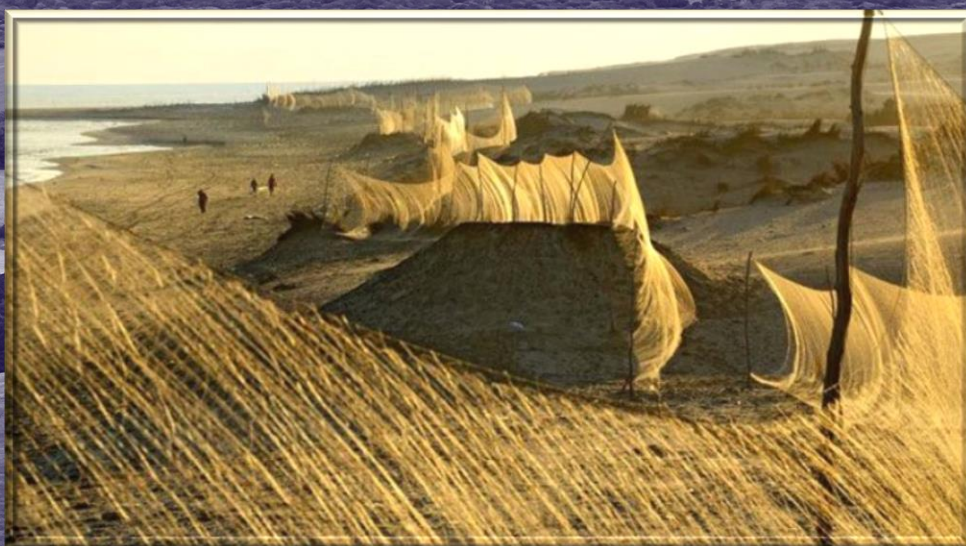


LIFE-ENPE Wildlife  
Crimes Working  
Group & CMS joint  
training workshop  
summary  
Segovia, Spain  
9-11 May 2018

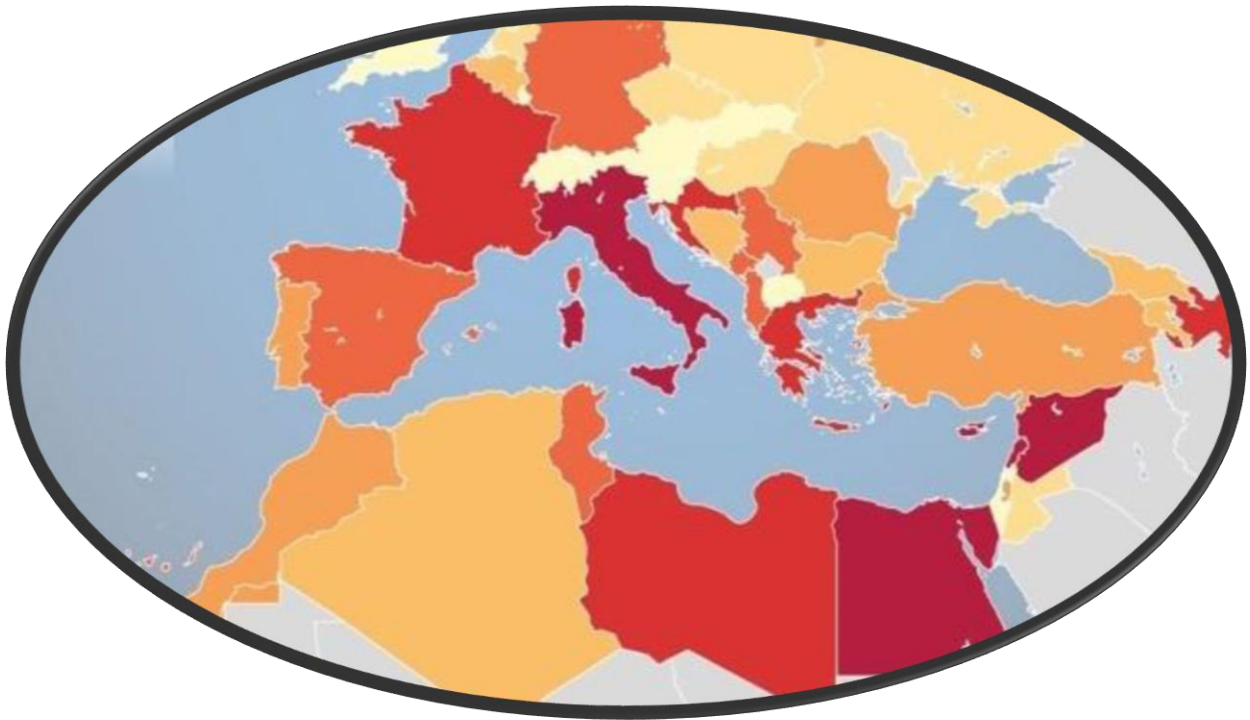


EU FORUM OF JUDGES FOR THE ENVIRONMENT  
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With the contribution of the LIFE financial instrument of the European Community





