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**Reply to ‘Great apes exported from Guinea to China from 2009 to 2011’  
SC65 Doc. 34.1 Annex**

The CITES Secretariat has issued a statement as an Annex to SC65 Doc. 34.1, which addresses ‘Implementation of the Convention relating to captive-bred and ranched specimens’ (attached). There are inaccuracies in the statement that need correcting.

**Background**

The Secretariat is responding to evidence and accusations of malfeasance directed at the Secretariat and certain national CITES management authority offices. The evidence and accusations were presented in a television documentary and reports entitled *The Cairo Connection*, parts I-III, and *The Conakry Connection* (available on [www.karlammann.com](http://www.karlammann.com)). The reports are summarized in a series of articles ([https://www.academia.edu/7372088/The\\_Great\\_Ape\\_Slave\\_Trade](https://www.academia.edu/7372088/The_Great_Ape_Slave_Trade)).

Hundreds of great apes (chimpanzees, bonobos and gorillas) have been captured in the wild and illegally exported from West and Central Africa since at least the 1990s. The apes have been shipped to Egypt, the UAE, China, Armenia and other countries. Karl Ammann and Pax Animalis, assisted by associates, have been investigating this great ape trafficking for almost 10 years.

The investigations uncovered several major wildlife traffickers who not only capture great apes to export, but many other species as well (e.g. elephant, pygmy hippo, manatee, mandrill, Diana monkey, black crested mangabey, several endangered bird species), many of them Appendix I. The key trafficking export cities are Conakry (Guinea), Kano (Nigeria) and Kinshasa (Democratic Republic of Congo), with secondary trafficking cities in the region.

Appendix I species that originate in the wild, or are first generation born in captivity, are not allowed under CITES regulations to be traded commercially. All great apes are Appendix I. To get around this restriction, corrupt national CITES officers fabricate CITES export permits using the Source Code ‘C’, which indicates that the specimen is born in captivity in accordance with CITES criteria. A C Source Code allows

legal export for non-commercial purposes (e.g. zoos or education). The CITES officers sell these permits to traffickers. This ruse has come to be known as the ‘C-scam’.

From 2007 through 2011 over 130 chimpanzees and 10 gorillas were exported supposedly from Conakry to China using the C Source Code. All of these great apes were in reality caught in the wild (there are no ape breeding facilities in Guinea). Other great apes were reported in the CITES Trade Database during this period as being exported from Guinea to the UAE and Russia using the C Source Code.



**The chimpanzees exported from Guinea with a C Source Code are in fact captured in the wild.**

China reported the imports of these apes to the CITES Trade Database, but Guinea did not report the exports. In response to the unusual great ape export activity, the CITES Secretariat took the actions as they describe under sections ‘Secretariat reports and notifications’, ‘Communications with Guinea’ and ‘Compliance measures taken by the CITES Standing Committee’ in the Annex statement under review here. These are all accurate descriptions, but there are important omissions, presented below.

### **Problems with China’s actions and the CITES Secretariat’s Response**

1. The campaign to halt illegal exports of live great apes is not “from Guinea to China that took place between 2009 and 2011”, as the Secretariat Annex states. The trade to China began in 2007 and it continued from other exporting countries until at least 2013. The campaign involves additional export countries (Sierra Leone, DRC, Chad, Syria to name a few) and additional import countries (Egypt, UAE, Armenia and Russia).
2. The great ape trafficking problem is much more serious than the Secretariat portrays. The Great Apes report (SC65 Doc. 37) to the Standing Committee, prepared by the Secretariat, states in paragraph 16: “Data available from official sources for the period since CoP16 [March 2013] continue to suggest that there is very little illegal international trade in great ape specimens.”

A more recent statement by GRASP (the UN Great Ape Survival Partnership) states, however, that “The illegal trade in live chimpanzees, gorillas, bonobos and orangutans showed no signs of diminishing – and may actually be getting worse...”<sup>1</sup>. This statement contradicts the Secretariat. In addition, the Secretariat is attempting to minimise the problem by restricting its statement to the period since March 2013. There are still important outstanding issues remaining with the great apes that were trafficked before that time.



