



Court of First Instance East-Flanders – Ghent division

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On 27 June 2014, the Criminal Court of First Instance of East Flanders (Ghent division) in Belgium pronounced judgement in an important case of illegal trade in protected and endangered birds. The case is the result of a long and extensive judicial inquiry, including international legal cooperation between Belgium, the United Kingdom, Spain, France, Germany, Austria and The Netherlands.

Four defendants have been found guilty of forgery of breeder's declarations and CITES-certificates regarding birds (of prey) listed in Annex A of the EU CITES-regulation 338/97 (which implements the Convention on International Trade in Endangered Species of Wild Fauna and Flora within the European Union).

Eggs and chicks of the birds, mainly birds of prey, were stolen from the wild among others in the south of France or Spain, and handed over to collaborators responsible for hatching out. The young birds were then hand-reared and ringed. Through forging of rings and breeder's declarations, the defendants obtained CITES-certificates for captive-born and bred species, which allowed them to commercialize the birds in spite of the general prohibition with respect to Annex A species.

The birds species included among others Egyptian Vulture (*Neophron percopterus*), African Fish Eagle (*Haliaeetus vocifer*), Imperial Eagle (*Aquila heliaca*), Bald Eagle (*Haliaeetus leucocephalus*), Bonelli's Eagle (*Aquila fasciata*), Golden Eagle (*Aquila chrysaetos*), Booted Eagle (*Hieraaetus pennatus*), several Falcon species such as Peregrine (*Falco peregrines*), Merlin (*Falco columbarius*), Hobby (*Falco subbuteo*), Red-footed Falcon (*Falco vespertinus*), Lesser Kestrel (*Falco naumanni*), Black-winged Kite (*Elanus caeruleus*), Red Kite (*Milvus milvus*), Black Kite (*Milvus migrans*) but also Spoonbill (*Platalea leucorodia*), Great Bustard (*Otis tarda*), Great Grey Owl (*Strix laponica*), Snowy Owl (*Nyctea scandiaca*), Short-eared Owl (*Asio flammeus*).

The four defendants were also found guilty of participating in a criminal organisation with international branches in Spain, the United Kingdom, Austria, Germany, France and The Netherlands. The purpose of this criminal organisation was the withdrawal of protected bird species from their habitats, obtaining forged CITES-certificates and finally, marketing the birds. Typical of the criminal organisation was a clear hierarchy and division of tasks, the use of (police) officials and the creation of an animal zoo to obtain credibility and access to the market.

The defendants were also convicted of fraud regarding CITES export permits, the failure to keep a CITES-register and the use of illegal traps and nets.

The birds of prey commerce was extremely profitable. Bonelli's Eagles (*Aquila fasciata*) were sold for 10.000 euro, Bald Eagle (*Haliaeetus leucocephalus*) for 5.000 euro, African Fish Eagle (*Haliaeetus vocifer*) for 6.000 euro and Booted Eagle (*Hieraaetus pennatus*) for 5.000 euro.

The leading defendant and his wife were convicted of the laundering of the profits through a contractors company.

The court underlined that international trade in endangered plant- and animal species has approached a scale and lucrativity comparable to international drugs and arms trafficking.

The defendants took advantage of the lack of political priority and thus enforcement of the CITES-regulations.

In the decision the courts stresses that the defendants committed a direct and irreversible assault on biodiversity. For profit, the defendants seriously undermined national and international efforts to preserve and protect these already vulnerable bird species.

The four defendants were sentenced to 4 years (1 year suspended), 2 years (1 year suspended), 18 months (suspended) and 1 year (suspended). The court also imposed fines of 90.000 euro, 30.000 euro and 12.000 euro.

The court confiscated 835.800 euro of illegal gains of the trade (including real estate).

All seized birds were confiscated and entrusted to the Belgian CITES-authority.

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