## The Mediterranean region



The European Commission were recognized as Champion Plus for their generous support and commitment towards addressing Illegal Killing, Taking and Trade of Migratory Birds in the Mediterranean for the period 2018-2020. This activity has been funded with the contribution granted by the European Commission under the Migratory Species Champion Programme and through the Global Public Goods and Challenges (GPGC Programme) Cooperation Agreements with UNEP.





## LIFE-ENPE Wildlife Working Group & CMS joint training workshop; 9-11 May 2018

### Background

This report provides a summary of the three-day joint training workshop organized and hosted by the LIFE-ENPE Wildlife Crime Working Group (WG 1), and the United Nations Environment Programme's Convention on Migratory Species (CMS), held at the National Centre for Environmental Education (CENEAM) in Valsain, Segovia, Spain from 9-11 May 2018 which focussed on tackling the illegal killing, taking and trade (IKB) of migratory wild birds in the Mediterranean region. Conducted in English, it included 17 different presentations, amongst which were included seven case studies of successful prosecutions in the region. They involved differing types of illegal killing, trapping, taking or trade of birds, from different jurisdictions in Europe, the Middle East and North Africa. Additionally, three facilitated discussion sessions on important enforcement topics were conducted.

The European Network of Prosecutors for the Environment (ENPE) is an association of government prosecutors specializing in environmental enforcement. Because enforcement of environmental laws across the EU Member States is viewed as uneven and incomplete, the EU LIFE programme has funded ENPE (and certain partners), through the LIFE-ENPE Project, for work over the years 2015-2020, in four priority environmental areas, including Working Group 1 (WG1), which focusses on wildlife crime.

Having recognized the urgency of the above issue, WG1 resolved to deliver specialized training to prosecutors from all the EU Mediterranean (and accession) countries, on this subject. Acknowledging the initiative of the Intergovernmental Task Force on Illegal Killing, Taking and Trade of Migratory Birds in the Mediterranean (MIKT), which is co-ordinated under CMS, it invited and welcomed the participation of CMS, which secured Middle Eastern and North African representation.

The CMS, also known as the Bonn Convention, represents the only global treaty providing a specific framework for Parties, inter-governmental and non-governmental organizations and institutions, for the coordinated and concerted conservation and management of migratory species and their habitats.

The training was aimed at prosecutors and specialists involved in the enforcement of environmental crimes against migratory wild birds in the wider Mediterranean region. Thirty-seven delegates attended the workshop, with prosecutors and senior enforcement personnel from most European Mediterranean bordering, or island, countries and two Middle Eastern and three North African Mediterranean bordering countries.

## The Programme

The training programme commenced with ‘scene setting’. This included presentations on the extent of the problem in the region, on the international profile of the problem and on international obligations in relation to the problem. The scene setting also covered the motives and techniques used by offenders and concluded by profiling the intelligence and information web networks available to regional enforcement personnel. It also included a presentation of the legislative and administrative arrangements relating to IKB enforcement in our host country – Spain.

The second part (and bulk) of the programme focussed on the case studies of successful prosecutions from a number of countries of the region and specific discussion sessions on important enforcement topics. This part also included reports on the enforcement structures in each participating country other than Spain.

The programme concluded with a presentation on CITES, and its relationship with IKB.

### Day 1 – Wednesday 09 May 2018

Mr. Lars Magnusson, Chairman of the LIFE-ENPE Wildlife Crime Working Group (and Secretary-General of ENPE), together with Dr. Borja Heredia, Head of the Avian Species Team UNEP/CMS Secretariat, commenced proceedings with a welcome to participants on behalf of their respective organisations.

