

MISSION PERMANENTE DU JAPON
AUPRÈS DES ORGANISATIONS INTERNATIONALES
GENÈVE-SUISSE

FY/UN/421

The Permanent Mission of Japan to the International Organizations in Geneva presents its compliments to the Office of the High Commissioner for Human Rights and has the honour to transmit herewith the comments from the Government of Japan on the Concluding Observations of the Human Rights Committee (CCPR/C/JPN/CO/6).

The Permanent Mission of Japan to International Organizations in Geneva avails itself of this opportunity to renew to the Office of the High Commissioner for Human Rights the assurances of its highest consideration.

Geneva, 27 July 2015

Enclosure mentioned



OHCHR REGISTRY

31 AUG 2015

Recipients to: *HR Committee*

.....
.....
.....

511

511

Comments by the Government of Japan on the Concluding Observations of the Human Rights Committee (CCPR/C/JPN/CO/6)

1. In the concluding observations of the Human Rights Committee on the Sixth Periodic Report submitted by Japan (CCPR/C/JPN/CO/6), the Committee requested relevant information on the implementation of specific recommendations (paragraphs 13, 14, 16 and 18). The present situation of the implementation of the concerned recommendations is as follows. The Government of Japan would like to continue constructive dialogue with the Committee.

Responses to recommendations made in paragraph 13 – Death penalty

Re: paragraph 13 (a)

2. Whether to retain or abolish the death penalty is an important issue that affects the foundation of the criminal justice system in Japan. It should be considered carefully from various viewpoints, such as the realization of justice in society, with sufficient attention given to public opinion.

3. The majority of citizens in Japan consider that the death penalty is unavoidable for extremely malicious/brutal crimes. In light of the current situation, which shows no sign of decline in brutal crimes, it is unavoidable to impose the death penalty on persons who have committed extremely brutal crimes and bear heavy criminal responsibility, and therefore abolishing the death penalty is not appropriate.

4. In Japan, crimes that include death penalty as an option among the statutory penalties are limited to 19 most serious crimes such as murder and murder at the scene of a robbery. Judgment on selecting the death penalty is made extremely strictly and carefully, based on the criteria shown in the judgment of the Supreme Court on July 8, 1983. As a result, the death penalty is imposed only on a person who has committed a heinous crime carrying great criminal responsibility that involves an act of killing victims intentionally.

Re: paragraph 13 (b)

5. Regarding the recommendations for the treatment of inmates sentenced to death, the Government of Japan has no intention of changing such treatment at this moment.

6. An inmate sentenced to death is notified him/herself of the execution of the death penalty on the day prior to the execution, out of consideration that an advance notice would disturb the inmate's peace of mind and might cause further suffering. Furthermore, an advance notice to family members, etc. would cause them to suffer useless pain, and if a family member who received an advance notice were to make a visit and the inmate to learn of the schedule of the execution of his/her death sentence, the same harmful effects would be expected. Therefore, the current procedures are unavoidable.

7. At penal institutions, it is necessary to detain inmates sentenced to death and at the same time to pay attention to enabling them to maintain peace of mind. Article 36 of *the Act on Penal Detention Facilities and Treatment of Inmates and Detainees* provides that treatment of an inmate sentenced to death shall be conducted in an inmate's room throughout the day and night, and that inmates sentenced to death shall not be permitted to make mutual contact even outside of their rooms, in principle, except when it may be permissible to allow them to make mutual contact in order to maintain peace of mind. Therefore, the Government of Japan does not consider that such treatment falls under abuse of human rights.

Re: paragraph 13 (c)

8. Under the current discovery framework, followed by the disclosure of the evidence case-in-chief, evidence falling into the prescribed categories necessary for evaluating the probative value of the evidence case-in-chief (so called "Categorized Evidence") and evidence deemed related to the allegations by the defendant (so called "Allegation-Related Evidence") is disclosed in a stepwise manner in the pre-trial proceeding. Through this disclosure process, all the evidence necessary for the preparation for the defense is properly disclosed.

