SEIZURES OF TORTOISES AND FRESHWATER TURTLES IN THAILAND 2008 – 2013

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Cover: Indian Star Tortoises packed into a suitcase were seized at Suvarnabhumi International Airport in September 2010.

Photograph credit: P. Tansom/TRAFFIC

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In December 2012, DNP officers, Royal Thai Customs and the Fisheries Department acted on information and seized 343 turtles and tortoises at Sucarnabhumi International Airport. The animals were packed into bags and stuffed into polystyrene boxes for transport through air cargo to Hong Kong. Photo credit: P. Tansom/TRAFFIC

CONTENTS

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ABBREVIATIONS AND ACRONYMS

AOT	Airports of Thailand Public Company Limited
ASEAN-WEN	Association of Southeast Asian Nations' Wildlife Enforcement Network
CITES	Convention on International Trade in Endangered Species of Wild Fauna and Flora
DNP	Department of National Parks, Wildlife and Plant Conservation, Thailand
DoF	Fisheries Resources Conservation Division's Department of Fisheries
INTERPOL	International Criminal Police Organization
IUCN	International Union for Conservation of Nature
NRECD	Natural Resources and Environmental Crime Suppression Division, a unit of the Royal Thai Police
PCU	Programme Coordination Unit of ASEAN-WEN
SAWEN	South Asian Wildlife Enforcement Network
Thai-WEN	National Task Force Wildlife Enforcement Network in Thailand
THB	Thai Baht
USD	US Dollar
WARPA	Wild Animal Reservation and Protection Act B.E. 2535 (1992)

EXECUTIVE SUMMARY

Seizures are indicative of illegal trade as well as law enforcement effort. This report examines seizures of tortoises and freshwater turtles that have taken place between January 2008 and December 2013 to uncover trends of species in trade, smuggling methods and routes used.

A total of 18 854 tortoises and freshwater turtles were seized in 53 reported cases. These represent 33 species that were conclusively identified, of which 11 were native to Thailand (comprising 49% of the volume seized) and 22 non-native species (44% of the volume seized). A further 7% of the animals seized were recorded as unidentified. The most commonly seized species were Southeast Asian Box Turtles *Cuora amboinensis*, Indian Star Tortoises *Geochelone elegans* and Black Spotted Turtles *Geoclemys hamiltonii*. In addition to these species, Critically Endangered Ploughshare Tortoises *Astrochelys yniphora* and Radiated Tortoises *A. radiata* from Madagascar also featured highly on the list.

Over half of the seizures took place at Suvarnabhumi International Airport, Bangkok, and the prevalent *modus operandi* was to pack animals into suitcases checked in through passenger airlines. The role of proactive operations following tip-offs is invaluable to detect illegal shipments, underscoring the value of a strong informant network especially at entry and exit points. Although many seizures were dealt with by multiple agencies, communication and coordination between these agencies needs to be improved. Based on analysis of these seizures, 23 trade routes were recorded. These were all international, with eight outbound, 12 inbound and three in transit. Illegal shipments enter by air from countries in East Africa, South Asia, and by road from neighbouring South-East Asian nations through overland routes along the Mekong coast at Nong Khai and other border crossings. In addition to those destined for markets in Thailand, animals are also redistributed to other demand centres in South-East Asia and East Asia.

A total of 35 (66%) of the seizures resulted in the arrest of 40 suspects, but only six successful prosecutions were recorded or reported. Investigations of 17 suspects are reported to be ongoing at the time of writing this report. There is a dearth of information about follow-up investigations and prosecutions. Enforcement efforts are fragmented, with meaningful attempts to derive information from suspects and illegal shipments currently lacking.

Animals confiscated from seizures are the responsibility of Department of National Parks (DNP), Wildlife and Plant Conservation and Department of Fisheries and are housed in rescue centres in Thailand. No instances of repatriation were reported during the study period. This effectively means that animals confiscated in Thailand are unlikely to return to breeding populations.

The current situation requires much improvement in order for enforcement to be effective. The following recommendations are made:

Legislation: A review and amendment of the Wild Animal Reservation and Protection Act B.E. 2535 (1992) is strongly recommended to address current loopholes that prevent authorities from taking action against the illegal trade of non-native species of tortoises and freshwater turtles. The text of Section 23 should be amended to include "possession" in the provision for CITES listed species and to place the burden of proof on the buyer instead of the enforcement authorities.

The CITES Secretariat might consider reassessing Thailand's legislation under the National CITES Legislation Project and encourage Thailand to make the requested changes as soon as possible, as it is evident that Thailand's current national legislation is unable to enforce CITES effectively.

Targeted surveillance: Targeted surveillance and increased vigilance is needed at trading and wildlife smuggling hotspots. Improved security checks at the baggage handling and cargo sections of Suvarnabhumi and Don Mueang International Airports could pick up more illicit shipments. As Suvarnabhumi International Airport is a bottleneck in the trade chain where significant seizures can be made, DNP and Customs can engage the Airports of Thailand Public Company Limited and its staff at the airport to have more eyes on the ground to intercept any suspicious shipments. More thorough inspections at border checkpoints on roads such as Sadao and Mae Sod and along the Mekong River at Nong Khai are also recommended.

Prosecution: Offenders should be prosecuted appropriately according to the legislation in place, and penalties need to be commensurate to the crime. This may serve as a deterrent. At present convictions are too low compared to the value of shipments. The Thai prosecutors, court and lawmakers are urged to streamline the prosecution process to decrease the processing time.

Investigation: Since it is clear that smuggling and trafficking of wildlife is a low risk, high reward criminal activity, more efficient and thorough investigations are called for. It is recommended that successful arrests and seizures should be viewed as opportunities to gain information and evidence to be shared among the law enforcement community in an effort to assist their colleagues in combating organized crime with organized enforcement.

The Thai police and other enforcement agencies need to be increasingly involved in investigative work into criminal networks behind the smugglers.

Capacity building: Training of enforcement personnel and staff at smuggling hotspots will be useful to increase vigilance, and raise levels of awareness. The focus should be on increased use of informant networks, intelligence-led investigations and profiling of flights and people.

In addition, identification guides such as the Species Identification Sheets (available in Thai at http://www.asean-wen.org/index.php/factsheets/category/4-species-id) and the Identification Guide to the Tortoises and Freshwater Turtles by TRAFFIC and the Singapore Zoo are useful tools to identifying common species that are illegal to trade.

Inter-agency coordination: Cooperation and coordination between enforcement agencies through National Task Force Wildlife Enforcement Network in Thailand (Thai-WEN) should be revived and improved, with mandated periodical reporting to ASEAN-WEN. Additional leverage from ASEAN-WEN, INTERPOL and CITES could provide additional intelligence and enforcement support, especially as Thailand hosts the Programme Coordination Unit for ASEAN-WEN. The formation of multi-agency task forces to tackle corruption or existing systems to address other crimes can also be extended to wildlife crime as well. For instance, greater coordination between the NRECD and other divisions in the Royal Thai Police could improve the effectiveness of investigating crimes, apprehending suspects to enable successful prosecutions.

Thai-WEN might consider involving more agencies and organizations beyond DNP, Police and Customs. With seizures being made at Marine Checkpoints, DoF would be an obvious key agency to invite to Thai-WEN.

Regional and international platforms: Additional leverage from ASEAN-WEN, INTERPOL and CITES should be utilized to initiate and facilitate cross-border efforts to identify and disrupt criminal networks, especially as Thailand hosts the PCU for ASEAN-WEN.

Formal Memoranda of Understanding (MoUs) to tackle trade in tortoises and freshwater turtles are strongly encouraged between Thailand and governments of states identified to be key source countries/territories or end destinations – in particular Bangladesh, China, India, Hong Kong, Madagascar – to improve cross-border enforcement.

Reporting: Filling information gaps in records is an area that can be achieved without major investments, yet it can yield big results in improving enforcement outcomes. Biennial reporting of enforcement measures to the CITES Secretariat is a requirement under the Convention. Beyond that, systematic and timely record-keeping should include at least the following details:

- o Unique reference number – allows straightforward cross-referencing between different records and agencies.
- o Photographic documentation –records the species and volume, method of concealment, provides date and time stamp.
- o Record of flight number – includes details on the trade route, airlines, departure and arrival timings.
- o Seizure location – enables the plotting of hotspots within the country where enforcement efforts can be concentrated.

GPS coordinates will enable greater accuracy. Recording the method of detection enables enforcement staff to evaluate and employ the most effective methods.

- Details of suspect – important for intelligence gathering purposes.
- Follow-up reporting of outcomes – any prosecutions, documentation of confiscated animals.

Strategic monitoring: Strategic monitoring by Thai enforcement agencies and NGOs of the Chatuchak market in Thailand should be carried out regularly to gauge the scale of the trade and identify emerging trends such as species composition and countries of origin. This information should be communicated in a timely manner to the relevant enforcement personnel to carry out enforcement actions targeted at breaking down organized crime networks.

Confiscated animals: The care and repatriation of confiscated animals should be streamlined not just to increase the probability of confiscated animals being rehabilitated and returned to wild populations, but also to reduce costs to DNP and DoF.

Raising awareness: DNP and local NGOs can work with airlines such as Thai Airways and Airports of Thailand Public Company Limited to introduce targeted messaging on airlines and at airports to remind passengers that illegal wildlife trade is a punishable crime, and encourage members of the public to report any suspicious activity.

Greater media coverage of seizures is recommended to raise public awareness of the issue as well as deter potential smugglers and improve the morale of enforcement staff.

เต่าบกและเต่าน้ำจืดที่ถูกจับและยึดได้ในประเทศไทยระหว่างปี พ.ศ 2551-2556

สรุปผู้บริหาร

การจับและยึดสัตว์ต้องห้าม เป็นดัชนีชี้บ่งบอกถึงการค้าที่ผิดกฎหมายและความพยายามในการบังคับใช้กฎหมาย รายงานฉบับนี้จัดทำขึ้นเพื่อตรวจสอบการจับกุมจำนวนเต่าบกและเต่าน้ำจืดที่เกิดขึ้นระหว่างเดือนมกราคม 2551 ถึงเดือนธันวาคม 2556 ซึ่งแสดงให้เห็นแนวโน้มของชนิดพันธุ์ที่มีการค้า วิธีการขนย้าย และเส้นทางที่ใช้

จากการรายงาน 53 กรณี จำนวนของเต่าบกและเต่าน้ำจืดที่จับได้มีถึง 18,854 ตัว ซึ่งจำแนกได้อย่างชัดเจน 33 ชนิดพันธุ์ ในจำนวนนั้น มีชนิดพันธุ์ที่เป็นสัตว์ท้องถิ่นของประเทศไทย 11 ชนิด (คิดเป็น 49% ของจำนวนทั้งหมด) และมีชนิดพันธุ์ต่างถิ่นอยู่ 22 ชนิด (คิดเป็น 44% ของจำนวนทั้งหมด) ส่วนอีก 7% ของสัตว์ที่ยึดมาได้นั้น ถูกบันทึกไว้ว่าไม่สามารถระบุชนิดพันธุ์ได้ จากจำนวนทั้งหมด ชนิดที่พบมากคือ เต่าหับ (Southeast Asian Box Turtles *Cuora amboinensis)* เต่าบกอินเดีย (Indian Star Tortoises *Geochelone elegans)* และเต่าบึงดำลายจุด (Black Spotted Turtles *Geoclemys hamiltonii)* นอกจากนี้ยังพบชนิดพันธุ์ที่มีความเสี่ยงขั้นวิกฤติต่อการสูญพันธุ์ในลำดับต้นๆ ของรายการ คือ เต่ายูนิฟอร่า (Ploughshare Tortoises *Astrochelys yniphora)* และเต่าบกลายรัศมี (Radiated Tortoises *A. radiata)* ที่มาจากมาดากัสการ์

การจับกุมกว่าครึ่งหนึ่งเกิดขึ้นที่ท่าอากาศยานสุวรรณภูมิ กรุงเทพ โดยวิธีปฏิบัติที่ทำกันอย่างแพร่หลายคือ นำสัตว์ใส่ลงในกระเป๋าสัมภาระติดตัวของผู้โดยสาร ดังนั้น บทบาทของทีมปฏิบัติการที่เข้าควบคุมสถานการณ์ตามที่มีการแจ้งเตือนจึงถือเป็นการทำงานที่ประเมินค่ามิได้ในการตรวจจับการขนส่งที่ผิดกฎหมาย อันเป็นการยืนยันคุณค่าของเครือข่ายข้อมูลที่เชื่อถือได้ โดยเฉพาะอย่างยิ่งที่จุดนำเข้าและส่งออก ถึงแม้ว่าการดำเนินการเข้าจับกุมจะทำโดยองค์กรต่างๆ ร่วมกัน แต่การสื่อสารและการประสานงานระหว่างหน่วยงานต่างๆ เหล่านี้ ยังคงต้องมีการปรับปรุง จากการวิเคราะห์ข้อมูลที่ได้จากการจับกุม มีการบันทึกเส้นทางการค้า 23 เส้นทาง ทั้งหมดเป็นการเดินทางระหว่างประเทศ ขาออก 8 ราย ขาเข้า 12 ราย และเปลี่ยนสายการบินอีก 3 ราย การขนส่งทางอากาศอย่างผิดกฎหมายนั้นมาจากประเทศต่างๆ ของแถบแอฟริกาตะวันออก เอเชียใต้ และโดยทางบกจากประเทศเพื่อนบ้านในเอเชียตะวันออกเฉียงใต้ผ่านเข้ามาทางริมแม่น้ำโขงที่จังหวัดหนองคายและด่านผ่านแดนอื่นๆ นอกเหนือจากการนำเข้ามาขายในตลาดเมืองไทยแล้ว สัตว์เหล่านั้นยังถูกจัดจำหน่ายไปยังศูนย์ต่างๆ ในเอเชียตะวันออกเฉียงใต้และเอเชียตะวันออก

ในจำนวน 66% ของการจับกุมยึดของกลางทั้งหมด มีการจับกุมผู้ต้องสงสัยได้ 40 ราย แต่มีเพียง 6 รายเท่านั้นที่มีการดำเนินคดีและมีบันทึกหรือรายงาน ส่วนอีก 17 ราย ขณะที่จัดทำรายงานฉบับนี้ กำลังอยู่ในระหว่างการสอบสวน

