

News

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**GORILLAS
IN PERIL**

—

**ORANGUTAN
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UPDATE**

Twilight of the Orangutans (photo: Evelyn Gallardo)

A LETTER FROM IPPL'S CHAIRWOMAN

April 1993

Dear IPPL Member:

It is hard to believe that 1993 is IPPL's 20th Birthday and that some of our younger readers were not even born when IPPL was founded. So I thought you might like a little historical perspective on why I founded IPPL, and why I think it is needed even more today than it ever was.

In 1973, I was living in Bangkok, Thailand. Before living in Thailand, I had studied for my doctorate in the National Archives of India and lived in New Delhi for two years during which I was exposed to new ideas on the place of animals in our world. This was more of an abstract concept to me at first.

On arrival in Bangkok, I went to pick up my air freight on Bangkok Airport and there, in the cargo area, I saw two rows of shipping crates divided into compartments. In each compartment there were one or two snow-white baby monkeys. They were off to the United States. I will never forget the bewildered and terrified faces of these baby monkeys. Later, I learned that they were stump-tail macaques on their way to laboratories where most of them would die. None would ever see the lovely forests of Thailand again.

I started to read every book I could locate about primates voraciously. I read books about their behavior such as Vernon Reynolds' *The Apes*. I read accounts of experiments in medical journals. I learned that the United States Army maintained a laboratory in Bangkok where gibbons and monkeys were used.

Then I looked for a group working to protect these wonderful animals. But I couldn't find one. Organizations existed that worked for all animals, but they had to switch their focus almost daily. That is why I founded the International Primate Protection League - to focus exclusively on primates. Starting with a membership of one. Me! Now IPPL has over 10,000 members in over 60 countries. We have a distinguished Advisory Board and dynamic Field Representatives in over 30 countries.

IPPL's accomplishments are legendary. It was mainly our work that led India to ban export of monkeys in 1977 following our exposé of the horrendous use of monkeys by the US military in neutron radiation experiments. Our work was a major factor in Bangladesh instituting a similar ban in 1979.

We have uncovered many primate smuggling itineraries such as the "Singapore Connection," "The Laotian Connection," "The Cambodian Connection," and "The Polish Connection."

Our work with German authorities got the notorious gorilla trafficker Walter Sensen jailed. Four of the five counts against Sensen were based on IPPL's detailed investigative work. It was IPPL's work and persistence that, more than anything else, ensured that Matthew Block's role in the "Bangkok Six" orangutan smuggling deal was exposed, and that he got prosecuted (we have this on the word of Block's own lawyer, who apparently did not even see the US Government as an obstacle to his client's unsavory activities).

At home in Summerville, South Carolina, IPPL's property resounds with the songs of gibbons: many of these gibbons were donated to IPPL by laboratories willing to let former research animals live out their lives in happiness. The outstanding quality of IPPL's gibbon care was apparent when I recently read a list of 1991 gibbon deaths in the Concolor Gibbon Studbook: the oldest gibbon to die was 30 years old, and many gibbons were dying before reaching the age of 10. IPPL has 7 gibbons well over 30 and three of them, all laboratory veterans, are now close to 40.

Unfortunately, the world's primates still face major problems: forest destruction; illegal trade, especially in highly endangered species ranging in size from golden-lion tamarins to gorillas, and human cruelty and greed.

IPPL commits itself to keeping up the battle for all the world's primates and we hope that we will receive your continued support as we enter our third decade of service to our fellow-primates.

Yours sincerely,



Shirley McGreal



MOUNTAIN GORILLAS FACE DISASTER

Civil war in Rwanda is threatening to destroy that country's population of endangered mountain gorillas which numbers around 310 animals. These are the gorillas studied by Dr. Dian Fossey and known to millions through the movie "Gorillas in the Mist." They are also the gorillas most visited by tourists wanting to see gorillas in the wild, because several groups are accessible and habituated to humans.

Small numbers of mountain gorillas also live in Zaire, which is also involved in civil strife, and Uganda. Zaire is also home to Eastern and Western lowland gorillas.

On 18 February 1993, armed military personnel entered the Karisoke Research Center. The five Western scientists at Karisoke had left on 13 February, before the arrival of the rebel troops. On 20 February Karisoke's African staff, including trackers and anti-poaching patrol members, fled, leaving the gorillas unguarded. There is fear that some mountain gorillas may already have been harmed.

The Karisoke Research Center and the Volcano Veterinary Center are both closed down at present.

The war is between the Government of Rwanda and the rebel Rwandese Patriotic Front and has its origin in conflict between Hutu and Tutsi ethnic groups.

On 8 March 1993, the Rwandan Patriotic Front (the rebels) issued a press release stating that the Front was in control of the Karisoke Research Center and its immediate surroundings, and that, "The gorillas and the environment at large are safe in its hands." However, this is impossible to verify at this time.

The Rwandan war has caused thousands of Rwandans to abandon their homes. Starving refugees may well consider the Virungas and Akagera Park to be living "cafeterias," and kill off the wildlife to feed their families.

Dr. Dieter Steklis, Director of the Karisoke Research Center, wrote a touching account of the mountain gorilla situation that was published in the 17 March 1993 issue of the *New York Times*. According to Steklis:

Since February 8, the Parc National des Volcans in the northeastern corner of Rwanda, home to half the world's mountain gorillas, has become a zone of combat between the invading

Rwandan Patriotic Front and government forces.

For the first time since its establishment by Ms. Fossey in 1967, the center stands empty. Its programs leading to the protection and conservation of the mountain gorilla and its unique ecosystem are suspended.

On Feb. 13, Karisoke researchers and administrative staff were evacuated...It was a poignant moment as we left behind our brave Rwandan staff members who pledged to remain



Dian Fossey and Friends (photo: National Geographic Society)

to carry on the all-important anti-poaching patrols... Less than a week later these patrols stopped after troops marched into Karisoke, shooting windows and breaking down doors. Our staff narrowly escaped into the forest...

Steklis commented that a way has to be found to "buffer the gorillas from the dangerous instability of national politics."

Because protecting wildlife is not high on the world's political agenda, little can be done by outsiders. At some stage, it may be that the United Nations, possibly through the United Nations Environment Program (UNEP) should organize an Environmental Peace-keeping force to protect wildlife, endangered by wars and disputes not of their own making, from

war-related extinction.

To express your concern about the situation in Rwanda, you may wish to contact the relevant embassies, those of Rwanda and Uganda (where the rebels are primarily based) as well as the Rwandan Patriotic Front. Be sure to express your concern for **both** the animal and human victims of the Rwandan civil war.

Addresses:

His Excellency the Ambassador of Rwanda
1714 New Hampshire Avenue NW
Washington DC 20009, USA
(Fax: 202-232-4544)

His Excellency the Ambassador of Uganda
5909 16th Street NW
Washington DC 20011, USA
(Fax: 202-726-1727)

The Director, Bureau of Coordination
Rwandan Patriotic Front
3, Avenue de l'Observatoire, bte 8
1180 Brussels, Belgium
(Fax: 32-2-374-4626)

THANKS FROM NIGERIA

In 1992, the International Primate Protection League provided tranquillizing dart equipment to the Drill Rehabilitation and Breeding Center in Calabar, Nigeria. The project is operated by a non-profit organization called **Pandrillus**. The equipment will be used to tranquillize older drills for veterinary care and to catch any drills that escape and could hurt local people living close to the facility - or, more likely, get hurt by them.

Drills, members of the baboon family, are large rain-forest primates found only in Cross River State, Nigeria, southwestern Cameroun, and the island of Bioko, Equatorial Guinea (formerly known as Fernando Po). The only other member of the same family is the spectacular mandrill. Drills live in troops and spend a lot of time on the forest floor searching for roots and insects. They climb trees to locate fruit and to sleep.

The drill is highly endangered and the total world population is estimated to be less than 5,000. The greatest threats to their survival are destruction and fragmentation of habitat and hunting for "bush-meat."

As of January 1993, the Center is home to 16 drills, all confiscated from traders or donated by private owners, and four orphaned chimpanzees. All the animals are property of the Government of Nigeria.

Several new primates were donated to the Center in late 1992. They included:

* **Petit and Miki**, drills who had been kept as pets by Major Dagobert and Matilda Mgbochi, who lived in Eyumojock, Cameroun, close to the Nigerian border. The couple had

bought them from Nigerian hunters.

* **Trog**, a year old male chimpanzee, was confiscated from Paradise City Hotel in Calabar: he was emaciated, dehydrated, and unable to walk. He had 7 shotgun pellets embedded along his left side and his wounds were festering and infected. **Trog** weighed only 4 kilograms. Three of the pellets have been removed from his body and he now weighs 6 kilos and has a friendly disposition.

* **Shirley**, a five-year-old chimpanzee, was found at a bar in Buea, Cameroun, where she had been left after her owners left the country. The Cameroun Ministry of Tourism approved of her going to **Pandrillus** until a suitable home was found in Cameroun. **Shirley** enjoys her human companions but is not keen on other chimpanzees.

Pandrillus has carried out a survey of drills on Mount Cameroun, the highest mountain in West Africa, and found the population to be extremely low and in urgent need of protection.

Writing on behalf of **Pandrillus** and the Nigerian Government, Lisa Gadsby extends her warmest thanks to IPPL members and especially to Peter Van de Bunt, Cyril Rosen and Shirley McGreal.

IPPL has more information about the drill and **Pandrillus's** work. Please write to IPPL Headquarters, P.O. Box 766, Summerville, SC 29484, for free information. IPPL will also accept restricted grants to help this project.

"BEACH GIBBON" RACKET IN THAILAND

For many years, The International Primate Protection League has been fighting the beach chimpanzee racket in Spain. Photographer-touts drag baby chimpanzees around and naive tourists pay large sums of money to have their picture taken with the babies. Now it seems that the "beach chimp" racket has spread to Thailand - with gibbons used instead of chimpanzees.

In past years, many beach hotels in Thailand have exhibited baby gibbons for the amusement of tourists. The pathetic infants, whose mothers were shot out of the trees so that their babies could enter captivity, either died young or ended up in filthy menageries or in the hands of unscrupulous animal dealers who could put them on the international black market.

An IPPL member visiting Thailand told us about the latest twist in the "beach gibbon" racket.



Tourists with gibbons; Tout on left

During a visit to Pattaya Beach on 30 January 1993, I noted that a large number of baby gibbons were being hawked by local people to take photographs with tourists. All the gibbons being used were very young, between the age of 5 months and 1 year old, and were dressed in similar brightly knitted clothes and diapers, this presumably for both practical reasons and also to make them more appealing to tourists. The animals were very nervous, screaming and protesting loudly as they were thrust on to a passing tourist for a photo. All the people taking the photos were using identical cameras, which gave the impression they were working together.

The people with gibbons were seen from 9.30 p.m. onwards, working along the South Pattaya Beach Road. Two people, one with a gibbon, and one with a baby macaque, were seen outside the A & W hamburger restaurant. A different person with a gibbon was seen walking through the 19th Hole beer bars, and two people with a Burmese python were also seen there. However, the largest group of these people with gibbons were outside the Simon Cabaret Bar, where there were 5 gibbons and

1 baby crab-eating macaque. These were the boldest of the hawkers, presumably there was safety in numbers. These people were operating about 30 meters away from two policemen who seemed quite unconcerned about what was happening.

One of the photographers was asked if the gibbons were for sale, to which he said they were, and the price was 6000 baht (US \$240) each but he could let us buy one at the special price of 5700 baht. When asked how he would be able to take pictures without a gibbon, he said it was easy for him to obtain another.

Judging by the hawkers' roughly dressed appearance, it could be surmised that they must be working for somebody else not themselves as they would not be able to afford the expensive Polaroid cameras they were using, a gibbon must be quite cheap compared to the camera. As previously said, all the people were using the same make and model of camera, and all charged the same price of 100 baht (US \$4) per photo.

Gibbons have also been observed at Phuket and Damnoen Saduak (the Floating Market). Under Thailand's new wildlife laws, private ownership of baby gibbons is illegal.

Thailand has a new Director-General of Forestry, who has been kept very busy developing the new laws. The time has come now to enforce these new laws. Please contact the Director-General pointing out that beach photographers at Pattaya and other places are cruelly exploiting illegally-acquired baby gibbons. Request that both the gibbons and the photographers' cameras be confiscated, and the photographers and organizers of the beach gibbon racket be arrested and severely punished. Please contact:

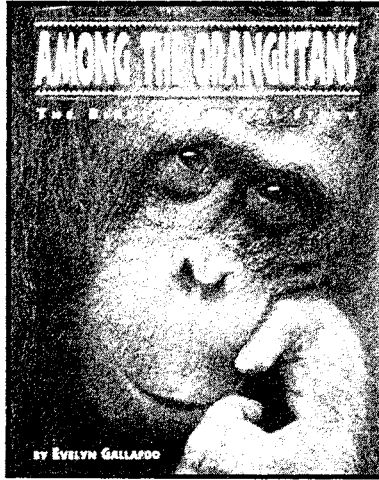
**Khun Pong Leng-ee, Director-General
Royal Forestry Department
Phaholyothin Road
Bangkhen, Bangkok, Thailand**

RECOMMENDED READING

"Among the Orangutans"

IPPL West Coast representative Evelyn Gallardo is author of the recently-published book **Among the Orangutans: the Birute Galdikas Story**. The book is illustrated with beautiful color photographs.

We asked Evelyn to tell you a little about her book and why she decided to write it. Here are her comments:



I first met Birute Galdikas in 1984 on an Earthwatch expedition to Borneo. My husband, David Root, and I had volunteered to work on the Orangutan Research and Conservation Project. That trip marked the beginning of a lasting friendship with the soft-spoken and down-to-earth Birute and a lifelong commitment to the orangutans.

*The longing to help Birute and the orangutans in a far-reaching way eventually sowed the need for this book. In **Among the Orangutans**, I've written the type of book I would have liked to have read as a child. Great apes always fascinated me, yet I never dreamed this fascination could develop into a career.*

So, perhaps there is a child out there who will read Birute's story and say, "That's me, that's what I want to be when I grow up!" or perhaps there is another child who will somehow make a significant contribution to the preservation of orangutans and their rain-forest habitat. Such are the rewards of writing for children, for it's impossible to imagine the impact that our words will have on them.

IPPL has both hard cover and soft cover copies of **Among the Orangutans** for sale to members. The hard cover edition costs \$15.00 US including shipping and handling. The soft-cover edition costs \$8.00, also including shipping and handling. Please mail your order to:

IPPL
POB 766, Summerville, SC 29484, USA

Members living outside the United States and Canada should add \$5 for postage costs.

"The Politics of Heroin"

Another fascinating book is **The Politics of Heroin** by Alfred McCoy, a professor at the University of Wisconsin. McCoy discusses the world narcotics traffic and the role played in it by the US Central Intelligence Agency (CIA) and other secret government agencies around the world.

McCoy discusses the structure of the heroin trade. He notes that, "The top bosses of organized crime never see, much less touch, the heroin," but that their "financial resources" and "connections" play the key role in keeping the trade going. He also discusses how the price of the heroin escalates as the product moves in trade and how Hmong tribal opium growers received \$400-\$600 per ten kilos of raw opium in 1971. By the time the opium was converted to heroin, it would be worth \$225,000. The similarities between the traffic in wild animals and the drug trade will be obvious to readers.

"Visions of Caliban"

Dale Peterson and Jane Goodall are co-authors of **Visions of Caliban** published by the Houghton Mifflin Company of Boston, USA. The book presents the plight of the chimpanzee in the wild and in captivity. According to the book cover:

We share 99% of our genes with chimpanzees, and our relations with them epitomize both our kinship with and alienation from the rest of the natural world. In the ground-breaking book, a great writer and a great scientist paint an extraordinary portrait of chimpanzees, humans, and our complex lives together since the 1600s, when chimpanzees first became known in Europe and William Shakespeare created Caliban, neither man nor beast but "honored with a human shape."

"Stolen for Profit"

The sub-title of Jude Reitman's book "Stolen for Profit" is "How the Medical Establishment is Funding a National Pet-Theft Conspiracy." Reitman described the illegal means by which many of the dogs and cats used in laboratory experimentation are obtained, and tells readers how they can protect their pets.

