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**Importation and euthanasia of a consignment  
of caiman crocodilians in Cyprus:  
an assessment of government protocols  
and the actions of regulatory authorities**

COMMENTARY & OPINION

**Introduction**

At the request of the Animal Protection Agency UK (APA) I have been asked to assess circumstances surrounding the matter of caiman crocodilians imported into Cyprus and their subsequent euthanasia by Cypriot authorities.

My relevant qualifications include being a Chartered Biologist with approximately 30 years professional research experience in, primarily, reptile biology and welfare (including general anatomy and physiology, neurology, captive and wild animal behaviour, husbandry, and euthanasia). I am also qualified in human medicine, specializing in diseases that are transferable from animals to humans. Collectively I have published approximately 100 peer-reviewed items on the above-mentioned subjects. I have also served on several expert committees including for biology, behaviour, and animal euthanasia.

The present document is intended to:

- provide an overview of the key issues based on correspondence and other enquiries
- consider the questions asked and whether or not they were sufficiently answered
- assess whether or not any of the expressed concerns appear justified
- offer recommendations on potential future issues

There has been some media coverage in Cyprus of the issue but I have taken no account of this material during this review or in reaching my conclusions and recommendations.

The author declares having no vested interest in the subject.

**General comment**

The Animal Protection Agency (APA) received reports that juvenile caiman crocodilians were imported into Cyprus and then destroyed. The APA expressed several questions and concerns regarding certain alleged events and circumstances surrounding the issue. The questions and concerns related to:

1. whether or not the animals were imported into Cyprus? (ESTABLISHED)
2. what were the reasons for the importation of the animals? (ESTABLISHED)
3. was the species subject to any trade regulations? (ESTABLISHED)
4. were the animals euthanized? (ESTABLISHED)
5. what method was used to euthanize the animals? (ESTABLISHED)
6. by whom were the animals euthanized (PARTIALLY ESTABLISHED)
7. what efforts were made to re-home the animals? (NOT ESTABLISHED)
8. what conditions were the animals housed-in? (NOT ESTABLISHED)
9. what husbandry protocols were used? (NOT ESTABLISHED)
10. was husbandry appropriate or inappropriate? (NOT ESTABLISHED)

The fundamental concerns that had been expressed to APA by the public were thus questioning whether the animals had at all stages following importation been treated with appropriate care and thus whether or not any concerns were justified.

### **Summary of issue**

The responsible Cypriot authority receiving the caiman crocodilians in this case was the Animal Health & Welfare Division. Appendix 1 presents the key correspondence between the Animal Health & Welfare Division and my office on this issue. The Animal Health & Welfare Division provided highly limited responses and accordingly those responses limit the scope and depth of this present document.

The Animal Health & Welfare Division confirmed that approximately 20 spectacled caiman crocodilians (*Caiman crocodilus*) arrived in Cyprus from the Netherlands and were held at Larnaca airport and in the care of the veterinary services. The Animal Health & Welfare Division would not state what husbandry methods were used to care for the animals.

The importer of the animals was reportedly contacted and advised to take charge of the animals' care while in Cyprus before returning the animals to the Netherlands, because the importer allegedly did not possess the proper permissions to keep and sell them as pets.

Spectacled caiman (the species of caiman referred to here) are subject to the provisions of the Convention on International Trade in Endangered Species (CITES), where the species is listed on CITES Appendix II. This means that the species can be traded legally subject to monitoring.

The Animal Health & Welfare Division confirms that the animals (after an unspecified period) were euthanized by intraperitoneal injection of a drug known as T-61.

The Cypriot authorities declined to respond in detail or at all to some key specific queries, because of this I am unable to progress to any useful conclusion on some matters, thus I cannot determine whether or not certain concerns were justified.

Those ‘unanswered’ matters are as follows:

- What physical conditions were the animals housed in?
- What husbandry protocols were in place for the animals?
- Were husbandry protocols appropriate or inappropriate?
- By whom exactly were the animals euthanized?

