

# **Complaint on-stand-by 2012/7: Presumed Illegal Killing of Birds in Malta**

**5<sup>th</sup> Meeting of the Group of Experts on the Conservation of Birds**

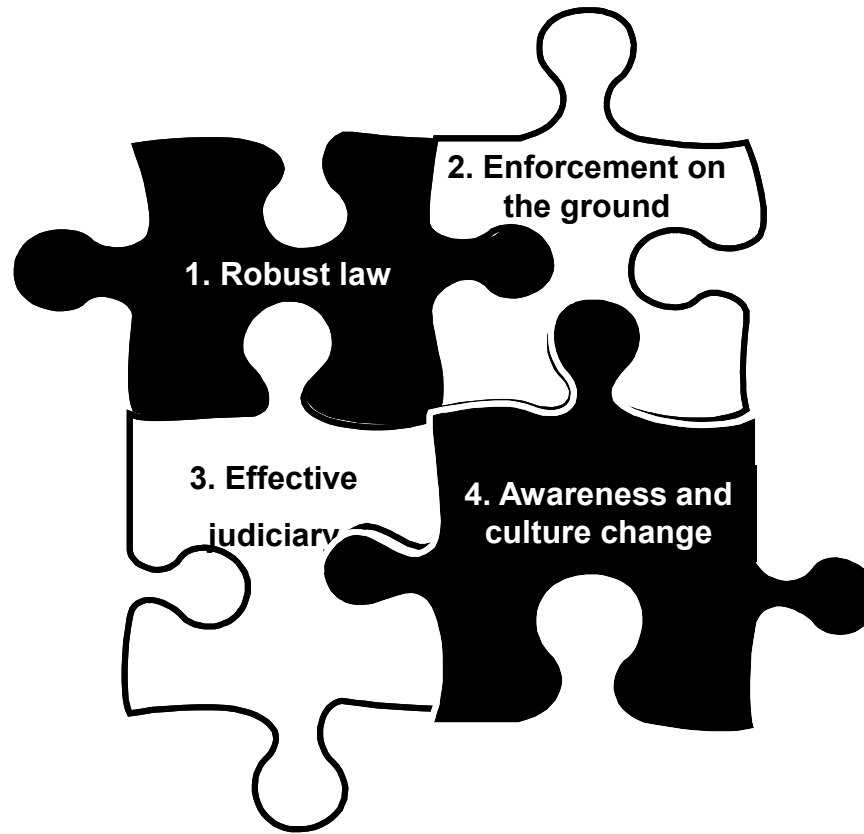
**Sergei Golovkin**

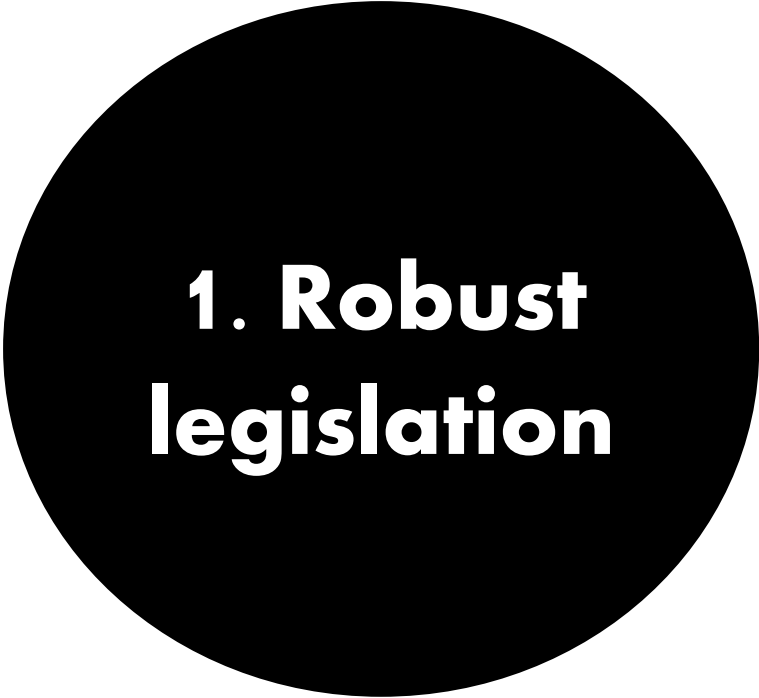
**Head, Wild Birds Regulation Unit  
Ministry for Sustainable Development, the Environment and Climate Change  
Malta**