Introduced by Dr. Antonio Vercher (the ENPE representative in Spain and Chief Prosecutor of the Spanish Public Prosecutors Office for the Protection of the Environment and Land Planning, the workshop was formally opened by Mr. Javier Cachón de Mesa, General Director of Environmental Quality and Evaluation, Spanish Ministry of Agriculture and Fisheries, Food and Environment, who welcomed participants and highlighted the recent adoption in Spain of an action plan against the illegal wildlife trade, which has been endorsed by five ministerial departments. He emphasized the important role played by the specialized body of the Guardia Civil, SEPRONA (Nature Protection Service) in combatting wildlife crime. He also praised the work done by ENPE in supporting the work of environmental prosecutors, and the important role played by MIKT in bringing together authorities and civil society around the Mediterranean to address the illegal killing of birds. He finished by thanking the organizers for the hard work and wishing all participants a productive meeting and a nice stay in Segovia.

The first “presentation” to the workshop, was a message from the EU and an outline of the obligations of EU countries under the Wild Birds Directive by Mr. Joseph Van Der Stegen, from the Nature Unit in the Directorate-General for Environment, of the European Commission. The message emphasized the history of concern for wild birds in Europe going back to a convention in 1902 and continuing through to the current EC Birds and Habitats Directives. He highlighted

the development of Species Action Plans and the Natura 2000 network of protected areas. Amongst the important messages he underlined were that there will be “no success without proper **enforcement**” of the law” and that “Cooperation is key! Not conservation in isolation”.

The second presentation was a keynote one, by Dr. Vicky Jones of BirdLife International, entitled “Overview of illegal killing and taking of birds in the Mediterranean and beyond”, which dealt with the magnitude of the problem and the baseline research work of BirdLife International into the illegal killing, trapping and trade of migratory wild birds in the Mediterranean Region in particular, but also referred to the wider European, Middle East and Northern African picture. She showed maps of the different branches of the African-Eurasian flyway across the Mediterranean Region which demonstrated the “shared responsibility” of countries across the region. BirdLife International’s research included recording the relevant laws in each country, the types of, and motives for, IKB, as well as species and numbers. Dr. Jones highlighted hot spots of IKB and that 43 per cent of killing and taking is in the European part of the region. Assessments were made of the IKB numbers for different groups of birds and for certain globally threatened species. Small song-birds are by far the largest target. The key figures resulting from the research were an average of 24 million birds illegally killed or taken annually in the region, of which the great majority are migratory birds. Of these 20 million are passerines - mainly small song birds.

Dr. Borja Heredia of CMS then presented “The Flyway Context – International frameworks to address illegal killing of birds in the Mediterranean” outlining international concern with the problem of IKB. He described the international bodies responsible, and the structures that have been developed, to combat the problem. He went on to make a presentation on the motives, equipment, and techniques involved in IKB crimes in the Middle East and North Africa. Most birds were taken for food by the shooters or trappers, or to be sold by them in local markets for the same purpose, or as cage birds; sport and predator control made up the balance of drivers. The techniques included netting, shooting, lime sticks, live decoys and various types of traps.

Day 1 was concluded by two presentations from Mr. Jaap Reijngoud, Moderator of the IMPEL-ESIX web service & Enforcement Support Officer for the EU-TWIX web service. In the first one, Mr Reijngoud gave a presentation, complementary to the one from Dr. Heredia, which dealt with the motives, equipment and techniques involved in IKB crimes in Europe. The motives included sport, food, tradition, the pet trade including for breeding, predator control and taxidermy, with business underlying a number of them. The means included shooting, nets, traps of many kinds, electronic bird calls, live lures, poison, false and manipulated foot rings and forged documentation.

He concluded the day with an introduction of the participants to the IMPEL-ESIX and EU-TWIX intelligence and information exchange systems.

The key learning points from this opening session were:

- The scientific research validates the size and extent of the IKB problem in the region.
- It also identifies the hot spots and countries where more action is needed.
- The problem has been the subject of international agreements and cooperation.

- There are obligations on individual States under Conventions and, in the case of the EU Member States, imposed by the Birds Directive and Habitats Directive.
- Individual and concerted efforts at strategic level are needed to address the issue;
- There are many and varied motives for IKB and many and diverse tools and techniques used by offenders.
- There are regional differences in the motives of IKB, in particular, cultural and economic differences.
- Some legislative and administrative arrangements are more successful than others;
- Regional and cross-European intelligence systems are available to enforcement authorities and personnel.
- Progress has been made by the CMS Intergovernmental Task Force -MIKT in bringing people together and identifying priorities.



