

# MORE THAN 160 SENTENCES AS A RESULT FIGHT AGAINST POISONING .

## "FIGHTING AGAINST CUSTOMS"

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**EUROPEAN  
WILDLIFE CRIME  
WORKSHOP**

**STRENGTHENING  
TRANSNATIONAL  
WORKING RELATIONS**

**MADRID, 28-30 JUNE 2022**

INTERACTIVE SESSIONS FOR ON-SITE PARTICIPANTS ONLY  
PLENARY SESSIONS BROADCASTED ONLINE (UPON REGISTRATION)

**OSWIPE** System of  
Wildlife Crime  
Investigation  
in Europe

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

PARTNERS  
WWF WILDLIFE TRAFFIC TRAFFIC EUROPEAN COMMISSION EUROPEAN PARLIAMENT





20 minutos BLOGS

NACIONAL INTERNACIONAL DEPORTES OPINIÓN TELE GENTE 2

## Un grave envenenamiento pone en peligro la recuperación del único buitre de Canarias

CÉSAR JAVIER PALACIOS 07 DE JUNIO DE 2020

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ABC CASTILLA Y LEÓN

Buscar SUSCRÍBETE

## Investigan un envenenamiento masivo de 32 aves protegidas en Wamba (Valladolid)

Es el mayor episodio de intoxicación de animales en Castilla y León en los últimos años



El avejor del búho negro, es una imagen de archivo

Un...  
Isa...  
IMPU...  
TU F...  
ONLI...



Público

Opinión Tremendous Internacional Mujer Clima Memoria Pública Cultura Ciencia Economía Públicos Tv Esp

## La Justicia impone la mayor pena de historia por el envenenamiento de 138 rapaces

do condena a los responsables a de utilizar cebos envenenados a indemnizar a la Comunidad Foral con 67.538,65 euros por la muerte de los animales.

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La Tribuna de Albacete

ALBACETE PROVINCIA REGIÓN ESPAÑA MUNDO DEPORTES OPINIÓN PUNTO Y A

PROVINCIA

## Detienen a un hombre por uso de cebos envenenados

Publicación: miércoles, 1 de diciembre de 2021

Efectivos de la Guardia Civil detuvieron a un vecino de Montealegre del Castillo, cinegético, por causar la muerte de un águila real y dos zorros



GUARDIA CIVIL M\* INTERIOR



## **ADMINISTRATIVE:**

- **Strategic. Central State**
- **Planes de Actuación. Autonomous Communities.**
- **Autonomous legislation.**

