

4 NETWORKS DAY

Online conference

21 May 2021



EU FORUM OF JUDGES FOR THE ENVIRONMENT
UE FORUM DES JUGES POUR L'ENVIRONNEMENT

EU GREEN WEEK 2021 PARTNER EVENT

ZERO #EUGreenWeek
POLLUTION
for healthier people and planet

Hosted by :  Life+ SATEC



4 NETWORKS DAY



EU FORUM OF JUDGES FOR THE ENVIRONMENT
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Together in the fight against environmental crime

Date: 21 May 2021

Time: 09:00 - 12:30 | 13:30 - 16:15 CET

Location: online, hosted by LIFE+ SATEC





+100

WWF is in over 100 countries, on 5 continents

+5000

WWF has over 5,000 staff worldwide

1961

WWF was founded in 1961

+5M

WWF has over 5 million supporters



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WWF work in Spain

Two decades working against poisoning in Spain

- Contribution to Research (data, reports)
- Pilot projects
- Communication activities and awareness raising
- Capacity building, coordination with other NGOs
- Legal work (civil and criminal cases)
- Policy, advocacy actions (reducing impunity)



Exporting experience to fight poisoning to other countries



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Some data about poisoning in Spain

9700 cases

21.260 detected animals

200.000 estimated animals

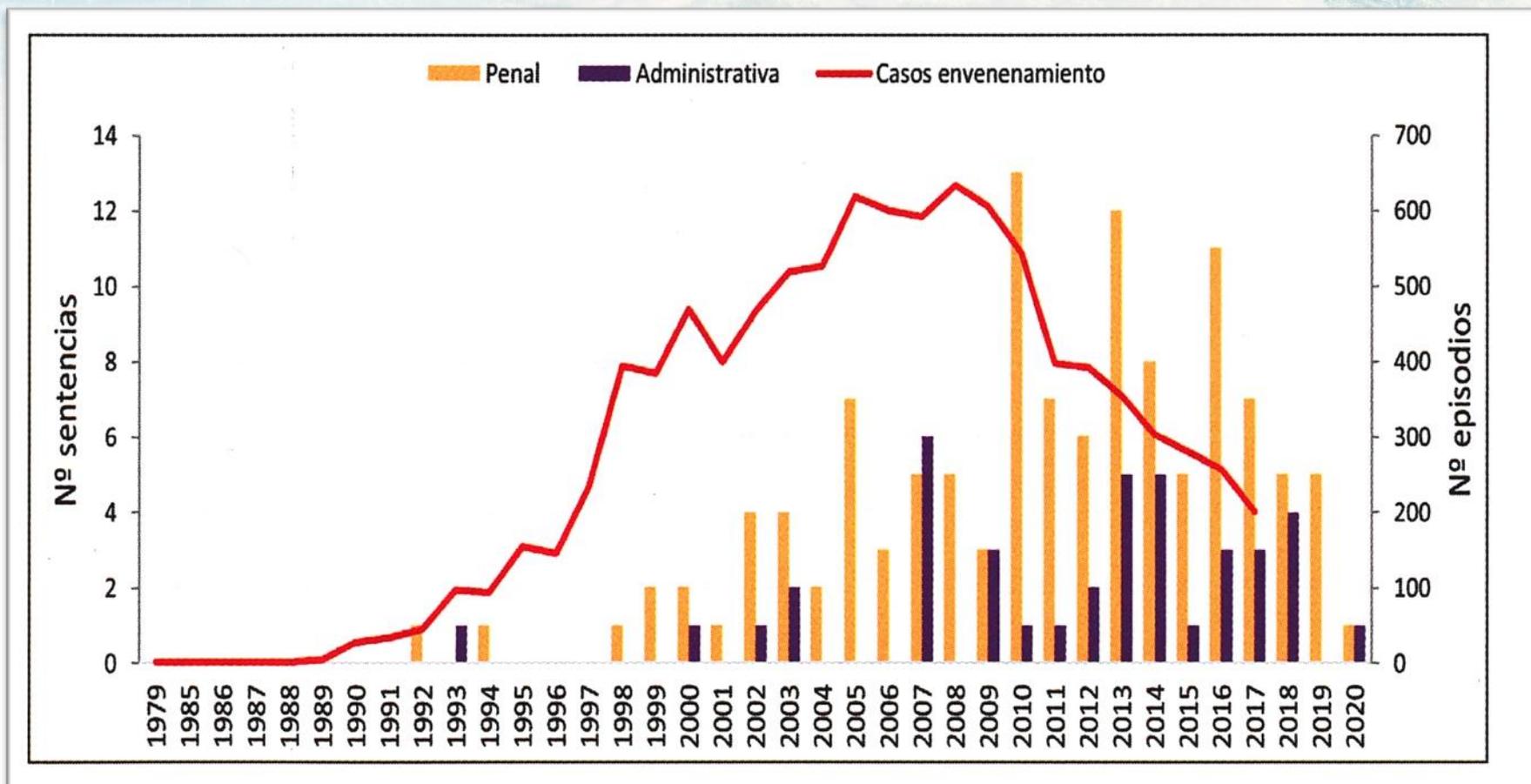
200 convictions



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Some data about poisoning in Spain



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Exemplary sentence against poisoning in Tudela, Navarra, Spain

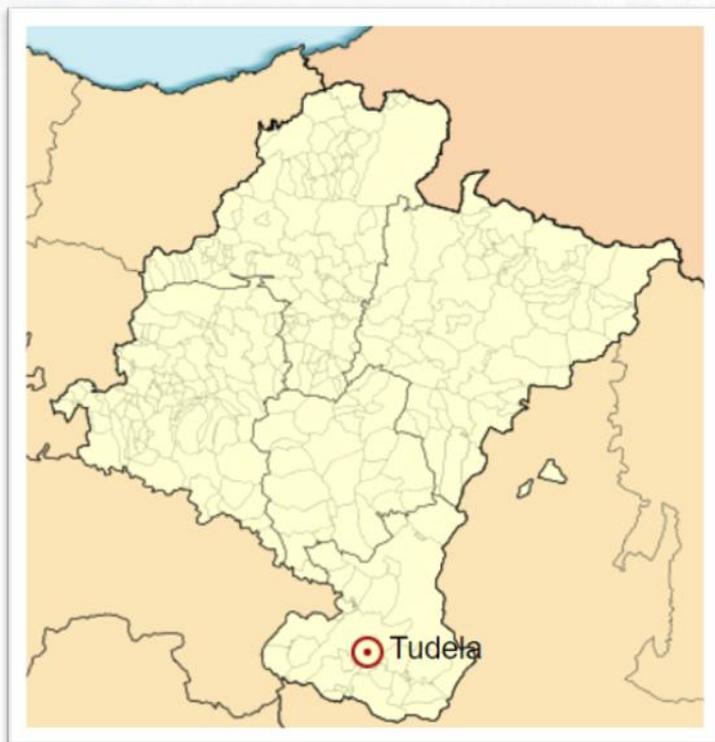
The highest sentence to date imposed in Spain for a
crime against wildlife by poisoning



