

GENERAL INFORMATION ABOUT THE CASE	
Country/countries:	China
Territorial subdivision/state:	Neimenggu Province
Title <i>(English)</i> :	The defendants Bingjie L., Baojiang Y. charged with felony counts of illegally purchasing, transporting and selling threatened and endangered wildlife products (first instance case)
Title <i>(French)</i> :	
Title <i>(Spanish)</i> :	
Title <i>(Other)</i> :	李冰洁、于宝江等非法收购、运输、出售珍贵、濒危野生动物、珍贵、濒危野生动物制品罪一审刑事判决书
Date of Judgement/decision/opinion: (YYYYMMDD)	2017-04-20
Court name:	People's Court of Saihan District
Type of court:	☐ International court ☐ National - higher court ☒ National - lower court ☐ Other
Seat of court:	Hohhot, Neimenggu
Court jurisdiction:	☐ Administrative

	☐ Constitutional ☐ Environmental ☐ Civil ☒ Criminal ☐ General ☐ Other
Justice(s): (e.g. SMITH A.; MILLER F.; ...)	Donghui W., Yanhan W., Junfang X.
Prosecuting authority: (DGOs, state attorney, Police...)	State Attorney
Representation of accused person: (lawyer?)	Lawyer
Defendants: (age, gender...)	All are Male, aged not indicated, one was a teacher and the other two were self-employed.
Legal history of the case:	
Language of document:	Chinese
Reference No. (No. of decision):	(2016) Nei 0105, No.23 first instance
Filing No. (if available):	
Number of pages:	

DESCRIPTION	
Subject(s):	☐ agricultural & rural development ☐ air & atmosphere ☐ cultivated plants ☐ energy ☐ environment gen. ☐ fishery ☐ food & nutrition ☐ forestry ☐ land & soil ☐ legal questions ☐ livestock ☐ mineral resources ☐ sea ☐ waste & hazardous substances ☐ water ☒ wild species & ecosystems
Keyword(s): <i>(see keyword list on ECOLEX)</i> e.g endangered species, wild fauna, wild flora, hunting offences/penalties, international trade etc.	https://www.ecolex.org/result/?q= wild fauna endangered species

Species: <i>English name/French name/ Latin name</i>	Asian elephant (<i>Elephas maximus</i>), listed in the Directory of the People's Republic of China on Special State Protection of Wildlife, under first class state protection, under Appendix I of CITES; African elephant (<i>Loxodonta africana</i>), under Appendix I and II of CITES. Rhinoceros bicornis (<i>Rhinocerotidae</i> spp.), under Appendix I of CITES. Snow leopard (<i>Panthera uncia</i>), listed in the Directory of the People's Republic of China on Special State Protection of Wildlife, under first class state protection. Hawkbillturtle (<i>Eretmochelys imbricata</i>) and turtle (<i>Chelonia mydas</i>), listed in the Directory of the People's Republic of China on Special State Protection of Wildlife, under second class state protection.
Parts / derivatives / products: <i>Please, specify the wildlife product involved e.g ivory, rhino horn, pangolin scales etc.</i>	Ivory, rhino horn, hawkbillturtle specimen, turtle specimen, snow leopard skin.
Money value:	290,210 RMB.
Transnational: <i>Please, only tick "yes" if the accused is a non-citizen or if it is a cross-border offence.</i>	☐ YES ☒ NO
Charge sheet: <i>Please, provide charge sheet document (pdf) as an attachment!</i>	
Charge:	Bingjie L., Baojiang Y., Qi F. were charged with illegal purchase, transport and sale of threatened or endangered wildlife products.
Processed/Not processed:	☒ YES ☐ NO

Appealed: <i>Please, indicate whether the case provided has been appealed or not.</i>	☐ YES ☒ NO
Facts: <i>Please, provide some brief facts about the case (max 150 words)</i>	On April 27, 2015, police officers seized ivory products (total value of RMB 21,667) and 1 piece of rhino horn products (valued at RMB 9,500) in the store jointly operated by the defendants Bingjie L. and Qi F.). From 2007 to 2008, Bingjie L. purchased a hawksbill turtle and a turtle from the market in the Huimin District and kept them at home. After their death, Bingjie L. mailed them to the defendant Baojiang Y.'s home in Changping District, Beijing. After processing them into a specimen, Baojiang Y. mailed them to Bingjie L. to his home in Hohhot. The defendant Bingjie L. paid the defendant Baojiang Y. a processing fee of RMB 2,000. On April 27, 2015, police officers seized a hawksbill turtle specimen (valued at RMB 6,000) and a turtle specimen (valued at RMB 8,000) at the Bingjie L.'s home.
Abstract: <i>Please, provide a brief summary (max 250 words)</i>	Bingjie L. confessed having illegally transported and sold threatened or endangered wildlife products and Qi F., Baojiang Y. confessed to illegally selling threatened or endangered wildlife products.
DECISION/JUDGEMENT	
Decision/Judgement: <i>Please, provide a brief summary of the ruling/judgment of the court (max 100 words)</i>	The court found the defendant Bingjie L., Baojiang Y. and guilty of purchasing and selling endangered wildlife products according to Criminal Procedure Law of the People's Republic of China Art. 341 I
Basis of the decision:	Criminal Law National directory of precious and endangered wildlife CITES
Penalty:	Bingjie L. was sentenced to 2 years and 6 months in prison and fined 20,000 yuan. Qi F. was sentenced to two years in prison, suspended for two years, and fined 10,000 yuan. Baojiang Y. was sentenced to 1 year and 8 months in prison with a fine of RMB 10,000.

Legal issues raised in decision:	In view of the fact that the defendant Qi F. had a good attitude to admit his guilt and indeed showed remorse, he could be given a lighter punishment. The defendant Baojiang Y. was a recidivist and should be given a heavier punishment according to law.
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REFERENCES	
Reference(s) to Court Decision (title, reference number, date): <i>Please, provide a list of precedents mentioned in the case.</i>	
Reference(s) to National Legislation (title, reference number, date, hyperlink): <i>Please, provide a list of all principal and ancillary national legislations mentioned in the case. (Copies of the legislations should also be sent separately as an attachment). Provide links to the legislations if they are available online as well.</i>	Art. 341 I Criminal Law - Directory of the People's Republic of China on Special State Protection of Wildlife. https://www.ecolex.org/details/legislation/directory-of-the-peoples-republic-of-china-on-special-state-protection-of-wildlife-lex-faoc135234 Criminal Law of the People's Republic of China https://eia-international.org/wp-content/uploads/WPL-Final-Law_translation_July-5-2016.pdf https://www.ilo.org/dyn/natlex/docs/ELECTRONIC/5375/108071/F-78796243/CHN5375%20Eng3.pdf CITES Judicial interpretation
Reference(s) to International Agreement (title, date): <i>Please, provide a list of international agreements mentioned in the case.</i>	
Text: <i>Please provide a copy of full text(s) of the decision (pdf) as an attachment!</i>	
Link to the full text(s) online: <i>Please, provide hyperlink(s) if case is available online!</i>	https://wenshu.court.gov.cn/website/wenshu/181107ANFZ0BXSK4/index.html?docId=db6c4d61cd2c4ad6b665a81a00f9d9d0