

Report by Captain Peter Hammarstedt to the Netherlands Shipping Inspectorate Regarding the Attack on the Dutch-flagged *Bob Barker* (IMO: 5280540) by the Japanese-flagged Whaling Vessels *Yushin Maru* (IMO: 9239678), *Yushin Maru No. 2* (IMO: 9278040) and *Yushin Maru No. 3* (IMO: 9414096) on the 2nd of February 2014.

At 0910 hrs (all times AEST) on the 24th of January 2014, the *Bob Barker* obtained photo and video documentation of whale offal found floating in the Southern Ocean Whale Sanctuary at position 71 Deg, 30' S; 147 Deg, 38' W. Whaling has been banned in these waters since 1994, when the Sanctuary was first established.

The Japanese whaling fleet is in violation of the 1986 global moratorium on commercial whaling, the Convention on the International Trade in Endangered Species of Wild Flora and Fauna (CITES) and the principle of the Southern Ocean Whale Sanctuary.

At 2050 hrs, the *Bob Barker* located the factory whaling vessel of the Japanese whaling fleet, the *Nisshin Maru* (IMO: 8705292), effectively suspending whale poaching operations in the Southern Ocean Whale Sanctuary. The ship was located at position 70 Deg, 27 min S, 150 Deg, 03' W.

For eight consecutive days, the *Bob Barker* pursued the *Nisshin Maru* at a safe distance, coming no closer, at any time, than 0.3 nautical miles astern of the factory whaling ship.

At 2345 hrs on the 1st of February 2014, three approaching targets are spotted on radar. These targets are visually confirmed as being the *Yushin Maru*-class Japanese harpoon ships.

At 0030 hrs on the 2nd of February 2014, the *Yushin Maru* crosses the bow of the *Bob Barker*, in an unprovoked attack, trailing 300 meters of nylon line. The line snaps, possibly after making contact with the propeller of the *Bob Barker*. Position is approximately 68 Deg, 48' S; 163 Deg, 42' W.

At 0031 hrs, the *Nisshin Maru* is radioed on Marine VHF Channel 16, and is told that their actions are being reported to the Netherlands Shipping Inspectorate and the New Zealand Rescue Coordination Center.

At 0057 hrs, the *Yushin Maru No. 2* crosses the bow of the *Bob Barker* trailing 300 m of steel cable. The *Bob Barker* takes evasive maneuvering to avoid damage to rudder and propeller.

At 0120 hrs, the *Yushin Maru No. 3* crosses the bow of the *Bob Barker* trailing 300 m of steel cable. The *Bob Barker* takes evasive maneuvering to avoid damage to rudder and propeller.

At 0130 hrs, the *Yushin Maru No. 2* crosses the bow of the *Bob Barker* trailing 300 m of steel cable. The *Bob Barker* takes evasive maneuvering to avoid damage to rudder and propeller.

At 0143 hrs, the *Yushin Maru No. 2* crosses the bow of the *Bob Barker* trailing 300 m of steel cable. The *Bob Barker* takes evasive maneuvering to avoid damage to rudder and propeller.

At 0147 hrs, the *Yushin Maru No. 2* crosses the bow of the *Bob Barker* trailing 300 m of steel cable. The *Bob Barker* takes evasive maneuvering to avoid damage to rudder and propeller.

At 0157 hrs, the *Yushin Maru No. 2* crosses the bow of the *Bob Barker* trailing 300 m of steel cable. The *Bob Barker* takes evasive maneuvering to avoid damage to rudder and propeller.

At 0200 hrs, the *Yushin Maru No. 3* crosses the bow of the *Bob Barker* trailing 300 m of steel cable. The *Bob Barker* takes evasive maneuvering to avoid damage to rudder and propeller.

At 0207 hrs, the *Yushin Maru No. 3* crosses the bow of the *Bob Barker* trailing 300 m of steel cable. The *Bob Barker* takes evasive maneuvering to avoid damage to rudder and propeller.

At 0243 hrs, the *Yushin Maru No. 2* crosses the bow of the *Bob Barker* trailing 300 m of steel cable. The *Bob Barker* takes evasive maneuvering to avoid damage to rudder and propeller.

At 0255 hrs, the *Yushin Maru No. 3* crosses the bow of the *Bob Barker* trailing 300 m of steel cable. The *Bob Barker* takes evasive maneuvering to avoid damage to rudder and propeller.

At 0307 hrs, the *Yushin Maru No. 2* crosses the bow of the *Bob Barker* trailing 300 m of steel cable. The *Bob Barker* takes evasive maneuvering to avoid damage to rudder and propeller.

At 0316 hrs, the *Yushin Maru No. 2* crosses the bow of the *Bob Barker* trailing 300 m of steel cable. The *Bob Barker* takes evasive maneuvering to avoid damage to rudder and propeller.

