Japan's response to the letter issued by Prof. Joseph Cannataci, Special Rapporteur on the right to privacy, on 18th May

August 2017

1 Introduction

Japan, as a responsible member of the international community, has engaged in meaningful and constructive dialogues with the Special Rapporteurs of the UN Human Rights Council and has fully cooperated with them so that their reports are based on objective and accurate information with correct understanding. Such basic position of Japan remains the same.

The Amended Act on Punishment of Organized Crimes and Control of Crime Proceeds (also referred to as "the Act on Punishment of the Preparation of Acts of Terrorism and Other Organized Crimes") includes a new provision to criminalize the preparation of acts of terrorism and other organized crimes. Active deliberations concerning this amendment were held in the Japanese Diet,[1] which is comprised of the representatives of the people of Japan, and in accordance with the procedures set forth in the Constitution. As a result, the Amendment to the Act passed the Diet on 15th June 2017 and entered into force on 11th July of the same year. The amended Act will by no means unduly broaden the scope of punishment or undermine the right to privacy of the Japanese citizens by intensifying surveillance by the investigative authorities. Such had been explained thoroughly while showing concrete evidence in the Diet and elsewhere by the Government of Japan.

The concerns and questions raised by the Special Rapporteur in his letter dated 18th May were fully explained and discussed through the Diet deliberations, records of which are publicly available. Nevertheless, the Government of Japan is pleased to provide the following information in order to address such concerns and questions raised by the Special Rapporteur.

2 The overview of the Act on Punishment of the Preparation of Acts of Terrorism and Other Organized Crimes and its current status (including its relationship with the United Nations Convention against Transnational Organized Crime (hereinafter referred to as "UNTOC"))(paragraph 3, page 2 / paragraph 4, subparagraph 2, page 4 in the letter)

"Reportedly, the bill was submitted with the aim of adapting national legislation to the United Nations Convention on Transnational Crime, supporting the international community in its efforts to combat terrorism. Yet, questions were raised on the pertinence and necessity of this additional legislation" (paragraph 3, page 2 in the letter)
"2. Please provide information on the status of the bill revising parts of the Act on Punishment of Organized Crimes and Control of Crime Proceeds" (paragraph 4,

subparagraph 2, page 4 in the letter)

Response:

The amended Act is an implementing legislation for UNTOC[2], which 187 countries and regions are already State Parties to. UN General Assembly and Security Council resolutions and G7/G8 Summit outcome documents repeatedly call for the early conclusion of this Convention as a useful tool to combat organized crime and terrorism[3]. Prior to the enactment of the amended Act, there remained only 11 Member States of the United Nations, including Japan, which were not yet State Parties to the Convention. Therefore, Japan aimed to become a State Party to the Convention at the earliest possible timing. Such efforts to conclude the Convention were supported by the Executive Director of the United Nations Office on Drugs and Crime (UNODC).[4] Following the entry into force of the amended Act, Japan deposited its instrument of acceptance to the Secretary-General of the United Nations on 11th July and consequently became a State Party to the Convention.

Article 5 of UNTOC requires State Parties to criminalize at least one of the acts set forth in its subparagraphs (i)(“agreeing to commit a serious crime”) and (ii) (“participation in activities of an organized criminal group”).[5] However, Japan’s legal system does not have laws to punish “criminal association”, and there were only few laws to punish “agreeing to commit serious crimes” before the enactment of the amended Act. Therefore, introduction of new legislative measures was necessary for Japan to become a State Party to the Convention. The Government of Japan intended to do so by establishing an “offense of agreeing to commit a serious crime.” While the offence is widely established as “conspiracy” in many countries such as the UK and the US, introduction of new legislative measures in Japan was not possible due to various concerns that were expressed including that “the new legislation might lead to an introduction of thoughtcrime.” Domestic discussion on this issue had continued for over 10 years, and the Government of Japan had continued its careful consideration of the bill over the same period.

With such history in mind, the new provision to criminalize the preparation of acts of terrorism and other organized crimes was formulated with due consideration to human rights. To this end, the amended Act defines “serious crime” in the most restrictive manner allowed by the Convention. Firstly, the amended Act utilizes an option allowed by the Convention to limit the crimes to be covered by the amended Act to those involving an organized criminal group. Thus, of all the “serious crime” defined by the Convention (“conduct constituting an offence punishable by a maximum deprivation of liberty of at least four years or a more serious penalty”), criminalization of “agreeing to commit a serious crime” under this amended Act only covers “serious crime” where there is a realistic prospect of “involving an organized criminal group.” Secondly, the

amended Act also utilizes an option allowed by the Convention to limit the punishment of "agreeing to commit a serious crime" only when an act is undertaken by one of the participants in furtherance of the agreement.[6]

As far as Japan understands, few State Parties utilize the two options mentioned above in their domestic laws.[7] Japan understands that there are countries which do not limit the scope of crimes subject to the offence of "agreeing to commit a serious crime"; some states criminalize "agreeing to commit a serious crime" of any crime regardless of the severity of the punishment it carries (not just the crimes "punishable by a maximum deprivation of liberty of at least four years or a more serious penalty").

