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The RSPB's investigations newsletter

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Legal Eagle



Justice?

In this issue: Raptor persecution cases dropped in Scotland
• Cyprus bird trappers fined • Serial butterfly collector found guilty

Cover story



A hen harrier is shot on camera, before a man walks towards the body and retrieves it.

Is the Scottish criminal justice system fit for purpose?

After three high-profile Scottish raptor persecution cases were discontinued in less than two weeks, concerns have been raised about the resolve and ability of the Scottish criminal justice system.

Fury over hen harrier shooting

On 21 April 2017, the Crown Office & Procurator Fiscal Service (COPFS) discontinued proceedings against former Scottish gamekeeper Stanley Gordon, who was alleged to have shot a hen harrier in June 2013. They indicated that, after considering all relevant material, they could not use RSPB video evidence in court. The case had been subject to a prolonged police investigation and nine separate court hearings. The case was dropped just a few weeks prior to the trial and no explanation was given.

On 20 May 2013, an RSPB camera was deployed on a moorland hen harrier nest containing four eggs on the Cabrach Estate, Morayshire to record the outcome of the nesting attempt – a routine part of the RSPB’s work for this species. Over the next three weeks the footage

indicated all was well. However, on 10 June 2013 the female hen harrier was apparently flushed off the nest. This was followed by two gun shots and a shower of feathers could be seen. A few seconds later, a man carrying a shotgun entered the frame and moved towards where the hen harrier had flown. He then returned into view holding what was believed to be the carcass of the bird, and picked up a few feathers. On reviewing the footage, RSPB Investigations staff reported the incident to Police Scotland.

Following the decision to discontinue legal action, on 5 May 2017 the RSPB released the video footage. This provoked outrage on social media and was widely reported. The COPFS then responded, outlining their conclusion that RSPB investigators entered the land to gather evidence for a prosecution. There had been previous discussions with the

RSPB about covert surveillance and that strict legal tests must be met before this type of irregularly gained evidence is admissible. They stated they would continue to have further dialogue with the RSPB.

The RSPB believes that there is a lack of clarity and consistency regarding such evidence. RSPB video evidence has been used in successful prosecutions in Scotland, including two similar incidents of hen harrier persecution, and recently with the conviction and jailing of an Aberdeenshire gamekeeper for raptor persecution offences (see *Legal Eagle* 75).

Duncan Orr-Ewing, Head of Species and Land Management at RSPB Scotland, said: “This incident would never have been uncovered had the nest not been monitored by our camera. We are appalled and frustrated that the court has not been given the opportunity to give a judgement

based on this clear footage, and we are perplexed by the inconsistency in approach to these cases taken by the Crown Office. In our view, justice has not been done and the public interest has been very badly served by COPFS.

“We will be seeking urgent meetings with the public authorities to consider the implications. There is little point in passing laws to protect our most threatened species if the public authorities ignore the strong public concern about the scale of wildlife crime in Scotland.”

On 11 May 2017, at First Minister’s Question Time, Richard Lochhead MSP raised concerns about the case. In response, Nicola Sturgeon stressed that wildlife crime was taken seriously and she would be asking Environment Secretary Roseanna Cunningham to look into what more could be done about crimes in remote areas.



RSPB



Video footage showing a man setting an illegal pole trap on the Brewlands Estate, Scotland.

Vicarious liability – not in the public interest?

On 17 April 2017, the COPFS abandoned the case against Newlands Estate landowner Andrew Duncan. He was alleged to have been vicariously liable for the killing of a buzzard by gamekeeper William Dick in 2014 (see *Legal Eagle* 80). The Crown Office stated that it was not in the public interest to continue with the case, but no explanation was given.

These proceedings began in August 2015 and the case was repeatedly adjourned (partly due to a failed appeal by Dick) with some 13 court hearings and two dropped trial dates. A trial was set for 24 April 2017 until this last minute decision.

To date, there have only been two prosecutions for vicarious liability in Scotland. In order to tackle raptor persecution, the RSPB believes effective use of this legislation is essential if meaningful pressure is to be brought on those in the shooting industry who fail to manage or control their staff.

Pole trap case abandoned

Finally, on 25 April 2017, the Crown Office discontinued the case against gamekeeper Craig Graham, who was accused of setting and re-setting a pole trap on the Brewlands Estate in July 2015. The case had been scheduled for a trial on 15 May this year.

On 9 July 2015, during routine fieldwork, RSPB Scotland Investigations staff discovered a pole trap on the Brewlands Estate in Glen Isla, Angus. This consisted of an illegally set spring trap placed on top of a pheasant carcass on a post. With no mobile phone signal to allow contact with the police, the trap was made safe and a video camera installed with a view to securing evidence until the police could attend. A review of the video footage showed an individual resetting the trap on two occasions, one of which occurred after the trap had fallen off the bait and triggered itself. The individual was reported for four offences under the Wildlife and Countryside Act 1981.

On 31 March 2016 the first hearing took place at Forfar Sheriff Court. Following several further hearings, during which the accused plead not guilty to the charges libelled, RSPB Scotland were notified by the COPFS that Crown Counsel felt the prosecution could not rely on the RSPB video evidence. Again, the RSPB believes justice would have been best served if the court were allowed to consider the admissibility of the evidence.



RSPB

The pole trap set on a pheasant carcass.

Prosecutions

Trader jailed for illegal monkey business

A “celebrity” taxidermist has been jailed for selling illegal goods on an online auction site.

