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# Wildlife Crimes Prosecutions

*A European overview about interventions structure, interagency collaboration and investigation methodologies*



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# 1. Introduction



# 1.Introduction

The system of institutions and authorities operating in the area of investigating, managing and enforcing (both prosecuting and judicial) the legislation which gives effect to international conventions concerning wildlife conservation and protection is **complex and somehow highly fragmented**.

As may be deduced from this presentation, for several international and national enforcement organisations, the wildlife crime issue is not their only nor their primary focus. Even if the enforcement process is still weak and below its means, increasing attention is being paid to the thematic of wildlife crimes, especially in Europe and SWiPE project area. Challenges facing the enforcement of wildlife conservation and protection law are still high and strongly related to the **investigative capacities of the actors involved and to the quality/quantity of investigations methods available**.

In some project countries, elements of criminal offences are sometimes not clearly articulated and defined. This clearly hinders effective investigation and prosecution.



To overcome the challenges faced by the wildlife enforcement agencies to ensure better protection in general it will be fundamental to boost public cooperation as well as **inter-agency cooperation and coordination processes**. There are still few examples of successful joint operations mainly because of the **lack of political-will** and the common standard operating procedures that can be applicable to the different enforcement agencies. However, national coordination and international cooperation are crucial in combating wildlife trafficking, individual officials and some enforcement agencies are unable or unwilling to work together with other agencies, share relevant information, use available resources and know-how, or cooperate across borders.

It is true that is unusual to stipulate inter-agency cooperation and coordination in the legislation, but other efforts like conducting **joint training** to foster trust and capabilities of each agency's role is crucial and among the purposes of this work. The effectiveness of these efforts represents the right premise to the establishment and improvement of **successful joint operations**, increasingly necessary for the proper prosecution of such crimes.









### EU-Level Organizations

- In 2018, after the adoption of the Action Plan on Environmental Compliance Assurance, the UE Commission created some EU-level networks of environmental practitioners, such as:
- **ENPE**: European Network for Prosecutor of the Environment
- **IMPEL**: European Union Network for the Implementation and Enforcement of Environmental Law (inspectors)
- **EUFE**: European Union Forum for Judges for the Environment (judges)
- **EnviCrimeNet**: European Network for Environmental Crime (police and other enforcement officers)



### EU-Level Organizations



#### European Network for Prosecutor of the Environment – ENPE

- It is a Non-profit Association, opening to members of Belgian or foreign nationality and operating at international level.
- It is finalized to contribute to protecting the environment by supporting:
- the operative work of environmental prosecutors, and
- the implementation and enforcement of national, European and International environmental law by environmental prosecutors, having particular regard to the protection of public health, the desirability of achieving sustainable development and the prevention of organised crime in the field of the environment.





### EU-Level Organizations



#### European Network for Prosecutor of the Environment – ENPE

- The Association seeks to:
- support the operative work of environmental prosecutors and promote the development of environmental criminal law as an integral part of criminal law enforcement generally;
- promote the exchange of information and experience of the enforcement and prosecution of environmental crime between Members and cooperate also with relevant international organizations.
- share experience of investigations, prosecutions and sanctions in the field of environmental criminal law;
- facilitate collection of data about environmental crime across Europe and enforcement action taken in relation to environmental crime;
- identify and develop best practice and training programme for successful prosecutions of environmental offences.



### EU-Level Organizations



#### European Network for Prosecutor of the Environment – ENPE

- It is organized in working groups of experts on four main topics: air pollution, waste crime, cross cutting and wildlife crime.
- The working group on wildlife crime explores the major issues of interpretation, practical application, evidence gathering and quantification of damage to the environment that hinder efficient and effective prosecution and adjudication of non-compliance with EU wildlife laws.



### EU-Level Organizations



#### European Network for Prosecutor of the Environment – ENPE

In order to achieve its purpose, the Association is allowed to carry out all actions that are directly or indirectly related to its purpose, including legal action. In particular, the Association can:

- participate or promote studies and publish legal papers, reviews, guidance, best practice materials and any other similar documentation; publish documents, studies or periodicals, organize all types of meetings or training programs
- whilst recognising each other's independence and existing legal frameworks, promote contacts and exchange of information between its Members and Observers and with the European Union authorities, the UNEP and other public international organisations;
- develop relations with networks of judges such as EUFJE, EUROPOL, INTERPOL, Eurojust, IMPEL, INECE and other relevant networks;
- undertake the collection of statistical information and other data in relation to the enforcement and prosecution of environmental offences and set up databases of judgments, reports, studies and legal advices;
- participate in any projects (including in particular EU-funded projects) or task-force groups.





### EU-Level Organizations

## European Union Network for the Implementation and Enforcement of Environmental Law – IMPEL

- IMPEL is an international non-profit association of the environmental authorities of the European Union Member States, acceding and candidate countries of the EU, EEA and EFTA countries and potential candidates to join the European Community. The association, established in 1992 in Brussels, has currently 56 members from 36 countries including all EU Member States, North Macedonia, Serbia, Turkey, Iceland, Kosovo\*, Albania, Switzerland and Norway.
- The Network's objective is to create the necessary impetus in the European Union to make progress on ensuring a more effective application of environmental legislation.
- The core of IMPEL's activities take place within a project structure and concern awareness raising, capacity building, peer review, exchange of information and experiences on implementation, international enforcement collaboration as well as promoting and supporting the practicability and enforceability of European environmental legislation.

(\*This designation is without prejudice to positions on status, and is in line with UNSCR 1244/1999 and the ICJ Opinion on the Kosovo declaration of independence)



### EU-Level Organizations

#### European Union Forum for Judges for the Environment - EUFJE

Giving its origin from the United Nations Programme for the Environment (UNEP), the Forum was established in 2003 to raising the awareness of judges of the key role of the judicial function in the effectiveness of sustainable development.

The objective of the Forum is to contribute to better implementation and enforcement of national, European and international environmental law:

- by contributing to a better knowledge of environmental law among judges,
- by sharing case law, and
- by sharing experience in the area of training of the judiciary in environmental law.



### EU-Level Organizations

#### European Union Forum for Judges for the Environment - EUFJE

EUFJE membership is open to every judge interested in environmental law who is member of:

- the Court of Justice of the European Union,
- the European Court of Human Rights or a court or tribunal of a Member State of the European Union,
- a Member State of the European Free Trade Association or of a former Member State of such an organisation,
- as well as any judicial or judges organisation in one of these states.

Judges or courts of candidate EU Member States can be admitted as observers. Judges or courts from third states may be accepted as associated members.

EUFJE members can be administrative, criminal, civil judges, or courts at all levels of the judiciary, experienced or interested in handling environmental cases. Currently EUFJE has members, associated members, honorary members and observers in 43 different countries.

A representative of the European Commission, of the Council of Europe, of the United Nations Environmental Programme and, subject to approval of the General Assembly, other international organisations, can participate in the activities of the association in an observer capacity.





### EU-Level Organizations



#### European Network for Environmental Crime – EnviCrimeNet

The network takes care to detect, investigate and prosecute several forms of environmental crime including:

- the illegal import and export of waste products;
- the smuggling of protected animal and plant species;
- the forgery of transport documents pertaining to waste products, and protected animal and plant species;
- Waste-related crime.

It gives also specific support and advice to EU Institutions, in order to provide them a comprehensive approach to the phenomena.

It exchanges information and experiences relating to best practices in dealing with environmental crimes and non-operational information about legal frameworks.



### National Level Institutional Organizations

The introduction of the **Environmental Crime Directive (ECD)** in **2008** (Directive 2008/99/EC) increased awareness on environmental crimes and contributed to a prioritisation of the issue across the EU.

The Directive identifies the set of environmental offences that should be considered as the most serious and that must to be criminalised and approximates criminal sanctions levels by requiring effective and proportionate criminal penalties for environmental crimes.

With respect to **national institutional authorities**, these are composed of quite articulated architectures of bodies and agencies that can be generally classified in:

- those with **administrative competences**, the **administrative authorities**, and
- those with law **enforcement competences**, the law **enforcement authorities**.



### National Level Institutional Organizations

#### Administrative bodies

In UE, **national administrative authorities** involved in the fight against environmental crimes present some countries that have **a centralised structure**, typically with one main environmental administrative authority with substantial powers, while other countries that have **many different bodies** with various sectorial competences.

Concerning the countries with a **main centralised structure**, for instance in **Sweden** there is the Environmental Protection Agency that has substantial supervising powers and can impose significant administrative fines.

Similarly, in **Estonia**, all environmental offences are investigated by the Environmental Board which is also responsible to conduct extrajudicial misdemeanour proceedings, while the national Environmental Agency focuses mainly on monitoring activities.





### National Level Institutional Organizations

#### Administrative bodies

In the majority of cases, UE countries have **many different administrative bodies** that take care for environmental crime.

For instance, in **Hungary**, the administrative bodies involved in the fight against environmental crimes include

- the Ministry of Agriculture (on food chain security, CITES management, waste management and fishing and hunting), the National Park Directorates,
- the Inspectorates in the field of waste management, wildlife and food chain security,
- the National Directorate for Disaster Management (on the control of dangerous materials transported)
- and the National Transport Authority.



