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# LEGAL EAGLE

THE RSPB'S INVESTIGATIONS NEWSLETTER

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Chris Gomersall (rspb-images.com)



## New laws in Scotland and Northern Ireland

Scottish Parliament and Northern Ireland Assembly take giant step in the battle against wildlife crime. Vicarious liability introduced to Scotland to help protect birds of prey.



**IN THIS ISSUE:** Prosecution successful in three "hunting with dogs" cases • Animal fight enthusiasts jailed • Restorative justice used in wildlife case • Falcon trader's sentence cut • Fox dies in drag snare • Tortoise trader's profits seized

## New laws in Scotland and Northern Ireland (continued from front page)

These changes should help protect white-tailed eagles in Scotland. The main measures of the Wildlife and Natural Environment (Scotland) Bill include:

- a new criminal vicarious liability offence to ensure that those who direct or turn a blind eye to bird persecution can be held to account
- improvements to enable Scotland to lead the way in adopting internationally-recognised approaches to dealing with invasive non-native species
- changes to deer management and provision for competence amongst deer stalkers.

The new measures reform ancient game laws (including the abolition of outdated game licences); impose a new close season for hares; introduce compulsory training for snare operators; and snares must be tagged so they can be linked to the person who set them.

There are new laws to control invasive non-native species, too. Scottish Natural Heritage (SNH) has improved intervention where deer are not being properly managed and are causing damage to the environment, and there are changes to muirburn regulations. Muirburn is the controlled burning of vegetation, such as heather and grass, on Scottish moorland.

Scottish Environment Minister Roseanna Cunningham said: "We have taken a huge step forward in the prevention of wildlife crime by introducing a criminal vicarious liability offence. This will provide a deterrent for those who think they can get away with allowing the deliberate poisoning of some of our most iconic birds of prey, a practice that has been a blight on our nation for too long."

Bob Elliott, RSPB Scotland's Head of Investigations, said: "We welcome the new provisions, but stress that they must be fully implemented in order to become a deterrent

to those intent on killing our rare and iconic species. Similar measures should be introduced elsewhere in the UK to help stamp out bird of prey persecution everywhere."

The Bill was passed unanimously by Parliament on 2 March 2011 and is expected to become law later in 2011. Visit [www.scottish.parliament.uk/s3/bills/52-WildNatEnv/index.htm](http://www.scottish.parliament.uk/s3/bills/52-WildNatEnv/index.htm) for more details.

**Almost simultaneously, the Wildlife and Natural Environment (Northern Ireland) Bill was passing its final stage. Some of the key measures include:**

- a new biodiversity duty on all public bodies to "further the conservation of biodiversity", linked to a regularly reviewed biodiversity strategy
- protection for curlews, which cannot now be shot (curlews are facing massive declines in Northern Ireland), and additional protection for lapwings, redshanks and whinchats
- the introduction of a new schedule to protect the nests of certain birds that re-use their nests each year, including red kites
- the introduction of "reckless" offences that damage or disturb protected wildlife or wildlife sites, or to "cause or permit" illegal incidents
- a new offence to make it illegal to possess wildlife taken illegally elsewhere in Europe
- a new offence to make it illegal to possess pesticides with no lawful reason for using it. This will help stop illegal poisoning of wildlife, including birds of prey
- improved protection for the best wildlife sites: the Areas of Special Scientific Interest (ASSIs), including offences for third parties who damage ASSIs or disturb species using them, and the potential for management agreements on land outside ASSIs where it is needed to make sure the ASSI obtains favourable condition
- increased powers of enforcement for constables and wildlife inspectors.

Environment Minister Edwin Poots said: "Northern Ireland has taken a giant step forward in protecting its wildlife and natural environment. I am determined that wildlife crime should not be tolerated. That is why this Bill gives the enforcement authorities new powers and sanctions against perpetrators of wildlife crime. The most serious and persistent offenders will now go to jail."

Anne-Marie McDevitt, Conservation Manager for the RSPB, said: "This is a great step forward for improving the protection of Northern Ireland's wildlife. We hope that making it illegal to possess pesticides with no lawful reason will help stop illegal poisoning of birds of prey."

Ms McDevitt also welcomed the increased powers of enforcement for constables and wildlife inspectors, and tougher sentencing. She said: "We hope that this new legislation sends out a clear message to offenders that wildlife crime in any form will not be tolerated. The measures in this Bill ensure that those who break the law will face the full consequences of their actions."

The bill has gone forward for Royal Assent. For further details see [www.northernireland.gov.uk/index/media-centre/news-departments/news-doe/news-doe-010311-minister-welcomes-new.htm](http://www.northernireland.gov.uk/index/media-centre/news-departments/news-doe/news-doe-010311-minister-welcomes-new.htm)



Poisoned rabbit laid as bait on the Leadhills Estate

## Gamekeeper caught red-handed with poisoned bait

**A gamekeeper "caught red-handed" has been convicted of laying a poisoned rabbit bait on an open hillside. The man, formerly employed on the Leadhills Estate in South Lanarkshire, used the banned pesticide carbofuran to prepare the bait.**

Gamekeeper Lewis Whitham, now of Skipton, North Yorkshire, appeared at Lanark Sheriff Court on 17 November 2010, and pled guilty to placing a poisoned bait, contrary to Section 5 1 (a) of the Wildlife and Countryside Act. He was fined £800.

The court heard that on 8 April 2009, Whitham was witnessed by an officer of OneKind (formerly known as Advocates for Animals) driving a quad bike on Braid Hill, on the Leadhills Estate. The officer saw Whitham stop the bike and take a dead rabbit off the back. The rabbit was staked to the ground and coated with "a significant quantity" of a granular compound.

The OneKind officer phoned the Scottish Society for the Prevention of Cruelty to Animals (SSPCA).

Their representative went to the scene and met two police officers who, coincidentally, were on their way to the Leadhills Estate regarding another matter. The officers noted that the dead rabbit, which was staked down to the ground, was covered in a granular substance, which was later confirmed as the banned pesticide carbofuran. The SSPCA and police immediately visited the gamekeeper, Lewis Whitham, at his house to make sure evidence was secured swiftly.

During the trial Mr Whitham said he was targeting crows, but fully accepted what he did was wrong. He regretted what he did and stated he was trying to "impress his employer." Mr Whitham was dismissed from his employment at Leadhills.

In summing up Sheriff Stewart stated: "Gamekeepers have special responsibilities to the environment" and said that what Whitham had done was "contrary to all standards expected." He added: "It is very challenging for law enforcers to discover a breach of the legislation."

The case was widely reported in the media and Area Procurator Fiscal Tom Dysart, who leads the Crown Office and Procurator Fiscal Service (COPFS) on wildlife crime, stated: "Lewis Whitham was caught red-handed staking a poison-filled rabbit carcass to the ground on a country estate. This bait would prove attractive to a variety of carrion-eating birds, including birds of prey which are protected by law. Whitham says he was targeting crows but any bird or animal ingesting this poison would have died."

"Carbofuran is a banned pesticide and anyone caught using it indiscriminately will be dealt with robustly."

"COPFS takes crimes against wildlife and the environment seriously and anyone involved in harming Scotland's rich natural heritage in this way should expect to face prosecution."