On 17 January 2017 Daniel Stocks, 42, of Kingskerswell, near Newton Abbot, Devon was sentenced to six months in jail at Exeter Crown Court.

He pleaded guilty to four charges relating to trade and smuggling of specimens. There were two charges contrary to the Control of Trade in Endangered Species (Enforcement) Regulations 1997 (COTES) relating to the sale and keeping for sale of heads, hands and other derivatives of macaques, langurs, wreathed hornbills, green monkeys, leopard cats and veiled chameleons (all listed on Annex B of the EU Trade Regulations). There were also two charges contrary to Section 170(1)(b) of the Customs & Excise Management Act 1979 relating to the fraudulent evasion of a restriction on the import and export of many of the aforementioned specimens.

Stocks was convicted of fraudulent evasion of a restriction upon the exportation of goods, contrary to section 170(1)(b) of the Customs and Excise Management Act 1979, on four similar cases, between 14

Border Force



Some of the monkey hands uncovered at Stocks' home.

December 2013 and 10 April 2015. Monkey heads, pickled lizards and a stuffed African white-backed vulture were among the hoard uncovered by police at Stocks' home on 21 May 2015. The National Crime Agency (NCA) was alerted by the Border Force when they found a package containing a veiled chameleon, which he had no licence to import, being sent to his address. On searching his home and business unit, investigators found 200 CITES-restricted items, worth an estimated £20,000, including monkey paws framed alongside the message “Make A Wish”. They also found emails that showed he had inquired about acquiring human skulls.

Stocks, who has made props for films and for Madame Tussauds, ran a legitimate website selling artificial shrunken heads, and used ebay to sell the taxidermy specimens under the brand name Killer Curios UK. He had been misleading buyers by saying they were not covered by the Convention on the International Trade in Endangered Species (CITES), when in fact they were.

It was also discovered that Stocks had been trading in leopard cats,

langur monkeys, green monkeys and hornbills, which are controlled species, and protected under CITES laws. Stocks claimed he did not know the CITES rules, but listings he wrote for ebay made highly specific references to the regulations.

Dawn Cartwright of the NCA's Border Policing Command said: “Dan Stocks was a prolific illegal specimen trader who thought the rules on protected species were for others to worry about. But those rules are there for good reason.”

Grant Miller, Border Force senior officer, national CITES team at Heathrow airport, said: “Cases like this expose an illicit and often cruel trade, which can have a devastating impact on the survival of endangered species. Border Force's specially trained CITES officers, working alongside partners like the NCA and the national wildlife crime unit, are vital in preventing the illegal importation of controlled animals and plants and stamping out this type of criminality.”

Alan Roberts of the national wildlife crime unit added: “This is not about a few items that are a by-product of other activity. Animals are killed specifically for this trade.”

Border Force



One of the specimens Stocks was selling.



This tawny owl wore a ring suggesting it had been bred lawfully in captivity, but the ring was a barn owl's.

Man found guilty of possessing wild owl

When police visited a house in Sheffield, they discovered a tawny owl, which was claimed to be captive bred. However, the ring number told a different story.

On 10 April 2017, Dwaine Tavernor, aged 34, of Knotton Road, Sheffield was sentenced at Sheffield Magistrates Court, following an earlier guilty plea, in relation to possession of a tawny owl, contrary to the Wildlife and Countryside Act 1981. The court ordered a 12-month Community Penalty, ordered him to undertake up to 25 Activity days, and to pay £85 costs. Tavernor was also banned from keeping any animal, except for domestic fish, for a period of two years. The court also

ordered the forfeiture of the tawny owl. A further charge regarding the possession of a European eagle owl was withdrawn.

South Yorkshire Police discovered the tawny owl at Tavernor's home in Sheffield on 4 September 2016. The bird was wearing a close ring on its leg, indicating that it had been lawfully bred in captivity. With assistance from the NWCU it was discovered that the ring had actually been issued for a captive-bred barn

owl. At some stage it had been removed from the barn owl and placed on the tawny owl to make it appear captive bred.

Another individual was identified who made false statements to obtain permits, contrary to COTES, to sell barn owls, listed on Annex A of the EU Wildlife Trade Regulations. This was not directly linked to the offence committed by Tavernor and the offender was dealt with by way of a caution.

Prosecutions

Illegal bulb trader convicted

A Cumbrian man has been convicted for collecting wild plant bulbs and offering them for sale, Andy McWilliam of the NWCU reports.

On 20 December 2016, William Adams, aged 64, of Smiddy Croft, Great Orton, Cumbria pleaded guilty at Carlisle Magistrates Court to three offences relating to uprooting wild plants, contrary to the Wildlife and Countryside Act 1981. He also pleaded guilty to one offence of keeping unlawfully acquired snowdrops for sale, contrary to COTES.

Since 2014, residents of Dalston Village, Cumbria have noticed large numbers of wild plants going missing from the local woodland. On several occasions witnesses saw a man fitting Adams's description digging in the area. Some witnesses found bin bags containing snowdrop and bluebell bulbs near the location.

On 28 April 2016, officers from Cumbria Constabulary, supported by the NWCU, executed a search warrant at Adams' home address. Adams immediately admitted that he had been uprooting wild plants for around two years. He identified around 5,000 bulbs and plants that he said had been illegally uprooted from the wild. He admitted that he was a trader and that he had set up a small business selling plants and bulbs when he had gone bankrupt.

