

April 5, 2012
Ministry of Justice

Status of Progress in Public Prosecutors Office Reforms

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Supreme Public Prosecutors Office

Status of Progress in Public Prosecutors Office Reforms

On April 8, 2011, the Minister of Justice instructed the Supreme Public Prosecutors Office to implement the Measures Aimed at Renewal of Public Prosecution, in efforts to realize reform measures for this purpose as soon as possible and publicize the status of progress within about one year.

In response, the Supreme Public Prosecutors Office has exercised leadership in attempting various measures, collaborating with the High and Regional Public Prosecutors Offices as necessary.

Now that one year has passed since the instruction by the Minister of Justice, the status of progress of reforms for public prosecution has been compiled as follows.

The Supreme Public Prosecutors Office will continue putting for efforts to reform public prosecution and strive to realize various reform measures.

Notes

○ Formulation of the Principles of Prosecution

The Principles of Prosecution was formulated at the meeting of the chiefs of Public Prosecutors Offices held September 28, 2011, as the basic rules for public prosecution. The Principles of Prosecution clarifies the mission and roles of public prosecutors, and indicates the basic guidelines that prosecutors should follow when performing their duties. Discussions were held starting in April 2011 at each of the Public Prosecutors Offices for establishing the basic rules, in which 1,359 public prosecutors (of which 659 are with 10 years or less of experiences since the appointment), 802 assistant public prosecutors, and 6,416 public prosecutor's assistant officers participated. (This means that about 70-80% of all staff participated in the discussions.) Opinions were also heard from advisers and other officers of the Advisers' Board on Overall Public Prosecution Operations and Expert Committee on Organizational Management that were established under the Supreme Public Prosecutors Office.

The Supreme Public Prosecutors Office aggregated these opinions and the rules were established as unanimously approved by the participating officers, following the discussions at meetings attended by the chiefs of Public Prosecutors Offices. Since then, continuous measures have been implemented for having the Principles of Prosecution reflected in actual operations and disseminated, including its application at seminars and other educational and training sessions and when making decisions on

actual cases.

○ Establishment and activities of expert committees

On July 8 2011, expert committees were established consisting of public prosecutors and public prosecutors' assistant officers under the Supreme Public Prosecutors Office for each of the areas of finance and securities, special negligence, forensic science, intellectual disorders, international affairs, and organizational management. The expert committees have been active in accumulating necessary expert knowledge and applying it for supporting prosecution operations at worksites and for human resources development, through opinion exchanges with advisers and other outside experts, holding lecture meetings and seminars, and collecting and analyzing reference cases and related materials (Note).

Note: Outline of activities of expert committees

Expert Committee on Finance and Securities

* Lecture: *Issues Involving the Recent Securities Market – Measures Against Improper Finances*

Lecturer: General Manager of Listing Criteria Examination, Tokyo Stock Exchange Group, Inc.

Investigations and Surveys on Fraudulent Account Cases

Lecturer: Adviser Ayumi Uzawa (certified public accountant)

Financial Instruments and Exchange Act and Other Financial Acts – Regulations on Insider Transactions as an Example

Lecturer: Adviser Katsunori Mikuniya (former commissioner of Financial Services Agency)

* Database configuration of basic materials necessary for investigation and court proceedings in the cases of violations of Financial Instruments and Exchange Act and other related regulations and publication of the databases on the intranet of the Public Prosecutors Office

Expert Committee on Special Negligence

* Invited scholars on Criminal Code to hold study meetings on the recent status of theories on negligence

* Collected and organized materials on special negligence cases and related materials

Expert Committee on Forensic Science

* Surveyed the current status of digital forensics at worksites of public prosecution and studied measures for improving related knowledge and technologies among public prosecution staff

* Exchanged opinions with divisions in charge of digital forensics of other ministries and agencies

* Collected and organized information on cases in which scientific findings were utilized effectively

in investigation and court proceedings

Expert Committee on Intellectual Disorders

* Lecture: *Characteristics of Statements by the Intellectually Disabled and How to Handle Them*

Lecturer: Adviser Hiroshi Tomita (manager, Medical Practice Department, National Kinugawa School)

Investigation on Intellectually Disabled Suspects: From a Forensic Psychology Standpoint

Lecturer: Professor Kotaro Takagi, Aoyama Gakuin University

Supporting Social Rehabilitation of Former Criminals (Including the Intellectually Disabled)

Lecturer: Director Manabu Tachioka, One Family Sendai (non-profit organization)

* Hearing of opinions: Requests Concerning Investigation on Intellectually Disabled Suspects

Inclusion Japan, JDD Network

* Exchanged opinions with advisers and outside experts on investigations on suspects who could be intellectually disabled (voice and video recordings, advice and witnessing by experts) and considerations for criminal policies (prevention of repeat offenses and social rehabilitation)

Expert Committee on International Affairs

* Lecture: *Current Status and Issues in International Human Rights Act – Particularly Concerning Criminal Procedures of Japan*

Issues and Prospects Regarding Legal Tasks and Prosecution Administration of Japan

Lecturer: Adviser Yozo Yokota for both lectures (director, Center for Human Rights Affairs; special adviser to the Ministry of Justice)

* Held conferences with executive public prosecutors of the Attorney General Office of Nepal

Issues Found in Prosecution Procedures – Comparison between Japan and Nepal

* Exchanged opinions on development of human resources involved in international procedures and areas in which their occupations may be useful

* Held study meetings on mutual cooperation in international criminal investigations

Expert Committee on Organizational Management

* Exchanged opinions with advisers concerning the basic rules of public prosecution, leadership in public prosecution procedures, and workplace training

* Revised the training curriculum for executives and public prosecutors

* Lecture: *Work-Life Balance for Organizations and Individuals to Continue Developing*

Lecturer: Tsuneo Sasaki, special adviser to Toray Corporate Business Research, Inc.

