

ECS and International Crimes

Nature, Scope, and Response

Environmental Crimes Section
Environment and Natural Resources Division
U.S. Department of Justice

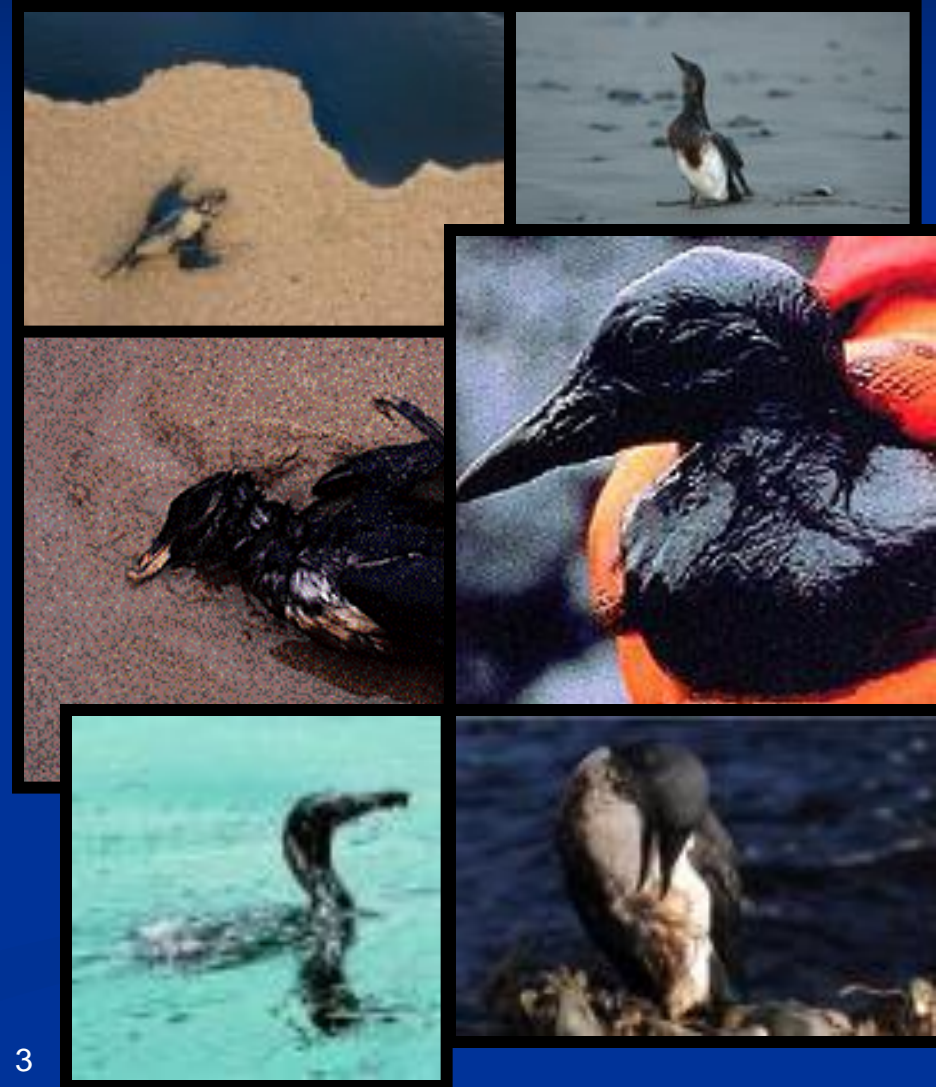
Vessel Pollution

- All types of commercial vessels - U.S. and foreign flag.
- Crimes committed for financial motive.
- Most cases involve deliberate discharges of tons of waste oil, sludge and other pollutants.
- Intentional bypassing of pollution prevention equipment and falsification of vessel records to deceive port authorities.
- Concealment: discharges made at night, hiding of bypass equipment, use of dispersants, tricking of OCM, falsification of Oil Record Book and Tank Sounding Log, etc.



Environmental Impact

- Canadian studies estimating 300,000 oiled birds per year on the Atlantic Coast and demonstrate that chronic oil discharges at sea cause greater seabird mortality than large spills.
- Annual waste oil discharges 8 times the volume of Exxon-Valdez



APPS/MARPOL Annex V (Plastic)

Summary of the Prosecution

- Plastic may not be discharged.
- APPS applies MARPOL Annex V to U.S. ships anywhere and to foreign ships within 200 mile EEZ.



