

## **CASE SUMMARY**

### **The Killing of Dolphins**

The killing of dolphins off the coasts of Venezuela has been reported by numerous scientists, government officials, fishermen, and private individuals for decades. Dolphins are harpooned to use their meat as shark bait. Except for one isolated incident, the Venezuelan government has never enforced existing laws to protect these mammals.

This attitude is consistent with the Venezuelan position regarding its tuna fleet operations in the Eastern Pacific Ocean where thousands of dolphins are killed every year by tuna boats. As a consequence of that, Venezuelan-fished tuna has been banned from the United States.

### **The Denunciation**

Dr. Aldemaro Romero, a Venezuelan scientist and environmentalist, and Prof. Ignacio Agudo, also a Venezuelan biologist and former government official, set out in February 1993, to the town where most harpooning of dolphins was reported in order to document the facts. They interviewed the fishermen and took pictures, videos, and collected specimens of butchered dolphins.

The evidence was presented to the office of the Venezuelan Attorney General. They made clear that the solution was not to jail fishermen that were pawns in the international trade of shark fins, but rather to develop an educational campaign among the fishermen and the general public, to establish a Marine Mammal Protection Act for Venezuela, and to offer economic alternatives to the fishermen. The Venezuelan government did not respond.

In October 1993, they took their plea to the Venezuelan Congress where they testified and proposed legislation backed by more than 45,000 signatures. Still, the government did not respond.

### **The persecution**

In November 1993 parts of the original footage were broadcasted on several U.S. television stations. As a consequence of that, the Venezuelan consulate in Miami and the Embassy in Washington, D.C., said to have received more than 20,000 letters and faxes of protest from the American public. After that, the Venezuelan government started a defamation campaign against Dr. Romero and Prof. Agudo that included a press vilification campaign and the doctoring of the original tape.

The government brought charges against Romero and Agudo for "killing a dolphin" and Venezuelan government officials claimed that they were about to bring charges for "treason to the motherland." During the initial proceedings, Romero and Agudo's lawyers were not permitted to accompany them during questioning nor to have access to court documents while Venezuelan government officials and some journalists did.



By February 1994, Dr. Romero started to receive phone death threats at home. The callers identified themselves as to be "in high places" and described Dr. Romero's wife and daughters' names and school schedules. Given that Venezuela has one of the worse human rights records in the Western Hemisphere, Dr. Romero fled his country with his family and took residence in the U.S.

Two months later, a Venezuelan government official went to Miami and denounced Dr. Romero and Prof. Agudo's video as a fraud while insisting that dolphins were not killed off the coasts of Venezuela. This official further said that Dr. Romero had been paid by U.S. corporations and environmental groups in order to make the video. This press conference was followed by a vilification campaign in the U.S. press and through the Internet.

In November 1994, through an intermediary, a person who claimed to be the Venezuelan vice consul in Miami, asked to meet Dr. Romero. In that meeting, the Venezuelan official told Dr. Romero that he could arrange for him to return to Venezuela and to have "a fair trial." However, if he refused -the alleged vice consul said- then the Venezuelan government might retake its original idea of kidnaping and taking him by force back to Venezuela.

Later, that same government official tried to arrange a meeting between Dr. Romero and an alleged Venezuelan journalist leaving in Miami. Subsequent investigations showed that such journalists did not exist and that this could have been a maneuver to locate Romero who has kept his Miami address confidential. Romero denounced these facts to the FBI.

In February 1995, the Venezuelan Supreme Court ordered the Venezuelan government to initiate extradition procedures against Dr. Romero, despite the fact that such treaty expressly prohibits politically motivated extraditions. U.S. authorities at the State Department told the Venezuelan government that they would not grant such petition which they found frivolous and without legal basis.

In order to fight the extradition from the Venezuelan side, Dr. Romero requested the Venezuelan consulate in Miami to legalize a power of attorney in order to be represented in that country. The consulate in Miami responded in writing that they will not do so, stripping Dr. Romero of legal representation. The president of the Supreme Court of Venezuela, also in writing, denied Dr. Romero (through his father) to have access to the courts' papers regarding the extradition petition because those papers were "only available to interested parties."

Dr. Romero and Prof. Agudo's books on environmental and marine mammal issues have been destroyed, sequestered and/or banned by the Venezuelan government.

Prof. Agudo, who stayed in hiding in Venezuela, had his family harassed by the Venezuelan security forces. His father committed suicide and his wife of 27 years of age, died of a heart attack.