

## Deputy Chief Constable Ian Gordon retires

Alan Stewart, Tayside WCO, reports on the recent retirement of Ian Gordon OBE, QPM, LLB.

'Ian Gordon, Deputy Chief Constable of Tayside Police and Association of Chief Police Officers (ACPO) portfolio holder for wildlife crime issues, retired on 6 December 2005. Ian has taken the professional police response to wildlife crime in Scotland from strength to strength and elevated the profile of wildlife crime within the ACPO's General Policing Committee.

'Ian arrived in Tayside from Northumbria Constabulary in 1998 after successfully being promoted to the post of Assistant Chief Constable. Shortly after this, he took over the wildlife crime portfolio. It was obvious that he had a passion for Scotland and its wildlife, and was in absolutely no doubt that the police service had the clear mandate to uphold the law in relation to wildlife crime.

'In 2001, Ian became Tayside Police's DCC. He believed the police service should not just enforce the law but, particularly in rural areas, educate the public to respect and comply with it. He had a great understanding of the

needs of different interest groups and a realisation that a balance, albeit within the law, must often be struck.

'Ian served on the PAW Steering Group, worked closely with the Scottish Executive and chaired the last eight Scottish Police Wildlife Crime Conferences. He continued to persuade Scottish Chief Constables that, as in Tayside, a full-time WCO was necessary and would ultimately be of huge benefit to the force. Encouragingly, Strathclyde and Lothian and Borders Police have since appointed full-time WCOs.

'WCOs need to work with other organisations, and Ian put in place working protocols with the Scottish Executive Environment and Rural Affairs Department, Scottish SPCA and the RSPB. In 2003, he established a three-year policing plan for wildlife crime, with a revised plan ready for 2006. Ian's successor is not yet known, but he can be assured of the support and loyalty of the 80 WCOs now spread throughout the eight Scottish Police Forces, and of those of the MoD Police.'

## RSPB appointments

We are pleased to welcome two new members of staff to the RSPB's Investigations section. James Leonard has been appointed as an Investigations Officer and from the spring of 2006 will be based in the north of England. James has been a volunteer warden for the RSPB and spent last summer in the Forest of Bowland as a hen harrier warden.

Emma Doherty is the new Species Protection Database Co-ordinator, replacing Elsie Ashworth who has transferred to our Edinburgh office to take up the role of Assistant Investigations Officer. Emma has worked in Madagascar, Australia and Tobago and joins us having completed an MSc in coastal management.

## 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 to the Editor, The RSPB, Investigations Section, The Lodge, Sandy, Bedfordshire SG19 2DL, by e-mail to sarah.eaton@rspb.org.uk or by fax to 01767 691052. The views expressed in *Legal Eagle* are not necessarily those of the RSPB. Please help us keep the WCO mailing list up to date by letting us know of any changes.



The RSPB is the UK charity working to secure a healthy environment for birds and wildlife, helping to create a better world for us all. We belong to BirdLife International, the global partnership of bird conservation organisations.

### The RSPB

UK Headquarters, The Lodge, Sandy, Bedfordshire SG19 2DL  
Tel: 01767 680551

Northern Ireland Headquarters, Belvoir Park Forest, Belfast BT8 7QT  
Tel: 028 9049 1547

Scotland Headquarters, 25 Ravelston Terrace, Edinburgh EH4 3TP  
Tel: 0131 311 6500

Wales Headquarters, Sutherland House, Castlebridge,  
Cowbridge Road East, Cardiff CF11 9AB Tel: 029 2035 3000

For further RSPB publications and more information on wild birds and the law, visit [www.rspb.org.uk/birdlaw](http://www.rspb.org.uk/birdlaw)



for birds  
for people  
for ever

# LEGAL EAGLE

THE RSPB'S INVESTIGATIONS NEWSLETTER

JANUARY 2006 No 47

## Suspended sentences for nest disturbers



White-tailed eagle

**A father and son who intentionally disturbed the nests of rare eagles and other birds in Scotland have received suspended jail terms. In addition, they were each fined £1,500 and ordered to pay costs of £750.**

Clive and Jonathon Lingard, aged 60 and 33 respectively, of Whittington Road, Stourbridge, appeared at Redditch Magistrates' Court in the West Midlands on 1 November for sentencing. They had pleaded guilty at an earlier hearing to 12 counts of intentional disturbance of wild birds in Scotland in 2002 and 2003. Birds affected included golden and white-tailed eagles and other species of conservation concern, including dotterels, merlins and hen harriers, at a variety of locations in Perthshire, Mull and the Uists. The fines were imposed for the disturbance of a white-tailed eagle on the Outer Hebrides in 2002. For the other offences (all in 2003), they each received a concurrent six-week custodial sentence, suspended for two years. This is the first time a custodial sentence (albeit suspended) has been handed out for disturbance offences in Scotland.

