

# INTERNATIONAL DOLPHIN CONSERVATION PROGRAM

## INTERNATIONAL REVIEW PANEL

### 45<sup>TH</sup> MEETING

PANAMA  
17 JUNE 2008

#### DOCUMENT IRP-45-09b

#### 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.

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.

##### **CASE 38-01. AIDCP vessel**

Identified by the 38<sup>th</sup> Meeting of the IRP, February 2005; forwarded to the Party by the Secretariat, 18 April 2005.

**Trip 2004-462:** 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.

On 14 June 2006, the Party informed the Secretariat that the case is under investigation. As of 28 May 2008, there has been no further response from the Party.

##### **CASE 39-01. AIDCP vessel**

Identified by the 39<sup>th</sup> Meeting of the IRP, June 2005; forwarded to the Party by the Secretariat, 11 August 2005.

**Trip 2005-096:** 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.

On 17 October 2005, the Party informed the Secretariat that this case is under investigation. As of 28 May 2008, there has been no further response from the Party.

##### **CASE 41-01. AIDCP vessel**

Identified by the 41<sup>st</sup> Meeting of the IRP, June 2006; forwarded to the Party by the Secretariat, 23 August 2006.

**Trip 2005-627:** 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.

As of 28 May 2008, there has been no response from the Party.

**CASE 41-02. AIDCP vessel**

Identified by the 41<sup>st</sup> Meeting of the IRP, June 2006; forwarded to the Party by the Secretariat, 23 August 2006.

**Trip 2005-783:** 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 crewman then intervened to separate them.

As of 28 May 2008, there has been no response from the Party.

**CASE 41-03. AIDCP vessel**

Identified by the 41<sup>st</sup> Meeting of the IRP, June 2006; forwarded to the Party by the Secretariat, 23 August 2006.

**Trip 2005-790:** 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.

As of 28 May 2008, there has been no response from the Party.

**CASE 41-04. AIDCP vessel**

Identified by the 41<sup>st</sup> Meeting of the IRP; June 2006; forwarded to the Party by the Secretariat, 23 August 2006.

**Trip 2006-013:** The observer reported that one day, while he was in the pilot house, he was approached by the fishing captain and the navigator, who 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.

On 26 September 2006, the Party informed the Secretariat that this case is under investigation. On 17 October 2007, the Party informed the Secretariat that there was no infraction. Accordingly, this case will be removed from the list of special cases.

**CASE 43-01. AIDCP vessel**

Identified by the 43<sup>rd</sup> Meeting of the IRP, June 2007; forwarded to the Party by the Secretariat, 31 July 2007.

**Trip 2006-500:** The observer reported that the fishing captain approached him on various occasions, asking or proposing that he falsify information; for example, on one occasion he asked him not to report the death of a whale shark during a set, and on another, not to record an apparent night set nor to report as "unknown" the use of explosives. Also, the fishing captain told him that he would be monetarily rewarded by him and the vessel owner. The observer was also threatened, being told that he would not get on the company's vessels if he did not accept what was requested.

On 14 February 2008, the Party informed the Secretariat that there was no infraction. Accordingly, this

case will be removed from the list of special cases.

**CASE 43-02. AIDCP vessel**

Identified by the 43<sup>rd</sup> Meeting of the IRP, June 2007; forwarded to the Party by the Secretariat, 31 July 2007.

**Trip 2006-603:** The observer reported that some members of the crew approached him on various occasions to ask him whether they could fish during the closure, and even whether he would not report fishing during the closure in exchange for money, to which he answered that those questions should be put to the fishing captain.

On 17 October 2007, the Party informed the Secretariat that this case is under investigation. As of 28 May 2008, there has been no additional response from the Party.

**CASE 43-03. AIDCP vessel**

Identified by the 43<sup>rd</sup> Meeting of the IRP, June 2007; forwarded to the Party by the Secretariat, 31 July 2007.

**Trip 2006-729:** The observer reported that a member of the crew asked him if he could help them with the dolphins in exchange for money. He said that they had a quantity of money aboard, and that he was in charge of talking to the observers. The observer refused, and noted that the fishing captain's behavior subsequently changed and became less cordial.

On 21 September 2007, the Party advised the Secretariat that this case is under investigation. On 20 November 2007, the Party advised the Secretariat that there was no infraction. Accordingly, this case will be removed from the list of special cases.