

MISSION PERMANENTE DU JAPON
AUPRÈS DES ORGANISATIONS INTERNATIONALES
GENÈVE-SUISSE

TK/UN/325

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, with reference to the latter's Note Verbale No. UA JPN 4/2016 dated 30 May 2016, has the honour to transmit herewith the official response from the Ministry of Foreign Affairs of Japan concerning the joint urgent appeal sent by the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Special Rapporteur on the rights to freedom of peaceful assembly and of association; and the Special Rapporteur on the situation of human rights defenders.

The Permanent Mission of Japan to the 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, 16 June 2016

Enclosure mentioned



Response to the Joint Urgent Appeal from Special Procedures from the Government of Japan

Regarding the request for information about the visit to Japan by the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, which was sent on May 30, 2016 to the Permanent Mission of Japan to the United Nations Office and other international organizations in Geneva, the response from the Government of Japan is as follows.

1. Are the facts alleged in the summary of the case accurate?

The reported allegations contradict the fact shown in our responses to question 2 below. The Government of Japan, therefore, clearly denies its validity.

The Government has to recognize that the report in FACTA magazine was written based on groundless rumors, because any offices or individuals of the Government of Japan referred to in the report were not requested for an interview or confirmation about the allegations, and also because ambiguous terms such as "it is rumored that..." are used in the article.

2. What measures have been or are being taken to investigate the reported allegations of surveillance? In case investigations have been or are being conducted, please provide information on the scope of the inquiry and the results obtained so far.

- (1) On May 24, 2016, the Ministry of Foreign Affairs of Japan (MOFA) received an inquiry from Ms. Kazuko Ito, Secretary-General of Human Rights Now, regarding the report in FACTA magazine.
- (2) On the same day, MOFA requested the Cabinet Intelligence and Research Office (CIRO) to investigate the allegations mentioned in the above-mentioned inquiry.
- (3) CIRO has subsequently informed MOFA of its conclusion that there are no such facts as were reported by the media.
- (4) On June 1, MOFA sent a reply to Ms. Ito based on the conclusion of CIRO.
- (5) On June 2, in response to the joint urgent appeal from Special Procedures dated May 30 transmitted to MOFA via the Permanent Mission of Japan in

Geneva, MOFA requested the relevant ministries and agencies including the Public Security Intelligence Agency (PSIA) and the National Police Agency, in addition to CIRO, to conduct further investigation into the allegations.

- (6) As a result, it was also confirmed by both PSIA and the National Police Agency that they had neither received such instructions nor conducted such research activities as were reported by the media.

3. Please explain what measures have been taken to ensure that all individuals and groups can engage with the United Nations, its representatives and mechanisms in the field of human rights without fear of acts of intimidation or reprisal for such cooperation.

- (1) Any research activities conducted by the Government of Japan must be fully in compliance with relevant domestic laws and regulations. Also, it should be noted that any person has a right to file a suit to plead against illegal investigations by the Government.
- (2) Furthermore, the Government of Japan has taken the stance to fully cooperate with the Special Procedures of the UN Human Rights Council, and has repeatedly expressed that this stance remains unchanged, for example at the diet sessions (please refer to the statement by Japan's Foreign Minister on March 9, 2015, at the Committee on Foreign Policy at the House of Representatives). The Government has, under its policy, never conducted inappropriate research activities in order to interfere with or discourage the effort of civil society organizations or individuals that cooperate with the mandate holders of the Special Procedures (Special Rapporteurs) and their interviews with regard to their country visit to Japan, and nor will it do so in the future. Japan will continue to appropriately express this stance on various occasions.

(END)