



Republic of Serbia
MINISTRY OF AGRICULTURE AND
ENVIRONMENTAL PROTECTION

No 337-00-280/2014-06
Date: December 2nd 2014
Nemanjina 22 – 26, Belgrade

Delegation to the Republic of Serbia
Vladimira Popovica 40/V
11070 New Belgrade

Your Excellency,

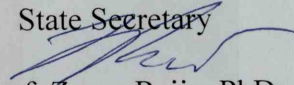
Please find enclosed a letter dated 2 December 2014 from State Secretary Danilo Golubovic, regarding allegations of mistreatment of animals in Serbia.

Please be so kind to send a letter to Ms Myriam Ferran from the Directorate General Enlargement.

The Ministry of Agriculture and Environmental Protection is at your disposal if you have any questions regarding this matter.

Yours sincerely,

State Secretary



Prof Zoran Rajic, PhD



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Mrs Myriam Ferran
European Commission
Directorate-General Enlargement
Office: L-15 08/90
1049 Brussels
Belgium

INFORMATION ON THE CASE OF CONFISCATION OF THE DEER NANI

Dear Madam,

The Alliance for Nature Protection, Animal and Human Rights, EPAR OIPA - SRBIJA filed to the Ministry – specifically the Veterinary Directorate and the Forestry Directorate, charges against members of the Hunting Association "Hajduk Veljko" from Čičevac, with allegations that, on August 1st 2014, accompanied by the police who was acting contrary to the law, by exceeding its powers and jurisdiction, entered the yard of Mrs Dragana Mitić in Čičevac, and "took away by force the fawn she was keeping". Our response to this issue is as follows:

Pursuant to Article 22 items 3) and 4) of the Law on Game and Hunting ("Official Gazette of RS", No. 18/10, hereinafter referred to as the Law), it is forbidden to capture and keep wild animals in an enclosed space, deliberately destroy the area intended for the rest and propagation of wildlife, keep game indoors for more than one month from the date of termination of the natural disasters, or healing injuries or implementation of certain measures of breeding, except in zoos, farms, wildlife, wildlife parks and other facilities in which this law or special laws allowed the game indoors.

On the basis of the letter, it can be concluded that Mrs Mitić, unauthorized and arbitrarily, took a newborn fawn ("with the umbilical cord", as stated in the letter) from nature, even though, almost certainly, the female doe was in the vicinity, hiding from passers-by, as she always does.

Article 105 of the Law provides that for trapping and keeping wild animals in an enclosed space a natural person will be fine from 5000 to 30000 dinars.

Article 86 of the Law on Environmental Protection ("Official Gazette of RS", no. 36/2009, 88/2010 and 91/2010-correction) provides that wild animals can be kept in captivity for their own needs only if their well-being is not compromised, or if their living conditions that are appropriate for the type, race, gender, age and the physical and biological characteristics, behavioral traits or animal health are provided; such wild animals shall necessarily be marked in the prescribed manner.

Article 87 of the Law on Nature Protection defines the proving of the origin of the strictly protected and protected wild species, and Article 88 prescribes the procedures of issuing permits for keeping of wild animals, which was also not respected in this case.

Article 93 of the Law on Nature Protection prescribes that a person who found a protected wild animal "shall immediately notify the nearest veterinary organization and the Ministry of specimens of protected wild animals that are sick or escaped injury to the extent that they are not capable to independently survive in nature."

1. According to the Article 2 of the Law on Animal Welfare („Official Gazette of RS" No 41/2009) animal welfare, which is regulated by this law, does not apply to wild animals in their natural habitats whose protection, hunting, use and disposal are prescribed by the Law on Game and Hunting.

2. As you have already been informed, and in accordance with the above mentioned, the veterinary inspection from Rasin county, with the central office in Krusevac, did not issue the Decision on the confiscation of the fawn Nani.

Hunting association "Hajduk Veljko" from Čičevac has, in accordance with their regulations, confiscated the fawn from the Mrs Mitić and accommodated it at a pheasant farm, "LU Hajduk Veljko", Čičevac, which possesses Decision No 323-07-03696/2006-05 on fulfillment of conditions for breeding and keeping pheasants, issued by the Veterinary Directorate.

After that, the Veterinary Directorate in the Ministry of Agriculture and Environmental Protection was notified about this case. Upon the notification, a veterinary inspector performed an inspection on the site and concluded that the fawn is in good condition, that its life is not endangered and that its welfare has not been jeopardized, which was confirmed by clinical examination, performed by the competent veterinarian. Due to the fact that the fawn was accommodated in the establishment which is not appropriate for this animal species, the veterinary inspector, in accordance with Law on Veterinary Matters and the Law on Animal Welfare made a recommendation to accommodate the fawn in a special establishment, under the surveillance of the competent authority.

