

INTERNATIONAL DOLPHIN CONSERVATION PROGRAM

INTERNATIONAL REVIEW PANEL

43RD MEETING

CANCUN, MEXICO

19 JUNE 2007

DOCUMENT IRP-43-10b

SUMMARY OF PENDING SPECIAL CASES MONITORED BY THE IRP

GENERAL

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. The Secretariat has noted that some of those cases have been resolved in favor of the vessel without an interview of the observer. While the cases referred to the governments by the IRP include a report by an observer, the Secretariat suggests that the investigation of such cases should include direct testimony from observers.

CASE 38-01. AIDCP VESSEL

The 38th Meeting of the IRP in February 2005 reviewed trip no. 2004-462 by this vessel and identified a possible infraction of observer harassment and/or interference. The observer reported that on the day he first boarded the vessel, the fishing captain asked him how much money he wanted in order to help him by falsifying his data, which the observer emphatically stated that he would not do. After a set during the trip, the fishing captain asked the observer if he had recorded explosive use during the set, which the observer confirmed. The fishing captain asked him to remove the report of explosive use, and said that he could make a monetary arrangement for the observer in port. The observer refused. This fishing captain was also the fishing captain during trips 2002-654 and 2002-756 of Vessel 'F', Case 32-01.

These findings were forwarded to the Party by the Secretariat on April 18, 2005. On May 9, 2006, the Secretariat informed the Party that in accordance with Annex IV.II.4 of the AIDCP, the Party has deemed to have provided concurrence that the vessel committed the infraction because it had been 12 months since the possible infraction had been referred to it. However, the Party advised the Secretariat on June 14, 2006 that the case is under investigation.

As of June 1, 2007 there has been no further response from the Party.

CASE 39-01. AIDCP VESSEL

The 39th Meeting of the IRP in June 2005 reviewed trip 2005-096 by this vessel and identified a possible infraction of observer harassment and/or interference. The observer reported that prior to the vessel's departure the fishing captain and the vessel owner asked him not to report sets on dolphins as the vessel did not have a DML. The observer refused and during the trip he was subjected to daily harassment by one particular crewman.

These findings were forwarded to the Party by the Secretariat on August 11, 2005. On October 17, 2005, the Party informed the Secretariat that this case is under investigation. On May 29, 2007 the Secretariat informed the Party that in accordance with Annex IV.III.4 of the AIDCP, it must provide the Secretariat an update of its investigation of this case prior to August 19, 2007. As of June 1, 2007 there has been no further response from the Party.

CASE 40-01. AIDCP VESSEL

The 40th Meeting of the IRP in October 2005 reviewed trip 2005-281 by this vessel and identified a possible infraction of observer harassment and/or interference. The observer reported that on several occasions he was verbally intimidated by the fishing captain.

These findings were forwarded to the Party by the Secretariat on December 19, 2005. On July 12, 2006 the Party informed the Secretariat that this case is under investigation. On November 13, 2006 the Party informed the Secretariat that it had concluded that there was no infraction, since there were elements on both sides that did not allow an objective decision to be taken, but that the captain of the vessel had been warned that this type of behavior should not be repeated in future, and any relapse would lead to more severe measures.

CASE 41-01. AIDCP VESSEL

The 41st Meeting of the IRP in June 2006 reviewed trip 2005-627 by this vessel and identified a possible infraction of observer harassment and/or interference. The observer reported that the fishing captain became angry at him on several occasions for using or accessing vessel equipment without permission. The observer reported that on the last day of the trip the fishing captain approached him with his arm up and his fist clenched while yelling obscenities, but a crewman restrained the fishing captain when he was approximately one meter from the observer.

These findings were forwarded to the Party by the Secretariat on August 23, 2006. As of June 1, 2007 there has been no response from the Party.

CASE 41-02. AIDCP VESSEL

The 41st Meeting of the IRP in June 2006 reviewed trip 2005-783 by this vessel and identified a possible infraction of observer harassment and/or interference. The observer reported that during a port stop he and the fishing captain had an argument on the vessel regarding the observer's request to go ashore to make additional copies of his field data forms. According to the observer, the fishing captain used profane language while face-to-face with the observer, and when the observer placed his hand on the fishing captain's chest and asked him to treat him with respect, the fishing captain pushed the observer's hand away and then pushed the observer. A crewmen then intervened to separate them.

These findings were forwarded to the Party by the Secretariat on August 23, 2006. As of June 1, 2007 there has been no response from the Party.

CASE 41-03. AIDCP VESSEL

The 41st Meeting of the IRP in June 2006 reviewed trip 2005-790 by this vessel and identified a possible infraction of observer harassment and/or interference. The observer reported that the fishing captain did not want him to report discards of dead tuna during sets on floating objects, and for each such set he offered the observer US\$500 to not report those discards to which the observer refused.

These findings were forwarded to the Party by the Secretariat on August 23, 2006. As of June 1, 2007 there has been no response from the Party.

CASE 41-04. AIDCP VESSEL

The 41st Meeting of the IRP in June 2006 reviewed trip 2006-013 by this vessel and identified a possible infraction of observer harassment and/or interference. The observer reported that one day while he was in the pilot house, he was approached by the fishing captain and the navigator and they said they wanted to talk to him. After the fishing captain asked him about his work experience, the vessel navigator told him that the vessel has US\$5,000 available for the biologist if he "cooperates" and allows them to use explosives if they go to an area where it is difficult to catch the dolphins. The observer refused and the conversation ended.

These findings were forwarded to the Party by the Secretariat on August 23, 2006. On September 26, 2006 the Party advised the Secretariat that this case is under investigation. As of June 1, 2007 there has been no further response from the Party.