

**Questionnaire on the implementation of Resolution Conf. 9.14 (Rev. CoP17) and  
measures to prevent and combat rhinoceroses poaching and trafficking in rhinoceros horn**

Please provide as much information as possible in answer to the questions below. Where specified within the questions, please report on any actions taken since the 17th meeting of the Conference of the Parties (CoP17, Johannesburg, 2016). In all other questions, information requested is not time bound.

Country	Slovakia
Function of agency completing this questionnaire	<ol style="list-style-type: none"> <li>1. Police Force is responsible for criminal intelligence and criminal investigation (question 1)</li> <li>2. CITES Management Authority (questions 2. –5.)</li> </ol>
Contact details of agency/agencies completing this questionnaire	<ol style="list-style-type: none"> <li>1. Ministry of Interior of the Slovak Republic (question 1.) Presidium of the Police Force Criminal Police Bureau Department for Detection of Hazardous Substances and Environmental Crime Pribinova 2 812 72 Bratislava</li> <li>2. Ministry of Environment of the Slovak Republic (questions 2. – 5.) Department for Regulation of Trade in Endangered Species Nam. L. Stura 1 812 35 Bratislava</li> </ol>
Contact person (name, email, job title, function)	<ol style="list-style-type: none"> <li>1. Mr. Ondrej Koporec, senior police investigator, <a href="mailto:ondrej.koporec@minv.sk">ondrej.koporec@minv.sk</a> (question 1.)</li> <li>2. Mrs. Dana Kmecova, senior state advisor, <a href="mailto:dana.kmecova@enviro.sk">dana.kmecova@enviro.sk</a></li> </ol>

Question 1.	INVESTIGATIONS, (Please do NOT provide any nominal or other sensitive information that might jeopardise or impede ongoing or future investigations or prosecutions)
1.1.	<p>Has your country developed and implemented any law enforcement strategies to combat, as applicable, rhinoceros poaching and illegal trade in rhinoceros horn?</p> <p>Yes / No</p> <p>If 'yes', please provide details of such law enforcement strategies and associated activities conducted.</p> <p>If 'no', please indicate the reason why such strategies have not been considered, and if the development and implementation of such strategies is expected in future.</p> <p><b>Slovak Police Force hasn't implemented any strategies to combat rhinoceros poaching because of lack of the cases. We detected some cases in a short time period (in 2013 – 2014). The cases are investigated. According outcomes of criminal intelligence the Ministry of Environment suspended all import of rhino's horns from South Africa into the Slovak Republic since May 2016. Because of this there is no need to develop this strategy for the future.</b></p>
1.2.	<p>Has your country adopted legislation or drawn upon existing legislation to facilitate the use of specialized investigation techniques such as controlled deliveries and covert investigations, where appropriate, in support of conventional investigation techniques, in particular for offences related to the illegal killing of rhinoceroses and the trafficking of rhinoceros horns?</p> <p>Yes / No</p> <p>If 'yes', please provide details below of:</p> <ol style="list-style-type: none"> <li>i. titles;</li> <li>ii. date of enactment ;</li> <li>iii. provisions of such legislation;</li> <li>iv. examples where such legislation has been utilised.</li> </ol> <p>According to Penal Code No 300/2005 as amended the trafficking in rhino's horns is a felony. Offender shall be punished by a prison sentence of three to eight years. The date of enactment is 01/01/2006. We can use all special investigation techniques in investigation.</p> <p>Section 305 of Penal Code</p> <p>Violation of Flora and Fauna Protection</p>

(1) Whoever, event out of negligence contrary to generally binding legal regulations on nature and landscape protection or generally binding legal regulations on species protection to a larger extent

a) damages, destroys, pulls, digs up or collects a protected plant or damages, or destroys its habitat,

b) kills, injures, catches or moves a protected animal or damages, or destroys its habitat and dwelling,

c) damages or destroys a tree or shrub, or cuts down, or

d) endangers the protected animal species or plant species through trading with them, shall be punished by a prison sentence of up to two years.

(2) Whoever, contrary to generally binding legal regulations on nature and landscape protection, or generally binding legal regulations illegally drives a motor vehicle, motor tricycle, motor quads, motorcycle or a scooter on forest or agricultural land within the forestry management area shall be punished by a prison sentence of up to one year.

(3) Whoever, event out of negligence contrary to generally binding legal regulations on nature and landscape protection and generally binding legal regulations on species protection by regulating trade with them to a larger extent

a) obtains or procures for themselves or another person a protected animal or protected plant or procures a species for another person to a larger extent,

b) cultivates, breeds, processes, imports or exports protected plants or protected animals, or species or trades them, or otherwise disposes them, or

c) intentionally removes, forges, alters or otherwise illegally uses unique identification of protected animals or species, shall be punished by a prison sentence of six months to three years.