Stolen for Profit is published by Pharos Books: if you have trouble ordering a copy, call Matthew Bialer of the William Morris Agency at 212-903-1355.

JUDGE ORDERS HOUSING REGULATIONS REWRITTEN

In 1985, the United States Congress enacted the Improved Standards for Laboratory Animals Act. It was not until 16 February 1991, six years later, that final regulations were published. They were clearly written bearing in mind not the interests of the animals but the financial interests represented by experimental extremist lobbies opposed to meaningful improvements in the lives of laboratory animals.

Thousands of letters from scientists and lay people supporting meaningful standards were totally ignored by the Department of Agriculture.

The final regulations were so weak that the Animal Legal Defense Fund (ALDF) and the Society for Animal Protective Legislation (the plaintiffs in the lawsuit) sued the US Department of Agriculture and others (the defendants). The plaintiffs alleged that the regulations violated the congressional mandate, especially in regard to the regulations for exercise for laboratory dogs and psychological well-being of laboratory primates.

The animals' interests were represented by Valerie Stanley of ALDF. Lawyers for the Department of Justice represented the Department of Agriculture.

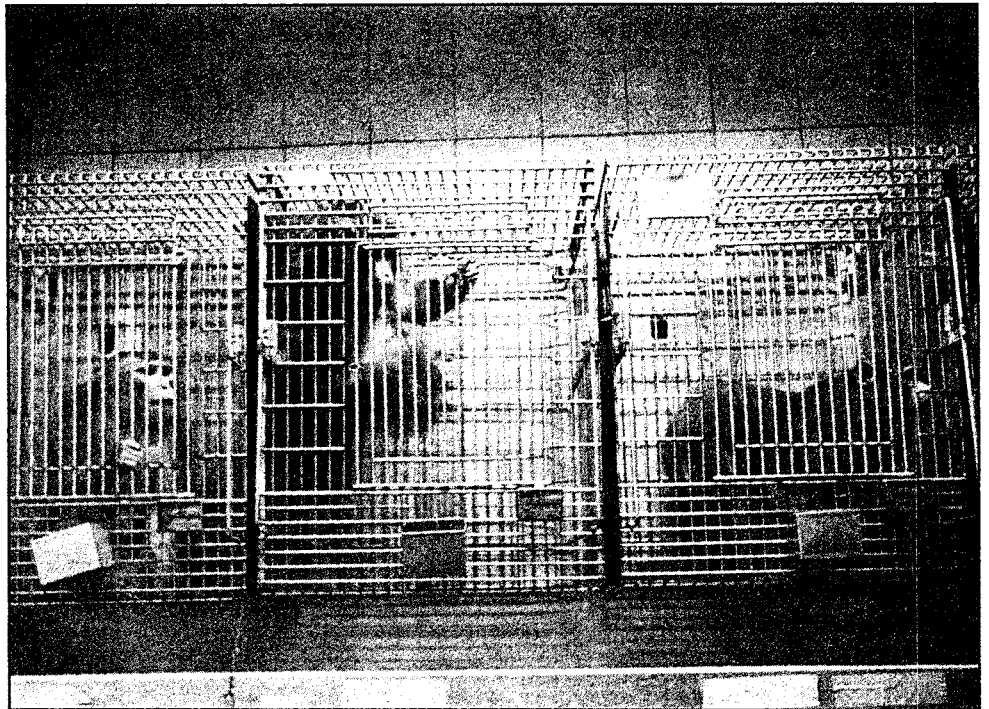
On 25 February 1993, Judge Charles Richey granted the ALDF's motion for summary judgment in its favor, and ordered the Department of Agriculture to prepare new draft regulations.

Extracts from Judge Richey's strongly-worded decision follow.

The Court concludes that the Plaintiffs [ALDF] have successfully demonstrated that the Defendants violated the Administrative Procedures Act [APA] by enacting regulations that do not comply with the mandate of Congress as set forth in the Animal Welfare Act...

Exercise for Dogs

While the regulations require that dogs housed individually "must be provided the opportunity for exercise regularly," the term "regularly" is not defined. This could, to one person, be only once a month or perhaps even two weeks, and, if so, would not comply with the clear mandate of Congress.



Standard Primate Caging (photo: Michael Fox)

As a result, there is no guarantee that even minimum requirements will exist within regulated entities and compliance with the Act will depend on good faith compliance by the regulated entities. This is contrary to the Act's clear mandate that the Secretary, and not the regulated entity, establish minimum requirements in this area...

The Department of Agriculture argued that minimum provisions would not take into account any variation among the types of dogs involved in the Act and would be too restrictive of diverse facilities. These considerations may well be based more on the almighty dollar than the welfare of animals...

The Court finds that the USDA's regulations unreasonably defer to the on-site veterinarian in regards to dog exercise and do not provide the minimum requirements mandated in the Act. "A dog is a Man's best friend" is an old adage which the defendants have either forgotten or decided to ignore. Hopefully, the new Secretary of Agriculture will ensure that the bureaucracy he inherits and the special interest groups with which he must contend will be forced to remember this sentiment and comply with the law.

Psychological Well-being of Primates

The Court finds that the Defendants' regulations on nonhuman primate enrichment also violate the Administrative Procedures Act because they ignore the plain language of the statute, which requires the Secretary of Agriculture to establish minimum standards in the area of psychological enrichment of nonhuman primates, which are "any non-human member of the highest order of mammals including prosimians, monkeys, and apes." and are also a valuable resource to humankind.

The regulations regarding the psychological enrichment of non-human primates, many of which have the distinctive qualities of human beings, provided that the regulated entity devise a plan to foster this goal "in accordance with the currently accepted professional standards as cited in appropriate professional journals or reference guides, and as directed by the attending veterinarian." The regulations require that each plan address certain topics, including social grouping and environmental enrichment.

However, these regulations do not include any minimum requirements or standards: the regulations merely require that the plan must be in accordance with "generally accepted professional standards." What these standards are and how they are arrived at is not adequately explained.

The Defendants argue that general guidelines, in conjunction with the oversight of the on-site veterinarian and the committee, is sufficient to provide for the psychological enrichment of these valuable non-human primates. However, just as in the case of dog exercise, the Court finds that the defendants' regulations violate the clear and plain language of the mandate of Congress here involved and the requirements of law, which directs the Secretary to promulgate minimum requirements.

The Court also notes that the Congress required these minimum requirements in light of its desire to provide humane treatment to these wonderful animals...

The regulations violate the APA because they are inconsistent with the agency's own original judgment on the psychological well-being of nonhuman primates, including social grouping and cage size. The Department of Agriculture agreed that the social deprivation is psychologically debilitating to nonhuman primates and that group housing for nonhuman primates was the best way to avoid this problem...

However, despite these findings, nothing in the regulations requires group housing nor is any explanation given as to why group housing is not required under the regulations...

Accordingly, the regulations are arbitrary and capricious under the APA because the Defendants have not provided a "reasoned explanation" for their failure to provide group housing for nonhuman primates.

Cage Sizes

The draft regulations provide minimum cage sizes identical with those in the NIH Guide. These cage sizes are extremely small, for example, 3 x 2 feet, 32 inches high for macaque monkeys.

Judge Richey wrote:

The Plaintiffs also challenge the cage sizes for nonhuman primates to be implemented in February 1994. The Plaintiffs argue that the regulations are inconsistent with the agency's own finding on the adequacy of non-human primate enclosures...

In March 1989, the Agency found that non-human primates "need greater space than required under the current regulations, so that they can engage in species-typical activity that is necessary for their psychological well-being"... However, in the final regulations the agency changed course and concluded that the existing space requirements used by NIH were adequate...

The Court finds that the final regulations now before the Court regarding nonhuman primate enclosures are arbitrary and capricious.

Richey Criticizes Delays

Judge Richey also criticized the nine-year delay since passage of the Act for implementing the regulations which do not become mandatory till 1994. He found the delay "unlawful."

The APA directs agencies to conclude matters presented to them in a reasonable time and directs reviewing courts to compel agency action unlawfully withheld or unreasonably delayed. The Act here was passed by Congress in 1985. The Defendants contend that the delay until February 1994, a three year delay from the promulgation of the regulations in 1991, to comply with the new cage regulations is reasonable because it gives entities time to conform with the new regulations...

The Court simply does not agree and notes that, while this is typical of much Executive Branch inaction in matters of grave national concern, the Article III courts were not created

by our founding fathers to rubber stamp such failures to act over indefinite periods while bloated bureaucrats contend with each other and the special interest groups who transfer their efforts from the Legislative to the Executive Branch, after a bill has passed. In fact, former Judge J. Skelly Wright of our Court of Appeals once said that, in essence, the regulators in Washington are regulated by the regulated. This may well be the case here. If this is so, something needs to be done to change the process.

The Court cannot condone a prolonged phase-in period where the delay from the enactment of the legislation until the ultimate benefit will take 9 years. Because the case involves animals as opposed to human beings is not a legitimate excuse for such inordinate delay. If the Court approved or ignored such a long delay, it would be condoning a breach of duty on the defendants' part...

For these reasons, the Court believes that the delay provided for in the regulations constitutes agency action unlawfully withheld and is arbitrary and capricious.

"Innovative Cages"

Judge Richey also found unacceptable the section of the regulations allowing facilities to maintain primates in even smaller cages than those prescribed by the regulations, which are referred to as "innovative cages." According to Richey,

This provision allows the regulated entities tremendous discretion to use whatever cage sizes they feel appropriate and would render the Secretary's regulations for minimum cage sizes

ineffective, contrary to the Defendant's own finding that greater space is needed for animal cages.

Freedom of Information Act

The challenged regulations allowed research facilities to prepare their own plans for the "psychological well-being" of primates which would be stored at the facility and thus not available to the public under the Freedom of Information Act, since they would not be "agency records." Judge Richey regretted that he would be unable to do anything about that, while commenting:

Hopefully this is not an effort to privatize a government function which will stand as an example to other bureaucrats to avoid the daylight of public access and disclosure.

Judge Richey's scathing denunciation of the Department of Agriculture's capitulation to self-serving interests was applauded in a column by Colman McCarthy published in the **Washington Post** on 6 March 1993. McCarthy praised Richey for the "forceful bracing language" of his decision and noted that, "His judicial bite is as mean as his bark."

Commenting on her spectacular court victory, Valerie Stanley told the **Washington Post**:

In my investigations, I went back to examine the debate when the first version of the Animal Welfare Act was under consideration in 1962. Guess what? Animal experimenters used the same arguments to stonewall then as now. One, there's no problem. Two, the law will cost too much. Three, there's no evidence a new law would improve conditions. Four, let us devise our own standards. And five, trust us to treat the animals humanely.

HOW YOU CAN HELP LABORATORY PRIMATES

As expected, experimental extremists are trying to get the Clinton Administration to appeal Judge Richey's decision.

Your help is needed. Please write a letter to Secretary of Agriculture Mike Espy asking him to direct the Animal and Plant Health Inspection Service (APHIS) to abide by the Court's decision in **Animal Legal Defense Fund versus USDA**, and rewrite the rules to improve the standards under the Animal Welfare Act for nonhuman primates. Tell him that Congress gave the duty of setting Animal Welfare Act standards to USDA and did not intend to all "special interests" who profit from primate utilization, sale, or exhibition, to determine what level of care they will provide to animals.

Address your letter to:

Secretary Mike Espy
USDA, 14th St. and Independence Av. S.W.
Washington DC 20500

Please send a separate letter to:

President William J. Clinton
The White House
1600 Pennsylvania Avenue NW
Washington DC 20500

MEET EARTHWATCH!

Earthwatch, an organization founded in 1971, provides study opportunities for people interested in spending their vacations learning more about the world we inhabit. Volunteers assist in projects and pay a tax-deductible contribution which covers food, lodging and field equipment. They pay their own air fares. Currently, Earthwatch offers two primate projects:

* **Monkey Politics, Polonnaruwa, Sri Lanka:** volunteers are needed to help study the feuds between groups of toque macaques. Team members will stay in a field station near the park which is famous for its ruins and is home to a variety of wildlife. Teams leave from March-July 1993.

* **Venezuela's Howler Monkeys:** this project will be based at San Fernando de Apure, Venezuela. Volunteers will

assist with studies of social interactions and reproductive behavior. They will be housed in dormitories. Teams leave from December 1993 to April 1994.

Earthwatch teams also study with Dr. Birute Galdikas at the Orangutan Research and Conservation Center in Kalimantan Tengah, Indonesia and with Dr. Alison Jolly at the Berenty Reserve in Madagascar. Dates for these expeditions are available from Earthwatch.

All Earthwatch projects are led by scientists. Special skills are welcome but not needed. Volunteers should be aged 16 or older.

For further information phone:

Betty Parfenuk, Earthwatch (800-776-0188, ext. 186) or write to Earthwatch, POB 403-PR, Watertown, MA 02272.

CHIMP LAB FOR SALE

The 23 February 1993 issue of the *Sun-News*, a newspaper published in Las Cruces, New Mexico, USA, carried an article headed "Primate Lab goes on Block at NMSU." NMSU is the New Mexico State University. The laboratory, which is named the Primate Research Laboratory (PRL), is located at Holloman Air Force Base in Alamogordo, and houses over 300 chimpanzees and 1,000 monkeys.

PRL has received generous funding from the United States Government, including millions of dollars in AIDS research contracts and \$10 million allocated by the US Congress for new primate housing. Nonetheless, it is losing money. A 1989 epidemic of simian hemorrhagic fever caused by acquisition of a group of diseased primates from an animal importer was a serious financial blow to the laboratory.

PRL was also affected when William Hobson, who was removed as director of the laboratory in 1990 because of its financial problems, established a new laboratory in Nevada (Sierra Biomedical) and hired the Holloman toxicology researchers to work for him. Also, the federal government started cutting back on the overhead that institutions could charge to research grants.

The chimpanzee laboratory was founded in the 1950s and provided and trained chimpanzees and other primates for the US space program. In 1970 Albany Medical College of New York took the facility over until it was transferred to New Mexico State University in 1980. Over 100 of the Holloman chimpanzees still belong to the US Air Force.

Laboratory Director Preston Marx told the *Sun-News*:

This needs to go to a major university or non-profit research organization. It would be detrimental if it went to a for-profit company.

Final bids were due in by 18 March 1993, only one month after the chimpanzee colony was put up for sale. The proposal specified that the content of proposals would be kept secret until after the award of the contract.

According to a 19 March 1993 story in the *El Paso Times*, the only bid submitted came from the Coulston International Corporation which runs the privately-owned White Sands Research Center. The article did not state how much the corporation offered. If the bid was approved, the corporation would acquire 335 chimpanzees, including several newborn infants, as well as \$10 million dollars worth of newly-constructed indoor-outdoor housing paid for by US taxpayers. According to the *Times*, White Sands already owns around 150 chimpanzees which it uses in research, including toxicology tests of new drugs.

Laboratory officials protested that "the bidding system was skewed to favor" the Coulston Corporation. Director Preston Marx commented in a letter to the New Mexico State University faculty senate:

I believe, along with my faculty and other PRL employees that the university is manipulating the system to allow for preferential treatment of a specific bidder.

The Committee for the Conservation and Care of Chimpanzees (CCCC) protested the planned sale. CCCC Director Geza Teleki told the *Times* that:

For one corporation to have access to that many chimps is a disaster. A corporate lab is very difficult to monitor. The inventory is much more in the public domain if operated under a university.

Coulston responded:

It was a legitimate way the university did the bidding. We submitted a bid, why didn't the others...I'm the guy who used to run the place when it was given up by the Air Force, don't you think I know how to run it...I have nothing else to say at this time.

The Primate Research Laboratory also owns 800 macaque monkeys who will also be sold.

PLEA BARGAIN REJECTED

On 24 November 1992, the **Miami Herald** carried an article with the headline "Dealer Guilty of Smuggling 6 orangutans."

The article referred to the famous "Bangkok Six" shipment. On 20 February 1990, six baby orangutans were confiscated on Bangkok Airport in appalling condition. They had been smuggled on to a Thai Airways flight at Changi Airport, Singapore, concealed in small unventilated crates labelled "Birds" and were on their way to the Soviet Union via Yugoslavia.

