

THE KILLING OF DOLPHINS IN VENEZUELA AND THE GOVERNMENT PROSECUTION AGAINST ENVIRONMENTALISTS FOR DENOUNCING IT

Summary

There has been abundant evidence since 1941 that dolphins are captured off the coasts of Venezuela to use their meat as a bait for shark fishing and, occasionally, for human consumption. However, the Venezuelan government has done little to stop this killing. This attitude is consistent with other government environmental positions on whales and dolphins. A video showing how dolphins are killed off the coast of Venezuela was publicized in May 1993 and the case was presented to the office of Venezuela's Attorney General. A petition backed up by 45,000 signatures asking for the establishment of a Marine Mammal Protection Act for Venezuela, the creation of a Cetacean sanctuary, and the establishment of educational programs regarding dolphin conservation was presented to the Venezuelan government in October 1993 and was also ignored. After the video was shown on U.S. television stations, the Venezuelan government prosecuted the environmentalists that produced it. These actions included the doctoring of the original tape, a press vilification campaign, death threats, and filing criminal charges. These actions are consistent with Venezuela's Human Rights' record. This document has as main objectives: 1) Demonstrate that killing of dolphins off the coasts of Venezuela is well documented. 2) Demonstrate that the Venezuelan government has tried to cover up the killing of dolphins. 3) To report the type of actions that the Venezuelan government conducts against those critical of its environmental policies.

THE EVIDENCE OF THE KILLING OF DOLPHINS OFF THE COASTS OF VENEZUELA

The utilization of dolphins for subsistence and commercial purposes in Venezuela has been known since the XVIII Century. Freshwater dolphins (*Inia geoffrensis*) were captured by Tamanaco indians at least as early as 1766, to use their meat for human consumption (F.S. Gilij. 1782. *Ensayo de Historia Americana o sea Historia Natural, Civil y Sacra de los Reinos y de las Provincias Españolas de Tierra Firme en la América Meridional*, Rome (Reprinted by Caracas: Academia Nacional de la Historia, 3 Vols., p. 99).

Common dolphins (*Delphinus delphis*) have also been used since at least the XIX Century. For example, at the Venezuelan Exposition of 1883, among the products presented there were tympanic bones and oil from these dolphins. The oil was used for fuel and sealing wooden ships (A. Ernst. 1884. *La Exposición Nacional de Venezuela en 1883. Grupo III: Productos Animales Clases 5a, 6a, 9na.*, pp.302-308, In: *Adolfo Ernst, Obras Completas, Vol III*. Caracas: Ediciones de la Presidencia de la República, 706 pp.).

In 1941, in a book printed by the Venezuelan government it is stated that it is not difficult to bait sharks by trawling meat from dolphins (de Burgaña, J.M. 1941. **Contribución al Estudio de la Oceanografía en los mares de Venezuela en sus relaciones con la Pesca**. Caracas: Ministerio de Agricultura y Cría, 50 pp.).

In 1942 the U.S. Fish & Wildlife Service sent a "Caribbean Fishery Mission," whose members were Reginald H. Fiedler, Milton J. Lobell and Clarence R. Lucas to study the fisheries resources among Caribbean nations. Their account published in 1944 (**Caribbean Fishing**, New Orleans: Higgins Industries, Inc., 436 pp.) repeatedly (pp. 96, 303-4, 316-7) reported the use harpoons for capturing dolphins to use their meat as bait in shark line-fishing by Venezuelan fishermen. In pages 316-7 it says referring to the shark fishing boats: "These boats were equipped with pulpits for harpooning porpoises and block and tackle for hauling in the sharks. Porpoise flesh was the most popular type of bait. The catching apparatus consisted of line trawls (palangres) made up of 3/4-inch galvanized chain as a groundline carrying 20 to 40 large shark hooks on gangions 6 to 8 feet in length which were fastened to the groundline by snap hooks (...) A number of (shark) species are taken (...) So far, there seems to be no depletion in the stock but the porpoises used for bait are becoming scarcer."

However, it is not until the 1960's that the use of dolphin meat as shark bait becomes evident at a great scale. At that time Venezuela granted subsidized fuel, free docking rights, and Venezuelan flag to South Korean, Japanese, and Taiwanese fishing boats, in exchange for them to leave in Venezuelan ports at least 40% of the product of their fishing efforts. These crews reinforced the idea, which has no empirical basis, that dolphin meat was a better bait for shark fishing than any other type of bait.

