irish criminal syndicate Rathkeale Rovers, or find the stolen horns. The two perpetrators were sentenced to 3 years of imprisonment; with regard to the third the authorities did not manage to prove that criminal activity occurred. The cases were handled as a mere theft, not as a wildlife crime. Following the thefts, the Czech Environmental Inspectorate (CEI) warned the Ministry of Culture and the Association of museums and galleries and all rhino horns were withdrawn from the collections and stored in safety boxes. Currently, therefore, this method of illegally obtaining the horns is not any longer topical.

Operation Rhino (pseudo-hunting)

In November 2011, the CEI recorded for the first time suspicious information suggesting that rhino horns are transported across the Czech Republic. These horns came from hunting trophies of rhinos hunted by Czech hunters in the Republic of South Africa. These horns were illegally sold and exported to Vietnam in violation of the terms of the trophy hunting.

Within investigations, it was found that the criminal activity began already in 2010. Several Vietnamese traders along with a Czech mediator hired Czech citizens and paid for their trip to South Africa, stay, and licenses to hunt rhinos. According to information so far obtained there were dozens of people involved and this activity lasted at least 2 to 3 years. The hired persons had no hunting experience, or permission to bear weapons. They usually came from poor backgrounds (often with untraceable or difficult to trace residencies, they were indebted, or faced execution). The pseudo-hunters were usually in groups of 3 to 4 trucked to South Africa, most of them to the farm in Limpopo Province owned by South African citizen who has been under investigation in South Africa for several years in relation to a wildlife crime (the Messina gang). In the farm the hunters were informed that they would hunt rhinos (most of them did not know in advance). They were brought to hunt individually only in the presence of a ranger, tracker, local hunter and the farm owner. They were not allowed to film or take pictures during hunting. If the hunters refused to hunt rhinos they were forced to hunt indiscriminately, or the rhino was shot dead by one of the locals. Some of the Czech pseudo-hunters did not even see a rhino shot dead and did not know whether it was killed or not. The hunters, subsequently, during interrogations testified that the rhino hunt was witnessed by 2 men in uniforms with Police Limpopo badges (uniforms were different from a state police). Several South African profi-hunters organized strange hunting practices in farms together with the mediator from CR. After the hunt the pseudo-hunters signed documents in the farm that they surrender the rhinos as trophies and travelled back to the Czech Republic. From the organizers they received a cash prize (about EUR 600) for their involvement. None of the hunters applied for the South African CITES export permit and they did not know anything about the export of trophies from South Africa. The Czech mediator and the owner of the farm applied for an export permit on their behalf. The CITES export permits for the import of trophies to the Czech Republic were issued in the names of Czech pseudo-hunters and

the horns were exported from South Africa as their "personal" hunting trophies. The hunters' signatures on the documents were counterfeit.

Between 2010 and 2011, the rhino horns from South Africa were illegally sent directly to Vietnam (they did not go through the Czech Republic) with a non-existent Vietnamese company as their addressee in Vietnam. In May 2011, however, South African authorities detected two such consignments at the airport and 4 rhino horns were confiscated. These consignments were shipped via EMS South Africa and labelled as "samples and documents". Therefore, the group has changed its strategy and as of the autumn of 2011 started sending horns first to the Czech Republic. In the Czech Republic, the horns were handed over to Vietnamese organizers, who cut them by a special saw into smaller pieces (water cut to avoid burning of the horn) and then sold or sent them to Vietnam. The exports to Vietnam have been carried out in various ways, among others, through other international airports in the EU, for example, Frankfurt in Germany. More other people were also involved in the trade in horns - Vietnamese citizens and Czech businessmen too. The finances for the purposes of the trade in horns have been also provided by affluent Vietnamese citizens living abroad, for example in Switzerland. During the investigation the hired pseudo-hunters were seriously threatened (including death among others), if they fail to cooperate with the Vietnamese organizers and will testify.

While investigating this case, the CEI and the customs authorities seized in March 2012 at the Vaclav Havel airport in Prague **10 rhino horns** transported in the names of the Czech pseudo-hunters. In July of 2012, another **8 rhino horns** were similarly seized at the airport in Bratislava. In October 2012, **4 rhino horns** were seized in Germany. After the confiscation of horns the Vietnamese organizers tried to change the tactics and for further hunting they hired a real Czech professional hunter. He hunted rhinos in other farm in Northern Cape Province, imported horns to the Czech Republic by himself, and then handed them over to Vietnamese organizers. The hunter received a cash prize of about EUR 2,800. These horns have never been found; according to information from the investigation they were sent to Vietnam hidden in a shipment with speakers.