The animals were confiscated on Bangkok Airport after airport employees heard cries resembling those of human babies coming from the crates. All the animals were in appalling physical and emotional condition. In spite of dedicated care by Thai and overseas volunteers, three of them later died.

Plea Bargain Signed

IPPL was able to learn the names of the members of the smuggling gang that organized the shipment. They included Matthew Block. IPPL requested US authorities to investigate. After a very slow and leak-plagued investigation, Matthew Block was indicted in January 1992. In the fall of 1992, Block and the US Government cut a deal known as a "plea agreement."

Plea agreements are known as "plea bargains" because they often involve reduction of charges in exchange for "Guilty" pleas. The original indictment in the orangutan case involved four counts, two of them felonies and two of them misdemeanors. Under the plea bargain, the US Government would drop the two felony counts in return for a guilty plea to the two misdemeanors. Misdemeanors are lesser offenses punishable by fines, probation, or short jail terms. Felonies are more serious crimes, i.e. those punishable by death or longer jail terms.

Many US citizens are exasperated at "plea-bargaining," because it often results in serious criminals escaping meaningful punishment and reverting to a life of crime. The plea agreement in the orangutan case would mean that the maximum jail term Matthew Block could get would be one year for each of the misdemeanors, instead of five years for each of the felonies and one for each of the misdemeanors.

Although the plea agreement was signed by prosecutor Guy Lewis on 28 September 1992, by Block's lawyer Jon Sale on 30 September and by Matthew Block on 1 October, it was kept secret and not filed at the federal court-house in Miami.

IPPL Issues Emergency Alert

On hearing of the plans to reduce the charges to misdemeanors, IPPL organized an international letter-writing campaign to protest that such a callous and inhumane shipment, which IPPL considers one of the "crimes of the decade"



Ollie

Photo: Dianne Taylor-Snow

against wild animals, should be treated so lightly. Members were asked to contact the case judge, James W. Kehoe and the US Attorney for Miami, Roberto Martinez.

A hearing on the plea-bargain was held on 11 December 1992. By the time of the hearing, IPPL still did not have a copy of the agreement, and only obtained one later. When IPPL finally read the text of the plea-bargain, it was easy to understand why its contents had been kept secret. It was extremely lenient.

Terms of the Plea Bargain

Block agreed to plead guilty to Counts 1 and 2 of the indictment (the misdemeanors) and the US Government agreed to drop counts 1 and 2 (the felonies): it was noted that the **maximum** punishment would be one year on each count, followed by a term of "supervised release." Sentencing would be imposed according to the **Federal Sentencing Guidelines**, which do not provide for parole.

Lewis agreed to inform the judge of any "cooperation" by the defendant at the time of sentencing. If Block provided "substantial assistance" to the government of such a nature as to "warrant a departure by the Court from the guideline sentence," the government would make a motion to that effect.

The US Government and Block agreed that the six orangutans were purchased on the black market for an amount less than \$10,000. However, the federal sentencing guidelines state that the value of smuggled goods for sentencing purposes is to be the "market value." Currently, orangutans sell for

plea bargain, cont.

between \$30-40,000 per animal. By agreeing to an artificially low and totally unrealistic value for the orangutans, it is clear that an attempt was being made to help Matthew Block escape meaningful punishment.

Hearing on Plea Bargain

On 11 December 1993, a hearing was held before Judge James W. Kehoe. Kehoe is somewhat of a legend in the Florida court system. According to the *Almanac of the Federal Judiciary*, lawyers consider him to be one of the best trial judges in the Southern District of Florida. Kehoe was appointed to the federal bench by President Jimmy Carter in 1979. Kehoe, who has been a judge for over 30 years, is said to like to keep his calendar moving and have little tolerance for delays. Criminal defense lawyers told the *Almanac* that Kehoe is a tough sentencer. One lawyer reported:

He is by far one of the toughest sentencers in the US courthouse and always has been.

Another lawyer commented:

He favors the defense on motions and hearings, but, when the defendant is found guilty by the jury, he will really slam-dunk him.

Guy Lewis represented the United States Government at the hearing. Jon Sale and Benedict Kuehne represented Matthew Block. Judge Kehoe zeroed in immediately on the agreement that the total value of the 6 orangutans was "less than \$10,000." Sale stated that the valuation "goes to an issue under the [sentencing] guidelines."

Judge Kehoe then asked the prosecutor to clarify whether the counts to which Block would plead guilty were felonies or misdemeanors. Lewis responded that they were misdemeanors. Sale told the judge that the sentence would be the same (8-16 months), whether Block pled guilty to just two misdemeanors or to the whole indictment. Although Lewis and Sale agreed on this point, a prominent sentencing consultant attorney evaluated the points score applicable to the orangutan case for IPPL, and came up with more than enough points to earn Block the maximum 5-year sentence.

At this point, since the punishment would supposedly be the same, Judge Kehoe astutely asked Sale,

Why not just plead straight up to the indictment?

Sale, naturally trying to minimize his client's role, told the judge that:

Mr. Block had absolutely nothing to do with how these animals were shipped, how they were transported, the conditions, which is really the inflammatory issue. The involvement of Mr. Block for the purpose of this

proposed plea-bargain was really putting some of the buyers and sellers together and assisting in terms of telling people who a buyer might be and who a seller might be. He was not the principal. He was not the organizer and he was not making any money out of this deal. Everyone is so upset because apparently some of these orangutans were shipped under unfortunate conditions. That was all done on the other side of the world and Mr. Block had no knowledge or participation or involvement in any of that.

Prosecutor Defends Deal

The evidence would show that these orangutans were shipped from Indonesia. They were scheduled to go to Moscow. The defendant in this case was in Miami. He had put some of the buyers and sellers together, and he certainly knew about the shipment and that it was being smuggled. - Prosecutor Guy Lewis

Judge Kehoe asked Lewis why he should accept the plea agreement. Lewis noted that the case had been set for trial on 24 August 1992, but that the hurricane had caused postponement. Lewis added:

The evidence would show that these orangutans were shipped from Indonesia. They were scheduled to go to Mos-

cow. The defendant in this case was in Miami. He had put some of the buyers and sellers together, and he certainly knew about the shipment and that it was being smuggled.

The defendant though based on my review of all the evidence and talking to all the witnesses, did not have the details of how these orangutans were shipped.

The way the orangutans were shipped was atrocious...It was disgusting and foul the way these animals were treated.

Certainly the people responsible for that should be punished and punished harshly. This particular defendant, based on my review of the evidence, did not package, did not aid and abet the packaging of these animals in the way they were packaged. Others did that.

Jaffee Opposes Deal

Attorney Charles Jaffee, representing the Animal Rights Foundation of Florida, was then allowed to address the court. This was fortunate, because Lewis had made such a feeble and, in IPPL's view, sometimes nonsensical, presentation. Smuggling inevitably involves concealment of wild animals and all smugglers know this. If the "Bangkok Six" orangutans had been shipped in open well-ventilated shipping crates, they would have been intercepted before going anywhere!

Jaffee rightly commented:

This man was a catalyst for causing a totally inhumane series of events to occur...There are less than 35,000 orangutans left in the world: forget about the shipping of the orangutans...but anyone in the industry

knows that in order to catch one baby orangutan, first the mother must be killed. That is the method that is used, and usually in order to capture one, 10 mothers and babies are killed. So let us not focus just on the matter of transport.

A felony is the only offense that is appropriate for Mr. Block to plead guilty to in this case. It is the only type of charge that will send a message to folks back there in Malaysia, in Singapore, in Thailand, that this type of activity will not be sanctioned...

Unlike the average dope case that comes in front of the Court where it comes and it goes, and it's one of many, but in this case, the Court has a message really to be able to deliver for beyond South Florida...

Despite the valiant efforts of Mr. Sale and Mr. Lewis, the plea in this case, the two misdemeanors, is inappropriate.

Lewis then told the judge that he had been told by US Fish and Wildlife Service officials that there would be no automatic suspension of Block's animal dealing license by the US Fish and Wildlife Service, even if he were convicted on felony smuggling counts.

Sale then criticized Kurt Schafer, the government's lead witness, and alleged that Schafer was responsible for the packaging of the animals. Schafer states that this is not true, since the crates were delivered to him on Singapore Airport.

However, Guy Lewis did not contradict Sale's claim. Sale went on to say that Block was willing to assist in determining "who are the real wrongdoers" - as if his client Block was not one of them!

Judge's Decision

After hearing the arguments, Judge Kehoe took a 20-minute recess and returned to announce that he would not accept the plea-bargain. Kehoe stated that:

The illegal wildlife trade has grim environmental consequences, threatening the survival of many species of wildlife... we are dealing not only with a problem within this country but of the world... I find that to approve this plea bargain would be clearly contrary to manifest public interest and, therefore, gentlemen, I will not approve this plea agreement.

Clearly, Guy Lewis and Block's defense lawyers were faced with a problem: a tough "no-nonsense" judge who took wildlife crime seriously.

It is very rare for plea-bargains to be rejected by judges. It is clear that Judge Kehoe had carefully studied the applicable laws, the Endangered Species and Lacey Acts, and had realized that the misdemeanor plea bargain did not meet the intent of congress in passing these laws, which was to punish and deter wildlife smuggling by making it a serious crime.

Judge Kehoe also noted that he had studied the case record. The case file includes reports by the prosecution of threats to witnesses: solicitations to witness Kurt Schafer to sign false affidavits: and motions by Block's lawyers to exclude evi-

dence of this dubious behavior from the jury should the case ever be tried. It could be that the judge found such alleged conduct totally unacceptable.

Clearly, Guy Lewis and Block's defense lawyers were faced with a problem: a tough

"no-nonsense" judge who took wildlife crime seriously.

New Deal Made

The next step for the prosecution and the wildlife agents appears to have been to negotiate a new "plea agreement," and to develop scenarios that would make Matthew Block, who had never publicly expressed one word of remorse and who had done everything he could to impede the investigation, appear so "cooperative" that Judge Kehoe would have to let him off with probation.

Block appeared before a Miami Grand Jury sometime in January 1993 and, following his appearance, the original four charges against him were replaced by just one "superseding

indictment" of "conspiracy" by Matthew Block with three foreigners (James Lee of Singapore, Kenny Dekker of the Netherlands and Vukosav Bojovic of Belgrade), to smuggle the orangutans (see "The "Overt Acts," this issue).

In January 1993, Block and US wildlife agents set up a "sting" of five Mexicans who were lured to Miami to buy a baby gorilla being held at the Miami Metro Zoo (see

"Mexicans get Stung in Miami," this issue).

A new "agreement" was signed on 26 January 1993, the day after the Mexicans' arrest, by Lewis, Sale and Block. This "agreement" was kept secret from the public until the next case hearing on 9 February 1992.

Under the new "plea agreement," Block would plead guilty to the one-count "Superseding Indictment." This indictment

This man was a catalyst for causing a totally inhumane series of events to occur... There are less than 35,000 orangutans left in the world: forget about the shipping of the orangutans... but anyone in the industry knows that in order to catch one baby orangutan, first the mother must be killed. That is the method that is used, and usually in order to capture one, 10 mothers and babies are killed. So let us not focus just on the matter of transport. - Charles Jaffee

plea bargain, cont.

consolidated a variety of offenses against the US Endangered Species and Lacey Acts into just one count. The maximum penalty could be five years in jail followed by a period of supervised release and a fine up to \$250,000.

The government agreed to relate to the judge "the nature and extent of the defendant's cooperation" at the time of sentencing, and defined "cooperation" as including full cooperation with the United States and foreign governments, including testifying before trials or grand juries.

Block pleads Guilty to one Felony

On 9 February 1993, a hearing was held on this "plea agreement." Judge Kehoe immediately commented that:

I have been handed what amounts to an agreement which is not really an agreement. It is just an announcement that the defendant will plead straight up to the superseding indictment.

Lewis was forced to agree that the judge was correct. At that point, the judge put Block under oath, and reviewed the various elements of the superseding indictment. Jon Sale announced to the judge that Block had received "some threats to his life." Lewis agreed, stating:

Just to let you know, as a result of the defendant's cooperation, there have been several threats on his life and his family, and I have indicated that in good faith the Government will do whatever it can to provide any protection.

Lewis failed to mention the years of threats, intimidation, litigation, investigation, and harassment that potential prosecution witnesses and conservationists involved in the case had undergone

for years. IPPL considers this omission on Lewis' part to be totally outrageous.

Lewis, again apparently trying to minimize Block's role in the "Bangkok Six" shipment, then reviewed the indictment. He noted that:

During the course of this crime, the defendant had a lucrative contact with a Russian group, living and working out of Moscow, a company by the name of Prodintorg, who the defendant says had tied to the intelligence service in Russia... [Outside the court-room, Lewis told the press that this was the KGB, the Soviet intelligence agency].

The Russians indicate that they will not submit to any United States permit authority and, as a result, can we go elsewhere? Can we go to the black market? That is what happens.

At this point, Kenny Dekker and James Lee begin to work. Through their contacts, because they are international smugglers at this point, [Lewis apparently does not consider Block an "international smuggler" nor does he explain how Block made contact with Dekker and Lee] notorious criminals in this particular sphere. They begin to work through Indonesia...

The defendant at no point travels or goes over and does any hands-on type of work based on my evidence.

Judge Kehoe then questioned Block carefully as to whether he was making his guilty plea voluntarily and explained the entire indictment point by point. Finally he accepted the plea and set sentencing for 15 April 1993 at 9 a.m. Sentencing will be based in part on Lewis's recommendations, both directly and through his contribution to the probation officer's pre-sentencing report.

NEWS FROM THE CONGO

The August 1992 issue of IPPL News told readers about the wonderful work being done by Aliette Jamart and her husband Andre Pique in the Congo Republic. Besides helping take care of the chimpanzees at Pointe-Noire's appalling zoo, they had successfully released a group of chimpanzees on an island in the Conkouati Reserve.

Currently, there is a group of 20 chimpanzees on one island and a second island houses the nursery animals: 13 baby chimpanzees and 6 mandrills. Because the islands do not offer enough natural food, supplementary fruit is fed to the animals.

Volunteer Virginie Yakoubsohn wrote IPPL from France:

When you walk in the forest you see how similar our chimps are to wild chimps in their behavior: same games, friendship, tenderness, fighting and shouting...

A two year old nursery baby remembered how her mother used to take termites with a stick when they were together in the forest before.

We never show them anything of what a wild chimp is able to do. The older ones are now

making their nest in the trees and the young ones are learning by observing their elders.

There is no doubt that reintroducing chimps into the wild forest is possible. They're learning to survive without our help.

IPPL has received a detailed account in English of H.E.L.P.'s work from the organization's Vice-President Cindy Stapleton. Copies are available free from IPPL, POB 766, Summerville, SC 29484, USA.

NEWS FROM PHILIPPINES

Starting in 1994, the Philippines will ban all export of wild-caught monkeys, according to Samuel Penafiel, Director of the Protected Areas and Wildlife Bureau of the Department of Environment and Natural Resources.

According to Penafiel, the phase-out of exports of wild monkeys started in 1989. An export quota of 10,000 was set in that year and has been decreasing by 2000 per year.

Penafiel told the **Philippine Star** that only 20% of monkeys exported from the Philippines are captive-bred and that only five companies were breeding monkeys. Export of captive-bred monkeys would continue.

"TOM GIBBON" UPDATE

IPPL member Noel Rowe visited the Wild Animal Rescue Foundation of Thailand in January 1993. Because so many of our members have donated funds for the care of Tom Gibbon, who arrived at the Center with almost no hair, we asked Noel to take a photograph so you could see how he is progressing. As you can see, Tom's coat is improving, and he has a beautiful expressive face.

Leonie Vejjajiva, Director of the Foundation, thanks everyone who donated funds for Tom's care. She tells us that he is living with a female gibbon called "Lamyai" and that he enjoys his daily medicated cream massage. Anyone wanting to make a further gift for Tom's care, please send a check to IPPL marked "For Tom Gibbon."