In a publication of the Venezuelan government dated 1970 entitled **Observations about shark line fishing in eastern Venezuela** (Proyecto de Investigación y Desarrollo Pesquero MAC-PNUD-FAO, Informe Técnico No. 4), by T. Mihara and A. Brito Leon, it is stated in page 6, paragraph 2 that "the bait used in hooks are fishes such as cachorretas, caballas, and dolphins."

In a book published in 1971 by the University of Miami, Rosenstiel School of Marine and Atmospheric Science, titled **Gulf and Caribbean Fisheries Institute. Proceedings of the 23rd Annual Session, Willemstad, Curaçao. November, 1970**, in a chapter written by two prestigious U.S. marine biologists, Dr. David K. Caldwell and Melba C. Caldwell, titled "Porpoise Fisheries in the Southern Caribbean- Present Utilizations and Future Potentials," they state on page 200 that "In waters of Venezuela, at least, a few porpoises are also taken for food and oil by harpoon from boats not regularly engaged in such activity. Indications of such porpoise fishing around the island of Margarita are available."

Two cetologists, R. van Halewijn and P.J.H. van Bree, reported in 1972 the intentional capture of common dolphins (*Delphinus delphis*) by Venezuelan fishermen and found the remains of dolphin carcasses in the fishing town of Robledal (Investigations on Cetacea, vol. 4, pp. 187-188) where line-fishing is common.

According to a Report to the U.S. Secretary of Commerce, published in the Federal Register, Vol. 38, dated August 1, 1973, pages 20564-20601, bottlenosed dolphins (*Tursiops truncatus*), are harvested by Venezuelan fishermen.

In a letter dated 11 July 1979 sent by Giuseppe Notarbartolo di Sciara of the Hubbs-Sea World Research Institute based in San Diego, California, and addressed to Edgardo Mondolfi in Caracas, Venezuela, it can be read that off the coast of Venezuela, on January 30, 1979 he sighted "approximately 350 common dolphins (*Delphinus delphis*) and nearby a fishing boat that had just harpooned one animal. After we circled several times over the area in order to photograph the scene, the boat quickly hauled out a dolphin, washed away some blood, and departed. There were more animals already on the boat. There may not be connection between the above and an observation I made a few months later. I discovered on a small island beach south of Punta Tigrillo (10°22'N, 64°23'W) the remains of 4 *Delphinus delphis*, and on another beach on Isla Caracas del Este (10°22'N, 64°26'W) the skull of a 5th one. Many clues indicate that the remains did not belong to beached animals. I am told that some fishermen here utilize dolphins' flesh as shark bait."

In a book called **Common Names of Marine Organisms of the Nueva Esparta State** (Venezuela), published in Caracas (Ed. Arte) in 1981, its authors Fernando Cervigón and Efigenio Velazquez state on page 37 "No marine mammal is eaten in Margarita, but their flesh is used as a bait for shark fishing line, specially common dolphins," (*Delphinus delphis*).

In "A Preliminary Report of the Marine Mammals in Venezuelan Waters" written by Edgardo Mondolfi, presented before the International Seminar for Cetacean Protection and their ecosystems in the Western Hemisphere, celebrated in 1981, this Venezuelan scientist states that "the above mentioned species of dolphins, called toninas, as well as the Atlantic Bottle-nosed, are harpooned by fishermen who use the flesh to bait hook lines (called palangre) for catching sharks. A serious threat for small cetaceans in Venezuelan coastal waters, are the purse-seiners that operate in a sector from northern part of Isla Margarita to north of La Guaira. At the present time, three purse-seiners are fishing for tuna with permission from the Oficina Nacional de Pesca (the Fisheries National Office). Inspections made of the catch on board have shown dead dolphins and demonstrate that, undoubtedly, the purse-seine causes a high mortality among dolphins."

By 1983, general books on cetaceans already report the killing of dolphins in Venezuela. For example Leatherwood & Reeves (S. Leatherwood & R.R. Reeves. 1983. **The Sierra Club Handbook of Whales and Dolphins**. San Francisco: Sierra Club Books, pp), states regarding *T. truncatus* that "A few are taken for food in (...) Venezuela" (p. 224). Regarding *I. geoffrensis* it mentions that it is captured for display in that country.