During the search officers also recovered invoices indicating that he was trading online on ebay and Amazon. The plants included bluebells, wild garlic and snowdrops, all of which are protected by the Wildlife and Countryside Act 1981. Snowdrops (*Galanthus nivalis*) are also included on Annex B of the EU Wildlife Trade Regulations, so can only be sold if they have been legally acquired or lawfully imported. The fact that the bulbs had been illegally removed from the wild meant that their sale would have been prohibited.

Adams admitted that his adverts indicated that the plants he was offering for sale had been artificially propagated. This resulted in him being charged with "fraud by misrepresentation" contrary to the Fraud Act 2006. He was fined £370 plus costs of £105. Magistrates took into account Adams' personal circumstances and his cooperation throughout the investigation and gave him maximum credit for his early guilty plea.

All 5,000 bulbs and plants that were seized were replanted back in the wild by local volunteers. I would like give a special mention to WCO PC Helen Branthwaite of Cumbria Constabulary for her efforts in this case.

NWCU



A sample of the bulbs taken by Adams.

Suspended sentence for duck killer

A man has been sentenced after courts viewed CCTV footage of him luring a female mallard with food, then wringing its neck.

On 10 February 2017, Robert Muir of Sandycombe Road, Richmond, was found guilty at Wimbledon Magistrates' Court of killing a mallard contrary to the Wildlife and Countryside Act 1981. He was sentenced to 12 weeks' imprisonment, which was suspended for 12 months and ordered to undertake a 20-day rehabilitation activity and to pay £415 costs.

On 25 May 2016, Metropolitan Police were called to Richmond

riverside following reports of a man killing a duck on a public path. The officers viewed CCTV footage of Muir enticing the mallard with food on two occasions, before grabbing it and breaking its neck. The bird was picked up a second time by Muir who twisted its neck again to ensure it was dead before he threw the dead body into a bin. PC Richard Roberts, the Borough WCO for Richmond upon Thames, assisted by an officer from the Met's Wildlife Crime Unit,

A female mallard was senselessly killed by Robert Muir in Richmond.

investigated and identified Muir as the suspected offender. The bench were "appalled" by the CCTV footage, and did not believe Muir's story that the bird was injured prior to him killing it.



Richard Bedford (rsfb-images.com)

Sad end to starling

A family in Yorkshire watched in disbelief as man kicked a fledgling starling to death.

On 16 December 2016, Robert Rose, aged 22 of Peasholme Crescent, Scarborough, pleaded guilty at Scarborough Magistrates court to intentionally killing a starling, contrary to the Wildlife and Countryside Act 1981. The prosecution was made by the RSPCA and Rose was fined £200 with £300 costs.

The court heard how a North Yorkshire family was watching a fledgling starling from a window as it attempted to fly. The bird was said to be healthy, with adult birds nearby. Rose then appeared, walked towards it and kicked the young bird. The family went outside to find the chick lying on its back badly injured and gasping for breath. They followed Rose in their car and photographed him as he walked away. On returning home, they found that the chick had died.

RSPCA Inspector Geoff Edmond attended and, with help from North Yorkshire Police, Rose was arrested and interviewed. He claimed in

mitigation that he was putting the bird out of its misery, but magistrates rejected this.



RSPCA

The starling kicked to death by Rose.

Prosecutions

Law gets its claws into tiger trader

A man has been convicted for selling illegal tiger claws on the internet.

On 4 December 2016, Gary Whyte, aged 50, of Anderson Drive, Cowdenbeath, Fife pleaded guilty at Dunfermline Sheriff Court to offering for sale tiger claws contrary to COTES. He was ordered to carry out 250 hours of unpaid work.

Police searched the man's property following a tip-off that illegal tiger claws were being sold online. They found the objects at the premises and seized Whyte's computer. Whyte claimed he did not know what they were when he bought them at an auction room in

Dunfermline for £28.75. The lot he had purchased was described as "a small box of various fossils, claws and teeth." He advertised the tiger claws for sale on ebay and the selling price was £102 when police recovered them.

PC Lindsay Kerr of Police Scotland said: "Whyte stood to make a significant profit from the sale of these tiger claws, the sale of which is a contravention of endangered species legislation. As soon as Police Scotland became aware of the items being illegally offered for

purchase online, a robust investigation was launched, which resulted in Whyte being convicted in October 2016."

"The sale of endangered animal parts will not be tolerated and anyone involved in such activities can expect to be dealt with by police."

Bird killers caught

Two men have been fined for intentionally injuring and killing a gull and an oystercatcher in Edinburgh.

On 25 January 2017, Alan Rennie, 31, and Barry Shaw, 26, both from Edinburgh, were fined £1,000 and £500 respectively after pleading guilty at Edinburgh Sheriff Court to two charges of intentionally killing a wild bird, contrary to the Wildlife and Countryside Act 1981.

On the evening of 26 April 2016, close to Edinburgh park, Shaw was seen getting out of a black Volkswagen Golf belonging to Rennie then chasing a gull, and repeatedly firing a slingshot at it, causing it injury and leaving it unable to fly. Shaw was seen to stand on the head of the gull before picking it up and placing it in the car before driving off.

An oystercatcher was targeted by a man with a slingshot.

On 15 June 2016, a slingshot was fired from the passenger window of the same black car. Rennie was seen leaving the car and heading towards where the sling shot had been fired. Rennie came back to the car holding an oystercatcher round the neck and then swung the bird round by the neck. Following searches carried out at the accused's home addresses, Police Scotland recovered ball bearings, slingshots and a frozen oystercatcher.