Because the Cypriot authorities did not respond informatively to certain points I feel that I cannot reach determinations on those matters. However, on at least some matters I feel capable of offering the following determinations:

### ***Euthanasia of the animals***

The euthanasia protocol involved the injection of a drug known as T-61 by intraperitoneal route, that is, directly into the body cavity. No prior sedation was described by the Cypriot Animal Health and Welfare Division or confirmed from enquiries. The use of T-61 in the manner described is widely reported as likely to cause respiratory distress because the drug can paralyse breathing while leaving the recipient conscious. Also, the drug is an irritant and thought to be painful if administered via the route described by the Cypriot Animal Health and Welfare Division. These problems are well known within the veterinary community, and specific guidance regarding the problems of using T-61 has also been published by a major EU-funded working group on euthanasia - a group of which I was a member.

The European Convention for the Protection of Pet Animals Strasbourg, 13.XI.1987 (further presented in Appendix 2) includes references regarding acceptable killing of animals, including that:

- only a veterinarian or another competent person shall kill a pet animal except in an emergency to terminate an animal's suffering when veterinary or other competent assistance cannot be quickly obtained or in any other emergency
- all killing shall be done with the minimum of physical and mental suffering appropriate to the circumstances
- the method chosen, except in an emergency, shall either: cause immediate loss of consciousness and death, or begin with the induction of deep general anaesthesia to be followed by a step which will ultimately and certainly cause death

The Convention on International Trade in Endangered Species (CITES) includes references (Article VIII and the Revised Regulations) regarding the welfare of animals, including that:

- Article VIII “The Parties shall ensure further that all living specimens, during any period of transit, holding or shipment, are properly cared for so as to minimize the risk of injury, damage to health or cruel treatment”

- Revised Regulations “Option 3 – Euthanasia – the killing of animals carried out according to humane guidelines”

The related issue of whether the killing of the animals constituted ‘unnecessary suffering’ by common and legal definition requires address. Hypothetically, in a situation where a layman feels compelled on compassionate grounds to kill an animal, somewhat ‘arbitrary’ and less than ideal methods may be justifiable, even though these may cause some suffering. Such situations are extreme and thus unusual methods may be called on to end an animal’s life and thus alleviate suffering. It is conceivable that a professional animal carer, such as a veterinarian, may also find him/herself in such an extreme situation.

However, I find it very difficult to envisage why a government veterinarian should find him/herself in a situation where there was no stated or apparent urgency to kill the animals, where the animals had been held for some days, where a proper veterinary chemical euthanasia agent would normally be accessible, and where physical conditions should be sufficiently accommodating, and yet still elect to apply a contraindicated method of euthanasia well publicized to cause pain and suffering.

If the above conditions as described approximately fit the true situation at the time then I would be inclined to conclude that the caiman crocodilians were subject to unnecessary suffering, and that all procedural, including legal, measures should be pursued to hold accountable those who were responsible.

If the veterinarian did not have the benefit of suitable drugs and other facilities to humanely carry-out euthanasia and was thus compelled through circumstance to act in an extreme manner that caused suffering, then the related important issue is raised of why was the veterinarian forced into such extreme decision-making while under the direction of a responsible government authority?

Given that the method used by the veterinarian to kill the animals was without apparent justification and involved a contraindicated drug as well as a contraindicated procedure, and given that no reasonable technical explanation or defence for the veterinarian’s actions has been produced, I am satisfied that the actions of the veterinarian warrant further investigation by veterinary service and other regulators.

### ***Government confidentiality***

It is not unreasonable or unusual that government departments prefer to maintain confidentiality in some situations where such matters may serve the public interest and where individuals require some protection, such as in some pending legal cases. However, in citing confidentiality as their reason for declining to answer certain queries the Cypriot authorities have offered no detailed reasons for the refusal. Further, having looked carefully at the issues and their potential implications I have been unable to identify any convincing reason for the Cypriot authorities declining to cooperate.

### ***Veterinarian anonymity***

I cannot speculate on the precise reason(s) for the Cypriot authorities declining to reveal the name of the veterinarian involved in the case. Insofar as the provisional correspondence was concerned I feel that it was not unreasonable of the Cypriot authorities to require confidentiality in respect of withholding the name of the veterinarian involved in the case. It is not uncommon for government departments to seek to preserve the anonymity of a veterinarian whether or not a matter may be beyond reproach or controversial. However, given that there are now adequate reasons, in my view, for formally questioning the veterinarian (whether or not publically named) on matters of professional conduct I feel that public interest is justified and anonymity would not now serve the public interest.

Towards this, several reports have been registered with the Pancyprian Veterinary Association over several months. However, despite the lengthy timescale, no response whatsoever has been forthcoming from the PVA.