**October 2015**



# Four elements of success to eradicate illegal killing of birds:





# **1. Robust legislation**

# Legal deterrents against illegal killing (1<sup>st</sup> count offence):

Minimum fine

Minimum imprisonment

Minimum suspension of license

Permanent suspension  
12 months imprisonment

Eur 5,000

2014/15

24 months suspension

Eur 500

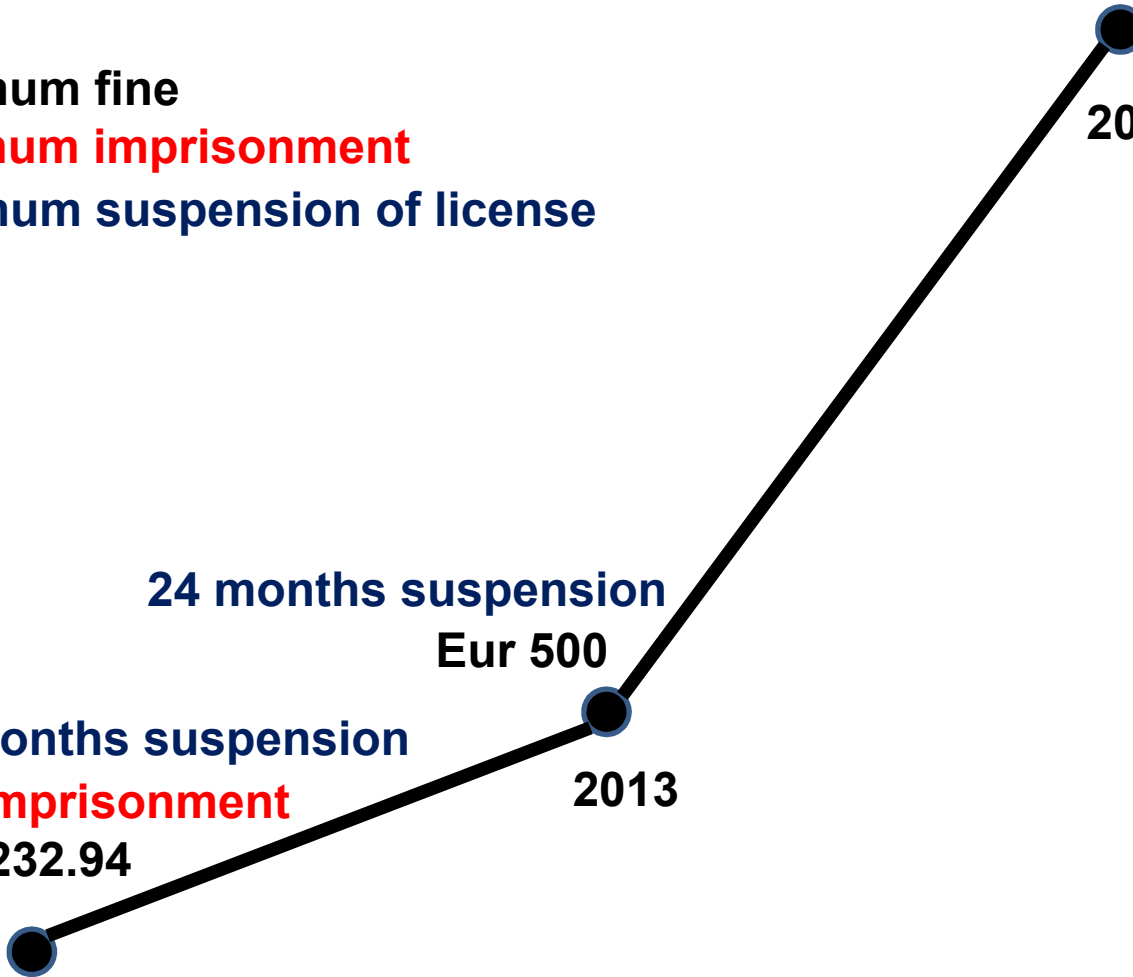
2013

12 months suspension

No imprisonment

Eur 232.94

2012



# Legal deterrents (2<sup>nd</sup> count offence):

Minimum fine

Minimum imprisonment

Minimum suspension of license

Permanent suspension  
12 months imprisonment

Eur 10,000

2014/15

Permanent suspension

6 months imprisonment

Eur 1,000

2013

Permanent suspension

2 months imprisonment

Eur 465.87

2012

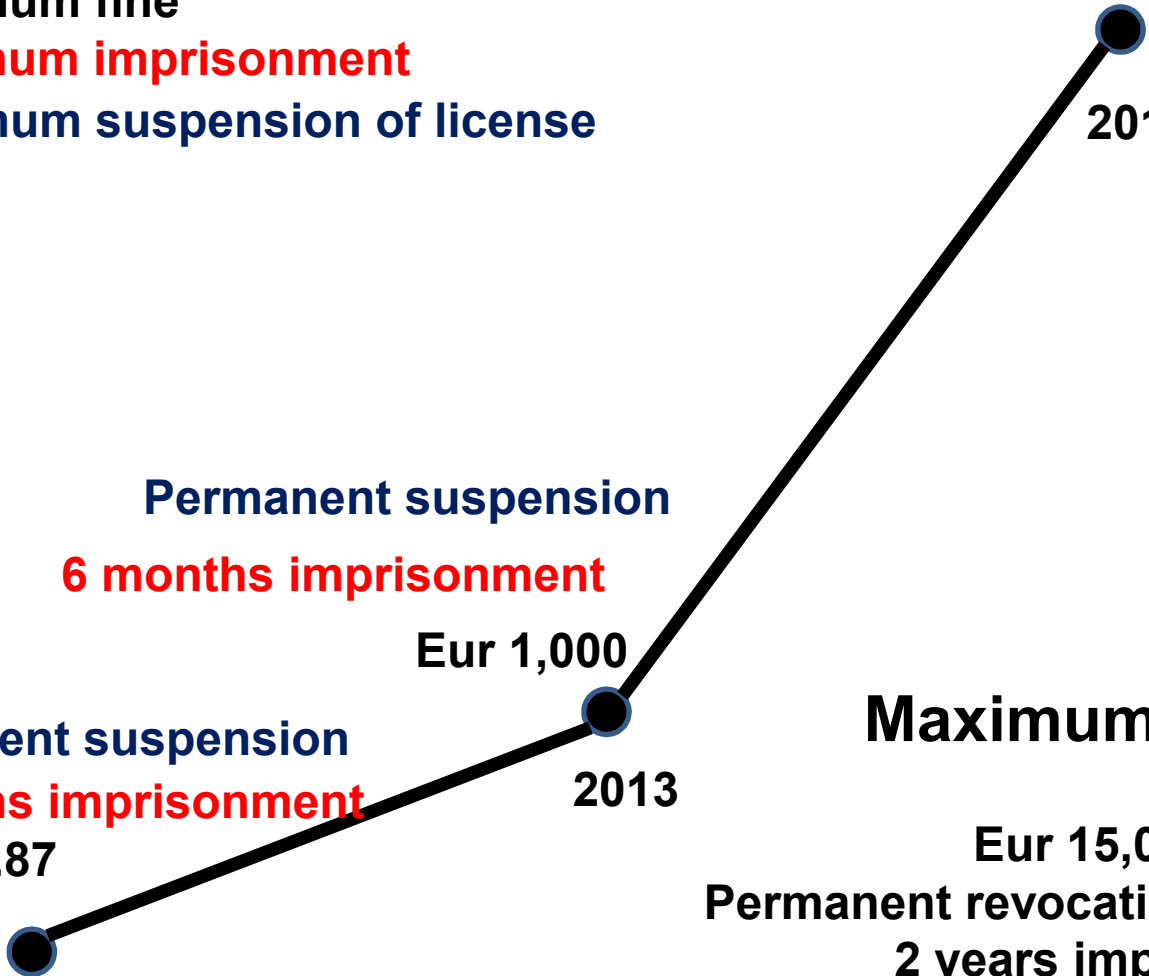
## Maximum penalty:

Eur 15,000 fine

Permanent revocation / ban on license

2 years imprisonment

Confiscation of vehicle and *corpus delicti*



**Hunting laws embedded within environmental legislation**

**Set of gravity factors incorporated in the law, in line with Bern Convention Recommendation**

**Mandatory, non-discretionary penalties apply to illegal killing**

**Mandatory legal standards for enforcement deployment in the field**

**Mandatory reporting obligations**

**A system of swift on-the-spot fines for minor offences**

**Mandatory decision making procedures concerning hunting seasons embedded in the law**

but...