Sara Shaw, Procurator Fiscal, Wildlife and Environment, said: "The actions of Shaw and Rennie were cruel and callous. Wild birds are protected under our wildlife laws and those who choose to commit wanton acts of violence against them can expect to be brought to justice."



Collector pinned down

The observations of an alert member of the public helped lead to the conviction of a serial butterfly collector. Ian Guildford of the National Wildlife Crime Unit (NWCU) reports.

On 7 April 2017, Phillip Cullen, aged 57, of Cadbury Heath, Bristol, was awarded a six-month sentence, suspended for two years, at Bristol Magistrates Court. He had been found guilty, on the 16 March 2016, of six charges contrary to the Conservation of Habitats and Species Regulations 2010 relating to the capturing, killing and possession of two large blue butterflies.

Globally endangered, large blues are one of our rarest butterflies. After going extinct in the UK in 1979, they were reintroduced as part of a successful, large-scale conservation programme. A growing population can be found in Somerset and Gloucester. The butterflies are known to occupy Gloucestershire Wildlife Trust's Daneway Banks nature reserve, where Cullen was seen in June 2015 using a small green net to catch them. When confronted, he denied this claiming he was trying to catch parasitic wasps and was looking for orchids. The following day Cullen was seen at the National Trust's Collard Hill nature reserve in Somerset, another important site for the large blue.

On 12 February 2016, a search warrant was executed at the home of Cullen by the Avon and Somerset Police, supported by NWCU and specialists from the London Natural History Museum (NHM). Some 13 trays of mounted butterflies were seized and Cullen was arrested. When interviewed, he admitted that he had been collecting butterflies for about 50 years, but that he had given up actually taking them himself "decades ago" and had acquired them online.

NHM experts were able to identify 89 specimens that were protected by domestic and European legislation. Two of the large blues had the labels DB18 and CH18. When re-interviewed Cullen denied these were the initials of the reserves where he had been seen or that the 18 was date in June when they were taken. He claimed these were colour variations of cobalt hue and dark blue, but couldn't remember the significance of 18.

Cullen had previously pleaded guilty to possessing 36 dead large blue, large copper, southern festoon and clouded Apollo butterflies, contrary to the Conservation of Habitats and Species Regulations 2010. As well as 49 dead Schedule 5

specimens including black-veined moths, fiery clearwing moths and marsh fritillary, heath fritillary, high brown fritillary and swallowtail butterflies, contrary to the Wildlife and Countryside Act 1981.

He was ordered to carry out 250 hours of unpaid work and was given a five-year criminal behaviour order, which bans him from three nature reserves that are managed for the large blue butterfly. He was also ordered to pay costs of £380.

I would like to thank the NHM, recently retired WCO Sgt Andy Whysall, Jonathan Richards and his colleagues in the CPS for their work in presenting an unusual case in a very professional manner.



Avon and Somerset Police

Tray of illegally-possessed butterflies seized from Cullen's home.

Prosecutions

Illegal cat fur coat seized

A coat made from a rare Geoffroy's cat was acquired by police after they were alerted to it being displayed for sale in a shop without a licence.

On 8 February 2017, police and wildlife officers seized the coat from a shop in Buxton, Derbyshire. The owner of the coat was given a community resolution order.

Dr A Kitchener



The confiscated cat coat.

Geoffroy's cats are a species of wildcat native to South America. They are under the highest protection level under CITES (Convention on International Trade in Endangered Species) and listed on Annex A of the Wildlife Trade Regulations. Selling a fur coat made from its pelt requires a special licence, unless the garment pre-dates 1947.

PC Emerson Buckingham from Derbyshire police said: "Geoffroy's cats used to be widely hunted for their pelts, which were then made

into garments and sold in the fur trade. When the cats were placed under the CITES scheme, that trade dropped off, but we still see these kinds of furs, of many different prohibited species, being sold. The trade of any CITES animal is regulated and anyone who illegally sells these animal products on is only encouraging the illegal killing of animals and trade of their pelts. These animals have protection for a reason and it's important that we and the National Wildlife Crime Unit take action to prevent such trade whenever we have the chance."

Wildlife trader prosecuted

A man has been brought to justice after he was found trading parts of endangered animals from his shop in Kensington.

On 19 April 2017 Sasko Bezovski, 48, of Warwick Avenue, Westminster, pleaded guilty at Hammersmith and Fulham Magistrates' Court to one charge of purchasing, offering to purchase, selling or keeping Annex A specimens contrary to COTES. He was fined £4,000 and ordered to pay

£85 court costs and a £170 government surcharge.

Bezovski was found with the items at his Kokon to Zai shop in Golborne Road, North Kensington in July 2016. He was charged on 17 March 2017 after an investigation

by the Met's Wildlife Crime Unit.

Police found a collection of endangered species' body parts – including a crocodile's head, knifetooth sawfish and a spur-thighed tortoise shell – at Bezovski's shop. They were spotted by a wildlife inspector and identified as protected under the Convention of International Trade in Endangered Species of Fauna and Flora. Bezovski was unable to provide the required documents to prove he was permitted to sell the items.

DC Christopher Jones, of the Met's Wildlife Crime Unit, said: "The trade of endangered species is subject to strict regulations and it is the responsibility of the seller to make sure they are aware of this legislation and have the correct documentation. "I am extremely grateful to our National Wildlife Crime colleagues who assisted with the investigation."