Human Resources and Organizational Development for Ensuring Growth

Lecturer: Ryuji Nakatake, coaching director, Japan Rugby Football Union

○ Establishment of Public Prosecution Reform Promotion Office

On April 8, 2011, the Public Prosecution Reform Promotion Office was established under the Supreme Public Prosecutors Office, aimed at proactively and steadily promoting public prosecution reforms. The Public Prosecution Reform Promotion Office has promoted such reforms under the leadership of the Supreme Public Prosecutors Office, while regularly checking on the implementation status of reform measures and making necessary revisions.

○ Establishment of Inspection Guidance Division

The Inspection Guidance Division was established under the Supreme Public Prosecutors Office on July 8, 2011. The Inspection Guidance Division has identified and collected information within Japan and abroad on illegal and inappropriate acts, analyzed and studied it, and conducted inspection as necessary (Notes 1, 2, 3). Results of inspections have also been reported regularly to advisers, who are external experts, to hear their opinions and advice. Trials have also been conducted at some Public Prosecutors Offices (Note 4) for studying means to improve and reform organizational operations, specifically for introducing the Surveys on the Status of Organizational Operations that aim to clarify the status and issues of organizational operations by hearing staff opinions in order to support improvement of organizational operations, and the Opinion Surveys for Subordinates About Executives that aim to pass on these results to foster and improve executives' organizational operation skills.

Note 1: Number of Reports Received by Inspection Guidance Division and Number of Inspected Cases

July 8, 2011 - February 22, 2012

			Number of reports received	Number of inspected cases
Total			598	116
By origin	Received directly from outside	(External) e-mail to information desk	269	6
		Indications via telephone	27	1
		Letters, bringing of charges, accusations, etc.	40	1
		Subtotal	336	8
	Report from public prosecutors	Information provision via staff e-mail system	0	0
		Sent in by attorneys	89	87
		Letters, bringing of charges, accusations, etc.	130	7
		Others	43	14
		Subtotal	262	108
	By type	Dissatisfaction with treatment of victims	16	3
Matters unrelated to the duty		9	1	
Dissatisfaction with examinations		135	102	
Dissatisfaction with investigations and disposition		167	4	
Assertion on tampering and hiding of evidence		2	0	
Assertion on interruption of defending activities		1	1	
Others		268	5	

Note 2: Handling of Received Reports

July 8, 2011 - February 22, 2012

Total number of reports received	598
Inspected cases	116
Suspended	117 (four via telephone)
Unclear report	129
Not an object of inspection	119
No fact found through information gathering	117

Note 3: Number of Cases by Inspection Results

July 8, 2011 - February 22, 2012

Total number of cases	116
Cases for which instructions were given	2
Cases judged as not needing any specific measure	90
Cases for which measures such as giving of instructions were not taken but attention was advised in the investigation process or on a notice to the office of origin	4
Others	1
Under inspection	19

Note 4: Status of Trials Related to Surveys

* Surveys on the status of organizational operations

Public Prosecutors Office conducting the trial	Survey period
Niigata District Public Prosecutors Office	November 24 - December 2, 2011
Kofu District Public Prosecutors Office	November 24 - December 2, 2011
Tokushima District Public Prosecutors Office	February 14 - February 23, 2012
Osaka District Public Prosecutors Office (Special Investigation Department, Court Proceeding Department)	February 15 - February 22, 2012
Tokyo District Public Prosecutors Office (Special Investigation Department, Court Proceeding Department)	February 16 - February 23, 2012

* Opinion surveys on inferiors concerning executives

Public Prosecutors Office conducting the trial	Survey period	Objects of surveys
Hakodate District Public Prosecutors Office	November 22 - November 30, 2011	Chief prosecutor Deputy chief prosecutor
Nagasaki District Public Prosecutors Office	November 22 - December 2, 2011	Chief prosecutor Deputy chief prosecutor Manager of Sasebo Branch Office
Shizuoka District Public Prosecutors Office	November 25 - December 2, 2011	Chief prosecutor Deputy chief prosecutor (predecessor) Manager of Numazu Branch Office Manager of Hamamatsu Branch Office
Supreme Public Prosecutors Office	December 20 - December 26, 2011	Chief of General Affairs Division Chief of Inspection Guidance Division
Nagoya District Public Prosecutors Office	January 30 - February 7, 2012	Chief prosecutor Deputy chief prosecutor Chief of General Affairs Division Chief of Criminal Investigation Chief of Transportation Division Chief of Public Security Division Chief of Special Investigation Division Chief of Court Proceedings Division

○ Advisers' meeting on general public prosecution operation

It was decided on July 8 2011 to hold advisers' meetings at the Supreme Public Prosecutors Office to discuss overall public prosecution operations, and outside experts were appointed as advisers. The meetings have been held twice so far (September 15, 2011 and March 15, 2012), wherein the actual status of public prosecution procedures including reforms was reported to the advisers, from whom opinions and advice were received on how public prosecution should be pursued.

○ Review on the organization of the Special Investigation Department

Concerning the organization of the Special Investigation Department, the Supreme Public Prosecutors Offices studied the matter based on instructions from the Minister of Justice dated April 8, 2011. On July 8, 2011, a notice was sent to relevant Public Prosecutors Offices indicating: "The Special Investigation Department will further strengthen its measures to deal with cases involving finance, politics, and economics, at the same time improving expertise in collaboration with expert committees on finance and securities and other areas. The Special Investigation Department will also further deepen its ties with national taxation bureaus, the Securities and Exchange Surveillance Commission, police, and other related organizations, and develop organizations accordingly." In response, the Special Investigation Department of each Public Prosecutors Office made revisions such as strengthening the organization for investigating and processing cases related to the finance, politics, and economics.

Incidentally, starting on February 28, 2011, for custody cases (where the suspect is arrested or detained) handled by the Special Investigation Department, the chief prosecutor needs to be directed beforehand by the superintendent prosecutor when instituting indictment or dismissing the case. There were 34 applicable cases (so-called superintendent-prosecutor-directed cases) as of the end of this February.

