

Comment by Deputy Chief of Tokyo District Public Prosecutors Office on

Defendant Carlos Ghosn Bichara's Flight from Japan

January 5, 2020

It is extremely regrettable that the defendant Carlos Ghosn Bichara recently fled Japan by departing without complying with legitimate procedures, despite of the bail conditions set forth which forbade any traveling to foreign countries. This act is a flagrant disregard of the Japanese judicial process and could constitute a crime in itself.

The Constitution and the Code of Criminal Procedure of Japan set out appropriate procedures to clarify the truth of cases, while guaranteeing basic individual human rights. For example, detention of a suspect is permitted only after a strict judicial review and only for a limited period of time that is stipulated in the laws. Moreover, in Japan, every defendant is ensured the right to fair, speedy and open trial by an impartial court and can only be convicted unless a prosecutor has proven beyond the reasonable doubt. Prosecutors bring cases into the court only when they determine that they can prove the

defendant's guilt beyond the reasonable doubt at the court. Consequently, although the conviction rate is high in Japan, I am convinced that a fair trial is undoubtedly conducted by the court, as the court provides ample opportunities for the defendant to make his/her argument or establish his/her case, and strictly renders its independent judgement on whether the defendant's guilt has been proven beyond the reasonable doubt solely based on the evidence submitted at the trial.

With regard to the defendant Ghosn's case, the prosecutors strictly complied with the due process stipulated in the laws and proceeded with investigations and trial procedures while fully guaranteeing the rights of the defendant. With his abundant financial power and multiple foreign bases world-wide, it would be easy for the defendant Ghosn to flee from Japan. With his broad network of people overseas and within Japan and with his significant influence, there was a real danger that the defendant could reach out to those people concerned to collude in a cover-up and tamper with evidence. As the judges and the court stated in the bail decision, the defendant had intention to reach out to such

people concerned through his wife and others during the original detention period. For these reasons, it was truly necessary and inevitable to detain the defendant Ghosn in order to continue fair and proper criminal justice proceedings.

Nevertheless, the defendant Ghosn was released on bail for the reasons that, among others, there was a great need for the defendant to have sufficient opportunities to consult with his lawyers in order to appropriately and smoothly prepare for his trial to consolidate his argument and organize his evidence. Since April 25 of last year, the defendant was able to communicate freely with his lawyers in preparation for his trial, and the prosecutors remained committed to disclosing evidence to the defendant's lawyers in accordance with the procedures stipulated in the laws to realize fair and just criminal trial. It is clear and evident that the defendant's rights were duly protected.

Under these circumstances, there is no justification for the defendant Ghosn to break his own promise of appearing at the court and to flee from Japan. What the defendant did is nothing but an attempt to flee from justice to be

rendered by the Japanese court and to avoid the consequences of the crimes he committed.

The prosecutors will address the situation by making every effort to reveal the facts, including how the defendant Ghosn fled from Japan, in coordination with respective organizations and through prompt and proper investigations.

###