Panoramic view of the workshop session, Day 1: 09 May 2018

## Day 2 – Thursday 10 May 2018

Mr. Antoni Pelegrin, a specialist environmental public prosecutor from Barcelona, opened the second day with a presentation on “The legislative and administrative arrangements in Spain for the regulation, enforcement and prosecution of wildlife crime”, which provided a useful outline of the legislation underpinning of wildlife crime enforcement in the host country and of the associated administrative and judicial arrangement. Importantly, he referred to 1995 amendments to the Spanish Criminal Code, which introduced new wildlife offences, and to further reform to the Code in 2015 and to the 2007 Law of Natural Heritage and Biodiversity. Today there existed extensive lists of species of flora and fauna protected by provisions of the criminal law, with most offences carrying up to a maximum of 24 months’ imprisonment.

Mr. David de la Bodega Zugasti, Legal Adviser at SEO/BirdLife (BirdLife Spain) and co-ordinator at SEO of ENEC (European Network against Environmental Crime) then presented a summary of the EU Life “Report on the Implementation of Directive 2008/99/EC on the Protection of the Environment Through Criminal Law”. He highlighted the issue of wildlife poisoning in Spain and the Mediterranean Region. He pointed out that in the last ten years poisoning of birds had increased in nine European countries, including Spain, and had reduced in only three. The species involved were overwhelmingly raptors (birds of prey) and some corvids (members of the family *Corvidae*). A study has estimated up 180,000 wild animals including birds could have

been killed in Spain between 1993 and 2013. During this period, 8,324 filed poisoning cases led to 80 convictions in this country. The highest penalty, for the poisoning of six Spanish Imperial Eagles (*Aquila adalberti*), involved 18 months imprisonment and a civil penalty of € 360,000. An EU action plan on poisoning had been proposed. Mr De la Bodega Zugasti highlighted portions of the report which dealt not only with poisoning, but IKB and imprisonment penalties for wildlife crimes across the EU, which ranged from a maximum of six months to 20 years. He listed 14 recommendations for improving wildlife crime enforcement amongst which was a call for specialised courts and prosecutors.

**The workshop then progressed to the “Restricted” sessions attended by prosecutors and enforcement personnel only, apart from the legal adviser to SEO (BirdLife Spain), who participated in the Facilitated Session on “Working with NGOs”. This was done because the second part of the programme was dominated by case studies and we wished to encourage completely open questioning and discussion by them, including any reference they wished to make to current cases and problems – without the fear that trials and court proceedings could be jeopardized by the reporting of such discussions. The following reports therefore do not include sensitive issues, nor the names of presenters, except that of Dr. Moustafa Fouda, Special Adviser to the Egyptian Minister for the Environment, who chaired the 1<sup>st</sup> Meeting of the CMS MIKT, held in Cairo in 2016. This part of the programme did include some national IKB overview reports, as well as case studies.**

An officer from SEPRONA Headquarters presented an overview of the relevant wildlife and IKB enforcement bodies in Spain and the structure and impressive capacities of the Environmental Protection Service of the Guardia Civil (SEPRONA), which has 1,867 specialized police officers deployed both centrally and at a territorial level. He also presented a case study: “Operation PIHUELAS”, which involved raptor trafficking in, and from, the Balearics. Twenty-three raptors were seized during the investigation, all of them on the Spanish protected species list. Offences involved the replacement of captive-bred birds which had died with birds (or their eggs) taken from the wild, with the rings and documentation of the former illegally transferred to the latter. Eight persons were arrested. The full range of investigative tools was involved, including DNA analysis of feathers and birds, and extensive document analysis. International collaboration was vital: Golden Eagles (*Aquila chrysaetos*) and Steller’s Sea Eagles (*Haliaeetus pelagicus*) had been transported from the Czech Republic, Bonelli’s Eagles (*Aquila fasciata*) and Booted Eagles (*Hieraaetus pennatus*) had been traded to mainland Spain and elsewhere in Europe; falcons were trafficked to the Middle East for racing and hunting. The motive was business. These presentations provoked some interesting discussions around the drivers behind the Spanish approach and highlighted the role of SEPRONA in tackling wildlife crime.

A prosecutor from Italy presented a case study which focussed on Bald Ibis killing in Tuscany. The Northern Bald Ibis (*Geronticus eremita*), an endangered species, was the subject of a generous EU-LIFE-funded reintroduction project which involves breeding programmes in Austria and Germany. The presentation highlighted the use of GPS technology in tracking the species, the use of forensic ballistics, the indiscriminate actions of the hunter involved, who was



the owner of a fixed hunting platform in the Tuscan mountains - and the disproportionately low level of the fine imposed compared to the value of the investment of the EU LIFE programme and others in rearing each Bald Ibis. (*The Waldrappteam Foundation project involves an investment of 4.3 million euros, with the EU Life contributing 2.1 million euros, to establish 3 self-sustaining breeding colonies of no less 119 birds. They migrate to Tuscany for the winter.*) This presentation also identified “black spots” for IKB in Italy and highlighted the Italian government’s recent commitment to reduce IKB.