○ Configuring the horizontal checking system on investigations conducted solely by the Special Investigation Department

As the horizontal checking system on investigations conducted solely by the Special Investigation Department, the superintendent examination prosecutor system was established and entered into force on May 1, 2011.

The roles of the superintendent examination prosecutor include the following.

* When the Special Investigation Department is investigating cases recognized as being large-scale and/or complicated and demanding, the chief prosecutor will appoint the superintendent examination prosecutor from among prosecutors belonging to the Court Proceedings Department.

* The superintendent examination prosecutor will collect all evidence on the cases s/he is in charge

of, organize and analyze it, and then examine whether the chief examining prosecutor is making an appropriate judgment on findings or interpretation of laws from a standpoint different from that of the chief examining prosecutor and also maintaining the viewpoint of attorneys involved in the court proceedings.

* The superintendent examination prosecutor will state necessary opinions first to the chief examining prosecutor based on the examination results.

* To enable the officer making the final decision do so based on proper understanding of issues involved in the case, the superintendent examination prosecutor will indicate his/her opinions on whether there are issues involving the findings and interpretation of laws by attending the decision-making meeting, where the decision on the case is given to the chief examining prosecutor, or via other suitable means. The superintendent examination prosecutor will also indicate opinions as necessary or provide requested reports when requested by the chief prosecutor, deputy chief prosecutor, chief of the Special Investigation Department, deputy chief of the Special Investigation Department, or prosecutors involved in special investigations of higher Public Prosecutors Offices, and the indication of opinions or making of reports is recognized as suitable given the circumstances.

* The superintendent examination prosecutor will carry out the court proceedings for the case as the chief prosecutor if the suspect of the case is indicted. Prior to the indictment, the superintendent examination prosecutor is authorized to carry out tasks necessary for preparing for the court proceeding if the indictment is made, such as checking statements by persons believed to function as important witnesses, with consent of the chief prosecutor of the case.

The superintendent examination prosecutor was appointed for 13 of the cases processed by the end of this February.

○ Configuring organizational checking system during the court proceeding phase

The organizational checking system during the court proceeding phase has been configured as follows, as of July 8, 2011 (as of April 26, 2011 for the Special Investigation Department).

* If a serious problem arises in the process of pretrial arrangement proceedings or court proceedings for a case in the first instance, the deputy chief prosecutor of the District Public Prosecutors Office will report promptly to the prosecutor in charge at a High Public Prosecutors Office for consulting on policies for performing the court proceedings, including the need to dismiss the prosecution or state innocence, while at the same time reporting on the process of consultation and outcomes to the public prosecutor in charge at the Supreme Public Prosecutors Office .

* Concerning cases for which a prosecutor belonging to the Special Investigation Department institutes prosecution, the status of pretrial arrangement proceedings and court proceedings will be reported to the Chief of Special Investigation Department as necessary via an appropriate method,

and reported to prosecutors involved in special investigations of the Supreme Public Prosecutors Office if necessary.

* For cases for which the superintendent prosecutor gives instructions to the chief prosecutor and for which pretrial arrangement proceedings are carried out, among the cases for which a prosecutor belonging to the Special Investigation Department instituted prosecution, the general manager or deputy general manager of the Special Investigation Department and Court Proceeding Department of the District Public Prosecutors Office, the public prosecutor who instituted the indictment, and the public prosecutors in charge of the court proceedings and other officers will discuss the policies for carrying out the court proceedings, whether there are problems regarding findings or interpretation of laws, the policies for dealing with assertions by the defendant, evidence presented, etc. The process and outcomes of the discussions will be reported to the public prosecutor involved in the special investigation at the High Public Prosecutors Office and also to public prosecutor involved in special investigation at the Supreme Public Prosecutors Office as necessary.

As of the end of this February, consultations have been made on 13 cases with the public prosecutor in charge at High Public Prosecutors Offices.

○ Trial of voice and video recording of examination on suspects at Special Investigation Department and Special Criminal Department

The Supreme Public Prosecutors Office decided to conduct trials on voice and video recordings of examinations for cases in which the suspects were arrested on or after March 18, 2011, from among the cases handled by the Special Investigation Department of the Tokyo, Osaka, and Nagoya Regional Public Prosecutors Offices. In response to the instructions by the Minister of Justice on April 8, 2011, the Supreme Public Prosecutors Office also prepared the Procedures for Trials on Voice and Video Recording so that trials on voice and video recording of the entire examination process would also be considered. This came as a part of the efforts to have the trials conducted in accordance with the intentions of the Minister of Justice's instructions. Starting July 8, 2011, it was decided to conduct the trials similarly with the Special Investigation Department concerning voice and video recordings of examinations in cases handled exclusively by the Special Criminal Department at 10 public Prosecutors Offices nationwide.

An outline of the trial is given below.

* Objectives of the trial

The trial is to be conducted upon the decision and responsibility of the public prosecutor who has the burden of proof, in order to clearly indicate that for custody cases handled by the Special Investigation Department or Special Criminal Department, the records of investigation prepared for the suspect in front of the public prosecutor have been prepared through proper examination, and that

there are no uncertainties concerning the facultative nature and credibility of the records, while at the same time studying means of evidence presentation that support the courts in making fair decisions.

* Cases considered in the trial

The trial will be conducted for cases investigated solely by the Special Investigation Department or Special Criminal Department for which the records of investigation prepared in front of the public prosecutor for the suspects are likely to be requested for examination at the court in the trial, except when any (1) - (3), below, applies.