SSPCA has asked us to pass on their thanks to: the Procurator Fiscal Service, OneKind, RSPB, Science and Advice for Scottish Agriculture and the National Wildlife Crime Unit.



Declining curlews can no longer be shot in Northern Ireland

## Well-known falconer convicted

A familiar figure in the falconry world and founder of the International Falconry Forum website has been convicted of offences relating to goshawks. Wildlife Crime Officer (WCO) PC Chris Smoothy from the Devon and Cornwall Constabulary reports.

“On 5 November 2010, following a trial at Torquay Magistrates, Paul Hill of Dairy Lane, Ivybridge, Devon was found guilty of three offences: failing to register a goshawk (contrary to Section 7 Wildlife and Countryside Act 1981) and two trade offences (Regulation 8 of Control of Trade in Endangered Species (Enforcement) Regulations 1997). He was acquitted on

two similar matters. On 9 December 2010, he was sentenced to a community order of 300 hours unpaid work within the next 12 months and ordered to pay £5,580 costs.

The enquiry started when it was suspected Hill had sold a juvenile female goshawk to another falconer from Cornwall for £1,200 cash without the Article 10 Certificate required by law. On 6 August 2009, a warrant under the Wildlife and Countryside Act was executed at Hill’s former address in Torquay, with assistance from Alan Roberts of the National Wildlife Crime Unit (NWCUC), two vets and Defra’s Animal Health representatives.

A film crew from the BBC television programme *Animal 24:7* arrived at the site, but was not allowed to enter.

Several goshawks, of varying ages, were found, and some were unregistered. Blood samples were taken from some birds to check their provenance. After further information was gathered, another warrant was executed at an address in Kingsbridge. At first, no goshawks were found here. However, in a mews occupied by an eagle owl, a number of moulted goshawk feathers were noted on the floor. After the occupier was questioned further, we were taken to another nearby address where an adult female goshawk was retrieved.

A blood sample was taken from this bird and subsequent DNA profiling confirmed that this was the mother of the goshawk originally sold by Hill without the Article 10 Certificate. It was later established that Hill had borrowed the adult female goshawk for a breeding project. An agreement had been made stipulating that if any offspring were produced, the owner of the female parent was entitled to a third of any monies. Hill later failed to declare selling the offspring for £1,200.

Hill made no comment when interviewed and charged with a number of offences. Following his conviction, Hill launched an appeal, which is scheduled at Plymouth Crown Court in July 2011.

This was a complicated enquiry and I would like to express my thanks to Nevin Hunter head of compliance and his team at Defra’s Animal Health, Alan Roberts NWCUC, Dr Ross McEwing, Tools and Resources for Applied Conservation and Enforcement (TRACE) Wildlife Forensic Network, and the two local vets.”

to Regulation 8 of the Control of Trade in Endangered Species (Enforcement) Regulations 1997. He was fined £500 with £120 costs. Both birds were forfeited.

Roy Mangersnes www.wildphoto.no



Goshawks cannot be bought or sold without Article 10 Certificates

## Pyle of trouble

A falconer forfeited two goshawks and was fined for buying birds without necessary documentation.

Following an investigation by the Northumbria Police, falconer Harry

Pyle of Batt House Road, Hexham appeared at Hexham Magistrates Court on 6 January 2011. He pleaded guilty to buying two goshawks in 2009 without the necessary Article 10 Certificates being in force, contrary

## High as a kite!

The conviction of a gamekeeper in Herefordshire for wildlife poisoning offences led to the discovery that his boss was running a cannabis factory.

In *Legal Eagle 62*, we reported on the conviction of gamekeeper Ben Walker in connection with poisoning on the Sufton Estate, Herefordshire. During the investigation, the body of a poisoned buzzard was found in an outbuilding used by his employer, head gamekeeper Mark Rigby.

It was not possible to be certain who was responsible for the death of this bird.

However, when a securely-locked adjacent outbuilding was accessed by Police and RSPB investigators, a large cannabis cultivation operation was discovered.

## Hunt hounded

Only three prosecutions for illegally hunting with dogs under the Hunting Act 2004 have been successful. Leicestershire WCO Neil Hughes reports on the latest case.

“On 12 January 2011, Derek Hopkins of Welham Road, Great Bowden, and Kevin Allen of Nether Green, Great Bowden were found guilty for offences of illegal hunting with dogs under Section 1 of the Hunting Act 2004 and interfering with a badger sett under Section 3 of the Protection of Badgers Act 1992. Both defendants had pleaded not guilty at Market Harborough Magistrates Court.

On 27 January 2010, members of the Fernie (fox) Hunt, led by Huntsman Derek Hopkins and based at Great Bowden near Market Harborough, met near to Stonton Wyville in Leicestershire. Throughout the day, members of the League Against Cruel Sports (LACS) monitored the activities and took videos of the hunt that were later used as evidence by the police. Several times the hunt was seen to be on the trail of a fox. The fox went to ground in a badger sett, and Allen sent a terrier into the sett, to encourage the fox to bolt. The hounds were then put back onto the fox. The fox is believed to have got away from the hounds.

The defendants claimed at court they were trail hunting (allowed under the Act) and that the badger sett was not an active sett under the Act. But in his summing up, the Magistrate made it clear that he did not believe anything that they or their experts had said. Hopkins was fined £600 for interfering with the badger sett and £250 for illegal hunting with dogs, and ordered to pay costs of £1,250, with a £15 surcharge. Allen was fined £400 for the badger offence and £250 for illegal hunting, and ordered to pay £900 costs with a £15 surcharge.

The success of the prosecution is due to the evidence-gathering and presentation by fox and hunting expert Professor Steve Harris of Bristol University, and local



Head gamekeeper Mark Rigby was convicted for the cultivation of cannabis

At Worcester Crown Court on 24 November 2010, Mark Rigby pleaded guilty to four counts of producing and possessing a Class B drug with intent to sell and was imprisoned for two years concurrent.

badger expert Dr Pam Mynott, as well as the expertise of the LACS personnel. Dianna Cotterell of Leicester CPS should also be congratulated for her efforts.

The two men have since lodged an appeal against their convictions.”



Fernie huntsmen found guilty

## Raptor dealer uses “breeding programme” cover to evade import ban

**A West Midlands bird dealer has been convicted after attempting to evade import restrictions. The restrictions are designed to protect the EU against the transmission of highly pathogenic diseases such as avian flu. NWCUC officer Andy McWilliam reports:**

“In April 2009, bird dealer Brynn McDonagh, 26, from West Heath, applied to the Animal Health Agency (AHA) for import permits for 22 birds of prey from South Africa, including a Wahlberg’s eagle, African hawk eagles and jackal buzzards.

McDonagh indicated that the birds were being imported for “breeding programmes” to improve his stock’s bloodlines. Import permits were subsequently issued by AHA and 20 of the birds were imported into the UK on 3 September 2010.

The EU banned commercial imports of birds in 2007 following concerns over the transmission of avian diseases.

Following the import, we identified a number of adverts that had been placed by McDonagh on several trade websites between April and November 2009, offering the birds for sale, but one advert had been placed a month prior to his original application to import the birds. It appeared that the birds had always been intended for trade and were not part of a breeding programme.