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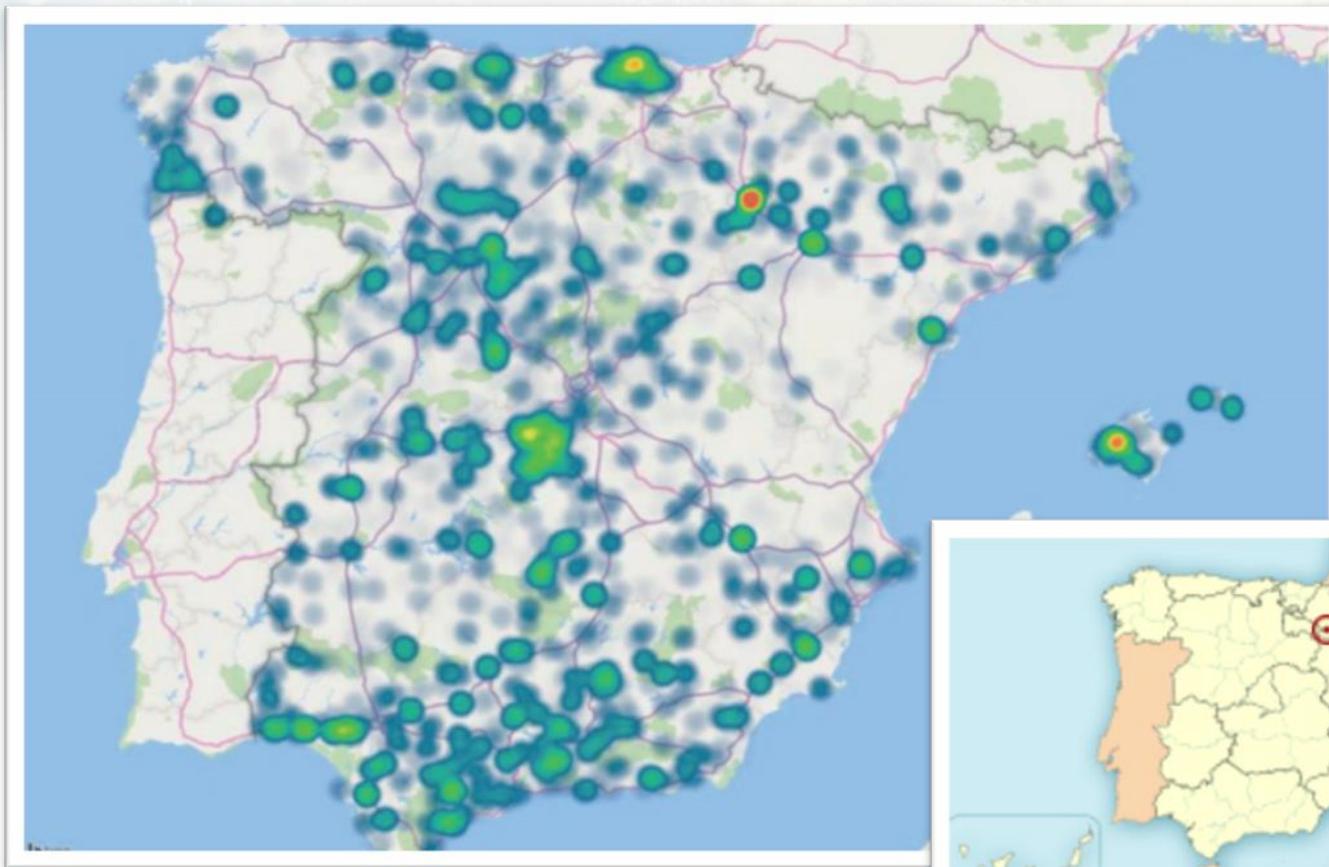
Where?



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Poisoning Hotspots in Spain



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Where?