..is the law enforced  
in **practice?**

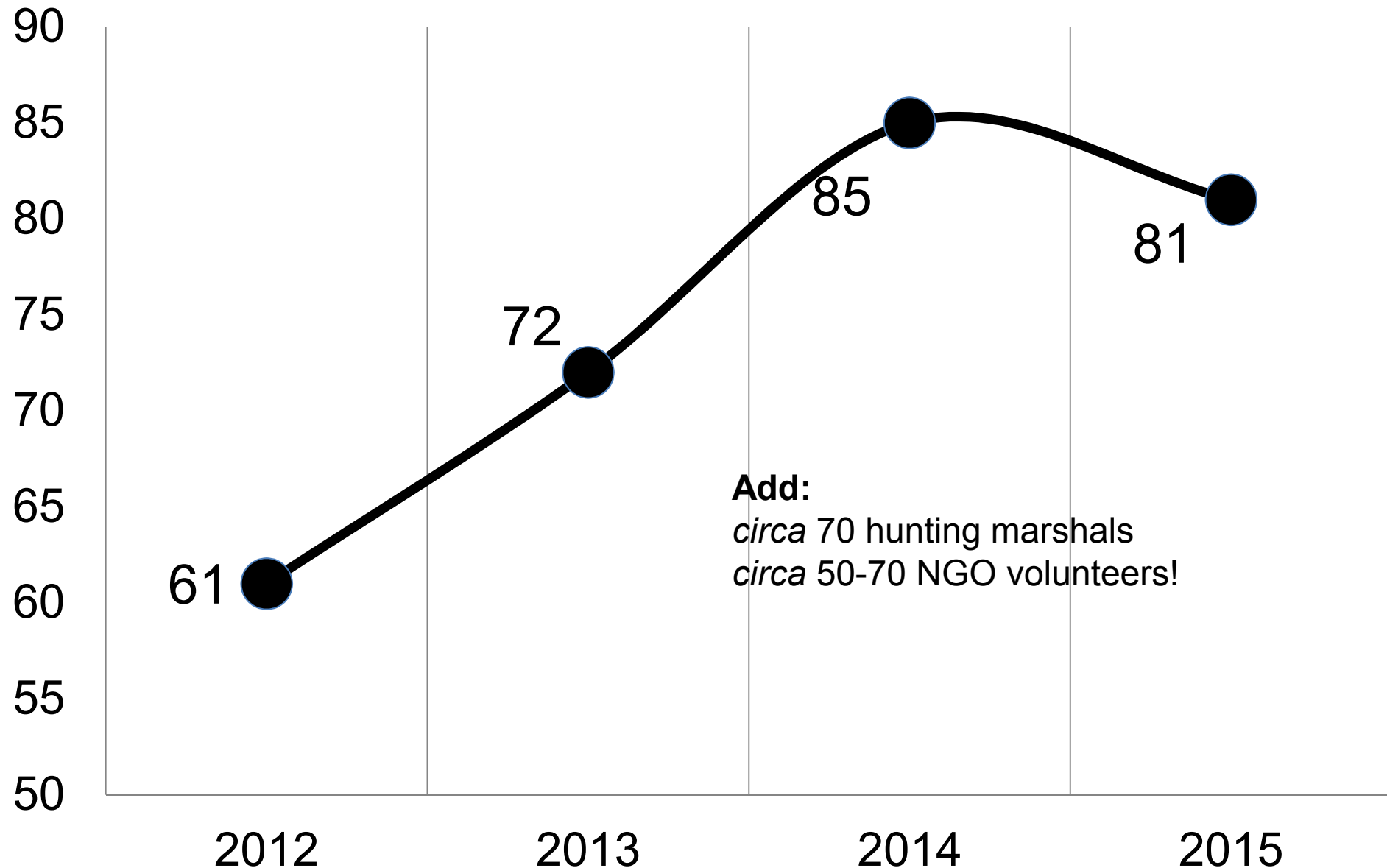




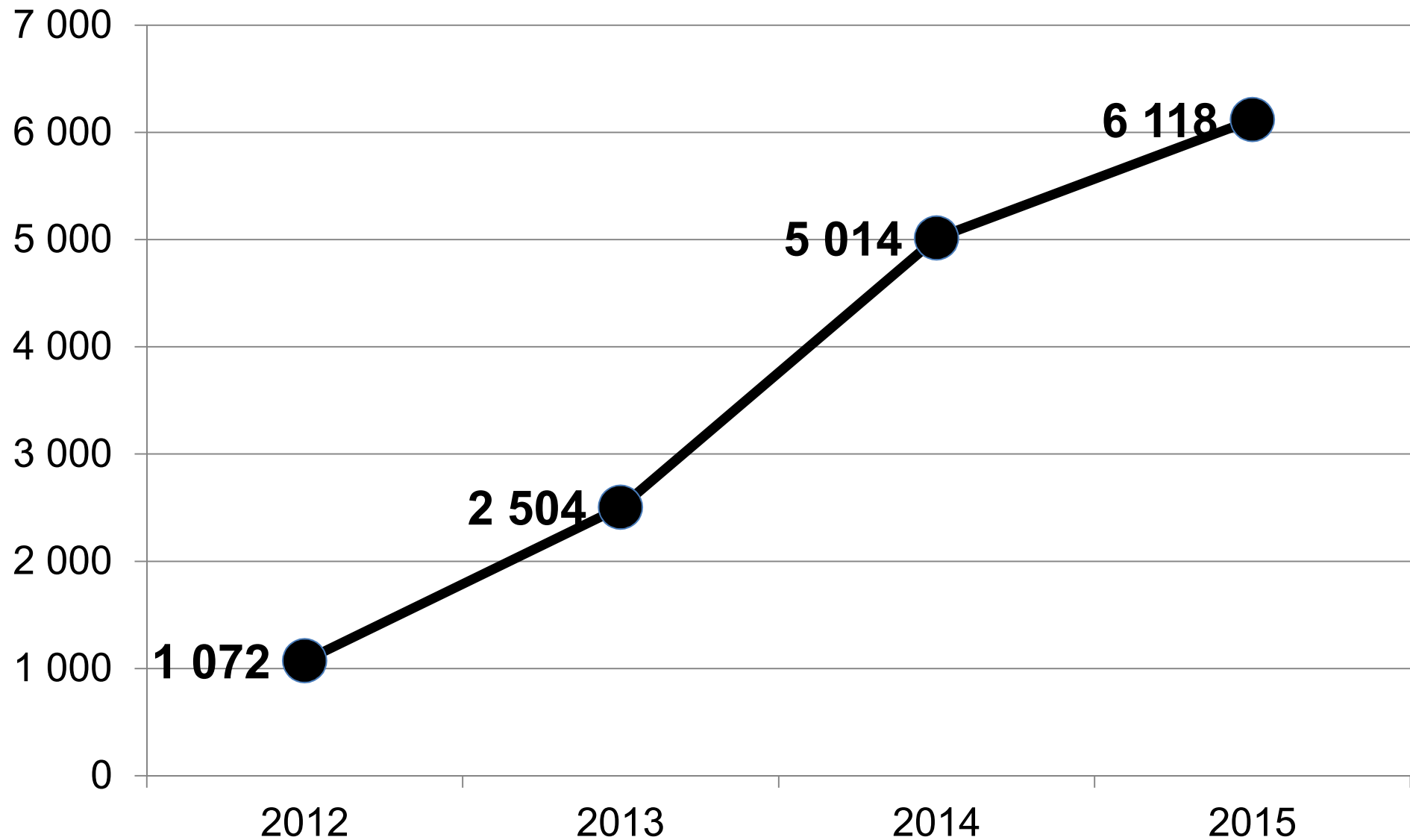
2.

