



MEDIA STATEMENT

Humane Society International Condemns Decision to Allow Transfer of Wild Orca to Spanish Marine Park

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AMSTERDAM, Netherlands (21 Nov. 2011) - Humane Society International is deeply disappointed by the Amsterdam District Court's decision to permit the transfer of a wild orca, known as Morgan, to Loro Parque, a marine amusement park in Tenerife, Canary Islands. Morgan has spent the past 16 months being rehabilitated at the Dolfinarium Hardewijk after having been found in a severely weakened state off the coast of the Netherlands.

"It is unconscionable that the laws could not protect Morgan from a no doubt shortened life in captivity," said **Naomi Rose, Ph.D., HSI senior scientist**. "Loro Parque has five young orcas that have already killed one trainer and seriously injured another. They are fighting among themselves as well. Morgan's future there is bleak."

In August 2011, the Court had previously delayed the Dolfinarium's transport of the animal, arguing that the government authorities had failed to adequately investigate whether Morgan could be returned to the wild. (1) Despite being forced to reconsider a viable step-by-step release plan supported by internationally renowned orca experts, the responsible authorities still chose to condemn Morgan to a life in captivity. In a last bid to prevent this, the Orka Coalitie, a coalition of Dutch animal protection groups, and the Free Morgan Foundation, a group dedicated to Morgan's freedom, sought a new and permanent injunction.

Since the publication of a report (commissioned by the Dolfinarium) in November 2010 (2), which concluded that Morgan should not be released to the wild, new information has emerged with respect to the chances of Morgan being reunited with her family group. Using data on vocalizations, orca biologists believe with a high degree of certainty that they have identified Morgan's family group off the coast of Norway.

On the basis of this new information, four out of the seven scientists who contributed to the Dolfinarium's report have changed their positions and now support Morgan's rehabilitation and potential release. Unfortunately, the judge chose to disregard this development and ruled in favour of the government and Dolfinarium.

The latest Court battle also revealed that genital herpes is present in the resident bottlenose dolphin group at the Dolfinarium (3). In the first hearing, the Dolfinarium made a commitment to transfer Morgan to a larger pool to allow her to socially interact with dolphins while awaiting a Ministerial decision on her future. This transfer, however, never took place, almost certainly because of the risk of Morgan contracting herpes from the dolphins. If infected, Morgan could neither be transferred to Loro Parque, nor returned to the wild.

HSI strongly supports the plan [to release Morgan back into the wild](http://www.hsi.org/news/press_releases/2011/08/orca_decision_080311.html) and has been highly critical [of the issuing of CITES permits for her export](http://www.hsi.org/news/press_releases/2011/10/dutch_orca_transport_101211.html). The Dolfinarium's attempts to transfer her to Loro Parque reveals the potential risk of rescued and rehabilitated wild animals being 'laundered' into the commercial dolphinarium industry under the guise of scientific research.

Under the provisions of Council Regulation (EC) No. 338/97, an exemption for trade in species listed under Annex A may be granted when the specimen concerned is intended for research or education aimed at the preservation or conservation of the species. The evidence suggests that very little scientific research with the aim of conserving orcas is actually taking place at Loro Parque.

Notes:

1. Rechtbank Amsterdam, Sector Bestuursrecht zaaknummers: AWB 11/3441 BESLU (verzoek handhaving) en AWB 11/3640 BESLU (verlenen EG-certificaat) [in Dutch]
2. N.van Elk (2010) Expert advice on the releasability of the rescued killer whale (*Orcinus orca*) Morgan. Dolfinarium Hardewijk-SOS Dolphin, 14th November 2010.
3. The infection of the Hardewijk dolphin population with the genital herpes virus is detailed in the following peer-reviewed scientific article: C. E. van Elk et al. (2009) Genital herpes virus in bottlenose dolphins (*Tursiops truncatus*): cultivation, epidemiology, and associated pathology. *Journal of Wildlife Diseases*, 45(4), 2009, pp. 895-906

Media Contact: Martin Montorfano, 240-888-1910, mmontorfano@hsi.org

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