## **CRIMINAL**

**Art. 334-336-337 6 months to 2 years”**

**Inhabilitation hunt for 3-8 years.**

**Civil Responsibility. Scales. Autonomous Comuniti.**

**Art. 109-126**

**Art. 339: “Judges and courts to order measures to restore disturbed ecological balance”**



# METODOLOGY: Judicial sentences. Search engines



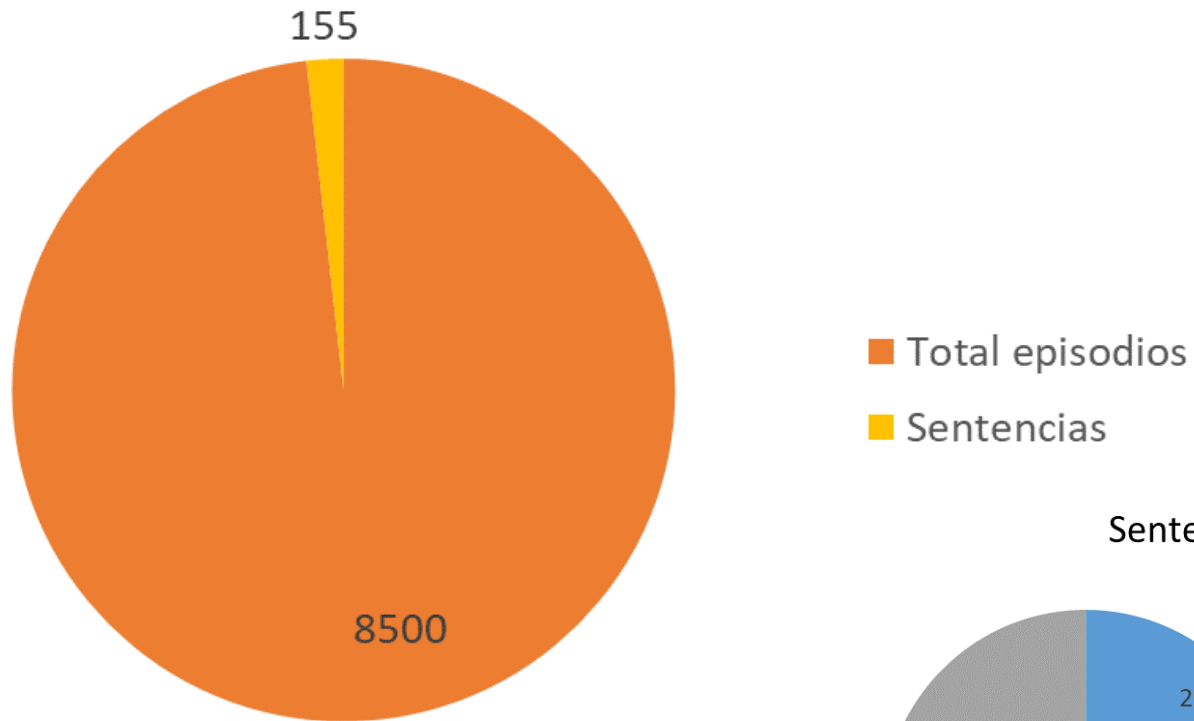


8.500 Cases with more tan 185.000 wild animales 1992 – 2018. WWF and SEO/BirdLife

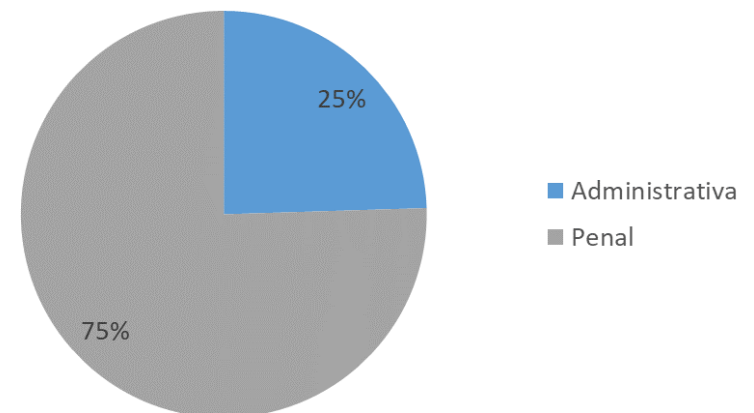


# RESULTADOS OBTENIDOS. 