9. In practice, the prosecutor discloses evidence in line with the intent of the current system for the disclosure of evidence and also voluntarily discloses a considerably wide range of evidence. Therefore, basically all the evidence necessary for the trial is disclosed under the existing circumstances.

10. Furthermore, in September 2014, the Legislative Council of the Minister of Justice, an advisory panel of the Minister of Justice, reported to the Minister that a new legal system disclosing a list containing the titles and other categories of information of all

the evidence kept by the prosecutor should be additionally introduced to the existing framework of discovery, and a reform bill to introduce this system was submitted to the Diet in March 2015.

11. Article 38, Paragraph 2 of the *Constitution of Japan* stipulates: “Confession made under compulsion, torture or threat, or after prolonged arrest or detention shall not be admitted in evidence.” In accordance with this provision, Article 319, Paragraph 1 of the *Code of Criminal Procedure* stipulates: “Confession under compulsion, torture, threat, after unduly prolonged detention or when there is doubt about it being voluntary may not be admitted as evidence.” Therefore, confession obtained under torture or as a result of unjust treatment can never be admitted as evidence.

Re: paragraph 13 (d)

12. In capital cases, counsel must be appointed in the proceedings before the judgment on the case is confirmed, and under the strict rules of evidence, the determination of fact and the decision to select the death penalty are made after careful proceedings. In addition, a three-tiered judicial system is ensured for the defendant before the judgment becomes final and conclusive. A death sentence that has been finalized after these strict and careful proceedings is rigorously executed, in principle.

13. On the other hand, if any execution order were suspended during requests for a retrial, etc., the execution of the death penalty would never be carried out as long as the inmate sentenced to death repeatedly files requests for a retrial, etc., making it impossible to achieve the outcome of a criminal trial.

14. In issuing an order for the execution of the death penalty, the Minister of Justice fully and carefully inspects the relevant records of each case and deliberately examines whether or not there are any grounds for commencing a retrial as stipulated in the *Code of Criminal Procedure*.

15. From these viewpoints, the Government of Japan considers that it is not appropriate to establish a system of suspending the execution of the death penalty without exception whenever a request for a retrial, etc., is filed.

16. As mentioned above, the right to appeal against a conviction or a sentence is widely respected under a three-tiered judicial system, and the counsel is also granted the right to appeal, with the result that many capital cases have been appealed against. In the light of these situations, the Government of Japan considers that there is no need to establish

a mandatory system of review in capital cases.

17. The *Act on Penal Detention Facilities and Treatment of Inmates and Detainees* provides that when an inmate sentenced to death receives a visit, an official of the penal institution is to be present at the scene, in principle. However, the provisions of laws concerning unsentenced persons (accused persons) apply to meetings between a lawyer and an inmate sentenced to death for whom the court's ruling shall be rendered to commence a retrial, and therefore, measures, such as the attendance of an official, are not taken in such cases. Also with regard to meetings between a lawyer and an inmate sentenced to death for whom the commencement of retrial has yet to be rendered, when a request for a meeting without the attendance of an official is filed, a meeting without the attendance of an official is permitted unless there are special circumstances, based on judgment by the warden of the penal institution on a case-by-case basis.

Re: paragraph 13 (e)

18. Article 62 of paragraph (1) of the *Act on Penal Detention Facilities and Treatment of Inmates and Detainees* provides that in such cases in which the inmate is injured or suffering from disease, the warden of the penal institution shall promptly give him/her medical treatment by a doctor on the staff of the penal institution and other necessary medical measures. At penal institutions, attention is always paid and due consideration is given also to inmates sentenced to death, by attempting to ascertain their physical and mental state by providing them with regular health checkups and medical treatment at an external medical institution, as necessary.

19. As a result of the measures described above, if an inmate sentenced to death is found to be "in a state of insanity" as provided in Article 479 of the *Code of Criminal Procedure*, the execution is suspended by order of the Minister of Justice pursuant to the provisions of the said article.

