

THE MIZIEB DOSSIER

Report on the discovery of dead protected birds in
Mizieb woodland, Malta



October 2009



Summary

On the morning of the 20th of September 2009, volunteers from BirdLife Malta and the Committee Against Bird Slaughter (two organisations that were conducting separate bird protection and observation camps on Malta) and were stationed on the limits of Mizieb woodland area saw Marsh Harriers *Circus aeruginosus* being shot at and shot down over the Xemxija side of the woods as they left their roost site. After the intensive shooting had stopped, members of both BirdLife Malta and CABS searched the area where the shooting had come from and located the bodies of three freshly killed Marsh Harriers and the decomposing body of a juvenile European Hobby *Falco subbuteo*, hastily hidden under some rocks. After a further search of the surrounding area, more bodies were discovered and the police were contacted. The search continued throughout the day on both the 20th and 21st September and **a total of 213 bodies of protected birds were discovered** hidden under rocks, stuffed in plastic bags or in crevices and rusty drums. Some of these protected species were recently killed while others were the remains of birds killed months earlier. The majority of these were birds of prey and herons, although other protected species including Hoopoe *Upupa epops*, Nightjar *Caprimulgus europaeus* and Bee-eater *Merops apiaster* were also discovered. All bodies were handed over to the Administrative Law Enforcement (ALE) unit of the Malta police force to assist in their investigations. As only about a third of the Mizieb area was searched by the volunteers over the two days, it is highly likely that many more bird corpses and remains await discovery. In spite of the scale of the discovery in the Mizieb woodland, which is extensively used by Maltese hunters, the police did not secure the wildlife crime scene or conduct any further search of the remaining area. On the contrary, during the search by volunteers, hunters were still allowed to roam the woods discharging shotguns, and a few days later the Federation for Hunting and Conservation (FKNK), who claim to be responsible for management of the area, were allowed to hold an apparently unsupervised mass meeting with their members within the crime scene. The government has also remained silent on the matter, as has the main opposition party, and neither have yet issued a statement on the incident. A few days after the find, BirdLife Malta teams witnessed poachers shooting at an Osprey and killing a falcon in the same area of the Mizieb woodland. Following this, another incident of 8 shots being fired by several hunters at a Marsh Harrier was recorded on the 6th October. Furthermore, the fact that so many dead protected birds (apparently killed over a long period of time) were discovered in Mizieb alone highlights the severe problem presented by illegal hunting on the Maltese islands. The lack of interest or official and public stance on the issue by the local law enforcement agencies and the government is one of the reasons why such blatant illegalities are allowed to continue. Until the issue is taken seriously in Malta by the authorities, illegal killing and trapping of protected birds is bound to remain rampant on the islands.

1.0 Introduction

1.1 Site Description

The Mizieb area is a wooded ridge in the north of Malta, situated between the towns of Xemxija and Manikata. The site encompasses an area of around 85 hectares, some 2km long by 0.5km wide. Sections of the Mizieb area are protected as a Natura 2000 site, and are allocated international protection as both a Special Protection Area and a Special Area of Conservation. A segment of the site on the south-eastern slope is also protected as a Bird Sanctuary.

The habitats of Mizieb are predominantly woodland, garrigue and steppe, with both farmed and abandoned cultivated fields adjacent to the main woodland area. The woodland habitat in particular is attractive to a wide range of migratory bird species that use Malta as an important stop-over point on their annual migration to and from their European breeding grounds and African winter quarters. The site is particularly valuable as a roosting site for raptors including Marsh Harrier *Circus aeruginosus*, Honey Buzzard *Pernis apivorus*, Black Kite *Milvus migrans* and European Hobby *Falco subbuteo*, as well as herons including Night Heron *Nycticorax nycticorax* and Purple Heron *Ardea purpurea*. The woodlands are also attractive for and used as passage habitat by other migratory species, including Turtle Dove *Streptopelia turtur*, Golden Oriole *Oriolus oriolus* and other passerine species such as flycatchers, thrushes and warblers.