ข้อมูลเกียวกับการติดตามสอบสวนและการดำเนินคดีนับเป็นสิงทีขาดแคลนมาก ความพยายามในการบังคับใช้กฎหมายขาดความปะติดปะต่อ โดยเฉพาะยังขาดความพยายามในการสกัดข้อมูลจากผู้ต้องสงสัยและการจัดส่งสินค้าผิดกฎหมาย

สัตว์ที่ถูกยึดมาได้อยู่ในความรับผิดชอบของกรมอุทยานแห่งชาติ สัตว์ป่า และพันธุ์พืช และกรมประมง โดยถูกส่งไปอยู่ที่ศูนย์ช่วยเหลือในประเทศไทย ในช่วงที่มีการศึกษาไม่พบกรณีตัวอย่างของการส่งกลับประเทศเดิมระบุไว้ในรายงาน ซึ่งหมายความว่าสัตว์ที่ถูกยึดไว้ในประเทศไทย ไม่ถูกส่งกลับไปเป็นประชากรที่สามารถแพร่พันธุ์ได้อีกต่อไป

สถานการณ์ในปัจจุบันนี้ ต้องมีการปรับปรุงเป็นอย่างมากเพื่อที่จะทำให้การบังคับใช้กฎหมายมีประสิทธิภาพ จึงมีข้อเสนอแนะดังต่อไปนี้นี้

การออกกฎหมาย: ต้องจัดให้มีการทบทวนและแก้ไขพระราชบัญญัติสงวนและคุ้มครองสัตว์ป่า พ.ศ. 2535 เพื่อพูดคุยถึงช่องโหว่ในสถานการณ์ปัจจุบันที่กีดกันเจ้าหน้าที่ในการปฏิบัติงานต่อต้านการค้าเต่าบกและเต่าน้ำจืดต่างถิ่นอย่างผิดกฎหมาย เนื้อหาในมาตรา 23 ควรมีการเปลี่ยนแปลงเพื่อให้รวมความถึง “การมีไว้ในครอบครอง” ในการสรรหาชนิดพันธุ์ที่ระบุไว้ในบัญชีไซเตส และเพื่อให้ภาระในการจัดการหลักฐานยืนยันตกอยู่กับผู้ค้า แทนที่จะให้เป็นภาระของเจ้าหน้าที่ผู้บังคับใช้กฎหมาย

สำนักงานเลขาธิการไซเตสอาจต้องมีการประเมินกฎหมายของประเทศไทยใหม่ ภายใต้โครงการกฎหมายเกี่ยวกับไซเตสแห่งชาติ และส่งเสริมให้ประเทศไทยมีการยื่นร้องขอเปลี่ยนแปลงโดยเร็วที่สุด เพราะมีหลักฐานชัดเจนว่ากฎหมายของประเทศไทยในปัจจุบัน ไม่สามารถที่จะทำให้ไซเตสมีผลบังคับใช้ได้อย่างมีประสิทธิภาพ

การเฝ้าระวังเป้าหมาย: ต้องจัดให้มีการเพิ่มการสอดส่องและเฝ้าระวังตามจุดสำคัญที่มีการค้าขายและลักลอบสัตว์ป่าเกิดขึ้น จัดให้มีการเพิ่มความปลอดภัยในการตรวจกระเป๋าสัมภาระและสินค้าที่ขนส่งทางอากาศทั้งที่สนามบินนานาชาติสุวรรณภูมิและดอนเมืองที่ควรจะมีการตรวจจับการขนส่งที่มิชอบด้วยกฎหมายได้มากกว่านี้ สนามบินนานาชาติสุวรรณภูมิ ถือเป็นจุดติดขัดของห่วงโซ่การค้าที่ควรจะมีการจับที่สำคัญเกิดขึ้น กรมอุทยานแห่งชาติ สัตว์ป่า และพันธุ์พืช และกรมศุลกากรสามารถที่จะดึงบริษัทท่าอากาศยานไทย และเจ้าหน้าที่ของบริษัทฯ ให้เข้ามาช่วยเป็นหูเป็นตาที่ภาคพื้นดิน เพื่อช่วยสกัดกั้นการขนส่งสินค้าที่น่าสงสัยได้ นอกจากนี้ ควรให้มีการตรวจสอบอย่างละเอียดถี่ถ้วนที่ด่านผ่านชายแดนสะเดาและด่านแม่สอด และตามแนวลำน้ำโขง

การฟ้องร้อง: ผู้ต้องหาควรได้รับการลงโทษอย่างเหมาะสมตามที่กำหนดไว้ในกฎหมายที่มีอยู่ โดยเบี้ยปรับควรจะมีสัดส่วนที่เหมาะสมกับความผิดที่กระทำ ซึ่งอาจจะช่วยยับยั้งการทำผิดได้บ้าง ปัจจุบันนี้ บทลงโทษถือว่าน้อยมากเมื่อเทียบกับมูลค่าของสินค้า ทั้งนี้พนักงานอัยการ ศาล และผู้ออกกฎหมายของประเทศไทย ควรกระตุ้นให้มีกระบวนการฟ้องร้องที่กระชับมากขึ้น เพื่อลดเวลาที่ใช้ในการดำเนินคดี

การสืบสวน: เป็นที่ชัดเจนว่าการลักลอบและการค้าชีวิตสัตว์ป่าเป็นอาชญากรรมที่มีอัตราความเสี่ยงต่ำ แต่ได้รับค่าตอบแทนสูง จึงต้องมีการนำวิธีสืบสวนที่มีประสิทธิภาพและลงในรายละเอียดมาใช้ ควรที่จะทำความเข้าใจว่า

ความสำเร็จในการจับกุมและการยึดของกลาง เป็นโอกาสที่จะทำให้ได้ข้อมูลและหลักฐานที่จะนำมาเผยแพร่ในกลุ่มของผู้บังคับใช้กฎหมาย เพื่อช่วยให้ทีมงานทำงานต่อสู้กับขบวนการอาชญากรรมด้วยกองกำลังบังคับใช้กฎหมายที่มีระบบ

ตำรวจไทยและหน่วยงานบังคับใช้กฎหมายอื่นๆควรที่จะเข้ามาเกี่ยวข้องในงานสืบสวนมากขึ้นเพื่อสาวไปถึงเบื้องหลังของเครือข่ายการลักลอบ

การพัฒนาศักยภาพ: การฝึกอบรมบุคลากรและเจ้าหน้าที่ฝ่ายบังคับใช้กฎหมายในพื้นที่ที่มีการลักลอบอย่างหนัก จะมีประโยชน์ต่อการเพิ่มความระแวดระวัง และยกระดับความตื่นตัวของสถานการณ์ เป้าหมายคือควรเพิ่มการใช้เครือข่ายแหล่งข้อมูล ข่าวกรองนำการสืบสวน และประวัติโดยย่อของสายการบินและผู้โดยสาร

นอกจากนี้ คู่มือช่วยในการจำแนก เช่น เอกสารจำแนกชนิดพันธุ์ (ฉบับภาษาไทย http://www.asean-wen.org/index.php/factsheets/category/4-species-id) และคู่มือจำแนกเต่าบกและเต่าน้ำจืด (Identification Guide to Tortoises and Freshwater Turtles) โดย TRAFFIC และ Singapore Zoo ก็นับว่าเป็นเครื่องมือช่วยในการจำแนกชนิดพันธุ์ที่พบได้ทั่วไปในการลักลอบค้าผิดกฎหมาย

การประสานงานระหว่างหน่วยงาน: ควรมีการทบทวนและปรับปรุงความร่วมมือและการประสานงานระหว่างหน่วยงานบังคับใช้กฎหมายภายใต้ Thai-Wen โดยให้มีการรายงานอย่างสม่ำเสมอต่อ ASEAN-WEN นอกจากจะมีแรงผลักดันของ ASEAN-WEN แล้ว INTERPOL และ CITES ควรให้การสนับสนุนด้านข่าวกรองและการบังคับใช้กฎหมายด้วย โดยเฉพาะอย่างยิ่งประเทศไทยเป็นที่ตั้งของหน่วย PCU ของ ASEAN-WEN ทั้งนี้ ข้อมูลของคณะทำงานเฉพาะกิจเพื่อแก้ไขปัญหาฉ้อโกงทุจริต หรือระบบที่มีอยู่ในการต่อสู้อาชญากรรมอื่นๆ ก็ควรที่จะครอบคลุมมาถึงอาชญากรรมในการค้าสัตว์ป่าด้วยเช่นกัน ตัวอย่างเช่น ความร่วมมือระหว่าง บก.ปทส.และกองอื่นๆ ของสำนักงานตำรวจแห่งชาติ จะช่วยให้เพิ่มประสิทธิภาพในการสืบสวนอาชญากรรม จับกุมผู้ต้องสงสัย นำไปสู่การดำเนินคดีอย่างประสบความสำเร็จต่อไป

Thai-Wen อาจต้องพิจารณาที่จะดึงหน่วยงานและองค์กรอื่นๆ เข้ามาร่วมทำงานนอกเหนือไปจาก กรมอุทยานฯ สำนักงานตำรวจแห่งชาติ และกรมศุลกากร จากการที่มีการจับและยึดของกลางได้ที่ด่านตรวจสัตว์น้ำท่าเรือ ก็ยิ่งชัดเจนว่าควรจะเชิญกรมประมงให้เข้าร่วมทำงานใน Thai-Wen

นโยบายภูมิภาคและนานาชาติ: นอกเหนือไปจากการผลักดันของ ASEAN-WEN หน่วยงาน INTERPOL และ CITES แล้ว ควรให้มีการริเริ่มและอำนวยความสะดวกในการทำงานระหว่างแนวชายแดนและขัดขวางเครือข่ายอาชญากรรม โดยเฉพาะอย่างยิ่งในฐานะที่ประเทศไทยเป็นเจ้าภาพหน่วย PCU ของ ASEAN-WEN

การจัดทำข้อตกลงร่วมกันอย่างเป็นทางการเพื่อจัดการปัญหาการค้าเต่าบกและเต่าน้ำจืด นับเป็นสิ่งที่ควรสนับสนุนให้เกิดขึ้นระหว่างรัฐบาลไทยและรัฐบาลของประเทศหรือพื้นที่ที่เป็นต้นทางหรือจุดหมายปลายทางของการค้าโดยเฉพาะอย่างยิ่ง บังคลาเทศ อินเดีย ฮ่องกง มาดากัสการ์ เพื่อที่จะเพิ่มการบังคับใช้กฎหมายข้ามพรมแดน

การรายงาน: แม้ว่าการเติมข้อมูลในใบบันทึกเป็นเรื่องที่ควรจะกระทำได้โดยไม่ต้องมีการลงทุนขนาดใหญ่ แต่ก็อาจนำมาซึ่งผลลัพธ์ที่ยิ่งใหญ่ที่มีค่าต่อการปรับปรุงการบังคับคดี การจัดทำรายงานต่อสำนักงานเลขาธิการไซเตสเกี่ยวกับผลการบังคับคดีปีละสองครั้ง เป็นไปตามข้อกำหนดในสนธิสัญญาไซเตส นอกจากนั้น การเก็บข้อมูลอย่างเป็นระบบและเหมาะสมแก่เวลา จะต้องมีรายละเอียดต่อไปนี้ด้วยคือ

- ระบุตัวเลขกำกับเฉพาะ - เพื่อช่วยในการตรวจสอบข้ามไปมาระหว่างข้อมูลบันทึกและหน่วยงานชัดเจน
- การบันทึกข้อมูลด้วยภาพ – บันทึกชนิดพันธุ์และปริมาณ วิธีการลักลอบ ระบุวันที่และเวลาในการบันทึก
- บันทึกข้อมูลเที่ยวบิน - ลงรายละเอียดเกี่ยวกับเส้นทางการค้า สายการบิน เวลาบินออกและเวลาบินเข้า
- สถานที่ที่จับได้ – ช่วยให้เห็นแผนผังของจุดที่มีการลักลอบสูงภายในประเทศที่ควรจะเน้นการบังคับใช้กฎหมาย ระบุพิกัดจีพีเอสจะช่วยให้มีความแม่นยำมากขึ้น การบันทึกวิธีการตรวจพบจะช่วยให้เจ้าหน้าที่อื่นๆ ประเมินและใช้วิธีที่มีประสิทธิภาพที่สุดได้
- รายละเอียดของผู้ต้องสงสัย – มีความสำคัญต่อการรวบรวมข้อมูลข่าวกรอง
- รายงานการติดตามผลลัพธ์ – การดำเนินคดี เอกสารกำกับข้อมูลของสัตว์ของกลางที่ยึดได้

การติดตามเชิงยุทธศาสตร์: การติดตามเชิงยุทธศาตร์โดยหน่วยงานบังคับใช้กฎหมายและองค์กรเอ็นจีโอท้องถิ่นที่ตลาดนัดจตุจักร ควรจะมีการดำเนินการอย่างสม่ำเสมอเพื่อประเมินความกว้างขวางของวงการค้า และระบุแนวโน้มที่กำลังเกิดขึ้น เช่น องค์ประกอบของชนิดพันธุ์และประเทศต้นทาง และต้องมีการสื่อสารข้อมูลเหล่านี้อย่างทันท่วงทีต่อบุคลากรของหน่วยงานที่เกี่ยวข้องกับการบังคับใช้กฎหมาย เพื่อให้มีการดำเนินคดีกับกลุ่มเป้าหมายโดยมุ่งไปยังการทลายเครือข่ายอาชญากรรมนี้

สัตว์ของกลาง: การดูแลสัตว์ของกลางที่ถูกยึดได้และการส่งกลับคืนสู่ประเทศ ควรจัดการให้กระชับมากขึ้น เพราะไม่ใช่แค่เพียงเพื่อเพิ่มโอกาสให้สัตว์ของกลางถูกนำมาพักฟื้นและปล่อยคืนสู่ธรรมชาติ แต่ยังจะช่วยลดต้นทุนให้กับกรมอุทยานฯ และกรมประมง

การสร้างความตระหนัก: กรมอุทยานฯ และองค์การเอ็นจีโอท้องถิ่น ร่วมกับสายการบิน เช่นการบินไทย และบริษัทท่าอากาศยานไทย จำกัด ได้มีการสื่อสารด้วยข้อความเฉพาะบนเที่ยวบินและที่สนามบิน เพื่อเตือนให้ผู้โดยสารทราบว่าการค้าสัตว์ป่าอย่างผิดกฎหมายเป็นอาชญากรรมที่มีบทลงโทษ และส่งเสริมให้ประชาชนช่วยแจ้งเตือนหากพบเห็นเหตุการณ์ที่น่าสงสัย

การออกสื่ออย่างแพร่หลายเกี่ยวกับการจับกุมเป็นเรื่องที่แนะนำเป็นอย่างยิ่ง เพื่อช่วยกระตุ้นให้ประชาชนตระหนักถึงสถานการณ์ไปพร้อมๆ กับขัดขวางผู้ที่อาจคิดทำการลักลอบให้เปลี่ยนใจ และยังช่วยส่งเสริมกำลังใจให้กับเจ้าหน้าที่ผู้ปฏิบัติงาน

INTRODUCTION

The world's tortoises and freshwater turtles are under threat from illegal and unsustainable wildlife trade for meat, traditional medicine and as pets (Buhlmann *et al.*, 2009; Gong *et al.*, 2009). Large volumes of many species of tortoises and freshwater turtles, native and non-native to Thailand, are illegally acquired and traded globally as pets (Shepherd *et al.*, 2004; Warchol, 2004), with millions traded annually in Asia (van Dijk *et al.*, 2000). Thailand has long been known as a major hub of this trade (van Dijk and Palasuwan, 2000; Nijman and Shepherd, 2007; Nijman and Shepherd, 2011). There is therefore an urgent need for enforcement action within Thailand, which could also have wider-reaching impacts on the illegal wildlife trade in South-East Asia. Effective enforcement coupled with strong penalties is recommended to counter and reduce such wildlife crime effectively (Nijman *et al.*, 2010, Phelps *et al.*, 2014).