In January 2010, West Midlands Police, NWCUC, AHA and UKBA executed a search warrant at his home address. Officers seized seven birds, including a Wahlberg’s eagle and an African hawk eagle. McDonagh was arrested and interviewed.

From seized documentation we traced birds in Scotland, Cambridgeshire and Holland and established evidence of illegal sales. The UK Border Agency (UKBA) placed detention notices on the identified birds. McDonagh declined to disclose the whereabouts of three of the birds. McDonagh’s outlay was around £4,500 and, had everything gone to plan, he would have made £26,500 from selling the birds.

McDonagh pleaded guilty to one import offence under Section 170(2) of the Customs and Excise Management Act (CEMA) 1979 and five further offences of sale and offering for sale illegally imported CITES Annex B birds under the Control of Trade in Endangered Species (COTES) regulations 1997.

McDonagh was sentenced at Birmingham Crown Court on 22 November 2010 to 10 months’ imprisonment suspended for two years, ordered to undertake 150 hours’ unpaid work and pay £1,000 costs. All the seized birds have been forfeited.

NWCUC would like to thank PC Mark Cooper of West Midlands Police for his efforts in this case.”

RSPB comment: Regulation (EC) 318/2007 bans the import of most live birds into the EU for trade. However, it allows imports for certain purposes, including for “conservation programmes approved by the competent authority of the member state of destination”. This case raises a number of serious questions about how this import ban is regulated, including how a dealer was allowed to evade import restrictions when no such genuine conservation programme apparently existed.



McDonagh with African hawk eagle - one of 20 birds illegally imported from South Africa

## Falcon smuggler has sentence cut

**Jeffrey Lendrum, who was jailed for 30 months after attempting to smuggle 14 peregrine eggs to the Middle East, has had his sentence cut to 18 months following a hearing at the appeal court on 1 February 2011.**

Lendrum, of Towcester, Northamptonshire, took the eggs from peregrine nests in south Wales and was caught by police in May 2010 at Birmingham Airport with the eggs strapped to his chest, on his way to Dubai. A cleaner grew suspicious when he discovered discarded egg boxes and an egg in some shower facilities at the airport. Lendrum was sentenced to jail at Wolverhampton Crown Court in August last year (see *Legal Eagle 62*).

Appeal court judge Sir Christopher Holland said the original sentence was “excessive”. He said Lendrum had hoped to trade the eggs for up to £70,000 in overseas markets. The judge added that the eggs were “happily still in good order” when recovered. Eleven peregrines hatched from the eggs were successfully returned to the wild following co-operation between a local falconer and the RSPB.

The RSPB is disappointed with the appeal court judge’s ruling and believes that the reduced sentence will not act as a deterrent to other criminals intent on profiting from international wildlife smuggling.



Lendrum was jailed for smuggling peregrine eggs

## Suspended sentence for tortoise trader

**A man has been convicted after trading tortoises illegally and for fraudulently altering an Article 10 sales licence. Andy McWilliam of the NWCUC reports.**

“On 22 October 2010, the owner of Carlisle Tortoises, Robert Struthers, 36, pleaded guilty at Carlisle Crown Court to five offences of prohibited sale of Annex A tortoises, contrary to the Control in Trade in Endangered Species (Enforcement) Regulations 1997 (COTES), and one offence contrary to the Fraud Act 2006. He was sentenced to 24 weeks imprisonment suspended for two years, ordered to complete 250 hours unpaid work, pay £1,200 costs, and he forfeited 11 marginated and spur-thighed tortoises.

Struthers traded in tortoises, mainly via his website. The enquiry started following complaints from customers. When a buyer of two marginated tortoises complained they had not received Article 10 Certificates, they received two invalid certificates, with the holder’s details cut out. A customer who had purchased two spur-thighed tortoises received invalid certificates for a different species. Another customer bought nine tortoises, but only three were covered by valid certificates.

In September 2009, I went with Cumbria Police and Animal Health Inspectors to execute a search warrant at Struthers’ home and a business address. He was arrested and later bailed as enquiries continued. While on bail, Struthers contacted a customer and attempted to recover six Annex A tortoises and replace them with Horsefields which fall into Annex B, and so do not require certificates.

He was later charged with eight COTES offences, though two charges relating to multiple sales of 87 tortoises were discontinued. He was also charged with a fraud offence, which related to two A10 certificates that had been altered.

In passing sentence, His Honour Peter Hughes QC told Struthers that his offences were serious and had crossed the custody threshold, stating: “It is accepted that you were dealing in captive bred tortoises, but if they were wild taken you could have expected a substantial term of imprisonment.” He also commented he did not consider these technical offences as a failure to comply with the certification encouraged illegal trade and prevented the authorities knowing the origins of a specimen.

I would like to thank Cumbria Constabulary WCO PC John Shaw for his assistance with this enquiry.”



One of the marginated tortoises illegally sold by Struthers

## POCA Order for tortoise trader breaks new ground

Illegally trading in wildlife may just have become less lucrative, because a method for reclaiming profits from crime has, for the first time, been applied to wildlife offences.

A man previously jailed for illegally dealing in tortoises has received an order under the Proceeds of Crime Act 2002 (POCA). This is believed to be the first such order relating to a wildlife crime. It means that any future assets can be seized,

until income from his crime has been handed over. Andy McWilliam of the NWCUC reports.

“*Legal Eagle 59* reported on the case involving David Johnson. He was sentenced to eight months imprisonment for trading in tortoises contrary to Control in Trade in Endangered Species (Enforcement) Regulations 1997. At the request of NWCUC, North Wales Police undertook a POCA enquiry to try to recover £13,995. This amount was raised by the illegal sales to which Johnson pleaded guilty. Unfortunately, no current assets were traced so the money could not be claimed.

However, the POCA order has been pursued and on 16 November 2010, Johnson appeared at Shrewsbury Crown Court. An order for a nominal amount of £1 (not to be collected) was made. Although the full amount could not be recovered, this order is now in force for life. So, if assets become available, it would allow further action to recover the outstanding amount.

This process offers another opportunity to tackle those profiting from illegal trading in wildlife and hopefully this type of approach will be utilised more widely in the future. I am particularly grateful to Alan Pierce of the North Wales Police for his efforts in progressing this matter.”



Tortoises kept by Johnson

## Jail for gull killer

A 21-year-old man received a custodial sentence after the court witnessed six minutes of brutal CCTV footage showing him kicking and stamping a bird to death. WCO PC Rachel Krueger from Merseyside Police reports.

“On 25 August 2010, Adam James White, 21 years, of Bedford Place, Liverpool, pleaded guilty at Liverpool Magistrates’ Court to a charge of intentionally killing a herring gull contrary to Section 1 of the Wildlife

and Countryside Act 1981. He received a 20-week jail sentence.

At around 5.30 am on 17 July 2010, White was seen on Citywatch CCTV acting in a rowdy manner with other youths. At one point, a juvenile herring gull landed close to the group. White ran at the bird, then kicked and stunned the bird. He then spent approximately six minutes kicking it, stamping on it, throwing it into the air and drop kicking it.

He was originally charged with a public order offence, but I chased up the enquiry and he was charged with intentionally killing the bird and causing unnecessary suffering.

I attended the hearing to assist the Crown Prosecution Service (CPS) and ensured the court were able to view the CCTV footage that had been recorded.”