20. The Government of Japan intends to continue our efforts to be fully aware of the health conditions of inmates sentenced to death, including their mental conditions, and to properly deal with each case. In this way, it is possible to take proper measures, and therefore it considers that there is no need to establish an independent mechanism to monitor the mental health of inmates sentenced to death.

Re: paragraph 13 (f)

21. As mentioned in the response regarding on paragraph 13(a) above, the Government of Japan considers that it is inappropriate to abolish the death penalty, and with respect to the conclusion of the Second Optional Protocol to the Covenant, requires careful examination.

Responses to recommendations made in paragraph 14 – Issue of comfort women

22. The Government of Japan has no intention of denying or trivializing the comfort women issue. With regard to the comfort women issue, Prime Minister Abe, in the same manner as the Prime Ministers who proceeded him, is deeply pained to think of the comfort women who experienced immeasurable pain and suffering beyond description, which has been repeatedly expressed.

23. Recognizing that the comfort women issue was a grave affront to the honor and dignity of a large number of women, in fact, the Government of Japan, together with the people of Japan, seriously discussed what could be done to express their sincere apologies and remorse to the former comfort women. As a result, the people and the Government of Japan cooperated and together established the Asian Women's Fund (AWF) on July 19, 1995 to extend atonement from the Japanese people to the former comfort women. To be specific, the AWF provided "atonement money" (2 million yen per person) to former comfort women in the Republic of Korea, the Philippines and Taiwan who were identified by their governments/authority and other bodies and wished to receive it. As a result, 285 former comfort women (211 persons in the Philippines, 61 persons in the Republic of Korea, 13 persons in Taiwan) received funds. Moreover, in addition to the "atonement money," the AWF provided funds for medical and welfare support in those countries/areas (3 million yen per person in the Republic of Korea and Taiwan, 1.2 million yen for the Philippines), financial support for building new elder care facilities in Indonesia, and financial support for a welfare project which helps to enhance the living conditions of those who suffered incurable physical and psychological wounds during World War II in the Netherlands. The Government of Japan provided a total of 4.8 billion yen for programs of the fund and offered the utmost cooperation to support programs for former comfort women, such as programs to offer medical care and welfare support (a total of 1.122 billion yen) and a program to offer "atonement money" from donations of the people of Japan. In terms of the Fund's

activities in the ROK, “atonement money” of 2 million yen, donated from the private sector, and 3 million yen for medical and welfare projects, which was from government contributions (for a total of 5 million yen per person), were provided to a total of 61 former comfort women in the Republic of Korea up to the end of the Fund’s activities. In addition, when the atonement money was provided, the then-Prime Ministers (namely, PM Ryutaro Hashimoto, PM Keizo Obuchi, PM Yoshiro Mori and PM Junichiro Koizumi), on behalf of the government, sent a signed letter expressing apologies and remorse directly to each former comfort woman (see the attachment). While the AWF was disbanded in March 2007 with the termination of the project in Indonesia, the Government of Japan has continued to implement follow-up activities of the Fund.

24. As mentioned above, the Government of Japan would like to call attention again to the efforts of the “Asian Women’s Fund (AWF),” on which the Government and the people of Japan cooperated together to establish so that their goodwill and sincere feelings could reach the former comfort women to the greatest extent possible, and as a result, our feelings were transmitted to many of them. With regard to the AWF, the former comfort women who had received or wanted to receive benefit from the project from the AWF were subject to “harassment” by certain groups in the Republic of Korea. In addition, the former comfort women who had already received benefit from the project from the AWF would no longer be eligible for the “Life-Support Fund,” which was established by the Government of the Republic of Korea with the aim to provide money to the former comfort women. We regret that not all of the former comfort women benefitted from the project from the AWF owing to these circumstances. (Among the approximately 200 former comfort women in the Republic of Korea who were identified by the Government of the Republic of Korea, ultimately only 61 received benefit from the AWF.) In this regard, we consider that the efforts of the “Asian Women’s Fund” should be recognized appropriately. We call your attention to the fact that Japan started the support project to the former comfort women through the AWF ahead of that of the Republic of Korea.

