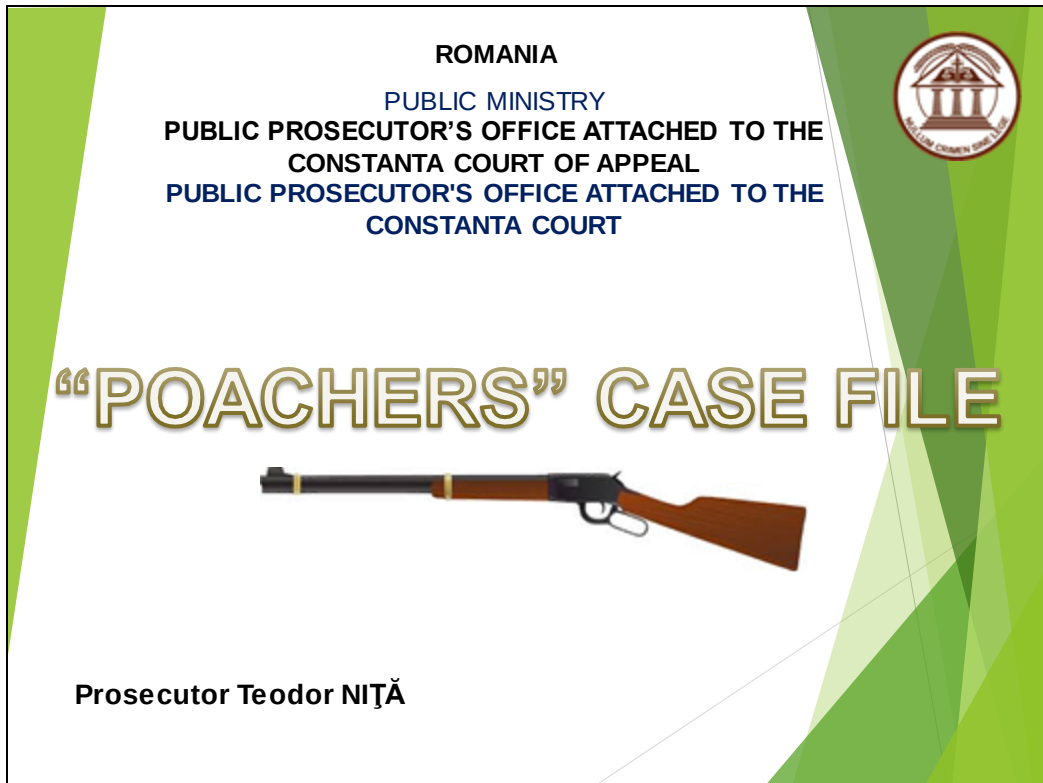




The second presentation is relative to a case of birds poaching, and the way it was conceived I thought it would be more useful to do it in writing and combined with images, which is why my verbal explanations will be shorter.



GENERAL CONSIDERATIONS

In Romania, we have one of the worst laws from the perspective of protecting the hunting and fisheries fund. Because of poaching, we have reached the situation in which we don't have any more fish in the Danube, which means the Romanian carp is bought from Italy, the Romanian wels comes from Greece and so on, making it hard to find local fish. The reason for this ecological disaster is that the poaching is done by electric current which means that the fish are neutered, both the uncaught ones and the ones caught for consumption, and in addition causing the destruction of the spawn around the area of the electric poaching devices. Unfortunately, the same thing can be said about hunting as well, because the Romanian law allows hunters to use very destructive devices.

Thus, the use of electronic calls is permitted, which mimics the mating signals of animals or birds, luring them in this trap and slaughtering them. This means that the hunter is in fact a butcher who sits on a chair, in the field, having hundreds of cartridges on him and who does nothing more but to shoot the poor creatures which are tricked by the use of the electronic signal.