### National Level Institutional Organizations

#### Administrative bodies

Similarly, in **France**, on the administrative, side several bodies are involved including:

- the Ministries of Ecology (especially CITES issues) and of Agriculture and Food (particularly concerning the EU Timber Regulation, EUTR), decentralised services of the State such as the Direction départementale des territoires et de la mer (DDTM, on buildings);
- the Direction régionale de l'Environnement, de l'Aménagement et du Logement (DREAL, on CITES, waste and activities classified as hazardous for the environment);
- and the Direction Interrégionale de la Mer Méditerranée (maritime issues);
- the French Office for Biodiversity;
- Across EU member states, federal states typically have more ponderous institutional structures and are characterised by the efforts to establish sound coordination between the federal and regional level;



### National Level Institutional Organizations

#### Administrative bodies

In a few countries, the institutional frameworks dedicated to countering environmental crimes also includes **special bodies** gathering the key institutional stakeholders to **define national strategies on environmental crimes**.

For instance, in **the Netherlands** there are two chambers:

one at the strategic level responsible to set the priority areas of investigation for environmental crimes (the Strategic Environmental Chamber), which includes the inspector general of ILT and NVWA, the head of the police and the Ministry of Justice.

The second chamber acts more on the operational level deciding which environmental crime cases are to be pursued and defining allocation of capacity among the competent bodies.





### National Level Institutional Organizations

#### Administrative bodies

Similarly, in **Finland** there is the Finnish Environmental Monitoring Group which is responsible for monitoring environmental crimes, assessing enforcement action and providing recommendations.

It includes all relevant authorities such as customs, border guards, police, the Finnish Environmental Institute, local environmental authorities and prosecutors.



### National Level Institutional Organizations

#### Administrative bodies

The **bodies within the judiciary sector** are also an important part of the institutional framework dedicated to countering environmental crimes.

In the majority part of the member States, there are no specialised prosecutors or judges on environmental crimes.

This is the case also for countries with advanced enforcement systems, such as **Italy** and **Estonia**.



### National Level Institutional Organizations

#### Administrative bodies

In a **few cases**, there is a **higher level of specialisation among prosecutors** which can range from a fully specialised Prosecutor's Office to one or a few prosecutors focusing fully or partially on environmental crimes.

For instance, in **Spain** there is a specialised Prosecutor's Office for the Environment and Urban Planning at the central level and specialised prosecutors throughout the country;

similarly in **the Netherlands** there is the National Public Prosecutor's Office for Serious Fraud, Environmental Crime and Asset Confiscation.

Meanwhile other countries such as **Germany** and **Greece** only have a few specialised prosecutors mainly in the biggest cities.

**France** and **Sweden** represent **two exceptional cases** as they **have specialised courts working on environmental crimes**.



### National Level Institutional Organizations

#### Law enforcement bodies

For what concerns **law enforcement authorities (LEA)**, **national police forces** are always involved and usually play a central role, flanked by customs authorities typically responsible for cross-border criminal activities against the environment such as illegal wildlife and waste trade.

**Other bodies**, such as maritime and costal authorities, border authorities, tax authorities and authorities responsible for forests and national parks, are also commonly involved.

**Law enforcement authorities** are typically sided by administrative authorities with competences ranging from monitoring and licensing powers to conducting pre-trial proceedings and opening investigations.

In most cases, **national police forces** lead action against environmental crimes.





### National Level Institutional Organizations

#### Law enforcement bodies

In a **limited number** of member **States** there are **highly specialised police bodies**, namely:

- the Servicio de Protección de la Naturaleza (SEPRONA) in **Spain**,
- the Federal Unit Public Health and Environmental crime (FUPHEC) in **Belgium**,
- the OCLAESP and the French Biodiversity Agency in **France**,
- the Comando unità forestali, ambientali e agroalimentari (CUFA) in **Italy**.
- The Slovak Environmental Inspectorate (SEI) in **Slovakia**

In other cases, **national police forces** have **specialised units at the national and/or regional level**.

For instance, in **Greece** the police have a specialised Environmental Police Department.

Similarly, in **Hungary**, there is the Environmental Crime Unit, a small specialised central unit and a police officer trained on the topic in each police station.



### National Level Institutional Organizations

#### Law enforcement bodies

**In most countries**, however, there are **no specialised units**, but a **national coordinator** and a **limited number of officers trained on environmental crimes**, among other areas.

For instance, in **Slovenia**, there are 12 specialised officers, one environmental crimes coordinator for each region and one at the national level within the Criminal Police Directorates.

Usually, as in the case of Slovenia, **national environmental crime coordinators** are part of **Criminal Police Departments**.

However, in some cases they can be part of Economic Crime Departments, as in the case of **Poland**, reflecting the widespread tradition across member states to consider environmental crimes as a branch of economic crimes.

**Other countries** can present **unique arrangements**, such as in the case of **Croatia**, where the national coordinator responsible for environmental crimes is part of the Homicide Department



### National Level Institutional Organizations

#### Law enforcement bodies

Police forces usually cooperate closely with **customs authorities** in cases of transboundary environmental crimes.

**Customs authorities** also have different levels of specialised personnel on environmental crimes, and, in some cases, they are responsible for and specialised in a specific area of environmental crimes.

For instance, **Germany** where customs are responsible for CITES (Convention on International Trade in Endangered Species of Wild Fauna and Flora) crimes.



### National Level Institutional Organizations

#### Law enforcement bodies

There are also **other categories of law enforcement authority** that can be **involved in countering environmental crimes**.

□ in the area of forests and wildlife, there are:

- the national park authorities in **France** and **Hungary**,
- the Department of Forest and the Game and Fauna Service in **Cyprus**; in the area of rivers and seas,
- the Coastal Guard Marine Environment Protection Directorate in **Greece**,
- the Port and Marine Police in **Cyprus**,
- the Maritime Police in **Portugal**
- and the Waterways Police in **Germany**;

□ in the **financial area** there are:

- the Special Secretariat for Financial and Economic Crime Unit in **Greece**,
- the Tax and Customs Board in **Estonia** or
- the finance police (Guardia di Finanza) in **Italy**.





### National Level Institutional Organizations

#### Law enforcement bodies

In the most serious cases, environmental crimes are intertwined with other crime areas such as document fraud, financial crimes, cybercrime, or organised crime. This requires close **cooperation between units specialised** in these areas of crime and police forces responsible for environmental crimes.

However, this kind of cooperation is not always present and systematic.

Typically, it is more well-established with financial crimes and organised crime units, while cooperation with cybercrime units is still quite sporadic.

**In other cases**, such as in **Greece**, **cooperation** between environmental and cybercrime units is largely missing, despite being very relevant in the country, especially for HFCs illegal trade.

A notable positive case with regard to cooperation with cybercrime units is **Belgium**, where the new wildlife/CITES unit within the FUPHEC is establishing close cooperation with the existing cyber unit.

Another positive example is **Germany**, where the surveillance competent authorities for plant protection and protected species are setting up control centres for internet trade, in light of the cybercrime relevance in the illegal trade of pesticides and protected species.



### Competencies of surveillance and inspection authorities other than police

In addition to the police and gendarmerie (where applicable), there are other authorities with competencies in enforcing laws related to wildlife crime.

Whereas the police and gendarmerie are endowed with full authority and competencies regarding all types of offences, other institutions - such as the **national environmental protection, fisheries or protected areas authorities and their associated surveillance bodies** (inspectors, rangers, wardens etc., in some countries voluntary groups) - **may conduct inspections and confiscations, collect fines and carry out administrative proceedings** in the case of law violations and file criminal complaints to the prosecution, among other things.



### Authorities

In the following part of the presentation will be reported the whole specific **administrative** and **law enforcement authorities** of the **11 Countries** involved in **SWiPE project**:

1. **Bosnia and Herzegovina**
2. **Bulgaria**
3. **Croatia**
4. **Italy**
5. **Hungary**
6. **Poland**
7. **Romania**
8. **Serbia**
9. **Slovakia**
10. **Spain**
11. **Ukraine**



### 2.1.1 Bosnia and Herzegovina

- ❖ Main wildlife crimes: Illegal fishing, illegal hunting, illegal logging
- ❖ Specialised enforcement authority: no
- ❖ Specialised judiciary: no





### 2.1.1 Bosnia and Herzegovina

#### Authorities

- Ministry of Foreign Trade and Economic Relations of Bosnia and Herzegovina
- Federal Ministry of Environment and Tourism
- Protected area managers, public companies and institutions founded by the FBiH government or cantonal governments, depending on the category of protected area protection
- Ministry of Spatial Planning, Construction and Ecology
- Republic Institute for the Protection of Cultural, Historical and Natural Heritage, Ministry of Education and Culture
- Protected area managers, public companies and institutions founded by the RS government or assemblies of local self-government units, depending on the category of protection
- BiH Border Police, Ministry of Security of BiH
- Indirect Taxation Authority of BiH
- Border Veterinary Inspectors, Ministry of Foreign Trade and Economic Relations of Bosnia and Herzegovina



### 2.1.1 Bosnia and Herzegovina

#### Authorities

- Phytosanitary Inspection, at the Republic Administration for Inspection Affairs of RS, at the Federal Administration for Inspection Affairs of the FBiH, at the Inspectorate of the Office of the Mayor of the Brčko District of BiH
- Chief ranger and rangers of a public company or institution that manages a protected areas
- Federal Administration for Inspection Affairs
- Police Officers, Federal Ministry of Interior
- Guards/rangers in protected areas
- Inspectors of the Republic Administration for Inspection Affairs and local self-government units
- Police officers, RS Ministry of Interior



### 2.1.2 Bulgaria

- ❖ Main wildlife crimes: illegal fishing, illegal logging and timber trade
- ❖ Specialised enforcement authority: no
- ❖ Specialised judiciary: no

Action against environmental crime in Bulgaria is mostly led by the General Directorate of the National Police and by 28 Regional Directorates of the Police.

