



International Convention for the Protection of All Persons from Enforced Disappearance

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Chair: Ms. Janina

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The meeting was called to order at 3 p.m.

Consideration of reports of States parties to the Convention

Initial report of Japan (CED/C/JPN/1; CED/C/JPN/Q/1 and CED/C/JPN/Q/1/Add.1)

1. *At the invitation of the Chair, the delegation of Japan took places at the Committee table.*

2. **Mr. Okamura** (Japan), introducing the initial report of Japan (CED/C/JPN/1), said that, since his country's ratification of the Convention, no criminal act featuring the three elements of enforced disappearance listed in article 2 of the Convention had been committed in Japan. A number of measures to prevent crimes of enforced disappearance and punish perpetrators were provided for in Japanese legislation; the Government was committed to ensuring that no such act would ever take place in Japan.

3. Enforced disappearance was an extremely serious human rights violation. While no cases had been carried out with the involvement of the Japanese Government, citizens of Japan had been victims of abduction by North Korea. Those cases were a matter of grave concern pertaining to the sovereignty of Japan and the lives and safety of Japanese citizens. At the same time, as a violation of fundamental human rights, the abductions were a universal issue for the international community. The Government of Japan had identified 17 Japanese citizens as having been abducted by North Korea in the 1970s and the 1980s; only 5 had returned to Japan. The Government remained determined to bring home those who had been abducted.

4. Japan took pride in its status as a State party to the Convention. His Government recognized the Convention's value in drawing international attention to the crime of enforced disappearance and the need to punish perpetrators and prevent the recurrence of such crimes in the future. Recognizing that an increase in the number of States parties to the Convention would help to generally expand awareness and understanding of the crime of enforced disappearance, the Government of Japan continued to promote universal ratification of the Convention through outreach activities, especially in the Asia-Pacific region. In February 2018, it had co-sponsored the International Seminar on Enforced Disappearances in Strasbourg, France, at which it had renewed its support for the Committee's work. He noted, moreover, that the Committee had included a Japanese member since its inception. Lastly, the Government of Japan had provided voluntary contributions totalling 100 million yen to the Office of the United Nations High Commissioner for Human Rights (OHCHR) in 2018 to support initiatives that would protect people from enforced disappearance. It hoped that such initiatives would effectively contribute towards universal ratification of the Convention.

5. **Ms. Kolaković-Bojović** (Country Rapporteur) said that she would appreciate more detailed information on the preparation of the State party's report, specifically on the involvement of any families of victims of enforced disappearance and on the entity that had coordinated the process. In that connection, she wished to know whether the State party had recently taken steps to establish a national human rights institution.

6. Referring to paragraph 15 of the State party's report and paragraph 10 of the State party's replies to the list of issues (CED/C/JPN/Q/1/Add.1), she said the Committee would welcome clarification as to which provisions of law ensured the non-derogability of the right not to be subjected to enforced disappearance. She noted that enforced disappearance was not established as an autonomous crime in the State party's legislation and wondered what penalties were applicable for offences involving the refusal to acknowledge the deprivation of liberty or the concealment of the fate or whereabouts of disappeared persons. She further noted that enforced disappearance, defined as a crime against humanity under article 5 of the Convention, was not recognized as such under the Japanese Criminal Code; the delegation's comments would be welcome in that regard. She said that, bearing in mind the importance of the fight against impunity for crimes of enforced disappearance, the introduction of enforced disappearance as an autonomous crime in domestic legislation might help to bridge existing legal gaps.

7. Noting that the penalties applied for crimes involving aspects of enforced disappearance ranged from 3 months' imprisonment to a life term, she suggested that the State party might consider setting penalties that reflected the extreme seriousness of enforced disappearance. Given that the latter was not recognized as an autonomous crime, it would be useful to learn how the State party might enforce such penalties. In addition, she said she would like to know whether the State party intended to establish aggravating and mitigating circumstances in line with article 7 of the Convention.