Several locally rare species also regularly attempt to breed in the woods, although intensive trapping, hunting and poaching within the area invariably prevent populations from successfully establishing themselves in the area. These species include Serin *Serinus serinus*, Chaffinch *Fringilla coelebs*, Turtle Dove, Collared Dove *Streptopelia decaocto* and Common Cuckoo *Cuculus canorus*.

1.2 FKNK involvement in Mizieb

In 1986 the Maltese government, in a political manoeuvre to gain votes for the forthcoming election, handed Mizieb over to the Hunters Association (at the time called 'Ghaqda Kaccaturi u Nassaba') for use as a hunting area. The area is now claimed by the FKNK as a Hunting Reserve, although it is made up primarily of public land and is also popular with picnickers, dog walkers, bird-watchers and other members of the public.

Although the FKNK claim the right to manage the the woodland as a 'Hunting Reserve', as far as BirdLife Malta and CABS can ascertain no official written agreement exists between the hunting federation and the Maltese government on Mizieb, nor do any approved management plans exist. Very little environmental management appears to be carried out, apart from pruning trees to keep vegetation at a low height to bring birds into the range of shotguns. The woodlands are also littered with hundreds of illegally built hunting and trapping hides; over 250 hides are estimated to be located within the wooded area. This means that hunting intensity within the woods is exceptionally high and cannot realistically be considered to be undertaken

in a sustainable manner. Photographs showing a selection of hides are illustrated in Annex A.

2.0 Discovery of dead protected birds in Mizieb on the 20th and 21st September

Between 12th September and 4th October 2009, BirdLife Malta and the Committee Against Bird Slaughter (CABS) ran two separate migration monitoring and bird protection camps in Malta with the aim of recording the passage of migratory birds and instances of illegal hunting and trapping. The BirdLife Malta Raptor Camp involved 52 international volunteers from 8 countries and over 20 local volunteers, while the CABS camp involved 32 volunteers from 8 different countries.

Early in the morning of 20th September 2009, volunteers from BirdLife Malta and CABS were deployed in the area (on the Xemxija and Manikata flanks of the woodland respectively) with the task of monitoring the departure of the migratory raptors that had roosted in the woodland the previous night. Just before dawn, shots were heard on the Xemxija side of the woodland and, as it began to get light, the observers saw Marsh Harriers leaving the roost in large numbers. Many of the shots were fired at these birds and several were seen being shot and falling into the trees. Three suspects leaving the vicinity of this part of the woodland shortly afterwards were also filmed¹.

At approximately 09:00 hrs BirdLife Malta volunteers entered the woodland to search for the remains of any birds killed in the morning, and were shortly thereafter reinforced by volunteers from CABS. The corpses of three freshly-shot Marsh Harriers were found in the area where the teams had witnessed the earlier shooting. The shot protected birds were concealed under stones and rubbish. Fresh size 4 cartridges (used for shooting large birds) were also found lying on the path and surrounding bushes.

The concealment of protected birds that have been illegally shot is a common practice by poachers in Malta. It is mostly done to conceal the evidence in order to escape the consequences of the law, or so that poachers can return and recover the body at a later stage. Alternatively, the birds are disposed of in this way if they are too damaged for taxidermy purposes. In fact both organisations have witnessed poachers stashing shot birds under stones and in barrels in the past, but the vast extent and significance of this practice was not appreciated at the time. BirdLife Malta has also filmed at least two such incidents over the past year.

A further search in the immediate vicinity exposed the remains of more protected birds (including a juvenile European Hobby and juvenile Night Heron). These finds ranged from carcasses only a few weeks old to skeletal remnants. The ALE were immediately informed and arrived on the scene at approximately 12:00 hrs.

¹ This footage has been passed on to the ALE to help with investigations.

