

Appeal to continue a thorough investigation on the arrested ivory dealer and on Japanese ivory industry

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On May 16, 2000, criminal penalty for the Japanese ivory dealer, one of the two arrested for the ivory smuggling case that happened in April, was decided.

The only fact taken into consideration for the decision was that he arranged domestic delivery of commodity (ivory) without the authorization from the Customs (Custom Act, Sec.112). And the prosecutor did not even apply for a formal trial but settled with summary legal proceedings, which imposed 300,000 yen (approx. US\$2,700) on the ivory dealer.

Yet, the accomplice, the British national of Hong Kong origin (formally prosecuted), had been acquainted with this Japanese ivory dealer before they worked on this ivory smuggling case together and is also suspected of having done business with other Japanese ivory dealers in the past. And considering that as much as 500 kilograms of unprocessed ivory was smuggled and that the fact that domestic distribution of ivory for processing is monopolized by those who are in ivory industry, it is hard not to assume that those in the consuming side have not been involved in smuggling. Furthermore, the finding is that this ivory dealer arranged domestic delivery of smuggled ivory being aware that it has never been permitted by customs. So we cannot help suspecting that he was indeed actively involved in smuggling. Taking these facts into consideration, investigation on the ivory dealer and on Japanese ivory industry should not be terminated on any account.

As to the Custom Act, Sec.112, it also provides the maximum prison term of 3 years. Yet, monetary compensation has been chosen for the ivory dealer with summary legal proceedings instead of a formal trial.

But this case is a serious offense against the customs, which acts as an executive body of CITES provisions. It has also made both the Japanese public and the international societies extremely distrustful of the way the Japanese government handle cases involving wildlife conservation. Also, we must say that the penalty given to the ivory dealer by the public prosecutors office is absurdly light.

Considering all the above-mentioned, we emphatically request the followings:

- 1.Reopen the investigation on the involvement of the arrested ivory dealer to the actual smuggling and other crimes and find out all relevant facts.
- 2.Conduct a thorough investigation to find out if/how Japanese ivory industry was involved in this case.
- 3.If it becomes possible to make a case against the arrested ivory dealer and others involved as the result of the investigation, impose the maximum possible penalty on those who are involved in consideration of the serious social and international impact of this smuggling case.