Their activity is complemented on the administrative side by the 16 Regional Inspectorates of Environmental and Water (RIEWs), part of the homonymous Ministry of Environment and Water, the four basin directorates (Danube River, Black Sea, East Aegean and West Aegean), the three national park directorates (Rila, Pirin and Central Balkan) and the customs administration (waste and CITES Regulation).

The reference law is the Environmental Protection Act (. Bulgaria's Ministry of Environment and Water website: Legislation – Environmental Protection Act, <https://www.moew.government.bg/en/environmentalprotection-act-7628>), emanated in 2002 and then amended several times, most recently in June 2020.



### 2.1.2 Bulgaria

#### **Administrative authorities and administrations**

- Minister of Environment and Water / Ministry of Environment and Water
- Minister of Agriculture and Forestry / Ministry of Agriculture, Food and Forestry
- Minister of the Interior / Ministry of the Interior
- Minister of Finance / Customs Agency
- Regional governors/ regional administrations
- Mayors/ municipal administrations

#### **Administrative authorities and officials with investigative functions in pre-litigation criminal proceedings**

- Employees of the Ministry of Interior appointed to the post of “Investigating police officer”
- Employees of the Customs Agency appointed to the position of “Investigating Customs Inspector”





### 2.1.3 Croatia

- ❖ Main wildlife crimes: illegal hunting, illegal fishing, poaching of birds
- ❖ Specialised enforcement authority: No
- ❖ Specialised judiciary: No

In Croatia, the National Police is the main law enforcement agency working on environmental crimes, flanked by customs authorities for cross-borders offences. Within the police there are no dedicated units for environmental crime, but there are some specialised officers both at the national level and at the regional level (only in the biggest five out of 20 districts) which work on environmental crimes among other duties.

In this police structure, environmental crimes fall within the scope of Homicide Department under the General Crime Service.

On the administrative side, the environmental protection branch of the State Inspectorate is responsible for all environmental inspections, and reportedly plays a major role in supporting the police in the first detection of crimes.



### 2.1.3 Croatia

#### **Administrative authorities**

- Ministry of Economy and Sustainable Development, Nature Protection Directorate
- Ministry of Economy and Sustainable Development, Institute for Environmental and Nature Protection
- Public institutions for the management of protected areas and ecological network areas
- Ministry of Agriculture, Directorate of Forestry, Hunting and Wood Industry

#### **Police, departments, rangers, inspections, other services**

- State Inspectorate, nature protection inspectorate
- State Inspectorate, hunting inspectorate
- Ministry of Agriculture, Sector for Supervision and Control in Fisheries
- Customs service
- Rangers from public institutions for the management of protected areas and ecological network areas
- Police officers from the Ministry of the Interior



### 2.1.4 Hungary

- ❖ Main wildlife crimes: poisoning of birds of prey by hunters; illegal logging, poaching, wildlife trafficking
- ❖ Specialised enforcement authority: No. There is a small central unit and a specialized member of staff in each station, limited by low prioritization of the subject and the related insufficient human and financial resources.
- ❖ Specialised judiciary: No

Hungary's action is however limited by insufficient institutional coordination and a limited application of new technologies.

The action of the **National Environmental Security Task Force (NEST)**, **actually in force**, could improve the situation.



### 2.1.4 Hungary

#### Authorities

- Nature conservation authorities (government authorities)
- CITES Management Authority
- CITES Scientific Authority
- Hunting Authority
- National Food Chain Safety Office
- Police departments
- National Bureau of Investigation, Environmental Crime Unit
- National Tax and Customs Administration
- Ranger Service (Nature conservation)
- Prosecution in criminal law cases
- Prosecution protecting the public interest in environmental cases
- Criminal courts





### 2.1.5 Italy

- ❖ Main wildlife crimes: poaching, illegal fishing, illegal killing of birds, illegal logging
- ❖ Specialised enforcement authority: yes
- ❖ Specialised judiciary: no



### 2.1.5 Italy

#### **Administrative authority**

- Directorate-General for Natural Heritage (PNA) of the Ministry of Ecological Transition (MITE) - Division III
  - Biodiversity, flora and fauna, CITES
- Regional and Provincial Authorities

#### **Police departments, guards, others**

- Port Authorities - Coast Guard
- Command of Forestry, Environmental and Agri-Food Units (CUFA)
- CITES Carabinieri Group
- Provincial and Metropolitan Police Corps
- III section of the Supreme Court
- Volunteer agents



### 2.1.6 Poland

- ❖ Main wildlife crimes: wildlife trafficking, poaching, illegal logging and timber trade,
- ❖ Specialised enforcement authority: yes. The Chief Inspectorate of Environmental Protection and coordinators under the Economic Crime Departments (Police)
- ❖ Specialised judiciary: no



### 2.1.6 Poland

#### Authorities

- Minister for Climate and Environment
- The General Director for Environmental Protection
- Regional directors of environmental protection
- Chiefs
- Police
- Prosecution
- The Customs and Revenue Service acting within the framework of National Revenue Administration
- Municipal guard
- Forest guard
- State Game Wardens
- National Fisheries Service
- Community Fishing Service
- National Park Service
- Landscape Park Service



### 2.1.7 Romania

- ❖ Main wildlife crimes: illegal logging and timber trade, illegal fishing, poaching
- ❖ Specialised enforcement authority: No
- ❖ Specialised judiciary: No





### 2.1.7 Romania

#### Administrative authorities

- Ministry of Environment Water and Forestry
- National Agency for Fishery and Aquaculture
- Danube Delta Biosphere Reserve Authority

#### Police departments, guards, inspections, other services

- Romanian Police
- The Romanian Border Police
- National Environmental Guard
- The General Customs Directorate
- The Romanian Gendarmerie



### 2.1.8 Serbia

- ❖ Main wildlife crimes: illegal killing of birds, poisoning, illegal fishing, animals smuggling
- ❖ Specialised enforcement authority: no
- ❖ Specialised judiciary: no



### 2.1.8 Serbia

#### Administrative Authorities

- Ministry of Environmental Protection
- Environmental Protection and Climate Change Sector
- Biodiversity Department
- Group for CITES Implementation
  
- Institute for Nature Conservation of Serbia
- Biodiversity, Environmental Networks and Sustainable Development Department
- Biodiversity Office
  
- Provincial Institute for Nature Conservation



### 2.1.8 Serbia

#### Police departments, guards, inspections, other services

- Ministry of Environmental Protection
- Sector for Supervision and Preventive Environmental Action
- Biodiversity Department (Nature Office and Fisheries Office)
  
- Provincial Secretariat for Urban Planning and Environmental Protection
- Sector of Inspection Affairs
- Department for the Control of the Protection and Use of Natural Resources and Fish Stocks
  
- Ministry of Agriculture, Forestry and Water Management
- Forest Administration
- Department of Forestry and Hunting Inspection
  
- Ministry of Agriculture, Forestry and Water Management
- Veterinary Administration
- Veterinary Border Inspection Department



### 2.1.8 Serbia

#### **Police departments, guards, inspections, other services**

- Ministry of Finance
- Customs Administration
  
- Ministry of the Interior
- Border Police Administration
- Criminal Police Administration
- Environmental Crime Unit
  
- The Ranger Department in Protected Areas
  
- Fish Warden Department
  
- Game Warden Department





### 2.1.9 Slovakia

- ❖ Main wildlife crimes: illegal logging and timber trade, wildlife trafficking, poaching
- ❖ Specialised enforcement authority: yes, dedicated unit within the Police Department
- ❖ Specialised judiciary; No



### 2.1.9 Slovakia

#### Administrative authorities

- Ministry of the Environment, Department of Endangered Species Trade Regulation
- Ministry of the Environment, Department of State Administration for Nature and Landscape Protection
- District Authorities
- State Veterinary and Food Administration

#### Police, departments, guards, inspections, other services

- Presidium of the Police Corps, National Headquarters of Special Types of Crime, Hazardous Materials and Environmental Crime Detection Unit
- Courts and Prosecutor's Office counting on specialists in environmental crime at all levels
- Slovak Environmental Inspectorate, Inspection Department of Nature and Landscape Protection
- Financial Administration of the Slovak Republic
- Customs Offices
- Criminal Office of the Financial Administration



### 2.1.9 Slovakia

#### Others

- The State Nature Conservancy of the Slovak Republic
- Hunting guard
- Fishing guard service



### 2.1.10 Spain

- ❖ Main wildlife crimes: poisoning, poaching, illegal killing of birds, illegal fishing, illegal wildlife trafficking
- ❖ Specialised enforcement authority: Yes (SEPRONA, part of the Guardia Civil)
- ❖ Specialised judiciary: No



### 2.1.10 Spain

#### Authorities of Judicial Power

- Attorney General's Office
- General prosecutor's Office for the Environment and Urban Planning
- Supreme Court
- National High Court
- High Courts of Justice
- Provincial Courts
- Courts of First Instance and Preliminary Investigation
- Criminal Courts
- Contentious-Administrative Courts





### 2.1.10 Spain

#### Other competent administrations

- CITES Management Authority (MITECO) and Scientific Authority (CSIC)
- Public Wildlife Recovery Centres

#### Security Forces and Corps

- Civil Guard - Nature Protection Service (SEPRONA)
- Forestry and Environmental Agents
- SOIVRE Inspectorate
- National Police Corps
- Autonomous Community Police: Ertzaintza; Squad Boys; etc.
- Local Police



### 2.1.11 Ukraine

- ❖ Main environmental crimes: illegal logging, illegal fishing, illegal killing of birds, poaching
- ❖ Specialised enforcement authority: no
- ❖ Specialised judiciary: no



### 2.1.11 Ukraine

#### **Authority bodies authorized to issue permitting documents\* for the treatment of protected species**

- Ministry of Ecology and Natural Resources of Ukraine
- State Fishery Agency of Ukraine and its territorial bodies under the Ministry of Agrarian Policy and Food
- State Forest Resources Agency of Ukraine under the Ministry of Ecology and Natural Resources
- Users of hunting lands: state enterprises, public organizations, private enterprises

\*Issuance, cancellation, re-issuance of permits for special use of natural resources within the territories and objects of the nature reserve fund (NRF) – is carried out by different authorized bodies, depending on the natural resource, time, its belonging to natural resources of national or local importance, etc. For example, the issuance of such a permit for special use within the territories and objects of the NRF of Ukraine is carried out: (a) for species of animals and plants listed in the Red Book of Ukraine, - by regional, Kyiv and Sevastopil city state administrations, executive body of the Autonomous Republic of Crimea for environmental protection; (b) gray wolf (not subject to the Red Book of Ukraine, but protected under the CITES Convention) not in the hunting season or in places prohibited for hunting - by the territorial bodies of the State Forest Resources Agency of Ukraine.