However, when the police arrived none of the procedures usually conducted at a crime scene was implemented. The police made no effort to uncover any evidence themselves or secure the crime scene. They simply recorded what the volunteers were discovering. As daylight failed both organisations had to leave the area but dead birds were still being discovered. The crime scene was still not secured by the police and the whole area was left unattended during the night and the early part of the next morning. The area should have been secured to avoid any tampering with the evidence by poachers. Instead the latter, after news emerged of the discovery, had ample time available to return to the area in the night to destroy evidence of any freshly shot and recently concealed protected birds.

As no attempt was made by the police to search the area for additional evidence, BirdLife informed the ALE and the Office of the Prime Minister that the volunteers would continue to search the area for more evidence the following morning, and requested police escorts in order to continue to record the discovery and secure evidence as required by law. Next morning, at approximately 7 a.m., police officers came to Mizieb before the volunteers walked into the woodland and repeated the actions carried out the previous day – the police observed while our volunteers searched the area. Whenever a body was discovered, the ALE verified the find and the bird was identified to species (where possible) by Dr André Raine, Conservation Manager of BirdLife Malta or qualified CABS biologists. The body was then bagged as evidence and removed from the site at the end of the day by the police. However, although both organisations requested that every individual corpse or coherent remains should be put into separate bags and tagged, this standard procedure was also ignored by the police.

Throughout the search period, the site remained open to hunters despite being a major wildlife crime scene, and hunters were continually observed roaming the woods and discharging firearms throughout the search period. It should also be noted that on the 26th September, the FKNK held a mass meeting with their members who use the Mizieb woodland within the crime scene at Mizieb.

On the 21st September, in a letter sent to the Maltese Attorney General, BirdLife Malta registered the organisation's serious concern regarding the lack of law enforcement in the Mizieb case and requested his intervention to ensure that a serious inquiry is held into why such crimes are not being treated with the seriousness they deserve, and for a proper investigation to be held bring the perpetrators to justice.

As a result of two day search of around one third of the Mizieb woodland, the carcasses and remains of a total of 201 protected birds of at least 14 species were found. These are listed in Table 1, identified to species (as far as possible, given the state of decomposition of many of the remains).

Photographs of some of the bodies are shown in Annex B – photographs of all the bodies are available upon request. The bird corpses and remains found were mostly protected birds of prey and herons, but other species such as European Nightjar, Hoopoe, Golden Oriole and Nightingale were also discovered. These findings are supported by receipts issued by the police at

the scene – see Annex C. Video material of the conduct of the search is also available if required and extracts can be seen in the internet at:

http://www.komitee.de/en/index.php?youtube_mizieb
<http://www.birdlifemalta.org/photogallery/videos/?sectionid=18&videoid=120>

The witness statements of over 25 volunteers who assisted in the search of the woodland were also passed over to the police.

It should be noted that while the number of birds recorded by BirdLife Malta and CABS amount to **213**, the total number on the police receipts amounts to **207**. The reason for this discrepancy (**6 birds**) can be due to both police and volunteers missing or double recording some of the birds that were found. However this problem could have easily been avoided if each bird or the remains of the birds found had been put in separate bags and tagged accordingly. However this was not done. This inaction is likely to make subsequent investigation and further identification work extremely difficult for the authorities (particularly for Malta Environment and Planning Authority). The only way that the authorities can count and identify the remains is by registering the skulls, which may lead to an under representation of the total number of overall carcasses. As BirdLife Malta and CABS found bird remains, and simultaneously informed the accompanying police officers, photos of each find were taken and an estimate of the species and numbers based on the skulls and chest bones was made. In cases where no skulls or chest bones were found but only incomplete skeletons, these were recorded as one unidentified bird. Despite this, none of these incomplete skeletons or other remains found in different locations were saved separately but were all put in the same bags.

It should also be noted that the birds were not found in any particular area but were scattered around the whole area searched over the two day period, which consists of approximately one third of the complete Mizieb woodland. It is therefore highly likely that many more dead birds or their remains are stashed throughout the rest of the area waiting to be found. However, despite this fact being brought to their attention, the police have yet to search the remaining area.