The case is still in the phase of criminal proceedings in the Czech Republic. It can be said that there is a close link between the Czech Republic and South Africa, as well as with the case solved in the USA that shifts the whole matter to the category of international organized crime. In 2013, the Czech Republic arrested 16 people (already released from custody and prosecuted in freedom) – these were the organizers and 11 pseudo-hunters. Currently, 16 people have been indicted and one person is still being searched for. During house searches, a saw for cutting horns, among others, was seized. The CEI heard other traceable pseudo-hunters and forwarded the information to the criminal authorities in criminal proceedings. Except for the above-mentioned 11 hunters the other pseudo-hunters have not been accused so far. The case has now been returned to the court for further investigation - international cooperation is required as well as hearing of people involved in South Africa and Switzerland.

Operation Osseus

By gradually detecting business ties it has been found out that other Vietnamese groups operating in the Czech Republic are active in the trade in rhino horns and focus also on the trade in tiger bones, ivory, and drugs (methamphetamine etc.). The investigation called Operation Osseus started in 2013. Vaclav Havel airport in Prague served as the main transportation hub for the

transport of goods to Vietnam. The criminal groups use a forwarding company (Vietnamese owners), which arranges the transport of goods between the Vietnamese marketplace SAPA in Prague and Vietnam. During the investigation there was a gradual shift from exports outside the Czech Republic, apparently for fear of further investigations. The exports were transferred to the airport in Frankfurt, Germany.

On June 26, 2013 two complete skeletons of a tiger hidden in repro speakers were confiscated at the Vaclav Havel airport in Prague. The shipment was labelled as “migratory belongings”. The sender of this consignment who sent the shipment via the forwarding company was a Vietnamese citizen. The person has not been found.

On December 17, 2013 a Vietnamese citizen exported 25 pieces of rhino skin (size approximately 50x30 cm) and 2 tiger teeth and 16 tiger claws from the Vaclav Havel airport in Prague to Vietnam. Analysing the sample of a skin in RHODIS no information has so far been obtained about the identity of the rhinos (see more explanation below). Criminal proceedings with that person are still underway. The offender does not appear at the court, does not pick up correspondence, and does not communicate. She made no comments as to the origin of the skin.

On December 19, 2013, 2 rhino horns and 1 bear bile were confiscated at the Vaclav Havel airport in Prague. The horns were hidden in an electric coil casted in resin. A Vietnamese citizen was a sender and a recipient should have been in Hanoi. Both the sender and the recipient were fictitious. The inspection of the horns reveal that they contain microchips of the same numbers as microchips applied to the horn of a rhino hunted by the Czech hunter in the farm in Limpopo Province. This farm is owned by Czech nationals. The man is active hunter, member of the Czech hunting association. He testified that the horns were allegedly stolen from his car, but he did not report the theft to the police and his testimony features considerable controversies.

During the controls of other hunters who hunted in the group of this man, the hunters testified that the rhino horns got mouldy and were dumped into a container of bio-waste, etc.



On July 2, 2014 in the framework of the Operation Osseus, a series of house searches was conducted and three people were arrested. These were Vietnamese citizens - the organizers of the illegal trade and export. During the arrest a **cube of rhino horn**, several grinding rhino bowls, photo and videos of organizers with other rhino horns were found.



Furthermore, **bottles of broths** and fluids were found, which were later DNA identified as a tiger and monkey broth (see figure), **bags with yellow powder**, which was later genetically identified as a powdered rhino and powdered tiger (see figure). Forensic genetic analysis was conducted by the laboratory



Forensic DNA Service in Prague. Finding a **powdered rhino** (optically completely interchangeable with the same powder from a tiger) is very important information for further control of illegal trade in horns and other countries. Furthermore, various animal bones, reptiles in alcohol, claws and teeth of tigers and tools for processing of bones and animal carcasses have been found. Also, unmarked cigarettes, bullets to weapons, counterfeit watches, handbags and wallets, and the entire forgery workshop with embroidery machines and different patterns of protected brands have been found.



The powder containing DNA of tiger and rhino.

Criminal proceedings are not yet completed; the arrested persons are still in custody. In June 2015, a court in Prague sentenced two Vietnamese organizers to 5 years of imprisonment; one person was sentenced to 3 years of imprisonment. The perpetrators, however, appealed and the proceedings continue.