ITALIAN SMUGGLER ARRESTED IN BRAZIL

According to the 28 January 1993 issue of the Brazilian newspaper *O Globo*, Felice Odorizzi, an Italian national, was

arrested on 26 January at the Rio de Janeiro Airport while attempting to smuggle 27 tamarins and 12 parrots onto a Varig plane leaving Brazil for Italy. Odorizzi was jailed without bond pending trial.

The animals were concealed in cases, but the cries of the tamarins drew the attention of Customs officials. The smuggler identified himself to Brazilian police as a "financial consultant." He could get a jail sentence two to five years long followed by expulsion from Brazil.

The tiny tamarins were stressed and extremely sick as a result of their ordeal, and three of them died. This incident bears a striking resemblance to the case of the "Bangkok Six" orangutans, whose crying was the only thing that drew officials attention to the "bird crates" confiscated on Bangkok Airport on 20 February 1993.

CHICO MENDES' MURDERERS ESCAPE

On 14 February 1993, the murderers of rain-forest protector Chico Mendes escaped from Rio Branco jail, Brazil. The two men, Darci and Darly Alves da Silva, had each been sentenced to 19 years in jail in December 1990.

The Da Silva murderers had been pampered while in jail: they had color TV, a refrigerator, and a stove. Special food and female visitors had been made available.

Although his case is the only one that became an international **cause celebre**, over 1,000 rural workers have been killed by gunmen hired by wealthy ranchers in Brazil during the past decade - usually with official collusion.

In spite of the death of Mendes, courageous Brazilians continue to fight the looting of the Amazon. With Mendes' assassins now free, other destroyers of the Amazon will be encouraged to continue slaughtering anyone who stands in their way.

Letters requesting that the Government of Brazil arrest the fugitive Da Silvas and place them in a well-guarded prison with no luxuries may be sent to:

Exmo. Sr. Presidente Itamar Franco
Presidente da Republica, Palacio do Planalto
70.150, Brasilia, DF, Brasil

Faxed letters may be sent to 55-61-226-7566. Please send a copy of your letters to:

His Excellency the Ambassador of Brazil
Embassy of Brazil
30006 Massachusetts Av. NW
Washington DC 20008, USA

LETTERS TO JUDGE KEHOE

In November 1992, after learning of possible plans by the US Government to drop felony charges against Matthew Block, IPPL issued an **Emergency Alert** asking members to contact Judge James W. Kehoe and Roberto Martinez, US Attorney for Southern Florida. We did this because we thought that somebody had to stand up for the dead orangutans, and we feared that the US Government, whose job it was to speak up for the orangutans, might fail to do so. Unfortunately, IPPL's concern proved warranted.

Extracts from some of the letters follow.

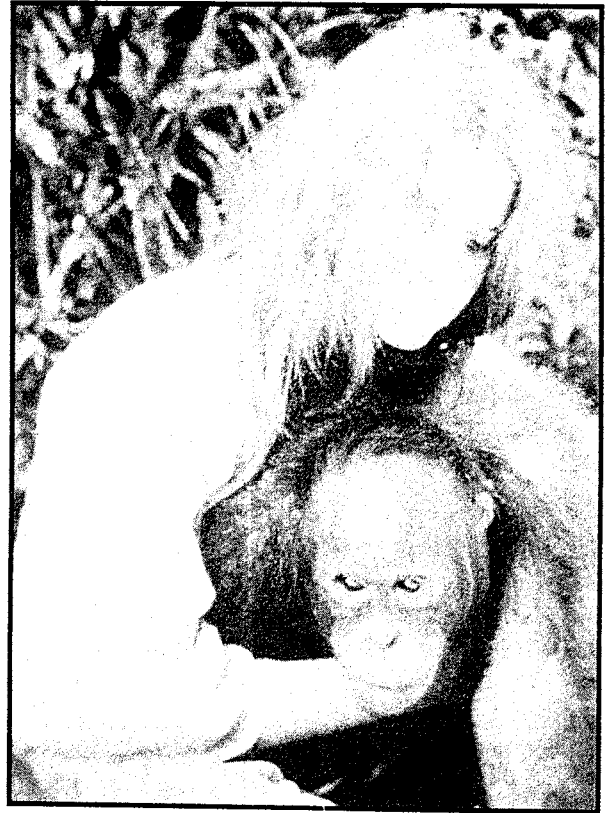
The market for illegal orangutans kills an estimated 6-8 orangutans for every infant or juvenile which arrives at its destination. This number is probably conservative inasmuch as the mothers of the dependent young are shot. Orangutans are arboreal, so many are killed when the body of the mother crushes the infant on impact to the ground. This means another mother is shot to meet the demand. If the infant survives, it frequently falls ill as a consequence of rough handling, inadequate care and improper transport. The orangutan frequently dies due to trauma, infection (pneumonia, open sores), parasitism and/or malnutrition. For every youngster that dies, its mother died so it doesn't take but a few infant deaths to come up with the 6-8 factor.

Animal smugglers do not obviously provide the type of handling, care and transport that facilitates survival. The case of the Bangkok Six, in which I became involved through the Orangutan Foundation International and IPPL, is a case in point. The six infants were shipped in very small and unventilated crates, labelled "Birds." They were stuffed in crates by packing material to help muffle their cries...They were overheated, unfed, unwatered, traumatized, and, because of their overturned condition, several suffered from double and triple pneumonia. Had these unfortunate orangutans not been discovered that day, it is unlikely any of them would have survived the next day.

Three of the orangutans died. Had these animals not have been cruelly stripped from their mothers' arms as a consequence of poachers and ultimately the demand of dealers like Mr. Block, it is likely that all six and the others, perhaps 50 orangutans that died in the process, would still be alive today.

A strong message must be sent to those dealers who make a mockery out of US and international law by their illicit actions. How can my project in Central Indonesian Borneo help the wild orangutan if the United States authorities do not help from this end by putting orangutan smugglers and their backers behind bars...

We need to get serious in stopping the trade in orangutans and other endangered species. That won't be possible until enforcement officials around the world work together in prosecuting the network of guilty individuals from the poachers and smugglers to the dealers and the end buyers.



Birute Galdikas with Orangutan friend

Dr. Birute Galdikas, President
Orangutan Foundation International, Indonesia

I have been involved with the conservation of wild plants and animals in Africa for more than 22 years. I have been particularly concerned with the conservation of gorillas, chimpanzees, and other primates which are in danger of extinction.

As a professional wildlife biologist and conservationist, I am very concerned over the strong negative message which a plea-bargain with a light sentence would send to the many dedicated and brave people who are assisting governments worldwide to reduce the illegal trade in wildlife and wildlife products. Likewise, I am equally concerned over the strong

positive message this would send to those engaged in the illegal capture, movement and sale of protected wildlife.

A number of impoverished African governments are now dedicating valuable resources towards those actions necessary to greatly reduce the illegal trade in wildlife. These governments often look to the United States for leadership, strength, encouragement and assistance in the pursuit of wildlife conservation. They need to be assured that the United States is a willing and aggressive partner in the enforcement of wildlife laws.

Dr. Thomas Butynski, Uganda

My Institute has been involved in formal technical cooperation in nature conservation in Indonesia and as such has tried to assist in battling the massive squandering of Indonesia's protected wildlife through the illegal trade. Any deals to lighten the legal punishment for violation of the law with regard to the illegal trade in internationally acknowledged endangered species will set back such efforts.

In particular the illegal trade in orangutans must be considered as extremely serious...Since 1932 the Indonesian legal system explicitly protects the orangutan and prohibits catching, sale, trade and keeping of such apes. According to international agreement orangutans are not to be exported: only the President has the power to issue a special permit for transport of an orangutan. This is a sensible measure since the orangutan is a badly endangered species...It is estimated that the total world population does not exceed 35,000 individuals.

We would be obliged in our capacity of assistant to the Indonesian Ministry of Forestry if you could give us any information on the accomplices and associates of the defendant Block. Such information would be helpful in preventing any further illegal activities in relation to protected wildlife in Indonesia.

Dr. Herman Rijksen
Institute for Forestry and Nature Research, Netherlands

The recent opening up of Kalimantan (Indonesian Borneo) to large scale mining and timbering has contributed to a resumption of illegal trade in orangutans. At least one thousand orangutans were smuggled into Taiwan alone until the Taiwan Government cracked down on this activity. Infant and juvenile orangutans are caught by killing their mothers, so the loss of animals from the wild far exceeds that in trade.

It is incumbent upon the United States, as the prime mover of the Convention on International Trade in Endangered Species to set an example for the rest of the world, including developing nations, by imposing penalties commensurate with the heinous act of smuggling endangered wildlife.

Dr. Ardith Eudey, California, USA
Vice-Chairwoman for Asia, IUCN Primate Specialist Group

After over thirty years of studying wild chimpanzees, I have witnessed first-hand the effects of trade in orphaned infant apes, and my Institute is currently attempting to provide sanctuary for the victims of this cruel trafficking.

I have followed with interest the tragic story of the "Bangkok Six," and have recently learned that Matthew Block of Miami has admitted involvement in this shipment and will plead guilty to two charges.

However, I am concerned at the possibility of the felony charges being converted to misdemeanors as I feel this would trivialise the shipment. It is shipments like these which threaten the continued existence of orangutans in the wild. I would hope, therefore, that any plea bargaining negotiations be aimed at deterring Mr. Block and others from trafficking in endangered primates, because what does come to light is certainly the tip of the iceberg.

Dr. Jane Goodall, President
Jane Goodall Institute, Tanzania

My involvement in the case began with a telephone call in February 1990 from the Secretary General of the Wildlife Fund Thailand telling me that six orangutans and two siamang gibbons had been confiscated at Don Muang Airport, Bangkok and that they were ill and might die.

As my family and I have a sanctuary for wild animals in distress, I offered to take care of them. My daughter and I collected them from the Royal Forest Department, we broke down in tears when we first saw them, we had never seen animals in such dreadful condition.

They were covered in vomit and feces, had been wedged into two small crates each divided in three compartments, and had been wrapped around with cloth and newspaper. Plywood without air holes covered the front of each crate,

letters, cont.

there were small airholes in the back and sides of the crates.

The siamang gibbons, a mother and tiny baby, had been subjected to the same cruelty. Our veterinarian said that the orangutans had been drugged, were starving, dehydrated from lack of water to drink and were suffering from otitis media, conjunctivitis, pneumonia, intestinal parasites, ringworm, anemia and fear. They screamed whenever a human went near them...

Sentimentality and emotion aside, whoever arranged and financed the capture and torture of these animals, and what I have described is torture, deserved to be punished. If that person is the defendant, then it seems right he should go to prison...

People like the defendant rarely see the animals and birds in which they deal and send off to their deaths. They place an order, provide funds, and let somebody else do the dirty work. There is so much money to be made out of legal and illegal animal trading, that greed overrides conscience. Such people think that money can buy anything, that they are above the law.

Leonie Vejjajiva, President
Wild Animal Rescue Foundation of Thailand

People all over the world, especially the Third World where most wildlife resources originate, are watching this case to see if Mr. Block will be prosecuted vigorously and, if found guilty, punished to the full extent of the law...

I live on a continent where impoverished people are forced to poach in order to survive and I know of cases where poachers of endangered species have lost their lives for as little as \$12.50. Although I cannot condone their poaching, I feel real remorse at the loss of human life.

Under such circumstances, it is not hard to imagine the difficulties authorities in developing countries face in trying to safeguard the survival of their wildlife resources.

I remain convinced that the real criminals in the endangered species trade are not the hapless poachers, but the black market dealers many tiers away who reap fantastic profits out of the misfortunes of the Third World poor and live affluent lives in developed parts of the world.

Tom Milliken, Director
TRAFFIC, East and Southern Africa, Malawi

It is my understanding that Mr. Matthew Block, an animal dealer from Miami, is scheduled to appear before you on 11 December to enter a plea of guilty to criminal charges that are linked to the "Bangkok Six" case... In the past, wildlife smugglers throughout the world have depended on their political influence or simply a lax attitude by governments toward the protection of "foreign" wildlife to facilitate their illegal activities. From a world conservation standpoint, it is important that these individuals realize that any future illegal activities will result in swift punishment by the countries concerned.

Jaques Berney, Deputy Director-General
CITES, Switzerland

I am a UK-trained conservation biologist and have worked in wildlife research and conservation in Southeast Asia continuously since 1979... It is impossible for wildlife authorities at this end to control the illegal wildlife trade unaided. They are short of trained staff, the routes used by smugglers are often extremely subtle, and many of the people involved are senior and influential and beyond the reach of junior wildlife staff. Moreover, it can be dangerous in-country to oppose a trade with such huge sums of money involved. The only way the authorities here stand any hope is to have the full collaboration of people outside the country too.

If people, once caught, are not given severe penalties, however, there is little or no hope for enforcement at this end. Wildlife staff lose the will to enforce the laws if they feel that countries such as the US regard matters so lightly.

This case has received considerable attention here. I know for sure that some of the people known or suspected to be involved in the wildlife trade are following the outcome of the Block case with keen interest. If they see that he has been convicted merely of misdemeanors not felonies, and given an accordingly light sentence, there is no doubt that it will encourage them in their efforts. It will also set an extremely bad precedent for similar cases in the future, both in the US and elsewhere.

Dr. Elizabeth Bennett, Wildlife Conservation International
Sarawak, East Malaysia

We feel that Mr. Block has not been effectively prosecuted and at a time when it is especially important that our country set an example in prosecuting those who deal illegally in endangered species of animals.

Drs. Robert T. and Jean Bayard
Santa Clara, California

I feel that the US Government showed little appreciation to Kurt Schafer for his bravery in coming to the United States to testify against Block. And now, with plea bargaining, Block may escape his punishment, and this would really seem to make a mockery of those who try to cooperate with the government in enforcing the law.

William George, M.D.
Doha, Qatar

The orangutan, gorilla, and chimpanzee species have been reduced to precious few and I feel that it is a crime to let their destroyers go unpunished. We and all future generations will all be poorer when these wonderful species are extinct because a few individuals in 1992 who can do something about it instead belittle the matter into benign neglect. Please don't let that happen.

James C. Grey
Palm Beach, Florida, USA

As a lifelong conservationist, I was frankly appalled to hear recently that the legal authorities in Florida might entertain the possibility of settling the case against the Miami animal dealer Matthew Block, the perpetrator of the infamous "Bangkok Six" orangutan shipment, by means of a totally unacceptable plea bargain. If these reports are founded, I urge you to reconsider...Justice must be seen to be done.

I wishfully to endorse the position of the International Primate Protection League on this matter. The credentials of this organization are beyond reproach and indeed its Founder and Chairperson has recently been elected to the Global 500 Honour Roll of the United Nations Environment Program for her outstanding efforts to oppose illegal trade in endangered species.

The eyes of the world's conservation community are focused on this case and I would respectfully entreat the most decisive steps to ensure that Mr. Block receives retribution which is appropriate to the callousness and severity of his crimes against wildlife.

Prince Sadruddin Aga Khan, President
Bellerive Foundation, Geneva, Switzerland

The need for strong legislation and effective enforcement has never been greater and unless the penalties are seen to provide a deterrent to unscrupulous wildlife dealers, illegal trafficking in the world's most endangered species will continue and many more will be brought to the verge of extinction.

Karen Bradbury, Investigations Officer
Royal Society for the Protection of Birds, England

Many devoted workers have altruistically given their time and money to hold this man accountable for his dark deeds. It is not easy to catch these illegal traders, which makes it all the more important that this case be treated seriously.

Susan Julia Ross, Attorney
Taos, New Mexico, USA

The World Society for the Protection of Animals (WSPA) is an international organization representing the views of 350 member societies in 74 countries.

WSPA's eleven regional offices have been inundated with calls from concerned people who are appalled at the possibility that the perpetrator of the illegal shipment of the orangutans may finally be punished by a monetary penalty

letters, cont.

which they feel would be a totally inappropriate result.

John Walsh
World Society for the Protection of Animals, Boston, USA

We understand the government may be bargaining with Matthew Block now. Such criminal behavior deserves prosecution and swift justice, not deals made with any degree of secrecy. No one made any deals with the helpless animals.

Joyce and Vic Nichols, Charleston, South Carolina, USA

We feel that any plea-bargain which does not include a substantial and meaningful punishment for Mr. Block will be a cause of international embarrassment to the United States and will give aid and encouragement to the ruthless wildlife traffickers who are destroying species that have taken millions of years to evolve and which, once gone, will never come back.