### 2.1.11 Ukraine

**Authority bodies authorized to carry out prevention, detection, recording, investigation, expert (including forensic) activities, cessation of offences, bringing the perpetrators to legal responsibility**

**Public authorities, other government agencies, enterprises, institutions, organizations**

- National Police: under the Ministry of Internal Affairs
- Scientific Research Forensic Center of the Ministry of Internal Affairs (MIA), member of the European Network of Forensic Science Institutions (ENFSI)).
- Scientific research forensic institutions of the Ministry of Justice of Ukraine
- Prosecution authorities
- Security Service of Ukraine (SSU)
- State Bureau of investigation (SBI)
- National Anti-Corruption Bureau of Ukraine (NABU)



### 2.1.11 Ukraine

#### **Public authorities, other government agencies, enterprises, institutions, organizations**

- National Anti-Corruption Bureau of Ukraine (NABU)
- State Environmental Inspectorate of Ukraine, under the Ministry of Ecology and Natural Resources
- Fisheries protection bodies (territorial bodies of the State)
- Agency for Fisheries
- State Customs Service under the Ministry of Finance
- State border Guard Service (SBGS) under the ministry of internal Affairs
- State Forest Protection
- Services of the State protection of the nature reserve fund (NRF), managed by the Ministry of Ecology and Natural Resources
- Courts





### 2.1.11 Ukraine

#### **Representatives of the public, with special status and special powers (to exercise public control in the field of environmental protection)**

- Public environmental inspectors (organized by the State Environmental Inspectorate (SEI) and its territorial bodies)
- Public fishery protection inspectors (organized by the State Agency for Fisheries and its territorial bodies)



### 2.3 Agencies, Volunteers groups and NGOs

- **INTERPOL** - International Criminal Police Organization
- **EMPACT** - European Multidisciplinary Platform Against Criminal Threats
- **EUROPOL** - EU Agencies for Law Enforcement Cooperation
- **EUROJUST** - EU Agency for Criminal Justice Cooperation
- **FRONTEX** - European Border and Coast Guard Agency



### 2.3 Agencies, Volunteers groups and NGOs

#### **INTERPOL - International Criminal Police Organization**

The INTERPOL is an intergovernmental organisation, composed by 195 Countries members, that help police investigations in various fields.

Interpol is composed by the General Secretariat that supplies competences and services and coordinates day-to-day activities to fight a range of crimes. Run by the , it is staffed by both police and civilians and comprises a headquarters in Lyon, a global complex for innovation in Singapore and several satellite offices in different regions.

In each country, an INTERPOL National Central Bureau (NBC) provides the central point of contact for the General Secretariat and other NCBs. An NCB is run by national police officials and usually sits in the government ministry responsible for policing.

Furthermore, the General Assembly governs body and it brings all countries together once a year to take decisions.



### 2.3 Agencies, Volunteers groups and NGOs

#### INTERPOL - International Criminal Police Organization

The INTERPOL:

- ☐ manages 19 police databases with information on crimes and criminals (from names and fingerprints to stolen passports) and allows to all the Countries members to share and have access in real time to the related data and documents
- ☐ offers technological and operational support to the countries, such as, investigative support in forensic analysis and assistance in locating fugitives around the world
- ☐ promotes cooperation, allowing the police to work directly with their counterparts, even between countries that do not have diplomatic relations
- ☐ coordinates police networks and experts in different areas of crime, who come together through working groups and conferences to share experiences and ideas
- ☐ has created a communication system, called I-24/7, to connect all countries members in a more secure way with the General Secretariat.
- ☐ offers training for officials who wants to improve their know-how



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### 2.3 Agencies, Volunteers groups and NGOs

#### INTERPOL - International Crime Police Organization

INTERPOL deals with three global issues:

- ☐ counter-terrorism
- ☐ cybercrime
- ☐ organized and emerging crime

Officials working in each specialised criminal area carry out a variety of different activities together with member countries. This can be investigative support, field operations, training and networking

It is important to consider that all the actions executed by the organisation are politically neutral and taken within the limits of existing laws in different countries.

INTERPOL tries to face **corruption**, currency and documents, crimes against children, cultural heritage crime, cybercrime, drug trafficking, financial crime, firearms trafficking, human trafficking, illicit goods, maritime crime, organized crime, people smuggling, terrorism, vehicle crime, war crimes and **environmental crimes**.



### 2.3 Agencies, Volunteers groups and NGOs

#### INTERPOL - International Crime Police Organization

The related environmental crimes faced by the INTERPOL range from ivory trafficking, overfishing of protected species, illegal logging and dumping of waste.

The specialized team called **INTERPOL Wildlife Enforcement** helps identify and dismantle the transnational organised criminal networks involved in the illegal trade of wild species, advising member countries and supporting them to enforce national and international laws and treaties effectively. Wildlife experts from the INTERPOL Wildlife Crime Working Group develop strategies and initiatives for law enforcement to combat these crimes on an international scale.

The group initiates operations to catch wildlife criminals, seize illegal items and products, and dismantle organized networks responsible for damage and injuries to wildlife.



### 2.3 Agencies, Volunteers groups and NGOs

#### **INTERPOL - International Crime Police Organization**

INTERPOL has coordinated several operations that have successfully brought wildlife criminals to justice, dismantled the networks behind the crime and led to the seizure of tons of illicit products.

Some examples of projects and operations are:

##### **Project Predator**

This project has been enhancing law enforcement's capacity to conserve Asian big cats and other wildlife since its creation in 2010. These big cats are killed due to the high value of their fur on the black market and the demand for their body parts for traditional medicines and other uses.

Project Predator assists countries with organizing transnational operations, intelligence gathering, provides investigative support and links up law enforcement with international organizations and non-governmental organizations to bring poachers and smuggling rings to justice.





### 2.3 Agencies, Volunteers groups and NGOs



#### INTERPOL - International Crime Police Organization

##### Project Wisdom

Elephants and rhinoceros are poached for their ivory and horn respectively. Ivory is carved and sold as artifacts, while rhino horn is reduced to powder and used in traditional medicine. Project Wisdom supports member countries in the conservation of these precious species and bring down the criminal networks that are hunting elephants and rhinos.

Operations coordinated under Project Wisdom have so far resulted in more than 1,100 arrests, the seizure of tones of raw ivory and 50,000 carved ivory items. Conviction rates for those arrested exceed 80 per cent.



Record numbers of elephants and rhinos have been poached since 2010, with two sub-species of rhino shot into extinction in recent years ([INTERPOL | The International Criminal Police Organization](https://www.interpol.int/News-and-media/Press-releases/2022/01/2022-01-11-Record-numbers-of-elephants-and-rhinos-have-been-poached-since-2010)).