On the other hand, it is clear that the poachers could not do anything without the involvement of the representatives of the Sport Fishermen and Game Hunters County Association, because a poacher needs weapons, ammunition and a free pass.



Basically, what happens is that the movement of the weapons and ammunition is not registered in the records of the S.F.G.H.C.A. and the hunting files are not filled in, so there is no form of control towards what the so-called hunters are doing. Furthermore, a real phenomenon of hunting tourism has been created, where Italian citizens, as it is in the cause I am about to share, in exchange for consistent amounts of money, bring their compatriots to hunting games in which they destroy the wildlife.

Animals and birds are shot and killed without limit, and then they are frozen and delivered to luxurious restaurants in Italy.

In the following cause, I will explain how, from the collaboration between S.F.G.H.C.A. Constanta and the leader of the group of hunting tourists it caused havoc upon some big hunting funds from Constanta County.



The police representatives informed the prosecutor, the fact that the named S.L. (italian citizen) organizes hunting games in the area of Constanta County, with the participation of some groups of Italian hunters, under conditions of criminal illicit.

On these occasions, it was known that the above mentioned was giving the Italian hunters large amounts of ammunition, unregistered in the records, obtained without obeying the legal provisions, and he was hunting together with the Italians, a larger number of specimens than the one specified on the hunting authorizations, which were not even filled in.

In order to succeed and obtain important incomes from this type of *"hunting tourism"* the defendant needed the *"services"* of a cunning public servant from Romania; thus he co-opted defendant M.V.D. - head of S.F.G.H.C.A. Constanta.

Rarely, such a criminal act can be committed without the support of some representatives of the authorities, and in the case, we investigated the head of the Hunting Association, six guards of the hunting grounds, the leader of the group of poachers and four lieutenants - all the latter being Italian citizens.



It turned out later in the investigation that the defendant S.L. was supported by two compatriots, the named co-defendants Q.D. and P.G. , who joined the criminal association initiated by him, actually helping him, as it turned out.

The two acolytes coordinated the poaching activities in the field (*wildlife slaughter*), thus being the trusted men of their *boss*, distributing large quantities of illegally acquired ammunition in the hunting areas to the Italian hunters who came to the country believing a nonexistent legal reality presented to them by the acolytes, that *"in Romania you can hunt in any way and as much as you want without any restriction"*.

On the other hand, in order to give the appearance of such realities, the services of the head of S.F.G.H.C.A were needed who, in fact acted accordingly by making available huge amounts of illegally and freely munition to the defendant S.L. and those *"two lieutenants of his"*, with which to commit the mentioned slaughters; on this occasion the hunting guards subordinated to M.V.D. - head of S.F.G.H.C.A Constanta, were collaborating for the purposes of holding and handling of large quantities of ammunition, all these activities and acts being committed for the purpose of achieving the above described criminal aim.



PEOPLE INVESTIGATED

- Head of S.F.G.H.C.A. Constanta



- S.L.



- 4 Italian citizens – 2 lieutenants of S.L. and 2 ammunition suppliers



- 6 Romanian citizens – guards on the hunting funds





ACTION MODE

There were conducted operative surveillances in the field, the conversations and communications of the suspects were intercepted, observing the fact that S.L. was buying without any form of registering quantities of tens of thousands of cartridges which he was charging from the parking lots of some commercial centers in Bucharest or simply by direct transfer between two cars stopped on the DN.

In turn, the defendant M.V.D., head of S.F.G.H.C.A Constanta, gave the Italian citizen 37 hunting weapons, also unregistered, which the latter submitted to the hunting tourists.

Meanwhile, defendant M.V.D. was giving his subordinates from the territory ammunition crates which they maneuvered as if there were vegetables and not lethal munitions and weapons.

The subordinates were obliged not to fill in the field hunting files, so that at a so-called match, a hunter would fire 400-500 cartridges. As the game was shot down, it was immediately taken and transported without being recorded at certain hotel establishments where it was frozen after minimum processing, and then sent to Italy.