White recorded on CCTV kicking a herring gull to death

8



The dead fox found in an illegal drag snare

## Fox dies in illegal drag snare

A fox endured “serious suffering” before eventually dying, when caught in an illegal trap set by a gamekeeper.

On 14 April 2010, inspectors from Scottish SPCA (SSPCA) Special Investigations Unit (SIU) received anonymous information: a fox was caught in a snare, and other foxes nearby appeared to have been left to die in snares in woodland near Kirriemuir in Scotland. The following day, an inspector from the SIU met with police from Kirriemuir.

Using the powers under Section 19 of the Wildlife and Countryside Act 1981, the inspector and police officers searched the wooded area. They found a dead fox. It was trapped in a wire snare that had been secured by a single fencing staple to a log about 75 cm long.

Snares are regularly used for fox control in Scotland and the use of snares is subject to conditions outlined in the Wildlife and Countryside Act 1981, Section 11 and The Snares (Scotland) Order 2010. Lengths of braided wire can be constructed to form a running noose attached to a fixed point. The snare that had been used on this occasion was not fixed to a secure point. Instead, it had been attached to a short piece of wood, making what is commonly known as a “drag” snare.

The use of drag snares was made unlawful on 11 March 2010 by The Snares (Scotland) Order 2010, section 5. A person who sets a snare in position must either stake it to the ground, or attach it to an object in a manner that will prevent the snare being dragged by an animal caught in it.

Officers noted the snare appeared to have been set as part of a larger line of snares, and had caught the fox which then had dragged the snare, and the log, a short distance (about 30 m) before becoming entangled in a root of a tree. Unable to escape the snare, the fox had eventually died. It was concluded that the fox would have endured serious suffering before death.

A gamekeeper was later interviewed and charged with various offences including: failing to inspect a snare, setting in position or otherwise using snares where an animal caught would be likely to become fully or partially suspended, failing to release or remove an animal from a snare and by omission caused a fox unnecessary suffering.

The gamekeeper received a Fiscal warning.

G. Shorrock



Lumsden was convicted of killing a badger

## Operation Seals the fate of animal fight enthusiasts

**Two men were sent to prison after the success of Operation Seal, a joint action between Northumbria Police and the RSPCA. The case involved horrendous footage of animal fights.**

Former WCO Andy Swinburne who led the case takes up the story:

"On Wednesday 16 February 2011, at South East Northumberland Magistrates' Court, Wayne Lumsden, 23, from Lynemouth, Northumberland, was sentenced to 26 weeks' imprisonment after pleading guilty at an earlier hearing to the offence of killing a badger under the Badgers Act 1992. He also pleaded guilty to two accounts of causing an animal fight under Section 8 of the Animal Welfare Act 2006, which deals with cock fighting and the baiting of dogs with a cat. Lumsden was also disqualified from keeping animals for 15 years.

Connor Patterson, 23, from Whitfield near Hexham, Northumberland, was sentenced to 20 weeks' imprisonment with a ban for keeping animals for eight years. Patterson, a former trainee gamekeeper with a diploma in game management, pleaded guilty to two counts of causing an animal to fight. This involved two cases where foxes

were attacked while either snared or trapped in a metal cage with a dog.

In March 2009, Wayne Lumsden's mobile phone was seized and examined for an unrelated enquiry. Eight video clips of horrendous fights and texts from Lumsden bragging about killing a badger were discovered. During the badger killing, Lumsden's dog, a Patterdale terrier named Brock, was injured. There was evidence of Lumsden's interest in cock fighting and of selling spurs, and images of Patterson kneeling by a snared fox. It was identified as the attacked animal.

During searches of both men's homes, clothing similar to that worn in video clips was seized. Homemade recordings of TV documentaries about badger baiting, the RSPCA Special Operations Unit and undercover work in Lancashire and Eire was found. A third address in Blyth, Northumberland, was searched.

When arrested, Patterson admitted travelling to Lumsden's home, and going with Lumsden and his dog, and other men, to where the acts against the fox took place. He acknowledged his former training and his awareness of the law, but claimed he had failed to

act or walk away. Two other men later made the same admissions.

In December 2009, the RSPCA issued summons. After long legal discussions, Lumsden and Patterson entered guilty pleas in 2011. The third male was cautioned for a Larsen trap offence and surrendered a lurcher dog seized at Blyth, which had taken part in the badger baiting. The case was brought despite no actual crime scene or precise location of events being confirmed.

This complex and prolonged operation covered all Northumberland. It proves how far people such as Lumsden and Patterson are prepared to travel to gain pleasure through animal suffering. They showed no regard or respect for animals subjected to horrendous acts, or indeed their own dogs' welfare.

I wish to thank the RSPCA for their assistance in this investigation, especially Inspector Trevor Walker, and for the RSPCA Case Management Unit for agreeing to prosecute the case."

On appeal, the sentences were reduced to 21 weeks for Lumsden and 16 weeks for Patterson, in recognition of their guilty pleas.

Chris Gomersall (rspb-images.com)



Trade in wild birds, including goldfinches, is illegal, and captive-bred birds can only be traded with correct documentation

## Bird keepers warned: "You must have documents"

**A District Judge has warned that bird breeders who exchange or sell birds with a "no questions asked" attitude could face heavy penalties or even a prison sentence.**

The warning by district judge Philip Browning came after he found Cambridgeshire bird breeder Edward Easter guilty of 13 wild bird charges and ordered him to pay almost £20,000 in fines and court costs.

On 24 February 2011, Easter, of Hollycroft Road, Emneth, was convicted at King's Lynn Magistrates' Court of 13 charges under the Wildlife & Countryside Act 1981 relating to the possession of wild birds and possession with the intent to sell. The species involved included red-backed shrike, goldfinch, nightingale, skylark, wagtail, stonechat and garden warbler.

Sentencing Easter, judge Browning said: "It's illegal to trade in wild birds and it needs to be understood by breeders that to do this carries heavy penalties or even a prison sentence. I hope the message has been made clear that those engaging in the exchanging and selling of birds with no questions asked do so at their peril."

Judge Browning said Easter was an able bird breeder, highly respected in the bird breeding world and had no evidence to suggest he had taken birds or eggs from the wild. But he said Easter's method of telling wild and captive birds apart by their behaviour and plumage was "not conclusive".

Easter admitted during the four-day trial that he did not have documentary evidence to prove his birds were captive.

Judge Browning said: "You were well aware of the legislation following a caution for not providing documentary evidence when selling three wild robins in 2005. I find it remarkable that even after this caution, you continued not to comply with the requirements."

Easter was fined a total of £9,750 (£750 for each offence) and ordered to pay £10,000 in costs. The court also ordered Easter to forfeit all of the birds subject to the charges, as well as their subsequent offspring.

The terms and conditions of the general licence can be downloaded at [www.naturalengland.org.uk/Images/wml-gl18\\_tcm6-24166.pdf](http://www.naturalengland.org.uk/Images/wml-gl18_tcm6-24166.pdf)

**RSPCA Special Operations Unit Inspector, Cliff Harrison, comments:**

"This was an important case as it dealt with many species not commonly kept by bird keepers. The Wildlife and Countryside Act 1981 originally only allowed 19 species of wild bird (as listed on Schedule 3) to be sold if correctly ringed and bred in captivity. These birds could only be fitted with British Bird Council or International Ornithological Association rings which are traceable. Additionally, the person applying for the rings had to furnish details of the parent birds, as a further safeguard.