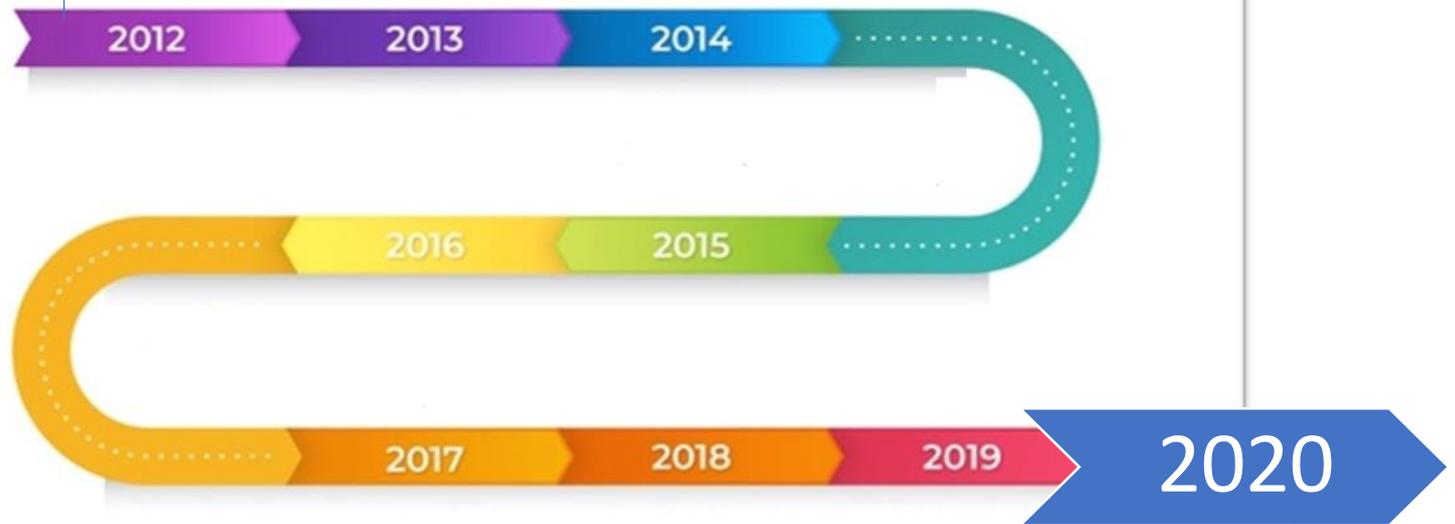


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When?

The crime



Sentence



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Who?

The Victims

Poisoning was the cause of the death of more than 100 birds (red kites, Egyptian vultures, black kites, marsh harriers and griffon vultures (protected species))

The offenders

3 offenders: Hunting guard and 2 managers of hunting reserves

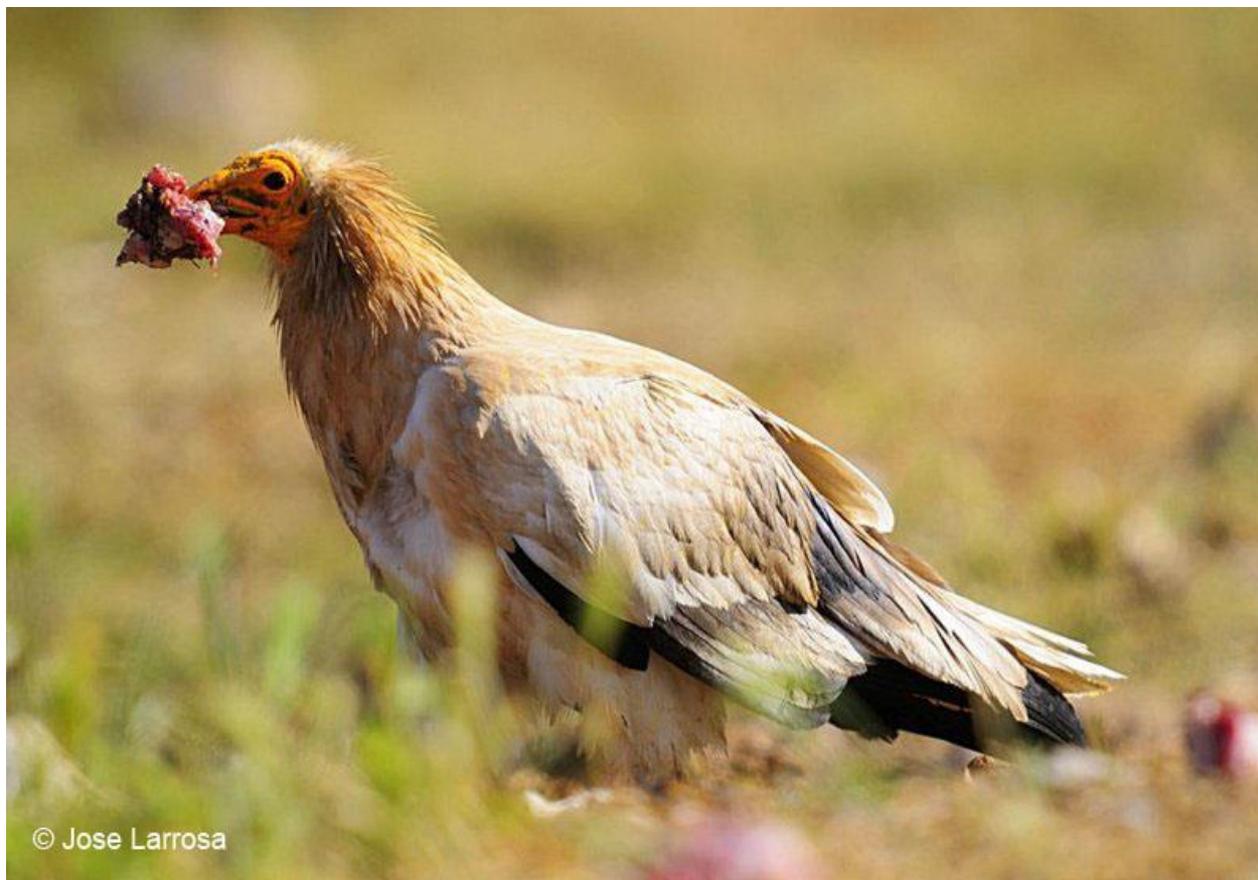
The actors involved in fighting the crime