Species	Scientific Name	Number	Notes
Marsh Harrier	<i>Circus aeruginosus</i>	38	Including 3 freshly killed on the 20 th September
Honey Buzzard	<i>Pernis apivorus</i>	14	Including 1 freshly killed in last few days
Unidentified Bird of prey (probably either Marsh Harrier or Honey Buzzard)	n.a	47	Including one ring-tail harrier (either Montagu's or Pallid Harrier)
Common Kestrel	<i>Falco tinnunculus</i>	5	
European Hobby	<i>Falco subbuteo</i>	6	Including one juvenile killed within last few weeks
Unidentified falcon (probably either Common Kestrel or European Hobby)	n.a.	24	
Night Heron	<i>Nycticorax nycticorax</i>	33	Including one juvenile and five adults killed within last few weeks
Grey Heron	<i>Ardea cinerea</i>	1	
Unidentified heron (likely either Grey or Purple Heron)	n.a.	3	
Hoopoe	<i>Upupa epops</i>	3	Including one killed within last few weeks
Golden Oriole	<i>Oriolus oriolus</i>	1	
European Nightjar	<i>Caprimulgus europaeus</i>	4	Including 1 freshly killed on the 21 st September, and one a few weeks previously
European Bee-eater	<i>Merops apiaster</i>	1	
Racing Pigeon (with rings)	<i>Columba livia</i>	4	With rings attached, one killed within last few weeks
Domestic Pigeon	<i>Columba livia</i>	7	
Nightingale	<i>Luscinia megarhynchos</i>	1	Freshly killed on the 20 th September
Unidentified Warbler	<i>Sylvia sp</i>	1	Freshly killed and hidden under a rock
Unidentified remains	n.a.	20	

Table 1. List of shot protected birds found hidden within the Mizieb woodland on the 20th and 21st of September

3.0 Previous incidents of illegal hunting and trapping in Mizieb

While the find of over 200 carcasses of protected birds in Mizieb on the 20th and 21st September 2009 is the largest find of this kind in the woods, there is a clear pattern of widespread illegal hunting in Mizieb in previous years.

Between the period January 2008 and July 2009, a total of 322 illegal hunting and trapping incidents were recorded within Mizieb by BirdLife Malta alone. These included 281 incidents of hunting out of season (consisting of 691 shots), and the killing of protected species including Night Herons *Nycticorax nycticorax*, European Hobby *Falco subbuteo* and a flock of Black Kites *Milvus migrans*. CABS have also recorded widespread illegal hunting in Mizieb in the last few years, including the shooting down of a Black Stork *Ciconia ciconia* on the 24th September 2008 and the report of a massacre of several dozen birds of prey on the 20th September 2008 within Mizieb and surrounding areas (http://www.komitee.de/en/index.php?massacre_fknk).

Between 2007 and 2009, prior to the find on the 20th and 21st September, **5 shot protected species were found in Mizieb and handed over to BirdLife Malta**. These are detailed in Table 2. In all of the cases the nature of their injuries were confirmed by an independent veterinarian. All of these incidents were also reported to the authorities (as detailed in the table below) and these communications are available upon request.

Year	Date	Species	Age/Sex	Reported
2007	29/10	Alpine Swift	Adult	Directly to MEPA via annual injured bird report
2008	28/09	Marsh Harrier	Juvenile	Directly via email to MEPA and ALE
2008	29/09	Marsh Harrier	Juvenile	Directly via email to MEPA and ALE
2008	05/10	Spanish Sparrow	Adult male	Directly via email to MEPA
2009	24/05	Common Kestrel	2 nd year male	Directly via email to MEPA, ALE and OPM

Table 2. Shot protected species found in Mizieb between 2007 and 2009 and passed over to BirdLife Malta prior to the find on 20th and 21st September 2009.