In an United Nations report called **World review of interactions between marine mammals and fisheries**, by Simon P. Northridge, published in 1984 as a Food and Agriculture Organization (FAO) of the United Nations, (FAO Fisheries Technical Paper # 251), it can be read (p. 60) "the beach seine nets along the coast here (Venezuela), and on offshore islands do

take some by-catch of marine mammals, which, as one might expect, appear chiefly to be Tursiops, although around certain river mouths *Sotalia fluviatilis* is also taken in gill nets."

On January 29, 1985, Mr. César Flores, a spokesman for the Officer's Union of Merchant Ships, sent a letter to the Director of the Oceanographic Institute of the Oriente University of Venezuela, Dr. Julio Pérez, in which he stated that "we the undersigned merchant sailors, believe that we must denounce the crime that in a mindless and heartless form is being performed against the marine species known as 'dolphins,' killing which is being ordered by the representatives and captains of the fishing boats 'SEA CROWN-8 and SEA-CROWN 9,' that belongs to the PESUVECA corporation."

On January 30, 1985, the Director of the Oceanographic Institute of the Oriente University of Venezuela, Dr. Julio Pérez, sent a telex to the Fisheries Director of the Venezuelan Agricultural Ministry in which he transmitted the above mentioned denunciation. The Venezuelan government never responded to it.

On August 9, 1985, again Mr. César Flores, now General Coordinator of the Marine Merchant Sailors and Fishing Industry Union, sent a letter to the head of the Port Authority of Cumaná, Venezuela, denouncing on page 2 of that letter that the fishing boat "Sea Crown 9" "has changed four times of crew, as a result of the irregularities that systematically have occurred against the sailors and the natural resources as is the case of the dolphins that are used as bait, a fact previously denounced."

On July 10, 1986, Juan Alarcón of a local fishermen union sent a letter to the Labor Ministry representative in Cumaná, denouncing "the indiscriminate killing of dolphins to be used as bait, harpooning many of them unnecessarily only to satisfy sporting needs."

On October 13, 1986, the newspaper Siglo 21 of Cumaná, reported that "since several months ago, unscrupulous people have been killing dolphins in the Santa Fe Gulf. Yesterday, our photojournalist while doing a work on deforestation and illegal construction in the (Mochima) National Park, took this picture that speaks by itself. A group of fishermen from the town of Petare, very upset, brought the dolphin which was killed, apparently, as a result of gunshots from a yacht stationed at the Santa Fe Gulf. Where are the authorities in charge of protecting the Mochima National Park?" (picture shows two fishermen holding a dead spinner dolphin, *Stenella longirostris*).

On August 26, 1988 the fishing-line ship Cruzfer, is held by the Venezuelan National Guard, north of Puerto Cabello, Carabobo State, at central coasts of Venezuela after being fishing on the eastern coasts of country. They found eight dolphins already butchered, ready to be used as bait.

On April 18, 1989, Carola Thalhoferi of the Vuelta Larga Foundation at Guaraúnos, Sucre state, Venezuela, states in a letter sent to Prof. Ignacio Agudo of Fundatrópicos, that "dolphins are hunted to use their flesh as bait in long lines. These long lines may have up to 1,000 hooks,

which means that they need between 10 and 15 dolphins per try; the fishing campaign lasts about 20 days. Dolphins are hunted at night with harpoons, given that at that hour they get close to the boats."

In September 1989, Fundatrópicos, a Venezuelan environmental group announced that they had calculated that 10,400 dolphins were killed every year to be used as shark bait (El Nacional, Caracas, Sept. 15, 1994).

In November 5, 1989, Los Angeles Times (Part A; Page 7; Column 1) reported that Environmental groups, including the Venezuelan Environment Ministry, charged that fishermen are killing dolphins for bait to catch sharks. This newspaper said that "Between 6,000 and 7,000 dolphins per year are killed by shark fishermen using a system called trotline fishing," quoting Eduardo Szeplaski, a biologist who was spearheading a campaign by Fundatrópicos. A trotline is a long fishing line with hundreds of baited hooks attached to it. It went on to say that "in July, the Environment Ministry identified 12 fishing boats thought to be killing dolphins and the areas where the killings were taking place. According to Szeplaski, Venezuelan fishermen got the idea of using dolphins as shark bait from Asia. The dolphin meat is fibrous, lasts as long as three days and is regarded as effective in attracting sharks." Daniel Novoa, director of the fishing section at the Venezuelan Agriculture said in that same newspaper report that South Korean boats operating in Venezuelan waters may have killed dolphins. Salvador Boher, director of an Environment Ministry animal protection agency, is quoted on this issue by saying "Yes, there are irregularities."