**GRASP maintains that live great ape trafficking may be getting worse, contradicting the CITES Secretariat.**

3. There are serious misrepresentations and inaccuracies in the Secretariat’s statements in the SC65 34.1 Annex regarding ‘Communications with China’, some of which also refer to the omissions in the ‘Communications with Guinea’ section.

a. The Secretariat’s Annex omits that the Secretariat requested prior to the September 2011 mission to Guinea for the China Management Authority (MA) to send them copies of any permits they had regarding great ape imports from Guinea. Both the Secretariat’s mission report and the China CITES MA make clear that copies of *both Guinea’s export permits and the China import permits were sent to the Secretariat.*

b. The export and import permits would indicate the parties involved in the fraudulent trade. Repeated requests were made by Karl Ammann, Klaus Sparwasser of Pax Animalis (a Swiss NGO) and Sean Whyte (head of Nature Alert) to the Secretariat, to the China CITES office and to the Guinea CITES office to receive copies of the permits so that Article VIII of the Convention could be invoked:

1. The Parties shall take appropriate measures to enforce the provisions of the present Convention and to prohibit trade in specimens in violation thereof. These shall include measures:

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<sup>1</sup> [http://www.un-grasp.org/index.php?option=com\\_content&view=article&id=146:grasp-warns-illegal-ape-trade-remains-active&catid=7:press-releases&Itemid=55](http://www.un-grasp.org/index.php?option=com_content&view=article&id=146:grasp-warns-illegal-ape-trade-remains-active&catid=7:press-releases&Itemid=55)

- (a) to penalize trade in, or possession of, such specimens, or both; and
- (b) to provide for the confiscation or return to the State of export of such specimens.

The Secretariat has repeatedly denied that they were in possession of the permits, *in spite of the mission report stating that they had them, and the China CITES office saying they sent them.*

The China CITES office replied once to a request by saying that the Secretariat had the copies. They replied once again to another request and avoided answering by simply stating that they had followed CITES procedures.

The Guinea CITES office said that they would be willing to provide the copies, but that the CITES mission had taken all of their permit copies.

c. The Secretariat commissioned Mr. John Caldwell to analyse the 126 export permits collected by the 2011 mission to Guinea, but they did not give him the permits that China sent them. If the Secretariat was serious about controlling illegal great ape trade *why would they withhold the great ape import and export permits that provided the details of such trade?*

d. China stated that they followed CITES regulations and procedures and that they wrote to the CITES MA requesting confirmation of the authenticity of the export permits. The Secretariat backs them up in this. *This is incorrect.* China did not write to the Guinea CITES MA, they wrote to Mr. Namory Keita, who left the post in 2008. Both the China CITES MA and the Secretariat know that Mr. Keita was not in the CITES office, yet they continue to pretend that he was.

Mr. Ansoumane Doumbouya was head of the Guinea CITES MA and he informed China of this. Mr. Doumbouya even met with the China CITES MA and the Secretariat at CoP15 in Doha in March 2010, yet the China CITES MA continued to write to Mr. Keita after this meeting. This would suggest that the China CITES MA made the arrangements for the illegal trade using the C Source Code with Mr. Keita while he was head of the Guinea CITES MA, probably in 2007 before the first of the trafficked wild-caught chimpanzees were exported, and they therefore wished to continue the arrangement with him.

e. The China CITES MA did not exercise due diligence because they neglected to verify that great ape breeding facilities existed in Guinea before issuing their import permits. CITES maintains a database of approved captive breeding facilities on its website. It would have been a simple matter to refer to it and to ascertain that no breeding facilities of any kind exist in Guinea.

f. China stated that they ceased importing great apes from Guinea in 2011 after the Secretariat issued the notification. The CITES Trade Database indicates that China simply switched countries. In 2011, they imported at least five chimpanzees from Sierra Leone and four from Syria and in 2012 eight from Syria and six from Chad. There are eye-witness reports of more young chimpanzees arriving in China in 2013.