This highlights the fact that illegal hunting has been prevalent in the area for many years. Indeed, after the area was searched on the 20th and 21st of September 2009 and the significant number of dead birds discovered, a Raptor Camp team on site two days later witnessed hunters firing at an

Osprey *Pandion haliaetus* and killing a Common Kestrel. A Marsh Harrier was also observed being shot at 8 times (and hit twice) by several hunters on the evening of the 6th October by BirdLife Malta. It is evident that illegal hunting is still rife in the area, despite the significant find on the 20th and 21st of September being brought to the attention of the police and the OPM.

Illegal trapping has also been observed within the woodland area. On a single day in spring 2009 seven of the trapping sites at Mizieb were found to be prepared for trapping (the trapping areas being freshly cleared of vegetation), suggesting that they were being used illegally during the spring of 2009 despite the ban on spring trapping. At one of the sites, designated as hide No. 140, a trapper was found with decoys and clap nets on the 19th of March. As trapping has been banned in spring since 2008, any trapping during spring migration is illegal. The Administrative Law Enforcement (ALE) Unit was called to the site and although the trapper fled the scene, the police confiscated the clap nets. The body of a Western Whip Snake *Hierophis viridiflavus* was also found at the site, which the police believed had been killed by the trapper as the body was adjacent to the trapping hide and had been freshly killed.

Photographs of several of the illegal incidents mentioned above are presented in Annex D.

4.0 Hunting and trapping hides located inside limits of is-Simar Bird Sanctuary

Is-Simar Bird Sanctuary is located in Xemxija and is adjacent to the Mizieb woodland. The extent of the is-Simar Bird Sanctuary, as shown in Figure 1, not only incorporates the is-Simar Nature Reserve, but also an extensive area around the reserve, including the adjacent fields, hills and part of the woodland within Mizieb. This area is clearly demarcated in Legal Notice 79 of 2006.

Despite this protection as a Bird Sanctuary, investigations by BirdLife Malta have shown that hunters and trappers regularly trap and hunt illegally within the boundaries of the Sanctuary, particularly on the slope between is-Simar Nature Reserve and Mizieb. Under Section 24 of LN79 of 2006, it is illegal to hunt or trap inside a Bird Sanctuary.

A total of 23 hunting and trapping hides have been located clearly within the boundaries of the is-Simar Bird Sanctuary area. These are shown on the map in Figure 1. A photograph of a trapper operating a trapping site (designated as point 13 on the map) within the Simar Bird Sanctuary is shown in Annex D.