(1) The suspect refuses voice and video recording

(2) There is a possibility that voice and video recording could hinder the fact-clarifying function of the examination, harm the physical wellbeing, honor, or privacy of those involved, or pose difficulty in ensuring their cooperation

(3) Cooperation by an interpreter involved in the examination cannot be obtained, voice and video recording is physically difficult or due to time constraints, or other cases where voice and video recording is interfered with

* Scenes and timing for making voice and video recording

Public prosecutors will select the scenes of the examination that are deemed as appropriate for voice and video recording in view of the above objectives of the trial, and within the scope of not harming the fact-clarifying functions of the examination.

The voice and video recording will be made during examination of the suspects of the applicable cases while they are being detained.

The status of the trial by the Special Investigation Department and Special Criminal Department is as summarized in the attached materials.

○ Expansion of trials on voice and video recordings on suspect examination at cases tried by courts with citizen judges participating

On August 8, 2011, the Minister of Justice issued an instruction under the title “Policies on Voice and Video Recording of Examinations” to expand for trial the scope of voice and video recording of examinations on suspects by public prosecutors in cases to be tried by courts with citizen judges participating. This was in response to the “Summary of Study Meetings Held at the Ministry of Justice on Voice and Video Recording of Suspects’ Examinations” prepared by the Ministry of Justice on August 8, 2011.

Accordingly, public prosecutors have expanded the scope of voice and video recording of examinations on suspects for trials since August 9, 2011, without being bound to the conventional objectives of such recordings.

The status of implementation is summarized below.

* Number of cases for which voice and video recording took place

1,277 (672)

* Number of examinations for which voice and video recording took place

5,792

* Number of cases for which the entire process of examination was voice and video recorded and breakdown by duration of recordings

Number of cases (by duration of recordings)	208
Less than 5 hours	94
5 hours to less than 10 hours	76
10 hours to less than 20 hours	27
20 hours to less than 40 hours	8
40 hours to less than 60 hours	3
60 hours or more	0

* Number of cases for which voice and video recording did not take place

456 (48)

Note 1: The figures indicate an aggregate number of reports made to the Supreme Public Prosecutors Office conducted between September 2011 and the end of February 2012, of those available for aggregation as of the end of March 2012 (includes cases with further crimes).

Note 2: Figures in parentheses indicate the number of cases for which court proceedings were requested as a case to be tried by courts with citizen judges participating.

○ Trial on voice and video recording of examination on suspects with intellectual disorders and problems communicating

In response to the minister's instruction of April 8, 2011, trial of a wide range of voice and video recording began on July 8, 2011 on examinations on suspects with intellectual disorders and problems of communicating, including recording of the entire examination process in some cases, among suspects in custody cases mainly at the Tokyo, Osaka, and Nagoya District Public Prosecutors Offices. All other public Prosecutors Offices have attempted recording for trials since October 2011. Trials are also being conducted for having experts provide advice or attend examination.

The status of implementation is as summarized below.

* Number of cases for which voice and video recording took place

Number of cases	388
Of the above, the number of cases other than those tried by citizen judges	338

* Number of examinations for which voice and video recording took place

1,069

* Number of cases for which the entire process of examination was voice and video recorded and breakdown by duration of recording

Number of cases (by duration of recording)	120
Less than 5 hours	88
5 hours to less than 10 hours	21
10 hours to less than 20 hours	7
20 hours or more	0

* Number of cases for which voice and video recording was not initially conducted for the entire process of examination but the entire process was recorded after it became clear that the suspect was intellectually disabled

69

* Number of cases for which voice and video recording did not take place

15

Note 1: The figures indicate an aggregate number of reports made to the Supreme Public Prosecutors Office conducted between September 2011 and the end of February 2012, of those available for aggregation as of the end of March 2012.

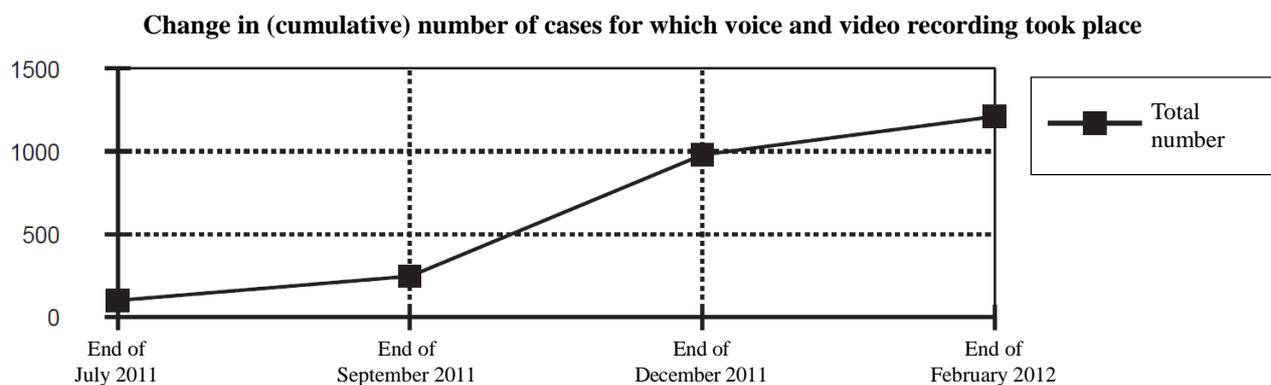
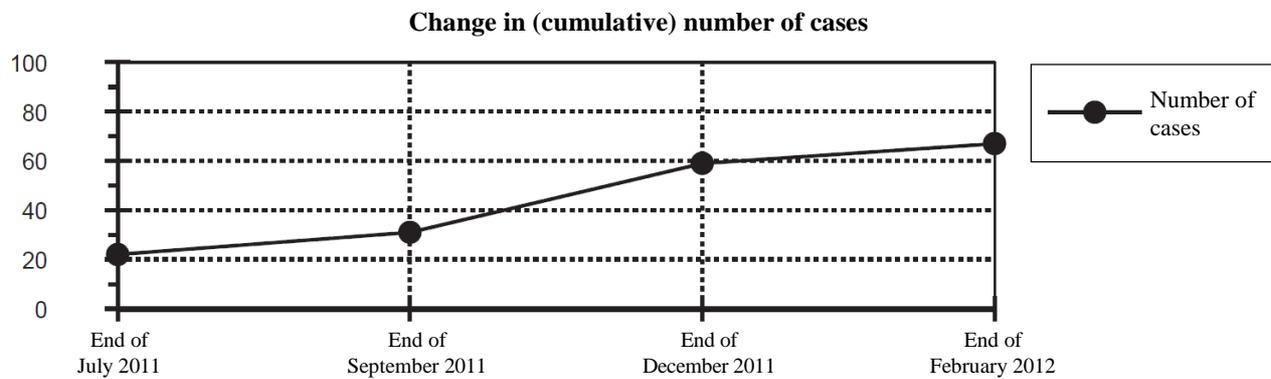
Note 2: The number of cases in the table of the number for which the entire process of examination was voice and video recorded and breakdown by duration of recording is four greater than the total number of cases of the breakdown by duration of recording because several cases were examined at an occasion and their voice and video recording took place.