### ***CITES Secretariat***

Appendix 3 contains the correspondence between my office and the CITES Secretariat on the caiman crocodilians issue. Of note is that CITES offered certain regulations as being potentially relevant to the issue. For clarification purposes, the meaning of these regulations was put to the CITES Secretariat and my understanding of these regulations and their relevance was not challenged.

CITES were reminded that parties to CITES, which includes Cyprus, are obliged to ensure that animal welfare is good while animals are in the care of the Member State and that CITES has obligations to oversee Member States' actions in this regard. The CITES Secretariat did not challenge this obligation. However, CITES elected to take no further action on the matter giving as their reasons:

*“There does not appear to be anything in the information you have supplied to indicate that the authorities in Cyprus failed to follow either the requirements of the Convention or the advice provided in the Resolution we referred to in our previous message. The animals were apparently in the care of a veterinary service and we see no information that leads us to question the nature of the care provided.”*

*My response was as follows:*

*“I am unclear on how you reach this conclusion given that the Cypriot authorities have provided no information on the care of the animals? It would seem peculiar to me for a regulatory authority (CITES) to reach a conclusion based on no investigatory effort and no information, although this is does indeed appear to be what has happened.”*

The CITES Secretariat elected not to comment.

The fact that CITES elected not to comment on particular queries and challenges that were presented to them in respect of the obligations they may have pertaining to investigation and enforcement is both disappointing and curious. Indeed, given the formal implied responsibilities of the CITES Secretariat I consider that the Secretariat's final response to clear and specific questions did not meet the duty of care one would normally expect of a responsible authority and also included an unacceptable lack of professional engagement.

## **Conclusions**

Based on the available evidence it is my view that important questions remain unanswered regarding the way in which the caiman crocodilians were treated while in the custody of the Cypriot authorities and also the way in which they were euthanized, which in my view was unnecessarily contrary to accepted practice.

The lack of some transparency and openness manifest by the Cypriot Government Animal Health & Welfare Division appears both unjustified and obstructive.

The rationale offered by the CITES Secretariat for itself making no detailed investigation into matters concerning the Animal Health & Welfare Division's handling of the caiman is perplexing and appears weak, and their eventual lack of engagement appears curious.

## **Recommendations**

That the European Commission investigate the conduct of the veterinarian who euthanized the crocodilians, especially given that it appears that the responsible veterinary authority has not responded to the reporting of that veterinarian, and that the identity of the veterinarian who carried out the euthanasia of the animals be publicly revealed if possible.

That the European Commission investigate the conduct of the responsible Cypriot authorities, in particular to ask whether or not the manifest secrecy and lack of cooperation by the Animal Health & Welfare Division was justified.

That the European Commission investigate the conduct of the CITES Secretariat to determine whether or not it was correct of the Secretariat to reach the decision not to intervene based on the evidence provided to it.

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## Appendix 1

### Correspondence between Warwick Office and Acting Head Of Animal Health & Welfare Division, Cyprus

11.1.11 From Dr. Giorgos Christofi  
Acting Head Of Animal Health & Welfare Division to Warwick Office

Dear Mr Wawick,

With regard to the abovementioned subject and following your letter dated 04/01/2011, please note that we consider more detailed information on the subject as confidential and therefore we cannot provide private individuals with information such as that requested in your letter.

Kind regards,  
Dr George Christofi  
Acting Head of Animal Health and Welfare Division

4.1.11 From Warwick Office to Dr George Christofi  
Acting Head of Animal Health and Welfare Division

Dear Sir or Madam

According to my records I have received no response from you regarding my letter of 20.12.10 in which I presented certain specific technical comments and questions.

Given that I should like to submit my report on the matter to the EU authorities and other interested parties by 20<sup>th</sup> January, I should imagine that you would wish to provide all relevant comments before then.

Therefore, I should like to suggest a deadline of 1500hrs, Friday 14<sup>th</sup> January.

I look forward to hearing from you.

