

## ***ILLEGAL KILLINGS, INVESTIGATIONS AND INNOVATIVE TRACKING TECHNOLOGIES***

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The European LIFE+ project ‘*Reason for Hope*’ (LIFE+12-BIO\_AT\_000143 LIFE Northern Bald Ibis) for the reintroduction of the Northern Bald Ibis (NBI) in Europe started on January 1<sup>st</sup>, 2014 and will end on December 31<sup>st</sup>, 2019. Beneficiaries from three different countries (Austria, Italy and Germany) participate in the project. The project aims to reintroduce the Northern Bald Ibis (NBI), a critically endangered bird species<sup>1</sup>, as a migratory species in Europe.

Illegal hunting in Italy causes about 70% of the mortality to the reintroduced Northern Bald Ibis population. Since all NBIs carry GPS- transmitter, the species becomes an indicators species for the threat of illegal hunting in Italy. We assume that for other endangered migratory bird species along the Italian flyway the rate of losses by illegal hunting is the same or even higher, in absence of certain data at the moment. Data collected from the team of the project strongly indicate that poaching happens mainly by people which also hunt legally, during the hunting season.

In October 2014, a four-year-old male Northern Bald Ibis named Hella, belonged to a population of about 40 reintroduced Northern Bald Ibises, was found dead in the province of Livorno, Tuscany. The X-ray showed pellets in the body, a clear indication for illegal hunting as the cause of death. The province of Livorno and Tuscany became a major hot spot for illegal hunting on this highly-endangered bird species. Also in 2014, a further migratory Northern Bald Ibis named Domino was shot near Cecina, just 30 km north of Hella’s locality. This bird survived due to emergency surgery, but could never again be released due to the heavy violations of one wing. Two years earlier, in 2012, two Northern Bald Ibises named Goja and Jedi where shot dead during fall migration. This new crime happened just 6 km north of the place where Hella was shot. The culprit was a Tuscan hunter who was definitively convicted by the Third Criminal Section of Supreme Court on the 1st June 2017, 5 years after the killing, to pay a fine of 2.000 euro. The guilty was convicted on first degree on September 2016, but only some days

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<sup>1</sup> NBI is listed on the 2001 Red List as a critically endangered species

after the conviction, in the autumn of 2016, five more Northern Bald Ibises were shot in Italy. The financial damage to the European reintroduction project LIFE+ Northern Bald Ibis is estimated at 234.000 Euro. This shows the fact that the only conviction cannot change and contrast the phenomenon of poaching in Italy, but more instruments and effective investigations are needed.

Notwithstanding all these illegal killings, the legal measures against the perpetrators are still hesitant, as in the case of Tara and Enno, two birds shot near Vicenza and Brescia in 2016 with a damage of 70.400 Euro, where in a first step the public prosecutor asked immediately for the dismissal of the investigation. There is a serious risk of automatic dismissal of the cases before detailed investigations have been started, and often they never begin detailed investigations because Italian tribunals and police have few resources to dedicate to contrast poaching.

Italian legal framework<sup>2</sup> which provides penalties for the killing of protected species is considered as not reflecting the content of the Directive on the protection of the environment through criminal law, while the introduction of crime in case of killing or destruction of protected wild fauna would be necessary. The current penalties for the killing and the destruction (where fines and imprisonment are not joint) appear to be not significant, since they are subject to immediate payment extinguishing prosecution pursuant to Article 162 and Article 162bis C.C. (half of the highest penalty).

The paper wants to explore best and worst practice during anti-poaching investigations and also new possible instruments to definitively face poaching in Italy.

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<sup>2</sup> Article 727-bis C.C. as well as Law 157 of 1992, Article 30, letter b