As I had suspected that one of the persons responsible for the management of the Directorate AESP was illegally communicating with one of the weapons suppliers, I brought forward the date of the search within 24 hours.

The idea was inspired, because the group of poachers was prepared and ready to leave knowing that a search would take place the next day, but we managed to surprise them with the weapons and the ammunition loaded in the cars and ready to leave the area.

Basically, to achieve his aim S.L. was supported not only by the head of S.F.G.H.C.A but also by a public servant with management position and access to information within the police structure specialized in combating poaching.

Thus, following this surprise move, we managed to obtain the material evidence to justify the charge that was to be presented to the Judge, meaning that under the disguise of tourists, on the county area were really acting a group of hunting tourists.



WEAPONS, AMMUNITION AND OTHER GOODS

- 37 hunting weapons different brands and calibres
- 45000 pcs. cartridges different brands and calibres
- 18 batteries for charging the calls
- A wooden box with 3 larks (calls) and other components for additional calls
- 3 plastic larks (*calls*)
- 5 circular calls
- A stuffed lark (*call*)
- 4 electric calls

Only during the searches on the day of the red-handed detection were these instruments of slaughter discovered.



WEAPONS AND AMMUNITION



It includes an image of the type of ammunition and weapons used for the massacre committed by them.



POACHED BIRDS

- 1. Pheasant – 10 pcs.**
- 2. Partridge – 80 pcs.**
- 3. Unidentified wild birds - 280 pcs.**
- 4. Larks - 1574 pcs. eviscerated (frozen)
- 818 pcs. in feathers**
- 5. Quails - 85 pcs. eviscerated (frozen)
- 55 pcs. in feathers**
- 6. Ringdove - 10 pcs.**
- 7. Crow - 15 pcs.**
- 8. Harrier - 12 pcs.**

Short inventory of poached birds, as a result of such an episode of poaching tourism by members of the criminal group.

It is the result of a single day of birds slaughter



POACHED BIRDS



Images of the birds identified as poached on the spot

CONCLUSION in this case

Because I had the suspicion that we had "a mole" in the team, I proceeded to the searches a day earlier, on which occasion I noticed that the Italian poachers were preparing to leave the location, because they knew that we would come to the searches the next day and I surprised them just when they weren't expecting it.

This "mole" turned out to be a head of the central police structure, who had informed the poachers that he had learned about some actions of the prosecutor, in which situation, joining the investigation of the

poachers, I sent the corresponding information to the anti-corruption prosecutor's office.

STURGEON POACHING



PROSECUTOR – NIȚĂ TEODOR

It is very difficult to catch poachers in the Danube Delta, trough by traditional means, as it is a vast territory, the communities are very closed, and any foreigner appearing in the area causes the alarm to be raised.

Overview

- Fish poaching is a serious offence because poachers are only trying to make a substantial illegal income by breaking the law, but this illegal activity often damages the ecosystem irreparably.



Sturgeons: Moray eel, Russian sturgeon, Starry sturgeon, Sterlet

- Sturgeon is a very valuable fish and that's why poachers are keen to pursue it and have adapted techniques to avoid being caught in flagrante delicto by the police.



CAVIAR

- Especially worrying is the fact that poachers hunt mainly female sturgeon during the breeding season for caviar which is very valuable on the black market, the fish itself being less valuable.
- Poaching of female sturgeon irreparably affects reproduction and therefore the sturgeon population.



- The sturgeon female is only fertile after several years from maturity and with widespread pollution of the rivers this breeding period is significantly reduced.



- It is very difficult to catch poachers in flagrante delicto and that is why in this case we approached a different investigative technique in the sense that we surveyed the black market for caviar and thus going backwards from the final buyer we detected the intermediaries and poachers.
- Basically it is reverse engineering from a legal point of view.