In 1990, Koen Van Waerebeek, a distinguished belgium mammalogist, head of the Peruvian Center for Cetological Studies in Lima, published an article in a the scientific journal Aquatic Mammals (Vol. 16, part 2, pages 71-72) in which he reports that "A dozen or so wooden, about 20 m long fishing boats are operated by Venezuelans out of Cayenne. Several as yet unidentified teleost fish species are caught with hand lines (each with six hooks) baited with sardines. Several Venezuelan fishermen reported that although small schools of dolphins are regularly seen, there exists no by-catch in the line fishery. However, one fisherman admitted that they occasionally harpooned dolphins for bait. Indicative should be the fact that several persons interviewed apparently were quite familiar with the typical characteristics of dolphin meat, i.e. dark color and low fat content. A recent incident was cited in which three harpooned dolphins were seized, and the captain fined, upon arrival in a non-specified Venezuelan harbor."

In 1990, Prof. Agudo presented a paper before the International Whaling Commission Symposium on Mortality of Cetaceans in Passive Fishing Nets and Gears, at the La Jolla, California, meeting that took place between October 20 and 21 in which he reported that many of the dolphins taken incidentally by the use of gill nets in Venezuela, were later used as either shark bait or for human consumption.

Also, in 1990, Prof. Ignacio Agudo and Dr. Aldemaro Romero, reported in the Newsletter of the Cetacean Specialist Group [(6):12-13] that dolphins were killed for use as shark bait in Venezuela and mentioned that the species involved in such incidents were *Delphinus delphis*,

Tursiops truncatus, *Stenella frontalis*, *Stenella clymene*, *Stenella longirostris* and *Sotalia fluviatilis*.

Again in 1990, in **The Greenpeace Book of Dolphins**, p. 104, edited by John May (New York: Sterling Publishing Co., Inc), it can be read "The killing of dolphins and porpoises for bait has been recorded in Colombia and Venezuela, where 7,000 dolphins of various species are caught every year as bait to catch sharks."

On May 11, 1991, The National Guard detained a fishing boat engaged in shark fishing with lines near Guanta, Anzoátegui State which had butchered dolphins in its freezer (El Norte, Barcelona, Venezuela, 18 May 1991).

On January, 1993, in the Arrecife Beach of the central coasts of Venezuela, a humpback whale was found with holes on its back that resembled those of a harpoon (Romero, A. & I. Agudo. 1993. **La Situación de la Conservación de Cetáceos en Venezuela. Informe 1993**. Caracas: Bioma/Fundacetacea, 51 pp.).

In February 1993, Prof. Ignacio Agudo and Dr. Aldemaro Romero, as representative of Fundacetacea and Bioma respectively, two Venezuelan environmental organizations, videotaped how Venezuelan fishermen harpooned and butchered a common dolphin (*Delphinus delphis*). The remains of 13 other dolphins were found on the beach known as "La Francesa," where the dolphins were butchered. This is adjacent at El Morro de Puerto Santo in Sucre State. The fishermen said on tape that they kill dolphins to use their meat as a bait in shark fishing. They also provided information about the number of dolphins they kill by month, how they use dolphins' meat, and where they get the harpoons from.

On October 1st., 1993, a pilot whale was found in the Los Roques Archipelago. The cetacean had been entangled in the nets of a purse-seine tuna boat named El Rifle. This toothed whale was harpooned by the crew of the fishing boat with the objective to be able to disengage it from the net and later abandoned, still moribund, floating in the sea.

On December, 1993, 5 college students of the Underwater Fishing Club of the Central University in Venezuela saw five dolphins butchered also at the Morro de Puerto Santo. They took pictures of two of them and denounced the incident to the authorities. No action was taken.

On January, 1994, Jesús Aníbal Gómez, a councilman of the Sucre State denounced the killing of dolphins in Santa Fe, within the Mochima National Park. After their denunciation was published in the press (El Universal, Caracas, Jan. 23, 1994), Venezuelan government officials showed up at the beach, collected the remains of about 10 dolphins and later said that they actually were dogs' carcasses despite the fact that one of the dolphins was still moribund when initially discovered.