Most Common Violations

- Material false statements/omissions and/or use of a materially false writing – 18 USC 1001
- Knowing failure to maintain an Oil Record Book – 33 USC 1908(a) and 33 CFR 151.25(a) & (h).
- Knowing discharge of a harmful quantity of oil in the navigable waters (3 NM) or contiguous zone (12 NM) of the U.S. (or in the 200 NM EEZ, if it may effect natural resources) – CWA/OPA, 33 USC 1319(c)(2)(A) and 33 USC 1321(b)(3).
- Failure to report the discharge of a harmful quantity of oil in violation of OPA – 33 USC 1321(b)(3).
- Obstruction – 18 USC 1505, 1519, etc.

International Response

- Increased international cooperation.
- Increased surveillance and inspections.
- Canada has enacted new legislation.
- New EU Directive to pursue criminal sanctions for intentional maritime pollution.
- Australia/New Zealand have escalated enforcement efforts.
- Aquapol in Northern Europe is coordinating enforcement.
- Tokyo and Paris MOUs have conducted concentrated inspections.

The Convention On International Trade in Endangered Species of Wild Fauna and Flora (CITES treaty)



Endangered Species Act

16 U.S.C. 1531, et seq.

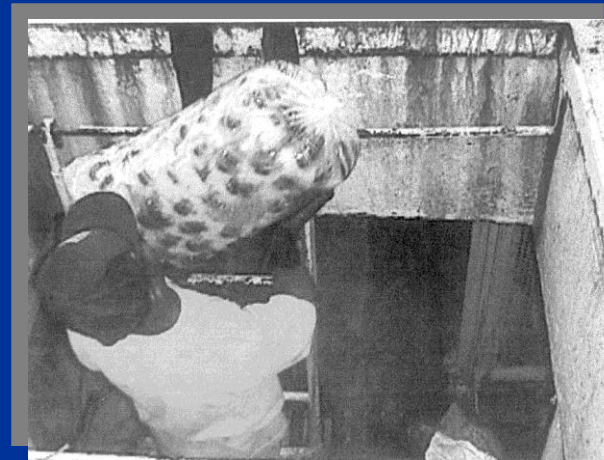
- Class A misdemeanor violation for knowing, unpermitted take/sale/purchase of endangered species 16 U.S.C. 1538
- Class B misdemeanor violation for knowing, unpermitted t/s/p of threatened species
- No felony available under ESA
- Some exceptions for pre-Act specimens