Yours,  
Clifford Warwick

10.1.11 To Dr. Giorgos Christofi  
Acting Head Of Animal Health & Welfare Division

Dear Dr Christofi

#### IMPORTED EUTHANASED CAIMAN

1. Thank you for your emailed letter of 20<sup>th</sup> December 2010.
2. I note your account of the care that the animals received by your staff. However, your description that: *"The caiman were kept in the premises of the vet services at Larnaca airport and were fed and watered by our staff"* provides very little information regarding the actual husbandry these animals received. Accordingly, I should appreciate a fuller account of the physical facilities, temperatures, and general care, please.
3. I remain unclear regarding the length of time these animals were in your custody. Would you please explain?
4. You have confirmed that the caiman were euthanized by lethal injection of T-61 administered via intraperitoneal route. I am very concerned to learn that you elected to adopt this procedure.

Having worked on euthanasia protocols for ectotherms since the 1980's, and having contributed to the major EU-funded review and publications on the subject, I can state with some confidence that the method you used to euthanize these animals is not considered humane. T-61 is widely contraindicated for euthanasia. **First**, T-61 is typically only utilized in scenarios where a veterinarian is unavailable, because the drug is less regulated and thus 'easy' to get hold of. This makes the drug a very second-rate method and entirely unnecessary where an actual vet is available. You have confirmed that a State vet was in fact available. **Second**, T-61 should never be administered without prior sedation with an acceptable agent because the drug causes pain and respiratory distress. **Third**, T-61, if it is to be used at all, must be administered via the intravenous route and should not be administered via the intraperitoneal route, as this causes additional unnecessary pain. Your staff administered the wrong drug, the wrong way, and likely caused unnecessary suffering in these animals. This is disturbing, not only because of the probable fact of the unnecessary stress to the animals, but also because detailed published information on recommended and contraindicated methods of euthanasia for these animals is widely available in the EU and elsewhere, and has been for more than a decade (sample references below).

5. I should like an explanation, from veterinary and management viewpoints, as to why T-61 was used in this way, and against the volume of contradictory guidance.

6. I note also that you did not confirm the dose rate of T-61.

I look forward to hearing from you.

Yours,

Clifford Warwick

Sample references regarding euthanasia and T-61 use

Animal care control euthanasia. American Humane Association, 1986.

Close, B., Bannister, K., Baumans, V., Bernoth, E.M., Bromage, N., Bunyan, J., Erhardt, W., Flecknell, P., Gregory, N., Hackbarth, H., Morton, D. and Warwick, C. (1996) Recommendations for euthanasia of experimental animals. Part 2. *Laboratory Animals*, 31:1-32.

Close, B., Bannister, K., Baumans, V., Bernoth, E.M., Bromage, N., Bunyan, J., Erhardt, W., Flecknell, P., Gregory, N., Hackbarth, H., Morton, D. and Warwick, C. (1996) Recommendations for euthanasia of experimental animals. Part 1. *Laboratory Animals*, 30:293-316.



20.12.10 From Dr. Giorgos Christofi  
Acting Head Of Animal Health & Welfare Division  
animal.health@vs.moa.gov.cy

Dear Mr. Warwick,

The caiman were kept in the premises of the vet services at Larnaca airport and were fed and watered by our staff.

A letter was given to the importer to re-send the caiman (size around 20) back to the Netherlands and to take care of them during their housing at airport but he refused to take any action.

The caiman were euthanized by intraperitoneal injection of T-61. The name of the official veterinarian/s who put the animals into sleep cannot be supplied as even the EU for its inspections (missions) carried out in Member States, does not mention any names in its report, for ethical reasons. As a result of this, personal data it is forbidden to be forwarded to any person or organization.

The exact species involved in the case was spectacled caiman.

Best regards,

Dr. Giorgos Christofi  
Acting Head Of Animal Health & Welfare Division

Dear Sirs

IMPORTED EUTHANASED CAIMAN

**REMINDER**

I am disappointed in having thusfar received no response from you regarding my letter of 16<sup>th</sup> November concerning the above issue.

Given that I have been asked to scientifically review certain aspects of this case, I feel that it would be most unfortunate for my enquiries should your authority fail to respond in the detail requested. Also I feel that you may be widely seen as doing yourselves a disservice as the matter generally progresses.

Bearing in mind that 30 days have already passed without response from you on this matter, I feel that it is reasonable of me to now request that within seven days you address each of the points raised in my previous communication (which I reattach below for your convenience).

I thank you in advance and look forward to hearing from you.