The Thai authorities have stepped up enforcement efforts in recent years which has resulted in the seizures that form the basis of this report. This report provides an analysis of seizures of tortoises and freshwater turtles in Thailand over six years from January 2008 to December 2013, examining the composition of species, details of seizures and smuggling methods and trade routes. It also discusses legal actions, such as the level of successful investigation and adjudication of cases in which viable suspects were identified, and the outcomes of confiscated animals. This information and the recommendations that follow are compiled here to highlight areas where improvements can be made for maximum impact.

The illegal wildlife trade undermines national institutions and threatens societal stability (Lawson and Vines, 2014). The key objective of this report is to assist the Thai authorities by providing actionable recommendations to influence future enforcement actions and to encourage the government of Thailand to impose penalties that serve as deterrents to offenders. It also aims to set a standard for future work on seizure records in other countries and concerning other taxa.

Species of concern

This analysis covers a number of key species that are known to be commonly traded in Thailand. Brief accounts for five species that are most heavily smuggled into Thailand and threatened by trade are provided below:

The Southeast Asian Box Turtle *Cuora amboinensis* is listed as Vulnerable on the IUCN Red List (IUCN, 2013) and has been included in Appendix II of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) since 2000 (CITES, 2007). It is widely distributed across South-East Asia through to Assam, Bangladesh and East Asia (Ernst *et al.*, 2000). International trade for consumption as meat and traditional medicines as well as for pets identified as the major threats to the species (van Dijk *et al.*, 2000; Schoppe, 2009).

The Indian Star Tortoise *Geochelone elegans* is currently listed on the IUCN Red List as Least Concern (IUCN, 2013) and in Appendix II of CITES. It is afforded full national protection in its three range countries; it is distributed across south-eastern, southern and north-western India, northern and eastern Sri Lanka and the Sind region of eastern Pakistan (Das, 2002). Populations are in decline due to illegal collection for the international pet trade as well as habitat loss (Choudhury *et al.*, 2000; Babu and Stengel, 2011).

The Black Spotted Turtle *Geoclemys hamiltonii* is listed as Vulnerable in the IUCN Red List (IUCN, 2013) and in Appendix I of CITES. It is also legally protected within its range countries; it is distributed from eastern Pakistan through northern India and Nepal to Bangladesh and north-eastern India (Das and Bhupathy, 2010). Trade in the species appears to be increasing rapidly in South-East Asia and East Asia (Nijman *et al.*, 2012; Chng, 2014).

The Critically Endangered Radiated Tortoise *Astrochelys radiata* is listed in CITES Appendix I and is endemic to southern and southwestern Madagascar (Leuteritz and Rioux Paquette, 2008). Despite this, thousands are traded illegally every year as pets (Shepherd and Nijman, 2007a; Shepherd and Nijman, 2008; Shepherd *et al.* unpub. data).

Also Critically Endangered and listed in CITES Appendix I (CITES, 2007; IUCN, 2013), the Ploughshare Tortoise *Astrochelys yniphora* is restricted to a tiny area in north-western Madagascar at the Baly Bay National Park. Adult populations are down to an estimated 400 animals (Leuteritz and Pedrono, 2008). The most critical threat affecting the long-term survival of this species is the illegal collection and trade for the pet industry, where a majority of the animals smuggled out of Madagascar are bound for growing markets in South-East Asia as well as other parts of Asia (Shepherd, 2013).

LEGISLATION FRAMEWORK

International

Thailand has been a signatory to CITES since 1983. The Department of National Parks, Wildlife and Plant Conservation (DNP) is the lead CITES Management Authority in Thailand, responsible for the implementation and enforcement of the Convention, including administering licenses for international trade. The key legislation giving legal effect to the implementation and enforcement of CITES in Thailand is the *Wild Animal Reservation and Protection Act B.E. 2535 (1992)* (WARPA), which is detailed below. WARPA designates the Fisheries Resources Conservation Division's Department of Fisheries (DoF) are responsible for implementing legislation pertaining to aquatic animals, which as defined under Section 4 of the *Fisheries Act B.E. 2490* includes freshwater turtles and tortoises. Both the DNP and DoF are therefore responsible for managing tortoise and freshwater turtle trade in Thailand. The Royal Thai Police and Royal Thai Customs have the mandate to arrest offenders, providing enforcement and prosecution support to the implementation of CITES.

Article VIII Paragraph 1 of the CITES Resolution states that Parties are required to enforce provisions of the Convention by penalizing trade and possession of specimens in violation of the Convention, and to provide for the confiscation or return of such specimens to the State of export. Paragraph 7 requires Parties to submit biennial reports on measures taken to enforce the Convention.

Under CITES Resolution Conf. 8.4 (Rev.CoP15), the CITES National Legislation Project was initiated to ensure that Parties to the Convention have legislative means to implement the Convention. Through this Project, countries were assessed on their readiness to take appropriate measures to enforce provisions of the Convention and to consider appropriate compliance measures. Based on these assessments, countries are rated as Category 1, 2 or 3; with those assessed to meet the requirements of CITES rated as Category 1 and those not meeting the requirements of CITES rated as Category 3. Thailand has been rated Category 1.

The Association of Southeast Asian Nations' Wildlife Enforcement Network (ASEAN-WEN) is a regional intergovernmental law enforcement network established in December 2005 involving police, Customs and other law enforcement agencies across all 10 ASEAN countries to combat the illegal wildlife trade. The Programme Coordination Unit (PCU) was established to co-ordinate the efforts of ASEAN-WEN, which has been based in Bangkok since its establishment. It was conceived and designed in an effort to operationalize ASEAN-WEN by coordinating to ensure effective enforcement of legislation governing conservation, trade and sustainable use of wild fauna and flora.

Thai legislation

Twenty-two species of tortoises and freshwater turtles are protected under WARPA (van Dijk and Palusuwan, 2000; Appendix I); this covers the species considered native to Thailand. Section 19 and 20 of the WARPA prohibits the possession and trade of reserved and protected wild animals, carcasses of reserved or protected wild animals, except those bred in captivity. Anyone found violating the law, upon conviction, will be liable to THB 20 000 (USD 620) in fines and up to two years in jail. In addition to protection from illegal collecting, captive breeding within the country of reserved and protected species is prohibited under Section 18 of WARPA.

The import and export of wild animals is covered under Section 23 of WARPA, which prohibits the trade of wildlife in the prohibition list, unless bred in captivity. Sections 24 and 25 further state that permits are required for imports, exports and transitory movement of wild animals, both native and non-native. The maximum penalty for violation of Section 23 is four years' imprisonment and a fine of THB 40 000 (USD 1240).

However, the law does not include mention of possession or domestic trade of species on the prohibition list; it is not illegal to hold or trade non-native CITES-listed species within Thai borders. There is also no legislative control over the captive-breeding of non-native species listed in CITES Appendix II apart from a request for co-operation in reporting the species and numbers to DNP. These loopholes effectively mean that Thailand lacks powers to control and enforce CITES within the country for non-native species.

In addition to WARPA, the *Customs Act B.E. 2469 (1926)* regulates the import and export of goods. Under the *Customs Act*, an official has the authority to stop and search any vehicle, vessel, ship, cart or other mode of transport if there are reasonable grounds to suspect that they are being used in connection with smuggling goods, including wildlife. Under Section 27, if convicted, any person unlawfully importing goods into Thailand faces a fine of four times the amount of value of the goods including duty and imprisonment for 10 years. With regards to wildlife trade, this act is enforceable at entry and exit points of the country.

Under the *Export and Import of Goods Act B.E. 2522 (1979)*, Custom officials have the power to prevent smuggling of goods, including illegal wildlife, through the search, seizure and forfeitures and arrest of offenders.

Chapter 5 Sections 53 and 54 of the *Fisheries Act B.E. 2490 (1947)* also states that possession and import of aquatic animals listed on Royal Decrees is prohibited unless the relevant permits are granted. Maximum penalties for violation are a fine of THB 10 000 (USD 310) and six months' imprisonment.

Established in 2006, Thai-WEN comprises the Royal Thai Police's Natural Resources and Environmental Crime Suppression Division (NRECD), DNP's Wildlife Fauna and Flora Conservation Division and Royal Thai Customs. Wildlife checkpoints at ports of entry are under the purview of DNP, while marine checkpoints are under the DoF. Both work closely with the Royal Thai Customs at checkpoints. The protocol following seizures is discussed further below (see Figure 7).

Photo credit: P. Tansom/TRAFFIC

In December 2012, DNP officers, Royal Thai Customs and the Fisheries Department acted on information and seized 343 turtles and tortoises being shipped to Hong Kong. The animals were packed into bags and stuffed into polystyrene boxes for transport through cargo to Hong Kong.

METHODS

Records of seizures that have taken place in Thailand during January 2008 to December 2013 were collected and compiled from DNP, the ASEAN-WEN PCU and other Thai organizations and enforcement agencies. Press releases from the Royal Thai Customs and DNP, media reports and the seizures and prosecutions sections of the TRAFFIC Bulletin were also referred to. Details compiled and analysed included date and location of seizure, species and volume, purported origin, destination and prosecution details. Records of species using Thai names were verified by the DNP Wildlife Research Division. Common English names and scientific names follow those used by the IUCN Red List of Threatened Species and CITES. In cases where actual numbers were unavailable, estimates were made based on photographic evidence. Where information from official authorities and media reports differed, figures from the official authorities were used. Currency conversions were calculated at a 2014 exchange rate of USD 1 = THB 32.258.

RESULTS AND DISCUSSION

Table 1
Summary of top three most heavily traded species, locations of trade origins and destination countries from the analysis of seizures. Numbers in brackets indicate the number of seizures originating or ending in the listed countries.

Top 3 species in trade	Top 3 locations of origin	Top 3 destination countries
Southeast Asian Box Turtle	Dhaka, Bangladesh (7)	Indonesia (3)
Indian Star Tortoise	Antananarivo, Madagascar (2)	Japan (2)
Black Spotted Turtle	Nairobi, Kenya (2)	China (2)

Species

A total of 18 854 tortoises and freshwater turtles were seized in 53 reported cases in Thailand from January 2008 to December 2013 (Table 1). These represent 33 species that were conclusively identified, of which 11 were native to Thailand (comprising 49% of the volume seized) and 22 non-native species (44% of the volume seized). A further 1393 (7%) individuals seized were recorded as unidentified. There was no discernible trend of changes in volume over time, as numbers were skewed by some large seizures.

The Southeast Asian Box Turtle was the most abundant species seized. However, the large figure is attributed to one significant seizure of over 7000 animals from a Burmese man in 2011, which were most likely being traded for meat. The most frequently seized species was the Indian Star Tortoise, with 5966 individuals seized in 15 cases making it the second most abundant species to be seized. Based on seizure data, more than 10 000 Indian Star Tortoises have been seized from 2011 to 2013 in India and South-East Asia, including Thailand (Chng, unpub. data). Black Spotted Turtles was the third most abundant species seized. Other noteworthy seizures include the Radiated Tortoise and Ploughshare Tortoise, the two most numerous Critically Endangered species seized (Table 2). More than 2000 Radiated Tortoises have been seized since 2010 in Madagascar and South-East Asia, including Thailand (Shepherd *et al.*, unpub. data). With the exception of the Southeast Asian Box turtle, these species were all destined for the pet trade.

The Critically Endangered species, with the exception of the Striped Narrow-headed Softshell Turtle *Chitra chitra*, are particularly threatened by collection due to their restricted distributions. The Radiated and Ploughshare Tortoises of Madagascar are, for instance, limited to tiny ranges (Leuteritz and Pedrono, 2008; Leuteritz and Rioux Paquette, 2008). The Burmese Star Tortoise Geochelone platynota is restricted to the dry habitats of central Myanmar (Platt *et al.* 2003; IUCN, 2013).

As all native species are protected under WARPA, it is illegal to possess them without a permit. The ten native species are also distributed in other countries in the region (van Dijk *et al.*, 2012; IUCN, 2013). It is unclear from the seizure data whether these animals were poached from within Thailand or from neighbouring countries and smuggled over borders to be transported internationally through major ports such as Suvarnabhumi International Airport or to be sold in markets such as the Chatuchak Market. Four native species – Yellow-headed Temple Turtle *Heosemys annandalii*, Asian Giant Tortoise *Manouria emys*, Big-headed Tortoise *Platysternon megacephalum* and Black Marsh Turtle *Siebenrockiella crassicollis* – are recommended to be up-listed to a higher category of threatened status in the IUCN Red List (Horne *et al,.* 2012).