On May, 1994, Victor Arango, an investigative reporter for the syndicated TV magazine "American Journal," went to Venezuela to the same fishermen's village where Dr. Romero and

Prof. Agudo had taped their video. There, he interviewed a number of fishermen. All of them said on camera that they had been harpooning dolphins for obtaining shark bait for years and that they still do it. This tv program was broadcasted on the U.S. on May 1994 (more information on this work can be obtained directly from Mr. Arango at 1-800-334 8466).

THE ENVIRONMENTAL POSITION OF THE VENEZUELAN GOVERNMENT

Venezuela has been responsible for the killings of hundred of thousands of dolphins worldwide.

The use of purse-seine nets by tuna boats, both Venezuelan and others in the Eastern Pacific Ocean (EPO) has resulted in massive dolphin kills. The population of spotted dolphins (*Stenella attenuata*), for example, has decreased to "at best" 28% of its original size and has not recovered since 1975, despite some reduction in the mortality by the tuna fleet (Federal Register, Vol. 58, no. 209, November 1, 1993, pp. 58285-58298). Venezuela currently operates 40% of the tuna fleet in that area and is thus largely responsible for this situation.

As a consequence of the practices that embody these attitudes, there is an embargo in the U.S. against tuna caught by Venezuela's ships (and those of other nations) in the EPO. The first embargo started in 1988 and the second was imposed in 1992, well before Dr. Romero and Prof. Agudo campaign to save Venezuelan dolphins from harpooning. The reason for such embargoes has been the failure of the Venezuelan government to reduce dolphin mortality in the EPO as specified in the U.S. Marine Mammal Protection Act.

Tuna exports are an important source of revenue for the Venezuelan tuna industry and an important source of foreign exchange. According to documents from the U.S. State Department, Venezuela hired a well connected Washington law firm that has charged over U.S. \$ 2,000,000 to lobby to have the ban lifted. The Venezuelan government is extremely touchy about any publicity that reveals its insensitivity towards the slaughter of dolphins.

Venezuelan government officials have also ridiculed environmental positions. For example, in an interview given to the Venezuelan magazine *Business Venezuela*, Sept/Oct 1991, number 135, pages 6-12, Francisco Herrera-Terán, then Fisheries Director of the Ministry of Agriculture, said that

"The dolphin is not in danger of extinction. We are talking about 25,000 dolphins out of a population of 12 to 14 million (...) should we let half million people die of hunger to save 25,000 dolphins because of (the television program) Flipper? If this is the attitude, within ten years we could have embargoes against people who eat rabbits because of Bugs Bunny. I understand this is a sentimental issue, but we cannot make this animal more important than a human being."

Also, in the official position of the Venezuelan Government before the 1993 Meeting of the International Whaling Commission (IWC), signed by Herrera-Terán, it is said that "As to the request presented by Japan that it should be authorized a quota to fish 50 'Mink'(sic) whales."

The Venezuelan position was based on the premise that there are "plenty" of minke whales out in the ocean. Also, the official position of the Venezuelan government is that it opposes the creation of sanctuaries for the protection of cetaceans because they are "not effective" and, finally, that it was not any of the IWC business to get involved in the protection of small cetaceans.

In 1991 the head of the Faunal Protection Division of the Ministry of the Environment, J.L. Méndez-Arocha said that regarding the killing of dolphins in the EPO, that those dolphins were "surplus" and that the fauna was "to be taken advantage of," and that the figures given for the killing of dolphins off the coasts of Venezuela were "exaggerated in order to bring down tuna prices," and that all this commotion about the killing of dolphins were because "Flipper sentimentalism."

The government also tried to label any Venezuelan-fished tuna as "Dolphin Friendly" regardless of the number of dolphins killed to obtain that fish, in opposition to the more rigorous "Dolphin Safe" established by environmental groups and tuna industry worldwide.

THE VENEZUELAN GOVERNMENT RESPONSE TO CRITICISM OF ITS ENVIRONMENTAL POLICIES REGARDING THE KILLING OF DOLPHINS

Every time that any environmental group has criticized Venezuelan environmental policies regarding dolphins, the government reaction has been to launch a pressure and discredit campaign against its critics.

Mr. Méndez-Arocha, head of the Faunal Protection of the Ministry of the Environment, for example, requested once the list of corporate members of Bioma and their addresses "in order to send them a letter that showed that Bioma was wrong in its criticism of the policies of that Ministry." Another example of government pressure happened when he requested that all donations that Bioma were to receive, had to be transferred to his department. Such request was confirmed by letter by the minister of Environment himself. Dr. Romero, by then Executive Director of Bioma, never agreed to those demands.

