

**Merit Procedure Hearing of Morgan's Court Case Which
Took Place at the Amsterdam District Courts on
Thursday 1st November 2012.**



The court hearing started just after 9am and finished at 1715, lasting for 8 hours, with short recesses interspersed throughout the day. Three Judges were attending court but only the senior one talked.

Present in the room included representatives from the Orca Coalition and their lawyer; representatives from the Free Morgan Foundation, including expert board members Dr. Ingrid Visser, Lara Pozzato, Jeff Foster and Jean-Michel Cousteau; representatives from the Dolfinarium Harderwijk, including their veterinarian van Elk, the park director Mr. Foppen and their lawyer; representatives from Loro Parque, including head of research Javier Almunia; the representative from the Dutch Secretary of State for the Ministry of Economic Affairs, Agriculture and Innovation and the Ministry CITES expert; members of the general public from all over the world supporting Morgan's planned rehabilitation and release. The courtroom was full.

Throughout the entire court hearing, the Judges appeared sympathetic to Morgan's case and emphasised on multiple occasions that they wanted to perform their roles responsibly by giving due time, care and consideration to Morgan's case.

Free Morgan Foundation expert board members Dr. Ingrid Visser and Jeff Foster, who both have 20+ years experience working with wild and captive orcas, spoke with expert authority about the observations they made when visiting Morgan on separate and multiple occasions at Loro Parque. They spoke clearly, concisely and presented all evidence and opinions in a scientific manner. They both answered the Judge's questions honestly and objectively.

Morgan's lawyer (working on behalf of the Orca Coalition) raised concerns with the transport permit that was issued by the Dutch Government to the Dolfinarium Harderwijk to move Morgan to Loro Parque. He argued the permit has been breached, the clauses included were not respected and the permit itself should never have been issued because it is fundamentally unlawful.

The Dolfinarium Harderwijk representatives constantly repeated themselves throughout the court hearing, to the point that the Judges noted this and asked them to stop. They maintained throughout the hearing that Morgan's well-being was not an issue that should be raised in this hearing and that the question of her rehabilitation and release from a legal point of view was irrelevant. The Dolfinarium Harderwijk supplied very little evidence, scientific or otherwise, for their case and were unable to substantiate any such evidence that they did submit with citations, references, identification, facts or details when cross-questioned by the Judge or Morgan's lawyer.

Javier Almunia, head of research, read a few statements on behalf of Loro Parque. Almunia contradicted all observations made about Morgan and her situation by Dr. Visser and Foster. He admitted that stereotypic (abnormal repetitive) behaviours are a common problem in captive orcas but contradicted himself by saying that Morgan's behaviours and emotions are "normal". Almunia was unable to provide any details about Morgan's hearing abilities, despite flagging this as an issue observed (solely) by Loro Parque. His reasons for not yet having Morgan's hearing abilities tested, despite Loro Parque claiming for a year that Morgan may be deaf, were discredited by Jeff Foster's expert knowledge of testing for hearing problems in cetaceans.

Morgan's lawyer explained that rehabilitating and releasing Morgan into the wild will benefit the conservation of the species, habitat and of the individual (Morgan). Morgan is a young, breeding female and currently, the Norwegian population are recovering from a decline. From his expert experience rehabilitating cetaceans (including orcas Keiko and Springer), Foster believes that Morgan "is an excellent candidate" for rehabilitation and release.

**THE VERDICT OF MORGAN'S COURT HEARING WILL BE RELEASED
PUBLICLY AT THE AMSTERDAM DISTRICT COURTS IN 6 WEEKS on
13th DECEMBER at 1330 Central European Time (1230 GMT).**