As a part of Operation Osseus it has been found out that a lucrative business with rhino horns has also inspired some members of the hunting community in the Czech Republic, who also joined in the illegal trade. While Vietnamese criminal groups remain the main organizers of illegal transactions, wealthy Czech hunters and probably the owners of farms in South Africa are also involved. The recruitment among Czech hunters has also been identified - the hunting of rhinos is offered for free + fee when leaving the horns to the owner of a farm and its partners. Thus, the number of candidates interested in the hunting of rhinos has increased and some wealthy Czech hunters started coming to hunt rhinos in South Africa on a repeated basis. There are influential, politically active people with important contacts among them. Attempts at intervention with the authorities, intimidation of inspectors and investigators, etc. have been recorded.

MEASURES ADOPTED IN THE CZECH REPUBLIC

Controls of the imported horns

The CEI carried out inspections of Czech hunters and rhino horns in their possession. According to the South African records, **60 Czech citizens** have requested to hunt rhinos since 2008:

- ✓ **the application of 10 of them was denied** (the application indicated an intention to export to Vietnam; the link to the Vietnamese community was found; 4 applications were from 2014 - after the South Africa authorities stopped issuing permits to Czech citizens)
- ✓ **horns were confiscated to 14 hunters** due to illegal trade
- ✓ **20 hunters never imported any horns in Czech Republic**
 - 6 stated they never did hunt

- 1 stated that he left the horns in Africa
- 11 surrendered their hunting trophies
- 2 persons do not exist
- ✓ **16 hunters demonstrably imported horns to the Czech Republic**
 - the horns were checked with 12 hunters (with 8 of them **the deduction of microchips failed**)
 - 4 disappeared (with 1 the horns were seized while attempting to illegally export them).

To perform the inspections was very difficult - the CITES documents often featured corrupted names and addresses of the hunters; some of the addresses did not exist, others were at the municipal offices or in ghettos; some persons or passport numbers did not exist ... It is likely that in many cases it was the intention and efforts not to trace the persons.

The hunters whose horns were not found said that they were stolen from the car, got mouldy, were thrown away, drinking cups were made of them (DNA analysis proved that the presented cups were made of buffalo horn), or were stolen during import at Frankfurt airport, etc. It can be stated that only 30% of hunters actually imported the horns to the Czech Republic; unfortunately, even some of them then sold the horns on the black market. Only with 20% of the rhino hunters the horns were actually found, but it is very strange that, even if the horns were submitted for control, the microchip numbers of most of them failed to be identified. **73% of hunters were involved in the illegal trade in horns** ... Overall, therefore, the import of rhino trophies is a very risky matter and this is an entirely demonstrable source of horns for the black market.

The Czech Republic has requested to carry out checks of the imported rhino trophies even in other EU countries. The European Commission sent a recommendation to the Member States to carry out these checks. One can expect similar findings in other countries (according to the Slovak Republic the controls results are very similar).

INTERNATIONAL COOPERATION

As regards the international cooperation, in November 2011, Interpol, Europol, the CITES Secretariat and the CITES Management Authority of South Africa were informed about the situation in the Czech Republic. Information was supplemented several times in the course of the investigation. However, international cooperation was not and is not very satisfactory especially in the area of enforcement and investigations. The differing legal systems and national laws complicate the exchange of information. Individual states declare their willingness to cooperate and make some efforts, but the implementation in practice is lacking. The involvement of the different types of institutions, fear of a possible leak of information (especially criminal/penal authorities are unwilling or unable to share information on open criminal proceedings) and also the need to use official channels for the exchange information constitute a problem. The official channels for the exchange of enforcement information, i.e., Interpol and the Mutual legal assistance are, unfortunately, cumbersome, long lasting, and often completely dysfunctional (see further below). Unofficial information exchange on the basis of personal contacts can be fast, but the information cannot be used as an evidence for the purposes of prosecution.

