



Environmental Investigation Agency

Evidence Gathering & Source Protection

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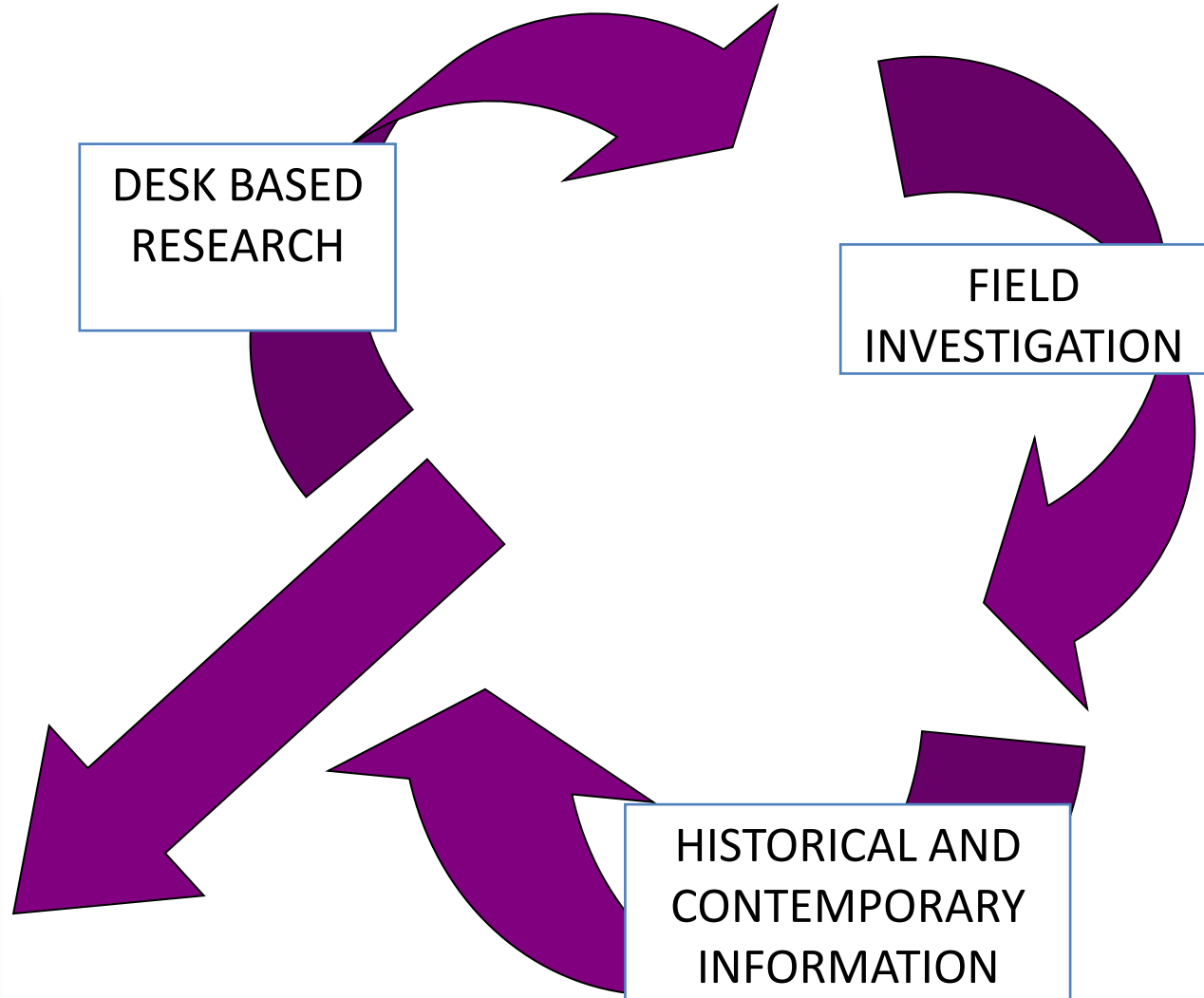
EIA collects, analyzes, documents and shares information

BRIEFINGS,
REPORTS
AND FILMS

DESK BASED
RESEARCH

FIELD
INVESTIGATION

HISTORICAL AND
CONTEMPORARY
INFORMATION



Intelligence on the illegal Asian big cat trade, People's Republic of China, 2012 (CONFIDENTIAL - not for public distribution)

In 2012, a team of professional investigators from the Environmental Investigation Agency (EIA) visited PRC China and conducted targeted covert investigations into the illegal trade in Asian big cat parts and derivatives. This trade spans similar activity dating back to 2004. Since 2004, confidential briefings detailing investigation findings have been distributed to a range of authorities in India, Nepal and China, including through the CITES Secretariat and INTERPOL.

The information contained in previous and current briefings is not intended for use as evidence or submitted into any judicial process. EIA's intention is to demonstrate the kinds of information which may be generated through targeted, covert operations, which is helpful to assist the relevant authorities in planning their own separate investigations.

EIA visited Lhasa in Tibet Autonomous Region, Linxia in Gansu Province and Xining in Qinghai Province. All these locations are known trading hubs and have been previously visited by EIA on a number of occasions.

EIA obtained audio-visual evidence supported by corroborating information which demonstrates that the illegal trade in Asian big cats is ongoing.