160 SENTENCIAS

## Sentencias respecto al total de episodios

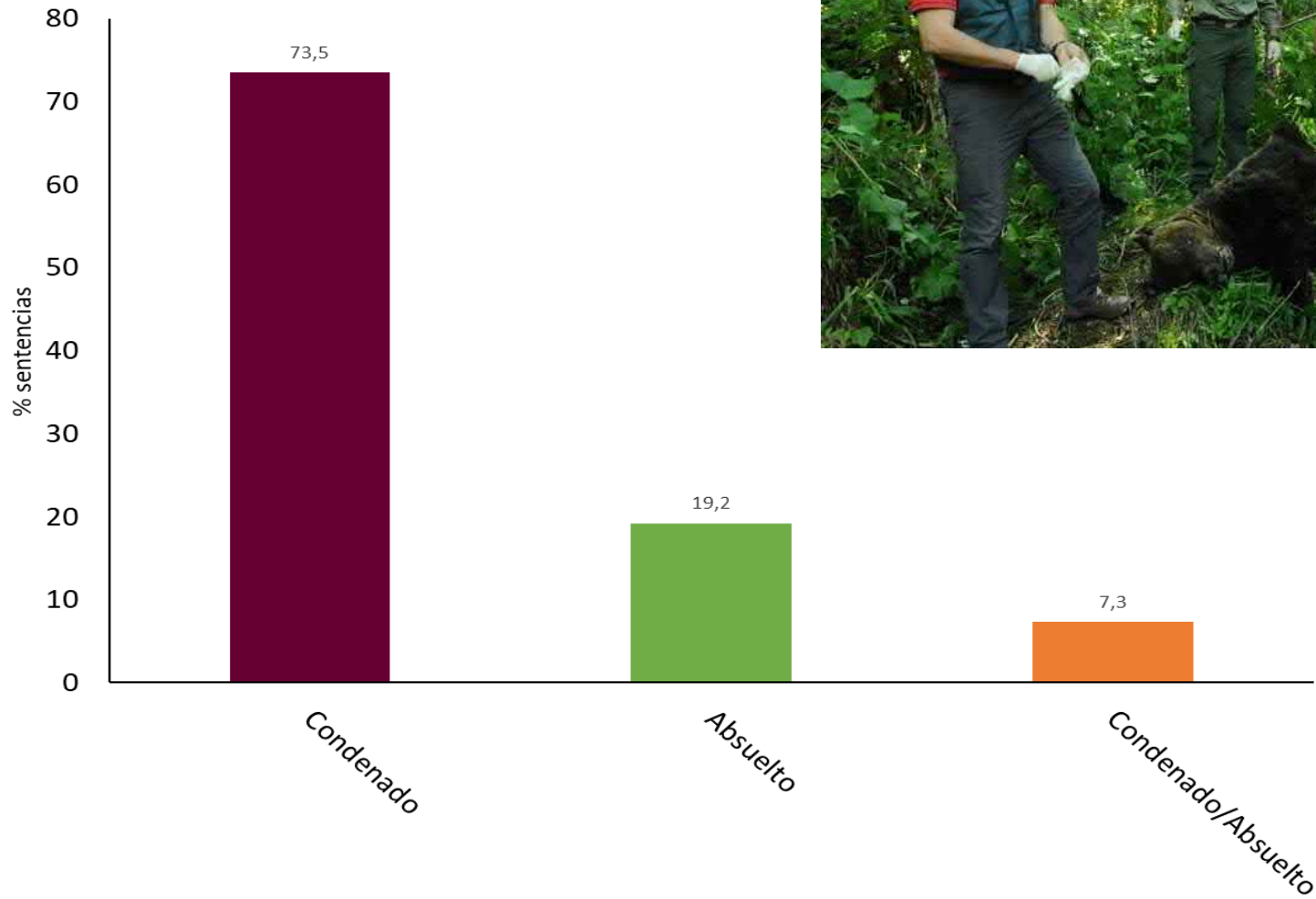


## Sentencias



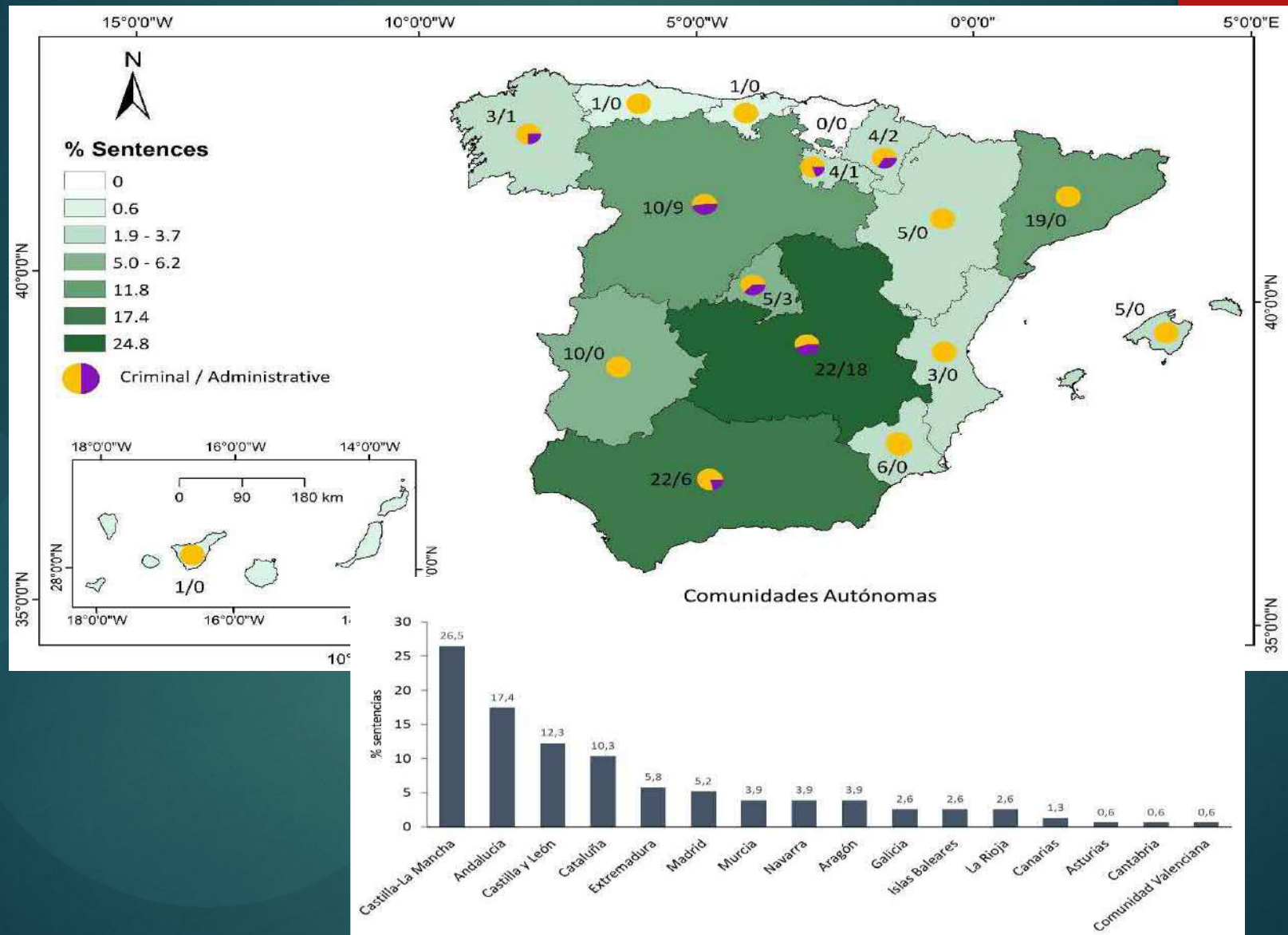
# Conviction 73.5 %

Fallo sentencias





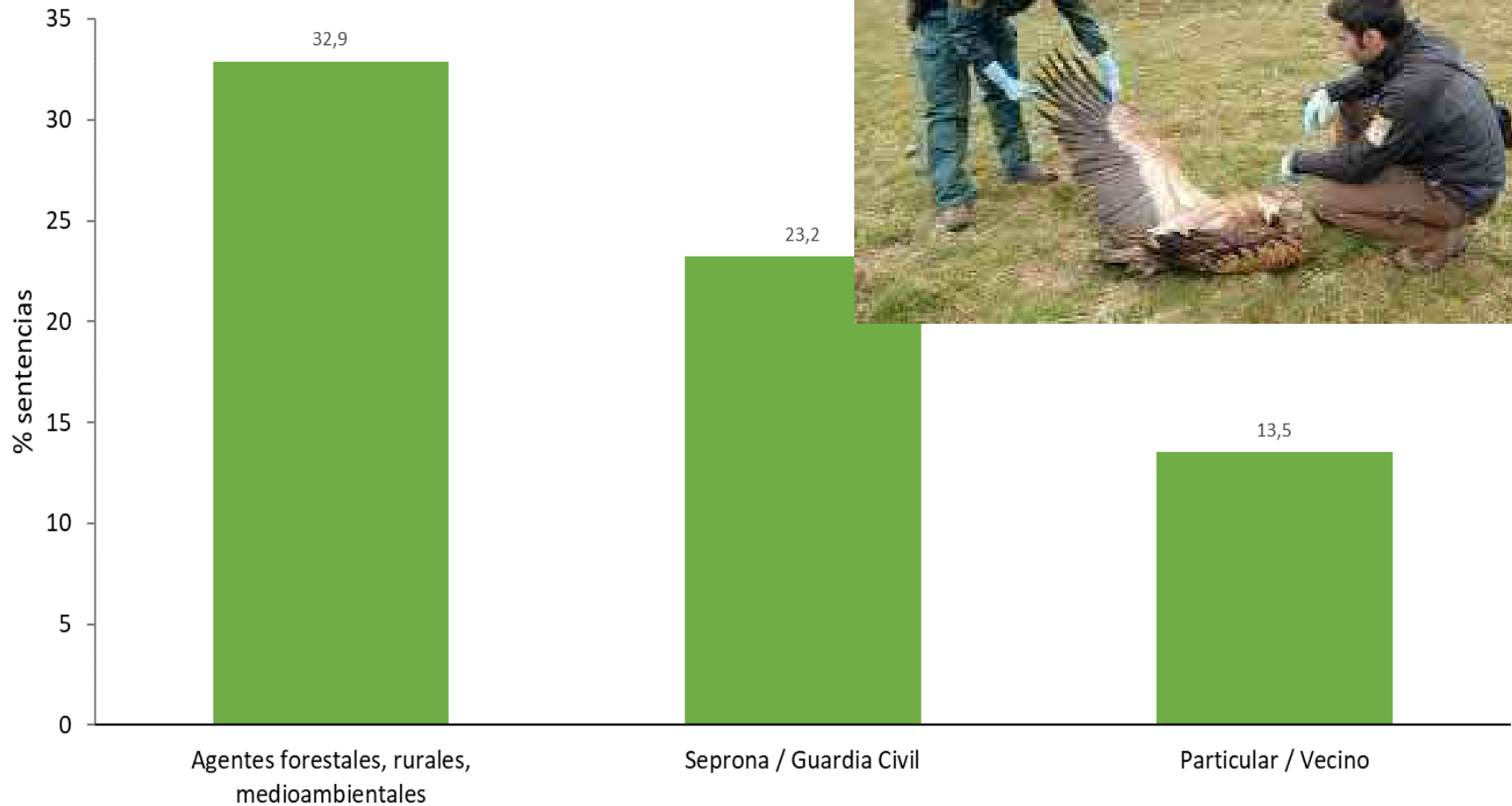
# Prosecution by Autonomous Communities.