Yours,

Clifford Warwick

16.11.10 From Warwick Office to Dr. Giorgos Christofi  
Acting Head Of Animal Health & Welfare Division

Dear Sir

IMPORTED EUTHANASED CAIMAN

I write regarding the above recent issue, which has raised certain concerns here in the UK and elsewhere. My interest derives partly through my role as a biologist and partly because I have worked significantly with the European Community on EU-funded research into animal welfare and euthanasia guidelines for formal authorities, and thus the relevant activities of member states on certain issues draws my attention. Accordingly, I should like to solicit your response to the following questions.

1. It is my understanding that the caiman were euthanized following an unclear period during which time they were in your custody. Would you please confirm the exact physical conditions of their housing and the care they received by your agents?
2. It is my understanding that these animals were euthanized by sedation followed by lethal injection of T-61 (a tetracaine HCL/curariform complex drug). Would you please confirm the exact sedative and T-61 dose rates that were administered as well as the administration routes for both the sedative and the T-61? Relatedly, I should also like to seek to ascertain the level of expertise of the veterinarian who euthanized the animals as I feel it is a reasonable query on the matter of competence. Therefore, would you please supply the name of the veterinarian who can confirm the drug administration protocols?
3. I am unclear as to the exact species of caiman involved. Would you please confirm the exact species?
4. Given that the EU is already under scrutiny for poor management of wild animal shipments into and within its borders I feel that individual nations should be asked to fully explain unfortunate and curious scenarios such as has apparently occurred with these caiman. It would be most helpful, therefore, if you could address my questions as promptly as practical.

I look forward to hearing from you.

Yours,

Clifford Warwick  
DipMedSci CBiol EurProBiol FRSPH FSB

**Appendix 2 European Convention for the Protection of Pet Animals Strasbourg, 13.XI.1987****Article 11 – Killing**

1. Only a veterinarian or another competent person shall kill a pet animal except in an emergency to terminate an animal's suffering when veterinary or other competent assistance cannot be quickly obtained or in any other emergency covered by national law. All killing shall be done with the minimum of physical and mental suffering appropriate to the circumstances. The method chosen, except in an emergency, shall either:

- a. cause immediate loss of consciousness and death, or
- b. begin with the induction of deep general anaesthesia to be followed by a step which will ultimately and certainly cause death.

The person responsible for the killing shall make sure that the animal is dead before the carcass is disposed of.

2. The following methods of killing shall be prohibited:

- a. drowning and other methods of suffocation if they do not produce the effects required in sub-paragraph 1.b;
- b. the use of any poisonous substance or drug, the dose and application of which cannot be controlled so as to give the effect mentioned in paragraph 1;
- c. electrocution unless preceded by immediate induction of loss of consciousness.

**Appendix 3 Correspondence between Warwick Office and John M. Sellar, Chief/Chargé/Jefe Enforcement Support/L'assistance à la lutte contre la fraude/Asistencia a la Observancia CITES Secretariat**

9.2.11 From John M. Sellar, Chief/Chargé/Jefe, Enforcement Support/L'assistance à la lutte contre la fraude/Asistencia a la Observancia, CITES Secretariat.

Dear Mr Warwick,

Thank you for your response. Please feel free to quote the Secretariat's comments on this matter.

Yours sincerely,

John M. Sellar  
Chief/Chargé/Jefe Enforcement Support/L'assistance à la lutte contre la fraude/Asistencia a la Observancia CITES Secretariat

**8.2.11 From Warwick Office and John M. Sellar, Chief/Chargé/Jefe Enforcement Support/L'assistance à la lutte contre la fraude/Asistencia a la Observancia CITES Secretariat**

**Dear Mr Sellar**

***Thank you for your letter. For simplicity and brevity I have taken the liberty of adding my comments (in bold italics) to the points you make throughout the text of your message. I have highlighted my comments in blue for easy identification.***

**Regards,**

**Clifford Warwick**

Dear Mr Warwick,

I apologize for not responding sooner but I have been on mission in Asia.

Thank you for providing additional information on this subject. The CITES Secretariat has reviewed what you supplied and would offer the following observations.

There does not appear to be anything in the information you have supplied to indicate that the authorities in Cyprus failed to follow either the requirements of the Convention or the advice provided in the Resolution we referred to in our previous message. The animals were apparently in the care of a veterinary service and we see no information that leads us to question the nature of the care provided.