Dr Andrew Kitchener



The flattened, toothed nosebone (rostrum) of a knifetooth sawfish formed part of the collection.

Birdcrime goes online

2015 raptor crime data is revealed in a new online format.

The RSPB's seminal report on illegal raptor persecution, Birdcrime, was published online in a new format for the first time this year to make the information more accessible and bring it to a wider audience than ever before.

The new report, published in February 2017, shows that illegal persecution of birds of prey is still happening too regularly in the UK countryside, and the RSPB is asking UK governments to take urgent action now to stop this slaughter.

Birdcrime 2015 includes 196 reports of shooting and destruction of birds of prey including the confirmed shooting of 16 buzzards, 11 peregrines, three red kites, one red-footed falcon and one hen harrier. Of the 92 confirmed persecution incidents,



61% occurred in England, 29% in Scotland, 9% in Northern Ireland and 1% in Wales.

The report also shows 50 reports of wildlife poisoning and pesticide-related offences. Confirmed victims of poisoning include 15 buzzards, four red kites, and three peregrines. These figures represent only a fraction of the illegal persecution in

the UK, with many incidents going undetected and unreported.

Despite raptor persecution being identified as one of the UK government's top wildlife crime priorities in 2009, the persecution of birds of prey still remains an issue of serious concern with around 590 birds of prey having been confirmed poisoned, shot, trapped or destroyed in the last six years.

Martin Harper, RSPB Director of Conservation, said: "Our uplands are deprived of some amazing wildlife because of ongoing illegal persecution and it has to stop."

Birdcrime 2015 can be viewed here: <http://rspb.maps.arcgis.com/apps/Cascade/index.html?appid=4e5f691ca72048479b94f6fd-dd92a80d>

Peregrines under pressure

Wildlife groups, including the RSPB, are hatching plans to increase protection for the world's fastest bird.

Talks began in Derbyshire this March to discuss how to improve peregrine protection. Breeding peregrines are at risk from egg collectors and chick thieves who look to sell the birds into the captive market for profit.

The RSPB, National Trust, Derbyshire Police, Peak National Park, Peak District Raptor Groups and Derbyshire Wildlife Trust are planning to increase the surveillance of nest sites in Derbyshire to prevent eggs and chicks being taken.

Peregrines are also at risk of being shot. The RSPB's investigations team has received an unusually high number of reports of shot peregrines already this year from all over the country. These include a bird found shot with a broken wing

in Hampshire, another in Devon, one discovered dead containing shot in Cumbria and another recovered dead in Lancashire. In May, another peregrine was found injured, with historic shotgun wounds, in East Sussex.

Derbyshire Police said "People who interfere with the nests of these birds or steal from them are showing a clear disregard for the law. We would encourage everyone to be vigilant and report any suspicious activity around nesting sites to Derbyshire Police immediately. We hope that with all the partner organisations working closely together to protect these birds, we can make a positive difference to the peregrine population in Derbyshire"



Gordon Beakes

Peregrine found dead, containing shot, in Cumbria.



Report on satellite-tagged golden eagles reveals likely illegal killing of 41 young golden eagles.

Satellite tagging reveals threat to eagles on grouse moors

On 31 May 2017, the Scottish Government published a long-awaited report on the role of satellite tagging technology in monitoring the movements of birds of prey. It is a watershed moment in the battle against raptor persecution.

The report concluded that: "Satellite tagging of young golden eagles has revealed that many young birds have probably been illegally killed in some parts of Scotland between 2004 and 2016: largely in the central and eastern Highlands."

The report was commissioned in August 2016 after eight satellite-tagged golden eagles went missing in the Monadhliath mountains, Scotland. It was carried out by independent scientists, peer-reviewed, and submitted to Scottish Natural Heritage.

It revealed that, of the 131 young eagles tracked over 12 years, a third (41) have disappeared – presumably died – under suspicious circumstances, significantly

connected with contemporaneous records of illegal persecution.

These disappearances occurred mainly in six areas of the Highlands, and most cases were over land intensively managed for driven grouse shooting.

The report found no link between the fitting of tags and the disappearance of the birds wearing them. It ruled out any connection with wind turbines and undermined suggestions that the failure of the tags (due to loss of signal or breakage) was responsible for the tagged birds disappearing.

In response to the report, Environment Secretary Roseanna Cunningham has drawn up new

measures designed to give added protection to birds of prey and the wider Scottish environment. These include to:

- Set up an independently-led group to look at the environmental impact of grouse moor management practices such as muirburn (burning moorland), the use of medicated grit and mountain hare culls. The group will also recommend options for regulation including licensing and other measures which could be put in place without new primary legislation.
- Immediately review all available legal measures which could be used to target geographical areas of concern.

- Increase resources for the detection and investigation of wildlife crime and work with Police Scotland to pilot the use of special constables in the Cairngorms National Park.
- Rule out giving the Scottish SPCA more investigative powers, in light of legal advice.
- Examine how best to protect the valuable role of gamekeepers in rural Scotland.
- Commission research into the costs and benefits of large shooting estates to Scotland's economy and biodiversity.

Ms Cunningham said: "The findings of this research are deeply concerning and will give rise to legitimate concerns that high numbers of golden eagles, and other birds of prey, continue to be killed in Scotland each year. There is every reason to believe that similar levels of persecution affect untagged golden eagles, as well as those we are able to track via satellite tags."