Seven species listed in Appendix I of CITES were seized in Thailand during this period, four of which are Critically Endangered. Six of the Endangered species seized are listed in Appendix II of CITES (Table 3); the existing level of legal protection is arguably insufficient against international trade and up-listing these species could improve protection. Up-listing of species in CITES Appendices must be accompanied by proper enforcement as previous examples have shown that the perceived increase in rarity could inadvertently drive the price and demand up (Shepherd and Ibarrondo, 2005; Courchamp *et al.*, 2006).

South Asia was the most common source region of non-native species, involving seven species and representing 37% of individuals seized (Table 2). The other species came from a wide geographical range, from Latin America to Mediterranean

Europe, Africa and the Pacific region. These non-native species are most likely to be destined for the burgeoning exotic pet trade in Bangkok, where Chatuchak Market is an infamous hub for the sale of illegal live pets (Shepherd and Nijman, 2008; Nijman et al., 2010).

Table 2
Recorded tortoises and freshwater turtles seizures from 53 cases, a total of 18 854 tortoises from January 2008 to December 2013. Frequency refers to the number of seizures in which the species was present.

Common name	Scientific name	IUCN	CITES	Number	Frequency
Native species					
Southeast Asian Box Turtle	*Cuora amboinensis*	VU	II	7842[a]	5
Malayan Snail-eating Turtle	*Malayemys macrocephala*	VU	II	409[b]	6
Giant Asian Pond Turtle	*Heosemys grandis*	VU	II	328	1
Spiny Turtle	*Heosemys spinosa*	EN	II	142	1
Elongated Tortoise	*Indotestudo elongata*	EN	II	135	3
Yellow-headed Temple Turtle	*Heosemys annandalii*	EN	II	130	3
Asian Giant Tortoise	*Manouria emys*	EN	II	87[c]	3
Southeast Asian Softshell Turtle	*Amyda cartilaginea*	VU	II	25	1
Big-headed Turtle	*Platysternon megacephalum*	EN	I	12	2
Striped Narrow-headed Softshell Turtle	*Chitra chitra*	CR	I	4	1
Black Marsh Turtle	*Siebenrockiella crassicollis*	VU	II	2	1
Non-native species					
Indian Star Tortoise	*Geochelone elegans*	LC	II	5966	15
Black Spotted Turtle	*Geoclemys hamiltonii*	VU	I	827	7
Chinese Softshell Turtle	*Pelodiscus sinensis*	VU	-	725	2
Radiated Tortoise	*Astrochelys radiata*	CR	I	417	9
Indian Black Turtle	*Melanochelys trijuga*	NT	II	216	1
Ploughshare Tortoise	*Astrochelys yniphora*	CR	I	57	4
Black-breasted Leaf Turtle	*Geoemyda spengleri*	EN	II	44	1
African Spurred Tortoise	*Centrochelys sulcata*	VU	II	19	4
Common Snake-necked Turtle	*Chelodina longicollis*	-	-	15	1
Matamata Turtle	*Chelus fimbriatus*	-	-	10	2
Burmese Star Tortoise	*Geochelone platynota*	CR	I	10	3
Leopard Tortoise	*Stigmochelys pardalis*	-	II	8	2
Keeled Box Turtle	*Cuora mouhotii*	EN	II	6	1
Crowned River Turtle	*Hardella thurjii*	VU	II	6	1
Pig-nosed Turtle	*Carettochelys insculpta*	VU	II	5	2
Red-footed Tortoise	*Chelonoidis carbonaria*	-	II	4	2
Hermann's Tortoise	*Testudo hermanni*	NT	II	4	1
Marginated Tortoise	*Testudo marginata*	LC	II	2	1
Aldabra Giant Tortoise	*Geochelone gigantea*	VU	II	1	1
Three-keeled Land Tortoise	*Melanochelys tricarinata*	VU	I	1	1
Indian Eyed Turtle	*Morenia petersi*	VU	II	1	1
Red-eared Slider	*Trachemys scripta*	LC	-	1	1
Species not identified	-			1393	15
			Total	**18854**	

[a] including an estimate of 7,120 tortoises from 595 baskets, based on photographic evidence; [b] number excluding a case where 2.5kg of meat was found; [c] including an estimate of 70 tortoises from 7 bags, based on photographic evidence.
IUCN Red List statuses: LC: Least concern; NT: Near threatened; VU: Vulnerable; EN: Endangered; CR: Critically endangered

Table 3
The breakdown of species seized according to IUCN Red List status and CITES Appendix. This table excludes the 1393 unidentified individuals.

	CR	EN	VU	NT	LC	Not assessed	Total no of species	Total abundance
Appendix I	4	1	2	0	0	0	**7**	**1328**
Appendix II	0	6	10	2	2	2	**22**	**15382**
Not listed	0	0	1	0	1	2	**4**	**751**
Total no of species	**4**	**7**	**13**	**2**	**3**	**4**	**33**	
Total abundance	**488**	**556**	**10191**	**220**	**5969**	**37**		**17461**

Shepherd and Nijman (2008) reported 27 species observed for sale in three surveys of Chatuchak Market in 2006, a likely destination of a proportion of animals smuggled into Thailand. Of these, 93% were non-native species, with only two species native to Thailand observed for sale. To date, 55 species have been recorded for sale at Chatuchak Market, and almost all of them were non-native (V. Nijman *in litt*, 18 June 2014). Three species were listed as Endangered on the IUCN Red List. Since then, the Radiated Tortoise, the most abundant species observed for sale in the 2006 study, has been up-listed from Vulnerable to Critically Endangered (Leuteritz and Rioux Paquette, 2008). Although direct comparisons between that study and these seizures are difficult because of the different time frame and locations, it is still telling that both are indicative of threatened species being smuggled into Thailand for trade.

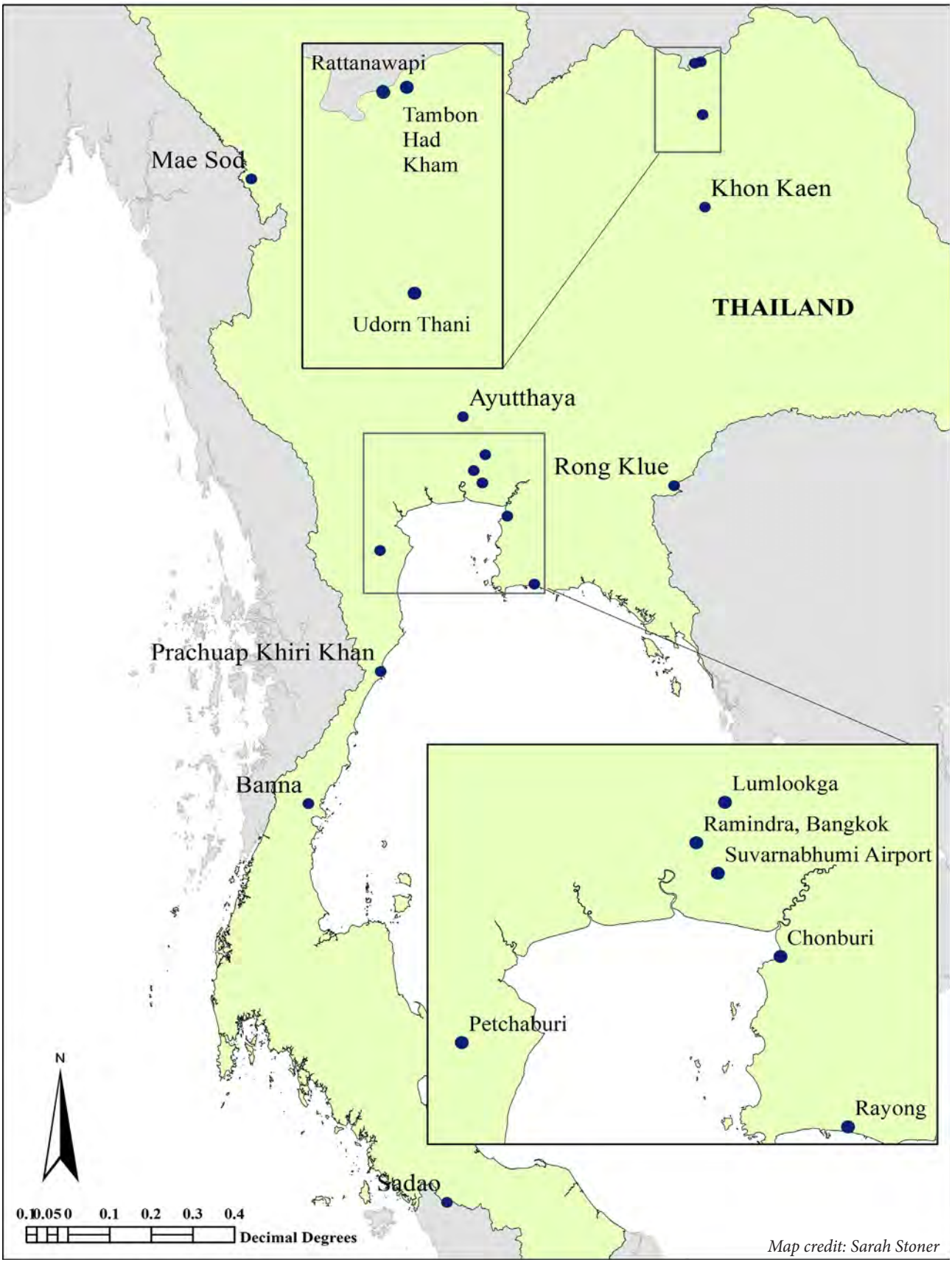
As much accurate information as possible was gathered from experts, photographs, government records and other sources, but in many cases there were significant information gaps and lack of specific detail. For instance, 1393 of the turtles were recorded as unidentified. These could comprise species of conservation concern. The high number of unidentified individuals may reflect challenges faced by enforcement officers, many of whom lack the technical knowledge to identify wildlife. Several lookalike species are notoriously difficult to identify, but enforcement officials could easily document photographic evidence of each shipment and work with experts within DNP and elsewhere in Thailand to identify the species accurately. Filling this information gap is recommended to improve reporting of the enforcement effort.

Photo credit: P. Tansom/TRAFFIC

In December 2012, DNP officers, Royal Thai Customs and the Fisheries Department acted on information and seized 343 turtles and tortoises being shipped to Hong Kong. The animals were packed into bags and stuffed into polystyrene boxes for transport through cargo to Hong Kong.

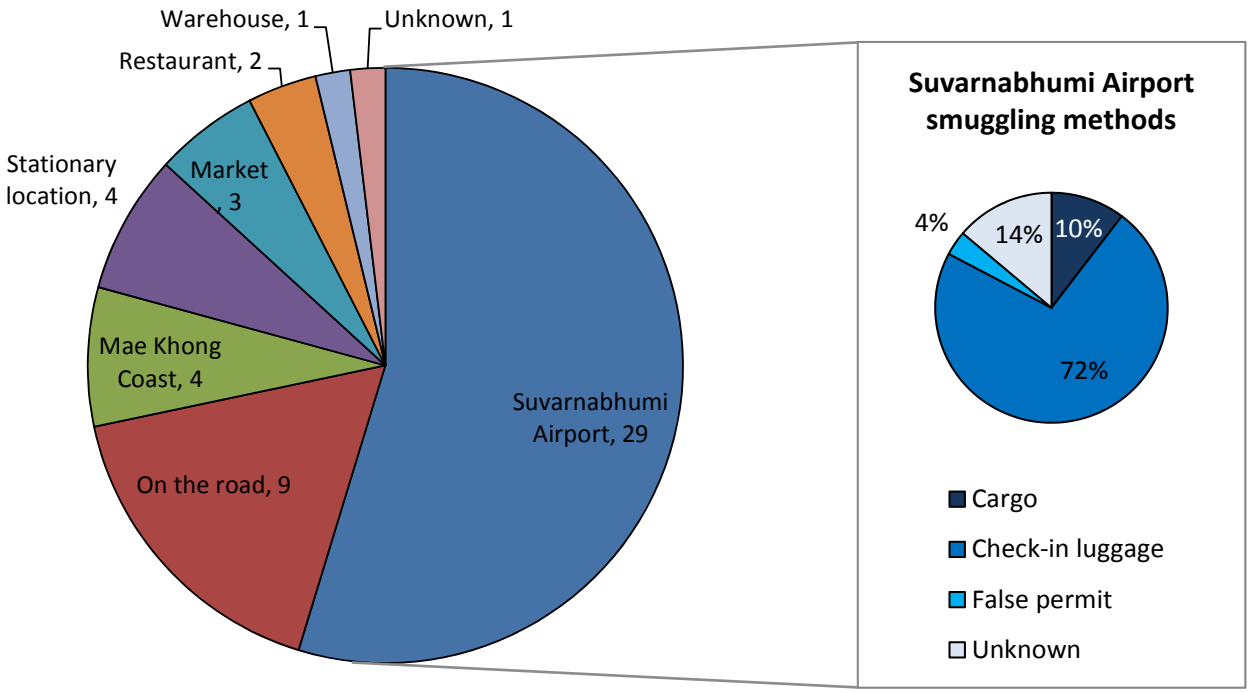
Seizure details

Figure 1
Map showing locations where seizures took place in Thailand. A number of sites had multiple seizures, most notably Suvarnabhumi International Airport (29 seizures) and Rattanawapi district along the Mekong coast (6 seizures).



Map credit: Sarah Stoner

Figure 2
Break-down of location of seizures, as well as method of smuggling at Suvarnabhumi International Airport.



More than half the seizures took place at Suvarnabhumi International Airport (Figure 1, Figure 2). Although this is indicative of the international airport's importance as a smuggling hub, this could also be due to a focus of enforcement efforts here. Tip-offs and random scanning were used to detect smuggling incidents. There was one reported case where the cargo of freshwater turtles was declared to be fish and mantis shrimp, and another of 570 Indian Star Tortoises being smuggled from Bangkok to Japan under permits from Jordan. In the latter case, after checking with the Jordanian CITES Authorities it was found that the permit for export of the tortoises from Jordan to Japan was a fake.