3. The animal protection association alluded to Article 58 of the Law on Animal Welfare, keeping a wild animal as a pet by the Mitic family.

We would like to emphasize that Article 58 of the Law on Animal Welfare clearly regulates that keeping and reproduction of wild and exotic animals as pets is permitted based on a Decision on the Approval of Keeping and Breeding Wild and Exotic Animals as Pets, issued

by the Minister in accordance with the consent, previously issued by the minister responsible for environmental protection. The persons that took the deer from the hunting ground did not submit a request for this kind of approval to the Veterinary Directorate, which means they kept the animal illegally, and they did not obtain the consent from the authority responsible for environmental protection, and without this consent the Veterinary Directorate cannot issue the above mentioned approval.

4. In the field, it was not established that the fawn was abused by the officials of the Hunting Association. The claim of EPAR - OIPA is not supported by evidence, i.e. it cannot be concluded how they came to the conclusion that the fawn was abused, because they did not provide the name of the person who was present when the fawn was allegedly abused, nor did they attach a written statement of the witness, and when conducting a field visit it was noted that the fawn is in good condition.

From Mrs. Mitić's e-mail it can also be concluded that there was no abuse, and that the fawn is under the supervision of qualified persons. Mrs. Mitić in her e-mail from August 7th 2014 (6:23PM) states: "The conditions at the hunting ground are not bad but the people who work there are bad and I'm scared for the fawn's life." So the problem is probably interpersonal relationships and subjective fear, not the objective situation.

Pursuant to the rights, duties and powers of hunting inspectors provided by Articles 96 and 97 of the Law, the forestry and hunting inspector made a field visit and noted the following:

- 1) Hunting Association "Hajduk Veljko" from Čičevac manages the hunting area "Mojsinjske planine" according to the valid managing and hunting plan, the validity period 1.04.2007 - 31.03.2017. Within the hunting area, there is a shelter for pheasants that was recorded in the aforementioned managing and hunting plan.
- 2) On September 8th 2014, at the same shelter that is fenced with wire that is two meters high, only one fawn was found, at the age of about three months. The area of the shelter is about 30 acres of which 15 acres are specially fenced for pheasant and business and economic buildings, and 15 acres are grassy area on which the fawn was found. The fawn moved freely and had drinking water and food. The fawn is in good shape.
- 3) According to the statement of the President of the Association, the grassy fenced area within the shelter is specially designed to accept other wildlife that is endangered and cannot be returned to the hunting grounds immediately.
- 4) According to the statement of the President of the Hunting Association, Mr Milija Đorđević, the fawn arrived at the shelter after he found out that it was kept in a private household in Čičevac. He informed the Police Department in Čičevac in writing about his findings on July 31st 2014. The game warden Milan Živković, the Secretary and one more person went, but without the police, on August 1st 2014 to the holding or rather yard of Veljković Milan and Dragana Mitić, a married couple from Čičevac.
- 5) After some persuasion Dragana Mitić gave the fawn to the game keeper, who stated that the fawn was moving freely in the yard. The game keeper issued a certificate of temporary confiscation of wildlife, which Dragana Mitić signed. The house of the mentioned couple is located in Čičevac.
- 6) The fawn was immediately transferred to a shelter, regularly fed, according to a statement of

the President of the Association one member of the Hunting Association is permanently taking care of it, and the game warden is also present every day.

- 7) A veterinarian examined the fawn on December 8th 2014 and prepared a veterinary certificate. The certificate was submitted to the hunting inspector. It was noted that the checked animal is a cub deer, female, aged three months, the animal is well-fed, well-built and in good shape, it is accustomed to human presence, fully tamed and that it is not able to survive in the natural environment, because it has no fear of natural enemies and man. The veterinarian scheduled check in two months when it will give another opinion.

CONCLUSION:

According to the assessment of veterinary and hunting inspectors, as well as the professionals who are employed in the Hunting Association, it was found that the release of this fawn into nature, its life would be endangered because it no longer behaves like a wild animal, and would not survive in nature without human care; therefore fawn *Nani* will be put in a specialized institution (Zoo), and in the meanwhile the Hunting Association "Hajduk Veljko" will take care of it in the proper manner and in accordance with all requirements prescribed by the regulations and best practice. It would be against Serbian legislation to return the fawn to Mrs Mitić.

Sincerely,

STATE SECRETARY

Danilo Golubović