Results of Trials on Voice and Video Recording by Special Investigation Department and Special Criminal Department

(Results of trials made by the end of February 2012)

(1) Change in number of cases for which voice and video recording took place in examination

	End of July 2011	End of September 2011	End of December 2011	End of February 2012
Number of cases	22	31	59	67
Total number	101	247	979	1,210



Note 1: The figures indicate an aggregate number of reports made to the Supreme Public Prosecutors Office conducted between April 2011 and the end of February 2012, of those available for aggregation as of the end of March 2012.

Note 2: these are all custody cases, and the number of cases of joint offenses was counted as one for each suspect.

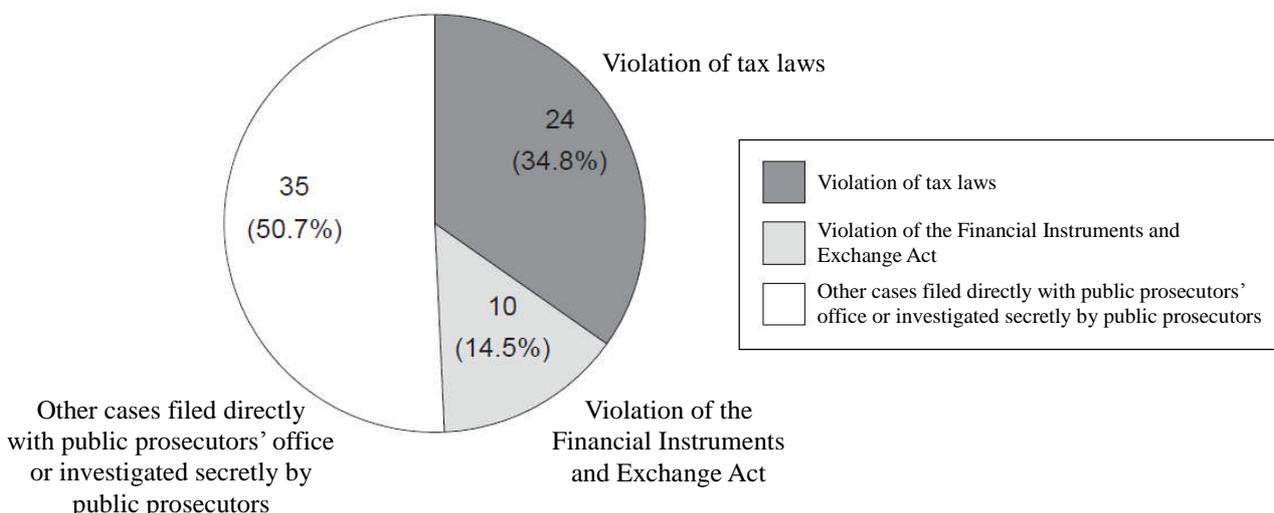
(2) Ratio of cases for which voice and video recording took place in examinations

The ratio of cases for which voice and video recording took place in examinations is as shown in the table below. No voice or video recording took place at all with the two cases because the suspect would not grant consent.

Number of cases for which recording took place	67
Number of cases for which recording did not take place	2
Ratio of cases for which recording took place	About 97.10%

Note 1: “Number of cases for which recording did not take place” indicates the number of trial cases for which no voice or video recording took place at all.

Breakdown of cases for which voice and video recording took place by type



Note 2: The breakdown of cases for which voice and video recording took place by types include cases for which the type is a part of the reason for detention (and cases in which another type is a part of the reason for detention). Since there are duplicates in aggregation, the total of cases for the breakdown by type is two greater than the actual number of cases for which recording took place (67).

Note 3: Cases of violation of tax laws are those alleged by the National Tax Agency and cases of violation of the Financial Instruments and Exchange Act are those alleged by the Securities and Exchange Surveillance Commission.

(3) Number of times voice and video recording took place

Voice and video recording on examination was conducted 1,210 times by the Special Investigation Department and Special Criminal Department during the trial period. The average number of times the voice and video recording took place per case was about 18.1.

