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Background: Allegations of Embezzlement

Following a four-month investigation, on May 15, 2008, Greenpeace exposed a major scandal within the Japanese commercial whaling industry, by presenting a box of prime cut whale meat valued at US\$3,000, to the Tokyo Prosecutor's Office as evidence of embezzlement.

The box of whale meat, originally sent by one of the crew members from the whaling factory ship Nisshin Maru and obtained by Greenpeace staff Junichi Sato and Toru Suzuki, was one of many from the fleet being shipped as personal baggage, and was labelled as containing "cardboard".

A number of whistleblowers had told Greenpeace Japan about the crew's practice of taking home whale meat, and their claims were confirmed when the box was opened and found to hold 23.5kg of prime cut whale meat called "Unesu", salt cured and wrapped in black nylon bag.

Further to the whistleblower's claims, restaurants and stores in whaling towns told undercover Greenpeace investigators that they had access to sources of whale meat through informal channels, and were able to serve whale meat from the most recent whaling expedition after the fleet returned to port, but well before the official sales of whale meat.

As part of the ongoing investigation, Greenpeace lodged a freedom of information request with the Fisheries Agency of Japan late last year for documents on whale meat sales and production statistics. This information could have shown whether any amount of unesu was unaccounted for. When this request was finally answered, the resulting documents were so heavily edited virtually every line was obscured, indicating a cover up.

"Science" With a Golden Handshake

The three main bodies overseeing and conducting the so-called "scientific" whaling programme are:

- The Institute of Cetacean Research (ICR), an ostensibly independent organisation which is the main body in charge of the research activities
- The Fisheries Agency of Japan (FAJ) which grants the ICR permission to conduct "scientific" whaling and subsidises it to the tune of 500,000,000 yen (US\$5 million)
- Kyodo Senpaku, which has an exclusive contract with the ICR to lease it whaling ships and the crews, and sell the whale meat resulting from the hunt on behalf of the ICR.

These three organisations have a very close relationship. The ICR



Image: Junichi Sato holds up one of ten pieces of whale meat weighing 23.5kg. This was later presented to the Public Prosecutor as evidence of large-scale embezzlement within the government-sponsored Southern Ocean whaling programme. ©Greenpeace/Naomi Toyota

receives generous subsidies from the FAJ, and many senior staff members of the ICR are civil servants who have taken early retirement from the FAJ for a well-paid job at the research institute. For example, the current head of the ICR, Mr. Morimoto, was once one of the top officials at the FAJ, and in charge of giving whaling permission to the ICR. He also represented Japan in the International Whaling Commission until 2008.

Contrived Explanations

On May 8, 2008, before lodging the official embezzlement complaint to the Tokyo Prosecutor, Junichi Sato called Mr Takahide Naruko, the FAJ's chief of Far Seas Fisheries, to investigate if the agency knew that crewmembers were taking whale meat as "souvenirs".

Sato: I heard from somewhere that the sailors used to bring back some whale meat as private souvenirs during the commercial whaling period. This does not happen these days under the research whaling, is this right?

Mr. Naruko: Of course, not. Since the distribution (of whale meat) is very limited.

Sato: Since the whale meat is considered as "publicly owned", right?

Mr. Naruko: Yes.

The FAJ thus first denied any knowledge of workers receiving whale meat as "souvenirs", as did Kyodo Senpaku¹, but soon after the scandal broke both organisations backtracked on these statements.

In a front page report in the *Asahi Shimbun*², the ICR admitted to giving whale meat to the crew as souvenirs. Later, in response to questions from Shokichi Kina, a member of the House of Councilors in the Japanese Diet, the FAJ also admitted that whale meat was given to the Nisshin Maru's Fisheries Enforcement officer. These officers are mandated to act as "police officers" and handle crimes onboard the ship. Mr. Kina pointed out that as these officers are required to legally monitor "scientific" whaling, receiving whale meat can be considered as accepting a bribe from Kyodo Senpaku³.

"The fact that Fisheries Enforcement Officials received prime cuts of whale meat from a private company they are supposed to monitor is itself scandalous." Jun Hoshikawa, Greenpeace Japan Executive Director

With the scandal splashed across newspapers around the country, the three organisations soon began saying that Kyodo Senpaku had bought the whale meat from the ICR to provide a 10 kg "souvenir" to each crewmember, and that this had been the case since the programme started in 1987. The ICR also banned its researchers from receiving the souvenirs, while at the same time maintaining there was nothing improper about the decades-old practice⁴.

"If they have been giving 10kg of whale meat to each crew member for more than 20 years, how many whales have been killed for souvenirs?" Jun Hoshikawa

The Investigation

On May 21, 2008, the Prosecutor accepted the box of whale meat as evidence of the embezzlement accusation, and told Greenpeace that the case would be seriously looked into. However, on June 20, a month after the embezzlement was exposed, instead of the Tokyo Prosecutor searching the offices of Kyodo Senpaku, the ICR, and the crew members' houses, Sato and Suzuki were themselves arrested by the "Public Safety" bureau in the Tokyo Metropolitan Police (known as "Secret Police") and the Aomori Police, citing trespass and theft of US\$500 worth of whale meat.