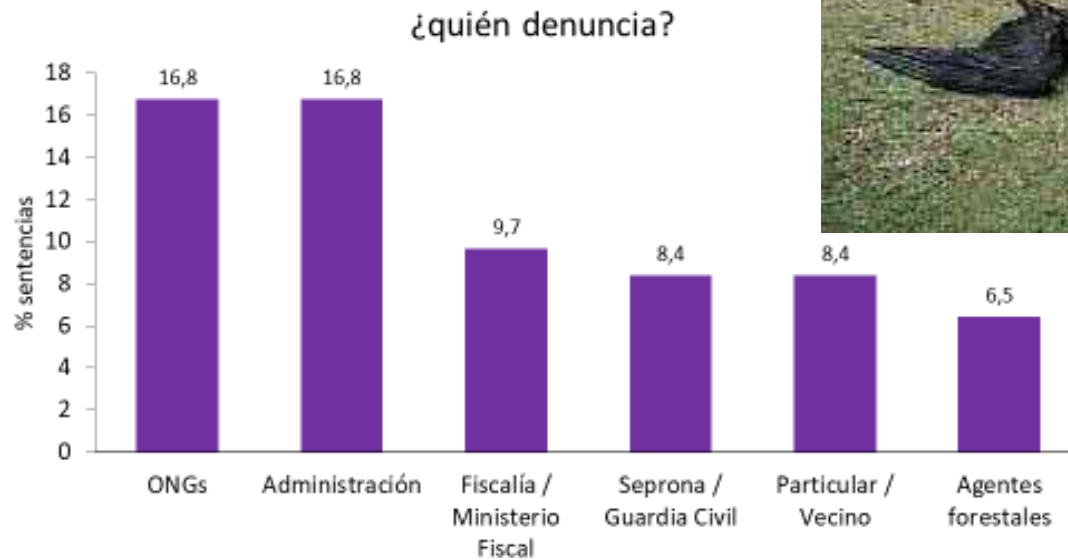


# Who detect?. Environmental Agents and Civil Guard (SEPRONA).

¿quién detecta?