8. Noting that the State party's legislation did not expressly provide for the criminal accountability of persons responsible for ordering or soliciting acts of enforced disappearance, she said she would be interested to hear what measures would be taken by the State party to comply with article 6 (1) (a) and (b) of the Convention; additionally, she would like to know how, specifically, articles 60 to 62 of the Criminal Code addressed acts of ordering and soliciting enforced disappearance. Under article 98 (1) of the National Public Service Act, there was no explicit guarantee that officials who refused to follow orders or instructions that prescribed, authorized or encouraged enforced disappearance would not be punished; she would welcome the delegation's comments on that subject.

9. Noting that article 253 of the Code of Criminal Procedure provided that the statute of limitations concerning enforced disappearances began when the criminal act ceased and that it ranged from 5 to 20 years, she said she would appreciate an explanation of how such a short-term limitation met the requirements under article 8 of the Convention. It would also be useful to learn whether national legislation ensured that no statute of limitations applied to criminal, civil or administrative actions brought by victims of enforced disappearance who were seeking to exercise their right to an effective remedy.

10. Welcoming the State party's delivery of extensive statistics, she said that the Committee would appreciate additional data on investigations, prosecutions and convictions regarding the enforced disappearance of so-called "comfort women" and on the searches conducted for disappeared persons. She noted that other treaty bodies had also highlighted the Japanese Government's concealment of facts or materials on the issue of comfort women or its failure to disclose them.

11. **Mr. Baati** (Country Rapporteur) said that the State party was to be commended for its efforts to promote the Convention and contribute to the objective of achieving universal ratification and application of the Convention. Although Japan had clearly demonstrated a strong level of commitment to its obligations under the Convention, it had yet to adopt legislation on enforced disappearance as an autonomous crime and to make a declaration on the applicability of article 31; he would appreciate the delegation's comments in that regard.

12. He would appreciate clarification as to whether article 4 (2) of the Criminal Code applied to all persons having committed an act of enforced disappearance, regardless of their nationality or that of the victim. He would further like to know whether an act of enforced disappearance constituted a crime satisfying the conditions of dual criminality in accordance with article 9 (1) (b) and (c) and (2) of the Convention.

13. With reference to paragraph 44 of the State party's replies to the list of issues, he would appreciate clarification of the investigation duties of policing troops and public prosecutors. He would welcome examples of cases where there was no assurance that a request for the extradition of a fugitive would be made; moreover, where reciprocity was assured, he wondered whether such assurances were sufficient, in terms of human rights protection. In the absence of a court ruling, the Committee would be interested to learn on what basis a decision to impose provisional detention could be taken. Which documents could serve as a basis for the provisional detention of a foreign fugitive?

14. In cases where a final verdict had been handed down in a case involving a fugitive, he wondered whether the Ministry of Justice and the Tokyo High Court could pursue their inquiry or if they must stop all investigative activities and abide by the decision taken by the requesting country. Specifically, he would like to know if Japan maintained a list of countries for which court decisions were accepted without any further administrative or court examination. Turning to the State party's replies to paragraph 14 (b) of the list of issues, he said that the Committee would welcome a list of the documents required to be submitted together with an extradition request. Moreover, he would like to know whether

Japan intended to include crimes of enforced disappearance in all the extradition treaties to which it was a party, in order to align itself with article 13 (2) of the Convention.

15. He would like to know whether, in the Government's view, the number of staff authorized to conduct investigations into complaints of alleged enforced disappearance was sufficient. Turning to paragraph 58 of the State party's replies, in which it was stated that a supervisory public agency could not refuse consent to the seizure of articles retained or possessed by a public officer or ex-public officer except where the seizure might harm "important national interests", he said he would appreciate clarification of the word "important" in that phrase. Indeed, it was difficult to interpret such a condition as anything but a derogation from article 1 of the Convention. In view of the total freedom given the police in deciding whether or not to launch an investigation, it would be useful to know what criteria were used to take such decisions and how the State party ensured that an effective and impartial investigation was carried out promptly. Was the legislation outlined in paragraph 57 of the State party's replies to the list of issues applicable to all places of detention and was there a specific mechanism in place for visiting such places?