25. The Government of Japan has sincerely dealt with issues of reparations, property and claims pertaining to the Second World War, including the comfort women issue, under the *San Francisco Peace Treaty*, which the Government of Japan concluded with 45 countries, including the United States, the United Kingdom and France, and through bilateral treaties, agreements and instruments. The issues of claims of individuals, including former comfort women, have been legally settled with the parties to these treaties, agreements and instruments. In particular, the *Agreement on the Settlement of*

Problems Concerning Property and Claims and on Economic Co-operation between Japan and the Republic of Korea stipulates that “problem concerning property, rights and interests of the two Contracting Parties and their nationals (including juridical persons) and concerning claims between the Contracting Parties and their nationals, ... is settled completely and finally.” In addition, on the basis of the Agreement, Japan provided 500 million U.S. dollars to the Republic of Korea and more than 300 million U.S. dollars credit to the private sector. The amount of 500 million U.S. dollars provided from the Government of Japan was 1.6 times as much as the state budget of the Republic of Korea at that time. The above-mentioned “Asian Women’s Fund” was established as an effort of goodwill on the part of Japan, although this issue had been legally settled with the parties to the above-mentioned treaties, agreements and instruments.

26. On this occasion, it should also be pointed out that there are one-sided claims that lack any corroborative evidence in the reports by UN Special Rapporteurs as well as in criticisms and recommendations from treaty bodies. For instance, such reports have referred to the testimony of Mr. Seiji Yoshida, who is the only witness to the “forceful recruitment of comfort women,” along with the figure of “200,000 comfort women.” A major newspaper in Japan, which has proactively reported the issue of comfort women, retracted articles, in August 2014, based on testimony judged to be a fabrication that was provided by the late Mr. Seiji Yoshida and apologized for publishing erroneous articles related to him. It also admitted to its confusion between comfort women and the women volunteer corps that were mobilized to work at munitions factories and at other locations during the war which seemed to be the basis of the figure of “200,000 comfort women.”

27. Within the materials found during the investigations by the Government of Japan since the early 1990s, which were already published, no descriptions were found that directly indicated any so-called forceful deportation of women by the military or the Government of Japan. Nor was there any evidence of there being “200,000 comfort women.” This figure spread due to the confusion, admitted by the Japanese newspaper, between comfort women and the women volunteer corps, and lacks any corroborative evidence. It is very regrettable that this false information provides the essential basis for UN reports and recommendations.

28. The Government of Japan requests that Japan’s efforts are correctly recognized by the international community, based on a correct awareness of the facts.

29. Throughout history, women's dignity and basic human rights have often been infringed upon during the many wars and conflicts of the past. The Government of Japan places paramount importance on and is committed to doing its utmost to ensure that the 21st century is free from further violations of women's dignity and basic human rights.

30. Lastly, the Government of Japan considers that it is not appropriate for this report to take up the comfort women issue in terms of the implementation of State Party's undertakings under the Covenant as this Covenant does not apply to any issues that occurred prior to Japan's conclusion thereof (1999). With regard to the expression "sexual slave" used in the Committee's concluding observations concerning Japan's report, the Government of Japan has considered the definition of "slavery" stipulated in Article 1 of the *Slavery Convention*, concluded in 1926, and finds that it is inappropriate to consider the comfort women system as "slavery" from the perspective of international law at the time.

31. With regard to education, it is required in the Guidelines for the Course of Study, which provides under the law, the standards for the design of school curriculum that students should be taught to understand that World War II caused tremendous suffering to humanity at large. What is to be described in textbooks based on the Guidelines for the Course of Study is left to the discretion of each textbook publisher, and some textbooks do mention comfort women.

Responses to the recommendations made in paragraph 16 - Technical Intern Training Program

32. Regarding the Technical Intern Training Program, bills related to the revision of the Program were submitted to the Diet on March 6 this year, taking into consideration the concerns that have been expressed domestically and abroad.