- The investigation was very effective and both the poachers and the final beneficiaries were caught.
- The domino effect of the investigation has been to affect the black market for caviar by decreasing the "demand" and therefore the "supply" of poachers..



Investigation techniques

- Drone surveillance, house searches, interviews of individuals, laboratory analysis, analysis of the environmental impact on the ecosystem by specialised institutions, collection and analysis of documents, maintenance of a network of informants without whom no investigation can operate.





In this last presentation, you will see a case of poaching and how it was necessary to use the weapon, to catch the poachers.

the solution was radical.

Although the Government has the possibility to solve the problem.

That is, to purchase and equip some patrols with PEM (electromagnetic pulse) - and thus stop the engines without firing the gun.

I say this because there are technologies that allow you to solve problems in this way much more effectively than the machine gun.

it is certain that you will also see what misery the trawling methods used do to the ecosystem on the bottom of the sea and in the waters.

if such a problem is not solved, it will be particularly very serious in the future.

In Romania, the coast has a special characteristic, as there are reproduction areas of marine flora, which is not found in Bulgaria or Turkey, and in Ukraine there is already a war and it is difficult to comment on the ecosystem in their area.

A special and essential support can be given to the prosecutor by the Coast Guard

and the Agency for Fisheries and Aquaculture.

The moving image in the first Slide shows a patrol ship in action-

OVERVIEW

- Romania's Black Sea coast is a favourable area where vulnerable fish species such as the turbot, the Black Sea shark and dolphins naturally breed.



POACHING - THE MAIN THREAT

- The biggest threat to the ecosystem is not necessarily pollution or global warming but poachers.
- They are using means of fishing that are extremely destructive to all marine life.



TRAWLING - A DESTRUCTIVE FISHING METHOD

- The use of bottom trawling involves scraping the seabed and effectively ripping up the vegetation on the seabed, catching fish but also all the living organisms in the ecosystem, effectively destroying the entire trawled area.



TURKISH POACHERS

- This destructive bottom trawling technique is used mainly by Turkish poachers, which requires measures to protect the exclusive economic zone.

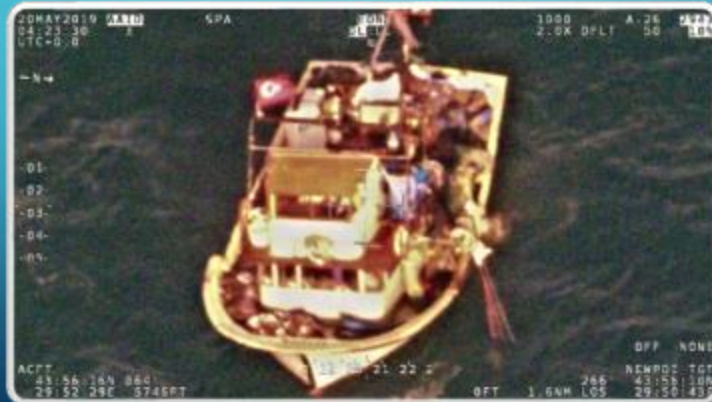


- In Romania, the institutions responsible for combating fish poaching in the territorial sea and exclusive economic zone (EEZ) are the National Agency for Fisheries and Aquaculture (ANPA) and the Coast Guard.



INVESTIGATION TECHNIQUES

- aerial and radar surveillance, interception of poachers by law enforcement vessels, flagrant detection, on-the-spot interviews and investigations, underwater drones



- In order to thwart the investigation, the poachers throw the fish and nets into the water when they are caught in flagrante delicto, a tactic that creates a lethal barrier to other forms of marine life such as dolphins that get caught and drown in these nets.



EXAMPLES OF CASE LAW ON COMBATING ILLEGAL TRAFFICKING OF TIMBER AND PROTECTION OF WILDLIFE



PROSECUTOR - NIȚĂ TEODOR



As a prosecutor, I specialized over time in combating environmental crimes.