It is apparent from these findings that Japan's amended Act is highly restrained compared with the other 187 State Parties' domestic laws. In addition, Japan understands that most of the State Parties had already criminalized either "agreeing to commit a serious crime" or "participation in activities of an organized criminal group" before becoming State Parties to the Convention, and therefore did not need to introduce new domestic legislation in order to become a State Party to it.

3 Additional information and comments on the accuracy of the points made in the letter (paragraph 4, subparagraph 1, page 4 in the letter)

"Please provide any additional information and/or comment(s) you may have on the accuracy of the above-mentioned allegations." (paragraph 4, subparagraph 1, page 4 in the letter)

(1) "277 new types of crime would be added through the "Appendix 4". Concerns were raised that such an important part of the law is part of an attachment to the law since it makes it much harder for citizens and experts to understand the actual scope of the provision." (paragraph 1, page 2 in the letter)

Response:

First of all, paragraph 2 of Article 6 (*See Attachment*) of the amended Act which prescribes "the offence of the preparation of acts of terrorism and other organized crimes" explicitly stipulates necessary conditions constituting the offence in its main clause. In addition, the crimes subject to this offence are listed in the annex in the form of a so-called positive list. This was intended to stipulate the punishable crimes in a clear manner. The annex is an integral part of the main clause and contributes to clarifying the actual scope of the provision. Therefore, the allegation that "the actual scope of the provision is hard to understand" is ungrounded.[8]

(2) "Appendix 4 would permit the application of laws for crimes which appear to be totally unrelated with the scope of organized crime and terrorism, such as those related

to Article 198 of the Forest Act which criminalizes theft of forestry products in reserved forests, Articles 193, 195, 196 of the Cultural Properties Preservation Act which prohibit, inter alia, exporting without permission and destroying important cultural properties, and Article 119 of the Copyright Act, which prohibits violations of copyrights." (paragraph 2, page 2 in the letter)

Response:

Annex 4 lists 277 crimes which are subject to "the offence of the preparation of acts of terrorism and other organized crimes." These crimes are "serious crimes" where there is a realistic prospect of "involving an organized criminal group." All crimes mentioned above are crimes that are known to be committed by organized criminal groups including terrorist organizations as an act of terrorism or a source of funding for the following reasons, and therefore, are "serious crimes" with a realistic prospect of "involving an organized criminal group." Therefore, these crimes should be subject to "the offence of the preparation of acts of terrorism and other organized crimes" as required by the Convention. Thus, the allegation that "crimes unrelated with the scope of organized crime and terrorism are included in the Japanese bill" is unfounded.

(Article 198 of the Forest Act)

Article 198 of the Forest Act criminalizes theft of "forestry products" in reserved forests. "Forestry products" include not only things that grow in the forest such as trees but also things that exist in the forest such as sand and rocks. In fact, there was a case where members of an organized criminal group harvested high quality mountain sand repeatedly in the reserved forest and stole forty million yen worth of sand, and was subsequently punished for violation of the Forest Act. As this case indicates, violation of article 198 of the Forest Act is a crime that is committed by organized criminal groups as a source of funding.

Also, according to the World Bank report on illegal logging, estimates suggests that illegal logging generates approximately US$10-15 billion annually worldwide. The report also points out that most of these illegal funds are controlled by organized criminal groups, untaxed, and used to pay corrupt officials at all levels.[9]

(Articles 193, 195, 196 of the Cultural Properties Preservation Act)

In recent years, the world has seen organized criminal groups including terrorist organizations destroy cultural properties and export them illegally to obtain funding for their criminal activities. In this regard, there is a realistic prospect of involvement of an organized criminal group in such a crime in Japan as well.

With regards to designating "trafficking in cultural property" a "serious crime" as defined in the Convention, and therefore designating it as an "offence of the preparation

of acts of terrorism and other organized crimes," in our domestic law, it should be noted that the UN Security Council resolution 2347 adopted on 24th March in 2017, for example, "urges Member States to introduce effective national measures at the legislative and operational levels…to prevent and counter trafficking in cultural property and related offences, including by considering to designate such activities that may benefit organized criminal groups, terrorists or terrorist groups, as a serious crime in accordance with article 2 (b) of the UNTOC".[10]

(Article 119 of the Copyright Act)

In Japan, there have been actual cases where members of organized criminal group obtained funding by selling pirated music and movies in violation the Copyright Act. Therefore, the said crime is conducted as a source of funding by organized criminal groups and it is a crime where there is a realistic prospect of "involving an organized criminal group."

