



Téléfax: (41-22) 917 90 29
Télégrammes: UNATIONS, GENEVE
Téléc: 41 29 62
Téléphone: (41-22)
Internet www.ohchr.org
E-mail: nprouvez@ohchr.org



Address:
Palais des Nations
CH-1211 GENEVE 10

REFERENCE: NP

28 September 2010

Excellency,

In my capacity as Special Rapporteur for Follow-up on Concluding Observations of the Human Rights Committee, I have the honour to refer to the examination of the fifth periodic report of Japan by the Committee at its 94th session, held in October 2008. At the end of that session, the Committee's concluding observations were transmitted to your Permanent Mission. You may recall that, in paragraph 34 of the concluding observations, the Committee requested that information be provided within one year regarding the specific areas of concern identified in paragraphs 17, 18, 19 and 21 of the concluding observations.

On 21 December 2009, information was submitted on these paragraphs. During its 99th session, held in July 2010, the Committee, while taking note of the cooperativeness of the State party, noted that the information provided was incomplete with regard to certain recommendations. I therefore wish to request additional and more specific information, in particular on the measures taken by Japan to:

- (a) Ensure the strict confidentiality of all meetings between death row inmates and their lawyers concerning retrial (paragraph 17);
- (b) Abolish the substitute detention system or ensure that it is fully compliant with all guarantees contained in article 14 of the Covenant (paragraph 18);
- (c) Ensure that the role of the police during investigations is to collect evidence for the trial rather than establishing the truth, ensure that silence by suspects is not considered inculpatory and encourage courts to rely on modern scientific evidence rather than on confessions made during police interrogations (paragraph 19).

Noting the undertaking given that its recommendations will be taken into account, the Committee also invites the State party to keep the Committee informed on the steps taken to discontinue the practice of segregating certain inmates in "accommodation blocks" (paragraph 21).

.../...

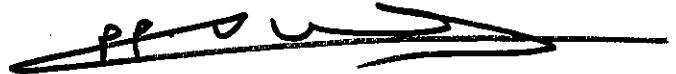
H.E. Mr. Shinichi KITAJIMA
Ambassador extraordinary and plenipotentiary
Permanent Mission of Japan
to the United Nations Office at Geneva
Fax: 022 788 38 11

The Committee also noted that the recommendations regarding: the introduction of a mandatory system of review in capital cases (paragraph 17); the adoption of legislation prescribing strict time limits for the interrogation of suspects, as well as sanctions for non-compliance (paragraph 19); and, the relaxation of the rule under which inmates on death row are placed in solitary confinement (paragraph 21), have not been implemented.

A Word electronic version of any additional information should be sent to the Secretariat of the Human Rights Committee (Mr. Anganile Mwenifumbo, amwenifumbo@ohchr.org).

The Committee looks forward to pursuing its constructive dialogue with the authorities of Japan on the implementation of the Covenant.

Please accept, Excellency, the assurances of my highest consideration.



Abdelfattah Amor
Special Rapporteur for Follow-up on Concluding Observations
Human Rights Committee