**Enforcement  
in the field**

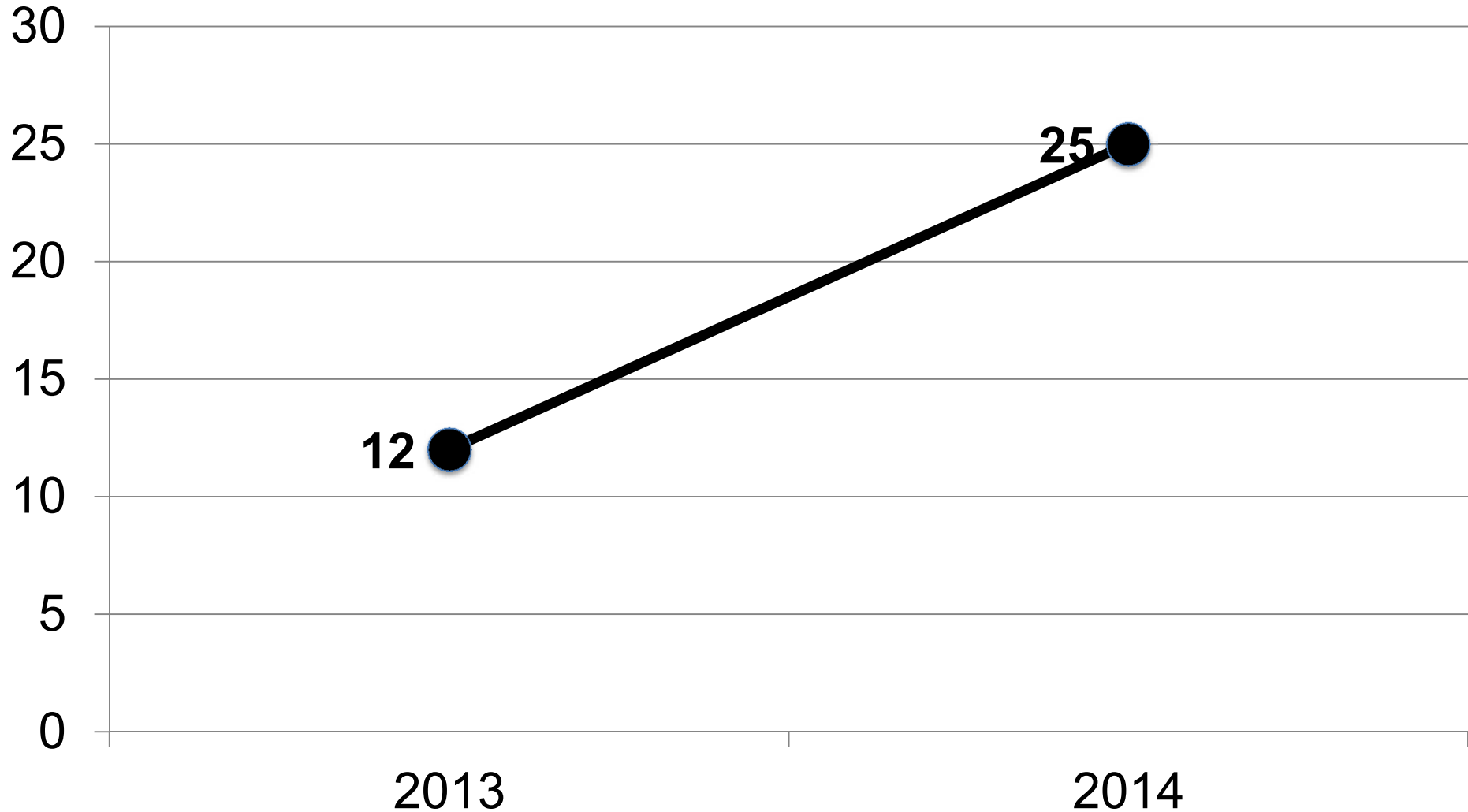
# Officers deployed on field patrols during spring derogation seasons



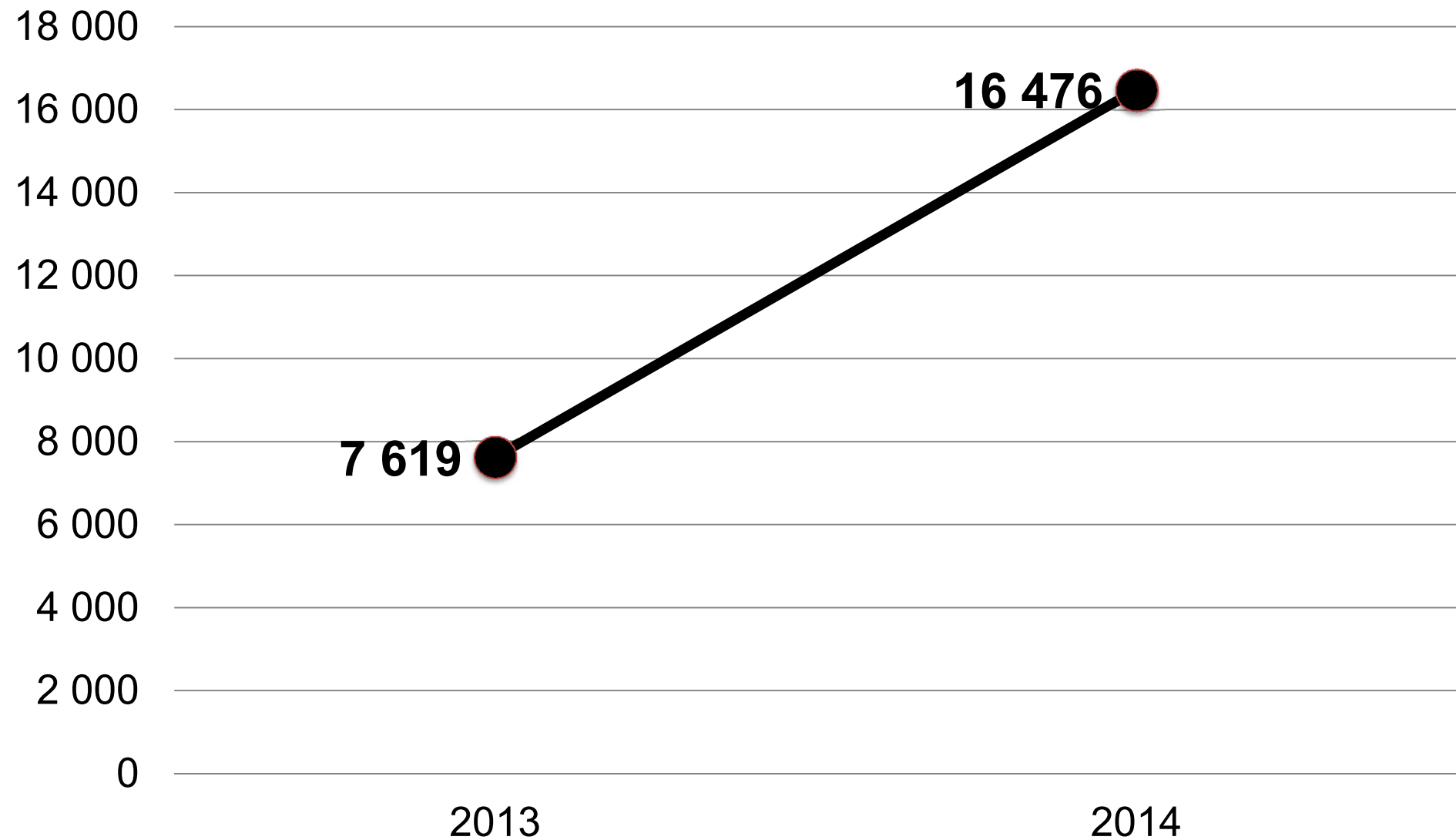
# Number of field inspections & spot-checks conducted during spring derogation seasons