***I am unclear on how you reach this conclusion given that the Cypriot authorities have provided no information on the care of the animals? It would seem peculiar to me for a regulatory authority (CITES) to reach a conclusion based on no investigatory effort and no information, although this is does indeed appear to be what has happened.***

The decision to administer euthanasia appears to have been taken by a veterinary surgeon. We see no reason for us to question such a decision or the manner in which euthanasia was conducted.

We note your opinion that the method of euthanasia adopted "likely caused unnecessary suffering" but there does not appear to be any evidence or information to indicate that it actually

did.

It would seem that consideration of such an issue would be better decided by the professional body that presumably registers or licences veterinary surgeons in Cyprus and you may wish to consider contacting it.

We note your comments that the method used would allegedly conflict with guidance available in Europe. If that is the case, we suggest you contact the European Commission and express your concern.

***The issue of improper euthanasia may indeed be referred to the veterinary authorities. Regardless, unless you are stating that CITES has no interest in how animals are treated and killed or whether they suffer (which would appear to be in contradiction to the CITES regulations you cited preciously) then again you appear to be offering a presumption that has not included the benefit of the scientific information (not mere opinion) that was provided to you.***

***Relatedly, your reference that I refer to the Cypriot veterinary authorities is, I think, irrelevant: CITES has its own criteria for welfare matters and conducting investigations under your own regulations should not be subject to whether action is in progress by other authorities.***

***If you are saying that it is CITES policy to defer to other countries regulators (you've suggested both the veterinary authorities and the European Commission), then this would make CITES redundant would it not?!***

***I re-emphasise the use of T-61 and the killing of these caiman is not a matter of my opinion, which would I think not in itself be irrelevant, but published scientific conclusion. Your statement that: "...there does not appear to be any evidence or information to indicate that it actually did (suffer)" is again peculiar. By your 'standard of evidence' any human that is painfully poisoned 'out of sight' and does not survive to express their feeling may be concluded as having not suffered! With respect, that is not the correct way to consider these matters.***

This response is not intended, in any way, to dismiss what are clearly firmly-held concerns on your part. However, we believe there are more appropriate bodies or agencies to consider these concerns. We do not believe the matters you raise are of a nature that would bring into question the implementation of the Convention in Cyprus. Consequently, we do not intend to take any further action.

***I note your grounds above for declining to take any action on these matters. I presume that I have full permission to include your letter in the present report I am preparing for publication.***

I trust this response will be of assistance.

Yours sincerely,

John M. Sellar  
Chief/Chargé/Jefe  
Enforcement Support/L'assistance à la lutte contre la fraude/Asistencia a la Observancia  
CITES Secretariat

7.2.11 From: John SELLAR <John.Sellar@cites.org>  
To: cliffordwarwick

Dear Mr Warwick,

I apologize for not responding sooner but I have been on mission in Asia.

Thank you for providing additional information on this subject. The CITES Secretariat has reviewed what you supplied and would offer the following observations.

There does not appear to be anything in the information you have supplied to indicate that the authorities in Cyprus failed to follow either the requirements of the Convention or the advice provided in the Resolution we referred to in our previous message. The animals were apparently in the care of a veterinary service and we see no information that leads us to question the nature of the care provided. The decision to administer euthanasia appears to have been taken by a veterinary surgeon. We see no reason for us to question such a decision or the manner in which euthanasia was conducted.

We note your opinion that the method of euthanasia adopted "likely caused unnecessary suffering" but there does not appear to be any evidence or information to indicate that it actually did. It would seem that consideration of such an issue would be better decided by the professional body that presumably registers or licences veterinary surgeons in Cyprus and you may wish to consider contacting it.

We note your comments that the method used would allegedly conflict with guidance available in Europe. If that is the case, we suggest you contact the European Commission and express your concern.

This response is not intended, in any way, to dismiss what are clearly firmly-held concerns on your part. However, we believe there are more appropriate bodies or agencies to consider these concerns. We do not believe the matters you raise are of a nature that would bring into question the implementation of the Convention in Cyprus. Consequently, we do not intend to take any further action.

I trust this response will be of assistance.

Yours sincerely,

John M. Sellar  
Chief/Chargé/Jefe  
Enforcement Support/L'assistance à la lutte contre la fraude/Asistencia a la Observancia CITES  
Secretariat

14.01.11 From Clifford Warwick  
To: John SELLAR <John.Sellar@cites.org>

Dear Mr Sellar

Thank your for your email. This was helpful.

