

June 1<sup>st</sup>, 2011

To the Chief Public Prosecutor of Tokyo District Public Prosecutor's Office  
To the Tokyo Metropolitan Police Commissioner  
To the Section chief of living environment division in Metropolitan Police Department

5F Suehiro Bld. 2-5-4, Toranomom, Minato-Ku, Tokyo 105-0001, Japan

**Japan Tiger and Elephant Fund (JTEF)**

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Lawyer

**Petition for illegal ivory trade case (arrested on May 11<sup>th</sup>, 2011)**

JTEF is a non-governmental organization conducting conservation activity in a habitat of wildlife and survey, research, making policy recommendations and public awareness for conservation. We have worked on effective implementation and law enforcement of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) and the related Japanese domestic legislation or the Law for Conservation of Endangered Species of Wild Fauna and Flora (LCES) as one of the important fields of our activity. The followings are our request on the measures that should be urgently taken followed by the case in the title:

**Points of the Request**

- 1 Intensive investigation and strict application of penalties on organized crime  
To investigate thoroughly the possible involvement of the arrested antique dealers to a crime syndicate, and further the possible involvement of a crime syndicate in ivory trading which the arrested ivory manufactures, Takaichi Co. Ltd., and the registered ivory dealers to MoE and METI, which are managed by the manufacturers if any (hereinafter "the arrested ivory manufacturers and their managing companies").
- 2 Intensive investigation and strict application of penalties on illegal ivory trading between the arrested ivory manufacturers and their managing companies, and the other registered ivory dealers to MoE and METI.
- 3 Intensive investigation and strict application of penalties on any illicit international trade  
To investigate thoroughly the origin of the confiscated ivory including one obtained from the arrested antique dealers, especially whether the confiscated ivory derive from smuggled ivory, and whether any scrap ivory left over from processing has been illegally exported.
- 4 Strict application of various regulation of LCES on the case  
To examine the following items.
  - False Registration (Article 59, section 1, number 3)
  - Trade in registration card separated from the registered whole tusk (Article 63, section 1, number 6)
  - Neglecting notification for transferring whole tusks (Article 63, section 1, number 6)
  - False in the report submitted or in their statement at on-site inspection (Article 63, section 1, number 7)
  - False certification application for ivory products (Article 63, section 1, number 8)

## Reasons for Request

### 1 Intensive investigation and strict application of penalties on organized crime

While wildlife is a component of biodiversity, which is the basis of the continued existence of humankind, it is one of the big three black market products with guns and drugs and it is a funding source for international syndicates. Therefore, a crime category or “Wildlife Crime” is recognized and the International Criminal Police Organization has started to take countermeasures.

<http://www.interpol.int/Public/EnvironmentalCrime/Wildlife/WorkingGroup/Default.asp>

International Criminal Police Organization/ Wildlife Crime Working Group defines wildlife crime as “the taking, trading, exploiting or possessing of the world’s wild flora and fauna in contravention of national and international laws”.

<http://www.interpol.int/Public/EnvironmentalCrime/Wildlife/Default.asp>

Especially, ivories are black market products producing a lot of profits historically, and are a funding source for both domestic and foreign organizations that perform violent illegal acts addictively. For example, in Japan, a Korean criminal group existed behind the illicit import case in 2006 in which 608 pieces (2,409kg) of raw ivory and 17,928 pieces (385kg) for producing *hankos* or name seal stamp. (Osaka District Court, 2007 (wa) No. 1033, a case of violation of the Customs Law)

That is, the clients with Korean nationality asked the accused, who was reported to have relations with Japanese *Yakuza*, to become an import nominee, and the Customs clearance fee was supposed to be prepared by their party. Later, the smuggling clients were wanted internationally because they had run away already although they were identified.

### 2 Intensive investigation and strict application of penalties on illegal ivory trading between the arrested ivory manufacturers and their managing companies, and the other registered ivory dealers to MoE and METI.