Several different actors involved and everyone keen on collaborating



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The victims



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The victims



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The victims



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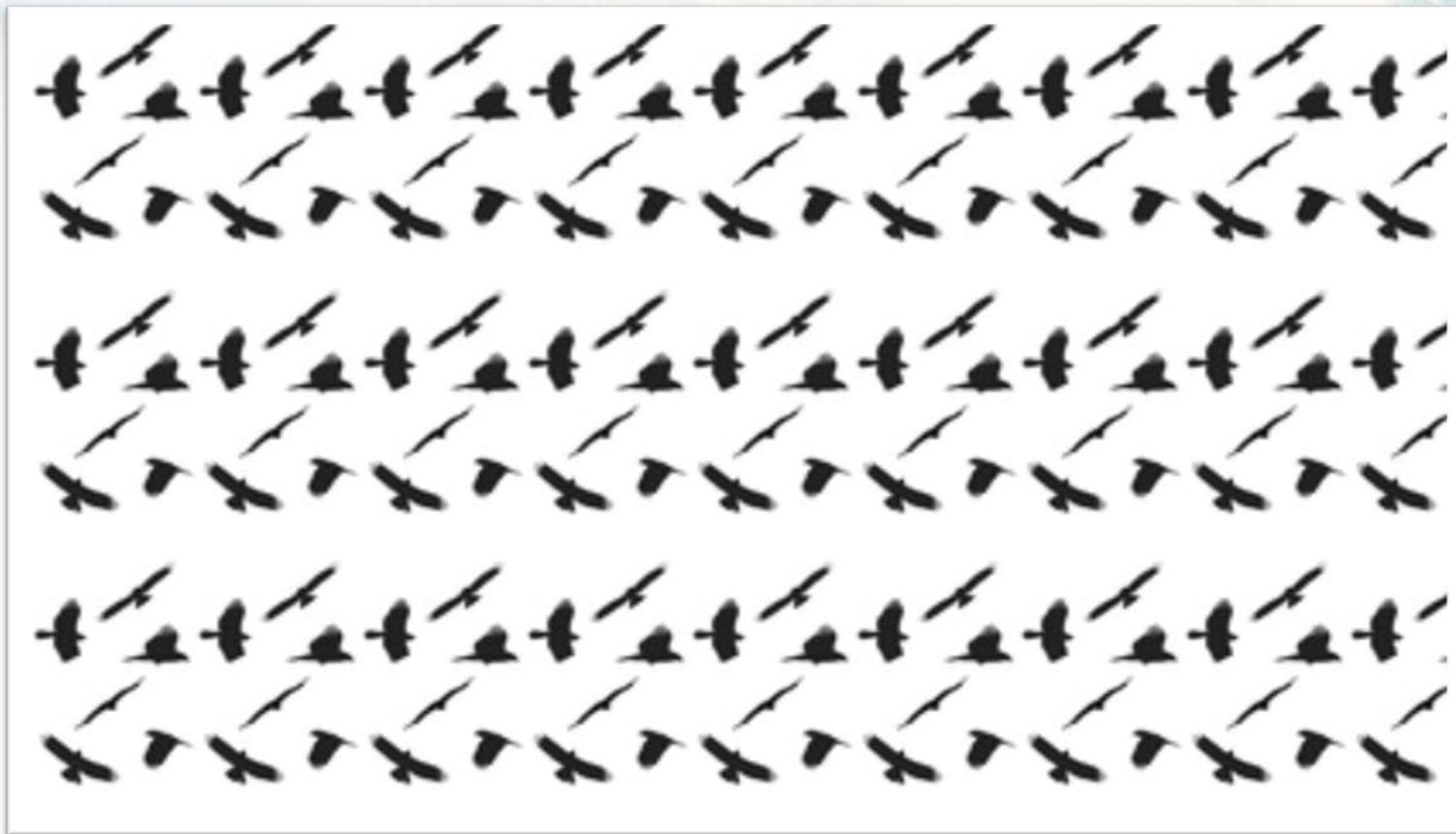
The victims