After much pressure from aviculture lobbyists, the then Department of the Environment relented and in the 1990s allowed many other species to be sold. A general licence allowing the sale of certain species was created, which requires that the bird is correctly ringed, defines the ring (which does not have to be traceable), and requires that documentary evidence of captive breeding accompanies any sale or exchange, negating the need to furnish details of parent birds to the ring supplier.

What was so obvious in this case was that the defendant and apparently many others who sell or exchange non-Schedule 3 birds completely ignore the terms of the general licence permitting the sale of these birds. In this case it was very apparent that this was a deliberate choice on the part of the defendant, who had already accepted a written caution in 2005 for failing to supply the necessary paperwork when selling a pair of robins.

It is of real concern to the RSPCA that many summer visitors such as nightingales, redstarts, and warblers are targeted in the nest. A nestling can be "correctly" ringed and passed off as captive-bred. Although there was no evidence that the defendant was engaged in this activity himself, there was no proof as to where the birds, or the parent birds, had come from.

There is a very clear message here: if a bird keeper chooses to possess a protected bird then he must ensure that he can show lawful possession. The court did not accept the explanation 'no-one bothers with documentary evidence' as an acceptable excuse. The legislation is clear as to what is required and is there to protect wild birds."

## NWCU priority: peregrines

The National Wildlife Crime Unit (NWCU) has guaranteed funding for a further two years, thanks to a commitment from the Home Office.

The announcement was made by Minister Richard Benyon at the annual Partnership for Action against Wildlife Crime (PAW) seminar held at Kew in March.

Although the future of the NWCU is secured for the immediate future, how the unit will sit within the structures of the new arrangements for UK policing remains to be seen.

At the same venue, the NWCU confirmed what its wildlife crime priorities would be for 2011-2012. The priorities are badger persecution, bat persecution, CITES (with a focus on ivory, tortoises and traditional medicines), freshwater pearl mussels, poaching (with a focus on deer poaching/coursing, fish poaching and hare coursing), and raptor persecution (with a focus on hen harrier, goshawk, golden eagle, white-tailed eagle, red kite and now peregrine).

The RSPB is pleased that the peregrine has been added to the raptor priorities following recent

evidence showing that peregrine persecution is leading to population level impacts on grouse moors.

NWCU Intelligence requirements are CITES Annex A & B orchids, CITES Timber (with a focus on Ramin), finch trapping, illegal taking of wild bird eggs, illegal trade in raptors, illegal trade in parrots, and introduction of non-native species.

Trade in European eels has been removed as an intelligence requirement. This issue will be continued to be addressed in an intelligence-led and proactive manner by the CITES Management Authority.

The winners of PAW Partner of the Year Award, sponsored by Browne Jacobson solicitors, went to the TRACE Wildlife Forensic Network. The award is given annually to the person or individual who has made the greatest contribution to the objectives of the PAW partnership in the preceding year.



Dr Ross McEwing (right) receives the PAW Partner of the Year Award from Tom Huggon, Browne Jacobson solicitors.

## Lead rains down...

A study funded by the Department for Environment, Food and Rural Affairs (Defra) has shown that almost 70% of ducks shot in England are illegally shot with lead ammunition.

Out of 492 ducks bought from game dealers, supermarkets and butchers, 344 contained lead ammunition. This figure is similar to that found in 2002 in a study, showing compliance with the law has not improved over the last eight years. A survey of shooters indicated that most

understood the law, but nearly half (45%) admitted to breaking it. The main reasons given for breaking the law were that there was only a small chance of being caught, disbelief lead is a problem, as well as the lack of availability and cost of lead-free ammunition.

The failure to enforce legislation and protect wildfowl in wetlands from lead poisoning would be a big enough concern in itself. But recent evidence has suggested that lead poisoning is a problem away from wetlands, where a wider range of species can suffer from lead poisoning. This includes birds of prey that ingest lead shot (or even bullet fragments) when feeding on shot and non-retrieved game. Of course, it's not just birds of prey that eat game shot with lead ammunition – people do, too. Fragments of lead ammunition left in food are not necessarily removed by the standard butchering process, and potentially dangerous lead levels can be found in food for human consumption.

The Government has established a Lead Ammunition Group, which includes representatives of shooting bodies, ammunition manufacturers, conservation and welfare groups, to look at all the new evidence and recommend a sensible response. This group will include the poor compliance with existing lead regulations in their discussions and is due to report to Ministers in 2011.

See [www.leadammunitiongroup.co.uk](http://www.leadammunitiongroup.co.uk) for information.



Mallards are illegally shot using lead

## Where harriers fear to fly

A new report by SNH confirms what decades of research has shown – that illegal persecution is the main factor limiting hen harrier populations, especially on land managed for driven grouse shooting.

This is hardly an earth-shattering conclusion for anyone with any knowledge of birds of prey in the UK. But now that this incontrovertible fact has been accepted by the Scottish Government's environmental advisers and published by the Joint Nature Conservation Committee (JNCC), it becomes incumbent for decision-makers to take the necessary action to address the persecution.

Professor Des Thompson, SNH policy and advice manager, said: "This report identifies persecution as a chronic and major problem hitting hen harriers hard across the country. This report must feed into the strenuous efforts that are being taken to resolve the hen harrier grouse moor conflict, such as the Langholm Moor Demonstration Project, the Natural England-led Environment Council harrier project and various activities under the Partnership for Action Against Wildlife Crime (PAW)."

Stuart Housden, Director RSPB Scotland, commented: "This report serves as a wake-up call to the grouse-shooting industry, builds on the best and most comprehensive



Illegal killing is the main factor limiting hen harrier populations

Andy Hay (rspb-images.com)

scientific evidence available, and confirms the huge gaps in the distribution of hen harriers that are now apparent to many ornithologists. It reveals the true impact of the systematic and illegal persecution routinely associated with the industry, which is having severe consequences for the species' fortunes in Scotland, and pushing it close to extinction in England. This should serve as the final chance for the industry to get its house in order. The question is: are grouse managers prepared to accept the serious challenge before them and take firm and demonstrable action to stamp out this criminal activity? More fine words and letters of denial are not the answer. A significant recovery of hen harriers on grouse estates is."

The recently-published results of the 2010 national survey reinforce the importance of tackling illegal persecution, with the UK hen harrier population having declined by 20% since the last survey in 2004. Declines were most rapid in Scotland, while England's population continues to barely stave off extinction. Without strong, concerted effort to tackle illegal persecution across the UK, there is little hope of reversing these worrying trends.

## Northern England still a hotbed for persecution

A new report from the Northern England Raptor Forum (NERF) shows that illegal killing of birds of prey remains a major problem for a range of species across the north of England. Populations of birds such as peregrines, hen harriers and red kites are suppressed by illegal killing, primarily on land managed for driven grouse shooting.

Golden eagles may be an iconic bird of Scotland, but historically they bred across much of northern England. The NERF report concludes that unless the spectre of persecution in the Scottish borders and the north of England is removed, they are likely to remain extinct as a nesting bird in England. Just one golden eagle was seen in northern England during 2009. Golden eagles appear each year in the forests of Northumberland, but for the first time in three decades they were absent. At the same time, persecution in the south-east of Scotland is limiting population growth there and preventing re-colonisation of northern England.