16. Regarding the Committee for the Inquest of Prosecution, it would be interesting to hear what training, specifically on enforced disappearance, was afforded to the Committee members, who, according to the State party's report (para. 40), were randomly selected from among the general public; how the independence of the members was guaranteed if they were chosen at random; and whether a complainant who was unsatisfied with the public prosecutor's decision not to prosecute the case could request a referral of the case for trial or file a complaint with the Committee for the Inquest of Prosecution. Clarification regarding whether the police or military could participate in investigations into cases of enforced disappearance potentially involving members of the police or military would also be appreciated.

17. Noting that most of the States with which Japan had concluded treaties or agreements for mutual legal assistance in criminal matters were not parties to the Convention, he asked whether Japan intended to conclude additional agreements that established dual criminality as a condition for mutual assistance and whether it had plans to conclude agreements with States that had ratified the Convention.

18. **Mr. Decaux**, referring to the absence of a definition of enforced disappearance as such in the legislation of the State party and the consequent absence of a definition of enforced disappearance as an autonomous crime, said that it would be useful to have legislation enacted in the State party to reflect article 2 of the Convention, given the impact that would have on the implementation of other articles of the Convention, notably articles 3, 6 and 9. He noted the absence in the State party's legislation of references to the elements of State involvement, the denial of truth and extraterritorial jurisdiction with respect to acts of enforced disappearance and said that he would be glad to receive information from the delegation regarding those issues.

19. **Mr. Huhle** said that he would like to know why article 32 had been ratified by the State party quite promptly, yet article 31, which had been studied in the State party in great depth, had not. The question was not an academic one; he wished to understand the State party's reply indicating that no case pursuant to article 12 of the Convention had been raised against the Government to date, when article 31, which referred to individual communications, had not been ratified. Was the Government referring to a complaint by another State or a domestic complaint under the Convention and how could the reply be reconciled with the Government's assertion that there was no clarity as to whether the Convention was directly applicable under the Constitution of Japan before the domestic courts? He would welcome clarification as to how a complaint could be raised under article 12 of the Convention, given that situation.

The meeting was suspended at 3.45 p.m. and resumed at 4.15 p.m.

20. **Mr. Sugiura** (Japan), responding to the question posed about dialogue with civil society, said that, although it was true that a national human rights institution had not yet been created in Japan, the Government maintained an open-door policy for dialogue with civil society all year round, and ministerial web pages were available to the public to submit comments and questions relating to all matters. In addition, government

representatives met with members of non-governmental organizations (NGOs) and civil society upon request to discuss issues relating to human rights and all the human rights treaties to which the State was a party. Just prior to the constructive dialogue, for example, there had been a meeting with the Japan Federation of Bar Associations to discuss the content of its shadow report concerning the Convention. The Government would continue its dialogue with civil society moving forward.

21. **Mr. Tanaka** (Japan) said that Japan intended to continue deliberations to set up human rights protection mechanisms. Referring to the question concerning enforced disappearance as an autonomous crime, he said that, while the Japanese Penal Code did not define enforced disappearance as an autonomous crime, it did fully incorporate the Convention's definition of enforced disappearances in other categories of crime, including unlawful capture or confinement, kidnapping and buying or selling of human beings. With those multiple crimes included, it fully covered the Convention. Thus, he assured the Committee that there was no gap between the Penal Code and the Convention. Furthermore, the legislation criminalizing acts of enforced disappearance did not necessarily require the element of the refusal to disclose the whereabouts or fate of a disappeared person to be established prior to the indictment of a perpetrator. Hence, all perpetrators of acts of enforced disappearance would be held accountable by the criminal justice system. Referring to the question concerning crimes of humanity, he said that the Japanese Penal Code did not have a definition of crimes against humanity per se, but acts of enforced disappearance were criminalized in the Penal Code and thus the purpose of the Convention was fully respected.