On 3 October, two other men appeared with the Lingards and pleaded guilty to three offences of intentional disturbance of Schedule 1 birds at the nest. Thomas

Barrett, of Lyttleton Avenue, Bromsgrove, was fined £1,000 for disturbing a golden eagle in Perthshire during 2003 and was ordered to pay £750 costs. Alan Mark Porter, of Holcroft Road, Stourbridge, was fined £1,000 per offence for disturbance of golden eagle and hen harrier on Mull, Scotland, in 2003. He was also ordered to pay £750 costs. Due to the more serious nature of their crimes, the Lingards were both sent for pre-sentence reports.

An investigation into the activities of these men was launched in May 2003, when birdwatchers at a wetland site in Worcestershire contacted West Mercia Police to report a man acting suspiciously in an area known to



Clive Lingard, his son Jonathon and Alan Porter

Continued overleaf



**In this issue: Wildlife Enforcement Conference • Operation Speckled Jim  
Police help peregrines • Clampdown on Cypriot trappers • News roundup**

contain breeding little ringed plovers. The RSPB assisted the police with a search warrant at the Lingards' home and carried out the analysis of the evidence seized, which included diaries, over 60 home videos and hundreds of photographs. These indicated that all four men had been involved in unlicensed visits to the nest sites of numerous Schedule 1 species for many years. They had even filmed themselves at nests, interfering with chicks and eggs and causing considerable distress to the adults and chicks.

In delivering sentence, Judge Bruce Morgan said, 'Wildlife and wild birds have been ill served by man for years and in this case anyone with one ounce of morality would have known they were doing harm. Society does

not tolerate this behaviour and for that reason I am going to make an example of them.'

The outcome of this case is particularly important in respect of the offences detected on the Isle of Mull. Mull Eagle Watch, a partnership between the local community, Strathclyde Police and the RSPB, has been in operation for nearly a decade to protect its important population of breeding eagles.

The RSPB wishes to thank all the witnesses, particularly the experts from Scotland who supplied vital evidence about the behaviour of rare breeding birds, barrister Geoffrey Dann, CPS lawyer David Elliott and WCOs PC Wood, PC Hale and PC Christine.

## PROSECUTIONS

### Juveniles convicted following heron nest raid

Three Merseyside youths, who appeared at Knowsley Youth Court on 30 September 2005, pleaded guilty to possessing articles for the purpose of taking wild birds' eggs contrary to Section 18(2) of the Wildlife & Countryside Act 1981. Following a trial, all three were acquitted of taking heron eggs and intentionally damaging a heron's nest.

On 26 February 2005, the three youths were seen rowing across to an island on Knowsley Estate, Merseyside, where there is an established heronry. It was known that a heron was incubating three eggs and one of the youths was seen climbing down the nest tree. The police arrived to find the youths hiding in undergrowth and a bag containing a rope and 24 nails was found at the foot of the tree. The nest had been destroyed and the three eggs were missing, and were not recovered. During interview, the youths denied being responsible for the attack on the nest. It was believed the rope and nails were to be used to climb to nests.

However, at Knowsley Youth Court they admitted possessing the nails, rope and dinghy for the purpose of taking birds' eggs. Magistrates said that, despite strong circumstantial evidence, they could not be certain the three were responsible for the nest robbery and acquitted them of other matters. Two of the youths were given six-month referral orders and the third, who was 18 by the time of the trial, was conditionally discharged for two years and ordered to pay £80 costs. One youth involved in the case had previously received a caution for possession of 153 wild birds' eggs in 2004.

Annex A specimen without an Article 10 certificate and on 7 September 2005, he admitted the offence at North Sefton Magistrates' Court. Harper was given a conditional discharge for six months and ordered to pay £65 costs.

