

Ambassador of Japan in Norway
Mr. Hisao Yamaguchi,
Wergelandsveien 15
0244 Oslo

Dear Mr. Hisao Yamaguchi

Oslo, February 16th 2008

I am writing to update you on a significant development in the whale meat embezzlement scandal about which Greenpeace first alerted you last May, and to once again, request your help.

The next stage of legal proceedings against two Japanese Greenpeace members began last Friday, 13 February, with a closed pre-trial hearing. The two are charged with theft of a box of whale meat, itself stolen from the *Nisshin Maru* by one of its crew and falsely labeled as containing cardboard.

The two men, Junichi Sato and Toru Suzuki, known as the 'Tokyo Two', were acting on information received from former members of the whaling fleet detailing a clandestine operation on board the factory ship *Nisshin Maru* in which crew members took high-value cuts of meat from whales, salt-cured them, and on return to port, then sold his meat for personal gain. One long time crew member reportedly boasted that he had bought a new house using the proceeds from several years of these sales. The product was smuggled off the *Nisshin Maru* in cardboard boxes, supposedly containing personal effects, which were given to a delivery service to be transported to crew member's homes.

Sato and Suzuki intercepted one of these boxes and found that despite being labeled as containing cardboard, it instead contained 23.5 kgs of high quality whale bacon, or *unesu*, worth up to US\$ 3000. Judging that this was evidence of a crime, they took the box to the Tokyo Public Prosecutor's office. They first informed the prosecutor's office that they were in possession of the box, explained how it had come into their possession, offered to deliver it directly to the prosecutor, and requested an investigation into how it had been produced. They then held a press conference to announce their findings and delivered the box to the prosecutor. They felt they had an obligation to take action because they had uncovered evidence of a crime and that the Japanese public had a right to be informed, particularly since the whaling operation is subsidised by taxpayer's money. The prosecutor's office subsequently announced that it had begun an investigation into the allegations made by Sato and Suzuki.

However, 36 days later, the prosecutor's office dropped the investigation; on the same day the homes of both Junichi Sato and Toru Suzuki, as well as the Greenpeace Japan office were raided by the police. A total of 38 police officers were involved, and quantities of files and computers were seized. Sato and Suzuki, were both arrested and subsequently held for 26 days without charge. During this time they were repeatedly interrogated, at length, under harsh conditions - despite having already voluntarily provided police with full information before the arrests. This was clearly an attempt by the Japanese authorities to intimidate them and the Greenpeace organization.

Lawyers representing the two have stressed that neither had any intent of illegal acquisition, which is one of the elements of the crime of "theft" as defined by Japanese domestic law.

The men's defense is that their acts were an exercise of the right to freedom of expression, which is guaranteed in the International Covenant on Civil and Political Rights (ICCPR). International courts have stressed that respect for freedom of expression is essential, if news and non-governmental organizations are to play their role as public watchdogs in a democracy. Even if the defendants' acts met the definition of a criminal offence under Japanese law, the law should not be applied in this instance, as a conviction would breach Japan's obligations under the ICCPR.

Given these developments, we request that the Japanese government conduct an independent inquiry into the clandestine operation on board the factory ship *Nisshin Maru*. It seems clear to Greenpeace that the production of products for *private sale*, from whales caught under scientific permits, does not comply with the International Whaling Commission's requirements for issuing these permits that "proceeds shall be dealt with in accordance with directions issued by the Government by which the permit was granted".

We look forward to your response.

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