Lacey Act

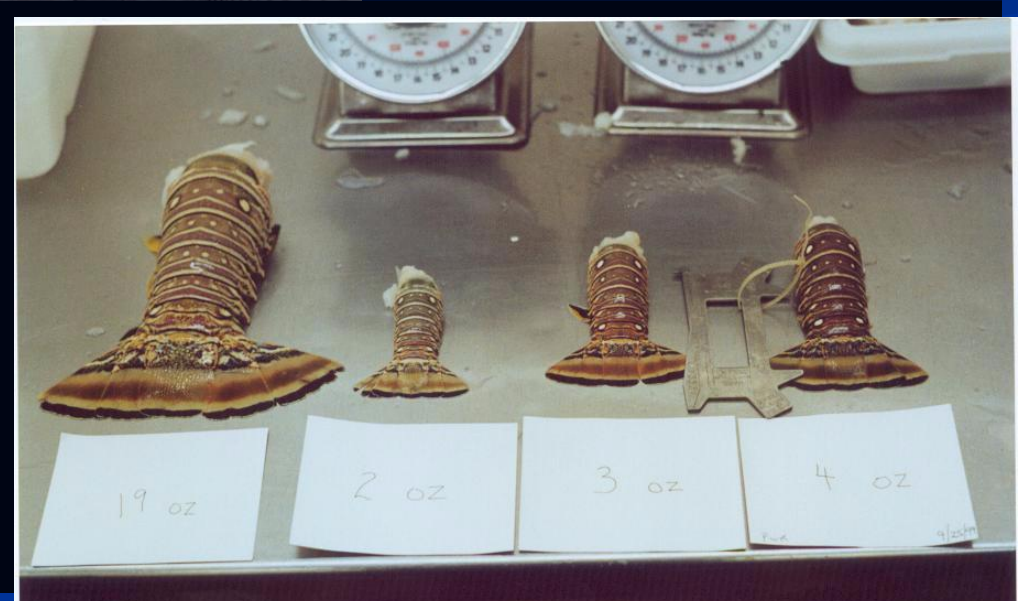
16 U.S.C. 3371, et seq

- Prohibits cross-border commerce in illegally-taken fish, wildlife and plants;
- Prohibits lying about wildlife that will cross a border;
- Prohibits failing to accurately declare wood product imports
- Misdemeanor/felony sanctions; forfeiture of vessels, vehicles and equipment

U.S. v. McNab, et al (D. La.)



Commercial import of illegal lobster for resale



Lobster Tails in Bulk Bags



The Exportation of Unprocessed Seafood is a Violation of Honduran Law

Smuggling trial ends in 101 'guilties'

► Federal jurors return sweeping convictions against four in lobster-import case

By **JOE DANBORN**
Staff Reporter

It took 40 minutes Friday for U.S. District Judge Richard Vollmer's courtroom deputy to read 101 "guilty" verdicts and just one of "not guilty" in the case of four people accused of smuggling Honduran lobster through Bayou La Batre.

Two weeks of testimony and four days of jury deliberations led up to the verdicts, which federal prosecutors said they believe will place area seafood merchants on notice.

"We hope this sends a message to the industry that we in Alabama take the environment seriously," said Assistant U.S. Attorney Maria Murphy.



Man gets 8 years in lobster scheme

► 'We're talking about dirty lobster money,' said Justice Department lawyer Elinor Colbourn

By **JOE DANBORN**
Staff Reporter

A federal judge in Mobile sentenced a former seafood broker to more than eight years in prison Thursday for smuggling tons of illegally harvested Honduran lobster tails through Bayou La Batre.

Senior U.S. District Judge

Commercial Fishing Violations

- Import of fish caught in violation of foreign law;
- Illegal fishing within EEZ, usually accompanied by false statements.
- IUU Fishing



Illegal, Unregistered, Unregulated (“IUU”) Fishing

- “Illegal, Unreported, Unregulated” Fishing
- Widespread, very profitable (multi-billions)
- Effects:
 - Overfishing of stocks
 - Impairs biological monitoring; sustainability
 - Distortion of legal markets
 - Loss of income, employment, stability in developing nations

Statutes used to combat fisheries violations

- Lacey Act (for import of illegally-taken fish)
- Smuggling 18 U.S.C. 545 (import of items into the US contrary to law)
- Magnuson-Stevens Fisheries Management Act (infrequently used; limited, misdemeanor coverage)
- Conspiracy, other statutes of general applicability

Illegal Timber Harvest and Commercialization



Illegal harvest occurs mostly in developing countries (Indonesia, Malaysia, Brazil, Cambodia, China, etc.)



Worldwide wood trade is about \$150 billion; trade in illegally harvested logs and products made from them is about \$15 billion;



“Illegal Logging” is narrow term for a big problem:

- The unlawful harvesting of trees from wild areas (usually in developing countries), followed by the transport, processing and sale of finished product made from the illegally-sourced wood.
 - Range state violations of law, often “overlooked;”
 - Supply/processing transshipment involves concealment of species; mixing with legal wood;
 - Consumer state interdiction efforts are confounded by inscrutability of imported product.

- Illegal Logging:
 - Destroys crucial habitat for many species, including charismatic megafauna such as tigers (Siberia) and orangutans (Indonesia);
 - Permanently transforms wildlife habitat to agricultural use;
 - Undermines legitimate wood business;
 - Lost revenue for developing countries;
 - Affects climate;
 - Contributes to erosion; degradation of water quality.

Illegal Logging – Typical Pathway

- Logs are harvested illegally in range country (usually in developing world)
- Logs are transported to processing country and converted into finished consumer products (furniture, flooring, etc)
- Consumer products, which may contain both legal and illegal wood, are shipped to developed world for sale;
- Difficult to detect presence of illegal wood forensically or through document chain.