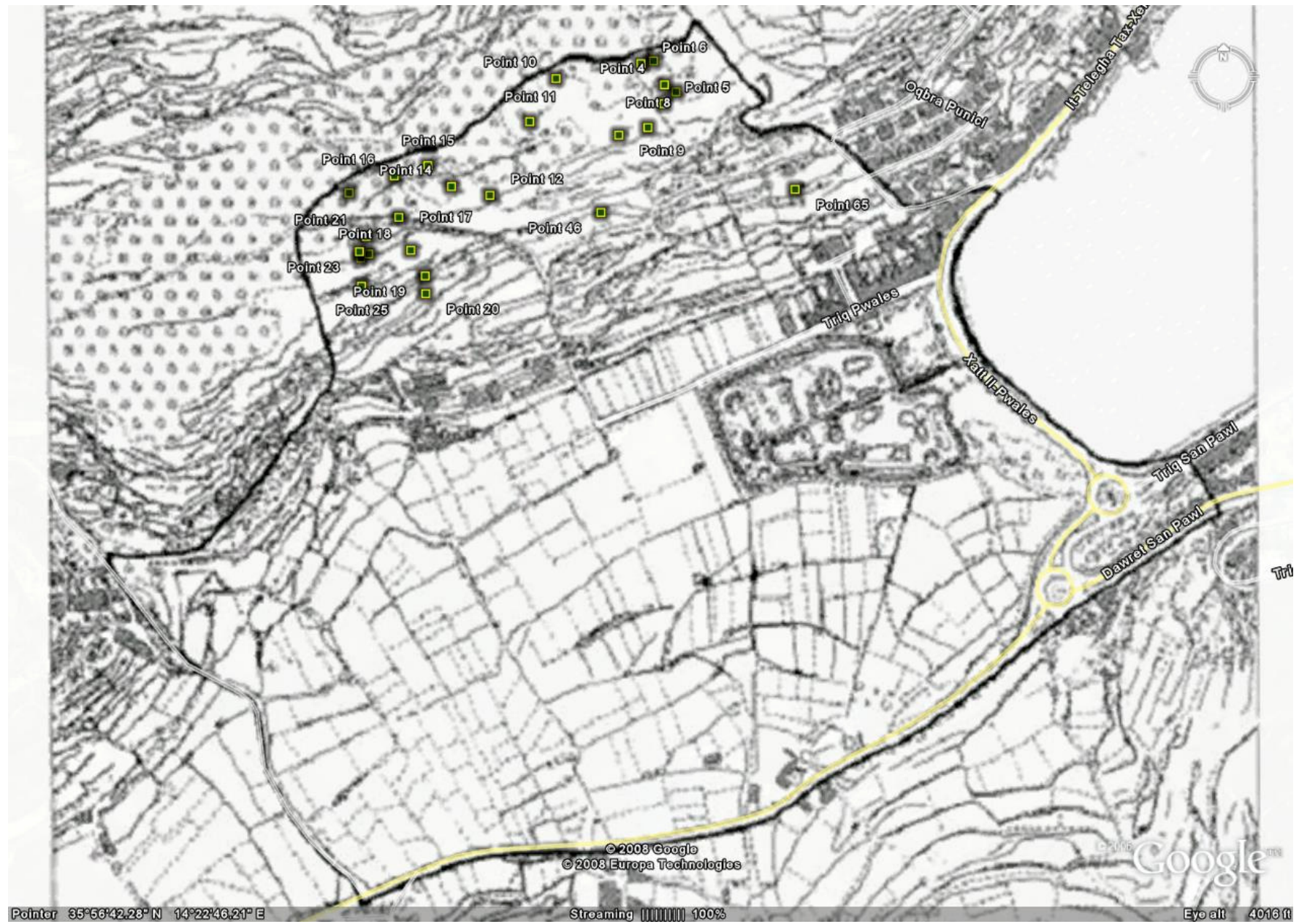


Figure 1. Location of illegally built hunting and trapping hides within is-Simar Bird Sanctuary (boundary of Bird Sanctuary shown in black)

Conclusions

On the 20th and 21st September 2009, a serious wildlife crime scene of vast proportions, which has probably been perpetrated on numerous occasions over months or even years, was uncovered in the Mizieb woodland. The bodies of 213 protected birds, the majority of which were birds of prey and herons, were found hidden under rocks or stashed throughout the third of the woods searched by BirdLife Malta and CABS. Many of these birds are classified as rare or European Species of Conservation Concern and the majority are also classified under Annex 1 of the Birds Directive. Furthermore, as the evidence outlined in this document shows, this is not an isolated incident in these woods, but part of a pattern of poaching that is prevalent in the area. The Mizieb woodland is currently claimed as a managed hunting reserve by the FKNK, although there is no evidence of an agreement of this nature between the hunting organisation and the Maltese government.

The police reaction to this crime has been disappointing to say the least. The crime scene, and the adjacent areas most probably containing further evidence, was not secured immediately after the first discoveries of protected birds and no further action has been taken to date. Furthermore, illegal hunting is still regularly observed in the area. The Office of the Prime Minister of Malta, which is responsible for bird conservation and hunting matters, has not publicly reacted to this grave environmental incident, although it has been reported exhaustively in the local and international media.