Craig Van Note, for Monitor Consortium
and 16 conservation organizations, Washington, DC, USA

Matthew Block had to be fully aware of what he was doing. His former accomplice, Kurt Schafer, took serious personal risks in exposing this major smuggling ring, and in coming from Germany to Miami to testify, in addition to his earlier detailed revelations which form the basis of the whole case. So did Leonie Vejajiva, a volunteer in Thailand who cared for and nursed the orangutans after their rescue. Their personal safety may be jeopardized by a compromise verdict or "plea-bargain."

Frank Harmon, Maryland, USA

To a wealthy animal smuggler such as Matthew Block, paying a fine is pocket change!

Evelyn Gallardo and David Root
Manhattan Beach, California, USA

It is high time that the United States enforce the laws to curtail this sordid business. Were these primates "humans," we would classify these crimes as the murder of the parents in order to kidnap the children.

Heather McGiffin, Washington DC, USA

Endangered species are routinely abused and killed during illegal trade. The deaths are written off as a cost of doing business - big business. It is by mere accident that the fate of these six smuggled primates has become known. If the misdemeanor pleas are permitted to stand, Florida will have missed a rare opportunity to discourage these cruel transactions.

We are mystified as to why any US Attorney should make a decision to plea-bargain under these circumstances. If the plea bargain is approved it will send a clear signal to traffickers throughout the world who follow those proceedings closely.

Jolene Marion, Legal Action for Animals, New York, USA

I was sent to Bangkok in February 1990 as primary care-giver for the "Bangkok Six" orangutans...I have never met an orangutan - infant, juvenile, sub-adult or adult, who WILLINGLY crawled into a box and calmly sat still while the lid was nailed on...The condition of the infants and the manner in which they were packed indicates that they were tranquillized, a very dangerous procedure, especially when undertaken by non-skilled personnel.

Additionally, when orangutans are shipped legally and humanely on breeding loan from zoo to zoo, they are provided ample space, food, water, and air. Toys and blankets are provided these highly intelligent animals. They are not stuffed into crates labelled "Birds."

Block's lawyer argued that Block was "on the other side of the world," and hence not responsible for the manner in which the orangutans were shipped. Amazingly the prosecutor adopted this attitude.

This is ludicrous. The organizers of the world's smuggling syndicates, be it heroin, child prostitutes, ivory, birds or

rhino horn, rarely operate in a hands-on manner or courier the merchandise personally. They arrange the deals, with full knowledge that the merchandise must be hidden, and then sit back and collect the largest share of the profits.

Dianne Taylor-Snow, California, USA

There has been an element of secrecy about this case, which is not acceptable. Any request to seal the records should be rejected and all case files in possession of the US Attorney's office and the US Fish and Wildlife Service should be opened for public scrutiny. The government should be ordered not to destroy any case materials of any nature. This is important so that the facts can become known and so that future scholars of the case can have access to the relevant materials.

Dr. Vernon Reynolds
Institute of Biological Anthropology, Oxford University, England

"IN COMPLIANCE WITH ALL THE LAWS!"

The 20-26 November 1991 issue of *New Times*, a weekly newspaper published in Miami, Florida, told the story of the "Bangkok Six" orangutan shipment. Just three months later, Matthew Block was indicted, and he has since pled guilty to felony conspiracy to smuggle wildlife.

Jon Sale, Matthew Block's recently-replaced lead lawyer and considered one of the most distinguished lawyers in Miami, told Bill Labbee of *New Times* that:

Mr. Block's company is in compliance with all the laws. Our view is that the entire US Attorney's investigation is being pressured and pushed by Shirley McGreal and her people, and they have their own motives. Any information given to the US Attorney's office by her group we think is false.

Block was indicted just two months later. Jon Sale has not yet sent a correction or apology to Shirley McGreal, IPPL or *New Times*.

Of course IPPL has its "motives." Our motives are good motives: these are concern and compassion for the world's beleaguered primates. Block also had his "motives" for smuggling orangutans: greed and profit.

Unfortunately, non-governmental organizations did indeed have to push the US Fish and Wildlife Service and the US Attorney's office in Miami into moving the orangutan investigation along. Mr. Sale may well be right in his inference that no action would have been taken without IPPL's concern and persistence. IPPL considers Sale's comment **a compliment** to our and our members' good citizenship - and **an insult** to those government officials who are paid by taxpayers to investigate crime and prosecute criminals.

In a letter to the Florida Game and Freshwater Fish Commission dated 9 January 1990, another of Block's many lawyers, Ben Kuehne, piously stated that:

Worldwide Primates Inc. is a licensed facility which supplies primates only to research facilities and licensed laboratories. Worldwide Primates does not sell animals to breeders, wholesale or retail facilities, or purchasers who intend to utilize the animals in any capacity other than approved research.

Kuehne asks the Commission to set different, smaller primate housing standards for primates housed by animal dealers than the standards required by zoos, because, "The health and welfare of the animals [is] at stake."

Note the date of this letter: it was written on 9 January 1990, which is between the November 1989 and February 1990 attempts to smuggle the "Bangkok Six" internationally. When this letter was written, the unfortunate orangutans were sitting stranded in Singapore and their "health and welfare" was deteriorating. Further, after his indictment, Block visited Safari World outside Bangkok, Thailand, which is neither a "research facility" nor a "licensed laboratory." According to the curator, Block offered to send his animal "price-list."

THE "OVERT ACTS"

The "superseding indictment" of Matthew Block and three foreign conspirators was announced by the US Attorney's office in Miami, Florida, on 27 January 1993. The new single-count indictment (maximum jail time, 5 years) was issued after Matthew Block testified before a Miami grand jury. It replaced the old four-count indictment (maximum total jail time, 12 years).

The new indictment describes the four "conspirators" allegedly involved in the "Bangkok Six" deal.

* **Kenny Dekker** of the Netherlands was described as "engaged in the international **illegal** trade of various endangered species of wildlife."

* **Matthew Block** of Miami was described merely as "engaged in the buying and selling of wildlife internationally." The word "**illegal**" was not used of Block!

* **James Lee** of Singapore was described as "engaged in the international **illegal** trade of various endangered species of wildlife."

* "**Victor Buljovic**" (actually Vukosav Bojovic, whose name was misspelled in the indictment) of Belgrade, Yugoslavia, was described as "engaged in the international **illegal** trade in wildlife."

The indictment listed, without providing specifics, various "Overt Acts" of the conspiracy and refers to various documents, most of which had been provided to the US Government by IPPL in May 1990.

* In the fall of 1988, Kenny Dekker, Matthew Block and

Kurt Schafer met in Bangkok, Thailand. No details of the meeting were given.

* In the fall of 1989, Kenny Dekker phoned Matthew Block in Miami. No details of this phone-call were provided.

* In the fall of 1989, Kenny Dekker met Kurt Schafer and asked Schafer to help move the orangutans from Indonesia to Moscow.

* In the fall of 1989, Kenny Dekker and Kurt Schafer met at a restaurant in Bangkok, and Dekker suggested to Schafer that he contact Matthew Block.

* In the fall of 1989, Matthew Block phoned Kurt Schafer in Bangkok. No details of the phone-call are provided.

* In the fall of 1989, Kenny Dekker and Kurt Schafer met to discuss the "problems" of moving the orangutans from Indonesia to Moscow.

* In the fall of 1989, Kurt Schafer called James Lee of Honey Pets, Singapore, and Lee agreed to help smuggle the orangutans.

* On 24 November, according to the indictment:

Defendant Matthew Block gave co-conspirator Kurt Schafer shipping instructions and information.

IPPL Note: This summary appears to IPPL to be a gross misrepresentation - and under-representation - of the contents of the message. This document, a message from "M" (i.e. Block) to "Kurt" (i.e. Schafer) is reproduced below.

303 Local Message

11:28 11/24/89

ATTENTION KURT

1) PLS MAKE SURE YOU PHONE ME JUST B E F O R E SENDING SHIPMENT FROM SINGAPORE TO MY HOUSE.
THE PHONE (303) 232-6217-SUGGEST YOU PHONE ABOUT 2-3 PM SIN TIME JUST IN CASE I RCV ANY LAST MINUTE NEWS FROM MOS

PLS BE CAREFUL ABT CARRYING DOCUMENTS WITH MY NAME, COPIES OF TLX ETC ON YR PERSON OR BAGS- JUST IN CASE YOU HV ANY PROBLEMS-AS WE WILL HV MORE SHIT THEN YOU -HOPEFULLY ALL GOES OK-BUT PLS BE CAREFUL ABT DOCUMENTS N ALSO THE PHONES.
RGDS
M

P'S DONT SEND TOO MANY BIRDS-FEWEST POSS.

This message is perhaps the most damning case document of all, and the "sanitized" summary appears to have been deliberately written by prosecutor Guy Lewis to whitewash Block's role in the orangutan shipment. It is difficult when one reads this document to accept Lewis's constant claims that Block had no idea how the orangutans would be shipped.

This document also shows Block's clear awareness that the shipment was illegal, and that he made an attempt to avoid detection. Although the prosecutor appears to think that Block was a "virgin animal smuggler" caught the first time he ever smuggled an animal, the wording of this message suggests someone with experience and "know-how."

The instruction, "PS, don't send too many birds - fewest poss" suggests that statements made repeatedly by Block's defense lawyers and Lewis about Block's supposed lack of knowledge of how the orangutans would be shipped are highly suspect. In a statement dated 4 February 1993, Kurt Schafer explained:

I would like to comment on a somewhat surprising statement made by Mr. Guy Lewis at the hearing on 11 December. He states, "This defendant though based on my review of all the evidence and talking to all the witnesses, did not have the details of how the orangutans were shipped."

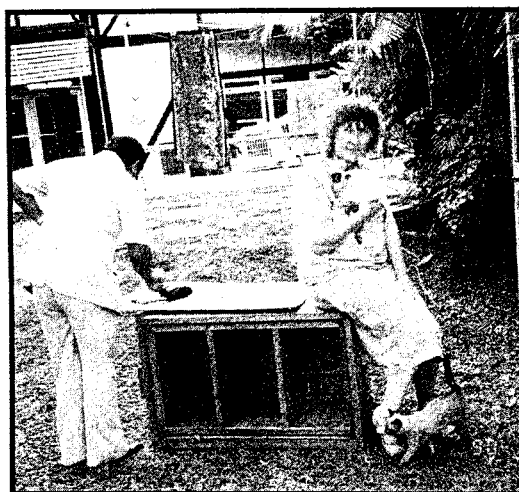
So far, I have not been asked to interpret the fax Mr. Block sent to me on November 24, 1989 (e.g. "Don't send too many birds, fewest possible.") Mr. Block's instructions were to pack non-endangered birds in compartments around the orangutans so that their whimpers could not be heard. That is why the crates were labelled "Birds." In fact, the orangutans were only detected because they were not packed according to the instructions of Mr. Block.

* On or about 28 November 1989, Block faxed Schafer written instructions regarding the shipment. **IPPL note:** in the actual document, Block tells Schafer:

Urgent, important that contract number must appear on each crate (in one corner) and also on airbill. Contract number is 589/1859730/94-122, Regards, M.

This number appeared on the shipping crates.

* On or around 4 December 1989, James Lee obtained an air waybill for "live birds" to be shipped from Singapore directly to Moscow on an Aeroflot flight. **IPPL Note:** this air waybill lists Lee's "Honey Pets" as the exporter and the Soviet import company "Prodintorg" as the recipient of the "live birds."



**Orangutan
Crates**

* On or about December 5, 1989, the "intended Moscow recipient" (i.e. one Mr. Miaso of Prodintorg, not named in the indictment) faxed Schafer a document requesting information on when to expect "the 3/3 orangutans." **IPPL Note:** the orangutan shipment had, according to Kurt Schafer, been rejected as cargo because the Aeroflot flight was full, hence the alternative plan which involved Kurt Schafer going from Bangkok to Singapore and checking the orangutans and siamangs in as his "personal baggage" - a label on the shipping crates says "Checked baggage."

* On or around 5 December, Matthew Block faxed Kurt Schafer a message regarding the failed attempt to smuggle the baby orangutans to Moscow. **IPPL Note:** The indictment presents no details but possibly refers to a document in which Block tells Schafer:

Just got telex from Moscow, they say they can not receive shipment as baggage, only with air bill can they receive. Please advise urgently. Regards, M. Fax me back right away.

* In January 1990, Block "communicated" with Schafer about the orangutan shipment. That is all the indictment states. **IPPL Note:** the actual document asks "What about 3/3 monkeys for Moscow?"

* In January Kurt 1990, Kurt Schafer contacted Belgrade Zoo Director Vukosav Bojovic, and Bojovic agreed to assist the deal in return for a reward of two siamangs.

* On or around 19 February 1990, according to the indictment, "unknown Indonesian males" delivered three crates marked "Birds" to the Singapore International Airport. **IPPL Note:** Kurt Schafer told IPPL that, according to instructions, he had flown down to Singapore where he sat in the airport cafeteria holding a newspaper. He states that he was approached by an Indonesian he had seen on the premises of

overt acts, cont.

an Indonesian dealer known to him and two Chinese Singaporeans, who took his ticket and passport and checked the shipping crates in at the passenger check-in counter as his personal baggage.

* On or around 19 February 1999, the crates were seized by Thai wildlife authorities.

The prosecutor's account fits in with an account provided to IPPL by a senior German wildlife official in April 1990, based on information which IPPL later learned had been provided by Kurt Schafer.

The whole affair has been organized by Matthew Block of Miami. He has organized the business with the help of Kenny Dekker of the Netherlands. K. Dekker has signed a contract with the Russian firm Prodintorg in Moscow. The number of the contact C589/185/97/30/34/122 must be written in one corner of the boxes which were confiscated in Moscow.

The exporter in Indonesia is [not indicted and referred to as "X"] who always has oranges in stock. This person sells them for \$2,500 per orang. X organizes the transport of oranges by boat from Indonesia to Singapore. In Singapore James Lee (Honey Pets Center) receives the oranges and packs them in bird boxes. Lee checks in at the airport with birds. When he has all the papers, stamps, and OKs, he exchanges the boxes, and brings in identical bird boxes but in which are now oranges. The oranges are usually sent via Thailand or directly to Moscow. But this time something went wrong with Aeroflot so they asked Kurt Schafer, a dealer with the Siam Farm in Bangkok, to organize the transport. Schafer was at the plane from Bangkok to Belgrade. The oranges were checked in as additional luggage. The siamangs were supposed to be the payment for the Zoo of Belgrade. From Belgrade the oranges should go to the above-quoted firm in Moscow.

Although this letter and the basic case documents quoted in the "Superseding Indictment" were handed over to the US Fish and Wildlife Service by IPPL in April and May 1990, there was no indictment until 2 full years later.

The whole investigation proceeded extremely slowly, and was plagued with leaks. It often seemed to be progressing backwards! It was strange to see this investigation referred to in the US Attorney's press release announcing the original indictment as "diligent efforts during the investigative phase of the case."

It is not clear that the United States Government can do anything about the three foreign "conspirators" unless they come to the United States voluntarily, or the United States actively seeks their extradition. There is no mention of any plans to extradite the foreigners in the United States Attorney's press release announcing the indictments.

MIAMI HERALD LIES!

The **Miami Herald** falsely stated in a 29 January 1993 article entitled "Evolution of a Hero" (oddly, the **Herald's** hero was none other than Matthew Block) that Leonie Vejjajiva of Bangkok, Thailand, had testified before the grand jury that indicted the "Bangkok Six" conspirators.

The **Herald** has repeatedly refused to retract this untrue statement, and has also refused to publish a letter from Leonie Vejjajiva stating that she did not testify before the grand jury. Clearly, the newspaper has an as yet unclear "agenda" of some kind that has distorted its coverage of the orangutan story from its beginning in 1990.

IPPL is setting the record straight, as we are concerned that such an irresponsible statement could get circulated in animal dealing circles, and could cause harm to Leonie, who has been repeatedly threatened by unknown parties since getting involved in the orangutan case.

STOP PRESS

On April 1, 1993, the **Herald** finally published a correction.

