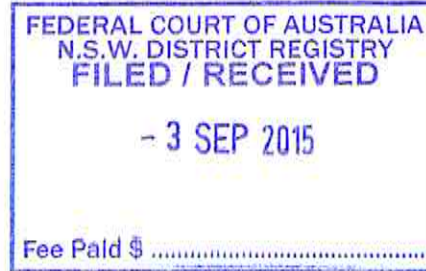


## Statement of charge

NSD. 1519 of 2004

Federal Court of Australia  
District Registry: NSW  
Division: General



**Humane Society International Inc**

Applicant

**Kyodo Senpaku Kaisha Ltd**

Respondent

To the Respondent, Kyodo Senpaku Kaisha Ltd of 4-5 Toyomi-cho, Chuo-ku, Tokyo Japan


You are charged with contempt of court in that:


### Charge

1. Between 10 December 2008 and 22 March 2009 you:
  - (a) interfered with, took, injured and killed Antarctic minke whales (*Balaenoptera bonaerensis*) in the Australian Whale Sanctuary in contravention of sections 229, 229A, 229B and 229C of the *Environment Protection and Biodiversity Conservation Act 1999* (Cth), (**Act**); and
  - (b) treated and possessed such whales taken, injured or killed in the Australian Whale Sanctuary in contravention of sections 229D and 230 of the Act,doing so without permission or authorisation under sections 231, 232 or 238 of the Act and in breach of the Orders made by the Court on 15 January 2008 in these proceedings.

### Particulars

- (i) Whales were interfered with, taken, injured, killed, treated and possessed by the methods described in the Cruise Report of the Second Phase of the Japanese Whale Research Program under Special Permit in Antarctic (**JARPA II**) in 2008/2009 (**2008/09 Cruise Report**).

Filed on behalf of (name & role of party)	Humane Society International Inc, Applicant
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- (ii) The whales were interfered with, taken, injured and killed at the places identified in the 2008/09 Cruise Report as being places at which "sampling" or "lethal surveying" of whales took place.
- (iii) The incidents of sampling or lethal surveying of whales recorded in the 2009/09 Cruise Report that took place in the Australian Whale Sanctuary are identified in the report of Dr Alana Grech dated [date]. 24 August 2015. 

2. Between 14 December 2009 to 20 March 2010 you:

- (a) interfered with, took, injured and killed Antarctic minke whales (*Balaenoptera bonaerensis*) in the Australian Whale Sanctuary in contravention of sections 229, 229A, 229B and 229C of the Act; and
- (b) treated and possessed such whales taken, injured or killed in the Australian Whale Sanctuary in contravention of sections 229D and 230 of the Act,


doing so without permission or authorisation under sections 231, 232 or 238 of the Act and in breach of the Orders made by the Court on 15 January 2008 in these proceedings.

#### Particulars

- (i) Whales were interfered with, taken, injured, killed, treated and possessed by the methods described in the Cruise Report of the JARPA II in 2009/2010 (**2009/10 Cruise Report**).
- (ii) The whales were interfered with, taken, injured and killed at or about the places identified in the 2009/10 Cruise Report as being places at which "sampling" or "lethal surveying" of whales took place.
- (iii) The incidents of sampling or lethal surveying of whales recorded in the 2009/10 Cruise Report that took place in the Australian Whale Sanctuary are identified in the report of Dr Alana Grech dated [date]. 24 August 2015. 

3. Between 1 January 2012 to 6 March 2012 you:

- (a) interfered with, took, injured and killed Antarctic minke whales (*Balaenoptera bonaerensis*) in the Australian Whale Sanctuary in contravention of sections 229, 229A, 229B and 229C of the Act; and
- (b) treated and possessed such whales taken, injured or killed in the Australian Whale Sanctuary in contravention of sections 229D and 230 of the Act,

doing so without permission or authorisation under sections 231, 232 or 238 of the Act and in breach of the Orders made by the Court on 15 January 2008 in these proceedings. 

**Particulars**

- (i) Whales were interfered with, taken, injured, killed, treated and possessed by the methods described in the Cruise Report of the Second Phase of the JARPA II in 2011/2012 (**2011/12 Cruise Report**).
- (ii) The whales were interfered with, taken, injured and killed at or about the places identified in the 2011/12 Cruise Report as being places at which "sampling" or "lethal surveying" of whales took place.
- (iii) The incidents of sampling or lethal surveying of whales recorded in the 2011/12 Cruise Report that took place in the Australian Whale Sanctuary are identified in the report of Dr Alana Grech dated **[date]**.

24 August  
2015.

*AG*

4. Between 26 January 2013 to 14 March 2013 you:

- (a) interfered with, took, injured and killed Antarctic minke whales (*Balaenoptera bonaerensis*) in the Australian Whale Sanctuary in contravention of sections 229, 229A, 229B and 229C of the Act; and
- (b) treated and possessed such whales taken, injured or killed in the Australian Whale Sanctuary in contravention of sections 229D and 230 of the Act,

doing so without permission or authorisation under sections 231, 232 or 238 of the Act and in breach of the Orders made by the Court on 15 January 2008 in these proceedings.

**Particulars**

- (i) Whales were interfered with, taken, injured, killed, treated and possessed by the methods described in the Cruise Report of the JARPA II in 2012/2013 (**2012/13 Cruise Report**).
- (ii) The whales were interfered with, taken, injured and killed at or about the places identified in the 2012/13 Cruise Report as being places at which "sampling" or "lethal surveying" of whales took place.
- (iii) The incidents of sampling or lethal surveying of whales recorded in the 2012/13 Cruise Report that took place in the Australian Whale Sanctuary are identified in the report of Dr Alana Grech dated **[date]**.

24 August  
2015.

*AG*

5. On 15 February 2013 you:

- (a) interfered with, took, injured and killed an Antarctic minke whale (*Balaenoptera bonaerensis*) in the Australian Whale Sanctuary in contravention of sections 229, 229A, 229B and 229C of the Act; and

(b) treated and possessed the whale taken, injured or killed in the Australian Whale Sanctuary in contravention of sections 229D and 230 of the Act,

doing so without permission or authorisation under sections 231, 232 or 238 of the Act and in breach of the Orders made by the Court on 15 January 2008 in these proceedings.

#### Particulars

The whale was taken, injured, killed, treated and possessed at or about 17:53 on 15 February 2013 at or about 68 Deg, 02' S; 075 Deg, 44' E approximately 60 nautical miles north west of Davis Station as described at paragraphs [17]-[35] in the affidavit of Peter Hammarstedt affirmed on 7 July 2015.

Date: 3 September 2015

Judge

A handwritten signature in cursive script, appearing to read "J. Jago", is written over a horizontal line. The signature is written in black ink.