22. **Mr. Sugiura** (Japan) said he wished to point out that Japan also fully subscribed to the Statute of the International Criminal Court and complied with the relevant rulings issued by that body.

23. **Mr. Tanaka** (Japan), responding to the question about whether the penalties for acts involving enforced disappearance reflected the gravity of the crime, said that the maximum statutory penalties for the individual crimes under which those acts were covered in Japanese law were indeed proportionate to the seriousness of the crime. For example, unlawful arrest by State actors carried a penalty of 10 years' imprisonment, rising to 15 years if the victim was injured and 20 years in the event of the victim's death. The same penalties applied to kidnappings carried out with the intent to threaten the victim's physical integrity or life. The provisions of the Penal Code thus established severe penalties that reflected the gravity of each crime and matched the requirements of the Convention.

24. With regard to the question regarding the responsibility of superior officers who ordered acts of enforced disappearance, article 60 of the Penal Code referred to conspiracy by two or more persons to commit an offence which was consequently carried out. Article 62 referred to persons who aided another in committing a crime. Those provisions covered the intent of article 6 of the Convention. On the question of impunity for subordinates accused of committing acts of enforced disappearance, he noted that subordinates could not invoke mitigating circumstances in criminal proceedings, given that the law did not oblige them to obey orders that were unlawful.

25. **Mr. Sugiura** (Japan) said that the Government did not impose administrative, disciplinary measures on national or local public officials opposing an order that was found prima facie to be unlawful. Specific provisions were in effect to allow all such personnel to defend themselves in such situations.

26. **Mr. Tanaka** (Japan), referring to the question posed regarding aggravating and mitigating circumstances, said that, in sentencing, the courts of Japan took account of all the attendant circumstances. There were no statutory requirements or standards of sentencing imposed on the courts; it was up to the courts to decide which sentence to impose taking all circumstances into account. The statute of limitations for the offences under which enforced disappearance was covered in Japanese law varied, depending on the consequences of the act and the presence or otherwise of an aggravating circumstance such as the organized commission of the crime by State actors. An organized act of unlawful confinement, for example, carried a statute of limitations of 7 years, which was double the

normal length of time, and rose to 10 years if injury of the victim ensued. That was consistent with the intent of the Convention.

27. **Mr. Okamura** (Japan), referring to the question concerning “comfort women”, said that the Convention could not be applied retroactively to any issues that occurred prior to its entry into force in 2010 and the Government therefore did not consider it appropriate to discuss the issue of “comfort women” in connection with the consideration of its report. He wished, nevertheless, to point out that no complaint pursuant to article 12 of the Convention, including with respect to the question of “comfort women”, had been raised against Japan to date. The Government had conducted a fact-finding study to review the documents held by its agencies and ministries as well as those available in the United States national archives and records registration. Hearings had been held with relevant individuals such as military personnel and comfort station managers and testimonies collected by the Korean Council for the Women Drafted for Military Sexual Slavery had been analysed. No evidence of the forceful taking away of “comfort women” by the military or government authorities had been found. All the results of the study had been made available to the public on the Asian Women’s Fund website, to give one example. Claims that the Government was concealing documents relating to the issue were groundless. In announcing the results of the full-scale and honest study that it had conducted, the Government had intended to signal that it considered the matter closed.

28. **Mr. Tanaka** (Japan), responding to the question about remedies for victims and the statute of limitations, recalled that article 8 (2) of the Convention did not require States parties to abolish a term of limitation in cases where victims of enforced disappearance were entitled to seek remedies; rather, it required States parties to guarantee the right of victims to an effective remedy during the term of limitation in effect. Under Japanese civil tort law, all persons were entitled to demand compensation for damage. The statute of limitations was 20 years from the moment of identification of the perpetrator, which provided sufficient time for victims to seek a remedy.