As noted in other reports on tortoises and freshwater turtle smuggling, the prevalent modus operandi is to pack animals into suitcases checked in through passenger airlines (Figure 3; Shepherd and Nijman, 2008; Babu and Stengel, 2011; Chng, 2014), suggesting that this method is perceived to be the most efficient with minimal risk of apprehension. With a number of seizures detected through routine checks, the vigilance of airport and Customs staff is important. However, the prevalence of commercial air travel and high volumes of passengers at international airports often result in fast security checks that may not be sufficiently thorough to detect smuggled shipments (UNODC, 2010). Moreover, the role of proactive investigations and operations is invaluable to focus vigilance and enforcement efforts. Building a strong informant network especially at entry and exit points of the country is crucial to provide intelligence to authorities towards eliminating illegal trade. One method to enhance this could be to increase the visibility and publicity of the DNP hotline to encourage members of the public to report suspicious activity.

Seizures were carried out by a mix of national and district-level agencies. Twenty seizures were recorded to have involved multiple agencies. DNP was involved in at least 28 seizures, while Customs was involved in at least 13 seizures. DoF, Royal Thai Police (local police, border police and the NRECD) as well as military units were also involved in the other seizures (Table 4).

It is encouraging to note that multiple agencies handled a number of seizures. In reality, however, much of this inter-agency co-operation is the result of procedural demands of the agencies involved, such as Customs turning over suspects to the police who then process the suspects for prosecution. There is therefore little proactive inter-agency communication and co-ordination beyond arrests and beyond such procedural necessities, and reporting is opaque. Efficient and timely inter-agency action, communication and co-ordination are crucial to identify and apprehend smugglers successfully, and the police should be increasingly involved in investigative work into the criminal networks associated with the smugglers.

Figure 3
Black Spotted Turtles found taped up and packed in four cardboard-lined suitcases in a seizure at Suvarnabhumi International Airport. This photo shows how the turtles showed up on X-ray scanning equipment, and the date and time of the incident.

Photo credit: P. Tansom/TRAFFIC

Table 4
Thai agencies involved in carrying out seizures

Agencies	Number of seizures made
Customs	**7**
DNP	**13**
DoF	**1**
Police	**4**
Multiple agencies	**20**
Customs, DNP	4
Customs, DNP, DoF	1
Customs, DNP, DoF, Police	1
Customs, DNP, Police	1
Customs, DoF, Police	1
Customs, Police	1
DNP, DoF, Local authorities	1
DNP, DoF, Police	1
DNP, Local authorities	2
DNP, Local authorities, Police	1
DNP, Police	3
Local authorities, Police	1
Navy, Police	1
Suvarnabhumi Airport management authorities	1
Unknown	**8**
Total	**53**

Trade routes

Of the 53 cases, 23 have trade routes recorded. These were all international, with eight outbound from Thailand, 12 entering Thailand and three transiting in Thailand. Six cases were seizures made at fixed locations where trade routes are not applicable (restaurants, markets and personal property; Figure 2) while trade routes were unavailable for 24 cases.

Thailand is a significant hub for the illegal trade of tortoises and freshwater turtles both within Southeast Asia and globally (Todd, 2011; Nijman *et al.*, 2012). Species enter from Africa, South Asia and potentially by road from neighbouring South-East Asian nations. In addition to those destined for markets in Thailand, animals are also redistributed to other demand centres in South-East Asia and East Asia (Figure 4). East Asia is a known demand centre for tortoises and freshwater turtles as pets and also for consumption as wild meat and traditional medicines (Jensen and Das, 2008; Chen et al., 2009). For instance, the seizure data for Indian Star Tortoises and Black Spotted Turtles from South Asia show they are flown to Thailand as both a transit point and a key destination, with potential links to traders elsewhere in the region such as Indonesia and Hong Kong. Trade of pet freshwater turtles and tortoises is also noted to take place from Bangkok to markets in other destinations such as pet stores and animal markets in Jakarta, Indonesia for resale (Shepherd and Nijman, 2007a). Thailand is therefore a crucial location for monitoring and detecting the illegal wildlife trade, especially at international airports and checkpoints.

The monitoring of such trade routes not only highlights key countries and locations implicated in the trade, but is also a means of guiding the authorities to target law enforcement actions at entry and exit points for these locations. There are a growing number of flights from South Asia to Thailand on budget airlines in addition to full-service flights (SkyScanner, 2014). The greater number of flights arriving in Bangkok from South Asia could make targeted monitoring efforts more challenging. A number of seizures reported Indian Star Tortoises being smuggled across the India-Bangladesh border for export from Dhaka (TRAFFIC India, 2010; Daily Sun, 2012; The Times of India, 2013). Couriers and their sponsors are also known to attempt to take indirect routes into Bangkok to avoid Customs scrutiny. Authorities at Suvarnabhumi International Airport authorities should therefore increase vigilance in determining the ports of embarkation in an attempt to identify passengers, baggage and cargo coming from known source countries.

The Critically Endangered Malagasy tortoises are entering Thailand direct from Antananarivo in Madagascar and via Nairobi in Kenya. There is only one direct flight from Antananarivo to Bangkok on Air Madagascar, with more options transiting at Nairobi. A November 2013 documentary, *The Return of the Lizard King* by Al Jazeera, drew international attention to trade between Madagascar and South-East Asia, particularly to traders operating in Malaysia and Indonesia, substantiating the claim that Malagasy tortoises are often smuggled into South-East Asia (Al Jazeera, 2013). The two seizures in Thailand involving Madagascar, as well as the numerous observations of tortoises endemic to Madagascar observed in the Chatuchak Market, provides further evidence for this, and so special attention should be paid to these routes.

For seizures at overland borders, one took place at the Sadao checkpoint on the Thai-Malaysian border, two in the Nong Khai district on the Thai-Laotian border (Figure 1). Seizures at the Mekong coast are also likely to represent an overland route from Lao PDR and potentially from Myanmar or Cambodia. Seizures also took place at Mae Sod which borders the Myawaddy district in Myanmar and at Rong Klue on the Thai-Cambodian border. As Thailand borders four countries, with multiple border crossing points both legal and illegal, smuggling via overland routes are harder to police and could include larger quantities of cargo if transported by trucks. Dealers have revealed previously that Appendix I species, for which export permits are not issued, are smuggled through overland routes from Thailand to Malaysia through border towns Sadao and Betong (Todd, 2011). Authorities should therefore pay particular attention to these known checkpoints (Figure 4) and work with authorities in neighbouring countries to counter cross-border smuggling.

Figure 4
Map showing trade routes of seized tortoises and freshwater turtle shipments from January 2008 to December 2014. The thickness of the lines denotes the usage frequency of the route.

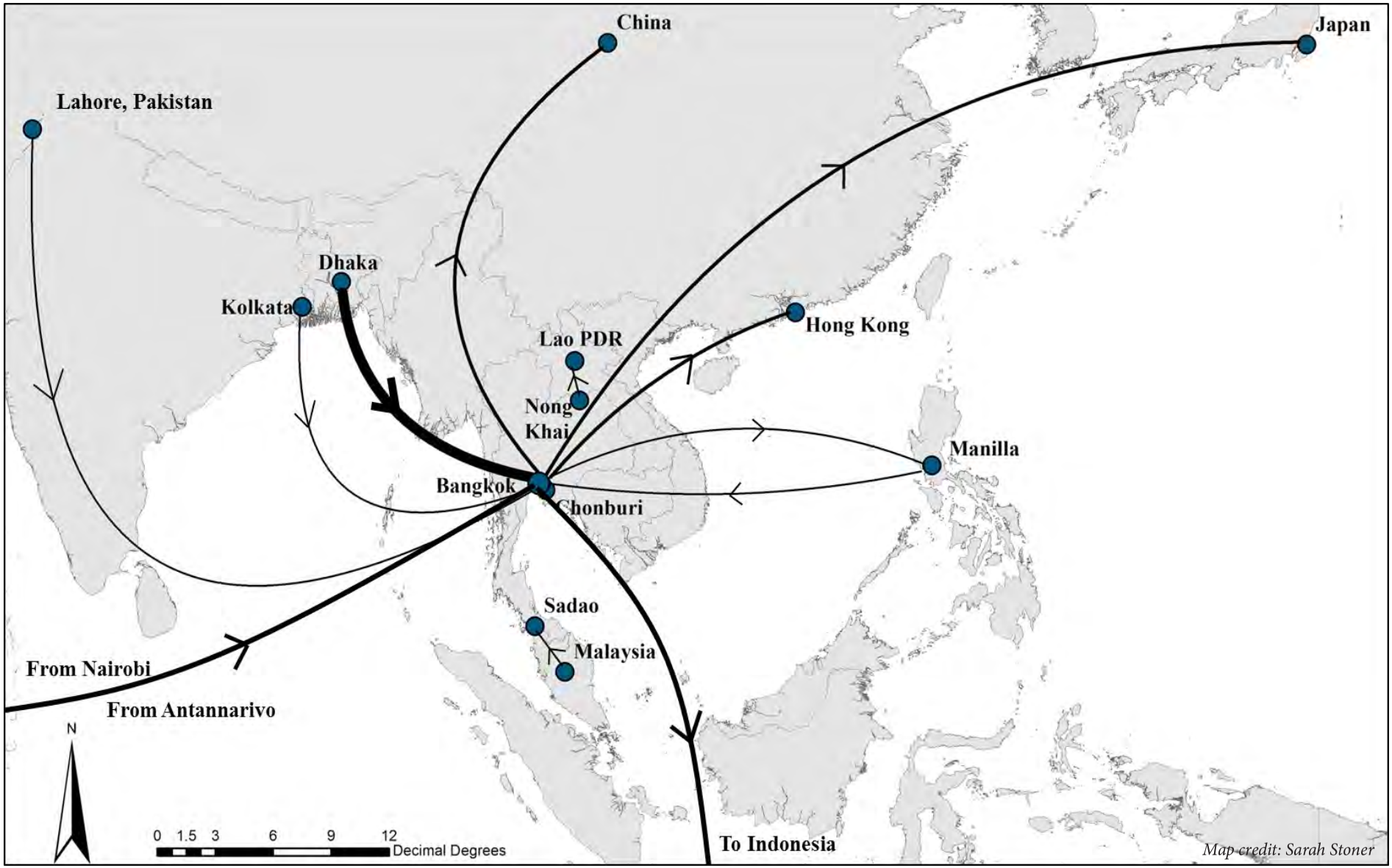
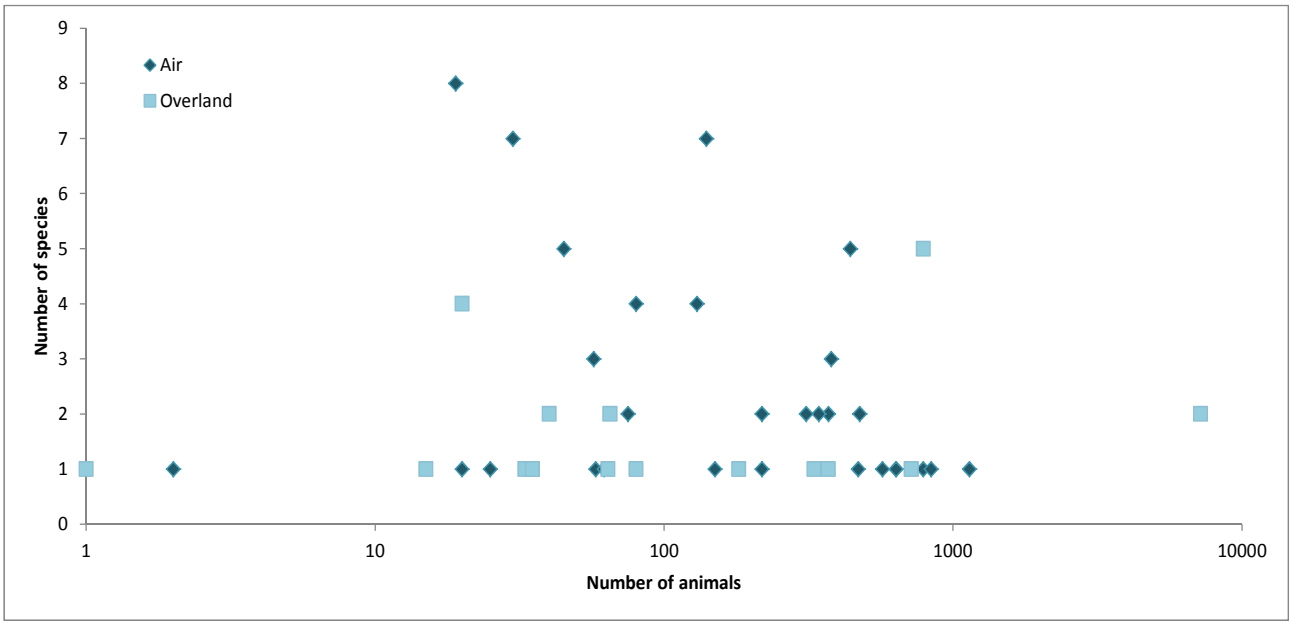


Table 5
List of species transported by air and overland. This list also serves to highlight species that enforcement personnel should look out for at Suvarnabhumi International Airport and overland border checkpoints.

Species transported by air	
Aldabra Giant Tortoise	*Aldabrachelys gigantea*
African Spurred Tortoise	*Centrochelys sulcata*
Radiated Tortoise	*Astrochelys radiata*
Ploughshare Tortoise	*Astrochelys yniphora*
Pig-nosed Turtle	*Carettochelys insculpta*
Common Snake-necked Turtle	*Chelodina longicollis*
Red-footed Tortoise	*Chelonoidis carbonaria*
Matamata Turtle	*Chelus fimbriata*
Striped Narrow-headed Softshell Turtle	*Chitra chitra*
Southeast Asian Box Turtle	*Cuora amboinensis*
Keeled Box Turtle	*Cuora mouhotii*
Indian Star Tortoise	*Geochelone elegans*
Burmese Star Tortoise	*Geochelone platynota*
Black Pond Turtle	*Geoclemys hamiltonii*
Black-breasted Leaf Turtle	*Geomyda spegleri*
Crowned River Turtle	*Hardella thurjii*
Yellow-headed Temple Turtle	*Heosemys annandalii*
Giant Asian Pond Turtle	*Heosemys grandis*
Spiny Turtle	*Heosemys spinosa*
Elongated Tortoise	*Indotestudo elongata*
Malayan Snail-eating Turtle	*Malayemys macrocephala*
Asian Giant Tortoise	*Manouria emys*
Three-keeled Land Tortoise	*Melanochelys tricarinata*
Indian Eyed Turtle	*Morenia petersi*
Big-headed Turtle	*Platysternon megacephalum*
Leopard Tortoise	*Stigmochelys pardalis*
Hermann's Tortoise	*Testudo hermanni*
Marginated Tortoise	*Testudo marginata*
Red-eared Slider	*Trachemys scripta*
Species transported overland	
Southeast Asian Softshell Turtle	*Amyda cartilaginea*
Southeast Asian Box Turtle	*Cuora amboinensis*
Yellow-headed Temple Turtle	*Heosemys annandalii*
Elongated Tortoise	*Indotestudo elongata*
Malayan Snail-eating Turtle	*Malayemys macrocephala*
Asian Giant Tortoise	*Manouria emys*
Indian Black Tortoise	*Melanochelys trijuga*
Chinese Softshell Turtle	*Pelodiscus sinensis*
Big-headed Turtle	*Platysternon megacephalum*

Figure 5
Number of animals and number of species in each shipment, for the 29 seized shipments transported by air and the 16 overland seizures[a]. Unidentified species were counted as one species. Seized overland shipments contained fewer species. Note that the x-axis is on a logarithmic scale.