# LEGAL REPRESENTATION IN COURT: NOGs and Administration: 16.8%



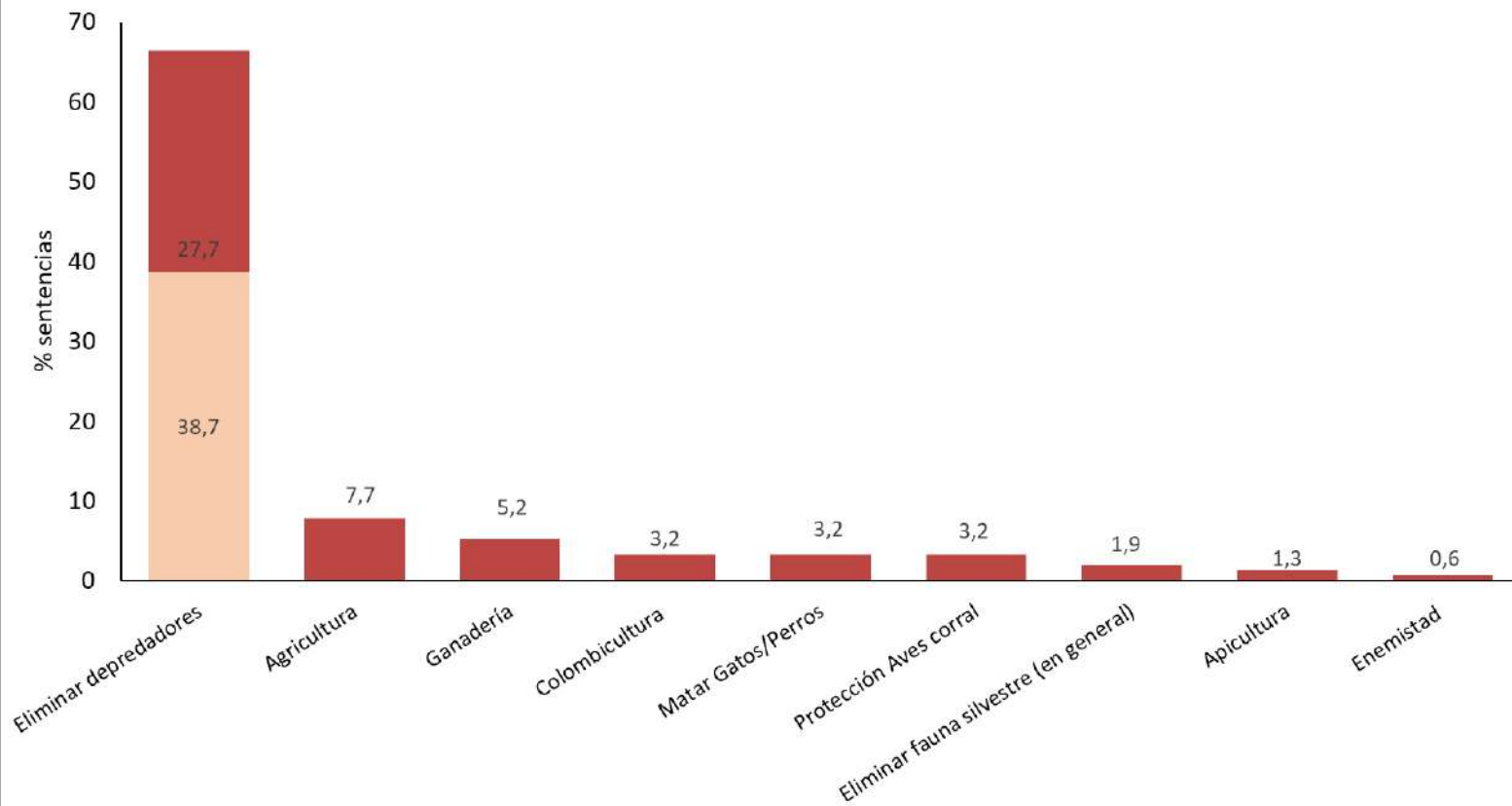


# MOTIVATIONS:

- Hunt 70%
- Agriculture 7.7 %
- Cattle Raising 5.2%



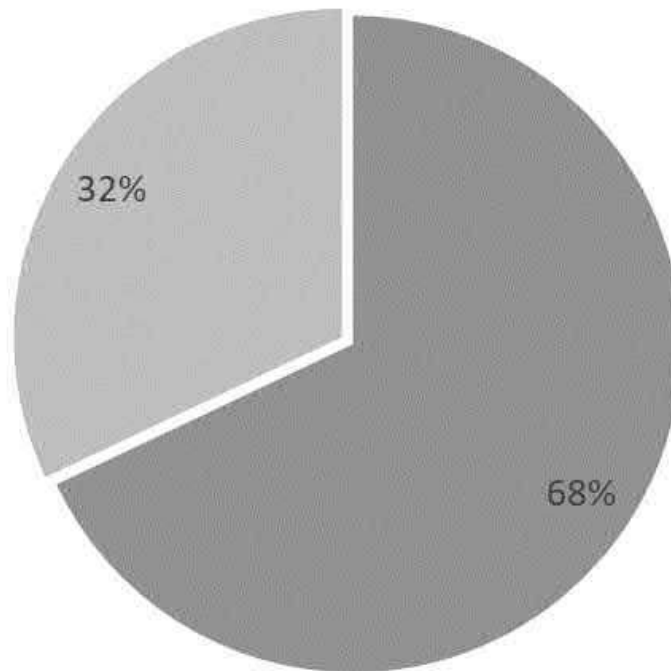
Motivación



# MEANS OF PROOFS: Circumstantial evidences.

70% Court Sentences

Prueba indiciaria



■ Si  
■ No



## MEANS OF PROOFS:

- Telephone tapping: 2 cases