Director of RSPB Scotland, Anne McCall, said: "We commend the authors of this report for producing a comprehensive, robust and forensic examination of the issues regarding the disappearance of satellite-tagged golden eagles in Scotland.

"By commissioning such a review the Cabinet Secretary and the Scottish Government have shown decisive leadership, and provided a clear, factual, if very worrying picture, of the scale of illegal persecution in Scotland.

"The conclusions reached by the review support the concerns that RSPB Scotland has been expressing for decades: that Scotland's protected birds of prey continue to be illegally and systematically killed, in significant numbers, and primarily in areas where intensive grouse moor management dominates the landscape.

"These announcements are a clear notice of intent from the Scottish Government that it is prepared to take significant steps to target

those areas that are destroying our natural heritage and are a stain on our country's reputation."

RSPB Scotland's Head of Investigations, Ian Thomson, said: "When you add to this the disappearances of satellite-tagged white-tailed eagles, red kites, goshawks, peregrines and hen harriers, not included in this review, and consider that satellite-tagged birds form a very small proportion of the populations of these species, the overall numbers of eagles and other protected raptors actually killed must be staggering.

"This report completely bankrupts the myth that raptor persecution is in long-term decline and we hope that its publication represents a watershed moment for the future conservation of our birds of prey."



Tom Marshall (rspb-images.com)

Red grouse on moorland.



New training courses are improving knowledge of wildlife crime.

Wildlife crime awareness training

By Craig Fellowes, wildlife training consultant.

Education and access to the right resources is vital in preventing wildlife crime, which is where training courses come in.

Specialist training has, and always will have, a major part to play in tackling wildlife crime in the UK.

It's a partnership approach and more than 1,200 people have been trained since the first national police wildlife crime training course took place in 1997.

This year a new Police CITES course was run, which is an adapted three-day course specifically for the police, run by NWCU and myself. Two successful courses have taken place, with a further two planned for 2018. The aim is to give an overview of a variety of wildlife crimes to local police teams.

Badger awareness training has been introduced this year, and is being offered to every police force at no cost. The aim is to equip police staff with the ability to undertake investigations in relation to the persecution issues that badgers face in the UK.

Badger persecution takes many forms, but the historic issue of baiting and digging goes on, by people who see badgers as an easy, but ultimate challenge for their dogs. Through the support of the Badger Trust and Nature Watch Foundation, I have been able to roll out the training to police with the intention of delivering it to all forces over the next two years.

Training is now offered to a number of public bodies including badger groups, wardens, rangers, trusts, planners, consultants, crime scene investigators, and the general public.

These courses are tailored to the client requirements and cover a range of wildlife crimes, including persecution of raptors and badgers, poaching, hare coursing, dog fighting, hunting with dogs, and specific training on CITES.

For further information, or to discuss requirements, contact Craig on: 07540532303 or email: craig@wildlifetraining.co.uk



International wildlife forensics conference in Edinburgh

In June 2017, representatives from more than 30 countries attended the Society for Wildlife Forensic Science (SWFS) conference in Edinburgh to discuss the use of forensics in tackling wildlife crime.

The Society for Wildlife Forensic Science was formed in November 2009 to develop wildlife forensic science into a comprehensive, integrated and mature discipline.

Wildlife forensic science is the application of a range of scientific disciplines to legal cases involving non-human biological evidence. These include genetics, morphology, chemistry, pathology, and veterinary sciences. This was the fourth meeting of the society, but the first in the UK.

The first day of the conference was about how scientists can assist the enforcement community with issues such as illegal timber logging, fisheries, wildlife trade and persecution nationally and internationally. The event was organised by the Scottish Agricultural Science Agency (SASA), TRACE Wildlife Forensics Network and Edinburgh University supported by sponsors.

The next day was a symposium attended by nearly 100 additional delegates from around the UK, including Chief Constable David Jones, the UK lead for wildlife crime, Detective Chief Superintendent Sean Scott, the wildlife crime lead for Scotland, and Chief Inspector Martin Sims, head of the NWCU.

Roseanna Cunningham, the Cabinet Secretary for Environment, Climate Change and Land Reform welcomed delegates, stressing the importance of protecting the environment, healthy ecosystems and maintaining biodiversity. She announced the formation of a new partnership between the Scottish Government's Wildlife DNA Forensics Unit at SASA and the University of Edinburgh's research unit at the Royal (Dick) School of Veterinary studies and the Roslin Institute. This partnership will work to establish a wildlife forensics development programme to

promote international training and research and to support wildlife crime investigations in Scotland.

Dr Rob Ogden, President of the Society for Wildlife Forensic Science, said: "The fight against wildlife crime in all its forms requires coordinated efforts from multiple partners to reduce incentives and demand, and to investigate and prosecute criminal activity."



Guy Shorrocks (RSPB)

Roseanna Cunningham welcomed delegates to the symposium



Guy Shorrocks (RSPB)

Delegates attending the SWFS conference in Edinburgh.

Interpol



Operation Thunderbird led to a series of global arrests and seizures.

Thunderbirds are go!

Operation Thunderbird, an international anti-wildlife trafficking operation, has resulted in a number of global arrests and seizures.

