

Joint Media Statement
Press Release
27 February 2013

The U.S. 9th Circuit Court of Appeals finds in favor of Japanese researchers, affirms Sea Shepherd "PIRATES"

The Institute of Cetacean Research (ICR) and Kyodo Senpaku Kaisha (KS) welcome today's ruling by the U.S. Ninth Circuit Court of Appeals in their safety at sea complaint against Sea Shepherd and Paul Watson.

The 9th Circuit reversed the Washington District Court's original ruling on all counts, ordered an appointment of another judge by the District court for the case, and maintained its Injunction Order "until further order" of the 9th Circuit Court of Appeals.

The 9th Circuit also states that Sea Shepherd's actions in the Antarctic are a clear violation of the Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation ("SUA Convention"); the United Nations Convention on the Law of the Sea (UNCLOS) and the Convention on the International Regulations for Preventing Collisions at Sea (COLREGS). (Page 18 of judgment)

The judges have ruled that Sea Shepherd activities are clear instances of violent acts for private ends, the very embodiment of piracy.

In regards to the so-called Australian Antarctic Sanctuary, the court stated that the United States does not recognize Australia's claim of sovereignty over Antarctic waters and that, regardless of the status of the claim in Australian law, it gave Sea Shepherd no license to engage in piracy.

The original complaint was filed in December 2011 at the District of Washington Federal Court in Seattle. ICR and KS had requested a preliminary injunction to protect their vessels and crews against violent and unlawful attacks by Sea Shepherd. Since that request was denied by the District trial court, the two organizations filed the appeal that led to today's ruling in favor of ICR and Kyodo Senpaku.

ICR and KS recently filed a Motion for Contempt against Sea Shepherd for approaching the research vessels last January in violation of the Injunction Order. Additional evidence of Sea Shepherd's continued violation of the Injunction Order on February has been provided to the 9th Circuit Court, which has assigned the matter to an Appellate Commissioner to review this evidence and make a report and recommendations to the 9th Circuit.

ICR conducts its Antarctic whale research program under a permit issued by the Government of Japan in accordance with Article VIII of the International Convention for the Regulation of Whaling. Kyodo Senpaku provides the vessels and crews for the research program.

Court Opinion: <http://cdn.ca9.uscourts.gov/datastore/general/2013/02/25/1235266.pdf>

For more information contact: Gavin Carter, Washington D.C. Phone 703-619-1504