I shall take the liberty of responding to your own queries first as this may help to provide a better context for you. Incidentally, I have been working recently in a very specialized field for a few years and my current knowledge of the minutia of CITES is more than rusty! Accordingly, I hope you will forgive me if some of my reading of certain provisions needs refining or even revisiting!

Regarding my own involvement in this matter, I have been asked by the Animal Protection Agency UK to investigate the issues in question because the APA received complaints about the Member State's handling of certain matters. My professional background and independence is considered helpful by numerous organizations that need somewhat specialized assistance. More

specifically, I am qualified in both biology and human medicine, as well as having special investigative training. For 30 years I have conducted special investigations and research projects for diverse organizations, including the European Commission. I use scientific protocols where practicable and typically produce a report at conclusion, and these reports often lead to publication in peer-reviewed journals. I have published around 100 scientific papers and reports in biology, conservation, animal welfare, euthanasia and human medicine. For your convenience I attach a mini-biography and mini-publications list, which I trust may be helpful.

As to your query for more information about the member authority concerned, I am attaching, in confidence at this stage for obvious reasons, the key correspondence with the Cypriot authorities, Cyprus being the Member State involved.

The recent refusal by the Cypriot authorities to further cooperate is most unhelpful and likely does the Member State a disservice as the APA have indicated that only solid and verifiable answers to all relevant questions may bring this matter to a close. Given that my enquiries with you are but one thread of those in progress the lack of transparency presently being presented by the Cypriot authorities will unlikely be sustainable and may lead those with uncharitable minds to draw unnecessarily negative conclusions. For this reason, among others, I feel that any encouragement you are able to give the Cypriot authorities to increase transparency would be generally helpful.

Several questions were put to the Cypriot authorities and others were proposed. The main list of questions includes:

1. whether or not the caiman were imported into Cyprus? (ANSWERED)
2. what were the reasons for the importation of the caiman?
3. was the species of caiman subject to any trade regulations? (ANSWERED)
4. What efforts were made to find homes for the caiman?
5. what physical conditions were the animals housed-in?
6. what husbandry protocols were in place for the animals?
7. were husbandry protocols appropriate or inappropriate?
8. were the animals euthanized? (ANSWERED)
9. and if so, why, by whom were they euthanized?
10. what method was used? (ANSWERED)

Most questions remain unanswered. I have been unable to identify any good reason for the lack of cooperation by the Cypriot authorities. Prior to commencing my enquiries I was advised that the Cypriot authorities have a reputation in some circles for being uncooperative and 'belligerent'. That 'reputation' may not be deserved, but the present lack of transparency will do little to change those perceptions and CITES itself will be seen as one organization that is expected to see through compliance issues by all parties.

I accept that humane euthanasia of animals may be the appropriate action under certain conditions. However, at this stage, and given that the Cypriot authorities have been minimalist in their responses on certain points I am unclear on whether the euthanasia of the caiman was in fact necessary.

As I understand Article VIII, the thrust of the provisions in that section are intended to safeguard welfare of animals under the responsibility of Member State jurisdiction. Relatedly, it seems to me the wording throughout sections 1 to 4c are designed to set out an obligation on the Member authority to make reasonable efforts to secure safe accommodation for imported and/or confiscated animals including finding them a suitable 'rescue centre'. A question exists as to whether the Cypriot authorities made reasonable efforts to find safe accommodation and to satisfy any obligation under the Article.

I note that the Revised Regulations include a section on animals received without proper paperwork etc, ie: *"d) in the case where live specimens arrive in an importing country without the proper export permits or re-export certificates, and where an importer refuses to accept a shipment of live specimens, the shipment be confiscated and the specimens disposed of in accordance with the guidelines set out in Annex 1 or 2"*. If the Cypriot authorities were applying this provision, which from my quick reading may allow euthanasia without the obligation to find safe accommodation for the animals then the overriding issue remains concerning humane euthanasia and proper protocol.

Questions also remain as to what exact physical conditions prevailed for the animals and what husbandry was provided. The Cypriot authorities have refused to answer these questions. Nevertheless, Article VIII appears to establish obligations regarding the provision that: ***"The Parties shall ensure further that all living specimens, during any period of transit, holding or shipment, are properly cared for..."*** (my emphasis).