33. After the revision, the Technical Intern Training Program will have the following elements which would further improve the Program.

- (1) Promoting the evaluation of skills acquired at each stage of training, through such measures as making it obligatory for technical intern trainees to take public skills evaluation exams at the completion of the "Technical Intern Training (ii)"¹;

¹ Technical Intern Training (ii) is activities undertaken in the second and third year after the entry into Japan, in order to become proficient in the skills that were acquired in the first year.

- (2) Introducing a system under which (a) supervising organizations² are required to obtain a license in advance, (b) implementing organizations (organizations or individuals that implement technical intern training) are required to register with the after-mentioned Technical Intern Training Organizations, and (c) implementing organizations are required to obtain an approval for each technical intern training plan;
- (3) Establishing the Technical Intern Training Organizations (an authorized corporation) whose role includes requiring supervising organizations to submit reports as well as itself conducting on-site inspections;
- (4) Setting up a contact point where technical intern trainees can lodge reports on improper cases and enhancing the support for trainees who wish to change the training company;
- (5) Establishing penalties for acts of human rights violations such as depriving trainees of their passports; and
- (6) Eliminating improper sending organizations by way of having arrangements and cooperating with the governments of countries that intend to send technical intern trainees;

34. In order to prevent trafficking in persons for the purpose of labor exploitation, the Ministry of Health, Labor and Welfare (MHLW) pro-actively supervises and issues guidance to implementing organizations that may have committed violations of labor standards-related laws and regulations, including such cases as forced labor of technical intern trainees. If any violation of these laws and regulations is found, MHLW issues a guidance demanding rectification and ensures that it is observed. For example, if a case involving unpaid wages is found, MHLW sees to it that the unpaid wage is paid, thereby securing fair labor conditions for technical intern trainees, as well as their health and safety. In case of serious or malicious law violations, MHLW pursues such cases rigorously by, for example, prosecuting the offenders. In particular, even outside cases of forced labor, the Labor Standards Inspection Office and the Immigration Bureau are further enhancing cooperation by jointly conducting with MHLW supervision and investigation for cases in which human rights violations are suspected. These are cases that involve violence, threats or confinement of technical intern trainees, usurpation of wages as “penalties for breaking contracts”, deprivation of bank books,

² Non-profit organizations, such as chamber of commerce and industry or associations established by small-medium enterprises.

seals (chops used in lieu of signature) or passports.

35. In 2013, a total of 2,318 establishments (implementing organizations) became subject to supervision and guidance. In addition, 12 cases of serious or malicious violations of labor standards-related laws and regulations regarding technical intern trainees were sent to the prosecutors' office. The Ministry will continue placing priority on exercising supervision and guidance vis-à-vis implementing organizations.

36. In addition, the Ministry of Justice has been conducting on-site inspections at implementing and supervising organizations that are suspected to have been engaged in the improper acceptance of technical intern trainees, and taking strict measures against those that are determined to have committed misconduct, by prohibiting them from accepting technical intern trainees for a period of up to five years, depending on the type of misconduct. In 2014, a notice of misconduct was issued in 241 cases.

37. The Police are committed to properly dealing with crimes of human trafficking involving the Technical Intern Training Program. If detected, the Police investigate the case and provides protection and support for the victims in cooperation with the Labor Standards Inspection Office and the Immigration Bureau, etc.

Responses to recommendations made in paragraph 18 - Substitute detention system (*Daiyo Kangoku*) and forced confessions

38. Under the current situation in Japan, the number of penal institutions is smaller than that of detention facilities, and thus, and for other reasons, the substitute detention system is being used as an alternative that contributes to the prompt and proper performance of criminal investigations and is convenient for the lawyers and family members to visit and meet with the suspect. The Government of Japan considers it impractical to abolish the substitute detention system at the present moment.

39. In addition, the *Act on Penal Detention Facilities and Treatment of Inmates and Detainees* clearly stipulates: 1) the principle of the "separation of investigation and detention;" 2) the establishment of the Detention Facilities Visiting Committee, consisting of external third parties; 3) the development of a complaints mechanism with regard to the treatment of those detained in detention facilities; and so on. Thus, institutional improvement efforts are being made to ensure appropriate treatment of those detained in detention facilities.

