

INTERNATIONAL DOLPHIN CONSERVATION PROGRAM

**INTERNATIONAL REVIEW PANEL**

**50<sup>TH</sup> MEETING**

DEL MAR, CALIFORNIA (USA)  
20 OCTOBER 2011

**DOCUMENT IRP-50-09b**

**SUMMARY OF PENDING SPECIAL CASES MONITORED BY THE IRP**

In accordance with the decision of the International Review Panel at its 37th meeting in October 2004, cases of observer interference that involve an attempt to bribe the observer, or a threat of bodily harm to the observer, are automatically classified as special cases

Several of the cases included in this document have been “deemed confirmed” pursuant to Annex IV.III.4 of the AIDCP. This provision is relevant only for DML adjustments, and the Secretariat does not believe that a special case should be considered resolved by the application of this provision. Accordingly, such cases will continue to be included as pending in the reports prepared for the Panel.

At the 13<sup>th</sup> Meeting of the Parties in June 2005 it was agreed that the flag of any vessel identified as a special case would be revealed to the IRP if the case is still unresolved two years from the date the flag Party was notified by the Secretariat of the identification of that vessel as a special case. In this document the flags of two vessels are identified.

Finally, it should be noted that the 22nd Meeting of the Parties adopted Resolution [A-09-02](#), which the urges the Parties, with regard to cases of observer interference or harassment, to contact or interview the observer involved in the case.

**CASE 49-01. AIDCP vessel<sup>1</sup>**

Identified by the 49<sup>th</sup> meeting of the IRP in September 2010; communicated to the Party by the Secretariat on 27 October 2010.

**Trip 2010-103:** The observer reported that two crew members harassed him and intimidated him verbally during the trip, and that in some cases had challenged him to a fight. During the last day of the trip, the observer, quite fed up with the verbal aggression that he had suffered throughout the trip, went looking for one of the aggressor crewmen, and gave him some blows with his fist.

The Party reviewed all the information collected, and after interviewing the observer and the crew, concluded that it did not have the elements necessary to open an administrative process, and therefore could not consider the case as an infraction.

**CASE 49-02. AIDCP vessel**

The vessel that committed the possible infraction did not have an observer aboard, since its characteristics do not require it to participate in the AIDCP observer program.

Identified by the 49<sup>a</sup> Meeting of the IRP, September 2010; communicated to the Party by the Secretariat on 27 de October 2010.

**No trip number:** The observer on another vessel reported having seen this vessel chasing dolphins.

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<sup>1</sup> Defined as a vessel required to carry an observer on every trip and comply with all the provisions of the AIDCP.

On 11 February 2011 the Party informed the Secretariat that it had notified the company that owns the sighted vessel of the requirement that it carry an observer, in accordance with Resolution [A-02-01](#).

On 10 June 2011, the Party informed the Secretariat that it had set up the corresponding administrative process, and that it had not been able to verify the presumed event with the documentary evidence at the disposal of the competent authority, and determined that it was not possible to confirm the infraction.

#### **CASE 49-03. AIDCP vessel**

The vessel that committed the possible infraction did not have an observer aboard, since its characteristics do not require it to participate in the AIDCP observer program.

On 11 February 2011 the Party informed the Secretariat that it had notified the company of the requirement to carry an observer, pursuant to Resolution [A-02-01](#).

On 10 June 2011, the Party informed the Secretariat that it had set up the corresponding administrative process, and that it had not been able to verify the presumed event with the documentary evidence at the disposal of the competent authority, and determined that it was not possible to confirm the infraction.

#### **CASE 49-04. AIDCP vessel**

The vessel that committed the possible infraction did not have an observer aboard, since its characteristics do not require it to participate in the AIDCP observer program.

Identified by la 49<sup>a</sup> Meeting del IRP, September 2010; communicated to the Party by the Secretariat on 27 de October 2010.

**No trip number:** The observer on another vessel reported having seen this vessel making a set on dolphins.

On 31 March 2011, the Party informed the Secretariat that the vessel's fishing permit had expired in 2006.

On 25 April 2011, the Party informed the Secretariat that the vessel was under its control and supervision and in the process of regularizing its status. It also stated that, due to a change of national authority, the letter with the details of the case had not come into its hands on time, a situation that had impeded a more efficient processing.

On 13 June 2011, the Party informed the Secretariat that it had initiated the review and investigation of the case, and that it would report opportunely about sanctions applied and/or the presented by the vessel owner.

On 5 July 2011, the Party informed the Secretariat that it had informed the owner of the requirement of having an observer aboard during its fishing trips.

On 26 July 2011, the Party informed the Secretariat that an administrative process had been carried out, and had resulted in the suspension of the permit and fishing licence for three months and a fine, and the fishing captain and vessel captain were required to attend an AIDCP instructional seminar.

#### **CASE 49-05. AIDCP vessel**

Identified by la 49<sup>a</sup> Meeting del IRP, September 2010; communicated to the Party by the Secretariat on 27 de October 2010.

**Trip 2010-260:** The observer reported that, during the first week of the trip, the vessel's navigator offered him US\$ 3,000 for not reporting the discarding of small tunas, and told him that he was making the offer on behalf of the owners of the vessel. El observer rejected the offer, and there was no other such offer during the trip.

As of 1 September 2011, no response had been received from the Party.