A further relevant issue here is that the euthanasia method (chemical and procedural) was not consistent with accepted measures (indeed it is strongly contraindicated) and in my view may have resulted in animal suffering, in particular, perhaps unnecessary suffering.

Referring again to Article VIII it is stated: *"(3) As far as possible, the Parties shall ensure that specimens shall pass through any formalities required for trade with a minimum of delay. To facilitate such passage, a Party may designate ports of exit and ports of entry at which specimens must be presented for clearance. The Parties shall ensure further that all living specimens, during any period of transit, holding or shipment, are properly cared for so as to minimize the risk of injury, damage to health or cruel treatment."*

I note in your own email you correctly make point that in the CITES provisions *"The method of euthanasia has not been addressed, as this will very much depend upon the species in question."* However, the revised CITES Resolutions clearly state: ***"OPTION 3 – EUTHANASIA Euthanasia – the killing of animals carried out according to humane guidelines"*** (my emphasis). Correct guidelines (widely published and agreed) on euthanasia were not followed. In fact a highly contraindicated method was used. I draw your attention to the sections I highlighted above in bold. The attachments offer further clarification on the euthanasia issue.

It would appear, *prima facie*, to me that consideration should be given to the issue of whether improper euthanasia potentially has relevance to the above provision. In my view there is already sufficient evidence to warrant formal investigation regarding the actions of the Cypriot authorities on the issue of the caiman euthanasia protocol.

I thank you for your time on this so far and look forward to further communications.

Yours sincerely,

Clifford Warwick Clifford Warwick DipMedSci CBiol EurProBiol FRSPH FSB Consultant Biologist & Medical Scientist

14.1.11 From: John SELLAR to Warwick Office

Dear Mr Warwick,

Thank you for your message. Perhaps I should start by providing some general remarks. The relevant provisions of the Convention in relation to disposal of confiscated specimens are contained in Article VIII: <http://www.cites.org/eng/disc/text.shtml#VIII> These have been supplemented by a Resolution on the subject: <http://www.cites.org/eng/res/10/10-07R15.shtml>

You will see that the Parties have stated that euthanasia (Option 3 in the guidelines) "may frequently be the simplest and most humane option available". The method of euthanasia has not been addressed, is this will very much depend upon the species in question. With regard to your specific questions:

1. The CITES Secretariat has a mandate to consider matters that might be regarded as issues of non-compliance by Parties and take appropriate action. The Conference of the Parties has adopted a Resolution on this subject: <http://www.cites.org/eng/res/all/14/E14-03C15.pdf>

2. The Convention expects that Parties will cooperate with the Secretariat in this field of its activities but it does not provide for the Secretariat to 'insist that questions are answered'.

3. If you care to provide our office with more detailed information about the matter you refer to, and the name of the country in question, we would certainly consider whether it warranted our



attention. It is likely that one of our first actions would be to seek comments from the country involved.

We would also probably liaise with the European Commission, as it has a monitoring role to play with regard to implementation of CITES among EU Members States. I note that you write that you are "investigating" this issue. It would be interesting to learn in what capacity you are doing so. I trust this response will be of assistance.

Yours sincerely,

John M. Sellar Chief/Chargé/Jefe Enforcement Support/L'assistance à la lutte contre la fraude/Asistencia a la Observancia CITES Secretariat

13.01.2011 From Clifford Warwick

To: [info@cites.org](mailto:info@cites.org)

Subject: Imported euthanized caiman

Dear Sir or Madam

I should like to see your assistance and advice regarding an issue I am investigating.

An EU Member nation has confirmed that several spectacled caiman (Caiman crocodiles) were imported to their country by a third party, but that that party failed to collect the animals and they were subsequently euthanized by the state authorities. The Member state has declined to inform on the conditions in which the animals were kept when in their care. There is evidence to suggest that the Member nation may have used inhumane and unwarranted methods to kill the animals, thus possibly causing unnecessary suffering. The member state is refusing to elaborate on certain matters, claiming these as confidential.

My queries are:

1. Does CITES have any relevant authority on the above matters, and if so what might this be?
2. Does your office have any powers to insist that some further questions are answered? 3. Is the possible issue of any unnecessary suffering caused by the Member authorities something that your office has any formal interest in?

I look forward to hearing from you.

Yours,

Clifford Warwick DipMedSci CBiol EurProBiol FRSPH FSB  
Consultant Biologist & Medical Scientist