[a] Excluding a seizure where the number of animals seized was unreported

Two seizures took place at markets in the border towns of Rattanawapi (Nong Khai) and Mae Sod (Figure 1). Border towns are smuggling hotspots, with buyers and sellers from both countries converging to trade; surveys at Mong La on the Sino-Myanmar border and Tachilek on the Thai-Myanmar border have shown widespread and open selling of illegal wildlife at markets (Shepherd and Nijman, 2007; Shepherd and Nijman, 2014; Shepherd and Nijman, in press). Authorities should therefore carry out regular checks to crack down on illicit trade at such markets in border towns.

Seven of the nine species seized along overland routes were native to Thailand and the wider continental South-East Asia region (Table 5). One of the seizures indicates movement from Malaysia to Thailand, while another shows export from Thailand to Lao PDR (Figure 4); however there is insufficient information on other routes to conclude whether the prevailing trend is of animals being collected in Thailand and smuggled to neighbouring countries or vice versa. Overland shipments tend to contain fewer species in each shipment than shipments on passenger airlines (Figure 5).

Photo credit: P. Tansom/TRAFFIC

Black Spotted Turtles found taped up and packed in four cardboard-lined suitcases in a seizure at Suvarnabhumi International Airport. The suspect was on a flight from Lahore, Pakistan.

The 24 seizures for which trade routes were not recorded or reported present a significant information gap. Of these, nine cases were seizures at Suvarnabhumi International Airport, where the passenger manifest under which shipments were registered should be traceable by airport authorities, which would provide valuable trade route information. This gap in information hampers robust analysis of trade dynamics and enforcement action to disrupt criminal networks. It is therefore recommended that trade route information is routinely recorded.

Investigation into the original source of the animals would also maximize the value of seizure information for enforcement actions. As immigration departments record international entries and exits, Thai airport authorities are recommended to establish a working system with immigration and Customs authorities of countries of origin to investigate trade networks and the movement of suspects.

Legal action

At least 35 (66%) of the 53 seizures resulted in the arrest of 40 suspects. However, only six successful prosecutions were recorded or reported. The investigations of 17 suspects in 14 cases are listed to be ongoing, including six seizures which occurred from 2008-2010. Information on arrests, prosecution and penalties were unavailable in many cases, with information on arrests missing for 12 cases, and for prosecutions 25 cases.

Fifteen of the 31 named suspects were Thai nationals (Figure 6). Of these, only four had been convicted at the time of writing this report. Apart from three Malagasy and one Russian suspect, all were Asian nationals. The highest fine given was THB 2 170 000 (USD 67 270) and the longest jail term was two years (Table 6). In cases where prosecutions were successful, the penalties were comparable to the maximum penalty under the WARPA or Customs Acts (WARPA B.E.2535 imprisonment not exceeding four years or fined not exceeding THB 40 000 (USD 1240)). However, the penalties compared poorly to the value of the shipments (Table 5), indicating inadequacy of the existing legislation (DLA Piper, 2014).

Figure 6
Nationalities of the 31 named arrested and convicted suspects from January 2008 to December 2013, including a Pakistani man who was arrested twice within this period.

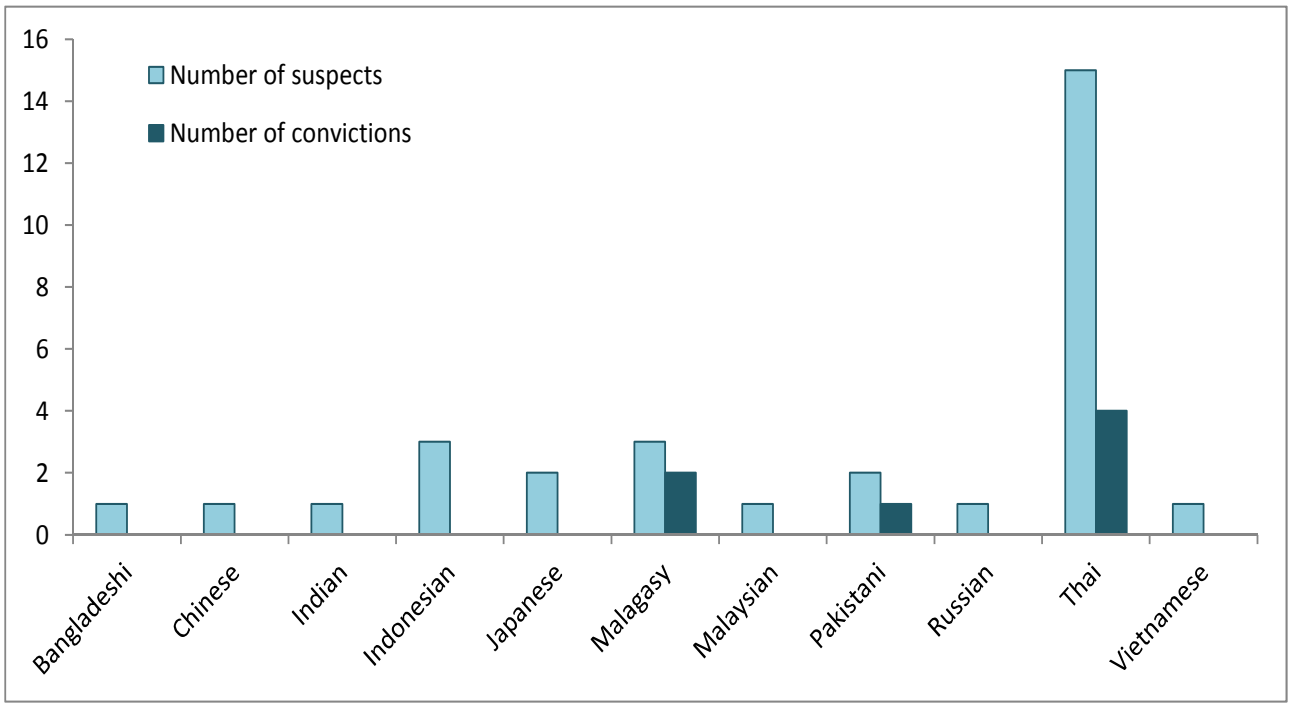


Table 6
Penalties issued to offenders compared to the composition of shipments

Date	Composition of shipment	Penalty
Jul-08	788 Indian Star Tortoises	Unknown
Oct-10	1 Ploughshare Tortoise and 217 Radiated Tortoises	THB 2 007 000 fine
Aug-11	370 Southeast Asian Box Turtles	THB 20 000 fine, 6 months jail
Sep-11	330 Southeast Asian Box Turtles	THB 20 000 fine, 6 months jail
Oct-11	80 unidentified tortoises or turtles	1 year jail
Mar-12	54 Ploughshare Tortoises and 21 Radiated Tortoises	Two years' imprisonment in lieu of a THB 2 850 000 (USD 88 723) fine

Table 7
The two repeat offenders apprehended in Thailand and details of each offence.

Offender	1st offence				2nd offence			
	Date	Shipment	Trade route	Prosecution	Date	Shipment	Trade route	Prosecution
Pakistani man	Jul-08	788 Indian Star Tortoises	Bangladesh - Thailand	Prosecuted, out on bail	Sep-10	1140 Indian Star Tortoises	Bangladesh - Thailand	Ongoing
Thai man	Currently unknown				Mar-12	54 Ploughshare Tortoises and 21 Radiated Tortoises	Madagascar - Nairobi - Thailand	Ongoing

Interestingly, there were at least two repeat offenders (Table 7). While repeat offending is prevalent in all areas of crime and not necessarily indicative of organized crime, the shipments that these two were involved in were among the most significant, with large shipments of rare species (Table 6). Organized criminal networks move tortoises and freshwater turtles from South Asia and East Africa into Thailand (Chng, 2014). It is therefore recommended that reports and suspect information of all people detained for wildlife crimes be systematically maintained in a database. Such information is valuable for identifying offender profiles and in identifying criminal organizations.

As only the Royal Thai Police and Royal Thai Customs have the mandate to arrest suspects (Figure 8), DNP and DoF are required to work with them to carry out arrests. Customs will process the arrest and the decision on whether to issue bail will be made. Traders or a surrogate are likely to intercede at this point to bail the suspect out; if a suspect is released at this point it becomes difficult to trace the outcome of the case. Greater transparency is required on the circumstances under which bail is granted.

The police are responsible for presenting prosecution cases in accordance with the Criminal Procedure Code (Figure 8), which can take months or even years to complete. Difficulties in prosecution may stem from a lack of evidence against the suspect; investigations and clear reporting are crucial for this (DLA Piper, 2014).

As discussed above, the number and magnitude of successful seizures indicate enforcement efforts are being undertaken, at Suvarnabhumi International Airport in particular. There is however a concerning lack of information about follow-up investigations and prosecution by the authorities. The low numbers of prosecutions and successful convictions must be addressed. It is unclear whether this is due to poor post-seizure communication and reporting between agencies, or if follow-up actions were not carried out.

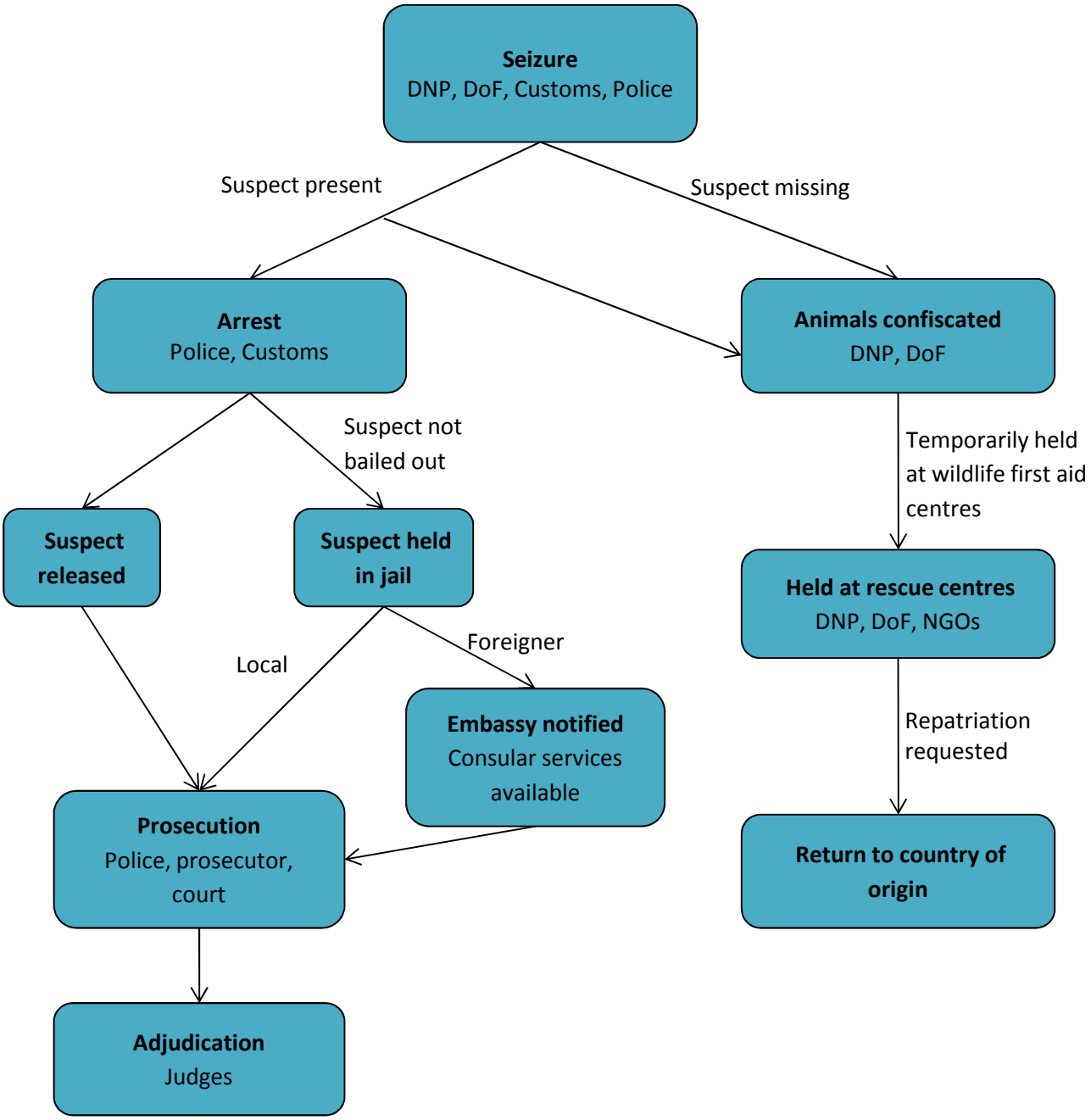
Enforcement efforts are fragmented, with meaningful attempts to derive information from suspects and illegal shipments currently lacking. For instance, there were three cases involving abandoned bags where the passenger under whom the bag was registered was known by name, but no follow-up investigation or arrests were recorded, based on information received from the Thai authorities. In one case in 2013, however, follow-up investigation of an abandoned bag resulted in the arrest of the person under whom the bag was registered – this should become standard procedure. These are valuable opportunities to learn more about other suspects, co-conspirators, trade routes and modus operandi. Such shortfalls can be attributed to a lack of good investigative practices, inadequate leadership and overly bureaucratic systems in place within the agencies.