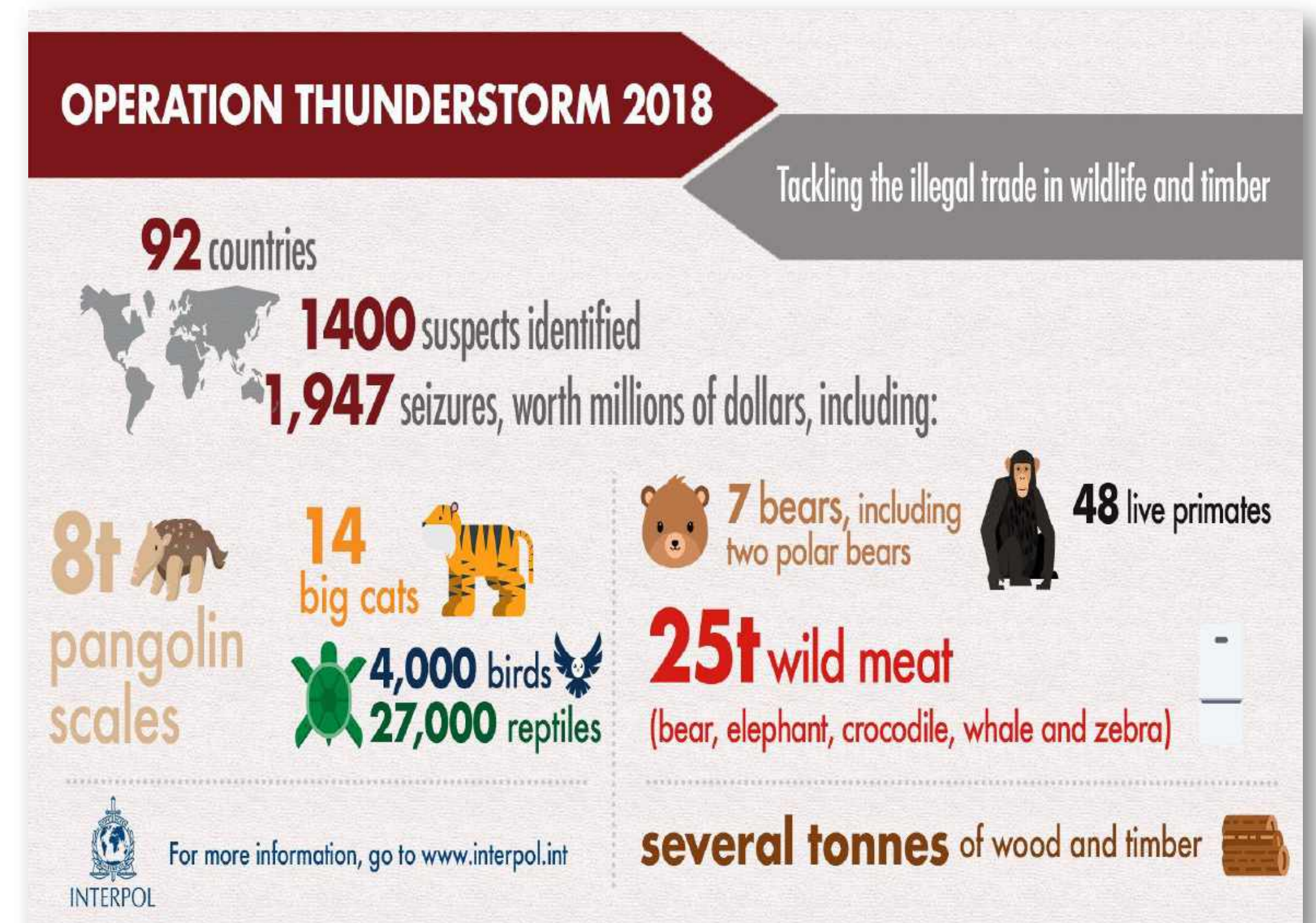


### 2.3 Agencies, Volunteers groups and NGOs –Joint Operations

#### INTERPOL - International Crime Police Organization

##### Operation Thunderstorm (2018)

This operation targeted the people behind the illegal trade in wildlife and timber, and involved police, customs, border, environment, wildlife and forestry agencies from 93 countries. The operation saw almost 2,000 seizures and the identification of some 1,400 suspects, triggering arrests worldwide.





### 2.3 Agencies, Volunteers groups and NGOs



#### EUROPOL - EU Agencies for Law Enforcement Cooperation

It is the law enforcement agency of the EU, supporting the coordination of activities among national institutions, as well as launching its own intra-European and international operations.

The agency started to focus more specifically on in 2017, when the recognition of environmental crime as a serious treat in the 2014-17 environmental offences EU Policy Cycle led to the creation of an Analysis Project, EnviCrime.

- Europol's activities on the topic include **supporting joint inspections, operative meetings, operational activities and a wide range of support to national authorities in terms of skills and knowledge as well as financial resources.**

Cybercrime, financial and cross-border investigations are among the most important areas where the agency is involved.

Europol is also responsible for the **Secure Information Exchange Network Application (SIENA)**, one of the most employed tools for information exchange among EU LEAs and it is significantly involved in the strategic coordination of action against environmental crime, also providing the permanent secretariat for EnviCrimeNet.





### 2.3 Agencies, Volunteers groups and NGOs



#### **EUROPOL - EU Agencies for Law Enforcement Cooperation**

Europol is also involved in a number of operations launched in collaboration with national authorities related to waste and wildlife trafficking, marine pollution, the trafficking of ODS and HFCs, illegal fishing and emissions fraud.

An example among the most relevant EUROPOL's activities are:

Lake V Operation (october 2021) which led to more than 58 thousand inspections and 52 arrests, 300 cross-EU inspections on illegal fishing.

(<https://www.europol.europa.eu/media-press/newsroom/news/eels-shipped-air-found-in-operation-lake-v>)



### 2.3 Agencies, Volunteers groups and NGOs

#### EUROJUST - EU Agency for Criminal Justice Cooperation

The agency is focused on **coordinating the work of national judiciary authorities on serious organized cross-border crime.**

Among its working group, the agency has a sub-working group dedicated to environmental crime.

However, the environmental offenses are also a competence of national desks within the agency, which can sometimes deal in autonomy on these.

In the period 2014–18, Eurojust has given support on 57 environmental cases from 16 member states; although the number of cases has been increasing (it almost tripled from 2017 to 2018), it still represents less than 1% of total casework.

The range of support Eurojust provided is wide and crosses many different aspects of action against environmental crime.



### 2.3 Agencies, Volunteers groups and NGOs

#### **EUROJUST - EU Agency for Criminal Justice Cooperation**

The agency mainly:

- supports national authorities in the definition of a strategy to tackle transnational cases, focusing also on overcoming obstacles such as the mismatch between different national legislations or lack of specialisation of judges and prosecutors;
- provides advice on which international judicial cooperation instruments and tools to apply, such as Mutual Legal Assistance and European Investigation Orders, the two most frequently employed instruments, as well as Joint Investigation Teams (JITs) and European Arrest Warrants;
- facilitates information sharing and communication across different authorities (judicial, law enforcement and administrative among others). works on a wide number of topics, with its definition of environmental crime cases also including illegal construction work.



### 2.3 Agencies, Volunteers groups and NGOs

#### **EUROJUST - EU Agency for Criminal Justice Cooperation**

Examples of actions:

- In the 2014–18 period the agency mostly dealt with trafficking in wildlife species, waste and air pollution, as well as the illegal trade in hazardous chemicals;
- In 2018 Eurojust coordinated the work in the “Diesel gate scandal”





### 2.3 Agencies, Volunteers groups and NGOs



#### FRONTEX - European Border and Coast Guard Agency

Frontex is the European Border and Coast Guard Agency tasked with supporting the law enforcement authorities of member states and certain non-EU countries with border control and return activities.

It also cooperates with other EU entities and international institutions to promote European cooperation on border management issues.

The agency started its work on cross-border environmental crime in 2019, following the expansion of its competences through **Regulation (EU) 2019/1896305** and the recognition of environmental crime as one of the EU's crime priorities in the EMPACT policy cycle in 2018.

The Regulation expanded the agency's responsibilities from the detection and prevention of cross-border crimes at the external borders to also combatting them.



### 2.3 Agencies, Volunteers groups and NGOs



#### FRONTEX - European Border and Coast Guard Agency

Frontex is an agency focused on combatting transnational crime.

Recently it has implemented some activities against environmental offenses supporting national and European authorities, but it hasn't dedicated a unit yet. In fact, Frontex environment's care is currently part of the Coast Guard and Law Enforcement Unit portfolio, particularly the Law Enforcement Sector. The Research and Innovation Unit of Frontex is however also involved in environmental topics and contributes to the gathering of data on environmental crimes.

The agency's activities on environmental crimes have been mostly concentrated on

- illicit waste trafficking (also including medical waste related to the COVID-19 pandemic),
- maritime pollution and fisheries control.

On the last two topics, Frontex works with the European Fisheries Control Agency and the European Maritime Safety Agency, employing its vessels and aircraft for border control on environmental monitoring.



### 2.3 Agencies, Volunteers groups and NGOs



#### **FRONTEX - European Border and Coast Guard Agency**

The agency has strong experience in the application of new technologies:

for example, it has used drones, satellite imagery analysis, and vessel monitoring and tracking systems to check for sea polluters.

The agency has run **The European Border Surveillance system (EUROSUR)**, a tools to promote information exchange on border-related issues between member states, and supply information on potential environmental crimes.

EUROSUR has been employed, for instance, to combat marine pollution in the Interpol Operation 30 Days at Sea and the Frontex-led MMO Black Sea conducted in Romania and in Bulgaria.



### 2.4 Platforms

In a number of countries, multi-institutional national platforms have been set up to create platforms for cooperation, information exchange and training in addressing wildlife crimes, or, more broadly, environmental crimes:

- Hungary set up its **National Environmental Security Taskforce ('NEST') in 2021** to tackle environmental crime more effectively. Members of the Hungarian NEST include the Ministry of Agriculture, the Ministry of Innovation and Technology (with a role in waste management), the National Tax and Customs Administration, Directorate-General for Disaster Management of the Ministry of Interior (primarily relevant for waste), National Food Chain Safety Office, Government Office of Pest County (with jurisdiction for the whole territory of Hungary), and Hungarian National Police Headquarters. Environmental NGOs (TRAFFIC and BirdLife Hungary) have observer status.
- In Italy, the **National Action Plan for Combating Offences against Wild Birds (PNAB)**, was set up in 2017 to "strengthen synergies between the surveillance bodies"; namely Command of Forestry, Environmental and Agri-Food Units (CUTFAAC), the regional forestry corps, the provincial environmental surveillance corps, the voluntary guards and other police corps that may be involved in combating wildlife crime.



### 2.4 Platforms

- The Spanish Guardia Civil, in collaboration with the Ministry for the Ecological Transition and the Demographic Challenge (MITECO), set up in 2022 a **National Central Office to analyse information on illegal environmental activities and improve coordination** both in the field of illegal wildlife trafficking and other wildlife crimes.
- A "**National Expert Group on the Elimination of Environmental Crime**" (NES) was established in Slovakia in 2001, and its scope was broadened in 2006 and 2019. The meetings are convened by the Presidium of the Police Corps, and its members are representatives of law enforcement agencies as well as representatives of other relevant institutions. The expert group deals with specific conceptual tasks in the fight against environmental crime. It has 4 subgroups, one of which is set up for CITES and "Wildlife Crime" and the other for "poaching".
- Croatia and Bosnia and Herzegovina have established **intervention teams for large carnivores**. With the assistance of NGOs, both countries work towards the establishment of national working groups for combating wildlife crimes.