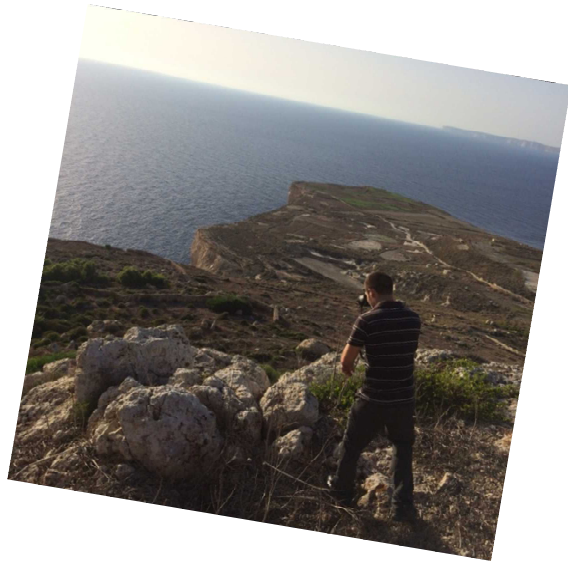
# Average daily officers deployed to monitor autumn hunting season



# Number of inspections & spot-checks conducted during autumn seasons (1<sup>st</sup> Sept – 31<sup>st</sup> Jan)



# A mix of surveillance techniques



# Use of modern technologies



UAVs

GIS



Game reporting system





# Training for enforcement officers





# Hunter education processes

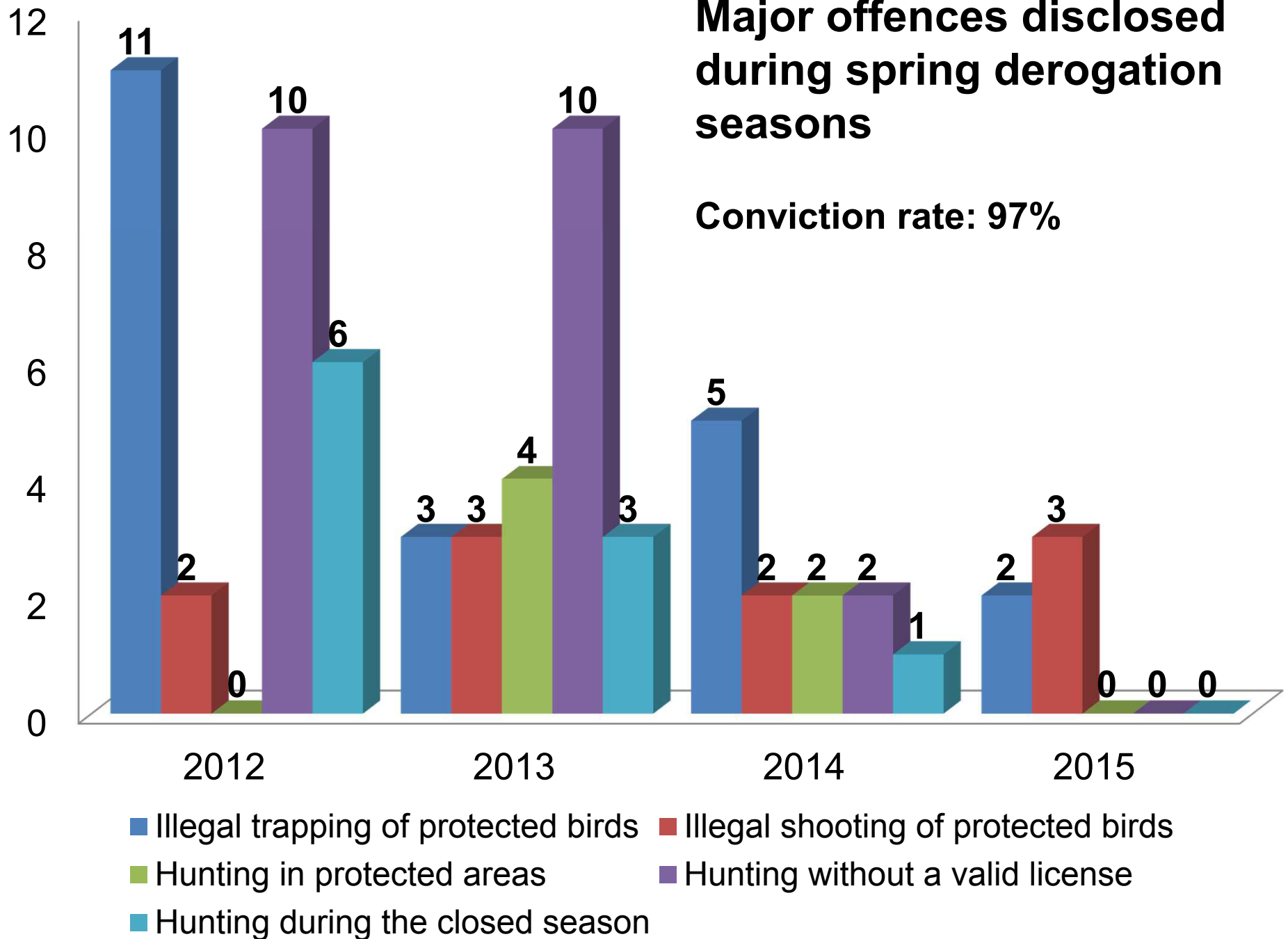


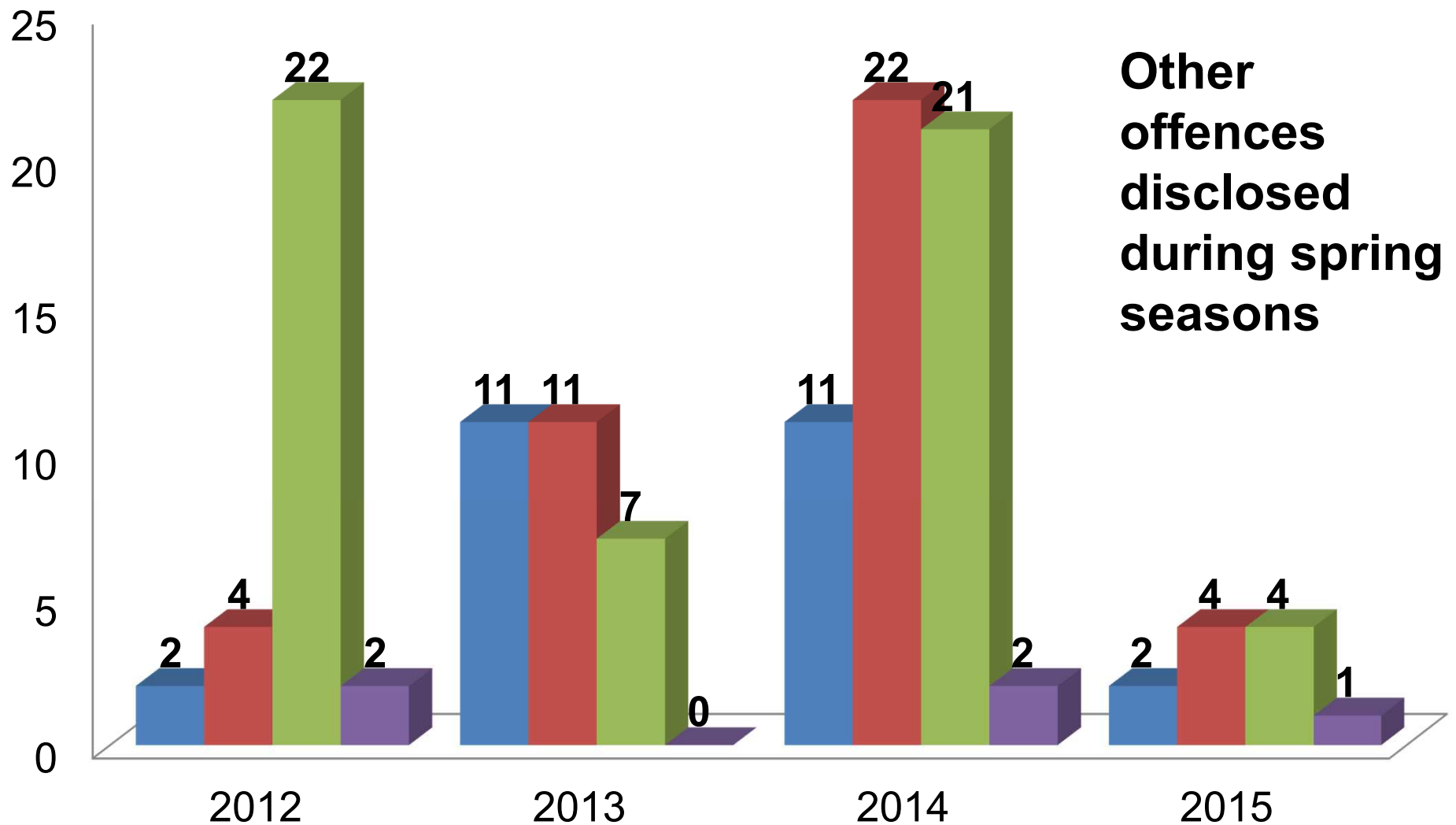
but..

..is anyone **caught**  
breaking the law?

# Major offences disclosed during spring derogation seasons

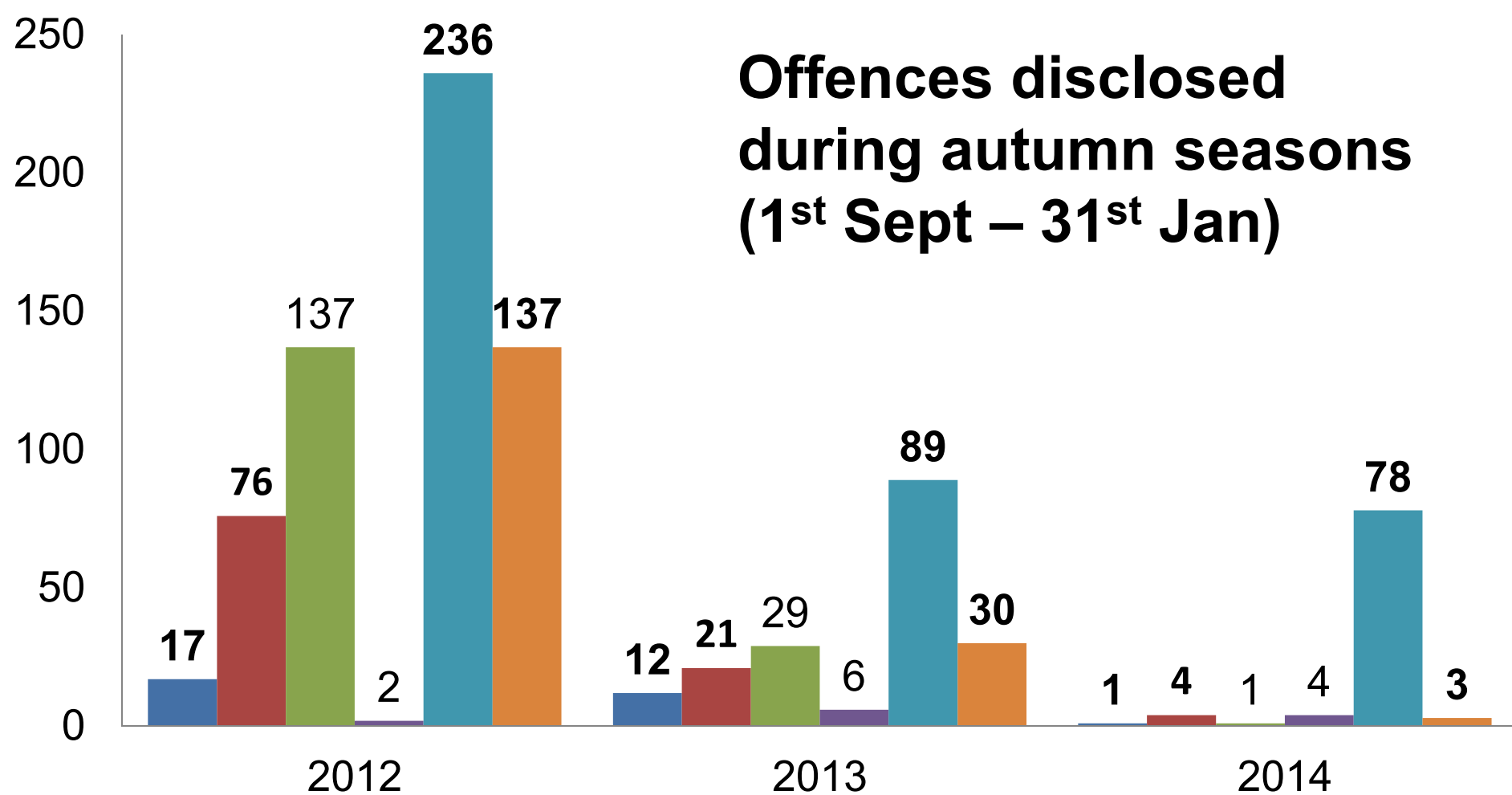
Conviction rate: 97%





- Hunting within prohibited distances
- Administrative and bag reporting irregularities
- Firearm / ammunition irregularities
- Use of illegal means

# Offences disclosed during autumn seasons (1<sup>st</sup> Sept – 31<sup>st</sup> Jan)



- Hunting within prohibited distances
- Hunting / trapping without license
- Illegal trapping of protected birds
- Illegal shooting of protected birds
- Hunting / trapping using illegal means / other breaches of license conditions
- Possession of live protected birds



**3. Effective  
judicial  
processes**

# Some recent convictions:

On 15 April 2015 one person was charged **under arrest** for shooting a **common cuckoo** (*Cuculus canorus*). He was tried on the same day, found guilty, **fined €2,500** **received a 3.5 year suspension of his hunting licence** **and had his shotgun and ammunition confiscated**.