NERF was created in 2006 to monitor the fortunes of the region's birds of prey. Chairman Paul Irving said: "With its

iconic landscapes, northern England is enormously popular with tourists. However, our monitoring shows that the skies above some of our most important landscapes are largely devoid of the birds of prey that have hunted these areas for thousands of years.

"The situation with the hen harrier population continues to cause grave concern. Its failure to expand into eminently suitable habitat found throughout the northern uplands is now widely attributed to persecution as a result of the perceived conflict with grouse moor management. This situation is absolutely intolerable and NERF calls on the authorities to use all of their powers to reverse the situation"

Copies of the report can be obtained for £12 including postage from Steve Downing, via [throstlebower@hotmail.com](mailto:throstlebower@hotmail.com).



## New specialist prosecutors for Scotland

**The prosecution of wildlife and environmental crime in Scotland is to be boosted by a team of full-time prosecutors who have been specially appointed to handle wildlife and environmental crime.**

The Solicitor General Frank Mulholland QC announced the plans on 23 February 2011. About 100 wildlife and environmental crimes are referred to Crown Office and Procurator Fiscal Service (COPFS) each year, and in September 2004, COPFS set up a national network of specialist wildlife prosecutors to tackle wildlife crime in Scotland. They carry out this work alongside their duties as general prosecutors. These prosecutors will be replaced by a new dedicated team.

The three-strong specialist team will investigate, mark and prosecute all cases involving crimes against wildlife and the environment in Scotland. Their remit will include animal cruelty cases.

The team will be managed by Tom Dysart, Area Procurator Fiscal for Ayrshire, who leads COPFS on wildlife crime. It will be supported by Alex Prentice QC, Assistant Principal Advocate Depute, who was appointed Crown Counsel for wildlife cases in February 2010. He will present the Crown case in any criminal appeals, working together to share knowledge and experience of cases.

The Solicitor General, Frank Mulholland, QC, said: "COPFS is committed to tackling crimes against Scotland's precious wildlife and environment. Our network of wildlife and

environmental prosecutors has already demonstrated the benefits of having specialists deal with this complex area of law.

"We are now appointing a team of three full-time specialists, who will continue to develop the skills and knowledge required to deal with these cases. Crimes against our wildlife and environment are important as they affect the environment in which we live, and the legacy we leave to future generations. We are aware that serious and organised crime groups may be becoming involved in environmental crime. The new team of prosecutors will work closely with COPFS civil recovery and criminal confiscation specialists.

"I am confident the new team will further enhance the working relationships we already have with investigating agencies, including the police and wildlife organisations."

Tom Dysart said: "Environmental and wildlife crimes are serious offences which blight our landscape and natural heritage. Environmental crime has the potential to affect public health. The COPFS network of specialist prosecutors has now been in place for several years and has contributed to more effective investigation and prosecution of environmental and wildlife crime.

"Scotland's prosecutors are committed to providing a powerful and effective deterrent to those who commit crimes against wildlife and the environment. We are determined to ensure that COPFS plays its part in ensuring that Scotland's rich and diverse natural heritage is protected."

## Restorative justice deal used for wildlife crime

**Restorative Justice Conferencing (RJC) has been used after a sparrows' nest was destroyed. The case, involving the Welwyn Garden City Neighbourhood Team, was one of the first wildlife cases to use RJC.**

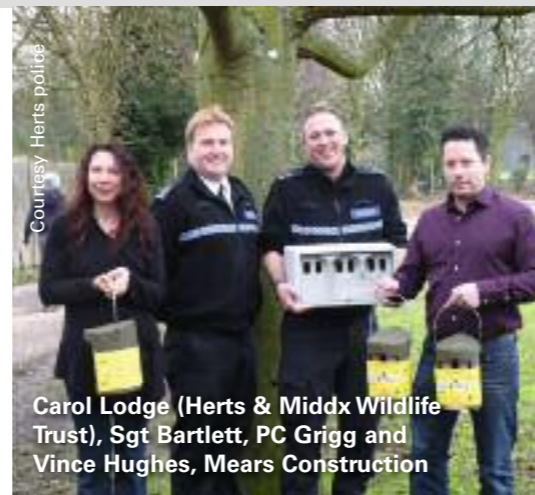
In June 2010, two contractors employed by Welwyn Hatfield Borough Council were replacing roof slates. As they worked, they removed a sparrow's nest, without realising it was illegal.

Howlands PC Mike Grigg and Rural Wildlife and Environmental Crimes Officer Sergeant Jamie Bartlett worked with the Herts and Middlesex Wildlife Trust on RJC. It meant that the contractors would not have to go to court or have a criminal record.

PC Mike Grigg said: "In exchange, they agreed to put up three bird houses and a sparrow terrace and pay for their staff to be trained by the Wildlife Trust about the law around birds and nesting."

Sergeant Jamie Bartlett commented: "Many companies are unaware of the law in relation to wildlife and so it was more appropriate, in this case, to deal with it educationally, rather than giving the company a criminal record. We hope that the lessons they have learnt will encourage other companies to make sure they don't carry out building works where there are nests."

A spokesperson from the Welwyn Hatfield Community Housing Trust said: "It is often extremely difficult to



Carol Lodge (Herts & Middx Wildlife Trust), Sgt Bartlett, PC Grigg and Vince Hughes, Mears Construction

detect where there are nesting birds in roofs as there may be no outward signs. However, in the few cases where we have found nesting birds, immediate action has been taken to stop the works. Training has also now been carried out with both our team and our contractors' teams to help avoid future problems."

## Scottish Police Wildlife Crime Conference

**The 18th Scottish Police Wildlife Crime Conference, organised by Joe Connelly of Strathclyde Police, was held at the Scottish Police College at Tulliallan on Wednesday 23 February 2011.**

The conference was open to anyone with an interest in wildlife crime. A wide range of interested parties was represented, including landowners, conservationists, gamekeepers and enforcement groups.

The conference was chaired by ACC Gordon Sampson of Central Scotland Police, and packed with more than 200 delegates. There were presentations on a variety of topics including new seal legislation (Ian Walker, Marine Scotland), the use of snares (Dave MacKinnon, WCO Grampian Police), environmental law (Sherriff Kevin Drummond), updates from the National Wildlife Crime Unit (Charlie Everitt, Investigative Support Officer), and the Crown Office (Tom Dysart, Procurator Fiscal lead for Wildlife and Environmental Crime). PC Sam Briggs of Strathclyde Police presented a case study about a successful prosecution concerning the degradation of a Site of Special Scientific Interest.

During the afternoon sessions, delegates listened to presentations from those who had received funding from the Partnership for Wildlife Crime Scotland (PAWS).

Claire Buchanan from RSPB Scotland outlined the "eyes to the skies" project where funding has allowed satellite tracking of red kites to assist with law enforcement and educational work.

Other presentations included: preventing deer poaching (Alan Kennedy, Morvern Deer Management Group); wildlife DNA (Lucy Webster, SASA); and the developments with human DNA typing from baits and carcasses (Jim Govan, University of Strathclyde).