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The victims



stopwildlifecrime.eu

POISONING IS A WILD CRIME AGAINST LIFE.

CONDEMNING WILDLIFE CRIMES IS EVERYONE'S JOB.

SWIPE Successful Wildlife Crime Prosecution in Europe.

The SWIPE project has received funding from the LIFE Programme of the European Union.

PARTNERS

WWF, TRAFFIC, and other partner logos.



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The victims



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Key actors involved

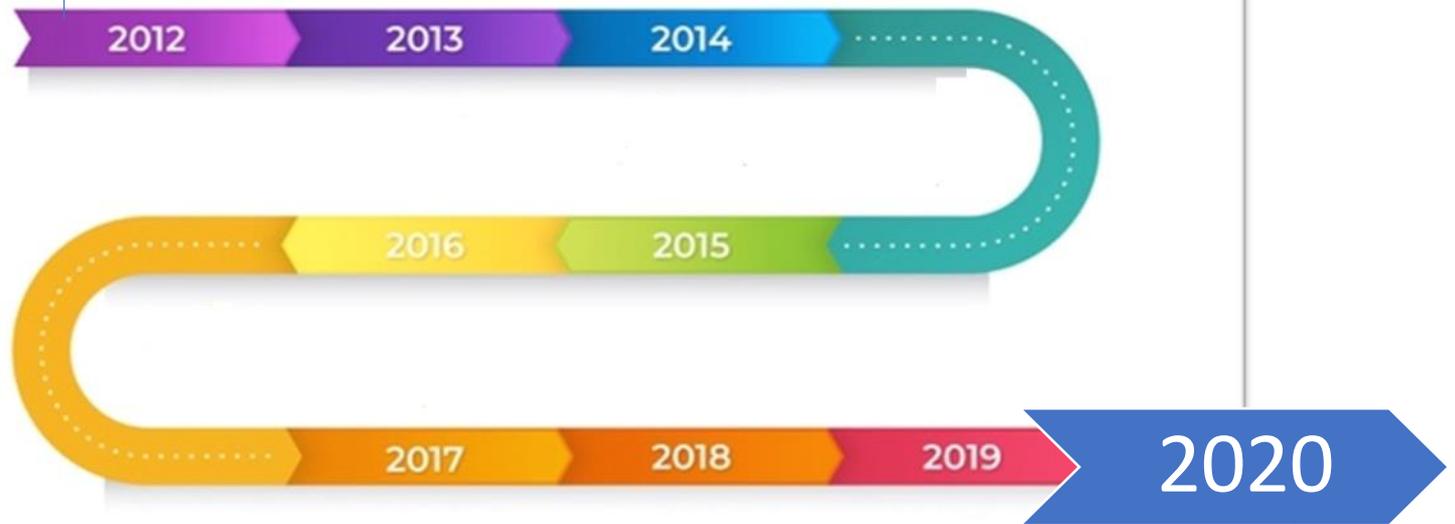
- Two different regional authorities (Navarra and Aragón)
- Different environmental police forces (forest guards Navarra, Navarra police, forest guards of Aragón)
- Dog Unit from Aragon
- The Lab
- The Court
- The judge
- 3 NGOs (Ecologists in Action, SEO BirdLife and WWF Spain) with legal and communication work