Finished products often contain wood that is difficult or impossible to trace to an illegal source

Wildlife Smuggling

- All wildlife must be declared upon entry to the U.S.; failure to declare makes the import “contrary to law;”
- Some wildlife is completely prohibited from import because of its scarcity or harmful nature;
- Many species may be imported only if specifically permitted prior to the import;
- Wildlife is “merchandise,” for the purposes of the 18 U.S.C. 545 (anti-smuggling statute).

International Wildlife Trade

- Legal (declared) trade: approximately \$10 billion/year;
 - Reptiles (live and skins), primates, aquarium fish, corals
- Illegal (undeclared, smuggled) trade: \$5 billion/year?

U.S. Is Largest Consumer Of Wildlife And Wildlife Products

- \$1 billion in wildlife and wildlife products enters and leave U.S. each year in declared, apparently legal, shipments;
- An additional \$500 million in illegal trade is estimated to enter and leave US each year.

Wildlife smuggling methods: Bodypacking (birds)



Bodypacking – bird eggs



Body-packing (reptiles)



Bodypacking (fish)

Customs officers thought something was fishy when they heard flapping coming from beneath this woman's skirt. Inspection revealed she had the fish strapped to her legs.



Wildlife concealed in luggage





Some items can be very small!



Many smuggled animals die in shipment





Mail/Fedex/UPS shipments
(smuggling charges can arise
in non-border states)



Commercial Shipments – Concealment/False Declaration





Internet Wildlife Trade

- Global reach
 - An enormous customer base
- Relative anonymity
 - Activities are more difficult to monitor and interdict
- Transaction speed
 - Sales can occur in seconds
- Inexpensive advertising
 - Cost is minimal or free

Scope of the Internet Trade

- Traditional handicrafts from Canada and South America;
- Live birds from Africa;
- Live reptiles from Asia, Africa, and Europe;
- Live amphibians from Canada;
- Mounted bats from the UK;

Scope of the Internet Trade

- Mounted migratory birds from the UK;
- Orchids from Asia;
- Endangered ornamental plants from Germany;
- Medicinal plants from Europe and Africa;
- Numerous similar cases domestically in the U.S.
- See “Killing With Keystrokes,” IFAW Report, October 2008

Snakeheads available on the internet

Despite listing as an injurious species, many ads on the internet.
(Remember this fish.)



4-5" Channas for sale  12	Buy & Sell	frogfish	23	973	7th October 2005 - 07:49 AM
bay area					Last post by: abc
FS 8-9in Channa maculata	Buy & Sell	CREEPER415	11	458	23rd September 2005 - 04:38 PM
yay area					Last post by: abc
Wanted Channa species in Southern Louisiana, will pay to	Buy & Sell	coyotethug	1	66	17th September 2005 - 01:07 AM
					Last post by: brainiac



CUSTOMS DEPARTMENT deputy director-general Niengwey mi Hsawng shows the press conference yesterday some of the tusks seized at Don Mueang Airport.

Illegal ivory shipment seized

■ The Nation

CUSTOMS OFFICIALS have seized half a tonne of ivory and a rhino horn that were being smuggled into the country through Bangkok International Airport.

"Discovered on a tip-off and managed to make the biggest haul of the year on Thursday," Customs Department director-general Charoat Namthakorn said yesterday.

The 63 elephant tusks and a rhino horn, valued at a total of 800 million, were brought in on an Ethiopian Airlines flight that arrived at 5.40pm on Thursday. "They are in perfect condition. Some of the tusks are as long as 1.80 metre," Charoat said. He said the tusks weighed a total of 501 kilograms and the rhino horn 2.6kg. The case was labelled as rough stone and addressed to Saini Chansana, a citizen of Mali. Charoat said the tusks and the horn had been taken to the

Economic Crime Investigation Division and that the Immigration Bureau had been alerted to bring Chansana in for questioning. Charoat said a person trying to claim the shipment had been detained but did not disclose their sex or nationality. This was the fourth seizure of ivory at the airport this year, taking Customs officials' haul so far to 253 tusks, weighing a total of 1,000kg and estimated to be worth 814 million.



Pets/Collectors





Sometimes tradition...