### COTES conviction

Following an advert on eBay for a stuffed snowy owl, PC Andy McWilliam, full time Merseyside WCO, interviewed Stephen Harper of Lower Alt Road, Hightown, Merseyside. He was subsequently reported for advertising a CITES

## Heavy fines following pesticide incident

**A Norfolk animal charity – 'Redwings', based at Hapton, near Norwich – was fined £26,000 with £19,500 costs at Norwich Magistrates' Court on 19 August 2005, after three workers were poisoned by the fumigant Phostoxin.**

Two managers were also each fined £2,080 with £860 costs after using the pesticide in a barn in March 2004. Phostoxin, a pesticide used to control rabbits, moles and rats, gives off toxic phosphine gas when in contact with moisture. It should only be used by trained operators using appropriate equipment. The court heard how three workers had gone into the barn to stack hay and, after a couple of hours, all became unwell and were admitted to hospital. All three may have long-term health problems because of the incident.

In passing sentence, District Judge Frazer Morrison said, 'This is a tragic case with tragic consequences for three men and their families. All three men have suffered significantly and continue to suffer.' He told the two managers they had an obligation to ensure workers were safe, stating, 'You took it (the Phostoxin) from a locked cabinet and used it in a cavalier way without reading the guidance on the container.'

WCOs may come into contact with pesticides such as Phostoxin during wildlife related enquiries, and need to be aware of the inherent dangers and the legal obligations on those who choose to store and use these products. Guidance on this can be sought from Defra's Rural Development Service.

## CONFERENCE NEWS

### Wildlife enforcer of the year

During the annual UK Police and Customs Wildlife Enforcement Conference, the 2005 *Wildlife Enforcer of the Year* award was presented to part-time WCO Police Sergeant Louise Hubble of the Hampshire Constabulary. Louise also acts as deputy force full-time WCO and Force Wildlife Crime Supervisor, overseeing the work of 29 WCOs, and is available 24 hours a day to respond to wildlife incidents.

In the last year, Louise has been involved with a number of cases, including the high profile New Forest Owl Sanctuary case which led to the successful prosecution of the owner for offences under COTES and the Theft Act 1968. Louise has provided training for Hampshire police officers and produced legislation guides, as well as sitting as joint chair for the national Police and Customs Working Group of the Partnership for Action Against Wildlife Crime (PAW).

Louise has worked extremely hard

**Sgt Louise Hubble receives the Wildlife Enforcer of the Year award from Chief Constable Richard Brunstrom**

within her own force to raise the profile of wildlife crime and has initiated a number of meetings with senior officers. It is testament to her hard work that she received a Chief Constable's Congratulations for 'the outstanding contribution made towards raising the profile of wildlife crime in Hampshire, and for the tenacity and dedication shown in the role of WCO'.

Second place was awarded to Police Sergeant Pete Charleston, who is seconded on a full-time basis to

the Countryside Council for Wales (CCW). Pete has assisted CCW with the investigation of more than 30 SSSI offences and continues in his role as one of the lead officers for Operation Artemis. Pete sits on a number of PAW working groups and helped set up the recording of wildlife incidents on the recently-introduced National Standard for Incident Recording (NSIR). He has also been involved with training and presentations to a variety of audiences.



Chris Gomersall (rspb-images.com)

Guy Shorrocks (RSPB)

## Wildlife Enforcement Conference 2005

Opening the annual UK Police and Customs Wildlife Enforcement Conference, Chief Constable Richard Brunstrom expressed surprise that the event was now in its 17th year. For a small group in the audience who attended that first RSPB-organised event in 1989, including Richard himself, it was a reminder of how far things have come in the field of wildlife law enforcement.

The conference, held at Tulliallan Police College, Strathclyde, on 8 and 9 October, was the usual eclectic mix of conservation issues, partnership issues, workshops and case studies. The opening session included the announcement of a Joint Statement of Intent on the investigation of wildlife crime between English Nature, Countryside Council for Wales and the Association of Chief Police Officers, which should clarify the responsibilities for taking prosecutions for SSSI damage (see next story). The afternoon workshops included sessions on wildlife law enforcement, marine

issues, intelligence issues, forensics and health and safety issues.

A convivial Saturday evening included the best after-dinner speech anyone could remember. Sheriff Irvine-Smith received a standing ovation following some hilarious anecdotes from his time as a Sheriff in Scottish courts. The winners of the traditional RSPB Friday night quiz were also announced and a team of Defra staff took the coveted first place.

The conference ended on Sunday with a series of interesting wildlife prosecution case studies from around the UK, which included internet crime, CITES offences, SSSI damage and goshawk nest destruction. Finally, the RSPB made a presentation to retiring Norfolk WCO Alan Roberts in recognition of the significant bird prosecution cases he had taken in conjunction with the RSPB over the years (see article on page 11).

