



10 June 2013

Dear Sir,

With reference to the case concerning Whaling in the Antarctic (Australia v. Japan; New Zealand intervening), I have the honour to acknowledge receipt of your letter No. 141981 dated 5 June 2013, under cover of which you transmitted a copy of the letter from Australia submitting its observations with regard to my letter dated 31 May whereby two notes prepared by Professor Judy Zeh of the University of Washington were transmitted.

Japan regrets that Australia (which submitted new emails as attachments to Dr. Gales' statement) has seen the inclusion of Professor Zeh's notes as an attempt to circumvent the procedure concerning expert evidence. It had hoped that Australia, and the Court, would understand Japan's response and the notes as an attempt to avoid any suggestion that Australia did not have adequate notice of questions that might be pursued in cross-examination and the fullest opportunity for its experts to prepare to answer them. Japan is of the view that professor Zeh's positions as expressed in her challenged mails are useful to assist the Court in assessing the scientific aspects of the case and should be considered with care by the Court.

Accept, Sir, the assurances of highest consideration.

鶴岡公二

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