Bear gall bladders used in
Traditional Chinese Medicine (TCM)

Rhinos are poached for medicine and tradition



Tigers are “poached” for medicine





Sometimes, food



WWF-Canon, Pavel Formenko

Food – tradition to gourmet



Beluga sturgeon





Illegal Wildlife Trade Often Involves Organized Crime

■ ENVIRONMENT

Animal Genocide, Mob Style

A new report says organized crime is muscling in on the illegal wildlife trade

By MICHAEL D. LEHRNER

IN FOUR YEARS OF UNDERCOVER WORK, **JOSEPH GALBER** has been all over the world, from the black markets of Zanzibar to the back alleys of Moscow. Most of the time, he has felt reasonably safe—but not always. “I had one meeting with a Russian gang that had been formed before,” he says. “and I had a funny feeling about it. I was wired up and wearing a hidden camera, but I decided to turn off the recorder and hide it in my gym bag. They talked me, but it was O.K.” It might have easily gone otherwise: the people he hangs out with were frequently armed and very dangerous, as he has involved in weapons dealing, gun-running, drug smuggling, money laundering and prostitution usually are.

Galber, however, wasn't especially interested in any of those unseemly activities. As a co-creator of the San Francisco-based Endangered Species Project, he goes after the illicit trade in wildlife. And there is no shortage of work. An estimated 100 million birds, animals and animal parts—birds of prey, tigers, whales, lions and bear gallbladders out of Russia, rhino horns and elephant ivory from Africa, whale meat (aka bala) from Japan, bear bile and skins from South America—has more than doubled in value since 1980, generating an estimated \$2 billion in annual revenues. According to a report, the international wildlife economy, which is **ranked as now the second largest** from all the black-market economies, behind drug smuggling and ahead of arms dealing.

Plenty of laws and international agreements forbid such trade, but enforcement has often been spotty to nonexistent. That's why delegates to this week's 15th annual international meeting of the Convention on International Trade in Endangered Species (CITES) in Fort Lauderdale will be considering a request for a wildlife-trade enforcement agency that would pool information from multiple countries and coordinate prosecution efforts.

But as a major issue in and this week by Galber's group makes abundantly clear, such an agency could find itself overwhelmed as soon as it is created. The issue isn't only how many more wildlife smugglers become increasingly organized



COOKED COURIERS: Drug lords used these loaves to carry cubs; now they sell the cubs.



CONTRABAND CUB: Vladimir Shchukin, with a confiscated Siberian tiger cub, heads a Russian anti-smuggling team.



ILLUMINATED CRIME: Illegal whale meat sits in a 50-liter drum after being seized last year.

and professional, but—more ominously—traditional organized-crime operations have finally recognized the huge profit potential of wildlife smuggling.

In Japan, for example, the 500 or so minke whales killed legally each year can't begin to satisfy the demand for whale meat, a delicacy that commands about \$200 a pound. Cautious officials frequently seize illegal shipments on the way into the country. But plenty slip through, and a recent study published in Science suggests that annual 10 million from whales that can't be hunted legally. Investigators found whale meat in small markets all over Japan. Using DNA tests, researchers found that some of it came from fin whales, humpbacks and other protected species. “We were amazed to find humpback being sold in a 10-minute supermarket,” says Don White, president of EarthTrust, the Hawaii-based group that sponsored the study. “They’ve been protected since 1966.”

Less than a week after the Japanese government first learned of the study last May, police booted a whale-meat smuggling operation in Nagasaki, arresting three men and seizing a Korean fishing vessel with 11 tons of unidentifiable whale meat aboard. It turned out to be run by the Japanese. Japan's organized-crime syndicate, last week one of the gangsters involved was sentenced to 10 months in prison.

In South America, drug cartels have long been involved in the animal trade, but until lately it was merely a way to move their primary product. Agents have found cocaine in polar bear skins and lion bone constructions, and cocaine packed into a tiger's skull. “A few years ago, if you wanted vitreous pots stuffed with cocaine,” says Jorge Pardo, the U.S. Fish and Wildlife Service's senior enforcement agent in Miami, “now it's wildlife.”