On 16 April 2015 one person was charged under arrest for shooting a Lapwing (*Vanellus vanellus*). He was tried on the same day, convicted and sentenced to a **3 month effective jail term**, received a **3 year suspension of hunting licence**, had his shotgun and ammunition **confiscated** and fined €200 for breaching bail conditions on an unrelated charge.

On 28 April 2015 one person was apprehended shortly after shooting a Kestrel (*Falco tinnunculus*) on 27 April 2015. The suspect was arraigned under arrest on the same day, tried, convicted and sentenced to a **one year effective jail term**, **permanent revocation of hunting licence**, had his **weapon and ammunition confiscated** and **fined €5,000**.

On 16<sup>th</sup> September 2015 a person who attempted to target white storks (*Ciconia ciconia*) and was also found in possession of live and dead protected birds was **fined €8,000** and had his licence **permanently withdrawn**.



**4. Awareness  
and culture  
change**



# 1992

**“on average, each shooter [ $n = 16,000$ ] bags a minimum of 5 raptors annually...five [golden] orioles...more than two hoopoes...ten to thirty swallows...[and that]...one third of all shooters shoot a short-eared owl.”**

**"Annual figures for Malta show that 3,000,000 finches are trapped while 80,000 golden orioles, half a million swallows, 13,000 shearwaters, over half a million thrushes, 1,000 stilts, even ospreys and 50 to 80,000 birds of prey are gunned out of the sky".**

Fenech, N. (1992). *Fatal flight – the Maltese obsession with killing birds*. London: Quiller Press.

# 2007

Total illegal hunting and trapping incidents recorded by Birdlife (Malta) in 2007: **741**, including **571** incidents of illegal hunting (**10 categories**), **21** incidents of illegal trapping and **149** incidents involving bird callers. Incidents of illegal targeting involved **40** different species in **84** locations.

**84** birds of **28** species, diagnosed as bearing gunshot wounds, were recovered by Birdlife Malta volunteers in 2007.

**115** birds belonging to **20** species were observed as having obvious gunshot injuries in flight.

*Birdlife Malta Illegal Hunting and Trapping Report for 2007*

# 2008

“This is **the worst season** that many local birdwatchers can remember in recent years. If BirdLife Malta can receive **12 birds of prey with confirmed gunshot injuries in only six days**, then the actual number of protected birds that are being shot throughout the country must be very high.” *Dr Andre Raine, BirdLife Malta’s Conservation Manager*

“Near Rabat, a CABS team claimed to have observed hunters opening fire at a group of marsh harriers on Friday evening, at least two of which fell to the ground. CABS member David Conlan estimated that **more than 100 protected birds were killed on Friday and Saturday.**” *Times of Malta*

"It's like a **war zone, the smell of death is everywhere.** The scale of the slaughter is unimaginable and it's a race against hunters every moment. Few of the hunters are ever caught for illegal killings, and if they are, **they typically escape with a €100 fine**” *Grahame Madge, an RSPB spokesman*

# 2013

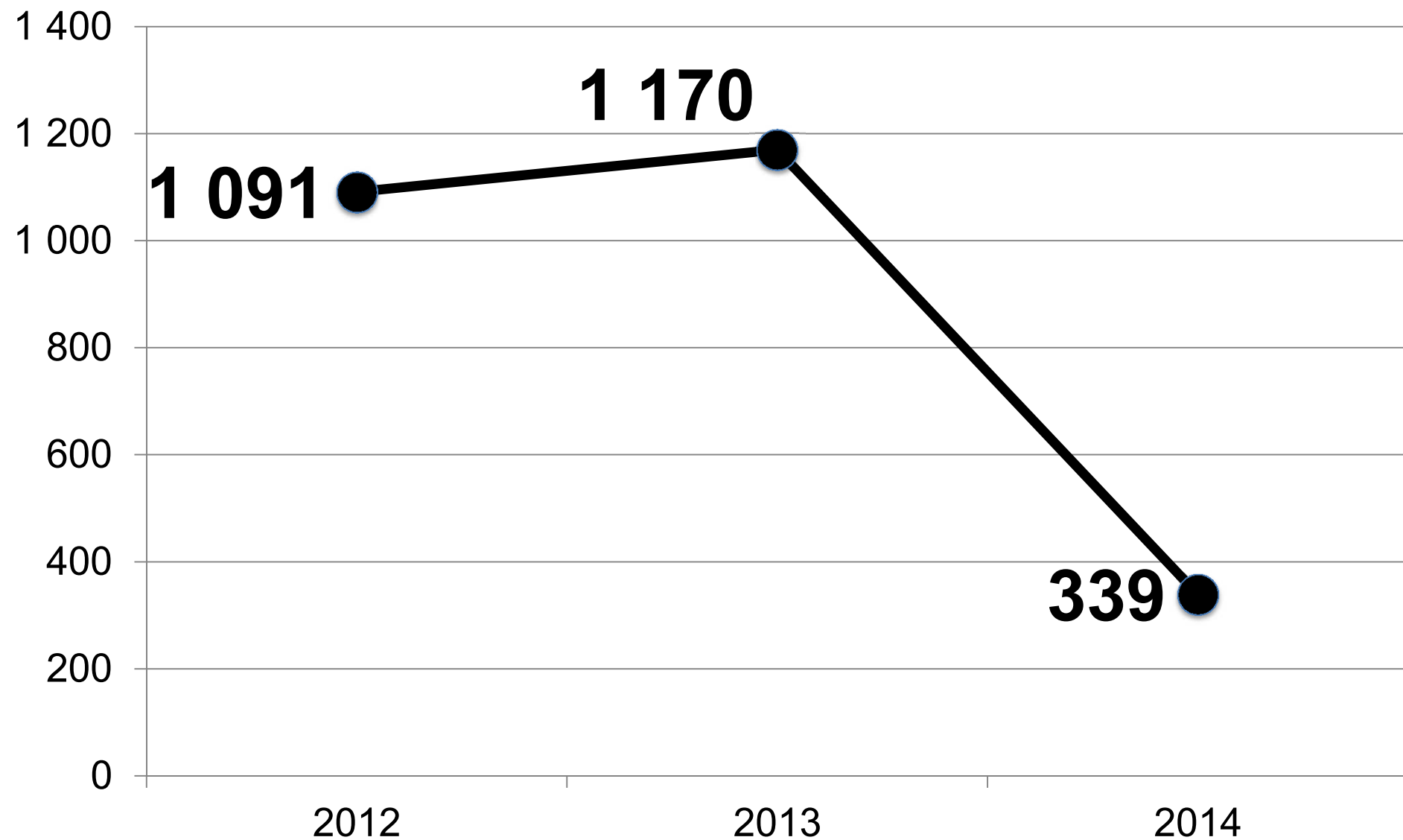
“The confirmed body count of **eagles shot down** by hunters in Malta and Gozo **reached 12 in the last few days**, after two more of these rare and highly protected birds of prey were killed in front of watching BirdLife Malta volunteers” *the Times of Malta – October 2013*