HOW THE VIDEO WAS MADE AND HOW THE VENEZUELAN GOVERNMENT REACTED TO IT

After a previous visit in November 1993, when first contacts were established, in February 1993, Prof. Agudo and Dr. Aldemaro Romero travelled to the area where dolphin killing occurs to investigate and document the situation.

Dr. Romero is a professional biologist with a Ph.D. earned at the University of Miami in 1984. Since that time he has taught at Venezuelan and American universities. He has published over 300 articles, including 17 papers and 4 books on marine mammals dating back to 1973.

Prof. Agudo's experience on this issue dates back to 1988. He then worked for the Ministry of the Environment and later in an environmental organization. In both positions he tried to call attention to the slaughter of dolphins.

In this instance, they were in fact engaged in biological research investigating the situation behind the many reports in the scientific literature on the link between dolphin mortality and shark line fishing. They were documenting by videotape what they found so the facts could not be disputed.

They were invited by the fishermen to accompany them on one of their frequent and customary dolphin-hunting trips. No directions were issued nor were any needed. At the beginning of the video one can hear the fishermen who later harpoons the dolphin saying "usamos la carne de tonina como carnada para pescar cazones" (we use dolphin meat as a bait for shark fishing). The harpoon is designed specifically for hunting dolphins; one village specializes in its manufacture. The harpooner clearly displays skill in using his weapon; harpooning dolphins is his livelihood. The harpooner and the captain can be heard throughout the tape coordinating their efforts.

One dolphin was caught and after its capture, the harpooner can be heard exclaiming "Ahora sí vamos a tener carne" (now we're going to have meat.) Prof. Agudo and Dr. Romero can be heard expressing sadness at the plight of the dolphin and requesting them not to kill a second one.

The fishermen brought the wounded animal to the beach for butchering. The fishermen can be seen severing the dolphin's head. It is obviously in great pain and suffering. Prof. Agudo and Dr. Romero were sickened and distressed by its agony and their expressions of disgust are clearly heard on the tape.

During a pause in the fisherman's decapitating the still living and thrashing animal, Dr. Romero can be heard on tape requesting a merciful end to its misery by saying "Por favor! Terminen de matar al animal!" (Please! Finish killing the animal!).

The fishermen were never paid nor did Dr. Romero and Prof. Agudo promise them anything. At the end of the trip Dr. Romero and Prof. Agudo gave them a bottle of rum (cost: US \$ 0.95) as a gift for their hospitality to us. Dr. Romero and Prof. Agudo also left behind the gasoline that we had earlier purchased directly from a gas station to fill their spare can (cost US \$ 4.00). They had purchased this gasoline to ensure their safe return because fishermen in this area customarily embark with only the minimum amount they estimate necessary.

They collected data that included photographs and skeletons of butchered dolphins and they videotaped fishermen hunting and killing a dolphin.

The evidence was presented in May 1993, to the Venezuelan Attorney General's office in an attempt to move officials from their continued inaction in the face of earlier published reports

of dolphin killing. The report to the Attorney General made clear that they were not recommending police action against the fishermen but were instead interested in overall protection for the dolphins combined with economic assistance for the fishermen. Dolphin protection must include dealing with the fishing communities that have become dependent on the international trade in shark fins.

The findings were also released to the press in May 1993. Despite a massive public outcry, the government still did nothing to stop the killing.

On June 10, 1993, both Dr. Romero and Ignacio Prof. Agudo signed an affidavit at the U.S. Consulate in Caracas stating that "We, the undersigned, swear to the following: That the videotapes and photographs of dolphin killings off the coast of Venezuela area real and the scenes viewed on such tapes and photographs were never falsified, set up or prompted. That the proofs of the killings thus obtained are the result of over one year of field research and the trust built among members of the fishermen community and themselves. That the sole motive behind their actions was to develop a Cetacean conservation program off the coast of Venezuela which, in turn, might help improve the quality of life of fishermen involved in such activities."

By October 1993, Bioma and Fundacetacea had collected over 45,000 signatures (25,000 more than necessary under Venezuelan laws), to request from the government: 1) the creation of a cetacean sanctuary in the area where the dolphins were being killed; 2) the establishment of a Marine Mammal Protection Act in Venezuela; and, 3) the official recognition of October 23rd., as "The Day of the Dolphin," a program already carried out by Bioma since 1992, as part of an educational campaign to raise public awareness among the general public, and particularly among children, about this issue. The signatures were delivered following all the legal procedures, but the government never responded to the petition, although it was required by law to do so.