### 2.4 Platforms

- In Romania, an **inter-institutional cooperation protocol** between the Ministry of Internal Affairs, the Ministry of Environment and Climate Change, the Ministry of Agriculture and Rural Development, the Department for Waters, Forests and Fishery was concluded in 2013.
- In Serbia, the Bird Protection and Study Society founded the **Anti-Poaching Team** and has initiated the establishment of the Anti-Poisoning Working Group with the competent ministry.





### 2.4 Platforms



#### **EMPACT - European Multidisciplinary Platform Against Criminal Threats**

EMPACT is an EU flagship instrument for structured multidisciplinary operational cooperation to fight organised and serious international crime, including environmental crime, driven by the Member States and supported by EU institutions, bodies and agencies in line with their respective mandates.

It introduces an integrated approach to EU internal security, involving measures that range from external border controls, police, customs and judicial cooperation to information management, innovation, training, prevention and the external dimension of internal security, as well as public-private partnerships where appropriate.

EMPACT improves and strengthens the cooperation between the relevant services of the Member States, EU institutions and EU agencies, as well as third-party countries and organisations, including the private sector where relevant.

For more information: <https://www.europol.europa.eu/crime-areas-and-statistics/empact>



### 2.4 Platforms



#### **EMPACT - European Multidisciplinary Platform Against Criminal Threats**

It contributes to face the UE's main priorities for the period 2022-2025 are related to security: high-risk criminal networks; cyber-attacks; trafficking in human beings; child sexual exploitation; drugs trafficking; fraud, economic and financial crimes; organised property crime; firearms trafficking; environmental crime.

EMPACT's framework follows a four-year cycle and consists of four steps:

Step 1: European Union Serious and Organized Crime Threat Assessment (EU SOCTA)

Step 2: EU Crime priorities

Step 3: Operational Action Plans (OAPs)

Step 4: independent evaluation



### 2.5 Volunteers groups and NGOs

Volunteer groups and Non-Governmental Organizations in the environmental field play a crucial role in addressing WLC. NGOs do not deal exclusive with WLD, but many do outreach and educational activities in the field of CITES, general WLC or specific areas of WLC. In most countries, NGOs and other volunteer groups give specialist input on legislative proposals.

In many countries, NGOs and volunteer groups are very involved in various stages of the judicial wildlife crime proceedings:

- NGOs are the entities that have mostly been collecting data on wildlife crime (particularly NGOs specialised in bird protection) : Bulgaria, Italy, Serbia, Slovakia, Croatia, Bosnia, Spain and Herzegovina.
- NGOs and volunteer groups help detect wildlife crime and report it: Italy, Hungary, Poland, Spain, Serbia, Slovakia, Romania, Croatia, Bosnia and Herzegovina .
- NGOs represent a repository of expertise and knowledge to aid judicial proceedings: Italy, Hungary, Poland, Spain.
- NGOs and other private entities run wildlife rescue centres: Bulgaria, Spain, Romania, Italy



### 2.6 Training Agencies and partnerships

Training Agencies are EU and international organisations that offer specialized training courses for participants in the law enforcement chains. Some examples:

- ❖ **CEPOL - European Union Agency for Law Enforcement Training:** they offer specialised training units on environmental crime, and, also, on wildlife trafficking, for law enforcement authorities. Available to EU Member States plus countries with Working Arrangement with CEPOL, which includes all SWiPE project countries.
- ❖ **EJTN - European Judicial Training Network:** provide training for early career judges, and some ongoing training. There is a limited environmental offer, but it is very generalized. Available to EU Member States.
- ❖ **ICCWC - International Consortium on Combating Wildlife Crime:** offers a wide array of training courses for all members of the law enforcement chain. The focus is clearly on detection, with the majority of courses aimed at law enforcement and border control authorities.





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# 3. Investigation methods





Investigation methods and detection tools are present in different types of statutes and regulations:

- ❖ **General statutes** concerning criminal procedure or police powers, customs, laws
- ❖ **Specific statutes** relating to wildlife, forests or environmental matters.



### Intelligence Gathering

Intelligence gathering activities focus on:

- **strategic intelligence:** intelligence that enables accurate assessments of the levels and patterns of wildlife trafficking at local, national and international levels

and on

- **tactical intelligence:** intelligence about the activities of specific individuals or groups;

They contribute to identify criminals, to find information about their illegal activities and to help plan proactive, disruptive, and further intelligence-led investigations;

They can involve also methods as:

- sourcing wildlife, timber, and plants;
- methods of transportation;
- methods of document fraud, means of communication, financial transactions, motives, markets, prices



### Intelligence Gathering

#### Examples:

Operation Thunderstorm (2018) -> it faced illegal traffic of processed elephant ivory, wild meat, reptiles;

EU-TWIX EU-TWIX -> database to facilitate information exchange on illegal wildlife trade in Europe aiming to assist national law enforcement agencies with strategic analysis and with carrying out field investigations on fauna and flora illicit;

Operation Dragon (2016-2018) -> it tackled freshwater turtles and tortoises trafficking between India and Malaysia;

LAGA&EAGLE Network-Wildlife Enforcement (2018) -> LAGA collaborates with governments to fight the commercial poaching and illicit trade of protected species in West and Central Africa.



### Financial Investigations

Financial aspects of the crime are distinguished in 2 ways:

1. **Wildlife trafficking for money** -> initial investment, ongoing management of the proceeds of the crime and the laundering and movement of the profits are essential parts of wildlife trafficking
2. **Wildlife trafficking, a lifestyle crime** (especially if conducted continuously) -> means and methods of purchase

Consists of the investigation of transactions connected to the crime and of the analysis of the results that can provide important information and evidence that may be used in prosecutions.

It is possible to coordinate the arrest phase with financial sequestration procedures, in order to arrive at the optimal situation of synchronized arrest of offenders and confiscation of their assets (UNODC, 2012; World Bank, 2018).

Examples: travel tickets analysis may reveal details of travel arrangements.

To better cover the subject, ACAMS training courses are available at the following link:

<https://www.acams.org/en/training/certificates/ending-illegal-wildlife-trade#course-structure-2f58b222>



### Border control/customs

Border control (usually at border crossing and ports) and other measures are employed by customs authorities to the detection and enforcement of wildlife trafficking.

Advantages:

The strength of the Customs role is dependent on their investigation powers.

Collaboration between border control and Customs agencies across border in the UNODC-WCO Container Control Programme, which counters wildlife trafficking by strengthening national law enforcement and international cooperation.

Examples:

R v Humphrey, R v Peora Jungthirapanich (2000) -> 23 endangered wild birds trafficking from Thailand was blocked in UK and three men were arrested for unlawfully importing or dealing with animals and birds of endangered species.



## Armed defense of wildlife and protected areas

Enforcement agencies rely on **coercive powers** to demand compliance with relevant wildlife and forestry laws  
-> they can conduct **searches, interview witnesses and suspects, enter premises, seize assets, and make arrests.**

The armed defense may be used also to carry out procedural measures if this is reasonable and appropriate in the circumstances.

Some governments have made express statements that they are engaged in fighting a 'war on poaching' that has led to the militarization of anti-poaching units and equipping them with heavy weapons.

The use of firearms is only allowed when “the officer concerned has reasonable grounds to believe that he cannot otherwise prevent the escape, and unless he has given ample warning to such person that he is about to use a firearm against him, and the warning is unheeded”, or 'unless the officer concerned believes on reasonable grounds that he or any other person is in danger of grievous bodily harm, or that he cannot otherwise prevent the removal, effect the arrest or, as the case may be, defend himself or the other officer or person' (Kenya Wildlife Conservation and Management Act, 2013).





## Armed defense of wildlife and protected areas

Disadvantages: critics of “militarised conservation” point out that this method has led the poachers to acquire arms or weapons and has increased the violence of confrontations with officials, leading to injuries and loss of life. It is important to **engage critically with the militarisation of conservation**, including identifying and reflecting on the problems it produces for wildlife, for people living with wildlife and for those tasked with implementing militarised strategies

Examples:

- The use of firearms under Kenya's Wildlife Conservation and Management Act permits officers to use firearms in some stated cases to face wildlife offenders;
- Green violence and militarization at Kruger National Park: deployment of military (or military-like) actors to conserve wildlife in parks or natural areas in South Africa.



### Crime scenes investigation

Involves the meticulous and **detailed research of traces of perpetrators and objects of the crime** in the place where the crime happened or in other places connected with it to present them in court.

Crime scene work needs **proper preparation and rapid preservation of the relevant locations** and proper equipment and trained personnel.

It is also important that a proper chain of custody (the continuity of evidence) is maintained for each item of evidence.

Disadvantages: It can be difficult to collect artifacts when the crimes take place in remote areas without enforcement agencies and scientific laboratories.

Examples:

**UNTOC** lists a series of special investigative techniques.



### Covert Investigation techniques

Covert investigation techniques involve:

- the use of undercover operations
- the controls of the deliveries of wildlife contraband -> they are used when enforcers decide to allow a shipment, known or suspected to contain illegal-origin wildlife, to continue to be transported from one country to another but strictly under "controlled" conditions.
- It can be set in motion when law enforcement officials physically detect, or otherwise become aware of, animal parts or plants of apparently illegal origin.