In cases of rhino horns only CITES Management Authority of the South Africa provided the requested information to the Czech authorities, with which after approximately 2 years they managed to gather a list of Czech hunters. This list is pretty much the only information that the Czech Republic managed to gain through international cooperation. Interpol NCB Pretoria did not provide any cooperation or the required information (the request was sent from NCB Prague on 21 March 2012; reminder have been repeatedly sent). The South African authorities responded to the request through Mutual legal assistance after two years (the request from CR was sent in August

2013) and sent only copies of CITES documents what CR already had had. Requested information concerning the investigation wasn't sent. The CEI also requested information from the South African Police (National Wildlife Crime Unit), the information was promised, but never sent. As regards the cooperation with Vietnam, the Czech Republic has requested cooperation through customs liaison officer. The Vietnamese authorities have examined the identity of several people who have been recipients of shipments of rhino horns; these persons have not been found. Vietnam did not provide information on further investigation. Some cooperation has been established with the United States. USFWS agents contacted the Czech colleagues at the Interpol meeting in Nairobi, information was exchanged and the possible links between trade in rhino horns between the Czech Republic and the USA verified. Overall, however, it can be stated that the exchange of information and the cooperation in the area of enforcement remains weak and the international coordination, e.g. on Interpol level is lacking.

There is a more positive cooperation in the field of prevention. After problems with tracing information about Czech hunters, South Africa introduced centralized records of applicants for hunting licenses. Thus, the possibility of verification or tracking information is now faster and more efficient. After a bad experience with foreign hunters South Africa has introduced regulation titled *Norms and Standards for Rhino Hunting*, which contains, among others, the conditions to verify the identity of an applicant in his country of domicile to exclude the so-called pseudo-hunters. This examination should be carried out by the office in a given country at the request of South Africa, and it should be verified whether the person has a previous hunting experience and is a member of some hunting association. It soon became clear that this measure is ineffective and does not prevent the abuse of trophy hunting for illegal trade. The mere fact that a person has hunting experience does not guarantee that the person concerned will not engage in illegal trade. Currently, not only Vietnamese and pseudo-hunters, but also real hunters and wealthy businessmen who go on an expensive hunting safari are involved in the illegal trade in rhino horns in the Czech Republic. The Czech authorities do not possess competence to examine the "hunters" before their hunts and above all cannot guarantee that the trophies will not be abused. For this reason, the Czech Republic refused to examine the hunters and South Africa was told that the Czech authorities couldn't guarantee the credibility of any Czech citizen. As of June 2014, South Africa, therefore, ceased to issue licenses to hunt rhinos to persons residing in the Czech Republic. The ban was justified by investigating the illegal trade in rhino horns. The Czech Republic has appraised this process very much, but the Vietnamese traffickers are likely to use citizens of other countries to obtain the horns of trophy hunts or they will change their method of operation. In the long run, this way will not lead to solving the problem with the abuse of trophies.

FORENSIC EXAMINATION

Another collaboration has developed in the field of genetic analysis. In 2012, the CEI contacted TRACE in the UK asking for the possibility to verify the DNA of the detained horns. SASA Wildlife Forensic DNA Unit in Britain and a laboratory of Pretoria University with a RHODIS database in South Africa have been recommended. The samples of the horns seized in the Czech Republic were sent to both workplaces. SASA laboratory has verified rhino species and sex of the individuals, while RHODIS laboratory has verified the identity of rhinos. The Czech Republic appreciated the free and rapid conduct of the analysis for investigation purposes.

All samples from the seized horns are now sent from the Czech Republic to the RHODIS database. However, the last samples were compared only with the samples of poached rhinos and not with the whole RHODIS database and no match was found. According to the RHODIS department, this restriction of analyses is justified by financial reasons. From the description of the illegal activities in the Czech Republic, it is clear that horns seized in the Czech Republic do not

come from poached rhinos, but it is an abuse of hunting trophies. It is, thus, key for the investigation in the Czech Republic to compare the sent samples, in particular, with the samples from hunts of Czech hunters. That way it would be possible to determine, which Czech hunters are in contact with the Vietnamese community and supply horns to the black market. Outputs from the genetic analysis would imply a very substantial evidence for the court and the CEI is, therefore, in an urgent need of this type of evaluation. The CEI informed the RHODIS workplace about this issue and requested a new complete comparison of samples sent and also offered to pay for the analysis. The CEI is currently in contact with the RHODIS laboratory and according to the CEI has been preparing documents for further analysis of the samples. If the sent samples are to be in the future compared only with a part of the database, it is pointless to send them to the database.