Re: paragraph 18 (a)

40. In some countries, a suspect is in principle arrested and the arrest is not necessarily required for a preliminary judicial review if the investigator believes there is a reasonable suspicion. In other countries, pre-trial detention may be over several months. In contrast, in Japan, criminal investigations are, in principle, conducted without arrest, and a suspect is taken into custody only when there is a reasonable ground to suspect that the suspect will conceal or destroy evidence, or flee. Besides, strict time limits are applied to the custody as well as judicial reviews are carried out at each stage of the custody. Plus, remedial release systems of the rescindment of detention or the suspension of the execution of detention are fully furnished. Thus, few needs to introduce a pre-indictment bail system have been recognized.

41. Whether to introduce a pre-indictment bail system was deliberated by the Legislative Council of the Ministry of Justice and it has not been recommended to be instituted.

Re: paragraph 18 (b)

42. As a way to ensure the right to appoint counsel, the *Code of Criminal Procedure* stipulates that suspects must be informed of his/her right to appoint counsel when arrested (Article 203, Paragraph 1; Article 204, Paragraph 1). In September 2014, the Legislative Council of the Minister of Justice reported to the Minister that: 1) suspects should also be informed of the procedure on how to appoint counsel; and 2) state-appointed counsel should be available to all suspects in detention, and a bill to institute these obligations was submitted to the Diet in March 2015.

43. Whether to ensure the right to the presence of counsel during interrogations was on the discussion table of the Legislative Council of the Ministry of Justice. However, serious concerns were raised that there could be a significant risk to fundamentally alter the modality of interrogation or substantially hamper the function of the interrogation and it has not been recommended.

44. In practice, the prosecutor or the police officer who conducts each interrogation appropriately decides whether or not to allow the presence of counsel during the interrogations of suspects, taking into account such factors including the possibility that the functioning of interrogation may be hampered and that the reputation or privacy of persons concerned or the secrecy of investigations may be affected.

Re: paragraph 18 (c)

45. Under the current practice, prosecutors are making positive efforts to, unless certain circumstances exist, video record interrogations of suspects who are in custody, to the furthest extent possible, including the recording of the entire process, in the following cases such as that a suspect is not likely to be indicted: cases subject to lay judge trials; cases involving a suspect who has difficulty in communicating due to intellectual disability; cases involving a suspect whose criminal capacity is suspected of having been diminished or lost due to mental disability, etc.; and cases in which prosecutors initiate the investigation and arrest a suspect. The number of cases in which the video recording of interrogations was implemented (implementation rate) from April 2014 to March 2015 was 3,800 (99.0%) for the cases subject to lay judge trials, 925 (99.2%) for cases involving a suspect, etc. who has difficulty in communicating due to intellectual disability, 2,959 (99.3%) for the cases involving a suspect whose criminal capacity is suspected of having been diminished or lost due to mental disability, etc., and 53 (100%) for the cases in which the prosecutor initiated the investigation.

46. In addition, based on past results, since October 1, 2014, prosecutors have started a new pilot program of video recording and made further positive efforts, including the recording of the entire process of interrogation, for the cases in which a suspect who is in custody is likely to be indicted and video recording of interrogation of a suspect is considered necessary, and for the cases in which a suspect is likely to be indicted and video recording of a victim or witness is considered necessary. Among such cases as described above, from October 2014 to March 2015, the number of cases in which interrogations of suspects was video recorded was 14,499, while the number of cases in which the interrogation of victims or witnesses was recorded was 531.

47. The police have also been implementing the video recording of interrogations on a trial basis since September 2008. In six years and seven months since the start of this trial implementation to March 2015, recordings were made for 10,496 cases subject to lay judge trials (the implementation rate for FY2014 was approximately 85.2%), and, in two years and eleven months from May 2012 to March 2015, recordings were made in 3,140 cases involving a suspect with an intellectual disability (the implementation rate for FY2014 was approximately 99.3%).