- DNA Analysis: 2 cases

- Environmental experts reports: All proceedings

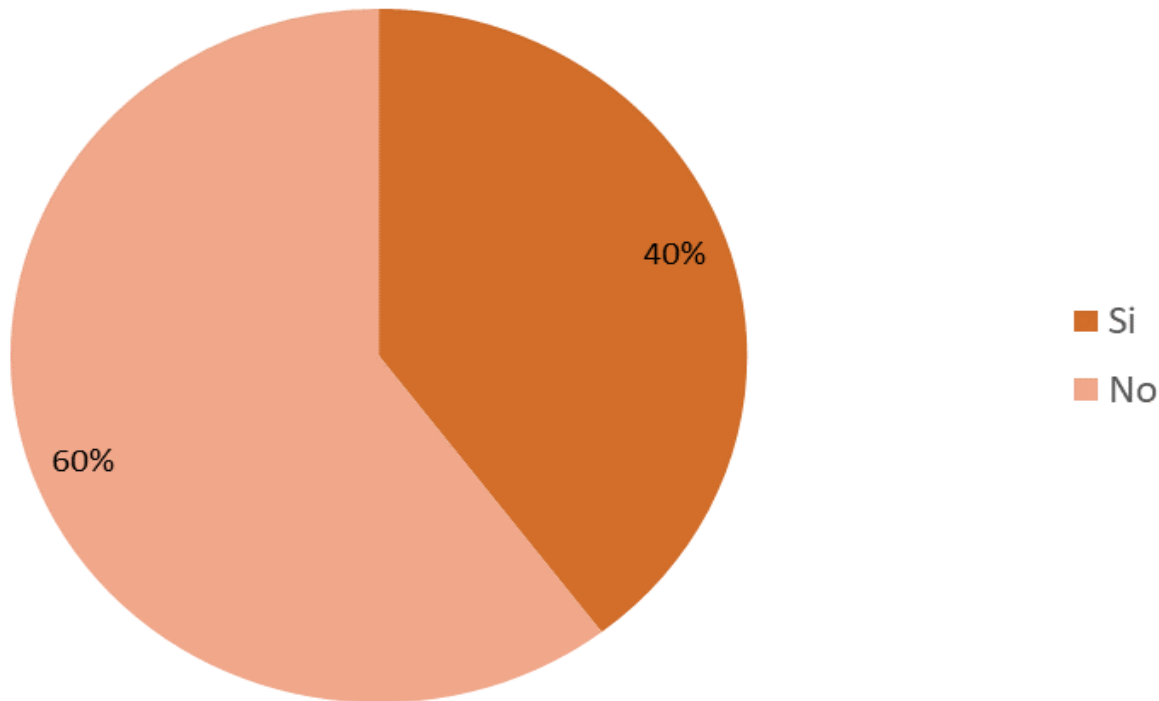
with species affected



# CONFORMITY & AGREEMENT BETWEEN PARTS:

- Poisoner benefit: Sentence reduced 1/3
- 60%. sentences

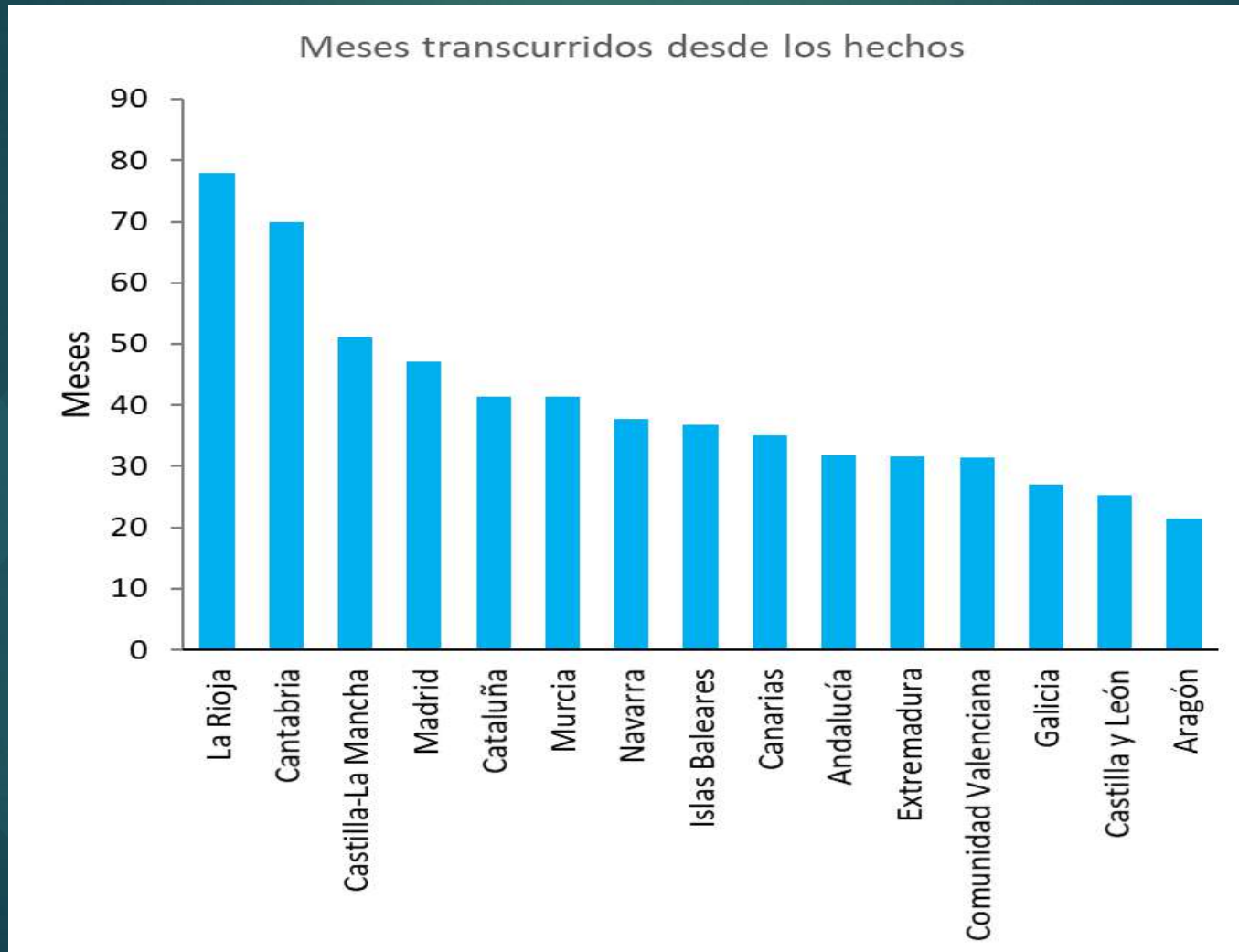
Conformidad del acusado





Processing time of the procedures by Auton. Com .