Number of times voice and video recording took place	Number of cases
Not made	2
1	6
2	5
3	10
4	4
5	2
6-10	9
11-20	10
21-30	1
31-40	9
41-50	7
51 or more	4
Total	69

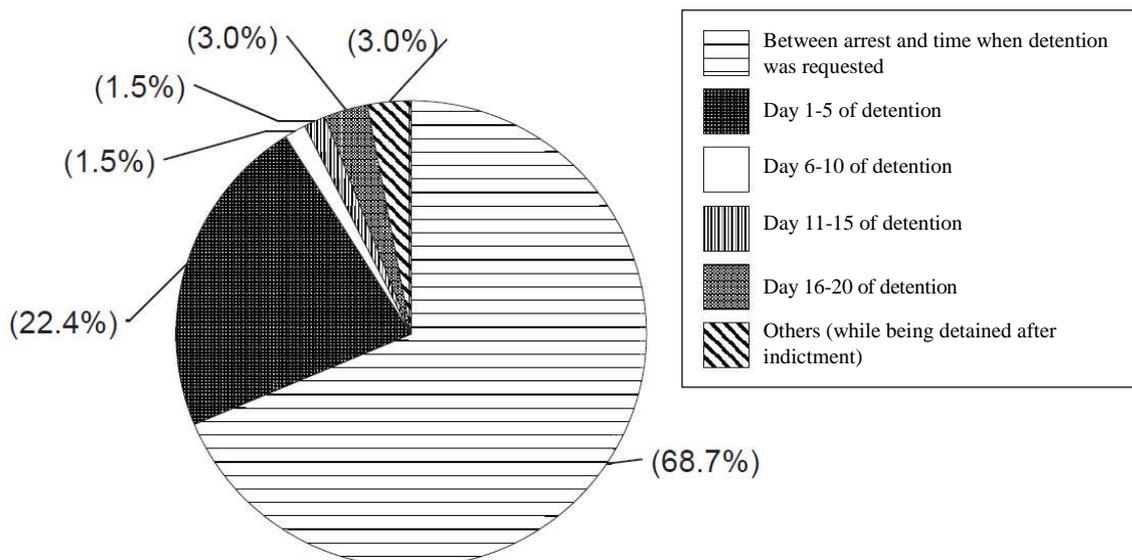
(4) Breakdown by time when voice and video recording was started and by total number of hours

A. Breakdown by time when voice and video recording was started

The 67 cases for which voice and video recording on examination were conducted by the Special Investigation Department and Special Criminal Department during the trial period are grouped as shown in the table below by the time when recording was started.

Time when voice and video recording was started	Number of cases		
	Overall	Partial	Entire process
Between arrest and when detention was requested	46	18	28
Day 1-5 of detention	15	15	
Day 6-10 of detention	1	1	
Day 11-15 of detention	1	1	
Day 16-20 of detention	2	2	
Others (while being detained after indictment)	2	2	
Total	67	39	28

Breakdown by time when voice and video recording was started (overall)



B. Breakdown by number of hours of recording

(a) Number of cases for which a part of examination was voice and video recorded: 39

Breakdown by number of hours	Number of cases
Less than 1 hour	10
1 hour to less than 2 hours	11
2 hours to less than 3 hours	4
3 hours to less than 4 hours	1
4 hours to less than 5 hours	2
5 hours to less than 6 hours	3
6 hours to less than 7 hours	1
7 hours to less than 8 hours	1
8 hours or more	6

The part of the examination process that will be recorded was decided specifically for each case, and recording was proactively and flexibly pursued within the scope that it would not hinder the fact-clarifying function of examination. Among the cases for which recording took place partially include the following examples, and public prosecutors are making the above decision keeping in mind that cases like these have been observed.

- The suspect became cautious in his statements while recording was taking place and said, “I’m not saying anything because of this,” while pointing to the camera, even though he attempted to make statements. When examination was conducted later without recording, he said, “I did not say this because you were recording, but what I tried to say was...” after confirming that the camera was not running. There was also a case when the suspect remained totally silent while recording took place, but when recording finished, the suspect started talking as if nothing had happened.
- In a case where there is an accomplice and the suspect was lower in position than the accomplice, the suspect suddenly requested the recording be terminated when asked about the accomplice, saying “Will XX [the accomplice] also see the recording? If XX might see it, I’d rather not have my statements recorded.”
- The suspect purchased a condominium for his mistress to live in, as well as a high-end vehicle, from a member of an organized crime group, using gains from the criminal act. Prior to recording of the examination process, he was stating the names of parties openly, but refused to mention the name

of his mistress and the member of the organized crime group while being recorded, saying, “I can’t state the name of any person involved while being recorded, because their families and other people might get into trouble.”

(b) Number of cases for which the entire examination process was recorded: 28

Of the 67 cases for which the entire examination process was voice and video recorded during the trial period, the number for which the entire process of examination while being detained (entire process of examination from immediately after arrest to immediately before indictment) was recorded was 28 (about 41.8%).

Looking at the total number of hours of recording for each of the cases of which the entire examination process was recorded, none were below 10 hours, and the average duration for each was 61 hours 13 minutes while the longest was 127 hours 28 minutes.

Breakdown by number of hours	Number of cases
Less than 5 hours	0
5 hours to less than 10 hours	0
10 hours to less than 20 hours	4
20 hours to less than 40 hours	4
40 hours to less than 60 hours	5
60 hours to less than 80 hours	7
80 hours to less than 100 hours	4
100 hours or more	4

The cases for which the entire examination process was recorded include the following examples.

- A case in which the suspect made consistent confessions from the start, and there was no possibility that the fact-clarifying function would be obstructed even if the entire examination process was voice and video recorded
- Cases (including denials) where voice and video recording of the entire examination process was possible from the start because the recording was recognized as not affecting the attitude or content of statements by the suspect
- Cases where the suspect acknowledged there is no reason to be reluctant even if the examination process was voice and video recorded (For instance, there were cases such as a criminal act by an

organized crime group and there was a hierarchical relation among accomplices; one when the suspect needed to state a disadvantageous fact about someone close to him/her; and one where a fact that the suspect has kept secret from family members and other people needed to be investigated)

Among these examples, there was a case in which voice and video recording took place on the suspect's statement that could disgrace a celebrity even though no objective evidence was found on the relation between the suspect and the celebrity, and cases where examination on highly confidential matters such as trade secrets and privacy of those with whom the suspect came into contact were difficult because voice and video recording took place.