The operation was organised during meetings alongside the 17th meeting of the Conference of the Parties to CITES (CoP17) in Johannesburg and put together by the INTERPOL Wildlife Crime Working Group, the US Fish and Wildlife Service, the UK Border Force and Environment Canada. It was led by INTERPOL, in close cooperation with other partners of The International Consortium on Combating Wildlife Crime (ICWC).

The results were announced just before World Wildlife Day, 3 March 2017, to mark INTERPOL's ongoing commitment to supporting its 190 member countries in combating all types of environmental crime. The three-week operation, started at the end of January and involved police, customs, border agencies, environment, wildlife and forestry officials from 43 countries and territories. It resulted in the identification of nearly 900 suspects and 1,300 seizures of illicit products worth an estimated

USD 5.1 million. Seizures included:

- 60 tonnes of wood and timber
- 4,770 birds
- 1,240 reptiles including at least 560 turtles and tortoises
- 100 wild cats
- 2.75 tonnes of pangolin scales
- 2.54 tonnes of raw and processed ivory
- 25 tonnes of various animal parts, including meat, horns and feathers
- 37,130 derivatives and processed products such as medicines/ornaments/carvings

Intelligence was gathered ahead of the operation to assist in identifying specific targets. These included wildlife and forest crime hotspots and bottlenecks where checkpoints could be established, in addition to operations at airports and national borders. Vehicles suspected of moving illicit products were also targeted with searches carried out by officers, specialist sniffer dogs and X-ray scanners. Scrap yards,

taxidermy shops, garages, pet fairs, warehouses and health clinics were also targeted during the operation, resulting in seizures, arrests and general information gathering. Websites and social media sites were also the focus of investigations.

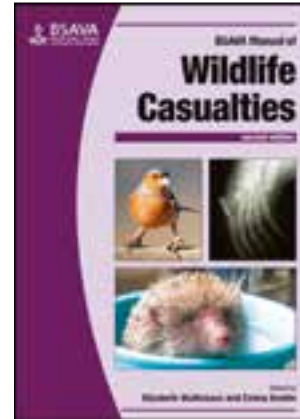
The operation has so far resulted in 370 investigations, which have already led to 89 individuals being jailed with terms ranging from several days to seven years. In the UK, the operation was delivered both at the border across all UK ports and airports and inland with police investigations supported by the NWCU. Police officers again supported and worked alongside UK Border Force. Significant success was achieved with over 180 seizures made in three weeks. These included 74 orchids, 98 ivory seizures, 500kg of European eels, 3,500 musical instruments containing rosewood. A number of investigations are ongoing.

New guidance for vets

A recent publication provides help for vets when dealing with casualties of wildlife crime.

In 2016 the British Small Animals Veterinary Association (BSAVA) Manual of Wildlife Casualties was published. This includes a chapter Investigating Wildlife Crime prepared by experienced pathologist Ranald Munro and RSPB Senior Investigations Officer Guy Shorrocks. The article provides guidance on issues for veterinary surgeons to consider when dealing with potential wildlife crime incidents.

It includes advice on continuity, firearms, poisoning and traps and should also provide useful help for the statutory agencies and others when taking animal victims to veterinary surgeries for examination. The advice can be viewed online at https://portal.bsava.com/Portals/0/shop/documents/P00148_sample.pdf. Later in 2017 it will be moved onto the PAW Forensic Working Group Website (pawfwg.org)



Another shot raptor prompts concern in community

North Yorkshire Police launched an appeal in May after a buzzard was found dead near Malham. A farmer found the dead bird in a field close to Gordale. An x-ray revealed a shotgun pellet lodged in the bird's head.

Yorkshire's poor reputation for raptor persecution is a growing concern amongst local people and businesses.

Two buzzards were found shot earlier this year: one dead and the other still alive but clearly suffering from its wounds.

Red kites have also been targeted this year in Nidderdale, prompting two local businessmen to offer their own money in exchange for information leading to a conviction.

Yorkshire Dales National Park Authority Chairman, Carl Lis, spoke out, saying: "The shooting of this buzzard was a mindless and barbaric act. The fact that it only extends a long list of recent incidents makes it no less upsetting."

"The person who shot this bird needs to know that their criminality risks hitting local businesses in the pocket. Birds of prey are a big attraction to visitors that come each year to the National Park. This buzzard was shot a short distance from Malham Cove, where nesting peregrines attract thousands of tourists."

This dead buzzard was found, just days after another buzzard was found shot at Norton Malton.

The North Malton bird was found still alive on 10 May with multiple lacerations to its head and both feet. On being X-rayed, a shot gun pellet was discovered in its leg.

A specialist centre cared for the bird and it was fortunately able to be release back into the wild at the end of May.



Jean Thorpe

Buzzard found shot but still alive in North Malton.



274 mist nets were seized during two nights in January 2017 on the SBA.

Bird trapping still rampant in Cyprus

The latest autumn 2016 bird trapping report shows serious problems remain in Cyprus including at the UK military base area.

Legal Eagle 81 reported on work by the Sovereign Base Area (SBA) Police in Cyprus, supported by RSPB Investigations, using covert cameras to catch bird trappers using mist nets on a British military base. It also highlighted the problems with the removal of non-native acacia being used for trapping sites.

In April 2017, the *BirdLife* Cyprus report on bird trapping in autumn 2016 was published. This survey, running since 2002, provides an accurate baseline of the levels of illegal trapping on the island. The report estimates that over 1.7 million birds could have been trapped and killed within the survey area, which covers both the Cyprus Republic and British base areas, and nearly 2.3 million across the whole of Cyprus (more information at birdlifecyprus.org).