The police searched five different locations, including the homes of Sato and Suzuki, now known as the Tokyo Two, Greenpeace Japan's office and the homes of other staff.

Details of the case were leaked to major TV news agencies, who broadcast news of Sato and Suzuki's impending arrest the night before it happened. This ensured that the following day the arrests and searches were broadcast live, painting the image of Greenpeace as the "bad guys".



"Seeing the major TV news reporting on my imminent arrest was very upsetting to myself and my family. Citizens should be able to rely on police officers to carry out their responsibilities professionally, and not allow information like this to be leaked." Junichi Sato

On the same day, the Tokyo Prosecutors' office announced that it was dropping the embezzlement investigation without explanation or evidence, despite promising a full and fair investigation into the allegations.

The Tokyo Two were detained for 26 days - 23 of which were without charge - and intensely interrogated day and night for a total of about 200 hours. No lawyers were present, and no recordings were made of the interrogation process.

Contrasting the heavy-handed treatment of the Tokyo Two, the FAJ instructed the ICR and Kyodo Senpaku to conduct their own "internal" investigation into the embezzlement accusations, and on July 18th handed the result to the FAJ⁵. The findings consisted of a one page document outlining how the two organisations had found themselves not guilty, that there was no embezzlement and the box

of meat intercepted consisted of the “souvenirs” given to a number of crewmembers, which was being shipped back to their homes.

The two organisations claimed there was nothing wrong with the whale meat souvenir custom, as Kyodo Senpaku legitimately bought meat from the ICR specifically for this purpose. Not a shred of documentary evidence such as a receipt or sales agreement was provided to back up this claim. The FAJ accepted the report as “reasonable.”⁶



“During the 26 days Junichi and I were held we were interrogated by the police to create a statement of a few hundred pages at least, literally describing what we had done by the hour. In contrast, the internal investigation report written by ICR and Kyodo Senpaku, with no evidence and saying there was no crime, would not convince anyone except the officials of the Fisheries Agency of Japan.” Toru Suzuki

The Cover Up

The ICR’s whaling permit, granted by the FAJ, states that all sales of whale meat taken from “scientific” require prior permission from the FAJ, and that the ICR must subsequently report back detailed information on the sales. This includes the amount of each different part of the whale up for sale and the distribution channels. The FAJ’s instructions also require the ICR to report back when sales are completed and remit part of the income.

On this basis, Greenpeace filed a “Freedom of Information Act” request to the FAJ, asking it to release documents related to whale meat sales and the reports submitted by the ICR over the last few years. These documents could disclose whether the ICR had permission to sell thousands of kilos of whale meat to Kyodo Senpaku annually to be handed out as gifts to staff, and whether payments were really made for the meat.

On January 19, 2009, Greenpeace received the results of this request. Most sections containing fundamental information regarding whale meat sales were completely blacked-out by the FAJ.

“In thirty years of investigating government misconduct in many parts of the world I have often seen documents like this. My experience has invariably been that the greater the amount of black ink used, the more serious the crimes committed by the government against the public interest.” Richard Harvey, international human rights barrister.

The following page features one of the pages submitted by the ICR to the FAJ as part of a report on the sales of whale meat taken in the Southern Ocean in the 2007-2008 season. The vertically lined cells on the left show different parts of the whale meat, and the horizontally lined cells on the top show, from the left cells, the amount of the meat in kilos, the different distribution channels, such as whale meat for schools, hospitals, promotions, markets, and the general public and the sales figures in yen.

Every kilo of whale meat sold and how much it was sold for is shown, or at least it would be if the document was not so severely censored. One of the cells on the left is labelled as “Unesu,” the same part of the whale meat contained in the box intercepted by Tokyo Two. If the ICR has been selling whale meat to Kyodo Senpaku and properly reporting back to the FAJ for more than two decades, the sales of the meat must have been shown in this report.

“The FAJ has blacked out figures which we believe would establish the specifics of crimes committed by government officials.” Sarah Burton, Greenpeace International Deputy Programme Director.