A first analysis of the evidence found suggests beyond any reasonable doubt that the cause of death of the protected birds found is illegal hunting. The bodies of all of the birds found were hidden under rocks, in bags, within rusty drums or stuffed into crevices. These circumstances rule out the possibility that the birds died a natural death, or were shot elsewhere and somehow secreted themselves under rocks or into rusty drums. Nevertheless the Maltese authorities have allowed comments in the press, to the effect that persons or persons unknown (picnickers or even BirdLife Malta or CABS volunteers) concealed the bird remains in Mizieb, to pass unchallenged. Furthermore, the police were quoted in the Malta Independent as saying that *'while the birds and remains were allegedly discovered in Mizieb, they could have been shot at other places and hovered (sic) to the woodland for shelter'*.² This statement is patently ridiculous.

BirdLife Malta and CABS demand of the Office of the Prime Minister, the responsible government department that an immediate, full and thorough investigation is carried out into the matter, which is clearly not an isolated incident. Based on the age and state of the evidence found so far, it is the culmination of criminal acts perpetrated over a long period of time, possibly several years. Both organisations further demand that the results of the limited police/MEPA investigation to determine the cause of mortality, based on the bird corpses and other remains found so far, be made public without delay. This will help to curb the wild speculation and allegations still circulating on the cause of this mass killing.

² <http://www.independent.com.mt/news.asp?newsitemid=94338>

Annex A. Images of a selection of hunting and trapping hides in Mizieb



Images 1 & 2. Some of the illegally built hunting hides in Mizieb consist of two story concrete structures.



Images 3 & 4. Some illegally built hides are freshly built and made of concrete whilst others are ramshackle collections of wood, stone and rubbish.

Annex B. Images of a selection of the dead protected birds found on the 20th and 21st of September 2009 in Mizieb.



Image 5. Freshly used cartridges of a large gauge found near the freshly killed Marsh Harriers on the 20th September 2009.



Image 6. A freshly killed adult male Marsh Harrier found hidden under a stone.



Image 7. A member of CABS displaying a freshly killed adult Marsh Harrier.



Image 8. Members of BirdLife Malta displaying a freshly shot Honey Buzzard.



Images 9 & 10. The bodies of protected birds such as herons and raptors were found stuffed into rusty drums or hidden under stones



Image 11. A selection of skulls found in Mizieb, including herons and raptors.



Image 12. The body of an adult Night Heron, killed within the last few weeks.



Image 9. Freshly killed European Nightjar, found stuffed into the rocks of a hunting hide on the 21st September.



Image 13. Body of a juvenile European Hobby found hidden under a pile of rocks in Mizieb.



Image 14. The remains of several raptors and passerines found stashed in a crevice



Image 15. A selection of raptor skulls found hidden in Mizieb.

Annex C. A copy of one of the ten police receipts detailing the remains of protected species handed over to the ALE from Mizieb (*all receipts are available upon request*).

<p>GHQ : 21224001 Ext. :2161 / 2162 / 2163 Tel. :21235761</p> <p>Referenza: Reference: <u>MIZIEB</u></p> <p>N^o <u>0003454</u> <u>4pm.</u></p> <p>illum, <u>21 ta' Settembru 09</u> To-day, hawn taht imsemjija minghand <u>il-kaini</u> ta' mentioned hereunder from of sena, bin _____ u _____ nee' years, son of and nee' imwieled _____ fid-data _____ numru ta' Identita' <u>703122111</u> born at on I.D. number <u>PASSPOKI</u> u joqghod _____ residing at _____</p>	<p>Ministru tal-Ligi Amministrattiva Administrative Law Enforcement Kwartieri Generali tal-Pulizija Police General Headquarters Floriana.</p> <p>Data: <u>21/9/09</u> Date:</p> <p>il-Pulizija elevat l-affarijiet the Police seized articles</p>
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Oggetti Elevati
Articles Seized