## United against wildlife crime

The Association of Chief Police Officers (ACPO), English Nature (EN) and the Countryside Council for Wales (CCW) have joined forces in the fight against wildlife crime. At the Conference, the three organisations launched a Joint Statement of Intent, heralding a closer and more joined-up approach to tackling wildlife crime. The statement sets out the agencies' roles and responsibilities to ensure offences affecting species and Sites of

Special Scientific Interest (SSSIs) are dealt with appropriately.

The partnership seeks specifically to target the persecution of hen harriers, illegal activities affecting internationally important species such as bats and great crested newts, and the increasing problems of illegal off-roading and illegal burning, which affect both nationally and internationally important SSSIs.

English Nature reported a 100% increase in wildlife crime on SSSIs from April 2004 to March 2005, compared to the previous year.

Chief Constable Richard Brunstrom, co-chair of PAW and the lead on wildlife matters for the ACPO, said, 'This agreement clearly demonstrates a partnership approach to wildlife and environmental crime, setting out for the first time the roles and responsibilities of those involved. It should be clear to all that wildlife crime is police business and that a large amount of expertise is available to investigate crimes and, where appropriate, bring offenders to justice.'

A response to a call for Scottish Natural Heritage (SNH) to set up a similar protocol with the Scottish Police Service is still awaited.

The RSPB welcomes this new initiative and looks forward to the partnership resulting in a greater enforcement effort than has been evident in the past.



A new partnership targets the persecution of hen harriers

Chris Gomersall (rspb-images.com)

## Operation Speckled Jim

Deliberate attempts, by a minority of pigeon fanciers, to poison peregrines is sadly nothing new, but a recent case in Devon prompted a radical response by Devon and Cornwall Police.

On 22 June, a local bird of prey worker found an adult female peregrine lying dead on top of a pigeon bait in a quarry. The pigeon's wings had been clipped so it could not fly. Concerns for other peregrine nesting sites nearby led to a check of another quarry five miles away, where a second suspected poison pigeon bait was found. This bird's wings were also clipped and feathers had been plucked from the neck (pictured right) where a substance had been applied, but the bird was still alive. Worryingly, the pigeon was found wandering around very close to a childminder's garden. A further check on the second site revealed two peregrine chicks on a nearby ledge, but no adult birds in attendance. With both adults presumed poisoned, the two starving chicks were rescued and taken into care.

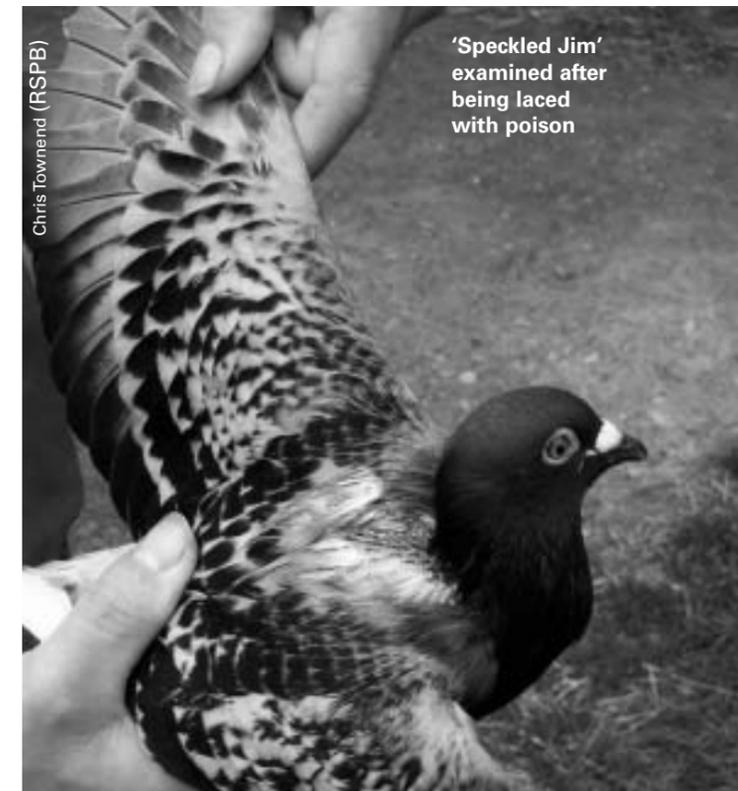
A Defra officer collected the dead peregrine and pigeon bait for analysis and took some feather samples from the live pigeon before washing the bird down to prevent potential absorption of harmful chemicals. The live pigeon was kept as evidence. Aldicarb, a very toxic, soil applied insecticide, was later confirmed as being present in all three birds.