(4) A prison sentence of one to five years shall be imposed upon an offender if they committed an act referred to in Subsection 1, 2 or 3

a) in a more serious manner of conduct,

b) out of a special motive,

c) to a significant extent,

d) with the intention to obtain a significant benefit for themselves or another person, or

e) although they were previously convicted for such act in the last twenty-four months or they were charged with a similar act in the last twenty-four months.

(5) An offender shall be punished by a prison sentence of three to eight years if they committed an act referred to in Subsection 1, 2 or 3

a) as a member of a dangerous group,

b) to a large extent, or

c) with the intention of procuring a benefit of a large extent for themselves or another person.

If 'no', please outline below any barriers or obstacles there may be in adopting such legislation, and any support that might be needed to overcome them.

1.3	<p>Has your country used any other legislative tools and regulations, such as anti-money laundering and asset forfeiture legislation, in support of wildlife legislation, to address rhinoceros poaching and illegal trade in rhinoceros horn and other parts or derivatives, as applicable to your country?</p> <p>Yes / No</p> <p>If 'yes', please provide details below of the titles, date of enactment and provisions of such legislation, as well as examples where such legislation has been utilised.</p> <p>If 'no', please outline below any barriers or obstacles there may be in adopting or applying such legislation, and any support that might be needed to overcome them.</p> <p>According our experience, there is no connection of this illegal activity with the legal entities. In our cases we haven't detected any bank transfer, so there is no need to use anti-money laundering and forfeiture legislation.</p>
1.4	<p>Has your country shared information and cooperated with other source, transit or destination countries, or international law enforcement organizations, and was any mechanisms such as those provided for in the United Nations Convention against Transnational Organized Crime (UNTOC) and the United Nations Convention Against Corruption (UNCAC) mobilized to address individuals or groups suspected of involvement in rhinoceros poaching or the illegal trade in rhinoceros parts and derivatives, including conducting cross-border investigations?</p> <p>Yes / No</p> <p>If 'yes', please provide outline below details of such operations and their outcomes.</p> <p>We cooperate very closely with Czech Republic and Hungary in investigation of these cases. South Africa, as a country of source was also informed.</p> <p>If 'no', please outline below any barriers or obstacles your country may have encountered in encouraging further information sharing and cooperation with other countries, and as any support that might be needed to overcome them.</p>

Question 2.	LEGISLATION
2.1	<p>Has your country enacted and implemented comprehensive legislation and enforcement controls, including internal trade restrictions and penalties aimed at reducing illegal trade in rhinoceros parts and derivatives, and including any specimen that appears from an accompanying document, the packaging, a mark or label, or any from any other circumstances, to be a rhinoceros part or derivative?</p> <p>Yes / No</p> <p>If 'yes', please elaborate below on enforcement controls implemented and the titles, date of enactment and provisions of such legislation, penalties (can fines, custodial sentences, and asset forfeiture, as appropriate, be imposed, as well as any exemptions that might apply). If such legislation is publicly available, please provide a copy of such legislation as an attachment or indicate how it can be accessed by providing a web link or reference.</p> <ol style="list-style-type: none"> <li>1. EU legislation: Regulation (EC) No 338/97 on the protection of species of wild fauna and flora by regulating trade therein: import – Art. 4, export – Art. 5, internal trade – Art. 8  <a href="https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:01997R0338-20141220&amp;rid=7">https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:01997R0338-20141220&amp;rid=7</a></li> </ol> <p>Art. 4 (1e) of the Regulation was used for suspension of import of rhino horns since 2016 from South Africa to Slovakia.</p> <ol style="list-style-type: none"> <li>2. Guidance document: Export, re-export and intra- Union trade of rhinoceros horns (2012).</li> <li>3. Sanctions according to the national legislation: <ul style="list-style-type: none"> <li>- Penal Code – see question 1.2.</li> <li>- Act No. 199/2004 on Customs Law as amended (Art. 74, 80), entered into force: 15.04.2004. Fines up to 3.319 EUR for private persons, up to 99.581 EUR for legal persons, seizure/confiscation of specimens.</li> <li>- Act No. 15/2005 on the Protection of Species of Wild Fauna and Flora by Regulating Trade Therein as amended (Art. 22 - 25), entered into force: 01.04.2005. Administrative offence: fines up to 19.916 EUR for private persons, up to 66.000EUR for legal persons, seizure/confiscation of specimens.</li> </ul> </li> </ol> <p>If 'no', please explain what measures have been implemented, and any support that might be needed to put in place such comprehensive legislation and enforcement controls.</p>
2.2	<p>Has your country enacted legislation that prohibits possession of rhinoceros parts and derivatives acquired in violation of the Convention?</p> <p>Yes / No</p>