<u>5</u> <u>MAKSH HARRIERS (bones + feathers)</u>	<u>2</u> <u>Skeleton (unidentified)</u>
<u>1</u> <u>Heron (bones)</u>	<u>11</u> <u>right heron (bones + feathers)</u>
<u>1</u> <u>Kestrel (bones + feathers)</u>	<u>2</u> <u>Right Jay (bones + feathers)</u>
<u>1</u> <u>Right heron (fresh)</u>	<u>12</u> <u>Falcons (bones)</u>
<u>3</u> <u>Small owls (unidentified)</u>	<u>2</u> <u>Honey Buzzards (bones + feathers)</u>
<u>5</u> <u>Hobbies (bones + feathers)</u>	<u>11</u> <u>birds of prey (unidentified bones)</u>

<p><u>[Signature]</u> Xhjedni-Firma Witness to Signature</p>	<p><u>[Signature]</u> għall-Kummissarju tal-Pulizija f/Commissioner of Police</p>
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Referenza tal-Q.M.S. _____
 Q.M.S. Reference.

Firma tal-ufficjal tal-Q.M.S.
 Signature of Q.M.S. Officer

Annex D. Evidence of illegal hunting and trapping incidents recorded previously in Mizieb.

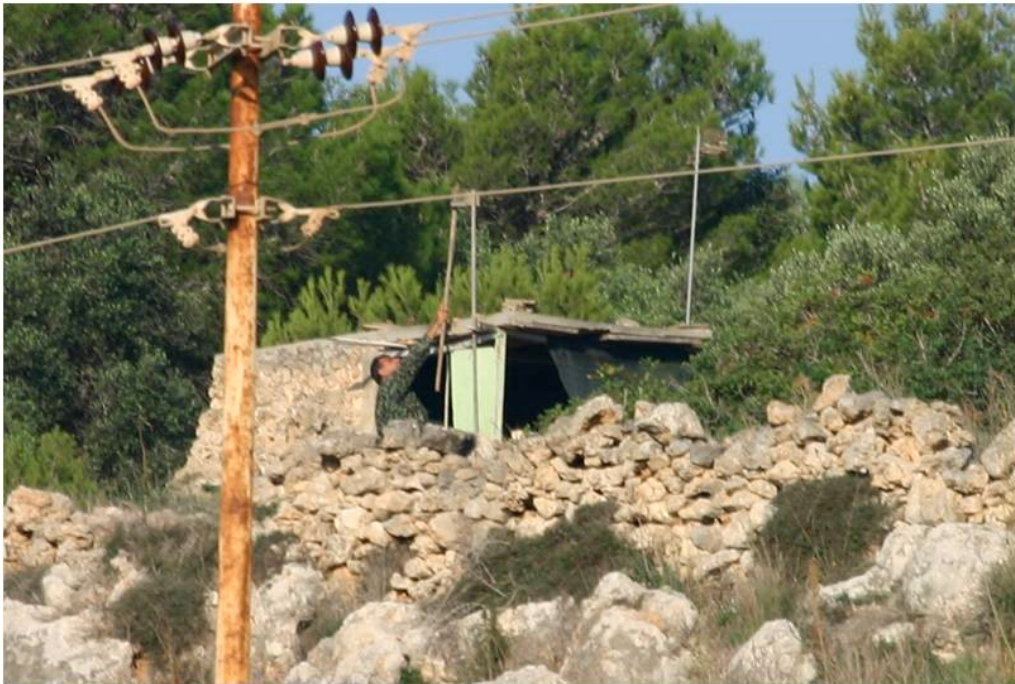


Image 16. Finch trapper actively trapping in autumn 2008 in a hide built within the area designated as a Bird Sanctuary.



Image 17. Clap nets being illegally used by a trapper in Mizieb during the closed season in spring 2008 – the trapper escaped but the ALE confiscated the nets.



Image 18. Dead Alpine Swift *Apus melba* found in Mizieb, 29th October 2007.



Image 19. Shot Marsh Harrier (and X-ray) recovered from Mizieb, 28th September 2008.