Unfortunately, I came across a much richer casuistry than I imagined, so, taking into account the theme of this seminar at this academy, I understand to present you, from the perspective of a criminal law practitioner's approach, four instrumented cases.

An old Chinese proverb says that: A picture is worth a thousand words, so the presentations are full of pictures, and I will explain the points of interest in each of them.

Because the topic of this conference is complexe, I approached my presentation in 4 chapters, different, but with a common point, namely - environmental crime.

I want to emphasize the need to use in these cases more creative investigation techniques, that is, the same, but still different from the classical ones.

With a view of being efficient, we have approached this investigation in a different manner, namely we have conducted verifications in relation to the export of containers containing timber through the Port of Constanta.



In Romania, the export of logs is prohibited, but the economic agents protected almost everytime by the representatives of the authorities, harvest logs from the forests, which they process completely superficially, and after that, "baptize" them in documents as timber, and very fast after that, they are shipped to third EU countries.

The subject of the verification was a company that was making timber exports to China and Pakistan



There are few forests in my area of territorial competence, which is why I decided to approach the investigation in the opposite direction.

Basically, I started checking directly the material who was exported trough Constantza Port, and to find out where it went to harvest the logs from the forest.

We assembled a task force that initiated a physical check of the containers reported by this company as being loaded with timber.



An example of media coverage in Romanian is presented in this slide, because as soon as I have arrived in the Port of Constanța, the press found out that fast, and they appeared.

Also, the field of research I approached was of major public interest.

It should be mentioned that Romanian legislation prohibits the export of logs, only processed material is allowed.



For a visual effect, the two images are placed joined, so that you can see how the wood material that can be exported looks like and how the present one looks like.

You may be surprised, if you find out that when you say is obvious that are logs, you will be told that there is timber and you have to prove that what is seen, is actually real.

Sometimes is frustrating for a prosecutor to do that, don't you think ?

The inspection revealed that the containers held logs that had been superficially processed in order to create a false representation of reality and to justify the unrealistic content of the customs documentation presented to the authorities, since it was registered to justify the export of something different from the actual logs contained.



We proceeded to unload the containers, to check to what extent what is in reality corresponds to what the law says and what is written in the documents.

This is also an example of a different investigation techniques, because in classic cases, it is not often necessary to unload ships or containers, which means that such an investigation, is more difficult to organize.

According to a survey carried out by the experts, four hectares of forest had been cleared for this transport alone.



The image shows the location from where the logs were illegally harvested, that is, from another side than what was written in the documents.

So, I considered to use an innovative investigative technique, because from the beginning we had suspicions that the logs were harvested from a different place than the one written in the documents.

THE USE OF TECHNICAL - SCIENTIFIC MEANS OF INVESTIGATION

- In order to determine the real origin of the logs, we called upon the expertise of the Agroisolab GmbH - Germany laboratory, which, through the analysis of timber isotopes, determined the exact geographical location of origin of the timber, indicating the forest from which it was cut, which did not correspond to the origin in the customs documents, thus determining the illegal nature of the export.



With the help of a laboratory in Germany, through a highly efficient analysis method, we found out that the place of harvest of the exported logs was totally different from the one who was recorded in the documents.

LEGAL FINDINGS

- The company was investigated and prosecuted for using false customs documents and exporting logs illegally.



I presented this case briefly to encourage innovative methods of investigation and collaboration between judicial bodies and specialized entities on the territory of the EU.

PRACTICAL OPINION

- In addition to the instruments of criminal sanctions, the legislator must intervene in order to generate instruments that will allow the ordering of measures to restore the affected ecosystem, which is why we have taken appropriate actions towards the government.



This type of case as well as this type of approach are useful to determine the Government to modify the legislation, in order to allow compliance with the desired environmental protection.

I say this because measures to restore the ecosystem must be taken immediately, considering that a trial takes often several years, and without appropriate measures, our work is useless.