4. Guinea was sanctioned with a suspension of *commercial* trade of CITES-listed species in May 2013 for its actions related to great ape exports. Theoretically, it was not engaged in commercial exports of great apes. The ‘captive-born’ great apes were exported with Z Purpose Codes, meaning they were destined for non-commercial zoos. There is nothing stopping Guinea from continuing the C-scam. In fact, we suspect that traffickers are still offering to export gorillas, chimpanzees and manatees from Guinea with a C export permit.

5. The great apes trafficked to China were clearly intended for commercial use. Mr. Ammann and Mr. Sparwasser have video footage and photographs of chimpanzees engaging in entertainment performances – dressed up in costumes performing skits, roller skating, playing drums, etc. – in amusement and safari parks in China that cost USD 40 and up to enter. They established that some of these apes came from Guinea. The large number of great apes seen in China in zoos and entertainment facilities suggests that many have been imported without CITES documentation. The China CITES MA has been remiss in its responsibilities by not establishing that the apes were indeed being imported for non-commercial purposes.

**Great apes imported to China for ‘non-commercial’ purposes are trained to perform before a fee-paying public.**



6. We have abundant evidence that the trafficking of great apes from Africa to China and elsewhere is continuing and that the traffickers find no obstacle in the way the Secretariat is currently enforcing its regulations. Issuing fraudulent CITES permits is commonplace in many countries and CITES has no mechanisms in place to control for this. Furthermore, when third-party evidence is presented to the Secretariat of malfeasance on the part of importing countries, as in the case of China, The Secretariat not only takes no action, it goes to extraordinary efforts to shield the countries from exposure and censure.

## **Conclusions**

The campaign the Secretariat is complaining about only wants one thing: for the CITES process to function properly and transparently. If systematic, illegal trading is detected, both parties should be sanctioned equally, not just the politically and economically weak exporting country. It is demand that drives wildlife trade. If the illegal portion of the trade is ever to be controlled, the importing countries – regardless of how powerful they are – must be aware that they have to play by the rules and that if they don’t, they will be subject to the same sanctions as any other country.

The Articles of the Convention should be invoked when wrongdoing has been established, as they were in the case of the Taiping Four gorillas illegally exported from Nigeria to Malaysia. The gorillas were eventually repatriated to their country of origin, Cameroon, to live a decent life in a sanctuary. The same outcome should occur with as many great apes as possible that were trafficked to China, Egypt, Armenia and other countries. And the trafficking must stop.

## Great apes exported from Guinea to China from 2009 to 2011

January, 2014

Several individuals have been engaged over a period of time in a campaign directed at the CITES Secretariat, the CITES Standing Committee and various intergovernmental bodies, national CITES Management Authorities and others in relation to trade in live great apes from Guinea to China that took place between 2009 and 2011.

The Secretariat is issuing this statement to provide the factual background on this important matter, which the Secretariat first drew to international attention in 2011.

### Secretariat reports and notifications

The Secretariat has formally reported on this matter to the Standing Committee at three meetings between 2011 and 2013. These meetings were open to all Parties and registered intergovernmental and non-governmental organizations and each report was posted on the CITES website.

The Secretariat issued two formal Notifications to the Parties to the Convention on this matter; one in 2011 and one in 2013 - both of which were posted on the CITES website.

### Communications with Guinea

In late 2010, the Secretariat's attention was drawn to what appeared to be increasingly regular exports of chimpanzees from Guinea, which were declared on export permits as 'captive-bred'.

The Secretariat expressed its concerns about this trade to relevant Management Authorities in early 2011, including those in China and Guinea. Being dissatisfied with the responses received from Guinea, the Secretariat requested permission from that country to conduct a mission on its territory. Formal missions are subject to the agreement of the relevant country. As no agreement was forthcoming from Guinea, the Secretariat raised the matter with the Standing Committee at its 61st meeting, in August 2011 (see paragraph 39 of document SC61 Doc. 30<sup>1</sup>).