Although this method of trying to poison peregrines has been used before, this is the first time we know of live bait having been recovered and analysed. Following discussions between Inspector Nevin Hunter and the RSPB, a tracking device was fixed to the pigeon in the hope that it might fly back to the perpetrator's address. Unfortunately, 'Speckled Jim' did not lead the police to the suspect, but Nevin deserves great credit for such a clever initiative, especially as poisoning offences are so difficult to prove.

We also thank Devon Birdwatching and Preservation Society for offering a £500 reward for any information

leading to a conviction. Despite good media coverage, the culprits have not been caught. The deliberate targeting of peregrines through live poison pigeon baits is still a problem in Devon and the baiting method is one that has been used elsewhere in the UK.

The only previous conviction for a pigeon fancier using a similar method to target peregrines was in South Wales in April 2002, when two men were convicted of attempting to kill a peregrine and laying a poison bait. They were fined a total of £1,000.



Chris Townend (RSPB)

'Speckled Jim' examined after being laced with poison

## New Lancashire WCO makes his mark

The Forest of Bowland in Lancashire is the most important breeding site in England for the hen harrier, the UK's most persecuted bird of prey, so the RSPB welcomes Lancashire Police's appointment of a full-time WCO. PC Duncan Thomas replaces Maria Graham who retired from work due to ill health.

Duncan has a strong interest in country sports – he shoots, stalks deer, breeds gun dogs and owns a Harris's hawk. He intends to train a team of deputies for each of

the six divisions within the force. He has already made his mark in wildlife enforcement. During an operation with the RSPB on 17 August 2005, he arrested a man on suspicion of offering for sale CITES Annex A taxidermy specimens. To the RSPB's knowledge, this is the first arrest made under the new Control of Trade in Endangered Species (Enforcement) (Amendment) Regulations introduced on 21 July 2005 (see *Legal Eagle* 46). Enquiries into this matter are continuing.

## Eggs seized in Northumberland

On 15 August 2005, Northumbria Police, assisted by the RSPB, searched addresses in Widdrington, Morpeth. Around 800 eggs were seized, believed to include Schedule 1 species such as stone-curlew, little tern, little ringed plover and red-throated diver. Police arrested and later interviewed a man and a woman on suspicion of possession of these eggs. The woman received an official caution for possession of birds' eggs. Wayne Michael Derbyshire of East Acre, Widdrington, was later charged with a number of offences contrary to the Wildlife & Countryside Act 1981.



RSPB Investigations Officer Elsie Ashworth with the haul of seized eggs

Courtesy of The Journal

## Golden eagle for sale

Following information supplied by the RSPB, Lancashire Police have cautioned a man who tried to sell a stuffed golden eagle on eBay. Police and RSPB officers searched an address in Forton in November 2004, seized the specimen and arrested the suspect under the provisions of the Wildlife & Countryside Act.

In interview, the man admitted never having applied for

any CITES documentation that would allow him to sell the eagle. Golden eagles are listed on Annex A of the EU CITES regulations and cannot be advertised or sold on eBay without an Article 10 certificate from Defra. A file was submitted to the CPS who recommended a caution for an offence under Regulation 8 of COTES 1997, which was administered on 22 September 2005.

## Swan strangler punished

A man has been sentenced to six months' probation and 60 hours of community service for throttling a mute swan to death.

In June 2005, Luis Monteiro, 34, of St Machar Court, Aberdeen, pounced on the swan as it rested on the banks of the River Don. Witnesses saw him sitting on the swan with his hands around its neck, which eventually went limp and fell to the ground. Monteiro then wrapped a jacket round the bird and carried it away from the scene, only to dump it when Grampian Police officers arrived.

Monteiro admitted intentionally killing the swan but claimed that he had wanted to eat the bird as he thought it was a goose – an ill-advised argument as most wild geese are protected under the Wildlife & Countryside Act during the close season.

Chris Gomersall (rspb-images.com)

## Police intervene to help peregrines

WCO PC Roman Soltan, from West Yorkshire Police, reports on a recent project he initiated to protect a regularly-persecuted peregrine nest.

'Concern had been raised about a local peregrine nest site and information from the RSPB that the nest had repeatedly failed suggested human interference, possibly by egg collectors and/or falconers. With the 2005 nesting season fast approaching, action was needed to protect the site.

'Initially, a crime prevention alarm (CPA) was installed, with the help of our Crime Prevention Officer and a private alarm company. Prior to installation, an operational order was prepared to help officers at the site, including the use of our force helicopter and notifying an adjoining force on possible escape routes. Written authority was also obtained from Yorkshire Water Services so the alarm could be located on their property.