Sending samples of rhino horns to South Africa is very administratively complicated. The Czech Republic proposes to the following simplify procedure: DNA from the sample could be extracted in the laboratory in the country of a contraband seizure and only a DNA profile would be sent to the RHODIS database. It would not be necessary to apply for a CITES permit for export and import and it would be possible to avoid the complicated procedure of customs clearance and veterinary control in South Africa. Moreover, a greater part of the costs of analysis would be borne by the countries of seizure instead of RHODIS. This method assumes trained quality laboratories in countries other than South Africa and requires, in particular, the harmonization of procedures between RHODIS and participating laboratories to make the comparison possible. The Czech Republic proposes to organize for this purpose an international workshop or residency for laboratory workers; ideally directly in the RHODIS workplace.

OTHER MEASURES

The CR has been examining the activities of other Vietnamese groups and the investigation of cases continues. At the entry and exit points, customs control measures on imports of trophies and exports of goods to Vietnam are reinforced. Risk profiles and risk analysis are used more. New information indicates that imports of rhino horns in the EU could be carried out by **small private aircrafts to avoid the standard procedure of inspection** (refuelling stop). These operations imply a considerable risk and are difficult to control. At present, therefore, CEI has negotiated with the Customs administration as to how these flights could be detected.

The zoological gardens with rhinos were notified with recommendations increasing the safety and security (Dvur Kralove Zoo has the largest number of rhinos in Europe).

Suggested measures

Limiting the demand and poaching seems to be the key to stabilize the populations of rhinos and eliminating illegal trade. Besides these factors, however, we need to seriously deal with trophy hunting, which is widely abused and after poaching is the second largest source of horns for illegal market. The Czech Republic, therefore, suggests inspecting the rhino hunting trophies in other CITES member countries (not only in the EU but, for example, in the USA as well) according to the list of hunters provided by CITES MA of South Africa. The outputs of these checks should be evaluated by the CITES Secretariat and the potential benefits and risks of trophy hunt better evaluated.

The Czech Republic is of the view that an export ban on rhino horns from South Africa might have a positive impact on the situation. The dissected and exposed rhino trophies include almost always replica horns (due to the weight and safety); skin and cape are, thus, sufficient for making the final trophy. Should the authorities of South Africa allowed for rhino hunting trophies only the export of leather and cape rather than the horns this could at least partially eliminate the problems with the abuse of trophies.

The Customs Administration of the Czech Republic proposes that the CITES permit mandatorily include a proper identification of an importer (e.g. passport number) and in case of garbled names, addresses, or identification the permit would be considered invalid.

The Vietnamese communities, within which there are a number of criminal groups focusing inter alia on wildlife goods, currently pose the biggest problem in the Czech Republic. The CEI statistics shows that in 2014 citizens of Vietnamese nationality committed 33% of wildlife crime offenses and this number has been on the rise. This is a very serious fact, which should be solved at the level of governments of both countries. The citizens of Vietnamese nationality are often difficult to trace, they do not stay in the place of their registered residence, does not pay the imposed fines, do not appear for negotiations, etc. Closer negotiations are currently carried out with the immigration police and the Ministry of the Interior about the options for solution.

Among government institutions and conservation organizations the possibility of legalizing trade in horns has been widely discussed as a method of saturation of the market. However, the impact on the market dynamics and the rhino population in the wild is only estimated and the calculations of a longer-term sustainability are at least questionable. The deliberations on the saturation of demand are only theoretical and unfeasible (among other things due to the fact that no one knows the true size of the market) due to the global rhino population size compared to the population of potential consumers (Vietnam, China, and others.). If we disregard that a rhino with a cut off horn is handicapped towards others and towards predators, then there is a huge risk that even a partial legalization will increase the demand and generate more and more consumers.

An absolutely impossible control and the differentiation of legal and illegal goods are the greatest risk. The proponents of legalization do not count in their calculations with the huge demands (financial and personnel) on enforcement, which would release of trade would bring. They talk only about the possible impact on profit and population, but they do not talk about the huge expenditures and who would bear them. Illegal trade in horns even now fails to be adequately inspected and prosecuted. Any hindrance to the work of enforcement authorities (which would surely bring the liberalization of trade) would have a very negative impact. In terms of enforcement, the legalization of trade, albeit partial, seems completely senseless. We cannot skip referring to what similar measures in the trade in ivory caused. The liberalization of trade in ivory and experimental sales resulted in a significant increase of problems, escalation of poaching, and illegal trade, which spun out of control. In case of rhinos, when the stocks are naturally much lower than those of elephants, such an experiment could have a fatal impact.

In terms of enforcement, therefore, an outright ban on trade in horns (including a ban on rhino trophy hunting), consistent record-keeping of all horns together with a strict control and protection of remaining rhinos seems currently as the only effective solutions.