At 0336 hrs, the *Yushin Maru No. 2* crosses the bow of the *Bob Barker* trailing 300 m of steel cable. The *Bob Barker* takes evasive maneuvering to avoid damage to rudder and propeller.

At 0338 hrs, I make the decision to launch a rigid-hull inflatable boat (RHIB) in order to set up a defensive position on my starboard bow. The RHIB is instructed to cut any line that risks causing propeller entanglement. At 0341 hrs, the RHIB is outboard and making way despite aggressive approaches by the *Yushin Maru No.2*. In compliance with Rule 36 of the International Collision Regulations (COLREGS) governing signals to attract attention, I fire three parachute flares into the air to indicate to the harpoon ship to keep a safe distance.

At 0350 hrs, the *Yushin Maru No. 2* crosses the bow of the *Bob Barker* trailing 300 m of steel cable. The *Bob Barker* takes evasive maneuvering to avoid damage to rudder and propeller.

At 0355 hrs, the *Yushin Maru No. 2* crosses the bow of the *Bob Barker* trailing 300 m of steel cable. The *Bob Barker* takes evasive maneuvering to avoid damage to rudder and propeller.

At 0430 hrs, the *Yushin Maru* crosses the bow of the *Bob Barker* trailing 300 m of line. The *Bob Barker* takes evasive maneuvering to avoid damage to rudder and propeller.

At 0435 hrs, the *Yushin Maru* crosses the bow of the *Bob Barker* trailing 300 m of line. The *Bob Barker* takes evasive maneuvering to avoid damage to rudder and propeller.

At 0450 hrs, the *Yushin Maru* crosses the bow of the *Bob Barker* trailing 300 m of line. The *Bob Barker* takes evasive maneuvering to avoid damage to rudder and propeller.

At 0457 hrs, I make the decision to launch a second RHIB in order to set up a defensive position on my portside bow. The RHIB is instructed to cut any line that risks causing propeller entanglement. At 0501 hrs, the RHIB is outboard and making way.

At 0514 hrs, the *Yushin Maru* crosses the bow of the *Bob Barker* now trailing 300 m of steel cable. The *Bob Barker* takes evasive maneuvering to avoid damage to rudder and propeller.

At 0531 hrs, the *Yushin Maru* crosses the bow of the *Bob Barker* trailing 300 m of steel cable. The *Bob Barker* takes evasive maneuvering to avoid damage to rudder and propeller.

At 0554 hrs, the *Yushin Maru No. 2* crosses the bow of the *Bob Barker* trailing 300 m of steel cable. The *Bob Barker* takes evasive maneuvering to avoid damage to rudder and propeller. The crew on board the *Yushin Maru No. 2* throw projectiles at the boat crew of one of the RHIBs. The projectiles are metal valves thrown with the intent to cause injury.

At 0625 hrs, the *Yushin Maru No. 2* crosses the bow of the *Bob Barker* trailing 300 m of steel cable. The *Bob Barker* takes evasive maneuvering to avoid damage to rudder and propeller.

At 0627 hrs, the *Yushin Maru No. 3* crosses the bow of the *Bob Barker* trailing 300 m of steel cable. The *Bob Barker* takes evasive maneuvering to avoid damage to rudder and propeller.

At 0632 hrs, the *Yushin Maru No. 3* crosses the bow of the *Bob Barker* trailing 300 m of steel cable. The *Bob Barker* takes evasive maneuvering to avoid damage to rudder and propeller.

At 0655 hrs, at approximately position 67 Deg, 30' S; 164 Deg, 06' W, the *Yushin Maru No. 3*, coming up on the *Bob Barker* from a direction more than 22.5 degrees abaft the beam, made approach to overtake the *Bob Barker*, in a deliberate attempt to damage the rudder and propeller by trailing 300 meters of steel cable. The *Yushin Maru No. 3*, passing at 3-5 meters from my starboard beam, began to turn to port despite the fact that prevailing circumstances determined that the risk of collision was high. The *Yushin Maru No. 3* turned to port to cross my bow prematurely, resulting in their aft deck colliding with my starboard bow. I could not alter course to portside without risking my stern swinging across the trailing steel cable. Damage to the *Yushin Maru No. 3* was minimal. The *Bob Barker* sustained substantial damage to forward plates and frame, although all damage was above the water line. Damage was also sustained by the starboard anchor. None of the damage affected the structural integrity of the hull. The collision resulted from the failure of the *Yushin Maru No. 3* to abide by the laws that govern the sea and the practice of good seamanship.

At 0702 hrs, I recover my first RHIB. I make the decision to recover the RHIB as I judge the risk to the crew too great to continue.

At 0716 hrs, the *Yushin Maru No. 2* crosses the bow of the *Bob Barker* trailing 300 m of steel cable. The *Bob Barker* takes evasive maneuvering to avoid damage to rudder and propeller.