'With a view to installing covert surveillance equipment, a Regulation of Investigatory Powers Act 2000 (RIPA) authority was obtained. With the assistance of our technical support unit, a site was identified but, due to time constraints, was not used this season. Hopefully the site, which will include a mobile phone link to allow the Control Room to monitor the site remotely when the CPA is activated, should be up and running for next season.



Courtesy of S Downing

Three peregrine chicks successfully fledged following a West Yorkshire nest protection scheme

'Although it may be a coincidence, the installation of the CPA appears to have had some success in deterring possible offenders. The site has enjoyed its first successful season for several years, with three young fledging. The project has highlighted the importance of a partnership approach in achieving positive results, and I would like to thank the following for their valued contributions:

Steve Downing (Environmental Wildlife Consultant) Yorkshire Water Services Limited Kings Security Systems Limited, for their technical assistance, which went beyond their remit.'

## Toxic pesticide may be withdrawn

Strychnine (*strychnine hydrochloride*) is unlikely to be authorised for mole control after 1 September 2006. Defra and the agriculture departments for Scotland and Wales intend to issue permits to purchase strychnine until 31 May 2006 and they must receive all applications by 28 April 2006.

Strychnine has been used in a number of wildlife poisoning incidents and the withdrawal process will try to reduce opportunities for people to stockpile this very toxic pesticide. Professional users will have to organise and pay for safe disposal through a licensed waste contractor. Advice on alternative methods of mole control will be available from Defra and the agriculture departments for Scotland and Wales.

A red kite from the North Yorkshire re-introduction scheme, poisoned by strychnine in 2002.



Doug Simpson

## Stone-curlews beat target

Numbers of the elusive stone-curlew have risen to more than 300 pairs, reaching an English conservation target five years ahead of schedule. The aim of 300 pairs by 2010 was part of a government-backed Biodiversity Action Plan for the stone-curlew, launched in 1995. A new target will be adopted in 2006.

After the Second World War, the stone-curlew suffered one of the most spectacular declines among UK breeding birds. The species used to number more than 1,000 pairs before arable farming and forestry destroyed its habitats.

By 1985, numbers had dropped to about 160 pairs in England, but they have now reached 103 pairs in Wessex, mostly on and around Salisbury Plain and Porton Down, and 187 in the Brecks. There are also smaller populations in north Norfolk and east Suffolk, taking the total to more than 300 pairs. Robin Wynde, RSPB Biodiversity Policy Officer, said, 'There is no doubt that, without conservation work, the stone-curlew may no longer have been a UK breeding bird. It has come back from the brink.'

The help of more than 150 farmers and landowners, including the Ministry of Defence, has been crucial in reversing the stone-curlew's demise. Projects in Wessex and Breckland are part of Action for Birds in England, a conservation programme involving the RSPB and English Nature, and funding enables fieldworkers to work with farmers to safeguard eggs and chicks during routine work.

The next challenge is to return the stone-curlew to areas

not used for more than 30 years. Allan Drewitt, Senior Ornithologist at English Nature, said, 'With stone-curlews now declining in many other European countries, it is becoming even more important that we work to restore them to their former haunts in England.'

The RSPB is grateful for recent funding for stone-curlew work from our members, English Nature, the European Union LIFE Fund, Thames Water, Greene King and WH Knights and Sons.



Chris Gomersall (rspb-images.com)

## Clampdown on Cypriot trappers



Guy Shorrocks (rspb-images.com)

In 2000, the RSPB stepped up its work against the illegal trapping of migrant birds on Cyprus. Despite being illegal for nearly 30 years, as many as 10 million birds were believed to be trapped each year for the local delicacy 'ambelopoulia'. Following the efforts of the Cyprus Game Fund Service and the British Sovereign Base Area Police, there has been a huge reduction, estimated at 80%, in the trapping activity. The RSPB began a programme to monitor autumn trapping levels in 2002.

The recently-formed *BirdLife Cyprus* (BLC), supported by the RSPB (with

financial assistance from the Rufford and AG Leventis Foundations and Restore UK), is continuing annually to monitor the levels of illegal trapping. In 2005, BLC commissioned a public opinion poll, which showed 88% of Cypriots do not approve of the illegal capture of migrant birds for commercial purposes. The poll also showed that, while 50% of people had tried *ambelopoulia*, only 2% ate it regularly and 72% of Cypriots disapproved of bird trapping even for private consumption.