A lively and informative day concluded with a talk "the interaction of research and wildlife crime" by the Game and Wildlife Conservation Trust and "Operation Meles" from Ian Hutchison of Scottish Badgers (see article on page 16).



Ian Hutchinson (Operation Meles), ACC Sampson, Chief Constable Richard Compton and Insp Brian Stuart

## CITES certificates withdrawn

**Animal Health's Wildlife Licensing and Registration Service (WLRs) has stopped handing out pre-issued Article 10 Certificates (also known as semi-completed certificates) under the Convention on International Trade in Endangered Species (CITES).**

The change, effective from 19 January, is due to increasing evidence of non-compliance associated with these certificates. Any pre-issued certificates already issued remain valid and may be used in accordance with the current conditions.

On 1 April 2011, Animal Health and the Veterinary Laboratories Agency (VLA) merged to create the Animal Health and Veterinary Laboratories Agency (AHVLA). The new executive agency of Defra will continue to regulate the trade in species protected by CITES.



Mark Thomas, the new Wildlife Officer for Lancashire Constabulary

## Civilian leads fight against Lancashire wildlife crime

**A civilian has been appointed to the post of WCO, as part of Lancashire Constabulary's review of its services.**

Mark Thomas, 37, takes over from PC Duncan Thomas, who held the position for the past six years. Mark has worked for the constabulary for 10 years, including working in a civilian role in the counter-terrorism unit. He will be based at the force's headquarters in Hutton.

A spokesman from the Lancashire Constabulary said: "There is a huge challenge for the constabulary to come

through the next few years with a reduced budget while still delivering high quality policing services to our communities. The role of wildlife officer is one post which is currently part of the review process."

Mark Thomas said: "I come from a rural background of farming and game-keeping so wildlife issues have always been close to my heart. I know that my new role will be quite a demanding challenge, but I think that it will be a very rewarding one. I am looking forward to working with fellow officers and the community to help fight wildlife crime in Lancashire."

## Operation Meles aids Scotland's badgers

**The fight against badger persecution is moving forward as Ian Huthison, Species Protection Officer for Scottish Badgers, talks about the operation:**

"Like any other type of criminal investigation, we need robust intelligence to indicate trends in types of offences and to identify possible perpetrators who target badgers. Operation Meles has highlighted the need for a consistent response when members of the public report incidents, so the operation is working towards

a standard operating procedure whenever a potential crime is reported.

After only two years, far more badger incidents are being reported through the new recording system than were initially anticipated. The information is stored and analysed at the National Wildlife Crime Unit.

The initial targets are badger baiters and sett diggers, although all aspects of badger persecution fall within the remit of the operation and all manner

of incidents of badger persecution are being reported and then recorded. It is hoped the operation will collect sufficient reliable information to identify trends and individuals who can, with the help of other partners, be targeted, detected and prosecuted.

However, we should be quite clear that badgers are not an endangered species and killing them is not a conservation matter, even though the levels of cruelty inflicted on the badgers and the dogs pitted against them is horrendous."

## Triumph and tragedy for white-tailed eagles

**For the first time in almost a century, a pair of white-tailed eagles bred on the Danish island of Funen, but tragically the birds were found dead at the end of June 2010. The local branch of BirdLife in Denmark (DOF) put up a nest platform at the end of 2009, but the nestling and the adult male died after feeding on a poisoned bait.**

Prior to 1850, white-tailed eagles were relatively common in Denmark with an estimated 50 breeding pairs. After 1850, raptors faced intense

persecution and white-tailed eagles were eradicated from Denmark. The last Danish pair bred in 1911. Fortunately, the species returned to Denmark in 1995, when one pair bred successfully, and the number of breeding pairs in 2009 was a healthy 28.

Members of DOF and concerned locals have offered a €7,000 (more than £6,000) reward for information leading to a conviction. The birds were poisoned with carbofuran.



White-tailed eagle

Ian McCarthy RSPB (rspb-images.com)

## German raptor trader goes from sale to jail

**A trader and fraudster has been jailed after Officials of the Customs Investigations Office in Frankfurt investigated a significant case of illegal trafficking of wild birds of prey in Rhineland Pfalz, a mid-western province of Germany.**

The focus of the investigation was Klaus-Dieter Stretz (Klaus S.) a falconer and owner of a pet shop in Pirmasens. For years, the shop was used to launder rarities stolen from the wild.

Between 2001 and 2007, Klaus S. illegally imported large quantities of strictly-protected vultures, eagles, hawks, falcons, kites, harriers and owls into Germany. These were retailed through a company called "Bird Paradise" and sold internationally.

For years, he received the legally-required permits from Pirmasens' city administration, where he registered illegally-held animals as offspring bred by him. Despite strict protection laws, the authority did not verify the claims of the self-announced raptor breeder. His fraud only came to light after a tip-off sparked an investigation by Frankfurter custom officials.

As Klaus S. later admitted, he had never bred eagles or vultures himself, but got the majority of the birds from

dubious colleagues in Austria and Belgium. Most of the birds were unregistered and unringed. As soon as new feathered "goods" arrived in Pirmasens, they were registered with the city administration as successes from his own breeding farm. Even when Bird Paradise registered internationally-threatened species such as lesser-spotted eagles, black vultures, or red kites as self-bred, the local authority continued providing all the necessary papers for the sale of the birds. Simple checks would have easily established that Klaus S. did not own any parent birds.

Criminal proceedings were also brought against the Pirmasens city administration staff responsible for issuing false certificates and for poor regulation of the pet shop. On 13 November 2008, the head of the City Planning Office had to withdraw 157 certificates issued by its employees in recent years.

The German Federal Agency for Nature Conservation has asked officials to pay attention to birds with documents from Pirmasens during controls and to initiate their own



Black vulture - one of the species laundered by Stretz

Guy Shorrocks RSPB

action in future to prevent further abuse of the registry system.

On 15 November 2010, the Pirmasens district court convicted Klaus S. of illegal trade with highly-protected birds of prey and of incitement to forgery. He was given a prison sentence of two years and four months and an additional fine of €6,000 (about £5,250). The court considered it proven that he had offended in 21 cases against the Federal Nature Protection Act and fraudulently obtained illegal certificates for eagles, vultures, and other birds of prey in 144 cases from the relevant nature conservation authority. The civil servant responsible for issuing false documents at Pirmasens city administration was convicted of false certification in office and received a suspended sentence of one year and 10 months.



The robin is just one of the songbirds frequently caught

## Sardinia's fight for bird life

**Ex-WCO Steve Downing attended an anti-poaching camp in Sardinia in November. The camp is organised bi-annually by Lega Italiana Protezione Uccelli (LIPU), our Italian BirdLife Partner. Steve takes up the story.**

"The trapping of thrushes, blackbirds and other smaller passerines for the restaurant trade on the island of Sardinia is a very serious issue that is being tackled by LIPU. The camp, based in a large rented house several kilometres from Capoterra, is self-contained with the cooking and cleaning undertaken by volunteers.

Each day we divided into small groups and searched for traps. On my first day we collected around 800 ground snares and about 500 aerial snares from a single path. There are so many it is not practical to count each one so LIPU now weigh the snares to calculate the numbers involved.

Once an active trapping path is located, the snares are deactivated and covert cameras installed to film the trappers resetting them.