This talk was followed by a presentation by an officer of the Italian Carabinieri, who has a strong background in enforcement but who currently deals with international cooperation over wildlife crime. He gave an overview of the enforcement of IKB in Italy and of Italy’s updated wildlife laws, including increased criminal sanctions. He outlined the reformed national enforcement structure and the role of the Carabinieri. He reported on several interesting operations: one involving the trapping and taking of song birds across Italy (some of which were used as live decoys for illegal trapping purposes), offending which was primarily driven by the demands of restaurateurs who presented the birds as “gourmet” meals; one operation focussing on raptor killing against a background cultural history of killing large birds of prey as a badge of manhood; and another operation featuring the killing of numerous wild birds, including rare birds, and other wildlife, for taxidermy purposes. He informed the meeting about the recent adoption of a national action plan to tackle IKB.

The next case study, by a senior prosecutor from Romania, involved tourist hunters from Italy who shot hundreds of larks and pipits in Romania which were to be returned to Italy, also for the restaurant trade. It involved the corruption of local Romanian officials responsible for the issue of hunting permits and ammunition, the complicity of a senior office-bearer of a Romanian hunting club, as well as the laws broken by the hunters themselves. This case showed the value of the use of more serious offences available under the general criminal law, (in this case relating to corruption in public office or document falsification), as well as wildlife offences, to achieve more severe penalties and greater deterrence.

There then followed two presentations from Malta:

The first, by an officer of the Maltese “Wild Bird Regulation Unit”, outlined the work of the unit (which included the scientific assessment of species numbers and the provision of expert identification advice) and emphasized the recent changes to the law which expanded the list of offences qualifying for higher penalties and doubled the maximum and minimum penalties for many offences. The examination system for permits was described and the system of on-line reporting of birds taken under a permit. Co-operation with conservation NGOs, and with legal hunting bodies, was emphasized.

The second Maltese presentation, entitled “Recent Illegal shooting and trapping prosecutions in Malta”, was by a Police Inspector/Prosecutor, and included two case studies. The first case study related to the shooting of a Booted Eagle (*Hieraaetus pennatus*). It demonstrated the importance of international co-operation. An Italian NGO informed the Maltese Authorities and

NGOs of the likely arrival in Malta of numbers of eagles observed heading south from Southern Italy. In Malta, patrols by the Police and NGOs commenced at the known roosting locations of migratory raptors. Witnesses, including police officers and NGOs, saw different aspects of a sequence of events surrounding the killing of the Booted Eagle. NGO video footage helped to identify the suspect and locate discarded ammunition. A dead Booted Eagle, an electronic bird caller and a shotgun were found and seized. Ballistic forensic evidence was used. The prosecution resulted in the imposition of a term of imprisonment and a fine, and a prohibition from obtaining hunting or trapping permits. The sentence, but not the conviction, was under appeal. The second case study involved illegal finch trapping on Malta. Under a derogation, trapping for certain species of finch in the autumn was allowed under permit at that time<sup>1</sup>. An NGO reported illegal finch trapping outside the autumn derogation<sup>1</sup> period. The police investigated and three men were charged, convicted and fined well over a thousand Euros each, and their permits suspended for three years. The case again emphasized the importance of NGO information, involved the use of live finch decoys, the use of surveillance techniques, of video evidence, and the use of locational electronic information.

The next presentation was from Lebanon (whose participation - facilitated by CMS - together with that of Israel, Egypt, Tunisia and Morocco was warmly welcomed). An officer from the Lebanese Ministry of Environment gave an overview of "Hunting Management in Lebanon". As with many jurisdictions, in Lebanon, the legislative protection of wild birds – and of wild animals in general - was through "hunting" legislation. This provided for the legal hunting of specified and limited number of species, during specified times of the year, to a maximum number per hunting trip (a "bag limit"), in specific places and with certain prescribed methods of hunting. So, for example, in 2017, the hunting season commenced on 15 September and ended 31 January 2018. It permitted the hunting of 12 species of wild bird (including four smaller song birds). The only hunting "tools" allowed were firearms, bows, dogs and falcons, and hunting was forbidden in a wide range of land holdings (including cities, villages, protected areas and private land without permission). Permit applicants had to pass exams, including tests on identification skills. Illegal killing included large numbers of migrant song birds. Photos were shown of trays, laid out on the bonnets of small trucks, which contained hundreds of small dead birds. Other photos were also shown of piles of large dead birds, particularly raptors and storks, which resulted from a mass "sport" shooting of migratory birds. The current government was keen to enforce the law and had recently prosecuted offenders, including those located by social media evidence, where hunters boasted of their visibly illegal "kills".