They lead to identify participants throughout the illegal distribution networks.

- the use of internet surveillance -> in 2012 was developed an automated digital surveillance system to monitor reports on illegally traded wildlife and products online.



### Covert Investigation techniques

#### Advantages:

- controlled deliveries are useful if they are possible and permissible under domestic law
- even if used successfully, controlled deliveries frequently expose perpetrators who get in touch with the contraband

#### Disadvantages:

- controlled delivery operations:
  - require a solid legal basis and proper authorization
- are time consuming and resource intensive

#### Examples:

United States v Zhifei Li 'Operation Crash' (2013; Miami, Florida) -> it is a case of wildlife trafficking: the defendant had purchased two horns of the endangered black rhino;

(Example of internet surveillance: examination of online advertisement for fauna and flora can lead to discover that they are used to sell or seek wildlife contraband).



### Forensic Science

This subject consists of using science and technology to discover wildlife trafficking

Forensic science can be divided into two types of techniques:

- ❑ **forensic techniques** used to assist in the identification or origin of species; and
- ❑ **forensic techniques** used to link suspects or physical items to a crime

**Forensic methods** depend on the nature of the alleged offence and include identification and morphological studies, microscopy, pathological studies, DNA testing, toxicology, document analysis.

Forensic science needs relevant laboratories and equipment, qualified and trained staff accordance with forensic standards.

Examples:

**Trace Network (2006)** is an organization that promotes forensic science and related applied tools in wildlife conservation and law enforcement; coordinates multiple wildlife forensic projects in Europe, Southern Africa and Southeast Asia that includes training on wildlife forensics seizure, a project aiming at the construction of a pan-European framework for product traceability





### Patrol and Checkpoints

**Physical patrol** is led by game wards, park rangers, police, and other law enforcement officials with the use of technical support and drones.

They strongly contribute to the prevention of illegal activities in wildlife and forestry sectors, and they are essential for the detection of wildlife trafficking.

Disadvantages: Physical patrol can cover only small areas.

Examples:

- The Patrols by the '**Black Mambas**' (2013) is an anti-poaching unit located in the Balule Nature Reserve in South Africa's Greater Kruger National Park. and led by volunteers that conduct daily weapon-free boundary patrols, surveillance, personnel gather intelligence, removal of snares meant to trap wild animals and search for wild meat kitchens and poacher camps.

**Invasive measures** include disruptive patrols within areas of high rhino density, as well as roadblocks.





©Interpol





### Seizure

**Seizure** is a provisional measure which results either in confiscation, in forfeiture, or in the return of the goods to their owner depending on the decision on the merits of a case.

To seize an animal, an animal part, or a plant suspected of having been trafficked, it generally suffices to demonstrate a reasonable belief that the seized item is contraband.

According to **TRAFFIC**, the top commodity groups seized in the EU in 2020 were, in order of the number of reported seizure records, plant-derived medicinals; **reptile bodies, parts and derivatives; live reptiles; live birds, and bird bodies, parts and derivatives**. Thailand and the United States of America were the main countries of export to the EU in 2020. An increasing proportion of shipments were transported through the postal system, with 29% of total seizures occurring at mail centres in 2020, and 21% at airports.

To better cover the topic:

<https://www.traffic.org/publications/reports/an-overview-of-seizures-of-cites-listed-wildlife-in-the-eu-in-2020/>



# 4. Investigation tools



### Acoustic Traps

Acoustic trap is a monolithic sensor that monitor sound waves for sharp disturbances (such as gun shot, chain saws, truck engines, blasts or airplane engines) throughout forests triangulating the source of suspicious sounds and providing detailed real-time information via wireless network as to the precise location of the sound.

Among the advantages, **they increase the efficiency of anti-poaching patrols.**

New acoustic sensors are similar to camera traps in many ways. However, while camera trapping is mostly limited to larger mammals and birds, acoustic monitoring can potentially detect a much broader variety of taxa, regardless of body size.

Acoustic sensors are small, increasingly affordable and non-invasive, and can be deployed in the field for extended times to monitor wildlife and their acoustic surroundings.





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### Mobile Technologies

Mobile technology hand-held devices linked through satellite communications to empower the general public on wildlife illegal activities. The apps encourage the public to report illegal activity involving wildlife, and a host of other apps coming into the marketplace offer similar options.

Examples:

- a) A mobile phone's application developed by TRAFFIC is used to encourage the public to report illegal activities involving wildlife.
- b) In Vietnam, three mobile phone providers help send text messages to 110 million mobiles promoting environmental public awareness, in particular rhino protection.
- c) In India, officials launched an app called 'Hejjie' App that uses instant photos to track tiger movements and landscape features (such as water levels, forest fires and suspicious human activity) and allows rangers to easily and immediately communicate one each other.
- d) The SMART platform consists of a set of software and analysis tools designed to help conservationists manage and protect wildlife and wild places (<https://smartconservationtools.org/>).



### Digital Radio

Digital radio network is a communication tool used by rangers and officers involved in the fight against crime.

Example:

In Kenya, rangers use a new digital radio network that allows rangers **to communicate securely over long distances**, coordinate with headquarters, and respond faster to poaching incidents and illegal park entries.



### Camera-traps

Camera-traps are sophisticated digital cameras that can transmit data quickly and accurately. They have been used to monitor wildlife for years, now they are used also to track the movement of poachers.

Camera traps are already a common tool for **monitoring the distribution and abundance of wildlife species in remote areas**. They have also been known to inadvertently capture images of human activities, and this “*by-catch*” has been used to assess the presence of poachers and other criminals operating within protected areas.

Camera-traps are a relatively low-cost means of improving wildlife crime detection and supplementing field patrol efforts.



### Radio Frequency Identification (RFID) Tags

Radio Frequency Identification (RFID) Tags are microchips implanted into specific animals in order to track their movements through ground or mobile sensors and ensure that the animal is behaving normally. If an animal falls off the grid, RFID captured location coordinates can help identify the animal's last position and greatly enhance rapid-response capacity

For instance, the microchip can be placed inside the rhino's horn to control the suspected movements of animals (WWF, 2014).





### Radio Collars

**Radio collars** are radio-telemetry monitoring systems of position, applied to the animals, that share real-time data. Using, a radio-transmitting device on the satellite frequencies, at low intensity, radio collars allow to monitor the positions of the animals via GPS to control their dispersion and survival in the territory.

Radio collars are equipped with a battery, such as to ensure traceability (the transmission of GPS data) even for a few years.

A radio-control can also activate an electro-mechanical device that allows to release the collar, at the end of the monitoring, painlessly and remotely, freeing the animal from the burden without the need for further human intervention.

Currently, radio collars have been innovated in size and durability; have satellite technology and accelerometers that can transmit information such as animal's health and deviations ranging patterns





©Jenna Miler





### Metal Scanner

Metal scanners are necessary to detect wire snares and metal traps used by poachers to catch wildlife.

Metal detectors are useful also in investigating crime scenes involving dead or injured wildlife, as they can quickly pinpoint a bullet, which can be used as evidence and, also, help to identify suppliers (UNEP, 2017).

Example:

- a) In India, TRAFFIC imported standard metal detectors to help forest guards uncover metal tiger traps.
- b) Several organisations in Africa -> have employed standard wand metal detectors to help teams to identify snares in the field (TRAFFIC, 2009).



### **Military-Style (Mesh) Digital Networks**

Mesh Networks are digital communications systems that permit to transmit sensitive data quickly and safely without easily being monitored or hacked.

New mesh networks operate through complex routing algorithms that scramble data upon transmission and then decode it upon receipt, affording rangers and conservation teams the opportunity to communicate without poachers being able to listen in.

Not all mesh networks have encryption -> they are available to all -> poachers can pick up frequencies that monitor collared or micro-chipped animals, giving them a head-start towards their targets



### Apps

Apps constitute another **promising field for technologies applied to environmental crimes**.

They exploit the ease of use, interconnection, good camera quality and computational capacity of contemporary smartphones for investigations, the automation of checks and the monitoring of territories.

For instance:

In Romania, the police are using the Sumal 2.0 application to fight illegal logging; the programme has to be used by timber companies to upload all documentation needed for a certain timber load, including pictures from the logged area. Those are automatically checked by the system and can also be remotely analysed by central units, thus reducing the monitoring burden for local officers.

SEPRONA is developing an app able to use a DNA scanner attachable to smartphones, to trace the origin of imported timber.





### Apps

Apps and smartphones can also be used to increase the speed of information flow by linking to central databases and can receive information from networked sensors.

**Apps** are a tool **for citizens** to report environmental offenses: this has been particularly applied to waste crimes, by offering the possibility to directly report to the correct local authority fly-tipping and more serious illegal waste disposal via a GPS-based app.

The success of these projects however depends on the ability to involve citizens, but also to screen the information received.



### Illegal Trade Databases

Illegal Trade Databases are digital databases which track aspects of wildlife illegal trade.

Even though modern databases are more flexible and involve inputs from multiple sources, most of them are limited by voluntary contributions from countries or have outdated data or have heavy restrictions regarding privacy and use.

Example:

- **Elephant Trade Information System (ETIS)** managed by TRAFFIC, is a database that tracks confiscation records involving elephant products and produces quick results (<https://www.traffic.org/what-we-do/projects-and-approaches/trade-monitoring/elephant-trade-information-system/>).
- **EU-TWIX** database has been developed to assist national law enforcement agencies, including CITES Management Authorities and prosecutors, in their task of detecting, analyzing and monitoring illegal activities related to trade in fauna and flora covered by the EU Wildlife Trade Regulations (<https://www.eu-twix.org/>).
- **Wildlife Trade Portal** is a comprehensive open-access repository of wildlife seizure data and an interactive tool that displays TRAFFIC's open-source wildlife seizure and incident data (<https://www.wildlifetradeportal.org/#/about>).