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Procedure

The crime



Sentence



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2 years and 6 month of prison, disqualification from exercising the right to hunt or managing the hunting reserve during 5 years, (plus 118,627 € civil liability/ compensation)

Trial, 8/10/2018

2018



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Sentence issued in first Instance

2019

The Criminal Court nº 2 of Pamplona / Iruña, condemned the 3 offenders as perpetrators criminally responsible for the crime related to the protection of fauna (in article 334.1 of the Spanish Penal Code, in relation to article 338, and together with a crime relating to the protection of fauna foreseen in article 336 of the Spanish Penal Code) with:

2 years and 8 months of prison (**32 months**)

5 years of disqualification for the management of hunting reserves, and for the work as hunting guard and for the exercise of the right to hunt

Compensation for the poisoned birds with a total of 57,576.97 € to regional government of Navarra



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Sentence issued in first Instance

2019

Appeal filed by the procedural representations of the 3 offenders



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Final Sentence

2020

The Judge **partially uphold the appeal** filed by the procedural representations of the 3 offenders and the Local Association of Sport Hunters and Anglers, against the sentence issued in previous procedure, followed by the Criminal Court number 2 of Pamplona / Iruña, and consequently, the Judge also **partially revoke the previous resolution**, condemning the three offenders as perpetrators criminally responsible for the crime related to the protection of fauna (in article 334.1 of the Spanish Penal Code, in relation to article 338, and together with a crime relating to the protection of fauna foreseen in article 336 of the Spanish Penal Code, in relation to article 338),



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Final Sentence

2020

- Penalty of a fine of **30 months** at the rate of a daily fee of eight euros: This meant 7.200 € in total
- 5 years of disqualification for the management of hunting reserves, and for the work as hunting guard and for the exercise of the right to hunt,
- Compensation for the poisoned birds with a total of 57,576.97 € to regional government of Navarra
- The payment of the expenses derived from the investigation of the facts in the amount of 3,961.68 euros
- The payment of the cost of the measures to restore ecological balance with 6.000 euros
- The payment of the costs caused in the last procedure due to their appeal.



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Final Sentence

2020

- The procedure took too long (the case occurred in 2012, and the verdict in first instance was in 4/2019), so the offenders **finally got rid of going to jail** (as it was stated in the first instance verdict),
- The offenders had to pay a big amount of money in the end (**80.000 €**), because of the great amount of birds poisoned (121) that were found, many of them of protected species