EIA engaged with traders encountered during previous investigations, and additionally with traders not previously encountered, who were identified through profiling methods.

Methods of intelligence gathering and investigation
Since 2007, the trade in Asian big cat parts and derivatives has become increasingly clandestine. Whilst illegal trade occurs, products are now rarely displayed openly.

About EIA

EIA is an independent, international Non Governmental Organisation (NGO) committed to investigating and campaigning against environmental destruction.

Since 1988 EIA has pioneered the use of undercover techniques to gain evidence of environmental crime and abuse. Current areas of work include wildlife trafficking, illegal logging, climate change and disposal of hazardous waste.

EIA has produced this confidential briefing to build upon previous briefings in previous years.

EIA's team is comprised of experienced investigators who use open questioning techniques to engage traders and elicit information. Covert audio and video equipment is used to evidence cases of illegality.

Investigators identified and prioritised premises through profiling, including through screening premises selling legal or restricted wildlife products and cautious queries with traders.

Additionally, investigators re-visited individuals and premises which had been identified as actively trading during previous investigations.

Investigators adopted a flexible approach to engagement, depending on local and historical circumstances and risk. In some instances, it was imperative for investigators to engage multiple traders, given that traders can operate in close proximity or could potentially be associates.

BLOOM Leopard skulls and tiger skins on sale in Western China, 2012 © EIA



Intelligence on the illegal tiger trade - briefings from 2012 11

“Why does protection matter?”



© cam111.com



© Khmer Times, 2014



THE PROBLEM IS GLOBAL BUT IS ESPECIALLY ACUTE
IN LATIN AMERICA AND ASIA-PACIFIC.

© Global Witness, 2014

Human Rights
Transparency
Governance



Principles, processes and precautionary measures

EIA process may include:

- Anomalization of sources
- Verification by triangulating information from sources
- Internal discussions
- Consideration of legislation

Assessment of challenges in the field includes personal risk but also logistics such as phone/internet coverage, is there a trusted network, to what extent is law enforcement present?



Indonesia: the strength of civil society

Civil Society are Independent Monitors of the Indonesian TLAS (SVLK)

- Independent monitoring is part of formal the Indo-EU VPA agreement
- CSOs and communities present reports to independent auditors which can trigger investigations
- VPA used as a lever to ensure the security of monitors – developing an MOU on security



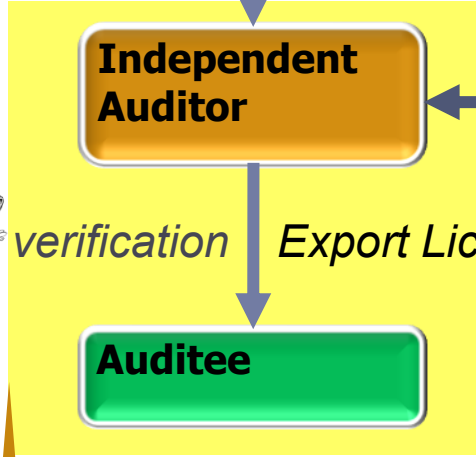
Government

Accreditation Body

Independent Monitoring



accreditation

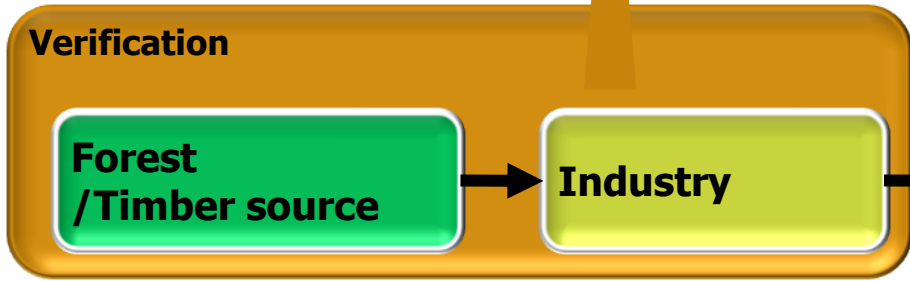


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(melalui pemantauan)*



verification

Export Licence





Challenges

- Related to Independent Monitoring
 - Access to information
 - Complaint handling is not satisfactory
 - Lack of response from the Ministry of Forestry regarding complaints
 - Other priority issues
 - diverse capacity of IM groups, still need enhancement
 - Resources (to sustaine IM)
 - Security



Indonesia: the strength of civil society

Sitorus - a tip-off and 15 year jail term

- Illegality documented by Civil Society given to Anti-Money Laundering Commission, which initiated independent investigation
- Sitorus was prosecuted under Forest Law rather than SVLK
- Originally only found guilty of fuel smuggling and illegal logging and given 2 year sentence
- Re-tried on money laundering. Decision was overturned twice and Supreme Court found Sitorus guilty of money laundering, resulting in a 15 year sentence



In Indo-EU VPA, civil society have provided, analyzed and validated information on timber illegality

So, when submitting Substantiated Concerns under the EUTR, can we replicate meaningful standards for source protection?

- non-disclosure agreements
- appropriate flow of sensitive information
- video links
- sensitizing CAs to source protection standards across MS



Recommendations

- Work towards a proposal of source protection principals that's CAs can adopt for EUTR legal proceedings
- Ensure 2015 EUTR Review codifies a source protection standard