Following that meeting, the Secretariat was invited to Guinea and the Chief of Enforcement Support at that time and the Senior Scientific Support Officer (Fauna) conducted a mission to Conakry in September 2011. The Secretariat's team identified significant problems with the manner in which CITES was being implemented in Guinea. Consequently, a comprehensive list of recommendations was formulated by the Secretariat in consultation with relevant Guinean authorities.

Based on the findings made during this mission, the Secretariat issued a Notification to the Parties in September 2011,<sup>2</sup> drawing the attention of all Parties to its concerns with regard to the authenticity and validity of permits, certificates and other documentation apparently issued by the Management Authority of Guinea. In its Notification, the Secretariat advised all Parties that no commercial captive-breeding of specimens of CITES-listed species currently occurred in Guinea, or had taken place in the past, contrary to what was indicated on numerous fraudulent Guinean CITES permits for a range of species.

During the 2011 mission, the team requested the Guinean Management Authority to provide copies of all the permits and certificates that it had issued since 2009. The Guinean Management Authority provided copies of 126 export permits, issued between March 2009 and March 2011. These included a permit for the export of 2 live specimens of *Pan paniscus* (bonobo) to Armenia. None of the 126 permits that were handed over to the Secretariat by Guinea related to chimpanzees or gorillas.

Mr John Caldwell, an independent consultant was contracted by the Secretariat to analyze the permits and Guinea's CITES trade data (*Guinea – an analysis of recent wildlife trade*; 2012). This analysis had been

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<sup>1</sup> <http://www.cites.org/eng/com/sc/61/E61-30.pdf>.

<sup>2</sup> <http://www.cites.org/eng/notif/2011/E040.pdf>.

commissioned by the Secretariat to assist it in preparing its report<sup>3</sup> on related compliance issues at the 62nd meeting of the Standing Committee (July, 2012), and was not intended for external publication.

After the 16th meeting of the Conference of the Parties (Bangkok, March 2013), the Secretariat was urged by certain individuals to make Mr. Caldwell's report publicly available. As the analysis had been produced for internal purposes only and contained references to specific Parties to the Convention, the Secretariat consulted with relevant Management Authorities before publishing the analysis on the CITES website.<sup>4</sup>

### **Compliance measures taken by the CITES Standing Committee**

Following a recommendation of the Secretariat, and in accordance with instructions from the Standing Committee at its 62nd meeting, the Secretariat issued a formal warning to Guinea on 17 September 2012 concerning its implementation of CITES, and provided the country with a set of minimum corrective actions that should be undertaken.

Guinea was requested to provide a detailed report to the Secretariat by 31 December 2012 on steps taken to implement the minimum actions. The Standing Committee asked the Secretariat to evaluate Guinea's compliance with these actions and to make a recommendation at its 63rd meeting (SC63), in March 2013.

Guinea did not provide the detailed reporting requested by the Standing Committee and, at SC63, the Standing Committee unanimously supported the Secretariat's recommendation that all commercial trade in CITES-listed species with Guinea be suspended.<sup>5</sup>

In May 2013, the Secretariat issued a Notification to the Parties<sup>6</sup> containing the recommendation of the Standing Committee to suspend commercial trade in specimens of CITES-listed species with Guinea. This recommendation will remain in effect until all outstanding issues have been adequately addressed.

### **Communications with China**

The Secretariat raised the issue of suspected illegal trade in great apes with the Chinese Management Authority on a number of occasions, including when it met with the 21 Branch offices of the Management Authority at a National CITES Retreat and Training session held in Jilin Province, China, in July 2013.

China brought its own concerns about trade in great apes from Guinea to the attention of the Secretariat, and decided to suspend all imports from Guinea immediately after the Notification was issued in 2011, and prior to SC63.

In its communications to the Standing Committee and Secretariat, China indicated that it had met all the requirements of the Convention in relation to trade in CITES specimens from Guinea, including great apes, and that it had included data on the imports of such apes in its annual reports submitted to the Secretariat.