The Thursday presentations concluded with one from Egypt, led by Dr. Moustafa Fouda, Adviser to the Egyptian Ministry for the Environment and the Chairman of the 1<sup>st</sup> Meeting of the MIKT in Cairo in 2016. He was accompanied by an Egyptian government prosecutor. In a paper entitled

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<sup>1</sup> On 21 June 2018, the Court of Justice of the European Union ruled that the 2014 and 2015 measures authorizing the autumn trapping of finches did not comply with the Directive 2009/147/EC of the European Parliament and of the Council of 30 November 2009 on the conservation of wild birds; and that by adopting a certain derogation regime allowing the capture of seven species of wild bird, Malta had failed to fulfil its obligations under EU law (Case C-557/15, Commission v Republic of Malta).

“Bird Hunting along Egypt’s Mediterranean Coast”, Dr.Fouda briefly outlined the extensive history of birds in Egyptian culture and life, and the recent emergence of migratory bird killing and trapping as a national and international concern. He pointed to 2012 being the year of the projection of the problem onto public consciousness, and to 2013 as the year of commitment to action on the problem. He pointed to the cultural and social drivers of IKB in Egypt, which included hunting (including bird trapping) as a “deeply entrenched traditional activity” and also included population growth, poverty and the modern availability of cheap but large nets and electronic bird callers. He stated that the majority of trappers/hunters were under-privileged and hunt as an occupation - to eat and to sell the balance of their catch. He nominated the hot-spot areas for IKB, which are Mediterranean coastal and inland wetland areas. In the autumn, traditionally, coastal fishermen become bird trappers. Although only 20 species of wild bird could be legally hunted, more than 120 species were found for sale in markets. As in Lebanon, “hunting” legislation was the source of wildlife species protection and enforcement law. The way forward in Egypt, Dr.Fouda said, involved the recognition of the hunting tradition, a great deal of consultative work with local communities to foster a greater awareness of the law and the reasons for its provisions, the generation of alternative income sources (e.g. birding tourism) and some specific campaigns such as the elimination of electronic bird callers.

The last session of the day was a “Facilitated Discussion” (conducted by Mr. Angus Innes, a member of the LIFE-ENPE WG1), which completed the “Enforcement Panorama”. This involved a prosecutor from each of the Mediterranean countries other than those with specific presentations on the subject, briefly outlining the IKB setting in their own country, with reference to the legislation, the investigative bodies, the enforcement and prosecution structure and the courts/tribunals to which the cases are taken. These countries were: Croatia, Bosnia and Herzegovina, Greece, Cyprus, Israel and Tunisia.

Incorporating the material from both the specific presentations and from the “Enforcement Panorama”, the key threads from across the Mediterranean Region were:

- A number of countries have a legislative structure for IKB that is based on what is regarded as “hunting legislation”, whilst others have specific wildlife protection legislation.
- Countries differ with regard to the authorities in charge of the investigation of wildlife crime; in some countries it is the police, or specialist units of the police, in others wildlife or hunting officers, although they may have police-like powers.
- The existence of specialized environmental police bodies that work in the field, with appropriate training, is a key factor to the enforcement of wildlife crime and of IKB - SEPRONA is a good example and model.
- The existence of specialized environmental prosecutors greatly enhances the possibility of cases concluding successfully and an increase in the number of convictions and the imposition of more substantial and deterrent penalties.
- Generally, improved co-operation between relevant bodies involved in the investigation and enforcement of IKB within a single country was reported.

- National action plans to tackle IKB are a useful tool to address the issue with an adequate level of detail and specificity. The Italian Action Plan adopted in 2017 is a good example of this.
- In general, progress has been made, with more to be done.