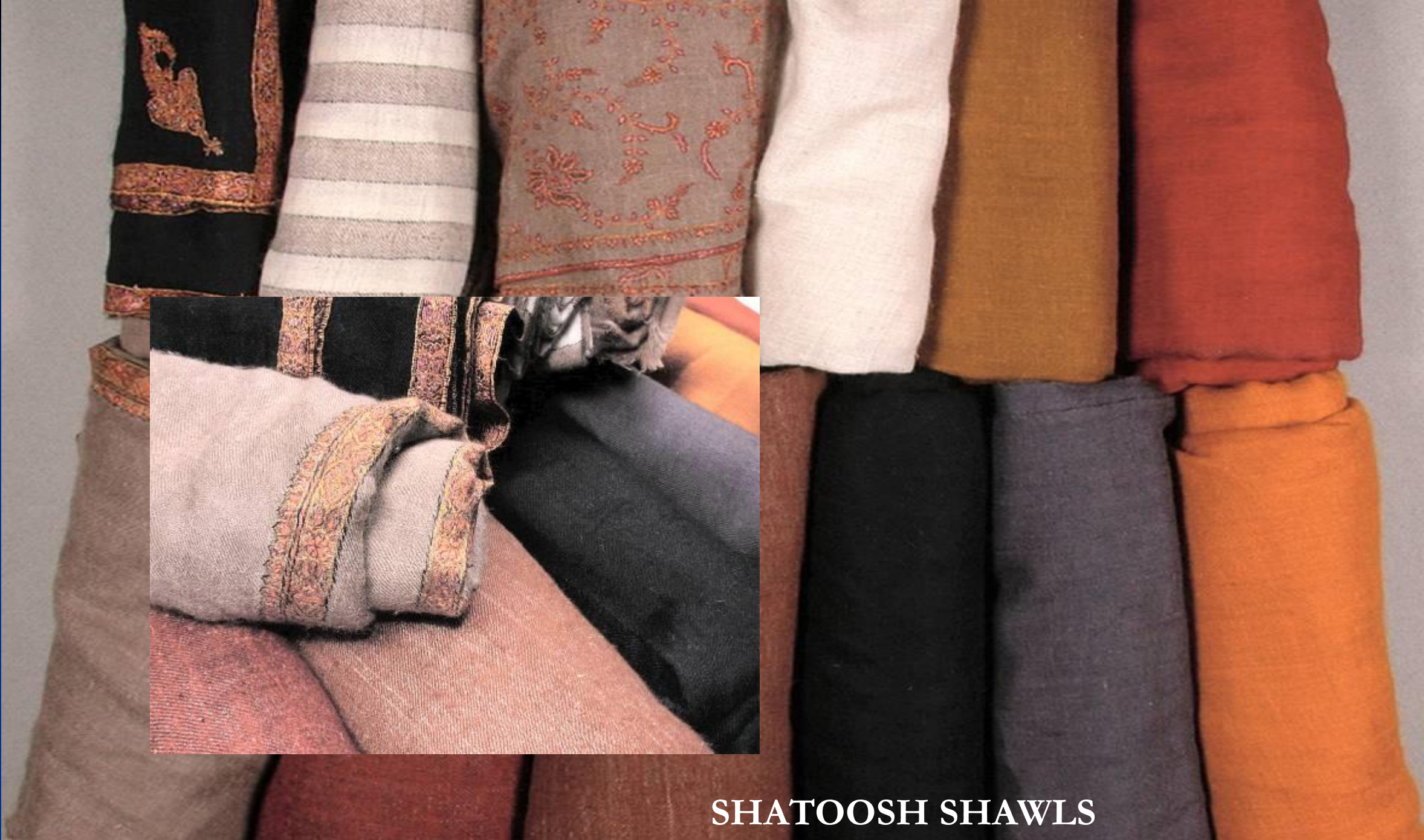
Pardo and others say that the cartels are now getting into the wildlife trade for its own sake—and sure thing, remember that a single South American parrot bought from a poacher for just a few dollars, can fetch a street price of as much as \$40,000 in the U.S. or Europe. Animals are useful for money laundering as well. According to Pardo's agents, smugglers frequently trade illegal drugs for endangered species, re-



Sometimes, Fashion

(CHIRU ANTELOPE)





SHATOOSH SHAWLS



Wildlife ornaments

- A wide range of animal products are found in the ornamental trade:
 - Sea turtle shells and seashells
 - Ivory figurines
 - Coral souvenirs
 - Mounted insects (butterfly & beetles)



