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CONVENTION ON THE CONSERVATION OF EUROPEAN WILDLIFE
AND NATURAL HABITATS

Standing Committee

37th meeting
Strasbourg, 5-8 December 2017

Complaints on stand-by

**Presumed deliberate killing of birds
&
Alleged deliberate killing of birds of prey
in Serbia**

- REPORT BY THE COMPLAINANTS -

*Document prepared by
EPAR -OIPA Serbia / Alliance for Nature Protection, the rights of animals and people
and BirdLife Serbia, Serbia*

From: Milan Ruzic [<mailto:milruzic@yahoo.com>]

Sent: lundi 27 février 2017 12:48

Subject: Re: UPDATED 27.2.2017.- Complaint No. 2014/3 Presumed deliberate killing of birds in Serbia and Complaint No. 2016/3 Alleged deliberate killing of birds of prey

Dear colleagues,

Bird Protection and Study Society of Serbia supports sending of updated report for bird poisoning cases in Serbia during the last several months. Our employees and members have been working in the field and in the office to collect data and report cases to authorities.

Best regards,

Milan Ružić

Predsednik/President

Društvo za zaštitu i proučavanje ptica Srbije - BirdLife Serbia/Bird Protection and Study Society of Serbia - BirdLife Serbia

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**UPDATED REPORT ON
COMPLAINT NO. 2014/3 - PRESUMED DELIBERATE KILLING OF BIRDS OF PREY IN SERBIA
AND
COMPLAINT NO. 2016/3 - ALLEGED DELIBERATE KILLING OF BIRDS OF PREY,
REGARDING CASES OF POISONING OF WILD ANIMALS BY PESTICIDES IN SERBIA**

1. New facts

The reason for additional supplementing of Complaint No. 2014/3 and our Complaint No. 2016/3, which we have forwarded to the Secretariat of the Bern Convention, are new cases of poisoning by pesticides of species of animals which are on the Appendix II of the Bern Convention. There is no proof that reported cases have been legally processed according to the legislation of the Republic of Serbia, as this has not been done also in previous cases, for which the Secretariat of the Bern Convention already received the complaint from the Bird Protection and Study Society of Serbia in 2014 and from EPAR-OIPA Serbia in 2016, whit Update 06th July 2016. The only two exemptions are cases of crane (*Grus grus*) poisoning near Novi Kneževac, in 2014 and 2016.

As a result of this, no person was yet lawfully sentenced for the stated criminal acts.

The following bird species listed in the Appendix II of Bern Convention (Strictly protected fauna species) are subjects of this addition to cited complaint: white-tailed eagle (*Haliaeetus albicilla*) and buzzard (*Buteo buteo*).

The total number of poisoned and dead individuals of these strictly protected birds, the subject of this report, found in Serbia between **November 2016 and February 2017 is:**

- 3 individuals of White-tailed Eagle (*Haliaeetus albicilla*)
- 15 individuals of Buzzard (*Buteo buteo*)

All dead individuals of White-tailed Eagle were found on agricultural land, or close to alluvial regions along the Sava Rivers. All other mentioned individuals were found on agricultural land and beside most of them bait was found - domestic or wild animal, whose parts are consumed by poisoned individuals. There are clear indications that the number of poisoned strictly protected birds within this period was much higher, but exact number remained unknown due to many errors and inconsistencies in the procedures of relevant government authorities.

All, except 4 individuals (total of 18) were found around Osipaonica, Municipality of Smederevo.

If cases of poisoning of the listed birds are not followed by continuous administrative and legal procedures, which would in a preventive manner deter a use of pesticides that is causing these poisonings, and with court procedures resulting in lawful sentences and punishing of persons responsible for such criminal acts, including compensation for the poisoned individuals, poisoning is promoted as an effective mean for controlling unwanted wild animals, identical to cases mentioned in two previous complaints. For example, the absence of punishment of those responsible for this, sends a very negative message that criminal acts are worthwhile and that the government officials are not capable or do not wish to solve the problem.

Additional aggravated circumstances are that the Ministry of Environmental Protection, Section for the Protection of the Environment, Department for the Improvement of Biodiversity Protection, Group for Issuing Permits for the Collection, Use and Traffic of Protected Wild Species of Flora and Fauna, through the e-mail, sent from the official address of Ljiljana Jovanović dated 30th of August 2016, has informed the Regional Secretariat for Urbanism and Environmental Protection in Novi Sad, Institute for Nature Protection in Novi Sad and Belgrade as well as the Scientific Veterinary Institute in Novi Sad, that further analysis in order to determine the reason of the death of strictly protected species which were performed in the Scientific Veterinary Institute, Novi Sad, are to be terminated until further, with the explanation that financial means projected for the year 2016 have been used. It is the case of the contract between the Ministry of Agriculture and Environmental Protection and

Scientific Veterinary Institute from Novi Sad, No. 404-02-253/1/2016-15 of 19th July 2016 for the sum of 416.666,00 RSD (total of about 3.380,00 Euro). This fact has not changed up to now.