The songbirds are illegally trapped

to provide restaurants with the expensive delicacy of *ambelopoulia*. Organised crime gangs are estimated to earn millions of Euros every year to meet this demand. The British Eastern SBA on Cyprus remains a key trapping hot spot, with an estimated 800,000 birds killed last autumn. Worryingly, in the last few years, the intensity of trapping on this British military base has been at its highest level since the survey began, and around 180% of that baseline level. Trappers blatantly and extensively use electronic calling devices playing birdsong on the British base at night to lure birds into their nets. There are concerns that parts of the base are effectively becoming a no-go area for the committed but significantly outnumbered local police force.

Whilst the Republic of Cyprus and the SBA police forces have specialist squads tackling the bird

trappers, enforcement against restaurants serving *ambelopoulia* has been almost non-existent in the last few years. The report concludes that the Republic of Cyprus must crackdown on black-market restaurants, whilst further support from UK Government is needed to ensure the removal of non-native acacia.

Trapping also continues after autumn, targeting species such as wintering thrushes and robins. In January 2017, the Committee Against Bird Slaughter (CABS), who have been working in Cyprus for several years to expose the levels of bird trapping, reported massive scale bird trapping in the SBA. In an operation over two nights several kilometers of mist nets were located and an astonishing 274 nets were removed.



Trapper from Operation "Jar", despatching a bird with a knife

Cypriot bird trappers fined

Following a covert surveillance operation by the Sovereign Base Area (SBA) police, working with RSPB Investigations Officers, eight men were sentenced following earlier guilty pleas to bird trapping offences. Senior Investigations Officer, Guy Shorrocks, reports.

Since 2000, I've made many trips to Cyprus in connection with the illegal killing of migrant birds (see previous page). In autumn 2016, I went to Cyprus with a colleague to assist the SBA police with a project using covert camera equipment to try and catch bird trappers within the Eastern Sovereign Base Area (ESBA) – a key trapping hotspot. The project was supported by BirdLife Cyprus with funding provided by the Oak Foundation.

Over the years we've had great success in the UK catching individuals persecuting raptors on film with covert cameras. We hoped to do the same for the first time in Cyprus.

During seven operations, 19 individuals were secretly filmed catching birds in mist nets strung

between bushes. The shocking footage showed individuals driving the birds into mist nets, removing the struggling birds then killing them with knives.

The evidence preparation was fairly intense and we supplied the SBA police with statements, photograph booklets and the video footage. The police were able to identify all the suspects, who were later charged with a number of offences.

On the 12 June 2017, in relation to operations "Jar" and "Jasmin", six men appeared in court. Three males from Operation "Jar" were each fined a substantial 2,500 Euros – well above the average fine for these offences. The footage showed them beating the bushes with long poles to flush migrant birds into the nets. Over 25 birds were caught and

killed from the main net over three days, with other nets also in use. Two men from Operation "Jasmin" were fined 1,540 and the third 820 Euros. The footage showed over 40 birds being caught and killed over two days in two mist nets. On the 16 June, two men from operation "Jumbo" were fined 1,200 Euros plus a four-month jail sentence suspended for three years. The footage of them showed around 20 birds being caught and killed over two days.

Having to deal with some highly politicised issues makes the work of the SBA police difficult, and sometimes dangerous. The RSPB would like to express our thanks for the help and support of SBA officers involved with this project, and the prosecutor who presented the evidence to the court.

And finally...

Hello, goodbye!

Hello Jenny

Goodbye Jim

RSPB



SBA



▲ Jenny Shelton

The RSPB investigations team was joined by Jenny Shelton in February 2017, who takes up a new role based at The RSPB's headquarters. As Investigations Liaison Officer, Jenny will be the primary press and publications contact, working with national and regional media teams to communicate issues, acting as the project lead on Birdcrime and compiling Legal Eagle. Jenny has a background in journalism and worked in the RSPB's media team prior to her new appointment.

▲ Jim Guy (centre) in Cyprus

At the end of March 2017 Cyprus Base Commander Chief Superintendent Jim Guy retired as the longest serving UK police officer, having passed an astonishing 50 years in 2016. Having started his career in Scotland, he moved to Cyprus in 1998 and in 2015 was awarded the Queen's Police Medal for gallantry and distinguished service.

The RSPB first worked with Jim back in 2000 when the serious problems with the trapping of migrant birds were coming to the fore. His support and good humour have always been greatly appreciated whilst trying to tackle what remains a very difficult problem. The RSPB would like to acknowledge his efforts on Cyprus and wish him all the best in his retirement.

PAW

PAW is The Partnership for Action Against Wildlife Crime, a multi-agency body of organisations involved in wildlife law enforcement in the UK.

PAW provides opportunities for statutory and non-governmental organisations to work together to combat wildlife crime, and 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.

Want more info?

Visit defra.gov.uk/paw



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**KEEPING
WILDLIFE
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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 email to jenny.shelton@rspb.org.uk or telephone 01767 680551. The views expressed in *Legal Eagle* are not necessarily those of the RSPB or PAW.

The RSPB is the country's largest nature conservation charity, inspiring everyone to give nature a home.

The RSPB is a member of BirdLife International, a partnership to give nature a home around the world.

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Cover photo hen harrier by Mark Thomas (rspb-images.com)



For more information on wild birds and the law, visit rspb.org.uk/birdlaw