During the fall semester of 1993, Dr. Romero addressed the Conservation Biology course at the University of Miami, where he is an Adjunct Associate Professor. That lecture was attended by Russ Rector, the leader of the Dolphin Freedom Foundation. The videotape showing the killing of dolphin off the coast of Venezuela was presented during the class and Rector asked if he could receive a copy. It was provided to him at no cost and without restrictions; Rector later elected to release the full, unedited tape to the media.

This resulted in November 1993 television news broadcasts in U.S. television stations playing the videotape depicting the brutal slaying of a dolphin in Venezuela. As a consequence, the Venezuelan Embassy in Washington, D.C., and the Venezuelan General Consulate's office in Miami, Florida, claim to have received over 20,000 letters of protest from the American public.

Officials working for the government of Venezuela were incensed that the video broadcast on American TV documenting the slaughter of a dolphin brought criticism against Venezuela. They initiated the widespread dissemination of false allegations against Dr. Romero and Prof. Agudo by press conferences, telephone calls, facsimile messages, and Internet postings.

This outcry by the American public further provoked a counter attack by the Venezuelan authorities against Dr. Romero and Prof. Agudo personally that has included doctoring the original tape, launching a massive media war, unleashing death threats, and filing criminal charges.

Since most environmental organizations in Venezuela (except Bioma at that time and Fundacetácea) received money from the government, they were compelled to sign a communique in which they stated that dolphins are not killed in Venezuela despite the fact that these organizations had never worked with dolphins.

By the end of 1993 Bioma's as well as Dr. Romero and Prof. Agudo telephones were tapped. The Ministry of Agriculture started a press campaign against these organizations and people. At the beginning of January of 1994, the two fishermen that had killed the dolphins were arrested seven times in a 5-day period, one of those times with their small children and were made to sign a confession by which they claimed that they had been "tricked" by Dr. Romero and Prof. Agudo into killing of the dolphin, despite the fact that they themselves say in the tape that they usually kill these mammals.

By then the press campaign heated up. The government started to plant stories in newspapers and each time that either Dr. Romero or Prof. Agudo sent to the newspaper a reply, they were never published. By the end of January both Dr. Romero and Prof. Agudo were accused in a tribunal in Carúpano, Estado Sucre of "killing dolphins." The lawyers for both of them were not allowed to be present during questioning nor to have accesses to government "witnesses" or papers. However, government attorneys and even the press did have access to the court's papers.

Almost simultaneously, the same charge was made in Caracas; in other words, they both were being charged for the same crime at the same time in two different places. Later on, the government announced that they were going to open a new trial against both of them for "treason to the motherland," a type of charge which is solely applicable to military officers during peacetime or civilians engage in activities such as espionage.

The government contention for opening this latter trial was that Dr. Romero (and probably Prof. Agudo) were receiving money from the Starkist Corporation and the Sun Oil Co. of the U.S. through the environmental groups Earth Island Institute, Monitor, and the Dolphin Freedom Foundation, as well as from the Spanish environmental group ADENA, A World Wildlife Fund Affiliate. The government alleged that the video was produced to hurt Venezuela's economic interests.

At this point it is unclear whether or not the government is going to press such charge.

By January 1994, Dr. Romero and his family started to receive death threats at their home. The people making the threats identified themselves as being in "high places" and described Dr. Romero's daughters school schedules. On February 19, 1994, Dr. Romero took his daughters

and fled to the U.S. His wife would follow days later. And these threats have to be taken seriously.

Venezuela has one of the worst Human Rights records in the Western Hemisphere. According to U.S. State Department "Report to Congress on the Situation of Human Rights in the World," for 1993, Amnesty International's Report 1993; Amnesty International's "Venezuela: Torture and other human rights violations (1992), Amnesty International's "Venezuela: The eclipse of human rights" (1993), and Americas Watch's "Human Rights in Venezuela" (1993), the Venezuelan judiciary system is corrupt and politically manipulated, the use of torture to detainees is frequent, prison conditions are extremely harsh, people "disappear" after being arrested and dozens are extrajudicially executed by security forces. Over 200 prisoners have been killed in the last 12 months while under government custody. Political prisoners exist and the press is used in slandering campaigns against those perceived by the government as "enemies of the State."