The importance of follow-up investigations after arresting smugglers cannot be overstated. As Thailand is a significant hub along the illegal wildlife trade chain, investigation of suspects could potentially uncover organized criminal enterprises engaged in illegal wildlife trafficking and smuggling within South-East Asia and beyond. Beyond immediate arrests, intelligence methods are required to trace and break down these networks. For instance, investigations into suspects' mobile phones and belongings should also become routine in order to build intelligence about organized crime groups. Understanding the dynamics of organized crime groups will allow for the implementation of preventative, intelligence and enforcement tactics necessary for disrupting these networks. As such networks are often operating internationally, cross-

border communication and cooperation between police authorities in other countries and INTERPOL is an essential element. INTERPOL's I-24/7, a secure communication network and system of international Notices and Diffusions, is a key function that allows police in member countries to share critical information and can be one such tool for improved cross-border co-ordination (Stoner and Pervushina, 2013).

The inadequacy of up-to-date and detailed reporting is another obstacle to effective evaluation. In this instance, proper record-keeping will facilitate court processes, enable the enforcement authorities to plan their strategies based on past experience and evidence, and inform external parties and organizations such as CITES and government agencies from other countries about seizure successes and trends within Thailand. Without more clarity in the form of reliable documentation from the law enforcement community and the legal system, accurate assessment of areas of successes and weaknesses will remain elusive. Furthermore, publicity about convictions could have a deterrent effect and raise awareness about the issues.

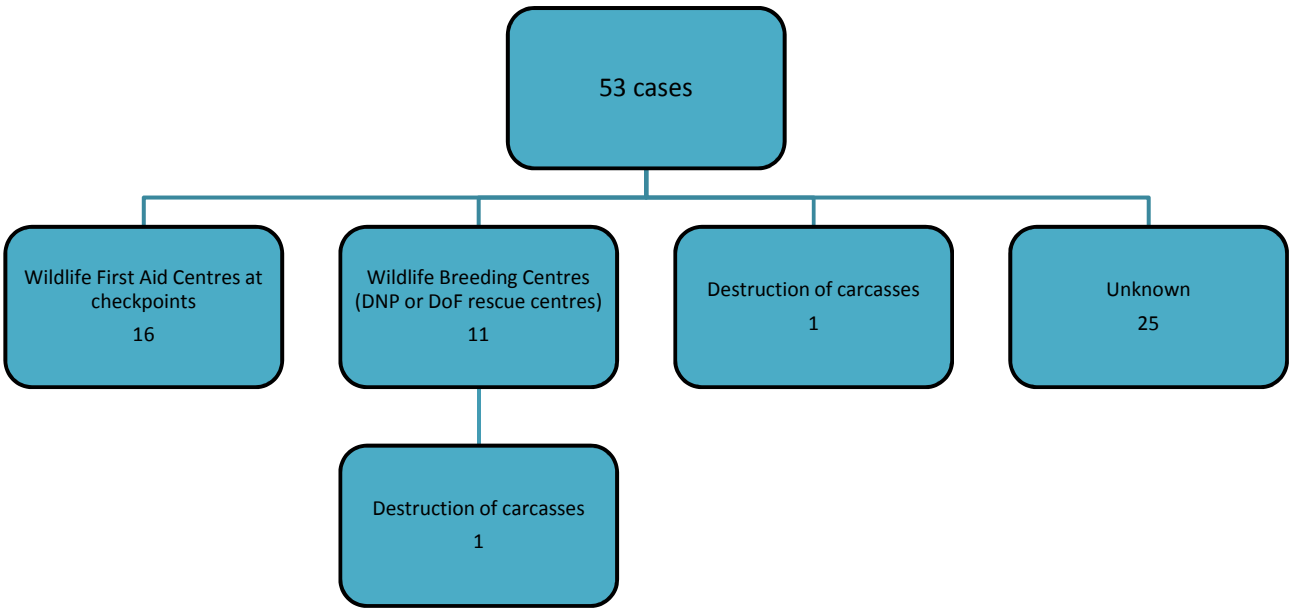
Figure 7
Flowchart of seizures of tortoises and freshwater turtles by authorities in Thailand



Confiscated animals

The animals confiscated from seizures are State property under the responsibility of DNP and DoF, and their outcomes are detailed in Figure 8. There is concern that due to limited capacity and resources, care facilities are inadequate, especially for non-native species, resulting in high mortality rates. In 2013, Turtle Conservancy and Durrell Wildlife Conservation Trust worked with DNP and Chulalongkorn University to provide veterinary and husbandry assistance for confiscated Ploughshare and Radiated Tortoises and subsequently plan to form a working group to construct and staff a permanent facility to manage confiscated wildlife not native to Thailand (Turtle Conservancy, 2013).

Figure 8
The outcome of confiscated animals from seizures between 2008 and 2012



Under current protocols, confiscated animals could be held for up to five years at DNP or DoF wildlife centres during legal proceedings before repatriation to their country of origin after five years, with all costs after the arrest to be covered by the country of origin (Figure 7; Turtle Conservancy, 2013). This is consistent with the CITES Resolution Article VIII Paragraph 4, which states that the confiscation of living specimens remains under the care of a Management Authority, in this case DNP or DoF, and repatriation is at the expense of the State of export. As a result, few countries request the repatriation of confiscated animals and DNP and DoF are obliged to continue caring for the animals at substantial cost. Animals are not allowed to be sold, however the destruction of animals is possible after permission is granted by the Director General in DNP. As a result, most animals end up staying in rescue centres until they die or are destroyed. This could have serious implications on wild populations of Critically Endangered species, such as the Ploughshare Tortoise, as this effectively means that animals confiscated in Thailand are unlikely to return to in situ or ex situ breeding populations.

Another concern is that confiscated animals, especially rare species with high market values such as Ploughshare Tortoises, could be stolen from holding facilities and re-enter the market if clear records are not kept of their outcome following confiscation. The Turtle Conservancy recommends taking regular identification photos as chronological proof of an animal's presence and status when it is acquired, while held and when it leaves the holding facility or dies (Turtle Conservancy, 2013). It is also recommended that this accounting system is transparent.

CONCLUSION

Globally, wildlife crime is increasingly recognized to be a significant issue and Thailand has been identified as one of the key epicentres. The volume of seized tortoises and freshwater turtles included in this report represents only a fraction of the trade through Thailand. Suvarnabhumi International Airport emerges as a clear hotspot, but the seizure locations and routes show that overland routes are also important and cannot be neglected. Thai authorities are urged to treat illegal wildlife trade just as they would any crime that compromises the security of Thailand.

With the vast majority of the known cases initiated as the result of Customs seizures, it is unsurprising that most of the seizures resulted in arrests. What remains unsatisfactory is the level of follow-up investigation based on information obtained as the result of the arrest of couriers. There is an urgent need for intelligence-led follow-up investigations into suspects who could hold important information about the criminal networks behind the illicit wildlife trade.

The vigilance of checkpoint officials and increased multi-agency cooperation by Thai authorities is a starting point for the continued fight against wildlife crime. Meaningful communication and coordination need to improve and lead to effective enforcement. In addition, more can be done with regards to follow-up prosecution and reporting.

Despite assessed to have Category 1 legislation by CITES, there are clear inadequacies of WARPA that hinder comprehensive implementation of CITES (DLA Piper, 2014). Loopholes in the legislation thus require reinforcement, especially with regards to non-native species.

While this report focuses on Thailand, regional and international dynamics have a crucial bearing on wildlife trade in Thailand. Due to the international nature of the illicit trade, coordination and cooperation needs to happen beyond a national level.

Photo credit: P. Tansom/TRAFFIC

This Indian Star Tortoise was one of more than 450 tortoises and turtles and seven crocodiles found live inside four suitcases in Suvarnabhumi International Airport in June 2011, on a flight from Dhaka, Bangladesh.

RECOMMENDATIONS

Legislation: A review and amendment of the Wild Animal Reservation and Protection Act B.E. 2535 (1992) is strongly recommended to address current loopholes that prevent authorities from taking action against the illegal trade of non-native species of tortoises and freshwater turtles. The text of Section 23 should be amended to include "possession" in the provision for CITES listed species and to place the burden of proof on the buyer instead of the enforcement authorities.

The CITES Secretariat might consider reassessing Thailand's legislation under the National CITES Legislation Project and encourage Thailand to make the requested changes as soon as possible, as it is evident that Thailand's current national legislation is unable to enforce CITES effectively.

Targeted surveillance: Targeted surveillance and increased vigilance is needed at trading and wildlife smuggling hotspots. Improved security checks at the baggage handling and cargo sections of Suvarnabhumi and Don Mueang International Airports could pick up more illicit shipments. As Suvarnabhumi International Airport is a bottleneck in the trade chain where significant seizures can be made, DNP and Customs can engage the Airports of Thailand Public Company Limited and its staff at the airport to have more eyes on the ground to intercept any suspicious shipments. More thorough inspections at border checkpoints on roads such as Sadao and Mae Sod and along the Mekong River at Nong Khai are also recommended.

Prosecution: Offenders should be prosecuted appropriately according to the legislation in place, and penalties need to be commensurate to the crime. This may serve as a deterrent. At present convictions are too low compared to the value of shipments. The Thai prosecutors, court and lawmakers are urged to streamline the prosecution process to decrease the processing time.

Investigation: Since it is clear that smuggling and trafficking of wildlife is a low risk, high reward criminal activity, more efficient and thorough investigations are called for. It is recommended that successful arrests and seizures should be viewed as opportunities to gain information and evidence to be shared among the law enforcement community in an effort to assist their colleagues in combating organized crime with organized enforcement.

The Thai police and other enforcement agencies need to be increasingly involved in investigative work into criminal networks behind the smugglers.

Capacity building: Training of enforcement personnel and staff at smuggling hotspots will be useful to increase vigilance, and raise levels of awareness. The focus should be on increased use of informant networks, intelligence-led investigations and profiling of flights and people.

In addition, identification guides such as the Species Identification Sheets (available in Thai at http://www.asean-wen.org/index.php/factsheets/category/4-species-id) and the Identification Guide to the Tortoises and Freshwater Turtles by TRAFFIC and the Singapore Zoo are useful tools to identifying common species that are illegal to trade.

Photo credit: P. Tansom/TRAFFIC

A significant Ploughshare Tortoise seizure in March 2013 at Suvarnabhumi International Airport. Photographic records such as these show the smuggling method as well as the species and approximate number of tortoises seized.

Inter-agency coordination: Cooperation and coordination between enforcement agencies through Thai-WEN should be revived and improved, with mandated periodical reporting to ASEAN-WEN. Additional leverage from ASEAN-WEN, INTERPOL and CITES could provide additional intelligence and enforcement support, especially as Thailand hosts the PCU for ASEAN-WEN. The formation of multi-agency task forces to tackle corruption or existing systems to address other crimes can also be extended to wildlife crime as well. For instance, greater coordination between the NRECD and other divisions in the Royal Thai Police could improve the effectiveness of investigating crimes, apprehending suspects to enable successful prosecutions.

Thai-WEN might consider involving more agencies and organizations beyond DNP, Police and Customs. With seizures being made at Marine Checkpoints, DoF would be an obvious key agency to invite to Thai-WEN.

Regional and international platforms: Additional leverage from ASEAN-WEN, INTERPOL and CITES should be utilized to initiate and facilitate cross-border efforts to identify and disrupt criminal networks, especially as Thailand hosts the PCU for ASEAN-WEN.

Formal Memoranda of Understanding (MoUs) to tackle trade in tortoises and freshwater turtles are strongly encouraged between Thailand and governments of states identified to be key source countries/territories or end destinations – in particular Bangladesh, China, India, Hong Kong, Madagascar – to improve cross-border enforcement.

Reporting: Filling information gaps in records is an area that can be achieved without major investments, yet it can yield big results in improving enforcement outcomes. Biennial reporting of enforcement measures to the CITES Secretariat is a requirement under the Convention. Beyond that, systematic and timely record-keeping should include at least the following details:

- o Unique reference number – allows straightforward cross-referencing between different records and agencies.
- o Photographic documentation –records the species and volume, method of concealment, provides date and time stamp.
- o Record of flight number – includes details on the trade route, airlines, departure and arrival timings.
- o Seizure location – enables the plotting of hotspots within the country where enforcement efforts can be concentrated. GPS coordinates will enable greater accuracy. Recording the method of detection enables enforcement staff to evaluate and employ the most effective methods.
- o Details of suspect – important for intelligence gathering purposes.
- o Follow-up reporting of outcomes – any prosecutions, documentation of confiscated animals.

Strategic monitoring: Strategic monitoring by Thai enforcement agencies and NGOs of the Chatuchak market in Thailand should be carried out regularly to gauge the scale of the trade and identify emerging trends such as species composition and countries of origin. This information should be communicated in a timely manner to the relevant enforcement personnel to carry out enforcement actions targeted at breaking down organized crime networks.

Photo credit: P. Tansom/TRAFFIC

Officials with the alleged smugglers, animals and suitcases at a press conference after a significant seizure of Ploughshare and Radiated Tortoises at Suvarnabhumi International Airport in March 2013.

Confiscated animals: The care and repatriation of confiscated animals should be streamlined not just to increase the probability of confiscated animals being rehabilitated and returned to wild populations, but also to reduce costs to DNP and DoF.

Raising awareness: DNP and local NGOs can work with airlines such as Thai Airways and Airports of Thailand Public Company Limited to introduce targeted messaging on airlines and at airports to remind passengers that illegal wildlife trade is a punishable crime, and encourage members of the public to report any suspicious activity.

Greater media coverage of seizures is recommended to raise public awareness of the issue as well as deter potential smugglers and improve the morale of enforcement staff.