29. As to whether the State party had established sufficient competence to exercise jurisdiction with respect to its obligations under article 9 of the Convention, the jurisdiction of Japan applied to all crimes of enforced disappearance committed in Japan, regardless of the perpetrator’s nationality, in accordance with article 1 of the Penal Code. Crimes of enforced disappearance committed by Japanese nationals outside of Japan were covered under article 3 of the Penal Code, which established jurisdiction over multiple categories of enforced disappearance, including unlawful capture and confinement and kidnapping. The Penal Code also provided for cases where such crimes were committed abroad by foreign nationals acting against Japanese nationals. Each of the elements required by the Convention was therefore covered by the State party’s legislation. Even if a crime of enforced disappearance did not fall into any of those three categories, it was still covered by the Penal Code, since enforced disappearance was an offence for which extradition could be sought by another State.

30. Since enforced disappearance was a crime in Japan, it was an extraditable offence, and the existence of a treaty was not a prerequisite for requesting extradition. Bilateral extradition treaties had been concluded with the Republic of Korea and the United States of America, which were not States parties to the Convention and with respect to which article 13 (2) was not directly applicable.

31. Regarding the issue of how the State party ensured the independence of the boards of visitors for inspection of penal institutions, board members were entitled to collect whatever information they needed to allow them to make findings, and wardens of penal institutions were required to provide such information periodically or as the case required. Board members had the power to conduct visits and interview persons in custody, and wardens were required to cooperate. In order to ensure that the Government did not influence board members and that their independence was safeguarded, no training was provided to board members.

32. **Mr. Sugiura** (Japan), responding to the query regarding the communications procedures under articles 31 and 32 of the Convention, recalled that the State party had not made a declaration under article 31, but had accepted the procedure under article 32. While

the State party could see the value of the individual communications procedure envisaged in article 31 as a means of ensuring the effective implementation of treaties, it also saw the need for careful consideration to be given to the procedure, since issues relating to judicial procedures and the competence, policies and views of the national Parliament could arise. In addition to questions about the division of labour and responsibilities between the national administrative, legislative and judicial authorities, serious consideration must be given to the process and resources used for implementing such a procedure. A total of 19 study groups had been established to consider the procedure with respect not just to the Convention but the human rights system as a whole. Case studies had been undertaken in relation to the International Covenant on Civil and Political Rights and the Convention on the Elimination of All Forms of Discrimination against Women, although no specific cases had been reported so far. The State party was determined to continue its deliberations on the possible use of the procedure, but did not have a specific time frame in mind.

33. With regard to the procedure for communications from other States parties (art. 32), the process had been much quicker, as it had not been necessary to wait for a more comprehensive study. Even in the absence of a declaration under article 31, the State party was open to any claims or appeals made to the Government and police in relation to enforced disappearance, although no such appeals had been received so far.

34. **Mr. Tanaka** (Japan), responding to the question about granting access to investigators to allow them to ascertain the whereabouts or fate of disappeared persons, said that coercive measures such as search and seizure could be taken in the event of any attempt to hinder a criminal investigation. Consequently, there were no limits on access to locations in which victims of enforced disappearance were being detained. Regarding investigations, even in the absence of a complaint, report or accusation from victims or their relatives, police officers and prosecutors could and were obliged to initiate an investigation if they believed that there were grounds for doing so.

35. **Mr. Sugiura** (Japan), responding to the query regarding police resources, recalled that, as stated in the State party's replies to the list of issues (CED/C/JPN/Q/1/Add.1, para. 55), the resources included approximately 290,000 police officers and an annual budget of approximately 110 billion yen. The system was working so far and no cases of enforced disappearance had been reported.

36. **Ms. Kolaković-Bojović** (Country Rapporteur) said it was her understanding that, according to article 4-2 of the Penal Code, competence to exercise jurisdiction over the offence of enforced disappearance, regardless of the nationality of the perpetrator or victim, even when the offence was committed outside Japan, was limited by several conditions. One condition was the existence of a treaty that recognized enforced disappearance as a punishable offence. Given that the State party had treaties with only two other States and that they did not recognize all crimes relevant to enforced disappearance, and given the absence in the Penal Code of a definition of enforced disappearance as an autonomous crime, she said that she wondered how it was possible to exercise jurisdiction for that crime in practice.