In autumn 2005, BLC and the Cyprus Government launched an anti-bird-trapping education initiative. More than 80,000 colour leaflets emphasising the problem and the conservation cost of bird trapping with mist nets and limesticks were distributed to schools across Cyprus and to all households in bird trapping hot spots in the Famagusta and Larnaca districts.

However, a hardcore of trappers – who are becoming increasingly covert in response to the increased enforcement action – are still illegally trapping hundreds of thousands of migrants every year. Recent legislative changes mean bird trapping now carries a penalty of up

to £10,000 and/or up to three years' imprisonment. These penalties, which also apply to the sale of trapped birds, can be doubled for repeat offenders, though the courts have yet to use the full force of the law when sentencing trappers. BLC wants no let-up in the clampdown on illegal trapping, tough action against restaurants serving *ambelopoulia* and strong deterrent penalties from the courts.



Guy Shorrocks (rspb-images.com)

Illegally trapped robin stuck on a lime stick

## INTERNATIONAL

### Serbians stop poached cargo

On 7 March 2005, Serbian Customs stopped an illegal cargo of poached birds and mammals destined for Italy. The birds, originating from Serbia, were hidden behind firewood in a refrigerator lorry.

The cargo contained 3,141 birds including 1,766 quails, 1,060 turtle doves, a corncrake and 17 red-throated pipits. The feathers had been plucked from most of the birds. The cargo also contained 20 hares and 23 kg of roe deer and wild boar meat.

Most of the species are protected by permanent hunting bans in Serbia and two species, the corncrake and the red-throated pipit, are protected under the country's Natural Rarities Decree. Illegal shooting by Italian hunters in Balkan states is an ongoing problem for conservationists and wildlife law enforcers and has featured several times in past issues of *Legal Eagle*. Encouraging news comes from the Serbian Government's Ministry of Agriculture website (9 March 2005), which announced that a new Hunting Seasons Decree will bring a permanent hunting ban on quails and turtle doves.



Turtle dove – among several species discovered in the illegal cargo

Richard Revels (rspb-images.com)

## Have a TWIX!

A new online database to help law enforcers fight wildlife crime was launched on 18 October 2005. Called EU-TWIX (European Union Trade in Wildlife Information Exchange), the database aims to help enforcers across the EU to share information rapidly and co-ordinate joint investigations.

EU-TWIX has been developed by the Belgian Federal Police, Customs and CITES Management Authority and TRAFFIC Europe, and access is granted exclusively to officials designated by the 25 EU member states. The internet-based system will

host centralised information on wildlife trade seizures reported by member states, as well as information on forensic institutes, rescue centres and wildlife trade experts.

The EU is one of the world's largest markets for wildlife trade, not all of which is regulated by CITES. Between 1996 and 2003, the EU imported 6.7 million live birds (78% of the global trade), 556 tons of sturgeon caviar (46% of the global trade), and 11.5 million reptile skins (31% of the global trade). In addition, the EU imported 1.9 million live reptiles and 50,000 live amphibians listed in CITES.

The RSPB welcomes any initiative that will help improve wildlife law enforcement. The absence of internal border controls within the EU makes it essential for improved co-operation between member states; wildlife criminals exploit the fact they are able to circulate freely within the EU, whereas enforcement bodies are restricted by national boundaries.



## Jail for 'pants' egg smuggler

**A man has been jailed for two years for trying to smuggle 23 cockatoo and lorikeet eggs out of Australia in his underwear.**

Keith Lionel Miller, from Sydney, was intercepted by Customs at Sydney Airport on 12 November 2004, as he prepared to travel to Switzerland. Officers found the eggs – containing unhatched Major Mitchell cockatoos, gang gang cockatoos, red collared lorikeets and rainbow lorikeets – hidden in his underpants.

Miller, 51, admitted attempting to export regulated native specimens in contravention of the Commonwealth Environmental Protection and Biodiversity Conservation Act 1999, and on 14 October 2005, was sentenced to a maximum of two years in prison.

It seems that finding eggs smuggled in underwear is not an uncommon occurrence for customs officers at Sydney airport. Since Miller's conviction, a 56 year old Australian

man has been charged with attempting to smuggle galah eggs out of the country in his underwear.



Courtesy of Australian Customs

## US raptor smuggler faces jail

**The head of New York City's bald eagle recovery project has been suspended from his job and is facing jail after being convicted of illegally importing African birds of prey to the USA, with help from contacts in London.**

Thomas Cullen, 54, of White Plains, New York, was found guilty on two counts of importing black sparrowhawks. He faces a maximum penalty of five years in prison on one count and two years on the other and fines of \$250,000 on each count. He was cleared of a third count of illegal importation of saker falcons.