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APPENDICES

Appendix I: List of tortoises and freshwater turtles as listed on the protected species list of WARPA

1.	Southeast Asian Softshell Turtle	*Amyda cartilaginea*
2.	Malayan Softshell Turtle	*Dogania subplana*
3.	Burmese Peacock Softshell Turtle	*Nilssonia formosa*
4.	Striped Narrow-headed Softshell Turtle	*Chitra chitra*
5.	Cantor's Giant Softshell Turtle	*Pelochelys bibroni*
6.	Asian Giant Softshell Turtle	*Pelochelys cantorii*
7.	River Terrapin	*Batagur baska*
8.	Spiny Turtle	*Heosemys spinosa*
9.	Black Marsh Turtle	*Siebenrockiella crassicollis*
10.	Impressed Tortoise	*Manouria impressa*
11.	Malayan Flat-shelled Turtle	*Notochelys platynota*
12.	Indochinese Snail-eating Turtle	*Malayemys subtrijuga*
13.	Yellow-headed Temple Turtle	*Hieremys* (sic) *annandalii*
14.	Asian Leaf Turtle	*Cyclemys dentata*
15.	Indian Black Turtle	*Melanochelys trijuga*
16.	Big-headed Turtle	*Platysternon megacephalum*
17.	Painted Terrapin	*Callagur borneoensis*
18.	Asian Giant Tortoise	*Manouria emys*
19.	Asian Leaf Turtle	*Cyclemys tcheponensis*
20.	Giant Asian Pond Turtle	*Heosemys grandis*
21.	Southeast Asian Box Turtle	*Cuora amboinensis*
22.	Elongated Tortoise	*Indotestudo elongata*

Appendix II: Press release from Royal Thai Customs for a 31 January 2014 seizure at Don Mueang International Airport

www.customs.go.th

Customs News

ข่าวกรมศุลกากร

ฉบับที่ 31/2557

31 มกราคม 2557

<u>กรมศุลกากรจับกุมเต่าลักลอบนำเข้า จำนวน ๕๒๑ ตัว มูลค่าประมาณ ๒.๕ ล้านบาท</u>

วันนี้ (วันศุกร์ที่ ๓๑ มกราคม พ.ศ. 2557) เวลา ๑๑.๐๐ น. นายไพศาล ชื่นจิตร รองอธิบดีกรมศุลกากร แถลงข่าวกรมศุลกากรจับกุมเต่าลักลอบนำเข้า จำนวน ๕๒๑ ตัว มูลค่าประมาณ ๒.๕ ล้านบาท ณ ท่าอากาศยานสุวรรณภูมิ

ตามที่ นายราฆพ ศรีศุภอรรถ อธิบดีกรมศุลกากร มีนโยบายด้านการควบคุมทางศุลกากร และปกป้องสังคมอย่างเคร่งครัด จึงให้เจ้าหน้าที่ศุลกากรสำนักงานศุลกากรกรุงเทพ ประจำท่าอากาศยานดอนเมือง เข้มงวดเป็นพิเศษในการสกัดกั้นการลักลอบหนีศุลกากรและอนุสัญญาว่าด้วยการค้าระหว่างประเทศซึ่งชนิดสัตว์ป่าและพืชที่ใกล้สูญพันธุ์ (CITES) ที่เดินทางเข้ามาในราชอาณาจักรทางท่าอากาศยาน ดอนเมือง ซึ่งมีแนวโน้มการลักลอบสูงขึ้น ดังนั้น เพื่อให้บรรลุวัตถุประสงค์ตามนโยบายของกรมศุลกากร นางระวิ ประทีปดลปรีชา รองอธิบดีฯ นายสุวัฒน์ ด้วงปั้น ผู้อำนวยการสำนักงานศุลกากรกรุงเทพ ได้สั่งการให้นายประสงค์ เพริดพริ้ง ผู้อำนวยการศูนย์บริการศุลกากรท่าอากาศยานดอนเมือง และนายธงชัย นิลรักษ์ หัวหน้าฝ่ายควบคุมทางศุลกากร และ นางอนงค์ลักษณ์ รัชตวาสน์ เข้มงวดกวดขันในการตรวจผู้โดยสารและสัมภาระที่นำติดตัวเข้ามาและออกไปนอกราชอาณาจักร

จนเมื่อวันที่ 31 มกราคม 2557 เวลาประมาณ 05.00 น. เจ้าหน้าที่ศุลกากรฝ่ายควบคุมทางศุลกากร ศบด. สกท. โดยการนำของ นายสงขลา โซะเหม

นักวิชาการศุลกากร ชำนาญการ หัวหน้าชุด พร้อมกับพวก ได้ร่วมกับเจ้าหน้าที่ฝ่ายบริการผู้โดยสารที่ 3 พร้อมด้วยเจ้าหน้าที่ด่านตรวจสัตว์ป่า ท่าอากาศยานดอนเมือง ได้ทำการอายัดกระเป๋าสัมภาระต้องสงสัย จำนวน 5 ใบ เครื่องหมายข้างกระเป๋า (Bag Tag) เลขที่ DMK057645, DMK056315, DMK056322, DMK056120, DMK056313 ซึ่งไม่มีผู้แสดงตนเป็นเจ้าของ โดยมากับสายการบินแอร์เอเซีย เที่ยวบินที่ FD 2654 ซึ่งบินมาจากเมือง Chennai ประเทศสาธารณรัฐอินเดีย

ผลการตรวจค้นพบสัตว์มีชีวิต(เต่า)จำนวน ๕๒๑ ตัว เป็นสัตว์ที่มีรายชื่อห้ามซื้อขาย ในอนุสัญญาว่าด้วยการค้าระหว่างประเทศ ซึ่งเป็นสัตว์ป่าและพืชใกล้สูญพันธุ์ (CITES) ซุกซ่อนอยู่ในกระเป๋าเดินทางชนิดมีล้อลาก จำนวน 5 ใบ. อันเป็นความผิดตามมาตรา 27 แห่งพ.ร.บ. ศุลกากร พ.ศ. 2469 ประกอบมาตรา 16, 17 แห่ง พ.ร.บ. ศุลกากร (ฉบับ9) พ.ศ. 2482 และ พ.ร.บ. สงวนและคุ้มครองสัตว์ป่า พ.ศ. 2535 จึงยึดเต่าทั้งหมดไว้เป็นของกลางเพื่อส่งมอบให้ด่านตรวจสัตว์ป่า ท่าอากาศยานดอนเมือง เพื่อดำเนินการต่อไป

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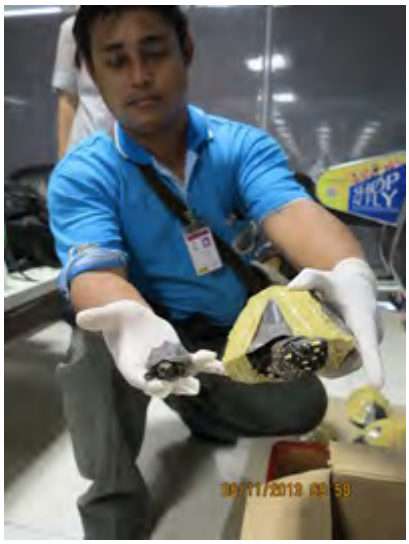
ฝ่ายประชาสัมพันธ์ กรมศุลกากร ถ.สุนทรโกษา คลองเตย 10110 โทร.0-2667-7335/โทรสาร.0-2667-7332

Appendix III: Sample press releases from TRAFFIC for seizures of freshwater turtles and tortoises at Suvarnabhumi International Airport in 2013

http://www.traffic.org/home/2013/11/12/royal-thai-customs-intercept-three-attempts-to-smuggle-torto.html

Royal Thai Customs intercept three attempts to smuggle tortoise and freshwater turtle in less than a week



Bangkok, Thailand, (8 November, 2013) – Thailand continues to be a major hub for the illegal trade in tortoises and freshwater turtles – but Royal Thai Customs are taking action. This week alone, three smuggling attempts have been thwarted, all arriving at the Suvarnabhumi International Airport.

At 7:00am this morning, Thai Royal Customs arrested a Pakistani national on a flight from Lahore, with four suitcases containing 470 Black Pond Turtles *Geoclemys hamiltonii*, a species completely protected in its native Bangladesh, India, Pakistan and Nepal. The turtles, varied in size from 6cm to 25cm long, are increasingly at risk from the pet trade in Southeast and East Asia. They are becoming increasingly rare in the wild.

The species is listed in Appendix I of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), which therefore makes any international commercial trade illegal.

In an earlier seizure on Monday (November 3rd), Royal Thai Customs officials at the same airport recovered 72 Black Pond Turtles and eight other turtles, including six Crowned River Turtles *Hardella thurjii*, one Three-keeled Land Tortoise *Melanochelys tricarinata* and one Indian Eyed Turtle *Morenia petersi*, from two bags that were emitting a rotting smell. The bags had also arrived on a flight from Bangladesh.

Just two days later, Royal Thai Customs officials discovered another load of tortoises and freshwater turtles, in two uncollected suitcases at the Suvarnabhumi International Airport, including the heavily trafficked Indian Star Tortoise *Geochelone elegans*.

The two bags on a flight from Dhaka, Bangladesh to Bangkok, aroused the suspicion of officers because they were far heavier than normal. Officials waited several hours for the bags to be collected before deciding to confiscate and scan them. X-rays and subsequent checks revealed 423 Indian Star Tortoises and 52 Black Pond Turtles. The animals have been placed in the care of the Department of National Parks, Wildlife and Plant Conservation.

The Bangkok airport is no stranger to smugglers carrying tortoises and turtles in their luggage from South Asia. More than 2,700 Indian Star Tortoises have been seized since June 2010; the most recent, prior to this week's seizures, took place a day after the closure of the CITES 16th Conference of the Parties, held in Bangkok in March this year, when Customs officials found 300 Indian Star Tortoises and 10 Black Pond Turtles in an unclaimed bag at the airport.

In the last four years alone, Thai authorities have seized more than 5,000 tortoises and freshwater turtles, around half of which were Indian Star Tortoises. Authorities in India have also intercepted numerous smuggling attempts of Indian Star Tortoises to Thailand, further illustrating the importance of significant Thailand's role in the trade.

The Indian Star Tortoise is heavily traded as an exotic pet despite being legally protected in range countries—India, Sri Lanka and Pakistan. All three countries have banned commercial export of the species under national legislation, making shipments from these countries illegal anywhere in the world.

All the animals seized in these three events have been placed in the care of the Department of National Parks, Wildlife and Plant Conservation.

"The Royal Thai Customs are to be congratulated for intercepting these shipments of tortoises and freshwater turtles." said Dr Chris R. Shepherd, Regional Director of TRAFFIC Southeast Asia.

"Given the volumes involved, the frequency of these illegal shipments, and the open availability of such species in Bangkok's markets, it is clear that Thailand remains a globally significant trade hub for these animals. While intercepting shipments and arresting couriers is a must, TRAFFIC strongly encourages the authorities in Thailand to investigate further and to go after the kingpins behind the trade. Putting these key players behind bars is essential to shutting down the illegal trade in Thailand."

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http://www.traffic.org/home/2013/3/19/largest-seizure-of-critically-endangered-ploughshare-tortois.html

Largest seizure of Critically Endangered Ploughshare Tortoises made in Thailand

P.Tansom/TRAFFIC

Bangkok, Thailand, 19 March 2013 – Just a day after the close a global wildlife trade conference here, authorities at Suvarnabhumi International Airport made two big seizures, discovering hundreds of threatened tortoises and apprehending two smugglers. Among the tortoises seized were some of the rarest in the world.

On Friday, authorities arrested a 38-year-old Thai man as he was attempting to collect a bag containing tortoises from Madagascar, from a luggage carousel, at the airport. The bag was registered to a 25-year-old woman who had flown from Madagascar to Bangkok via Nairobi the same day.

Royal Thai Customs officers and their counterparts in the CITES management authority found 54 Ploughshare Tortoises *Astrochelys yniphora* and 21 Radiated Tortoises *Astrochelys radiata*, both of which are assessed as being Critically Endangered.

Ploughshare and Radiated Tortoises are endemic to Madagascar, totally protected in the country and are both listed in CITES Appendix I. The wild population of Ploughshare Tortoises, considered among the rarest species in the world, is estimated to be as few as 400 individuals, and is declining fast.

The Malagasy woman was also arrested, said Dr Theerapat Prayurasiddhi, Deputy Director of Thailand's Department of National Parks, Wildlife and Plant Conservation at a press conference on Friday.

Theerapat told press that the Thai man caught picking up the bag had been arrested earlier this year on another wildlife smuggling charge. He also expressed concern that the man had been able to access the baggage collection area despite not being a passenger and believed that he must have been aided by several other people who were part of this smuggling attempt. He said this aspect would be thoroughly investigated.

Both the Thai man and the Malagasy woman are expected to face charges under Thai law. Earlier the same day, CITES officers found 300 Indian Star Tortoises *Geochelone elegans* (CITES Appendix II) and 10 Black Pond Turtles *Geoclemys hamiltonii* (CITES Appendix I) when they inspected an unclaimed bag on a carousel in the airport at 8.40 a.m. The Indian Star Tortoise is heavily traded as an exotic pet despite being legally protected in range countries—India, Sri Lanka and Pakistan. All three have banned commercial export of the species under national legislation, making shipments from these countries illegal anywhere in the world.

Over the past few years, authorities in this airport have made dozens of seizures of Indian Star Tortoises; most of which were found in the luggage of passengers flying into the country. In the last three years alone (2010–2012), Thai authorities have seized more than 4300 tortoises and freshwater turtles, 50% of which were Indian Star Tortoises. Authorities in India have similarly intercepted numerous smuggling attempts of Indian Star Tortoises to Thailand.

P.Tansom/TRAFFIC
Indian Star Tortoises

At the recently concluded meeting of the Conference of the Parties of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), delegates from Thailand and Madagascar discussed plans to share intelligence and co-operate in other ways to curb the smuggling of wildlife from Madagascar to Thailand, Theerapat noted during the press conference.

He said the discussion included the plan for a Memorandum of Understanding between the two countries to enhance communication between counterparts, jointly raising the profile of the issue in government and within the broader public, carrying out joint investigations and working towards the repatriation of seized animals.

“TRAFFIC congratulates the Thai authorities for these very significant seizures” says Dr Chris R. Shepherd, Deputy Director of TRAFFIC in Southeast Asia. “The criminals behind this shipment of Ploughshare Tortoises have effectively stolen over 10% of the estimated population in the wild. They should not be allowed to get away with it. They should face the full force of the law.” “We urge authorities to go after the criminal masterminds behind these shipments and break the trade chains that threaten these incredibly rare animals”, he said.

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TRAFFIC, the wildlife trade monitoring network, is the leading non-governmental organization working globally on trade in wild animals and plants in the context of both biodiversity conservation and sustainable development.

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