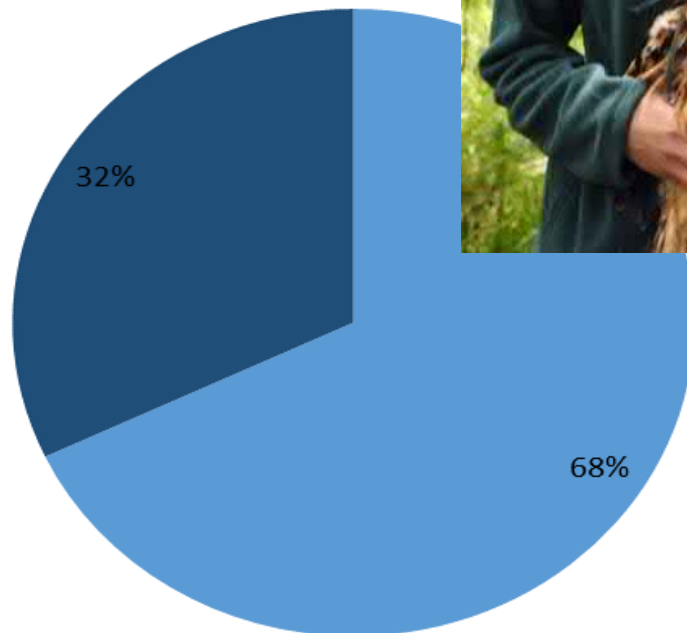
- influencing the reduction of penalty for delay.



# CIVIL LIABILITY ENVIRONMENTAL DAMAGE CAUSED:

-When raptors are killed: 60% of court sentences

Responsabil



■ Si  
■ No



# FAUNA VALUATION SCALES

Anexo I. Dec. 08 CyLM. Valoración de los individuos de las especies de fauna silvestre amenazada:

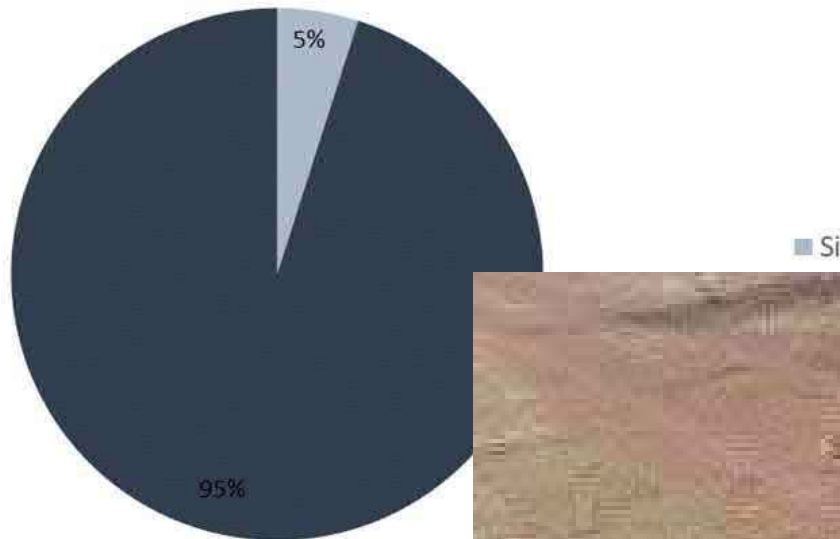
<u>Especie</u>	<u>Valoración</u>
Lince ibérico	90.000 Euros
Lobo ibérico	18.000 Euros
Desmán de los Pirineos	6.000 Euro
Águila imperial ibérica	60.000 Euros
Cigüeña negra	60.000 Euros
Águila perdicera	60.000 Euros
Avetoro	12.000 Euros
Buitre negro	18.000 Euros
Águila real	18.000 Euros



Art. 339: "Judges and courts to order measures to restore disturbed ecological balance".

-Only 5% of sentences"

Medidas recuperación daño ambiental



## -MAIN JUDICIAL PRONOUNCEMENTS

-Judicial Sentence No. 447/15 of 2015 of the Criminal Court No. 1 of Ciudad Real, which requires the convicted person to pay 360,000€ for the death of six imperial eagles.

-Judicial sentence june 2013 Criminal Court núm. 1 de Don Benito, nº 141/2013. Poisoner to pay the expenses for the radio/GPS-tracking and monitoring of two adult black vultures in the area where the poison appeared.

39.400 €



## -MAIN JUDICIAL PRONOUNCEMENTS

-Judicial Sentence No. 145/2015 of the Criminal Court No. 3 of Santander, which imposes measures for the recovery of the main species affected, the red kite, through the payment by the poisoner of the corresponding studies on the evolution of the populations. The amount of 28,500€ should also be included in the compensation for the ecological disturbance





## PROPOSALS.

- Coordination Civil Guard and Environmental Agents
- Improve the training of public Ministry and Judges.
- Improve conditions of work of instructors of file.

Independence decisions in files.

### -New redaction:

336 CP. Penalty from 1-3 years of prison

336.a. Penalty from 1-3 years of prison to sell this products

338 CP. Penalty from 1-3 years in Natural areas

# THANKS AND PEACE.

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