### Day 3 – Friday 11 May 2018

The first presentation on the third and final day was, at the request of the organizers, an Algerian case study that looked at “Trapping and trade in Goldfinches (*Carduelis carduelis parva*)”. It was an example of serious IKB associated with a specific species and particular cultural traditions. This was presented by a senior official of the Algerian Management and Protection of Wildlife Authority (and MIKT contact point in Algeria). North Africans had traditionally trapped this species for keeping, and even breeding, as a cage bird, because of its delightful song. Unemployment and an inflation in the price of the bird, accelerated the trapping in recent years. The practice brought the species to the verge of extinction in Algeria. An integrated campaign was pursued, involving, on the one hand, awareness raising, including involving school children in lectures and the release of illegally trapped birds, and, on the other hand, vigorous investigations by “Forests Officers”, with seizures of illegal nets, trapped bird seizures and enforcement against offenders. With enforcement efforts to locate illegal trapping maintained throughout the period, the number of trapped birds seized from illegal nets, located by Forests Officers, tumbled from almost 10,000 in 2015 to 1,430 in 2017 and in 2018, up to the month of May, to a mere 15 birds

This was followed by a presentation from Tunisia by a senior official in the Forests Department, assisted by a government prosecutor, entitled the “Situation of IKB in Tunisia – legislation, monitoring and control”. It highlighted the migration flyways in Tunisia, the importance of forests and protected areas to them, and important wetland areas (including Ramsar sites). The presenters described the very purposeful steps taken in Tunisia since 2016 to meet the objectives of the 2013-2020 Tunis Action Plan, developed under the Bern Convention. The central piece of legislation relating to IKB, the “Forest Code” was revised and the level of penalties was raised. Active monitoring of migratory birds takes place in the migration season, with NGOs from France assisting with counts at the most important wetland sites. An annual report of the state of conservation of wild birds is produced. An impressive online platform was launched in 2017 [www.stop-braconnage.com](http://www.stop-braconnage.com), which, amongst other things, allows the online reporting of dead wild birds and of suspected illegal hunting activity. The workshop was shown impressive samples from the platform in action. A major programme of publicity and general awareness of IKB has been undertaken, including with the participation of national television stations. Training courses have been delivered.

There then followed two facilitated whole-workshop discussions. The first was on the subject of “Working with NGOs”, facilitated by Dr. Tilman Schneider from CMS. The second, on the subject



of “Penalties and Other Sanctions” was facilitated by Mr. Christer Jarlas, a specialist environmental prosecutor from Sweden.

The first session was commenced with a brief view from the NGOs, presented by the legal adviser to SEO/BirdLife Spain. He saw the role of NGOs as not just assisting with the prevention and detection of IKB (both directly as witnesses of the crime or by giving relevant expert evidence) but also on several other levels, including: publicity on the issue of IKB and of prosecution results; for political lobbying, and; assisting with the specialist training of investigators or prosecutors. He said SEO/BirdLife Spain had been involved in 26 investigations, 13 of which resulted in convictions. He addressed some problem areas, which included the legal right of NGOs to participate in criminal proceedings, the lack of sensitivity of non-specialized prosecutors, of specialized prosecutors being diverted to non-environmental work and the need to develop methods of longer term joint collaboration on such matters as the development of sentencing guidelines or legislative improvement.

Key threads from the “Facilitated Discussions” were:

### ***“Working with NGOs”:***

#### Benefits:

- NGOs bring resources and expertise.
- NGOs can identify and locate crimes, provide direct fundamental evidence.
- They conduct Covert Monitoring of IKB and can support prosecution cases with photos and evidence.
- NGOs can be valuable witnesses in court, e.g. as to the commission of offences or as expert witnesses.
- NGOs have skilled staff with knowledge on species, problems and field conditions.
- Sharing information, education and training for police or other bodies.
- NGOs facilitate communication flow.

#### Concerns:

- NGOs are sometimes not objective (‘idealistic world’), and may have a rather isolated view on specific issues.
- NGOs are often too pressing with regard to actions on issues which civil servants have started but which cannot be changed in a short time.
- Sometimes NGOs seem to not understand the restrictions the prosecutors have under the legal framework.
- Sometimes, from NGO’s point of view, an activity seems to be illegal, but the illegality is not clear under the existing laws.
- Exaggeration has been observed in some NGO work (lack of objectivity); clear objective data are much preferred (statistics, videos, photos).

Different considerations had to be made when the legal system had investigating magistrates/judges to those which did not:

- In some countries, NGOs have the right to bring the evidence to a magistrate, who then has to launch the investigation.