37. Regarding the right to report enforced disappearance, she asked how the provisions of article 6 of the Rules on Activities to Locate Missing Persons (CED/C/JPN/1, para. 38) addressed the right of individuals to report an alleged case of enforced disappearance to the competent authorities, irrespective of their relationship to the disappeared person. In the absence of training for the members of the boards of visitors for inspection of penal institutions, she asked what criteria and procedures were used for selecting and appointing the members, who was responsible for selection and appointment, and how those criteria and procedures guaranteed the members' independence.

38. **Mr. Baati** (Country Rapporteur), referring to the question about the legislation regarding articles 31 and 32 of the Convention, asked why the State party took the view that the provisions of article 31 could constitute interference in the domestic judicial system, whereas the same was not true for article 32. The delegation had stated that the provisions of the Convention were fully covered by the Penal Code and the Code of Criminal Procedure; however, there remained the question of the absence of specific legislation that would show the issue was taken seriously and serve as guidance for judges and citizens as

to what action needed to be taken. He asked exactly how the provision of training for members of the boards of visitors for inspection of penal institutions was deemed to interfere with their independence and, indeed, how the members, if not trained, would be capable of conducting an independent investigation, since they might ask questions that did not reflect the real concerns behind the Convention and they might be unable to discern any problems that existed.

39. **Mr. Ravenna**, referring to the absence of a definition of enforced disappearance in the State party's legislation, said that discussions on that kind of issue had been held in international forums for over 20 years. Lawyers took the view that while various types of conduct and crimes could occur at the same time, they did not constitute the typical conduct of enforced disappearance, meaning that enforced disappearance required its own definition. The debate on that topic had delayed the drafting of the Convention and had been put forward as a reason not to have the Convention at all. The then Human Rights Committee had appointed a distinguished lawyer, Mr. Manfred Nowak, to advise on the matter, and his work now provided important guidance as to the gaps in international and domestic law that resulted in partial definitions being given of certain types of conduct that constituted autonomous crimes, such as enforced disappearance. Regarding the notion of enforced disappearance as a continuous crime, article 35 of the Convention must not be read alone, but jointly with article 8 (1) (b), which expressly referred to the continuous nature of enforced disappearance. In accordance with the general principles of the Vienna Convention on the Law of Treaties, which stated that a treaty should be performed by States parties in good faith, it must be concluded that enforced disappearance was a continuous crime, one that continued to be committed until its cessation.

40. **Mr. Figallo Rivadeneyra** said that the Committee interpreted article 35 in relation to other articles of the Convention which established the requirement for acts of enforced disappearance to be investigated and for victims to receive compensation and redress. The Committee therefore took into consideration events and cases that had occurred before ratification by States parties of the Convention.

41. He was concerned that certain aspects of the definition of enforced disappearance as provided for in article 2 of the Convention were not fully reflected in the State party's Penal Code. While the State party had claimed that the various elements of enforced disappearance were included in the Penal Code as a whole, he could find no reflection in it of the language used in article 2 of the Convention. He was referring to elements such as "authorization" or "acquiescence" of enforced disappearance by State officials, which were an essential part of the definition of the crime. He would appreciate the delegation's comments on the issue.

42. **Mr. Huhle** said that he would be grateful for a further explanation of the need for extensive studies to be undertaken in order for the State party to accept article 31 of the Convention. He invited the delegation to explain what mechanism was available to allow victims of enforced disappearance to file complaints pursuant to article 12 of the Convention, given that the State party had not provided elements to support its assertion that no such complaints had been filed (CED/C/JPN/Q/1/Add.1, para. 9). Was it because there had been no issues concerning enforced disappearance or because victims had no mechanism through which to lodge complaints?