COOPERATION STATEMENT SUBMITTED

On 5 February 1995, Jon Sale, the lead lawyer representing Matthew Block on the "Bangkok Six" orangutan case, filed a "Submission Regarding Defendant's Cooperation."

The orangutan case is being prosecuted in the federal court system. Under the applicable **US Federal Sentencing Guidelines**, penalties are determined under a point system. Using this point system, Matthew Block could possibly receive a lengthy jail sentence for his felony smuggling of orangutans.

The main way for a serious criminal to get probation is by "cooperating" with the government, i.e. becoming a govern-

ment "informant." Defining sincere and meaningful "cooperation" is very difficult, and hence it is a concept open to abuse. Sometimes the US government uses "cooperation" by lesser criminals to lead it to bigger criminals.

Unfortunately major criminals can cleverly manipulate "cooperation" in a self-serving manner. For example, clever lawyers representing the notorious US "junk bond" broker Michael Milken were able to get him out of jail by a token show of "cooperation" in prosecuting lesser criminals. "Cooperation" helps only those criminals with criminal associations, because only such criminals have names to name. "One-

shot" criminals tend not to have names to name.

The "Submission" starts with the somewhat strangely-worded sentence:

The defendant, Matthew Block, joined by the United States of America...

It states that Block had cooperated with the government in a "full, forthright, substantial" manner on several matters, for example, Block's "cooperation" had:

Assisted the United States in identifying those smugglers who were at the heart of the [orangutan] smuggling venture.

This statement implies that these names were not previously known - and that Matthew Block was not himself at the "heart" of the orangutan deal and was only peripherally involved! Sale did of course not mention that everybody named named in the "superseding indictment" (i.e. Kenny Dekker of the Netherlands, James Lee of Singapore, and Vukosav Bojovic of Belgrade Zoo) was "recycled," having been identified as early as April 1990 by Kurt Schafer. In any case, the three people indicted were all foreigners.

According to Sale:

The government is of the opinion that the superseding indictment identifies those individuals who were responsible for the smuggling effort.

This comment is puzzling, as some of the key people in the smuggling incident, the Indonesian supplier(s), the Soviet importer, and the final buyer(s), have not been indicted yet. Sale continues:

[Block's] cooperation and undercover investigative work as a confidential informant had led to the arrest of a Jacksonville man involved in

bird smuggling.

Sale states that "the defendant's undercover efforts" led to the arrest of 5 Mexicans for attempting to purchase a baby gorilla and orangutan. He notes that:

Together, the defendant and government agents worked undercover playing the role of animal smugglers.

Sale conveniently omits to state that Matthew Block is himself a confessed animal smuggler! Sale goes on to say that Block's "cooperation has been full and complete," and that:

It has not been without danger to the defendant and his family, given the background of several of these international smugglers.

Sale conveniently omits to note that his client Block is himself an "international smuggler!" Criminal case files indicate that Block may himself have threatened and intimidated witnesses. In any case, Kurt Schafer named all the names named by Block three years ago, and must be presumed to have been in far greater "danger" than Matthew Block.

According to Sale:

The parties [i.e. Block and prosecutor Guy Lewis] have chosen to bring this information to the court's attention and to alert the court, in advance, to the defendant's cooperation... Assistant United States Attorney Guy A. Lewis has reviewed this submission, and is in agreement with its contents.

IPPL sees several parallels between the Block and Milken cases. For details of the Milken case, please refer to the article "Michael Milken's Biggest Deal," by James B. Stewart which appeared in the 8 March 1993 issue of *New Yorker* magazine.

IPPL T-SHIRTS AVAILABLE



Michelle Martin wearing IPPL Chimp T-Shirt

IPPL has the following T-shirts for sale:

Gorilla T-Shirt: Sizes XL, L, M and S, white, grey, beige and aqua. XXL available in white and aqua only.

Chimpanzee T-Shirt (back and front design): XL, L, M and S, white and aqua. XXL, white only

Gibbon T-Shirt: XL, L, M and S, silver, beige, aqua and pink. Not available in XXL.

IPPL T-shirts cost \$12 each, please add \$2 per shirt for postage and handling.

... Please provide a second color choice ...

IPPL also has gorilla sweat-shirts in XL, L and M, all in sea-green. XXL gorilla sweat-shirts are available in white only. IPPL sweat-shirts cost \$22 plus \$3 postage and handling.

By wearing IPPL T-shirts and sweats, you help carry the message of "Primate Protection" wherever you go, and your gift helps IPPL carry on its work.

... IPPL T-shirts make wonderful Holiday gifts ...

LATE NEWS IN ORANGUTAN CASE

On 12 March 1993, Matthew Block submitted a "Motion to Withdraw Defendant Block's Guilty Plea and for Reinstatement of Plea Agreement." The motion was filed on Block's behalf by Michael Metzger, a California lawyer who has been banned from practicing in the Northern California federal courts for extremely abusive treatment of prosecutors. Metzger has the nickname "Mad Dog Metzger!"

Metzger stated that Block wanted to return to the plea bargain rejected by Judge James Kehoe, which was for two misdemeanors, or otherwise face trial. Metzger emphasised prosecutor Guy Lewis's unfortunate statement at the hearing on the original plea-bargain that the "Bangkok Six" incident was just a "technical violation which involves permits."

Metzger harped endlessly on one sentence from IPPL's emergency mailing to members in which the charges against Block were described as "four felonies." IPPL's source was an article entitled "Dealer Guilty of Smuggling Six Orangutans" which appeared in the *Miami Herald* in November 1993 and which prompted our "Emergency Alert" to members. This article stated:

Prosecutors are expected to tell the judge that they will drop two of four felony counts. In return, Block agreed to plead guilty to offering the animals for sale and arranging their export.

Metzger also referred to points made in a letter dated 20 November 1992 sent by IPPL Chairwoman Shirley McGreal to Miami US Attorney Roberto Martinez. In this letter McGreal expressed IPPL's opposition to the reported weak two-misdemeanor plea-bargain. Not only did Mr. Martinez never respond to this letter - but obviously he or someone else in his office handed it over to Matthew Block.

Metzger commented that:

Ms. McGreal has written letters to federal prosecutors accusing present counsel [i.e. Metzger] of threatening witnesses, hiring investigators to obstruct justice, and slandering her and the League. All of these accusations are false and have been completely ignored by the prosecutors.

In fact, Metzger did send a letter to Miami Assistant US Attorney Lauren Priegues on 9 September 1991, shortly after the grand jury investigation that led to Block's indictment began. In this letter Metzger threatened an "intense investigation" of Shirley McGreal "if an indictment is ever returned against Block."

In his letter to Priegues, Metzger quoted a purported letter sent by Shirley McGreal to an unnamed person in Thailand, and claimed that IPPL uses "improper practices" in its investigations. Shortly after this letter was written, IPPL learned that private detectives hired by an unidentified party had

obtained possession of McGreal's phone-bills, and were trying to find out the name of a person in Thailand McGreal called.

Repeated requests from IPPL that the US Attorney's office in Miami investigate how private detectives had obtained McGreal's phone-bills have indeed "been completely ignored by the prosecutors." The office has neither started an investigation nor responded to IPPL letters on the subject.

According to Kurt Schafer, Matthew Block visited his house in mid-1991 and proposed that Schafer hire Metzger to help keep US authorities from contacting him (Schafer). Schafer, who was annoyed with US officials at the time, states that he agreed and signed an authorization for Metzger to represent him.

Metzger told Priegues that in a letter dated August 21 1991:

I told Mr. Schafer that I could no longer represent him because of my relationship with Mr. Block.

Metzger did not say what his "relationship" with Block was, nor when it had begun. According to Schafer, his relations with Metzger soured badly when he (Schafer) decided to assist the US investigation. Schafer reported that Metzger arrived at his house in Germany in early 1992, and hung around for 3 days, ringing on the door-bell and honking his car-horn, causing stress to Schafer's old parents. Schafer was out-of-town at the time.

Metzger's alleged bizarre antics in Germany were referred to by the then-prosecutor, Tom Watts FitzGerald, at a case hearing during which Block's lawyer Ben Kuehne, who had received a copy of Metzger's letter to Priegues and would normally be expected to remember such a strange letter, acted as if he had never heard of Michael Metzger.

On 21 March 1993, Lewis filed a response in which he opposed Block's motion to withdraw his "Guilty" plea, and accused Block of attempting to "unfairly and unjustly turn back the clock of this case," possibly because of "fear of a harsh sentence." Lewis noted:

Allowing the defendant to withdraw his plea would transform this act into a mere gesture, a temporary and meaningless formality reversible at the defendant's whim.

On 23 March 1993 Judge James Kehoe rejected Block's attempt to withdraw his "Guilty" plea, commenting:

After careful consideration, the Court concludes that the motion should be denied since Block has failed to meet his burden of showing "any fair and just reason" to support his request.

Judge Kehoe set sentencing for 15 April, 1993.

TWILIGHT OF THE ORANGUTANS?

At a conference held in Medan on the island of Sumatra, Indonesia, in February 1993, the latest statistics for orangutan populations were presented. The world population for Bornean orangutans (the "Bangkok Six" and their parents were removed from the forests of Borneo) was estimated at between 12,000 and 20,500. This figure reveals dramatically shrinking numbers of this endangered species. It appears that the decade of the 1990s will be the "twilight of the orangutans."

Thanks to Professor Carel van Schaik of Duke University for responding rapidly from Indonesia to IPPL's urgent request for information.

Picture by Frank Lomas



THOMAS JULIN FILES NOTICE OF APPEAL

In August 1990, Miami animal dealer Matthew Block's Worldwide Primates Company filed a lawsuit against IPPL Chairwoman Shirley McGreal, just three months after McGreal had requested the US Government to investigate Block's alleged role in the "Bangkok Six" smuggling case.

The lawsuit was over a 3-line cover-letter McGreal had sent to a laboratory director, along with a Centers for Disease Control (CDC) report showing 46 instances of Block's company's non-compliance with CDC primate quarantine regulations - including such vile and disgusting conditions as keeping some monkeys stacked in 2-tier cages with those on top urinating and defecating on those below.

It was obvious from Day I that the Block lawsuit had no legal merit at all. However, the case was handled by Judge Kenneth Ryskamp and Magistrate William Turnoff, whose activities throughout the case raised serious questions about their objectivity, **to put it mildly**. Three days after his indictment in February 1992, Block dropped his lawsuit and McGreal's attorney Thomas Julin immediately filed a motion demanding that Block and his attorney be sanctioned for filing a frivolous lawsuit.

Magistrate William Turnoff rejected the sanctions motion, making the amazing statement that he had to take special "judicial notice" of Block's status as a criminal defendant in

deciding against McGreal!

Judge Kenneth Ryskamp was left to make the final decision. Six months passed and finally Ryskamp accepted **with no explanation whatsoever** Turnoff's recommendation against sanctions.

The decision was totally outrageous. Worldwide Primates had taken the Fifth Amendment against self-incrimination 49 times and had never handed over one single document in its own lawsuit, and deserved to be sanctioned.

Thomas Julin, one of Miami's foremost First Amendment attorneys, is appealing this disgraceful decision. If criminal suspects are allowed to wrap themselves in the Fifth Amendment and use the civil courts as personal playgrounds to harass, intimidate and attempt to invade the files of the people who turn them in, law-abiding citizens are likely to think twice before reporting suspected criminals to law enforcement authorities.

Fortunately, the appeal will be considered in Atlanta, where any bias, influence, connections or political considerations that **might** have affected the handling of the case in Miami will have no importance.

Mr. Julin is providing his services at no cost to Shirley McGreal or IPPL, and we all owe him a very big thank-you!

MEXICANS GET "STUNG" IN MIAMI

On 26 January 1993, the US Attorney's office in Miami, Florida, USA, announced that 5 Mexican nationals had been arrested on 25 January 1993 for participating in a "primate smuggling conspiracy."

Those arrested were Victor Bernal, Director of Zoos and Parks for the Central Mexican state of Mexico: Jose Luis Alcerraca and Eduardo Berges, Mexican animal dealers: Maria Eugenia Villada and Margarita Barrera of the state of Mexico's Division of Zoos and Parks.

Victor Bernal currently directs the Toluca Zoo which used to own two gorillas, obtained from a source and on a date unknown to IPPL. These gorillas are not listed in the official zoo **Gorilla Studbook**. The male gorilla had died, and the Toluca zoo was looking for a replacement male to live with its lone female.

Picon Affidavit

A sworn affidavit filed on 26 January 1993 by Miami wildlife agent Jorge Picon and the indictment announced on 17 February 1993 describe the "sting" operation that led to the Mexicans' arrest. Picon, who is originally from Colombia, South America, is a Spanish speaker.

The "sting" involved a gorilla born at the Miami Metro Zoo and an orangutan born at the Parrot Jungle, Miami. Picon swore that:

A gorilla can command a retail price of up to \$200,000 per animal in the United States or anywhere in the world. Orangutans can retail on the blackmarket for as much as \$40,000 each.

Value of Orangutans

This \$40,000 value placed on orangutans raises serious questions as to why Miami Assistant US Attorney Guy Lewis signed an agreement with Matthew Block's lawyers in late 1992 stipulating that the total value of the "Bangkok Six" orangutans was "less than \$10,000." It is understandable that Block's defense lawyers would want to under-value the animals, but it is not clear to IPPL why the prosecution would collude with this, because of its effect on the final sentence.

It appears also that there is a "double standard" operating here, with a low value (6 orangutans for less than \$10,000) selected to help Matthew Block avoid punishment - and a high price (\$40,000 per animal) selected to increase the Mexicans' punishment and, presumably, the value of Matthew Block's "cooperation" in helping "sting" them. In fact, the "market value" of contraband is supposed to be the basis for penalties under the **Federal Sentencing Guidelines**.

Picon's figure would make the total value of the "Bangkok Six" \$240,000, rather than "under \$10,000." Under the **Guidelines**, wildlife valued at less than \$10,000 would add 2 points

to the sentencing score, yet a value of \$240,000 would add 8 points to the score, and make a prison term more likely.

The "Confidential Informant"

According to Picon's affidavit, a "confidential informant" helped the wildlife agents with the Mexican sting. US Government officials, acting on condition of "anonymity," immediately told the press that this person was Matthew Block! Block was also identified by name in the indictment.

According to the indictment, Mexican animal dealer Eduardo Berges held a meeting with Block in Miami, Florida sometime in the fall of 1992. The purpose of this meeting is not stated in either the affidavit or the indictment. However, defendant Victor Bernal has stated that the two indicted animal dealers had previously been involved with Block in monkey trading.

Recorded phone-calls

On 6 January 1993, three weeks after Judge Kehoe rejected the two-misdemeanor plea-bargain, Berges allegedly phoned Block to say that he wanted to buy a gorilla and some orangutans for Toluca Zoo. Matthew Block recorded this phone-call. Block's phone was obviously already set up to tape-record phone conversations at the time when Berges called him, presumably with approval of the US Government.

On 7 January, Block, again recording, phoned Berges to say that he had located a gorilla and an orangutan. The orangutan was owned by Bernie Levine, a sometime partner in two of Block's business enterprises and a former veterinarian for Block's company Worldwide Primates. Levine used to own an animal dealing firm called Pet Farm in Miami. The Miami Metro Zoo owns a 6 year old captive-born gorilla.

On 7 January, Berges phoned Block, again recording, to express interest in obtaining the gorilla and several orangutans. Later that day, Block called Alcerreca and reportedly told him that no legal export permits would be available for the primates. On 11 January, Berges phoned Block, still recording, to tell him that he and Bernal would fly to Miami to look at the animals.

Picon and Block meet Mexicans

On 12 January, Berges, Alcerreca and Bernal arrived in Miami. The next day they met Jorge Picon and Matthew Block at the Airport Hilton Hotel in Miami. The conversation was recorded. Picon said that the animals were "very hot," and emphasized the importance of completing the deal rapidly.

The group next went to Parrot Jungle and Miami Metro Zoo to view primates. Bernal allegedly requested false US CITES export permits, which Picon agreed to try to obtain.

On 14 January, Picon and Block met the three Mexicans, and again recorded the conversation. Picon said that he would

locate a plane to fly the animals to Mexico.