- Some countries have a “Public interest test”; as well as an “evidential test” to satisfy before a prosecution can commence, and this is not understood by some NGOs.
- In some countries (e.g. Spain), the process is started by the environmental officers of the authority. NGOs participate in the process via lawyers; giving evidence in the form of scientific reports and the evidence of impact of the crime.
- In Tunisia a reform of law (Code) allows participation in the legal process.
- The rights of participation by NGOs in Court proceedings under the Aarhus Convention was raised.
- In some countries, the participation of NGOs is not allowed and only the prosecutor and investigator are in charge of the investigation and have rights in relation to the investigation and prosecution.

### ***“Penalties and other Sanctions”***

- Penalties and sanctions are regarded as being appropriate in many countries, but amendments and more severe penalties are seen as desirable in some, mainly from the deterrent point of view.
- In some jurisdictions, repeat offending results in fines that are considerably higher than for first offences (e.g. fines doubled; or imprisonment becomes available or is doubled).
- In Finland there is a “tariff” for each egg of each species of wild bird, set from time to time by an expert body, according to both the national, and international, conservation status of the species, with the tariff for rare birds eggs being very high.
- Many species of birds do have a market value, with expert evidence available, as to the “going rate”, e. g. certain species of European eagles have a value of €10,000 per bird.
- Suspension of a hunting licence, or prohibition from holding one, or from gun owning, are amongst practical and effective ancillary orders to accompany any fine or imprisonment;
- Keep in mind the use of the general criminal regime as potentially offering additional charges which carry far more serious penalties e.g. offences that involve an organized structure for the purpose of offending and/or a money-making element, or involve forgery or alteration of official documents – for an example refer to the Romanian prosecutor’s presentation above.

The last presentation of the Workshop was by Mr. Lars Magnusson, the Chairman of ENPE Working Group 1 (Wildlife Crime), also the Secretary-General of ENPE, and a specialist Environmental Prosecutor from Sweden. It was on the subject of “General considerations in prosecuting CITES offences and some IKB illustrations”. This was a reminder of the difficulty many investigations of suspected IKB offences face in gathering sufficient admissible evidence to prove the commission of an offence by the suspect/s. The remoteness of the location in which suspected offences had, or were, taking place, was a regular hurdle. The case highlighted by Mr. Magnusson involved nationals from another EU country, who were camping in the remote north of Sweden, and in habitat suitable for such CITES scheduled species as the Snowy Owl (*Bubo scandiacus*) and several species of waders/shorebirds. Investigators found concealed

egg incubators in the camp, which were the subject of “imaginative” explanations. Mr. Magnusson pointed to some of the issues to be dealt with in CITES evidence gathering, and referred to some of the international arrangements available to advance investigations. He underlined that the driver for most CITES offences was the lure of financial profit.

Mr. Lars Magnusson and Dr. Borja Heredia closed the Workshop at 1300 hrs.

Overall, the Key Messages from the Workshop were:

- Specialist prosecutors greatly enhance the fight against IKB.
- The creation of specialized police forces, or their equivalent with police-like powers, that are adequately trained/equipped and work on the ground, greatly increases the possibility of success in the fight against wildlife crime and illegal killing of birds in particular. Spain's SEPRONA provides a good example.
- Both the above are most effective when part of a national commitment by the relevant governmental ministries and departments, and with underpinning of modern and effective legislation.
- International co-operation on what is a regional, European, Middle-Eastern and African problem is vital.
- Addressing wildlife crime requires specific training; this workshop delivered an important example in this regard.
- Legislation (e.g. on hunting) requires improvement in some countries to enable prosecutors/investigators to clearly distinguish between legal hunting and poaching (which is, in effect, IKB).
- The readiness of attendees to initiate and/or support the development of, or proposals for, amendment of, national legislation and to assist relevant ministries/authorities in their countries exists and would increase the effectiveness of enforcement against IKB.
- Intensification of international cooperation beyond the European network is intended.
- The Intergovernmental Task Force on IKB in the Mediterranean under CMS (MIKT) can play a vital role as a platform for international cooperation.





**We are greatly indebted to the Spanish Ministry for Agriculture, Fisheries, Food and the Environment, and to CENEAM, for the use of the excellent training centre, to the staff of CENEAM for their efficiency and courtesy, and for the assistance of the Spanish Public Prosecutors Office for the Protection of the Environment and Land Planning.**

**In conclusion we would commend all the presenters for the quality of their presentations and case studies. They all did credit to the organizations or governmental bodies that they represented.**





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