43. **Mr. Decaux** said that the lack of a definition of enforced disappearance as an autonomous crime posed a series of problems in terms of consistency in sentencing, the weighing up of mitigating and aggravating circumstances, and the establishment of a statute of limitations that was commensurate with the offence as a crime against humanity. It also raised the question of extradition for such crimes, given that the legal systems of both countries involved in extradition proceedings were required to have similar definitions of the same crime in order for requests to be granted, in accordance with the principle of dual criminality. He would welcome the delegation's comments on the matter.

44. **The Chair** said that in its statement of 2013, the Committee had acknowledged that it was not competent to hear individual complaints where the events in question had occurred before the entry into force of the Convention or acceptance thereof by States parties, or where States parties had not made a declaration pursuant to article 31 of the

Convention. That notwithstanding, the Committee could consider issues related to the current situation of alleged victims of enforced disappearance, given the continuous nature of the offence, which meant that the crime ceased only once the fate of the person subject to enforced disappearance had been established. The limitation period started running only once the offence had ceased, which the State party recognized in article 253 of its Code of Criminal Procedure.

45. **Mr. Tanaka** (Japan) said that all actions that constituted enforced disappearance were defined as crimes under the Penal Code in accordance with article 2 of the Convention. The requirements of the Convention were thus satisfied, according to the Government's understanding. The Penal Code only explicitly provided for the first element of the Convention's definition of enforced disappearance, meaning that prosecutors were not required to give evidence of authorization, support, acquiescence or concealment by the State in order to hold perpetrators of such crimes accountable. The other two elements were nonetheless covered by case-law relating to the Penal Code. Furthermore, the element of acquiescence might fall within the scope of provisions on being an accessory to or colluding in crimes, as set forth in article 62 of the Penal Code. The definition of enforced disappearance was sufficient for Japan to meet the requirements on its part for dual criminality in extradition proceedings. However, the Government could not account for other States with which it had extradition treaties, namely the Republic of Korea and the United States of America, which had not ratified the Convention.

46. Japan exercised jurisdiction over all acts of enforced disappearance within its national territory and all acts of enforced disappearance involving Japanese citizens outside its territory, in accordance with the Penal Code. Moreover, pursuant to article 4-2 of the Penal Code, Japan could claim jurisdiction over crimes, including those relating to enforced disappearance, that did not involve Japanese nationals and that were committed in countries that had ratified the Convention.

47. Members of the boards of visitors for inspection of penal institutions were appointed by the Minister of Justice from among persons of integrity and insight with a passionate interest in the improvement of the administration of penal institutions. Those persons included lawyers, doctors and local government officials. Nominations were sometimes requested from medical and bar associations. Candidates were not arbitrarily chosen from among supporters of the Government.

48. **Mr. Sugiura** (Japan) said that the Government would be prepared to accept the opinions issued by the Committee pursuant to article 32 of the Convention in the event of any complaints from other States parties regarding non-compliance with the Convention by Japan.

49. According to article 31 (2) (d) of the Convention, victims must exhaust all remedies available under the domestic court system before bringing their complaints to the Committee. Victims of enforced disappearance were free to file complaints with the police or prosecutors on the basis of domestic law. NGOs and civil society organizations could issue reports or submit their views on enforced disappearances to the Government. The police were able to conduct investigations into missing persons on their own initiative where they suspected that criminal activity might be behind a person's disappearance.

50. **Mr. Tanaka** (Japan) said that the statute of limitations was suspended while offenders remained outside of Japanese territory. Prosecutors, correctional officers and civil servants in the Ministry of Justice received periodic training courses on human rights, which dealt with the International Convention for the Protection of All Persons from Enforced Disappearance. Newly appointed prosecutors, for example, received training once a year and the frequency of the training courses thereafter changed depending on the number of years of service. Information on the training of judges would be provided either in the next meeting or in writing within 48 hours.

The meeting rose at 5.55 p.m.