From this path we recovered three dead robins, one great tit, one blackbird and six song thrushes. The dead birds

were photographed for evidential purposes. It was with great pleasure that we found and released three live song thrushes and a blackbird. We discovered two snares baited with dead robins and a great tit. These snares had been specifically set to catch wild cats, which the poachers see as competition. We found several snares set to catch wild boar and the endemic Sardinian deer, listed as vulnerable at a regional, national, European and global level.

The covert cameras are proving to be successful. On the day before I arrived, a father and son team were filmed in action. The film has passed to the Carabinieri for investigation.

Local restaurants sell kebabs known as Pillionis De Taccula, consisting of eight song thrushes, or seven song thrushes and a blackbird. The monetary cost is usually €60–80 (about £53–70). It is estimated that about 300,000 birds are snared each year and the annual turnover in this grizzly business could be worth in excess of €3 million (more than £2.5 million) and so it is hardly surprising that the trappers are determined to continue their illegal activities."

LIPU relies heavily on volunteers. You can find out more information at [www.lipu-uk.org](http://www.lipu-uk.org)

## New task force to crack down on illegal wildlife trade in South Asia

**The World Wildlife Fund (WWF) is hoping that a newly-launched wildlife task force, the South Asia Wildlife Enforcement Network (SAWEN) will significantly reduce wildlife crime in the region.**

The task force was formed during a meeting in February 2011 in Bhutan. Representatives from eight South Asian countries met with the aim of protecting species across the region from poaching and illegal trade. The launch of SAWEN brought experts together from the governments of South Asia member countries, the United States Department of State, inter-governmental organisations such as CITES (the Convention on International Trade in Endangered Species) and INTERPOL, as well as organisations such as WWF and

TRAFFIC. TRAFFIC is the wildlife trade monitoring network of the International Union for Conservation of Nature (IUCN) and WWF.

A recent study, based on data collected by TRAFFIC, reports that illegal wildlife markets generate up to \$10 billion annually and rank in the top five of the most valuable illicit markets globally. International criminal networks run vast operations linking poachers to consumers through complex systems. SAWEN will help the eight South Asian countries – Bangladesh, Bhutan, India, the Maldives, Nepal, Pakistan, Sri Lanka and Afghanistan – tackle illegal wildlife trade through organised and co-ordinated actions on a regional scale, linking authorities and officials and sharing good practices and resources.

Shubash Lohani, WWF's deputy director of the Eastern Himalayas said: "SAWEN is a powerful signal that South Asia is ramping up efforts to combat poaching and illegal wildlife trade in the region. Illegal wildlife trade does not exist in a vacuum, and if it continues unabated we risk losing species like rhinos and tigers, leaving empty forests, jeopardising local livelihoods, and affecting the delicate natural balance that makes this corner of our living planet so unique and irreplaceable."

More information can be found at: [www.benzinga.com/press-releases/11/02/p851930/wwf-and-traffic-task-force-launched-to-crack-down-on-illegal-wildlife-t#ixzz1HKa3uk7N](http://www.benzinga.com/press-releases/11/02/p851930/wwf-and-traffic-task-force-launched-to-crack-down-on-illegal-wildlife-t#ixzz1HKa3uk7N)

## Illegal killing at British military base

**Around 1.4 million songbirds were trapped illegally in Cyprus in autumn last year to provide the main ingredient for a local delicacy: ambelopoulia.**

Shockingly, the report by BirdLife Cyprus reveals that a large proportion of these birds are trapped at Dhekelia – a UK Sovereign Base Area in the south-east of the island.

BirdLife Cyprus's Martin Hellicar says the island has now lost significant ground in the battle against bird trapping. He added: "The picture emerging from last autumn is one of a bird-trapping disaster not seen since we began monitoring almost 10 years ago."

He added: "Bird trapping is an illegal, indiscriminate practice that threatens many birds of conservation concern, especially migratory ones."

Tim Stowe, the RSPB's Director of International Operations, said: "The millions of Britons feeding songbirds in their gardens to help them survive will rightly be horrified at the level of slaughter that is happening in an area of Cyprus under direct British control.

"The fact that more than five times the level of netting activity was recorded on the UK's Sovereign Base Area compared with the Cypriot Republic is a major embarrassment for the Ministry of Defence and the UK Government.

"We know that some efforts have been made to clear trapping equipment from the Base Area, but this serious organised criminal activity and annual carnage will only be ended by increasing the level of arrests and convictions."

Although trapping levels are thought to be lower than those experienced in the 1990s, the situation must be addressed urgently. Trappers are reportedly making hundreds of thousands of Euros by selling songbirds to restaurants to be served up as expensive delicacies.



Willow warbler caught in a net in Cyprus

# AND FINALLY...

Sarah Lowe



## Goodbye Sarah, hello Helen

Sarah Lowe became the RSPB Intelligence Manager in 2008 following previous work with the Society and Devon and Cornwall Police.

In January 2010, Sarah took up a post with Surrey Police as an Intelligence Researcher. During a very busy period with RSPB Investigations Sarah was instrumental in improving the collation of information and supply of intelligence material to the police, NWCU and RSPCA. Sarah was heavily involved in producing the new format for the RSPB annual Birdcrime report and further database developments. The RSPB investigations team would like to thank Sarah for her hard work, enthusiasm and good humour, and wishes her well in her new post.



Our new Intelligence Officer is Helen Mason. She started working with us in mid-May.

Helen comes to us from Rugeley Power Ltd where she was the Head of the Environmental Section, and prior to that she worked with the West Midlands Fire Service where she gained experience of handling, analysing and presenting intelligence material.

Welcome on board, Helen!

## PAW

PAW is The Partnership for Action Against Wildlife Crime, a multi-agency body comprising representatives of the organisations involved in wildlife law enforcement in the UK. It provides opportunities for statutory and Non-Government Organisations to work together to combat wildlife crime. Its main objective is to promote the enforcement of wildlife conservation legislation, particularly through supporting the networks of

Police Wildlife Crime Officers and officers from HM Revenue and Customs and the UK Border Agency.

Please visit [www.defra.gov.uk/paw](http://www.defra.gov.uk/paw) for more information.



## Write to be read

We welcome contributions to *Legal Eagle*. Please let us know about wildlife crime initiatives, news, events and prosecutions in your force. Send your articles and mailing list updates to the Editor, The RSPB, Investigations Section, The Lodge, Sandy, Bedfordshire SG19 2DL, by e-mail to [vicki.blair@rspb.org.uk](mailto:vicki.blair@rspb.org.uk) or by fax to 01767 693078. The views expressed in *Legal Eagle* are not necessarily those of the RSPB or PAW.



The RSPB speaks out for birds and wildlife, tackling the problems that threaten our environment. Nature is amazing – help us keep it that way.

We belong to BirdLife International, the global partnership of bird conservation organisations.

The Royal Society for the Protection of Birds (RSPB) is a registered charity: England and Wales no. 207076, Scotland no. SC037654. 232-0621-10-11

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For more information on wild birds and the law, visit [www.rspb.org.uk/birdlaw](http://www.rspb.org.uk/birdlaw).  
Visit [www.rspb.org.uk/supporting/campaigns/laws](http://www.rspb.org.uk/supporting/campaigns/laws) to demand better wildlife laws.