	<p>If 'yes', please provide details below of the titles, date of enactment and provisions of such legislation, including penalties (fines, custodial sentences, and asset forfeiture) that can be imposed, as well as any exemptions that might apply. If such legislation is publicly available, please provide a copy of such legislation as an attachment or indicate how it can be accessed by providing a web link or reference.</p> <p>If 'no', please explain below how possession and utilization of rhinoceros parts and derivatives is regulated in your country.</p> <p>There is not explicit prohibition of possession of rhinoceros parts and derivatives in Slovak legislation, but any such possession can be fined and specimens can be confiscated (see question No 2.1).</p>
Question 3.	PROSECUTIONS
3.1.	<p>Please provide details of prosecutions that have been initiated in your country <u>since October 2016</u> related to the illegal killing of rhinoceroses or illegal possession of and trade in rhinoceros horns, including dates, quantities and types of specimens involved, outcomes (successful or not), penalties imposed, prosecution rates, etc.</p> <p>-</p>
3.2	<p>If any measures have been implemented in your country that contributed to an increase in the number of successful prosecutions concerning the illegal killing of rhinoceroses or illegal possession of and trade in rhinoceros horns, please share information about these measures.</p> <p>-</p>
3.3	<p>Please outline below any barriers or obstacles there may be in securing successful prosecutions or deterrent penalties in your country concerning the illegal killing of rhinoceroses or illegal possession of and trade in rhinoceros horns, and any support that might be needed to overcome them.</p> <p>-</p>
Question 4.	DNA FORENSICS
4.1.	<p>Does your country routinely collect samples from rhinoceros parts and derivatives seized for forensic analysis?</p> <p>Yes / No</p>

	<p>Please provide information on any samples collected since October 2016. Kindly also provide information on the methodology by which sample collection takes place, the chain of custody of samples, whether the samples have been submitted for analysis and the feedback from analysis.</p> <p>Please outline below any barriers or obstacles there may be in developing and adopting policies that allows for routine collection of samples from rhinoceros parts and derivatives for forensic analysis, as well as any support that might be needed to overcome them.</p>
4.2.	<p>Has your country to date in any way used the Form for collection and sharing of data on rhinoceros horn seizures and on samples for forensic analysis provided in the Annex to Resolution Conf. 9.14 (Rev. CoP17) Conservation of and trade in African and Asian rhinoceroses, to collect and share information about seizures of rhinoceros specimens?</p> <p>Yes / No</p> <p>If 'yes', please indicate whether you have communicated with the country of origin?</p> <p>If 'no', please outline below any barriers or obstacles encountered in using the Form, and any support that might be needed to overcome them.</p> <p>It is not allowed to share/public personal data according to national legislation.</p>
Question 5.	<p>RHINO HORN STOCK MANAGEMENT</p>
5.1.	<p>Does your country have legislation, regulations or administrative measures in place to ensure that stocks of rhinoceros horn are identified, marked, registered and secured, pursuant to Resolution Conf. 9.14 (Rev. CoP17) on Conservation of and trade in African and Asian rhinoceroses?</p> <p>Yes/No</p> <p>If 'yes', please provide details below of the provisions of the measures.</p> <p>If 'no', please outline below any barriers or obstacles encountered in providing these measures, and any support that might be needed to overcome them.</p> <p>There are only 2 rhino horns seized by customs authorities in 2012 (rest 6 horns were public burned in 2014).</p>



	<p>Except of this there are rhinoceros horns imported only as hunting trophies in Slovakia until 2016 (in private possession). Each holder is obliged to provide to the competent authority the way of acquiring such horns (export/import permit) like in case of possession of any other CITES specimens.</p> <p>Because of this there is no need to have special measures/legislation for rhino horn stock in Slovakia.</p>
5.2.	<p>Has your country declared these stocks to the Secretariat in accordance with the provisions of Resolution Conf. 9.14 (Rev. CoP17), paragraph 2. a)?</p> <p>Yes/No</p> <p>If 'no', please outline below any barriers or obstacles encountered in providing these measures, and any support that might be needed to overcome them.</p>
5.3	<p>Has your country implemented national level measures for the management of imported rhinoceros trophies, including addressing the issue of alteration and transfer of such trophies, to ensure the rhinoceros horns acquired as legal hunting trophies remain in lawful possession pursuant to Resolution Conf. 9.14 (Rev. CoP17) on Conservation of and trade in African and Asian rhinoceroses?</p> <p>If 'yes', please provide details below of the provisions of the measures and describe successes and/or challenges of their implementation.</p> <p>If 'no', please outline any barriers or obstacles encountered in providing these measures, and any support that might be needed to overcome them.</p> <p>According to the Art. 58a (2) of the Regulation (EC) No 865/2006 the commercial activities are prohibited for specimens of species listed in Annex A of Regulation (EC) No 338/97 which were introduced into the EU as PHE specimens or for specimens of species listed in Appendix I.</p> <p>The importers of hunting trophies can be any time controlled by the Slovak Environmental Inspection, whether trophies are still in their possession.</p> <p>Import of rhino horns as hunting trophies from South Africa is suspended in Slovakia since 2016.</p>