China further noted that it had issued import permits for great apes only after receiving formal written verification and confirmation of the validity of each export permit from the Management Authority of Guinea. China indicated that it regarded as legal the importations of great apes from Guinea, which it had authorized through the issuance of import permits.

The legal implications for the importing country of learning about apparently corrupt and fraudulent actions involved in the issuance of CITES export permits after an importation has taken place are determined by government authorities in the importing country pursuant to relevant national law.

### **National law enforcement power**

Neither the Secretariat nor the Standing Committee is a law enforcement authority, and the mandate and responsibility to investigate alleged criminal activity within any country lies with the relevant national law enforcement authorities of that country.

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<sup>3</sup> See paragraphs 22 onwards of SC62 Doc. 29. <http://www.cites.org/eng/com/sc/62/E62-29.pdf>

<sup>4</sup> [http://www.cites.org/eng/com/sc/62/Caldwell\\_Report.pdf](http://www.cites.org/eng/com/sc/62/Caldwell_Report.pdf).

<sup>5</sup> <http://www.cites.org/eng/com/sc/63/E-SC63-16.pdf>.

<sup>6</sup> <http://www.cites.org/eng/notif/2013/E-Notif-2013-017.pdf>.

Whilst on mission in Guinea, Secretariat staff brought suspected irregular activities to the attention of the Head of the anti-corruption unit and the INTERPOL National Central Bureau of Guinea.

### **Requests for public access to permits and certificates**

Regarding individual permits and certificates for great apes, the Secretariat reiterates that it has no mandate<sup>7</sup> to make such documents public, whether or not it receives or collects copies thereof. Summary trade information from these permits and certificates is submitted through the annual reports of Parties and is contained in the CITES Trade Database, which is publicly available on the CITES website.

Requests for access to individual permits or certificates issued by Management Authorities must be directed to such national authorities, which will process the requests in accordance with their national legislation.

In some countries, national legislation protects the rights of people to have their business or personal information kept confidential. As a result, Management Authorities may refrain from supplying the names of exporters and importers in response to any request for such information.

### **Secretariat responses to campaign messages**

In response to frequent campaign messages from certain individuals about the great ape trade from Guinea to China, the Secretariat has met with these individuals face-to-face, introduced them to relevant CITES Authorities, assisted them with searching the CITES Trade Database, and replied comprehensively to their lengthy emails.<sup>8</sup>

The Secretariat has dealt with suspected illegal trade in CITES-listed species from Guinea in a thorough and concerted manner and in accordance with its mandate. It has drawn international attention, through the Standing Committee, to the serious problems that it identified.

The significant actions taken by the Secretariat and the Standing Committee in this matter demonstrate the effective use of CITES compliance procedures.

Allegations by campaigners that the Secretariat is not taking appropriate action to combat illegal trade in great apes or is involved in a “cover-up” are inconsistent with the facts and defamatory of the Secretariat and its staff, both past and present.

### **Secretariat support to Parties**

The Secretariat will continue to help ensure that Parties trade in CITES-listed fauna and flora in compliance with the provisions of the Convention, and increase their efforts to combat illegal trade in wildlife, including great apes. It will provide technical assistance and support to the extent possible, and within its mandate and available resources.

CITES Secretariat, January, 2014

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<sup>7</sup> Under paragraph 6 (a) of Article VIII of the Convention, Parties are required to maintain records of the names and addresses of exporters and importers. This information, which can be useful for domestic monitoring and enforcement purposes, is not required to be included in Parties' annual reports. The Convention does not require Parties to provide the Secretariat with copies of the permits and certificates that they issue, and none of the 179 Parties to the Convention generally does so.

<sup>8</sup> The Secretariat also responded to a question on trade in great apes from Guinea raised at the Second Council Meeting of the Great Apes Survival Partnership (GRASP), held in Paris, France, in November 2012, and a similar question raised at the Great Apes Summit held in Jackson Hole, Wyoming, United States of America, in September 2013.