48. In September 2014, the Legislative Council of the Ministry of Justice reported to the Minister that, in certain cases, a legal duty to video record all of the interrogations of

suspects should be introduced, and a bill to establish the legal duty was submitted to the Diet in March 2015.

49. As for the prosecutors' office, the Supreme Public Prosecutors Office issued an order for further ensuring appropriate interrogation. The order directs, for example, that as part of further consideration in conducting interrogations, hours for sleeping and eating designated by the penal institution, etc., be observed and that interrogation in the middle of the night or for a long period of time be avoided. In addition, appropriate responses to complaints concerning interrogations and further consideration for interviews between suspects and their counsels are directed. Pursuant to these directions, prosecutors are making efforts to realize appropriate interrogations. The Inspection Guidance Division of the Supreme Public Prosecutors Office collects and analyses information about complaints concerning interrogations from both inside and outside of the prosecutors' offices and, if necessary, inspects cases and makes instructions.

50. Other measures are also being taken by the prosecutors offices pursuant to the order issued by the Supreme Public Prosecutors Office, such as documenting the interrogation process and conditions, and having suspects confirm the content of such documents and sign them with a fingerprint.

51. The police have the rules requiring that hours and time of interrogations be checked, in order not to place excessive burden on suspects. The rules prescribed that the police shall avoid conducting an interrogation of a suspect in the middle of the night or for a prolonged period of time, except when there are unavoidable reasons, and that prior approval must be obtained from the Chiefs of the Prefectural Police Headquarters or other appropriate officers including when an interrogation of a suspect is carried out for more than over eight hours in a single day. If an interrogation has been carried out without such prior approval, the interrogation may be stopped or appropriate measures may be taken by the department that is not involved in but supervises relevant interrogations.

52. In addition, the police are required by the rules to document the interrogation process and conditions, as well as to have suspects confirm the content of such documents and sign them with a fingerprint.

53. The rules prohibit the use of compulsion, torture, threat, or any other means during interrogation that may raise doubts about the voluntary nature of a statement. On that basis, the department that is not involved in but supervises relevant interrogations supervises an interrogation of a suspect by examining at any time how the interrogation

is conducted or any other appropriate measures, so that a police officer engaged in the interrogation shall not commit such acts as physical contact except when there are unavoidable reasons, or use of words or actions that will deliberately cause discomfort to the suspect, or make the suspect confused. If any of such acts found to have been committed, the interrogation may be stopped or appropriate measures may be taken.

54. Moreover, the implementation status of the supervision over the interrogations of suspects must be reported to the prefectural public safety commissions at least once a year. The prefectural public safety commissions are established as council organizations representing the common sense of residents to ensure the democratic operation of the prefectural police, and to supervise the prefectural police from an impartial perspective.

Re: paragraph 18 (d)

55. It is stipulated in the rules that a complaint regarding a police interrogation shall be reported for necessary investigation to the department that is not involved in but supervises relevant interrogations.

56. In addition, under Article 79 of the *Police Act*, any person who has a complaint about an interrogation may file the complaint to the prefectural public safety commission, and if a complaint is filed, the prefectural public safety commission shall in good faith handle it in accordance with the provisions of laws, regulations and ordinances, and shall notify in writing the complainant of the result of the handling.

57. The prefectural public safety commissions are established as council organizations representing the common sense of residents to ensure the democratic operation of the prefectural police and to supervise the prefectural police from an independent perspective. Their members are appointed by the prefectural governors with the consent of the prefectural assemblies from among those who are eligible for election to assemblies and have not served for either the police or the prosecution in the last five years. Therefore, as a matter of course, complaint reviews by the prefectural public safety commissions are carried out in an objective, fair, and impartial manner.

58. The procedure described above is a complaint system in the administrative process which provides simple and quick remedies. Needless to say, anyone whose rights are infringed upon illegally may bring the matter to the court.