Cullen exploited a loophole in US law that allows two pets to be imported each year as long as they are not then sold. Cullen got two of his wife's colleagues in the London office

of an American insurance company to buy the birds and pretend they were sending them home as pets in 1999 and 2000. The two men, testifying under immunity from prosecution, gave evidence that implicated Cullen as the mastermind behind the fraud.

Cullen stands to lose a lot because of his conviction. Besides his \$54,000 a year job, he is a lecturer, professional falconer, breeder and dealer, who allegedly owns the largest private collection of captive birds of prey in the US.

The black or great sparrowhawk is a large, powerful relative of the European sparrowhawk with a widespread distribution in sub-Saharan Africa and is a CITES Appendix II species.

## Extinction fear for tigers

**The Chinese government is considering re-opening the domestic market for tigers and their body parts amid increasing demand for traditional medicine products – a move that could drive the wild tiger population to extinction.**

With fewer than 5,000 individuals remaining in the wild, tigers are protected by CITES so that neither they nor their body parts can be sold internationally. Nearly every part of a tiger, particularly bone, is deemed beneficial in traditional Chinese medicine, although there is little

supporting evidence. China imposed a ban on domestic trade in 1993, but its Government is now considering allowing the use, for medicinal purposes, of skeletons of tigers that die in captivity.

Campaigners fear that resumption of this trade will encourage demand for tiger parts and cause illegal poaching to soar. It is believed that Chinese 'tiger farms', which currently supply zoos and pet shops, are already breeding far more tigers than necessary in expectation of a resumption of the trade in body parts.

## Ringer jailed following grisly discovery

**On 3 November 2005, a 20-year-old Polish man was jailed for one month following the discovery of 22 dead birds in his possession while he worked at the Haparanda Sandskär Bird Observatory on an island in the Gulf of Bothnia, in Sweden.**

The man had been highly recommended to the observatory and was employed to carry out bird ringing during August and September 2005. Ringing is an important research tool enabling ornithologists to gather invaluable information on bird life spans and migration routes. Ringers have to undergo rigorous and long-term training before obtaining a ringing permit to ensure they do not harm the birds that they catch and ring.

Other staff members became suspicious when 20 dead birds, including Tengmalm's owls, merlins, a rustic bunting and a ringed plover, which had not been logged as ringing accidents, were found in a freezer. The new recruit had also prepared some skins and collected a number of bird body parts.

Merlin – one of the species found in a freezer at the Haparanda Sandskär Bird Observatory, Sweden



Chris Gomersall (rspb-images.com)

During his trial, the man claimed all the birds had died of natural causes, but autopsy results revealed that blows to the head had killed at least three of them. Although it could not be proven that the other birds had died in this way, it was suspected that the smaller birds might have died in connection with being caught in the nets, which he failed to check as often as required. The ringer was jailed for contravening Swedish hunting law and environmental legislation.

## AND FINALLY...

### Alan Roberts retires

Norfolk Police WCO, Sergeant Alan Roberts, retired in September 2005. In the last few years, Alan has been very active with wildlife crime work, including a number of significant and high profile cases. Operation Compass, a Norfolk scheme to tackle egg collectors, resulted in a number of convictions, a recent case ending with a 10-week custodial sentence. Other issues have included hare coursing and problems with low-flying aircraft over SSSIs.

In particular, his work relating to illegal poisoning and CITES stands out. Among several wildlife-poisoning cases was an incident involving the conviction of a gamekeeper for pesticide offences. With the help of the CPS, this case has provided a new insight into how the persistent problem of wildlife poisoning on sporting estates might be tackled, and it is hoped this work will be developed in the next few years. Among several cases involving CITES species, Alan was the case officer in the conviction of two men for wildlife smuggling and illegal trade. Following a 13 week trial, one of the men received a five-and-a-half-year jail sentence, the longest ever awarded for a wildlife case in the UK (see *Legal Eagle* 32).

However, Alan is not hanging up his gloves just yet, and will be retained on a part-time basis to deal with a couple of ongoing major wildlife cases. The RSPB is extremely grateful for all Alan's efforts and we wish him all the best for the future.

**Alan Roberts (right) receives a token of appreciation from the RSPB at the UK Police and Customs Wildlife Enforcement Conference 2005**



Mark Thomas (RSPB)



Courtesy of WWF