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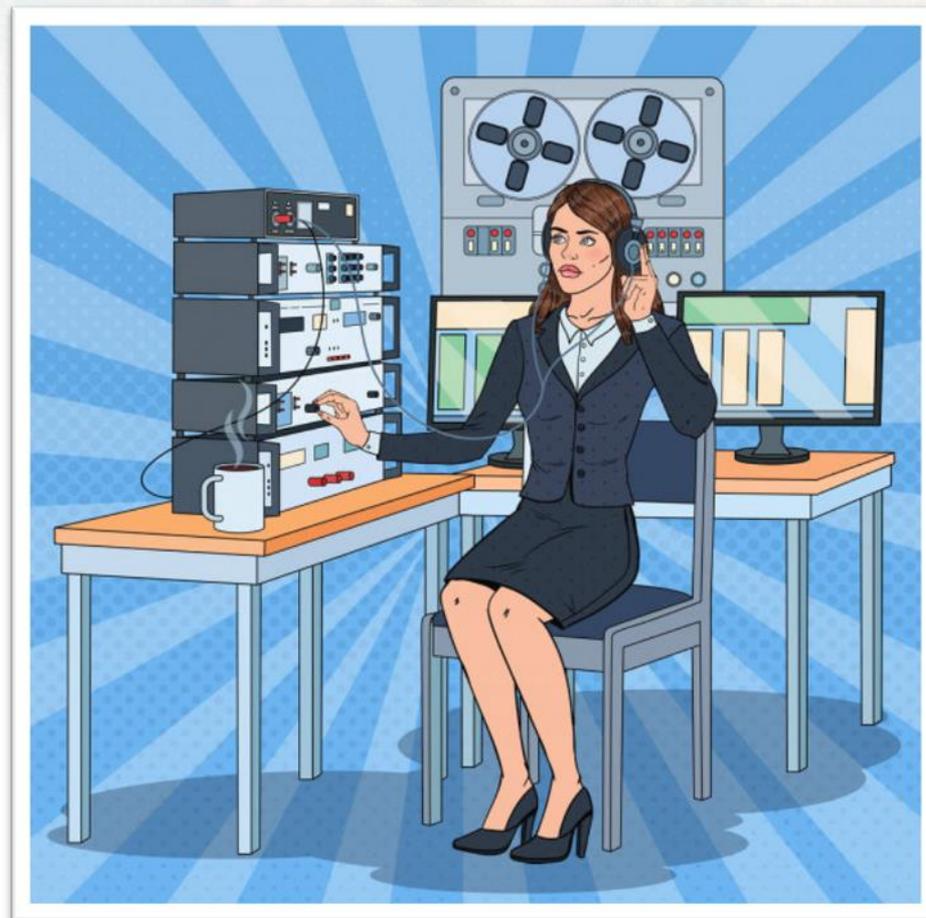
Dog unit involved



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Wiretapping authorized



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Communication



O.J.D.: 15965
E.G.M.: 98000
Tarifa: 4425 €
Área: 1404 cm2 - 150%

Diario de
Noticias

Fecha: 12/02/2014
Sección: SOCIEDAD
Páginas: 4-5

Sociedad



"No hubo una reacción rápida del Gobierno como era necesaria y la sanción ha sido burlada"

CARLOS CANO
Coordinador programa veneno WWF

"Se destapó una trama de guardas y presidentes de asociaciones para eliminar sistemáticamente depredadores"

MIGUEL ÁNGEL HERNÁNDEZ
Ecologistas en Acción

"Hay que actuar sobre el foco. La sanción de dos años a los cotos debe seguir vigente"

RAMÓN ELÓSEGUI
Delegado navarro de SEO BirdLife

Carlos Cano (WWF), Miguel Ángel Hernández (Ecologistas en Acción), José Luis Arellano (delegado navarro Ecologistas en Acción) y Ramón Elósegui (SEO/BirdLife).

Ecologistas dicen que el Gobierno se burla en el caso con más aves envenenadas del Estado

Criticar el fraude de ley al readjudicar los cotos de Tudela y Cintruéñigo eludiendo la sanción en plena judicialización



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Highlights and reasons for success

- Collaboration among different actors
- The role of the Forest Guards and the Navarra Provincial Police in clarifying the facts
- Specialized dog units involved
- The Lab work to detect the substance
- The importance of the wiretapping carried out during the process, which was necessary to obtain some of the incriminating evidence, that was authorised by the judge
- NGOs (Ecologists in Action, SEO BirdLife and WWF Spain) acted as the private prosecution in this procedure and follow the case from the beginning until the end
- Important role of communication through the whole procedure



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Highlights and reasons for success

Thank you!

Laura Moreno

lmoreno@wwf.es



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