# 2014

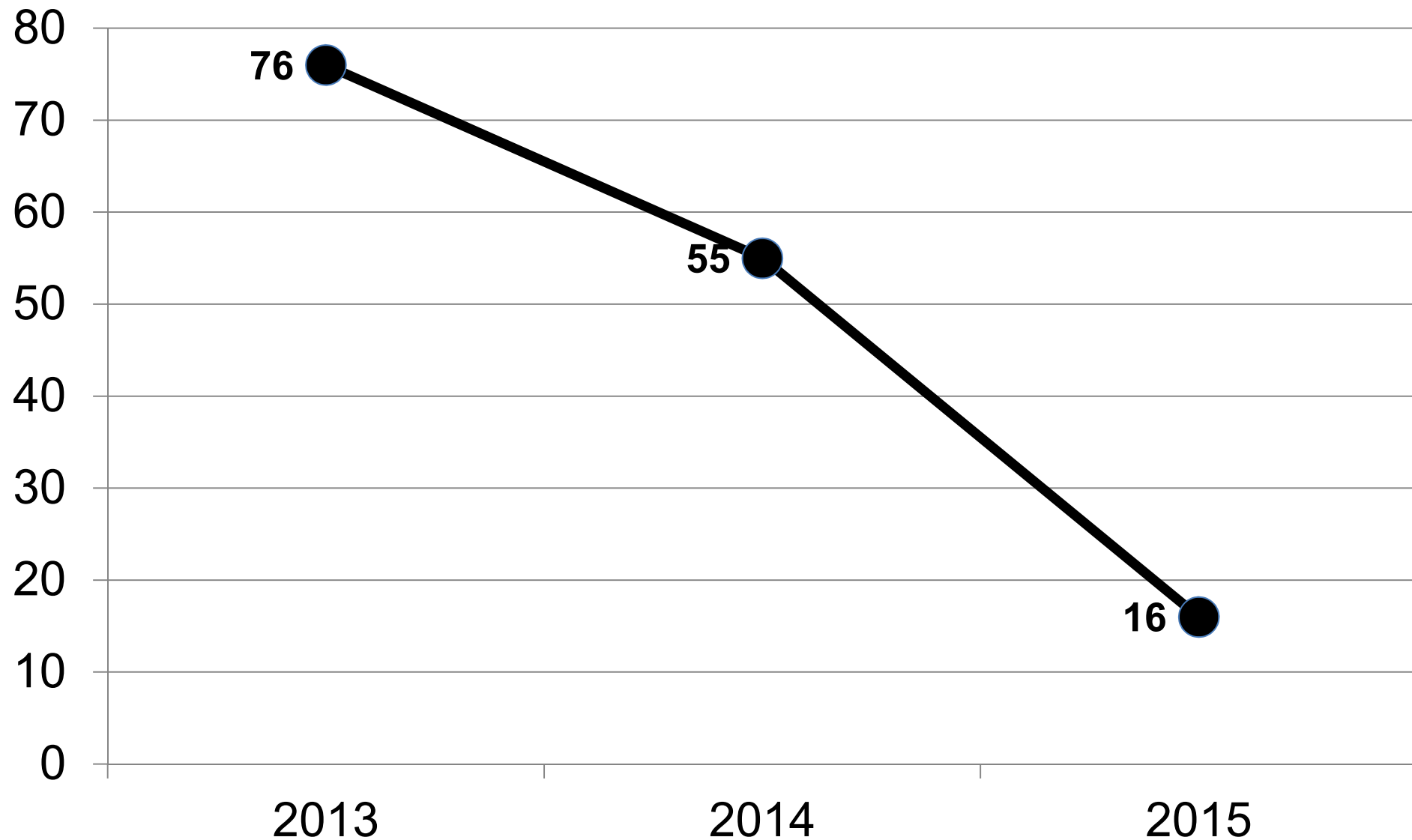
“There was a significant decrease in the number of illegal hunting and trapping incidents **witnessed during** the 2014 spring hunting season compared to previous years; the illegalities in 2014 were 29% of the number of illegalities in 2013”

*Birdlife Malta, Spring Watch Report, 2014*

# Total number of alleged illegalities observed by Birdlife (Malta) during spring hunting seasons



# Number of protected birds bearing gunshot wounds recovered by the authorities



# 2015

“During their morning shift on Malta volunteers of the Committee Against Bird Slaughter (CABS) witnessed and filmed what they described as a “bold attempt to hit and kill a highly protected species”. **There is absolutely no need to report the case to the police as the two hunters appeared to be a pair of Peregrine Falcons.** The Harrier was not hurt either”, CABS Press Officer Axel Hirschfeld reports. It seemed that the Falcons acted jointly to defend their territory – a behaviour which would confirm reports of local Ornithologists stating that the **Maltese Falcon is on the comeback.**

CABS which is monitoring raptor migration and illegal hunting on Malta and Gozo since 11 September has so far observed and reported three incidents of shooting of protected birds to the police. The victims are a Short-toed Eagle, a Hoopoe and the Eurasian Spoonbill found near Salini last week. **Apart from these cases the birdwatchers observed a significant decrease of incidents which involved shooting at or of protected birds as well as observations of birds with visible shotgun injuries.”**

**“The times of the big massacres are over. We now have to deal with the criminals who still think that they are above the law”**, CABS president Heinz Schwarze said. *CABS press release 30/09/2015*



# 2015

**“Malta has come a long way since then. The illegal hunting situation in Malta has changed drastically over the past few years and continued to improve over the past year...”**

...One can never accept any illegalities and even one single act is an act too many. But one has to put things into perspective too. Ten, even five years ago, one would not dream of being able to see a Flamingo anywhere, and it lasts more than a few minutes. In 2015, there were different Flamingos spending over a week at the Salina Salt Pans, formerly a notorious place for bird killing, in spite of being protected.

Lesser kestrels and Red footed Falcons as well as Montagu’s and Marsh Harriers have spent weeks in the same areas this spring and in some places there were Marsh Harriers throughout the months of March, April and May. Some Red-footed Falcons are still being recoded in June.

**Malta is fast becoming a normal place for birds.”**

***Dr Natalino Fenech, PhD, June 2015***