From: Ljiljana Jovanovic [<mailto:Ljiljana.Jovanovic@eko.minpolj.gov.rs>]
Sent: Tuesday, August 30, 2016 10:51 AM
To: Ekolog; 'beograd@zzps.rs'; novi.sad@pzzp.rs
Cc: 'ratajac@niv.ns.ac.rs'; Dusan Ognjanovic; Ljiljana Pekovic
Subject: Analiza primeraka strogo zaštićenih vrsta divljih životinja

Poštovani,

obaveštavamo vas **da se obustavljaju dalje analize za utvrđivanje uzroka uginuća primeraka strogo zaštićenih vrsta divljih životinja**. S obzirom da su troškovi navedenih analiza kao i broj prijavljenih jedinki strogo zaštićenih vrsta divljih životinja naglo uvećani u odnosu na prethodne godine, predviđena finansijska sredstva budžetom za 2016.godinu su potrošena, u skladu sa potpisanim ugovorom sa Naučnim institutom za veterinarstvo „Novi Sad“.

Srdačno,

Ljiljana Jovanovic

Unapređenje zaštite biodiverziteta

Grupa za izdavanje dozvola za sakupljanje, korišćenje i promet zaštićenih vrsta divlje flore i faune
Sektor za zaštitu životne sredine

Translation:

Subject: Analysis of samples from strictly protected wild animal species

“Respectfully

We inform you that further analyses of samples are terminated concerning the determination of death of strictly protected species of wild animals. Since the expenditures of the mentioned analysis and number of registered individual strictly protected animal species increased in relation to the previous year, the projected financial means in the budget for 2016 have been spent, concomitant with the signed contract with the Scientific Veterinary Institute "Novi Sad”

-Copy of contract No. 404-02-253/1/2016-15 of 19th July 2016 attached.

2. Carbofuran

Substances containing carbofuran as the active ingredient, are forbidden for sale in the Republic of Serbia since the year 2013, but are openly sold via internet sales and therefore widely accessible on the black market. Substances are coming from persons who obtain these preparations from countries in which these are legal or taking from warehouses where Furadan 35ST was deposited which was withdrawn from use. Due to its high effectiveness and easy accessibility, carbofuran is frequently applied, especially in agricultural areas, and especially during the spring period of intensive agricultural activities in Serbia (March-May). Because of its quick reaction in animal organism, it is also very often used (illegally) for reducing the population of foxes (*Vulpes vulpes*) and jackals (*Canis aureus*). In the vicinity of corpses of these two mammals, also corpses of the mentioned poisoned birds have often been found. It is evident that the authorities of the Republic of Serbia have not exerted any effort to withdraw from use and sale supplies of this pesticide and therefore did not prevent the illegal distribution of preparations containing carbofuran after their prohibition, reluctant to legally process any Internet or other sale, which are by Article 243. of the Criminal Law of the Republic of Serbia characterized as criminal acts under "Unlawful sale".

Example :

Again, on the 10th of February 2017, the same person against whom we submitted a report, again through the site: <http://www.kupujemprodajem.com/furadan-35-st-42475438-oglas.htm> announced that he sells Furadan 35 ST.

Last year we filed a criminal complaint against this same person because he sold the substance Carbofuran 35ST and from the Head of the criminal police from the Ministry of Interior we received a notification 03/2-6 No. 231-3-1883/16 of 21st of July 2016, informing us that the file has been handed to the Higher Public Prosecutor Attorney for High Technology Criminality and that during this phase they can not send us information of public interest. This same person «Željko from the town Stara Pazova», again without disturbance sells Furadan 35 ST through the same site and the same order used before. This proves that the Prosecutor Attorney has done nothing concerning our submitted complaint and data collected from the criminal police.

Such a situation threatens with further cases of poisoning of strictly protected animals in a very short period of time as Government authorities behave very irresponsible and totally indifferent towards this problem. Numerous flaws in procedures exist concerning Government authorities during the discovery of animal corpses for which poisoning is suspected. Main flaws are:

1. In case of having been informed, the police and public prosecutors act reluctantly and carelessly, do not recognize their authorities for illegally killed by poisoning, strictly protected animal species.
2. A very slow analysis of samples of dead, strictly protected animals and submission of data on this to the inspection and court authorities which were previously a problem, remained so and continued for new cases of poisoning.
3. The absence of refunding the costs of analysis of new samples of dead, strictly protected animals by the Ministry of Agriculture and Environmental Protection which is their lawful obligation (according to the Art. 93 of the Nature Conservation Act);
4. Ministry of Agriculture and Environmental Protection additionally worsened the situation as with its notification of 30th August 2016 completely terminated financing the analysis of corpses, thus suspending Article 39 of the Nature Conservation Act.
5. Impossibility of paying the costs of the analysis of samples of dead animal species which are not strictly protected in the Republic of Serbia, domestic animals and other animal food which is often the cause of poisoning (not predicted in Article 93 of the cited Law on Nature Protection).
6. In controlling the black for banned pesticides, there is no cooperation between the respective offices from the Ministry of Agriculture and Environmental Protection and Ministry of Commerce and their inspections, so that anyone who wishes, may buy the pesticide Furadan 35 ST or other products which contain the same active substance Carbofuran, ie. this poison. We kindly ask the Secretariat of the Bern Convention to request the Ministry to show concrete steps which have been undertaken so that the cooperation between all Ministries is established in order to neutralize the market for this preparation.
7. We also kindly ask the Secretariat of Bern Convention to ask the Ministry of Agriculture and Environmental Protection for the famous Protocol on the cooperation between the Ministry of Agriculture and Environmental protection, Ministry of Internal Affairs, Ministry of Justice and Republican Public Prosecutor, about which they boasted so much, and has it been brought so that this Ministry proves with examples how this Protocol is implemented and has been shown to be efficient. In case the Protocol of the Ministry is in power, the Secretariat of the Bern Convention may ask the Ministry of Agriculture and Environmental Protection to request from the other two Ministries to give their opinion on the conducting of the Protocol.
8. We kindly beg the Secretariat of the Bern Convention to ask the Ministry of Agriculture and Environmental Protection, when and in which way will means be at disposal for autopsy and toxicological analyses, have they specified which professional institution should perform this (This is the responsibility of the Ministry according to article 93, Law on Nature Protection),

when and how do they plan to increase the efficiency and speed of analyses of corpses, since this is the only way to find the guilty executer.

For points 7 and 8 we tried to get the answer but without success. We also contacted on the 26th of February 2016 the Republican Public Prosecutor Zagorka Dolovac to in order with article 18, item 1 and item 2 Law of Public prosecutors, send ot a written instruction to lower prosecutors on their responsibility and methods of processing of criminal act executed against the environment, threatened by the dispersion of highly toxic substances throughout nature resulting in the poisoning a large number of wild animals, even strictly protected species, but after a whole year, we received no adequate answer, except that our writing has been forwarded to all Appeal Prosecutors, which are to forward this to the lower prosecutors, this not being relevant procedure of the republican Public prosecutor, resulting in evidence that lower prosecutors were not processing.

We should mention that the journalist from RTS Aleksandra Božović did an excellent TV show "Poisoning of Birds" which was shown on RTS several times. In this programme, the author states that she asked for this programme Ministry officials to comment bird poisoning, they answered that the pesticides were banned and that is all, missing the opportunity to at this educational level in the programme dedicated only to poisoning, clearly influence the citizens and explain the harm and lawful penalties to be expected. The journalist tried several times in the Ministry to get comments without success, the officials were reluctant to comment anything.

<https://www.youtube.com/watch?v=hfAbEOyxcIM>

<p>The listed flaws contribute to the absence of sentencing of acts of poisoning, encouraging the atmosphere in which such acts may be repeated indefinitely without any punishment.</p>

Annex I of Addition of Complaint to Bern Convention Secretariat by EPAR-OIPA Serbia on 27th February 2017

Table 1. List of new reported cases of poisoning of birds from App. II of Bern Convention between November 2016 and February 2017

Date	Location (settlement, site)	Number of poisoned individuals	Species – carcasses/animal traces found	Source of information
18 November 2016	Around Grabovci (Municipality of Sremska Mitrovica)	1	<i>Haliaeetus albicilla</i>	Provincial Environmental Inspection;
24 November 2016	Around Grabovci (Municipality of Sremska Mitrovica)	1	<i>Haliaeetus albicilla</i>	N 44 45 52.17 E 19 52 22.49
		1	<i>Haliaeetus albicilla</i>	N 44 46 09.43 E 19 52 31.87
		1	<i>Buteo buteo</i> (remains of feathers)	
		1	<i>Corvus corax</i>	
18 February 2017	Around Osipaonica (Municipality of Smederevo)	14	<i>Buteo buteo</i>	44.546505, 21.073384
		1	<i>Corvus monedula</i>	
		4	<i>Canis aureus</i> (not Bern Appendix II species)	http://www.telegraf.rs/vesti/2628567-smederevo-najgore-trovanje-ptica-grabljivica-i-sakala-foto
		2	Domestic sheeps – with clear remnants of pesticide, source of poisoning	

1. 10th of February 2017

<http://www.kupujemprodajem.com/furadan-35-st-42475438-oglas.htm>



2. *Grabovci :44 45 52.17 N 19 52 22.49 E*



44 46 09.43 N 19 52 31.87 E



44 46 09. 43 N 19 52 31.87 E



3. *Osipاونica* 44.546505, 21.073384





Sincerely,

EPAR -OIPA Serbia / Alliance for Nature Protection, the rights of animals and people

24000 Subotica Matka Vukovića 9

Agent: MD Slavica Mazak Bešlić

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Save the nature!