Image: The Japanese whaling fleet unloads boxes of whale meat in Ishinomaki, Japan, following its “scientific” whaling trip to the Southern ocean whale sanctuary. ©Greenpeace/Kiryu

FY2007 Sales Performance of the by-product (mink whales) from "research" whaling in the Southern Ocean

(参考2)

平成19年度南極海鯨類捕獲調査副産物(クロミンク鯨)
品名別・販売形態別販売実績表

細分類	鯨肉数量		販売形態別販売内訳重量(kg)						売上高
	c/s	kg	公益用				市販用		
			地域住民配分用	学校給食枠	医療枠	啓発事業用	市場用	一般用	
尾肉									
尾肉徳用									
脂須子									
鹿子1級									
鹿子徳用									
赤肉特選									
赤肉									
赤肉中切									
赤肉徳用									
小切									
赤肉									
胸肉1級									
胸肉2級									
加工小切									
胸肉3級									
胸肉加工									
胸肉徳用									
落身									
肋骨肉									
赤肉黒〇									
小切黒〇									
胸肉黒〇									
(小計)	86,838	1,296,078.0	37,860.0	106,680.0	12,600.0	1,912.5	244,935.0	892,090.5	1,614,020,385
須子									
須子(小計)	1,346	19,517.0						19,517.0	22,811,748
敵須									
敵須1級									
敵須特選									
敵須2級									
敵須小切									
敵									
(小計)	12,161	164,171.3	2,754.0		2,700.0	175.5	6,844.5	151,697.3	534,832,206
本皮1級									
皮徳用									
皮須									
尾羽									
尾羽徳用									
腎臓									
心臓									
食道									
胃									
第3・4胃									
百尋									
皮払									
白剥									
舌鹿子									
舌									
棒筋									
筋1級									
筋2級									
かぶら									
潮吹									
棒はし									
伝胴(硬)									
伝胴(軟)									
牽丸									
たき肉									
払肉									
歯ぐき									
子宮									
(小計)	28,417	502,625.0	7,914.5	625.0	2,500.0	489.5	5,325.0	485,771.0	779,394,742
オサ									
丸オサ									
(小計)	5	5.0						5.0	9,700
合計	128,767	1,982,396.3	48,528.5	107,305.0	17,800.0	2,577.5	257,104.5	1,549,080.8	2,951,068,781

販売形態	公益用				市販用		合計
	地域住民配分用	学校給食枠	医療枠	啓発事業用	市場用	一般用	
売上高合計(円)	96,699,411	50,544,496	15,902,775	4,537,825	484,106,700	2,446,830,990	3,098,622,197
消費税額(円)	4,604,730	2,406,881	757,275	216,088	23,052,695	116,515,747	147,553,416
売上高(円)	92,094,681	48,137,615	15,145,500	4,321,737	461,054,005	2,330,315,243	2,951,068,781

Consignment Sales Contract between ICR and Kyodo Senpaku

Greenpeace also requested the consignment sales contract between the ICR and Kyodo Senpaku. The four-page contract was also almost completely blacked-out, with the exception of the title at the top, and names of signatories at the bottom.

The only information provided by the documents is the existence of the contracts, nothing more. The FAJ explained its decision to hide the whale meat sales performance and the contents of the contract between ICR and Kyodo Senpaku as follows:

“There is a risk not to be able to secure fair and just sales programme of the by-products (whale meat) if the information regarding the contract of a consignment sales and the sales performance of the by-products are released to the public”
- Fisheries Agency of Japan, January 16th, 2009, in response to the freedom of information request from Greenpeace regarding information on whale meat sales.

“There can be no legitimate public interest in keeping such material out of the public domain, particularly when it is the public purse which is funding this programme.” Sarah Burton

Greenpeace is appealing the FAJ’s decision and will request the full release of this information.

The initial information was brought to Greenpeace Japan by a whistleblower from within the whaling industry. As a result of our investigation, we believe that large scale whale meat embezzlement has occurred, and was organised by a special group of crewmembers called “Seizou-syu”, meaning “production worker”. This practice of whale meat embezzlement has been conducted for decades, has become an open secret, and Kyodo Senpaku and ICR staff members have not moved to stop the practice. Instead they have chosen to legitimise it by handing out meat “souvenirs” to the crew and themselves.

The arrest and ongoing trial of the Tokyo Two shows that the whaling lobby realises it has run out of legitimate arguments, and is now resorting to locking up its critics instead.

When concerned citizens like Sato and Suzuki are driven to expose a problem in their society, turning them into criminals sends anyone who wishes to expose wrongdoing in a government enterprise a message that they may pay for their concern with their liberty.



Image: The Consignment Sales Contract between ICR and Kyodo Senpaku is also so heavily edited it contains virtually no information.

References

¹ Asahi Shimbun, Evening Edition. May 21, 2008

² Asahi Shimbun, Morning Edition. May 15, 2008

³ Parliamentary Question submitted under Article 74 of the Diet Act. December 18, 2008

⁴ Asahi Shimbun, Morning Edition. July 19, 2008

⁵ <http://www.icrwhale.org/pdf/080718ReleaseJp.pdf>

⁶ Tokyo Shimbun, Morning Edition. July 19, 2008

⁷ Decision regarding to the request of administrative information release, 20 Suikan 2067.

Fisheries Agency of Japan. January 16, 2009. Full text available on request.

GREENPEACE

Greenpeace is an independent global campaigning organisation that acts to change attitudes and behaviour, to protect and conserve the environment and to promote peace.

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