On 15 January, Block received and recorded a phone-call from Berges, who said that Bernal was going to return to Toluca to arrange to bribe officials to allow the animals into Mexico. Later that day, Picon and Block met the Mexicans again. Picon said that he had located a pilot to fly the animals to Mexico, and showed them examples of false CITES documents.

Later on the 15th, Picon and Block met the three Mexicans at Miami Airport and recorded the conversation, emphasizing that the export permits would be false. Bernal reportedly stated that the other two gorillas at Toluca Zoo "had been imported into Mexico without permits." Berges gave \$2,000 to Picon for the cost of the charter plane.

On 21 January, Berges and Alcerreca arrived in Miami, and the two women (Villada and Barrera) arrived the next day. Bernal himself arrived on 23 January 1993. On 24 January 1993, Picon and Block met the five Mexicans. The women said that they were loyal to Bernal and could be trusted. Bernal discussed shipping plans. On 25 January, the sum of \$92,500 was deposited into Matthew Block's bank account for payment of one gorilla and one orangutan.

The "Sting"

On 25 January, Picon and Block, accompanied by Bernal, Berges, and Alcerreca, went to Opa Locka Airport, Miami. A small "charter plane" was waiting for them. A senior wildlife official had flown down from Atlanta to participate in the "sting" as the "pilot." A Miami wildlife agent was sitting in a shipping crate wearing a gorilla suit, having been daubed with gorilla feces obtained from the Miami Metro Zoo.

The "sting" was completed when the "agent/gorilla" leaped out of the crate, reportedly shouting "Somos policia, somos policia!" The three Mexican men were arrested on the spot, and the women were arrested at their hotel later. This theatrical arrest received worldwide publicity.

Mexicans Jailed

Magistrate Linnea Johnson (who had granted Matthew Block an "emergency travel motion" to go overseas while awaiting trial in the orangutan case) set extremely high bonds for the five Mexicans, ranging from \$100,000 to \$250,000, and all of them remained in jail for 10 days.

No doubt Block was pleased. His role in this "sting," which obviously put the Miami wildlife agents on a friendly basis with him (assuming such a relationship did not already exist) and also partly in his debt for the publicity bonanza, would probably earn him the coveted "cooperation motion," might keep him out of jail for the **even more unsavory** "Bangkok

Six" orangutan deal.

Ten days after their arrest, the Mexicans' bonds were reduced and they all left jail. On 17 February, all five were indicted on three felony and three misdemeanor counts that could net them each 18 years in jail.

At the arraignment hearing on 22 February 1993, Ms Villada, who is pregnant, collapsed. The women, who appear to be minor players in the episode, were allowed by Judge Federico Moreno to return to their families in Mexico.

US Attorney's Office Press Release

In a press release accompanying the Mexicans' indictment, the US Attorney's office in Miami announced that:

As few as 30,000 gorillas in Africa and 35,000 orangutans in Indonesia exist today and their survival continues to be undermined by poaching and illegal inter-

The "sting" was completed when the "agent/gorilla" leaped out of the crate, reportedly shouting "Somos policia, somos policia!" The three Mexican men were arrested on the spot, and the women were arrested at their hotel later. This theatrical arrest received worldwide publicity.

national trade.

The press release, which rightly emphasizes the harm caused to gorillas and orangutans by illegal trade, conveniently forgets to mention that Matthew Block, the government's associate in the "sting" of the Mexicans, is now awaiting sentencing for precisely such "illegal international trade" - and it also fails to mention that the US Attorney's office in Miami itself tried to knock the charges against Matthew Block down to two misdemeanors, which would have probably got him off with just probation!

IPPL Questions about the "Sting"

While it is certainly wrong to export captive-born animals from the United States without an export permit, it is IPPL's opinion that the Mexicans' uncompleted crime pales in comparison with the appalling "Bangkok Six" orangutan shipment. The "Bangkok Six" orangutan deal involved a completed crime and wild-caught baby orangutans caught by the shooting of their mothers. At least some of the smugglers involved had probably used this itinerary before.

Cynical observers of the US Fish and Wildlife Service Division of Law Enforcement may feel that the timing of the "sting" was just too much of a "coincidence." It happened just when Matthew Block needed urgently to present an appearance of "cooperation" in order to win a light sentence.

It is IPPL's opinion that the US Fish and Wildlife Service special agents, unless they are grossly incompetent, should have been able to organize such a simple "sting" on their own or with the help of a conservation organization, without putting themselves in debt to any wildlife smuggler, especially a smuggler involved in as cruel and species-destructive a crime as the "Bangkok Six" shipment.

sting, cont.

The slow, leak-plagued investigation of the orangutan shipment had also raised serious questions about the competence of elements of the Division of Law Enforcement of the US Fish and Wildlife Service to investigate international wildlife smuggling. By helping the Region 4 wildlife agents with the "sting," Block may have helped them redeem their reputations through this flurry of activity. Thus there may have been 2-way benefits from the "sting."

The account of the "sting" leaves the impression of a somewhat cozy relationship between an animal dealer and wildlife agents charged by US taxpayers with regulating wildlife trafficking. In contrast, several of the wildlife agents have exhibited extremely rude, arrogant and hostile behavior to conservationists who care about wildlife and are tracking the orangutan case.

May Trial Date Set

Guy Lewis, the 4th of four prosecutors assigned to the orangutan case, and Lauren Priegues (the second of the four prosecutors on the case) are prosecuting the Mexicans. Oddly, Magistrate William Turnoff presided over one hearing in the Mexican case, during which Turnoff made friendly comments about Priegues. Turnoff also did some work on the Manuel Noriega case, on which Guy Lewis also worked. In another of the many strange coincidences that have marked the orangutan affair, it was William Turnoff who handled the Block civil lawsuit against IPPL Chairwoman Shirley McGreal so outrageously, often acting as if he were an extra lawyer for Block rather than an unbiased judge.

The Mexicans' trial has been set for 17 May 1993.

THANKS TO MEMBERS

Following the Miami US Attorney's office decision to drop felony charges against Matthew Block in return for a guilty plea to two misdemeanors, overseas witnesses who had shown remarkable courage in coming to Miami to testify against Matthew Block, and who had not been informed of the impending "deal," felt shocked, unappreciated, and depressed.

IPPL therefore asked members to send Holiday greeting cards to witnesses Leonie Vejjajiva of the Wildlife Rescue Center in Thailand, who had taken initial care of the confiscated baby orangutans and Kurt Schafer of Germany, the former animal dealer who had carried the orangutans for Block, and had first "blown the whistle" on the smuggling gang, naming Block, Dekker, James Lee, and others immediately after confiscation of the animals.

Both Leonie and Kurt received hundreds of friendly and supportive cards from IPPL members, which they greatly enjoyed and appreciated. They can't answer each one individually so have asked to express their sincere thanks through IPPL News. Leonie comments of the cards:

They made me feel really loved and appreciated.

UPDATE ON CONFISCATED MONKEYS

The December 1992 issue of IPPL News told of the confiscation on 3 August 1992 of 18 smuggled macaque monkeys which had reached the port of Kaohsiung, Taiwan, on a freighter from Vietnam. All the monkeys were destroyed.

In response to protest letters from IPPL members, Huang Yuong-Jay, Director of Taiwan's Forestry Department, stated that primates can carry diseases which could "jeopardize the human health in Taiwan if unchecked primates were allowed to enter Taiwan."

The Director told writers to:

Rest assured that our government will continue the efforts to crack down on wildlife smuggling and establish humane solutions regarding confiscated animals.

A consortium of wildlife protection organizations led by the Earth Island Institute has initiated a boycott of Taiwanese-made goods to protest Taiwan's role in the illegal trade in tiger-bone, rhino horn, ivory, live orangutans and other animals.

PROBLEMS WITH SENTENCING GUIDELINES

Writing in the 27 February 1993 issue of the *Washington Post*, columnist Colman McCarthy pointed out that the US federal sentencing guidelines sometimes cause "small-fry" criminals to get long jail terms. Meanwhile, wrote McCarthy:

It works the other way, too, as in "guidelines sentences." This is a process by which drug kingpins can bargain for lower sentences if they cooperate with prosecutors by fingering others in the ring. A mandatory sentence can be avoided by naming names. "The moral of this story," says Julie Stewart, director of the Families Against Mandatory Minimums, "is that if you're going to get caught on a drug charge, be a king-pin. You can talk and get off lightly. It also means that those who have little or no information to bargain with get the hardest hit. They're the least guilty."

Similar things may happen in wildlife cases.

STRANDED PRIMATES

Stranded in Rwanda: an Eastern Lowland Gorilla

Amahoro is a young Eastern lowland gorilla confiscated at Kigali Airport, Rwanda, on 15 July 1992. An Egyptian animal dealer and an employee of the Egyptian Embassy in Kigali were involved in the illegal shipment.

A chimpanzee was seized at the same time. This animal was later sent to join a group of chimpanzees in Bujumbura, Burundi, where Dean and Suzanne Anderson are caring for over 20 rescued chimpanzees under the auspices of the Jane Goodall Institute.

Amahoro stayed in Rwanda under the care first of Dr. Liz MacFie of the Virunga Veterinary Center, and later of veterinarian Mel Richardson and his wife Dawn Garcia.

Unfortunately, the veterinary center was evacuated as a result of civil strife in Rwanda. Dr. Richardson considered Amahoro far too young to release into the wild, and hoped to transfer her to Kenya for safe-keeping until the political situation calmed down. The Mountain Gorilla Project wanted to keep her in Rwanda for release into the wild in Zaire.

Amahoro belongs to the Eastern Lowland gorilla species, which is not found in Rwanda. This means that she would have to be returned to Zaire for release into the wild. However, there is also political strife in Zaire that is likely to get worse. Gorilla rehabilitation has seldom been attempted and has not yet been successfully accomplished.

Dr. Richardson feels that Amahoro is too young and humanized to survive in the wild. Another potential problem is that some male gorilla group leaders attack youngsters that are not their own, sometimes killing infants belonging to female gorillas transferring into their groups.

Unfortunately Amahoro became caught up in "conservation politics," and she was left behind in Rwanda where her future is uncertain.

Stranded in Colombia: a gibbon

IPPL was asked by an employee of the Wildlife Department of Colombia, South America, to locate a home for a female white-handed gibbon confiscated from a Colombian family which had obtained her from an American family who had smuggled her out of Thailand some years ago. The gibbon was reported to be living without a companion.

IPPL first contacted the rescue centers in Thailand,

which are all over-loaded with locally-confiscated animals. We then asked Molly Badham of Twycross Zoo if she would consider accepting the gibbon. Twycross has over 40 gibbons, many in their 40s, thanks to the excellent care they receive.

Leonie Vejjajiva discussed the situation with Thai wildlife officials who said that they would allow the gibbon to go to England, since there was no room for her at any Thai rescue center and since she had been confiscated by Colombian wildlife authorities, and was not being sold.

However, the British Department of the Environment refused to allow Twycross to import the gibbon, saying, "The import of this Appendix I species is likely to encourage the trade in such endangered species." This argument makes little sense to IPPL, since the gibbon had already been confiscated, and nobody stood to make any money off her.

Not wanting to keep the confiscated gibbon indefinitely, the Colombian Government returned her to her owner so she will sadly remain a lonely pet - the only gibbon in Colombia. Clearly, this young gibbon needs and deserves a companion of her own species if she is to lead anything like a normal gibbon life. It is no fault of her's that this gibbon got to Colombia, yet it seems that she may now be condemned to a life of lonely misery.

Stranded in Liberia: 100 chimpanzees

Starting in 1975, the New York Blood Center built up a large chimpanzee colony named Vilab II in the African nation of Liberia for the study of hepatitis, onchocerciasis, and other viral diseases. After some years, the Center began placing surplus chimpanzees on islands. However, the civil war in Liberia led to the killing of many of the island chimpanzees for food by hungry humans.

In spite of the political problems, facility director Betsy Brotman and her husband Brian Garnham stayed at their jobs, doing the best they could at considerable personal risk to take care of the chimpanzees.

On 31 January, Garnham was shot to death by unidentified parties, and the New York Blood Center decided to close Vilab II down for good.

Currently, there are over 100 Vilab chimpanzees stranded in Liberia. Clearly, it would be better if they stayed in Africa and were taken out of research. However, the existing chimpanzee sanctuaries in Africa are full and some of the Vilab animals have been used in disease studies. The future looks bleak for these chimpanzees.

A MONTH IN MIAMI

The International Primate Protection League has studied all 3-177 import forms for wildlife entering the United States through the port of Miami in July 1992. IPPL's goal was to evaluate the quality of the wildlife inspection program. Miami is part of Region 4 of the Division of Law Enforcement of the US Fish and Wildlife Service.

IPPL has cross-checked the information on the 3-177 forms with the information from the LEMIS (Law Enforcement Management Information Service) computer read-out, and we have matching forms for the shipments entered into the computer.

Why IPPL Selected Miami for Study

IPPL selected the port of Miami for our initial study for three principal reasons:

1) IPPL learned that 110 monkeys, all dead, from Indonesia had arrived at Miami Airport on 20 August 1992, and that not one of the four wildlife law enforcement special agents or six wildlife inspectors had physically inspected this appalling shipment,

2) Following Hurricane Andrew, which struck Miami on 24 August 1992, hundreds of wild animals escaped, and a Florida Fish and Game Commission press release dated 27 August 1992 reported that there were no less than 215 wildlife dealers registered in South Florida,

3) A former wildlife smuggler told IPPL that Singapore bird smugglers had in the past informed him that sending wildlife to Miami was an "easy" way to get smuggled wildlife into the United States.

Airplanes reach Miami International Airport round-the-clock. A few wildlife shipments enter through small airports usually used by private planes, at the ocean terminal and, occasionally, by the US mail or other delivery services.

IPPL has studied 3-177 import forms for all primates entering the United States for several years, and noticed the low inspection rate for primates entering the United States through Miami. In July 1992, a request for information was sent to a Miami wildlife inspector regarding the low inspection rate for primate shipments.

In a letter to IPPL dated 31 July 1992, Senior Resident Agent Jorge Picon, to whom the inspector handed IPPL's letter for reply, stated that the port of Miami is staffed by five wildlife inspectors and one supervisor wildlife inspector. Picon stated that the inspectors try to meet and inspect every importation of live shipments of live wildlife, but that,

There are times when one inspector has three or more shipments and/or Customs brokers waiting for inspection and clearance about the same time at different sites within the airport grounds.

Picon stated that the inspection office at Miami Airport is open from Monday to Friday from 8 a.m. to 4.30 p.m., and that an inspector is available by beeper after hours and on week-ends. He stated that an inspection fee of \$25 per shipment is charged to wildlife importers.