The ivory manufacturers and their management body, Takaichi Co., Ltd., are the members of the Osaka Ivory Arts and Crafts Cooperative Association and the Federation of Japan Ivory Arts and Crafts Association. They regularly hold auctions, where ivories are traded as raw materials between the members of the associations in Tokyo and Osaka. Apart from the trade at the auctions, ivory trading between fellow traders is held on a daily basis.

This situation shows that many ivory manufacturers might have been involved in an illegal trading by the arrested ivory manufacturers and their managing companies.

This should be especially emphasized in view of the peculiar position of the arrested ivory manufacturers (Takaichi Co., Ltd.) in the business field. It is a well-known fact that the arrested ivory manufacturers or Takaichi family has the largest amount of ivory stock in Japan and has a strong influence on the pricing of raw ivory. The arrested father Takaichi especially has had the strongest influence in the business field for a long time, therefore they have had an important position in the related industry group. For example;

- Former chairman of the ivory section of the Japan Light Industry Products Importer’s Association
- Former director of the Osaka Ivory Arts and Crafts Cooperative Association
- Former chairman of the Federation of Japan Ivory Arts and Crafts Association
- Former director of the Kansai Stamping Supplies manufacturer’s Association
- Former chairman of the West Japan Stamping Supplies Commerce and Industry

### 3 Intensive investigation and strict application of penalties on any illicit international trade

#### (1) Smuggling into Japan

The major ivory manufacturers including the arrested ivory manufacturers and their managing companies have been actively advertising unprocessed and polished ivory for purchasing. Actually, whole tusks have been registered every year as the ivory stock which obtained prior to the ban on international commercial trade (1990), in addition to the officially imported ivory (in 1999 and 2009). For example, 3,877.07 kg (252 whole tusks) were newly registered in 2005. According to the data between January 2005 and January 2006, out of 279 whole tusks which were newly registered, 246 (88 %) whole tusks had been registered by non-dealer individuals (based on the data from MoE).

However, it is obviously strange that ivory of such a volume has been supplied by individuals to continually increase dealers' stock for over 20 years after the trade ban in 1990. The tentative theory, as the people in the ivory industry insist, is that collectors bought polished ivory for investments in the early 1970's. This leaves out the fact, however, that these collectors lost interest in ivory after 1974 following the oil shock and that some of them tried to sell ivory back to dealers. Moreover, considering that almost 40 years have passed since then, their theory cannot fully justify that individuals still own large volumes of ivory at present. Supporting such theory could overlook laundering of illegally imported ivory.

For the above reasons, the origin of the registered whole tusks owned by the arrested ivory manufacturers and their managing companies need to be re-investigated strictly.

#### (2) Smuggling out of Japan

When carving *hankos* from whole tusks or cut pieces of ivory, leftover scraps are produced. In addition, smaller whole tusks less than 7-8kg are not suitable for *hankos*, and can only be used for processed products such as accessories. Before the ivory trade ban by CITES in 1990, those ivory scraps and small whole tusks had been partly exported to Hong Kong and Taiwan as accessory material.

Now, the selling outlet of those scraps and small whole tusks is limited to ivory accessory manufacturers in Japan. In reality, however, such scrap ivory has small domestic demand, and therefore must be held in stock in large quantities. This will especially apply to the arrested ivory manufacturers and their managing companies that process the largest volume of whole tusks in Japan. These situations could lead to smuggling scrap ivory out of Japan. We demand that the intensive investigation on illegal export of scrap ivory should be carried out with regard to possible violation of the Customs Law and the Foreign Exchange and Foreign Trade Law.

### 4 Strict application of various regulation of LCES on the case

The most effective law enforcement requires strict application of possible list of regulations to the case. In this case, the following items should be examined.

- False Registration (Article 59, section 1, number 3)
- Trade in registration card separated from the registered whole tusk (Article 63, section 1, number 6)
- Neglecting notification for transferring whole tusks (Article 63, section 1, number 6)
- False in the report submitted or in their statement at on-site inspection (Article 63, section 1, number 7)
- False certification application for ivory products (Article 63, section 1, number 8)

Especially, the last item or false certification application for ivory products will involve general consumers as well as wholesalers and retailers, so strict approach should be required, especially.