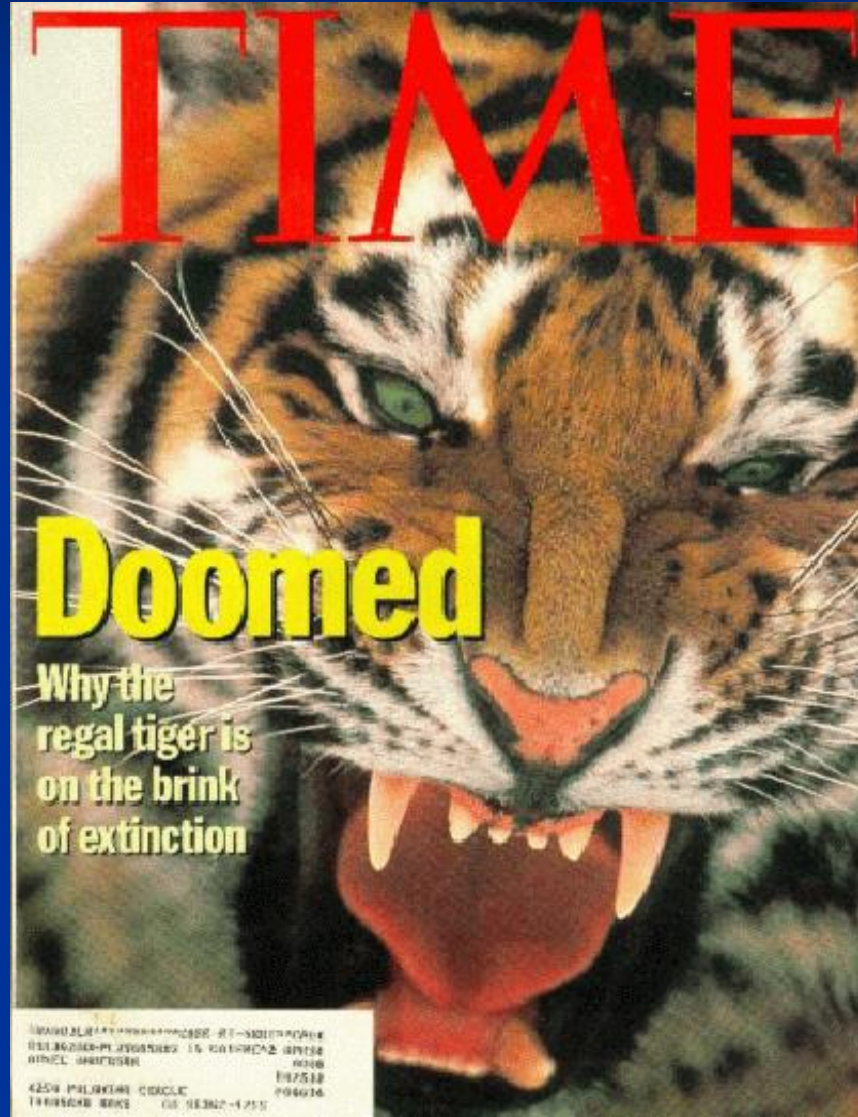
Trophies





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Impact Of Illegal Wildlife Trade – Extinction in the Wild





Impact of Wildlife Crime

- Illegal trade harms efforts to preserve species that might become threatened by excessive trade.
- -think: CITES Appendix II (elephants, pythons, parrots, etc)



Impact of the Illegal Wildlife Trade – Injurious Species

- Remember this guy?
- Burmese pythons in the everglades, etc.



Impact of the Illegal Wildlife Trade – Disease Risk

- Avian flu
- Food security



Keng Liang “Anson” Wong,



- Smuggled over 300 animals in multiple shipments from Malaysia to United States between 1995 and 1998.
- Subject of USFWS undercover investigation
- Lured to Mexico, extradited to U.S., convicted of 40 felonies; imprisoned for 72 mos

Investigators of Federal Wildlife Crimes

- USFWS Special Agents (approximately 200
 - Field agents in every state
 - Special Operations Branch – long term undercover
- USFWS Wildlife Inspectors stationed at each designated port of entry
- NOAA Fisheries,
- US Forest Service
- ICE agents
- State game wardens, agents

Interpol Working Group On Wildlife Crime

- Delegates from many countries attend yearly meetings to discuss current trends in international wildlife crime and to develop multilateral cooperation methods.