Picon's Explanation for low inspection rates

IPPL requested further clarification, and Picon stated in a letter dated 4 November 1992 that, on average, 200 shipments per week arrive at Miami Airport. He then explained the allocation of inspectors' time. The five field inspectors would spend their 40-hour working week as follows:

- * one day a week physically inspecting shipments,
- * one day a week reviewing documents,
- * one day a week manning phones,
- * one day a week working on issuance of re-export certi-

U.S. FISH AND WILDLIFE SERVICE		Form of Carriers			
<p>U.S. Fish and Wildlife Service Form 3-177 (Rev. 1-78) From Importing U.S. No. 1010</p> <p>Importation Date: <input checked="" type="checkbox"/> Import <input type="checkbox"/> Export</p> <p>Port of: MIAMI, FL.</p> <p>Date: 07-02-92</p> <p>For Importer Only</p> <p>U.S. License and/or Permit No.: 890--300668--5</p>		<p>LUFTHANSA AIRLINES</p> <p>Airway Bill or Bill of Lading No.: 220-25641943</p> <p>Imported or Exported via: <input checked="" type="checkbox"/> air cargo <input type="checkbox"/> ocean cargo <input type="checkbox"/> truck</p> <p><input type="checkbox"/> rail <input type="checkbox"/> mail <input type="checkbox"/> personal baggage</p> <p><input type="checkbox"/> telehandler: Hopper no. _____</p> <p>Location where wildlife is available for inspection: LUFTHANSA</p> <p>Package or Rate Mark and No.: 3 BXS</p>			
<p>DECLARATION FOR IMPORTATION OR EXPORTATION OF FISH OR WILDLIFE</p>					
<p>Foreign License and/or Permit No.: STRICTLY REPTILES 3221 NW 75 TERR. SUITE 89 HOLLYWOOD, FL. 33024</p> <p>Foreign Consignor or Exporter: FIRMA NASCO JI WARADA 17 JAKARTA 10540 INDONESIA</p> <p>U.S. License and/or Permit No.: R&R FORWARDERS INC.</p> <p>Shipping Agent or Freight Forwarder: _____</p>					
<p>Provide All Information Below (Indicate or Item providing required information may be attached)</p>					
QUANTITIES	SCIENTIFIC NAME (Genus Species)	COMMON NAME	DESCRIPTION (If live, sex, age, if possible, describe)	DECLARED VALUE	COUNTRY OF ORIGIN
8	AMETHYSTINUS LIASIS	AMETHYST PYTHONS	LIVE	\$400.00	INDONESIA
2	VARANUS SALVADORI	SALVADORI MONITORS	"	600.00	"
8	PYTHON CURTUS	BLOOD PYTHONS	"	400.00	"
10	VARANUS RUDICOLIS	RUDICOLIS MONITORS	"	500.00	"
51	VARANUS SALVADORI	SALVADOR MONITORS	"	765.00	"
6	LIASIS ALBERTISI	D'ALBERT PYTHONS	"	900.00	"
2	VARANUS KARLSCHMIDTI	SCHMIDT MONITORS	"	100.00	"
10	VARANUS DUMERILLI	DUMERILL MONITORS	"	500.00	"
6	OPHIOPHAGUS HANNAH	KING COBRAS	"	450.00	"
103				\$4015	
<p>U.S. License and/or Permit No.: 741306</p> <p>Foreign License and/or Permit No.: INDONESIA 19620 -</p> <p>I certify the information contained herein is true and complete to the best of my knowledge and belief. 741306 07-02-92</p>					
<p>FOR OFFICIAL USE ONLY</p> <p>U.S.F.W.S.</p> <p>Check No. 70867</p> <p>PAID</p> <p>U.S. Fish and Wildlife Service</p> <p>U.S. License and/or Permit No.: 741306</p> <p>Date: 7/13/92</p>					

cates, computerizing 3-177 import forms, preparing investigative reports, and responding to calls at the passenger terminal or Foreign Mail Room,

- * one day a week handling evidence and seized products.

Some of these duties would appear of a nature to be handled by secretarial or clerical staff.

IPPL Findings

Study of the actual 3-177 forms showed that a large variety of live wildlife entered the United States in July 1992 through Miami, including tropical fish, reptiles, amphibians, birds, and mammals. Wildlife products imported included watch straps, paint brushes, sharks' teeth, leather products from various species, coral, shells, and sport-hunted trophies.

Only a few wildlife shipments are exported from the United States, confirming that the United States is a major exploiter of the world's wildlife. Most of the exported animals are imported animals being re-exported, not native wildlife.

One block on the 3-177 form is reserved for the "percentage of wildlife inspected." Sometimes this section was left blank by the wildlife inspector. Shipments fell into two categories, commercial and non-commercial. Several items brought in by returning tourists were seized, including:

- 3 stuffed sea turtles*

- 3 birds*

- 1 jaguar skin*

- 6 ocelot skins*

- 3 stuffed crocodiles*

- 1 snake*

- 12 sea turtle eggs*

It appears likely that these tourists were sent over to the wildlife office by Customs. Tourists may declare wildlife products on their customs declarations, which are usually handed out on the airplane, or perhaps Customs officials find the items while searching passengers' baggage. Many of these items are forfeited by the passengers. Twenty-nine tourist items were inspected in July 1992. It may well be that a large amount of wildlife products enters undetected but obviously statistical data is not available.

The most commonly traded wildlife species were tropical fish and reptiles.

Tropical fish were imported in the millions from Peru, Colombia, Guyana, Brazil, Costa Rica, Ecuador, Trinidad, Bolivia, Panama, Curacao, the Bahamas, the Dominican Republic, Burundi, Nigeria, Indonesia, and Sri Lanka. Shells and coral came principally from the Philippines, Taiwan, and Indonesia.

Inspection Rates

The number of physical inspections of commercial shipments performed during July 1992 by each inspector, as best IPPL could determine from the 3-177 forms, totaled 22. The number of non-commercial shipments (mainly tourist items)

checked appears to have been 29.

Actual total inspections per inspector during July 1992 appear to have ranged from a low of seven to a high of 15. In order to make sure that no documents were missing from those provided to us, and to find out if any inspectors were on vacation for all or part of July, IPPL has contacted Mr. Picon four times, but so far no reply has been received to our request for further information.

As far as we can determine at this time:

- * Inspector A physically inspected 2 commercial and 5 non-commercial shipments during July 1992, for a total of 7 physical inspections, and cleared 54 shipments by inspection of paperwork.

- * Inspector B physically inspected 6 commercial and 2 non-commercial shipments, for a total of 8 physical inspections, and cleared 55 shipments on paperwork,

- * Inspector C physically inspected 4 commercial and 5 non-commercial shipments during July 1992, for a total of 9 physical inspections, and cleared 67 shipments on paperwork,

- * Inspector D physically inspected 1 commercial and 13 non-commercial shipments, for a total of 14 physical inspections, and cleared 82 shipments on paperwork,

- * Inspector E physically inspected 9 commercial and 6 non-commercial shipments, for a total of 15 physical inspections, and cleared 49 shipments on paperwork.

This inspection rate seems extremely low to IPPL. One wildlife inspector working at another port reported to IPPL having inspected 9 shipments in one day, more than two of the Miami inspectors appear to have inspected **in the entire month of July 1992.**

It appears that:

- * On 16 of the 31 days of July 1992, only four of them Saturdays or Sundays, **not even one** commercial wildlife shipment received any physical inspection at all.

- * On 11 days of July 1992, only one commercial wildlife shipment was physically inspected. Some of these were incomplete inspections, e.g., 30% of a shipment of 400+ tarantulas and reptiles from Guyana on 8 July: 66% of a shipment of coral from the Philippines on 12 July: 43% of a shipment of reptile and ostrich skin bags from Italy on 25 July: 60% of a shipment of 70 pigtail macaques from Indonesia on 28 July, and 50% of a shipment of shell earrings from Indonesia on 30 July.

- * On 2 days of July 1992, only two wildlife shipments were physically inspected.

- * On one day of July 1992, all or part of three wildlife shipments were physically inspected (33% of a shipment of 219 pairs of lizard and python shoes from Spain: 90% of a shipment of 41 bird skins from the Netherlands: 100% of a shipment of 31 caiman crocodiles and 17 boa constrictors from Surinam).

- * On 1 day of July 1992, four shipments were wholly or partly physically inspected (80% of a shipment of 48 reptiles

miami, cont.

from Surinam: 75% of a shipment consisting of 65 pairs of snake skin shoes from Italy: 50% of a shipment of 2,000 iguanas and 250 boa constrictors from Colombia: 100% of a shipment of 50 orange-wing parrots from Guyana).

Physical inspections during July 1992 were either full or partial. As far as IPPL can determine, only 2% of commercial shipments received 100% inspection, and 5% of commercial shipments received partial inspection. It appears that 93% of wildlife shipments received no inspection at all and that, during the entire month, just 22 commercial wildlife shipments received whole or partial inspection.

Birds, Fish and Plants

IPPL received only two 3-177 forms for commercial bird shipments, although Miami is said to be a major port of entry for birds from around the world, especially South America. One was for the import of 50 orange wing parrots from Guyana, and another for the re-export of 216 parrots and 109 macaws originating in Guyana to England.

On arrival, imported birds are sent to quarantine stations operated by importers under Department of Agriculture supervision to prevent introduction of diseases such as Newcastle's disease that could harm native wild birds and the poultry industry.

Not one tropical fish shipment appears to have been inspected during the entire month of July 1992, although several fish species are endangered, and command a high market price, such as the arowana (Asian bony-tongue). The red variety of arowana can sell for well over US \$1,000 per fish, as they are considered to bring good luck by the Chinese.

There are many plants listed as endangered or threatened under the Convention on International Trade in Endangered Species (CITES), including many orchid and cactus species. Form 3-177s are not filled out for plants, which are inspected by the United States Department of Agriculture, primarily for

the purpose of preventing plant diseases and pests entering the United States.

At this time IPPL has not studied other ports, but inspection of primate import 3-177 forms shows that many primate shipments entering the United States through the port of Houston, Texas, receive 100% inspection.

Copies of IPPL's full report, which analyses every one of the incoming shipments through the port of Miami in July 1992, are available free from Headquarters. Should we have received a response to our request to the US Fish and Wildlife Service for further information, it will be included with our report.

WHAT YOU CAN DO

US members should contact their Representative (House Office Building, Washington, D.C. 20515) and Senators (Senate Office Building, Washington, D.C. 20510).

Point out that, from a study of wildlife import forms for wildlife and wildlife products entering the United States in Miami during July 1992, it appears that 93% of commercial wildlife shipments entering Miami are not being inspected, and that most of the few shipments that are inspected do not receive complete inspection. Note that there are 6 port inspectors assigned to Miami and that they should be able to inspect more shipments. Point out that wildlife smuggling is decimating endangered species worldwide, and that all wildlife shipments entering the United States should be fully inspected. Suggest that the fees for inspection should be increased to pay for the full costs of the inspection program.

Foreign members of the International Primate Protection League should contact the US Embassy in their country of residence pointing out that their country's attempts to control the illegal wildlife trade will be undermined if the United States does not improve the wildlife inspection program at Miami Airport.

ZAMBIA CHANGES COURSE

On 5 May 1990, Zambia put control of wildlife poaching and smuggling, formerly prevalent, into the hands of a special unit of the Anti-Corruption Commission called the Species Protection Department.

The Department works closely with the Zambian police and National Parks and Wildlife Service to catch and prosecute poachers and smugglers. Among its activities are gathering intelligence about planned smuggling operations, tracing ownership of weapons used by poachers, and promoting public cooperation through mass media awareness and information campaigns.

A Commission pamphlet comments:

The rhinos' horns and elephants' tusks do not belong to greedy individuals: they belong to the rhinos and elephants which, in their turn, belong to all the people of Zambia.

The August 1992 issue of the IPPL Newsletter asked members to send letters to the Anti-Corruption Commission applauding it for confiscating a chimpanzee and 20 parrots from smugglers.

In a letter to IPPL dated 15 December 1992, Edwin Sakala, Acting Chief Investigations Officer, wrote IPPL on behalf of the Commission:

We wish to express our gratitude to your magazine for having carried an article on the confiscation of the chimpanzee and African grey parrots. As a result of your article, we have received numerous letters of encouragement from your readers. Please convey our thanks through your magazine to all those who sent us letters.

NEWS IN BRIEF

New National Park in Uganda

In January 1993, the Impenetrable Forest in Uganda become the Bwindi National Park. A gorilla viewing program for tourists will start later in the year if any gorilla groups have been habituated by that time. Facilities for foreign tourists are being developed, and Ugandan companies are already advertising gorilla tourism overseas.

According to the 22 December 1992 issue of the Uganda newspaper **New Vision**, some officials in the Ministry of Tourism are afraid that top policy makers are "rushing to cash in on the tremendous popularity of mountain gorilla viewing," and "think that gorilla viewing could solve their financial problems."

Eco-Tourism comes to Kibale

The Kibale Forest in Uganda is home to chimpanzees and a wide variety of monkeys and other wildlife species. Elephants, forest antelopes, and over 300 bird species can be seen. Kibale has a more accessible terrain than the gorilla-viewing locations. Construction of tourist facilities is under way.

Lorises Seized

In November 1992, a shipment of 32 slow lorises was seized from a ship in Hong Kong Harbor. The ship was registered in Panama and arrived in Hong Kong from Vietnam.

Tanzanian Dealers Blacklisted

The Secretariat of the Convention on International Trade in Endangered Species (CITES) has asked countries not to accept shipments from 20 Tanzanian animal dealers, alleging that they are using forged or altered export documents.

Red Colobus Threatened

A small isolated population of the Uhehe Red Colobus monkey lives in the Magombero Forest at the base of the Udzungwa Mountains in south central Tanzania. The Wildlife Society of Tanzania is opposing plans to clear the remaining forest for sugar development. The Wildlife Society of Tanzania can be reached at 39 Garden Avenue, Dar es Salaam, Tanzania. This organization publishes an excellent magazine and places a strong emphasis on youth education programs.

Poachers Killed in Africa

In July 1992, three Zambian poachers were shot to death by employees of an anti-poaching unit of Zimbabwe's Department of National Parks and Management. The poachers were trying to shoot rhino and elephant, and had shot a giraffe. The anti-poaching team seized one SKS rifle and 84 rounds of ammunition from the poachers. Earlier in July 1992, one poacher had been shot to death and another wounded.

Zimbabwe has embarked on a project to dehorn the country's rhinos to make the animals less attractive to poachers supplying world markets.

Chimfunshi's Friends

Chimfunshi, the Chimpanzee Orphanage in Zambia run by Dave and Sheila Siddle, is home to over 40 rescued chimpanzees. The most recent arrivals were Zsabu and Violet, who were confiscated by South African authorities from a Zairian smuggler. The chimps reached Chimfunshi of 9 December 1992 and have settled down well.

Stefan Louis in Germany, Ingrid Regnall in Sweden, and Steve Thompson in South Africa, are working hard to raise funds for

Chimfunshi. Members living in any of these countries and wanting to help Chimfunshi should contact Headquarters for their addresses.

The South African support group has provided IPPL with short biographies of all chimpanzee residents of Chimfunshi. A free copy is available on request from IPPL, POB 766, Summerville, SC, 29484, USA

Former Liberian Wildlife Official Prepares for Future

Alexander Peal, Chief of Wildlife for the nation of Liberia from 1978-1989, has formed an organization called "Society for the Renewal of Nature Conservation in Liberia (SRNCL)."

Peal was one of Africa's most respected wildlife chiefs and established Liberia's first national park. During the civil strife in Liberia, which sadly continues, Peal's family escaped, but he was missing for many months, and was only rescued thanks to persistent efforts led by his colleague Tom Banks of the Foundation for Field Research, Alpine, California, USA.

The goal of SRNCL is "to begin preparing a 5-year plan for reconstituting nature conservation programs in Liberia." Further information is available from POB 93, Alpine, CA 91903, USA.

All Sarajevo Zoo Animals dead

At the start of the civil strife in the former Yugoslavia, Sarajevo Zoo owned 100 animals. Now all are dead. Some animals were shot to death by snipers and others starved to death.

Primate Use in Great Britain

In 1991, 4518 primates were used in experimentation in Great Britain, a drop of 15% from the previous year. 1834 old world monkeys were used, compared with 2684 prosimians and new world monkeys.

Malaysia Extends Primate Export Ban

Malaysia's ban on export of pigtail and crab-eating macaques, instituted in 1985, has been extended.

Safari Park Director Resigns

A director of a leading British safari park resigned in September after a newspaper exposed his role in providing monkeys for research laboratories. Roger Cawley resigned from the board of Woburn Wild Animal Kingdom less than a week after the allegations appeared in the **London Daily Mirror**. Monkeys from Woburn and the world-famous Longleat Safari Park had been sold to Shamrock Farms, a company near Brighton in Southern England, where they were bred and then sold for medical research. The owner of Longleat, Lord Bath, who was informed about the trade by the newspaper, pledged that in future no animals from the park "will ever be sold for research purposes." Lord and Lady Tavistock, the owners of Woburn, also claimed that they had been duped by the Chipperfield circus family, who own and run the monkey attractions at the park, and promised to bring an end to the trade.

"The Green Rat"

Plymouth Medical School in Southern England has developed a machine that may save thousands of monkeys and other animals from laboratory experiments. Known as "The Green Rat," the machine allows cells to grow outside the body by mimicking the human environment.

"This machine may provide an alternative to some animal research" says Professor Karl Rosen, who helped develop the machine, "and give us an insight into how cells get damaged."

Last two stories contributed by Simon Reeve

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