Status of Progress of Public Prosecution Reforms

Keeping in mind the “Measures Aimed at Renewal of Public Prosecution,” the Ministry of Justice and the Supreme Public Prosecutors Office have collaborated, assuming respectively appropriate roles, for actively promoting public prosecution reform. The Supreme Public Prosecutors Office , which is in charge of actual public prosecution tasks, has mainly implemented a range of reform measures. The Ministry of Justice has received reports at appropriate times on the status of progress of reforms by the Supreme Public Prosecutors Office, and has conducted studies and measures for the following matters.

Notes

○ Improvement of training programs and support for career development for strengthening expertise
The training programs for those who have just been appointed the chief public prosecutors were significantly renewed as training aimed at cultivating leadership. Specifically, lectures by outside lecturers on leadership theory and on failure, as well as those by former suspects of cases that were acquitted and their attorneys, have been included in the programs. To ensure that opinions and judgments of subordinates are respected while attempting to foster their abilities, roundtable talks were held with assistant prosecutors and public prosecutors’ assistant officers who have served as secretaries-general for exchanging opinions on leadership by management personnel as seen from the standpoints of other public prosecution staff.

Public prosecutors from younger and middle tiers were made to participate in programs for experiencing tasks of attorneys and other outside organizations, through which they were expected to acquire higher awareness of their duty to work for the public good. Outside training programs aimed at deepening their knowledge and broadening their views were thus expanded. Also, training programs were planned and implemented aimed at having public prosecutors acquire expert knowledge by dispatching them to the National Tax Agency for learning actual field audit tasks in tax law violation cases, and having them participate in digital forensics training for deepening their knowledge in areas such as digital data analysis.

In addition, opportunities were also expanded for all public prosecution staff to acquire expert knowledge through lectures by outside advisers of expert committees that were newly established under the Supreme Public Prosecutors Office. This took place at lecture meetings organized jointly

by the Supreme Public Prosecutors Office and the Ministry of Justice.

- Promoting hiring of a wide range of capable human resources and appointment of female staff as executives

To diversify the human resources working for the public prosecution organization, the Plan to Expand Hiring and Appointment of Female Staff at the Ministry of Justice was formulated in November 2011. The plan aims at raising the ratio of female staff among those hired as public prosecutors and public prosecutors' assistant officers to at least 30% by the end of fiscal 2015. Efforts are being made to steadily implement the plan for hiring and appointing a greater number of female staff to executive positions. As of fiscal 2011, the ratios of female staff among those hired as public prosecutors and public prosecutors' assistant officers were 33.8% and 37.1%, respectively, and the above targets for hiring have been achieved. Efforts are also being made for hiring those with expert knowledge and experience in working with private-sector businesses. During fiscal 2011, those with experience with private-sector businesses in the areas of IT and finance were hired as public prosecutors. Those with knowledge and experience in digital forensics were also hired as public prosecutors' assistant officers as of April 1, 2012. These measures have allowed a wide range of capable human resources to be secured.

- Appointment of personnel from a nationwide perspective

In order to thoroughly ensure that, from a nationwide perspective, the right people are appointed to the right positions for public prosecutors, the decision was made for each appointee to be placed, as a rule, at three different high public Prosecutors Offices over a span of about five years in the training period following appointment. Each public prosecutor would also be appointed to several high public Prosecutors Offices different from the main places s/he desires appointment during the years thereafter until s/he is appointed as a public prosecutor who makes final decisions (deputy public prosecutors of small and midsize Offices, general managers of large-scale Offices, etc.). This is to avert appointment based on bias to certain regions. It was also decided to consider appointment of public prosecutors who make the final decisions uniformly, from a nationwide perspective.

- Configuring a new criminal justice system

On May 18, 2011, the Minister of Justice issued consultation no. 92 on the ways to establish substantive and procedural criminal laws, asking the Legislative Council to review investigations and court proceedings that excessively rely on examination and statements and study the system for voice and video recording examination processes on suspects, with an aim of establishing a new criminal justice system suited to the times (Note 1).

In response, the Legislative Council decided to establish the Special Subcommittee on a Criminal Justice System for a New Era at its 165th meeting held June 6, 2011, which is to conduct surveys and examinations concerning the consultation. As the members of the subcommittee, experts in areas other than criminal law were appointed in addition to legal professionals and criminal law researchers to ensure that examinations would sufficiently reflect the opinions of citizens in addition to experts' knowledge. At the first meeting held on June 29, Katsuhiko Honda, a corporate counselor of Japan Tobacco Inc., was appointed as the subcommittee chairperson (Note 2).

The subcommittee has met eight times thus far, and heard explanations on the results of study meetings by the Ministry of Justice on ways to make examination processes more visible, observed related institutes, interviewed relevant people, and made lists of points of issues to be studied (Notes 3 and 4). The subcommittee plans to specifically discuss each of the points of issue from here forward. At its ninth meeting scheduled for April 17, 2012, the subcommittee plans to discuss ways of collecting statements and evidence, including desirable ways to conduct voice and video recording of examination processes.

Note 1: Consultation no. 92

In view of the circumstances of criminal procedures in recent years, your opinions are sought concerning formulation of substantive and procedural criminal laws, including revision of investigation and court proceedings that heavily rely on examination and statements, and introduction of a system of voice and video recording of examination processes of suspects, with an aim of configuring a new criminal justice system suited to the times.

Note 2: Members of the Special Subcommittee on Criminal Justice System for a New Era (as of March 31, 2012)

Subcommittee Chairperson

Katsuhiko Honda (corporate counselor, Japan Tobacco Inc.)