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### Drones

Drones are one of the most flexible, cheap and already applied tools in enforcing environmental regulations.

The implementations in the technology of the commercial unmanned aircraft systems (UAS) has managed to shift the use from primarily military applications to civil uses.

These tools improve sharply the autonomy (in terms of battery and range) and present a decrease in costs which affected both consumer and professional drones in the past decade.



### Drones

For instance,

- the model “DJI Mavic 3”, a 2021 prosumer drone, has now a maximum 46 minutes autonomy and a 15 km range, with zoomable, highly detailed images, while falling below the 2,000 euro price tag.
- Its professional equivalent, the Matrice 30 series, can withstand a 15 metres per second wind and a temperature range from -20 to +50 degrees Celsius, with an infrared sensing system, a thermal camera and a laser range finder able to detect coordinates of objects up to 1,200 metres away.

Drones below 250 grams have significant range, are very quiet and are thus fit for a wide range of investigations.

They can also mount specific systems or cameras extending their professional use.

Adding advanced cameras strongly empowers the use of drones in environmental matters: while LiDAR drones are still very expensive (some exceeding 100,000 euro) multispectral cameras are relatively easy to mount and can offer key information on land-use, deforestation or even poaching.





### Drones

The **advantages** of using drones are many:

- they are able to access remote territories and easily collecting samples from industrial emissions;
- they can be used to monitor large areas in a relatively short time (some models of drones can go as fast as 70 km/h but others, such as the model “Inspire 2”, can reach almost 100 km/h<sup>245</sup>), while being able to detect information not available on the ground, from the number and movements of fishing boats, to damages done to the sea bed in protected areas;
- they ensure the safety of officers, who can investigate dangerous situations from a remote location

The **drawbacks** of their application:

- professional operators require a license which is sometimes hard or expensive to obtain,
- limitation imposed by national laws are often very restrictive
- authorizations need for operations over critical areas (cities, power plants, airports),
- Need of expert pilots in case of advanced operations









### Satellite Imagery

Satellite imagery is another key tool to fight environmental crime.

Since the launch of the Global Monitoring for Environment and Security programme in 2010 and of the Copernicus programme in 2014, the amount of free information on Earth monitoring available to EU member states has increased exponentially and now a variety of applications are available, concerning environmental offenses.

For instance,

**Copernicus land monitoring service** can detect land use not only in terms of forest cover, but also regarding the kind of cultivation and the amount of fertiliser being employed.

**SEPRONA (The Nature Protection Service)** in Spain) is using low-frequency infrared waves to detect water theft via the development stage of plants, among other things.

**NASA** and **ESA satellites** can use a range of different radar and multispectral sensors that can detect the diffusion of invasive species, nitrogen and other kinds of pollution and land degradation (and most of these data are completely open access).



### Satellite Imagery

While a 10-metre resolution is usually free, authorities or even private players can buy images with a significantly higher resolution (2 metres) and high frequency (even photos every 15 hours), not only for the EU, but for the world as a whole (UNEP, 2017).

This can be used to monitor pollution in high seas, to track shipments of waste and forest crimes (the latter is also part of the **SEPAL system** launched by the UN's FAO for land monitoring).

While the availability of such information is significant, some obstacles remain for their use, particularly concerning the analysis of these data, which require high computational capacity and a professional expertise which is not yet largely available, on either the European or the global level.



### Networked sensors and other instruments

**Networked sensors** is another area of vast application for environmental action.

It consists of placing a series of audio, video but also other kinds of sensors (collecting data on emissions, water quality or others), which are connected to each other and ideally to an external station via Wi-Fi, Bluetooth, mobile connection or other systems.

This allows for a constant monitoring of even remote areas which can also be automated or can be trained to recognise specific sounds or shapes and then alert officers.

Examples:

- In the “Nature Guardians” project, run by WWF Italy with the support of Huawei and the start-up Rainforest Connection, the adoption of audio sensors in protected areas is used against poachers and has already led to 15 actions by the local police, based on the alert received.
- In Romania a similar system has been implemented by Vodafone, to spot illegal logging via the detection of suspicious noises (cars, chainsaws, etc.).





### Networked sensors and other instruments

A vast array of detection instruments is also available, some already in use for a relatively long time, but they are gaining more attention in the past decade.

**GPRs** have existed for more than a century, but they are gaining increasing importance in issues such as illegal waste disposal, since they allow the surveying of the subsurface without the need for excavation.

**Magnetometers** are also being applied in this sense (also thanks to their substantial miniaturisation in recent years), while laser scans are now employed to quickly estimate the size of waste deposits (among other uses).

**LiDAR** is a relatively new technology, merging a laser, a scanner and a GPS receiver to provide a detailed 3D model of the area. Unlike satellite photos, which uses the reflection of the sun's light, LiDAR technology only needs the light provided by the laser: the image can be analysed without shadows and regardless of the weather, focusing on elements that are interesting to the viewer (excluding, for instance, the vegetation cover, if needed).

It can be used to detect forest degradation, different land uses or the hydrology of an area, for instance.



### DNA Analysis

The technique of DNA barcoding allows researchers to identify species from very small fragment of genetic material.

In the case of ivory trafficking, the DNA analysis of ivory horns compared with the DNA-based mapping of elephant populations allows investigators to pinpoint the origin of illicit ivory horns (University of Washington).

Example:

**International Barcode – LIFE Project** is a global DNA barcode library of species created by scientific experts from 25 countries





### European Arrest Warrant

Established in 2002 with decision 2002/584/JHA, a different tool to better prosecute WLCs transnationally, is represented by the **European Arrest Warrant (EAW)**, even if the actual structure of the tool is not easily applicable to WLCs in general.

All Member States transposed Article 1(1) of the Framework Decision defining the European arrest warrant as a **judicial decision** issued by a Member State with a view to the arrest and surrender by another Member State of a requested person, for the purposes of conducting a criminal prosecution or executing a custodial sentence or detention order.

The EAW replaced the traditional system of extradition with a simpler and quicker mechanism of surrender of requested persons for the purposes of conducting a criminal prosecution or executing a custodial sentence or detention order.

A warrant may be issued for the purposes of:

- a) **criminal prosecution**; or
- b) **execution of a custodial sentence** or detention order.





### European Arrest Warrant

Point (a) concerns criminal procedures where the requested person can be prosecuted.

Point (b) concerns enforceable custodial sentences or detention orders for criminal offences issued by a court. Issuing an EAW is not possible for all crimes but limited to those of sufficient severity, as explained in more detail below.

□ **In some Member States'** legal systems, an EAW for the execution of a custodial sentence or a detention order can be issued **even if the sentence is not final and still subject to judicial review. In other Member States'** legal systems, this type of EAW can be issued **only when the custodial sentence or detention order is final.**



An EAW may be issued for the purposes of conducting a criminal **prosecution in relation to acts punishable under domestic law by a custodial sentence or a detention order for a maximum period of at least 12 months** (Article 2 (1) of the Framework Decision on EAW).



### European Arrest Warrant

In March 2020, a European arrest warrant coordination group was set up. The purpose of the European arrest warrant coordination group is to **enhance the swift exchange of information and cooperation of different actors** involved in the operation of the Framework Decision, i.e., practitioners and policy-makers from Member States, Eurojust, EJM, the General Secretariat of the Council and the Commission.

Currently, **in half of the Member States courts or judges are solely competent to issue a European arrest warrant**. In a few Member States, it is entirely to the public prosecutor's offices to issue a European arrest warrant. Several Member States have designated both courts and public prosecutor's offices as issuing authorities.

Furthermore, some of those Member States have designated different authorities depending on the stage of criminal proceedings (e.g., pre-indictment and post-indictment or pre-trial and trial) or on the purpose of the European arrest warrant (prosecution or execution of a sentence)





### European Arrest Warrant

The recommendations of the Parliament:

[https://www.europarl.europa.eu/doceo/document/TA-9-2021-0006\\_EN.html](https://www.europarl.europa.eu/doceo/document/TA-9-2021-0006_EN.html)

and the Council:

<https://efaidnbmnnnibpcajpcgicfindmkaj/https://data.consilium.europa.eu/doc/document/ST-13214-2020-1-NIT/en/pdf>

call for **improvements of the practical operation of the European Arrest Warrant Conclusions.**

Furthermore, the Commission is currently further studying this issue to explore the need for EU action in this area. The Commission is also looking into **problems arising with regard to the collection, transfer and use of evidence in cross-border proceedings** and possible ways forward.

In the case of WLC, to avoid parallel investigations on those criminals operating across several jurisdictions, common rules could be necessary to allow Member States to transfer criminal proceedings to another Member State, for example the Member State of nationality of the suspect, taking into account the Framework Decision for the prevention of conflicts of jurisdiction.



### European Arrest Warrant

While recognising the efforts made by Member States to date, the level of implementation of the Framework Decision is still not satisfactory in some Member States.

Regarding WLC prosecution, the implementation of the EAW is particularly difficult because of the tenuousness of the penalties usually imposed to the offenders. Furthermore, EAW procedures are still too long and time consuming.

The communication and sharing of information within Joint Investigation Teams is and will be essential and the Commission will therefore work on developing a Joint Investigation Teams collaboration platform and on stepping up Eurojust cooperation with also third countries.

For more information: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=COM%3A2020%3A270%3AFIN>





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