Mr. Herrera-Terán went to Miami on March 1994 to give a press conference in which he accused Dr. Romero of "staging" the tape and sent facsimiles to various journalists in which a chart was shown that "proved" that Dr. Romero was being paid by multinational corporations to carry out an "anti-Venezuelan campaign." Mr. Herrera-Terán asserted that Dr. Romero had received US \$ 400,000 (he later raised the amount to US \$ 2,000,000) for this and that Dr. Romero waiting, during the press conference, at the lobby of the hotel where he was giving the press conference, which was totally false.

In April, 1994, the judge in Carúpano issued a warrant arrest against Dr. Romero and Prof. Agudo but, curiously, released the fishermen who had actually killed the dolphin. This judge made phone calls to TV talk shows, even before the trial ever began, saying for the record that once Dr. Romero and Prof. Prof. Agudo were arrested they would never be released from jail. Shortly after, the Venezuelan government announced that it would request to extradite Dr. Romero from the U.S. It did so in a staged march headed by the Venezuelan foreign minister himself being most of the banners in English. This would be the second time that extradition have been attempted, being the first one the case of the former dictator Pérez Jiménez in the late 50's. Venezuela had never tried to extradite murderers, bank robbers, drug traffickers or corrupt government officials from the U.S. in the past.

At the same, a high ranking official of the Ministry of Environment, Méndez-Arocha again, requested that the books written by Dr. Romero on a variety of environmental issues should be sequestered by the government from libraries and book stores.

Later, this government official appointed himself as a plaintiff and judge against Prof. Agudo and Dr. Romero and condemned them to pay a Bs. 50,000 (about US \$ 400) for allegedly violating Venezuelan wildlife laws. Dr. Romero and Prof. Agudo's lawyer was prohibited of representing them at the hearings on the basis that the power of attorney given by them was "invalid."

Today Dr. Romero and his family are in the U.S. and Prof. Agudo is in hiding somewhere in Venezuela. A National Guard General assigned to the Venezuelan embassy in Washington, D.C. stated to Russ Rector, head of the Dolphin Freedom Foundation that if "the campaign against Venezuela did not stop there would be violence."

The Chairman of the Department of Biology of the University of Miami (where Dr. Romero has an adjunct faculty position) has received numerous calls from Venezuela (as well as facsimiles) aimed to try to separate Dr. Romero from that institution.

The Venezuelan government has also used intermediaries, beholders to the government, to send slandering messages through electronic networks against Dr. Romero.

During the Meeting of the International Whaling Commission that took place in Puerto Vallarta, Mexico, in May 1994, Mr. Herrera-Terán, who claimed to be representing Venezuela, gave a press conference in which denounced Dr. Romero for "faking" the tape. There, he presented his version of the tape in which: 1) all statements by the fishermen that asserted the fact that they regularly kill dolphins were deleted; 2) the tape was subtitled in English which contain incorrect translation from the Spanish in order to incriminate Dr. Romero; 3) point out at words said by the fishermen as being Dr. Romero's; 4) took audio portions from one place and edited with images different from those of the original audio; 5) change the order of events. In this press conference he was accompanied by Magnus Gundmansson, an Icelandic film maker that has been successfully sued by Greenpeace for his documentaries in which he slanders environmentalists. Herrera-Terán was also accompanied by Teresa Platt. She is a tuna-boat owner and a member of numerous organizations under the philosophical umbrella of "wise use." These organizations have attacked environmental groups in the U.S. and oppose virtually any restriction on the use of natural resources.

For reasons still unknown, during October and November 1994, the vilification campaign in the press started again and law enforcement agents renewed its harassing tactics toward Ignacio Agudo's family by showing up at their family's home in a persistent manner. As a consequence of that harassment Prof. Agudo's father committed suicide. The funeral services were attended by a large number of policemen, plainclothed and uniformed, expecting Prof. Agudo to show up, something he never did.

CONCLUSIONS

Documentation from numerous sources clearly demonstrate that the evidence of killing of dolphins off the coasts of Venezuela is undisputable. Dr. Romero and Prof. Agudo followed all the standard procedures in order to stop the killing of dolphins of the coasts of Venezuela. These actions included field research and the study of all the documentation provided by others who have denounced this ecological crime. They also presented the facts and all the supporting evidence to the proper authorities and collecting enough signatures in order to introduce

legislation and promote environmental educational campaigns. The Venezuelan government has always attacked, ridiculed, and even persecuted those that criticize its environmental policies. These actions are consistent with that country's human rights' record and corruption of its political system.