Subcommittee Members

Kazuko Aoki (attorney)

Nobuo Inada (director, Criminal Affairs Bureau, Ministry of Justice)

Masahito Inouye (professor, The University of Tokyo)

Yoshiko Iwai (professor, Senshu University)

Minoru Uemura (director, Criminal Affairs Bureau, General Secretariat, Supreme Court of Japan)

Emiko Ohkubo (member of the Board of Directors, Victim Support Center of Tokyo)

Soh Ohno (general manager, Inspection and Guidance Division, Supreme Public Prosecutors Office)

Shoji Ogawa (judge, Tokyo High Court)
Masanori Ono (attorney)
Hiroshi Kawabata (professor, Meiji University)
Rikio Kamitsu (vice chairman, Japanese Trade Union Confederation)
Akira Goto (professor, Hitotsubashi University)
Tadashi Sakamaki (professor, Kyoto University)
Hidehiko Sato (former superintendent general, National Police Agency [attorney])
Takayuki Shiibashi (professor, Chuo University)
Masayuki Suoh (film director)
Kiyotaka Takahashi (deputy superintendent, Metropolitan Police Department)
Keiichi Tadaki (former prosecutor-general [attorney])
Sukeaki Tatsuoka (former judge, Fukuoka High Court (professor, Gakushuin University; attorney)
Kaoru Funamoto (director, Criminal Investigation Bureau, National Police Agency)
Kazumichi Matsuki (member of the Board of Directors, Hokuetsu Kishu Paper Co., Ltd.)
Makoto Miyazaki (former chairperson, Japan Federation of Bar Associations [attorney])
Atsuko Muraki (supervising officer of policies, Cabinet Office [in charge of policies for multicultural society])
Takashi Yasuoka (former editor in chief, *Nihon Keizai Shimbun* (Member of the Board of Directors, Japan Legal Support Center)
Atsushi Yamaguchi (professor, The University of Tokyo)

Note 3: Status of meetings of the Special Subcommittee on Criminal Justice System for a New Era

First meeting (held June 29, 2011)

- It was decided to make the meetings open to the public by, as a rule, allowing press (including freelance reporters who meet the registration standards of the Ministry of Justice) to view and hear live broadcasts of the meeting on a monitor in a separate room. It was also decided to prepare minutes of meetings that clearly indicate the names of those making statements, and to post this on the Ministry of Justice website.
- The secretariat explained why the consultation was raised, its intentions, and other related matters, followed by a question-and-answer session.

Second meeting (held July 28, 2011)

- Each of the subcommittee members expressed opinions on the matters to be surveyed and studied, how to proceed with the subcommittee tasks, and other related matters.

Third meeting (held September 20, 2011)

- The secretariat explained the outcomes of study meetings of the Ministry of Justice on ways to

make the examination process of suspects easier to visualize, followed by a question-and-answer session.

○ Executives explained the results of verification on the trial voice and video recording of examinations by the police and the interim report of the study group attempting to make investigation methods and examination processes more sophisticated, followed by a question-and-answer session.

Fourth meeting (held October 26, 2011)

○ The subcommittee members conducted observations of the Metropolitan Police Department and the Tokyo District Public Prosecutors Office.

Places visited

- Shinjuku Police Station, Metropolitan Police Department (Criminal Department and examination rooms, investigation headquarters, communication room)
- Harajuku Branch, First Detention and Management Department, General Affairs Division, Metropolitan Police Department Headquarters (detention facilities)
- Tokyo District Public Prosecutors Office (examination rooms with voice and video recording facilities, evidence storage, DF Group of Special Investigation Department [group that stores and analyzes magnetic recording media], etc.)

Fifth meeting (held November 29, 2011)

○ Five people, including a police officer, were interviewed.

Interviewed parties

- Koji Watanabe (wide-region investigator, First Investigation Department, Kagawa Prefecture Police Headquarters)
- Junichiro Hironaka (attorney)
- Tatsuya Inagawa (public prosecutor, the Supreme Public Prosecutors Office)
- Shinichi Nakayama (former suspect in the “*Shibushi* case” who was officially found innocent and acquitted)
- Minoru Kariya (Family of the victim of the “Abduction and detention of secretary-general of Meguro notary public case” resulting in death of the abducted)

Sixth meeting (held January 18, 2012)

○ Discussions were held on the points of issue, and the subcommittee members and chairperson expressed opinions on the matters to be studied.

Seventh meeting (held February 17, 2012)

○ Discussions continued on the points of issue, and the subcommittee members and chairperson expressed opinions on the matters to be studied.

○ Executives and the secretary-general explained the opinion statement of the Japan Federation of Bar Associations on the outcomes of a study meeting by the Ministry of Justice on ways to make the

examination process easier to visualize, as well as on statistic and other materials on the status of crimes committed and criminal procedures, followed by a question-and-answer session.

Eighth meeting (held March 16, 2012)

○ Listing of points of issue was completed at the start of the meeting, and discussions on the new criminal justice system suited to the times (general theory) followed.

Observation tours outside of the scheduled meeting days (December 19 and 21, 2011 and January 23 and 24, 2012)

Places visited

Kitasenju Public Law Office, Tokyo Detention House, National Research Institute of Police Science, Kitakyushu City House, Kokura-kita Police Station of Fukuoka Prefectural Police, Kitakyushu Offenders' Rehabilitation Center, Fukuoka Office of Japan Legal Support Center, Fukuoka Airport Branch Customs of Moji Customs, Fukuoka Detention Center

Note 4: Description of points of issue

1. New criminal justice system suited to the times (general theories)

- Roles to be performed by criminal justice
- Roles assumed by investigations and court proceedings
- Processes of factual finding (functions of testimonial evidence and objective evidence)

2. Collection of testimonial evidence

- Voice and video recording of examination processes
- Other ways of examination and confession statement
- Collection of testimonial evidence through methods other than examination

3. Collection of objective evidence

- Measures for enabling collection of objective evidence

4. Procedures during court proceeding

- Differences in procedures between confessed and denied cases
- Preparation for court proceedings and examinations during trial
- Measures to prompt witnesses and statements of facts at court proceedings

5. Procedures during the investigation and court proceeding phases

- Detention of suspects and the accused and state-appointed attorneys
- Support and protection of crime victims, witnesses, etc.

6. Substantive criminal laws

- Substantive criminal laws befitting of new criminal procedures

7. Others