At 0718 hrs, I recover my second RHIB.

At 0724 hrs, the *Yushin Maru No. 2* crosses the bow of the *Bob Barker* trailing 300 m of steel cable. The *Bob Barker* takes evasive maneuvering to avoid damage to rudder and propeller.

At 0734 hrs, the *Yushin Maru No. 2* crosses the bow of the *Bob Barker* trailing 300 m of steel cable. The *Bob Barker* takes evasive maneuvering to avoid damage to rudder and propeller.

At 0738 hrs, the *Yushin Maru No. 2* crosses the bow of the *Bob Barker* trailing 300 m of steel cable. The *Bob Barker* takes evasive maneuvering to avoid damage to rudder and propeller.

At 0746 hrs, the *Yushin Maru No. 2* crosses the bow of the *Bob Barker* trailing 300 m of steel cable. The *Bob Barker* takes evasive maneuvering to avoid damage to rudder and propeller.

At 0758 hrs, the *Yushin Maru No. 2* crosses the bow of the *Bob Barker* trailing 300 m of steel cable. The *Bob Barker* takes evasive maneuvering to avoid damage to rudder and propeller.

At 0804 hrs, the *Yushin Maru No. 2* crosses the bow of the *Bob Barker* trailing 300 m of steel cable. The *Bob Barker* takes evasive maneuvering to avoid damage to rudder and propeller.

At 0809 hrs, the *Yushin Maru No. 2* crosses the bow of the *Bob Barker* trailing 300 m of steel cable. The *Bob Barker* takes evasive maneuvering to avoid damage to rudder and propeller.

At 0810 hrs, I slow down to 8.0 kts with the hope that a slower speed will dissuade further attacks. The *Nisshin Maru* is no longer on radar.

At 0838 hrs, the *Yushin Maru No. 3* crosses the bow of the *Bob Barker* trailing 300 m of steel cable. The *Bob Barker* takes evasive maneuvering to avoid damage to rudder and propeller.

At 0852 hrs, the *Yushin Maru No. 2* crosses the bow of the *Bob Barker* trailing 300 m of steel cable. The *Bob Barker* takes evasive maneuvering to avoid damage to rudder and propeller.

At 0900 hrs, the *Yushin Maru No. 2* crosses the bow of the *Bob Barker* trailing 300 m of steel cable. The *Bob Barker* takes evasive maneuvering to avoid damage to rudder and propeller.

At 0914 hrs, the *Yushin Maru No. 2* crosses the bow of the *Bob Barker* trailing 300 m of steel cable. The *Bob Barker* takes evasive maneuvering to avoid damage to rudder and propeller.

At 0931 hrs, the *Yushin Maru No. 2* crosses the bow of the *Bob Barker* trailing 300 m of steel cable. The *Bob Barker* takes evasive maneuvering to avoid damage to rudder and propeller.

At 0932 hrs, I slow down to 5.0 kts with the hope that a slower speed will dissuade further attacks.

At 1132 hrs, I make the decision to stop and drift for the remainder of the day.

The attack on the *Bob Barker* was unprovoked, ruthless and pre-meditated.

At all times, including at the time of the collision, the *Yushin Maru*, *Yushin Maru No. 2* and *Yushin Maru No. 3* were the overtaking vessel. The superior speed and maneuverability of the Japanese harpoon ships ensure that any collision situation can be easily avoided. Rule 13 of the COLREGS states clearly that "any vessel overtaking any other shall keep out of the way of the vessel being overtaken". Further, "a vessel shall be deemed to be overtaking when coming up with another vessel from a direction more than 22.5 degrees abaft her beam". The Japanese harpoon ships disregarded Rule 13 at every opportunity to try and damage the rudder and propeller of the *Bob Barker*.

Rule 15 of the COLREGS states that "when two power-driven vessels are crossing so as to involve risk of collision, the vessel which has the other on her own starboard side shall keep out of the way and shall, if circumstances of the case admit, avoid crossing ahead of the other vessel". The harpoon vessel crossed ahead of the *Bob Barker* from both starboard to portside as well as from portside to starboard, failing in their obligations to keep clear as per Rule 16 governing the action required by a give-way vessel.

At all times, evasive maneuvering was undertaken by the *Bob Barker* so as to comply with Rule 2 and Rule 17 of the COLREGS, regarding the obligations of the stand-on vessel to avoid collision if the give-way vessel does not comply with the existing rules and regulations that govern the laws of the sea of the practice of good seamanship.

The above is true to the best of my knowledge.

Sincerely,

A handwritten signature in black ink, appearing to read 'Peter Hammarstedt', written in a cursive style.

Peter Hammarstedt

Master, M/Y Bob Barker

2nd February, 2014