(3) "The government alleged that the targets of investigations to be pursued because of the new bill would be restricted to crimes in which an "organized crime group including the terrorism group" is realistically expected to be involved. Yet, the definition of what an "organized criminal group" is vague and not clearly limited to terrorism organizations. Furthermore, authorities when questioned on the broad scope of application of the new norm indicated that the new bill require not only "planning" to conduct the activities listed but also taking "preparatory actions" to trigger investigations. Nevertheless, there is no sufficient clarification on the specific definition of "plan" and "preparatory actions" are too vague to clarify the scope of the proscribed conducts." (paragraph 4, page 2 in the letter)

Response:

First of all, since the purpose of the Convention is to prevent and combat all forms of transnational organized crime and its scope is not limited to terrorist organizations, it is a matter of course that the scope of "the offence of the preparation of acts of terrorism and other organized crimes" prescribed in paragraph 2 of Article 6 of the amended Act, which is an implementing legislation of the Convention, is not limited to terrorism organizations. With regards to the term "organized criminal group", it should be noted that the term is defined both narrowly and clearly in the amended Act. Firstly, the term "association" is defined as "a continually unified body of many people with a common purpose, where the acts that fulfill such purpose or intent are repeatedly engaged in, in whole or in part, by an organization (meaning a combination of people whose members act as one according to their predetermined share of duties based on directions and orders)." Secondly, on top of this, the term "organized criminal group" is further narrowed down to as an "association whose common purpose laying the

foundation of its unifying relationship is to commit a crime listed in Annex 3" (*See Attachment*).[11]

In addition, the term "planning" means a "concrete and realistic agreement" and the term "act of preparation" means an "act which is distinct from an act of planning, carried out based on the planning, and a manifestation towards the commissioning of the planning". These meanings have been explained repeatedly through Diet deliberations and are clear.

(4) "In order to establish the existence and the extent of such "a planning" and "preparatory actions", it is logical to assume that those charged would have had to be subjected to a considerable level of surveillance beforehand. This expectation of intensified surveillance calls into question the safeguards and remedies existing in Japanese law with regard to privacy and surveillance." (paragraph 5, page 2 / paragraph 4, subparagraph 1, page 3 in the letter)

Response:

Under the Japanese Code of Criminal Procedure, investigations are carried out only where there is evidentially supported suspicion that a crime has occurred. Under the provision of the "offence of the preparation of acts of terrorism and other organized crimes," investigations can only be initiated when there is evidentially supported suspicion that all three necessary conditions that constitute the offence ("involvement of an organized criminal group", the existence of "an act of planning", and the existence of "an act of preparation for implementation (of the crime)") exist. Therefore, the amended Act by no means allows state authorities to conduct surveillance against certain groups before any suspicion is acknowledged and the possibility for state authorities to do so is excluded by law.

In addition, the establishment of the "offence of the preparation of acts of terrorism and other organized crimes" creates a new offence but does not change the powers of investigation stipulated under the Code of Criminal Procedure. Therefore, investigations into the "offence of the preparation of acts of terrorism and other organized crimes" will be conducted just like other existing crimes, and the allegation that the amended Act would intensify surveillance towards citizens is unfounded.

As stated above, both in terms of law and practice, it is absolutely not the case that the amended Act will intensify surveillance of citizens, and therefore there was no need to introduce additional safeguards and remedies. Furthermore, as described in the following paragraphs, in Japan, judicial review over investigations is well functioned.

(5) "Concerns were also raised on the potential impact of the legislation in the work of non-Government Organizations, especially those working in sensitive areas for national

security. The government allegedly reiterated that the norm application would not affect this sector. Yet, it was alleged that the vagueness in the definition of "organized criminal group" could still create the opportunity for legitimizing, for example the surveillance of NGOs considered to be acting against national interest." (paragraph 6, page 2 in the letter)

Response:

As stated in (3) above, the definition of "organized criminal groups" is clearly stipulated under the amended Act, and it is obvious that groups (including non-government organizations) engaged in legitimate activities will not be identified as "organized criminal groups" for the purpose of this amended Act since they do not fall under the category of "association(s) whose common purpose laying the foundation of its unifying relationship is to commit a crime." In addition, as stated in (4) above, under the provision of the "offence of the preparation of acts of terrorism and other organized crimes," investigations can only be initiated when it is suspected that the three necessary conditions that constitutes the offence ("involvement of an organized criminal group", the existence of "an act of planning", and the existence of "an act of preparation for implementation (of the crime)") exist. Therefore, even if this new offence is established under Japanese law, surveillance will not be carried out before the suspicion of the offence is acknowledged.

(6) "The principle of legal certainty requires that criminal liability shall be limited to clear and precise provisions in the law, ensuring reasonable notice of what actions the law covers, without unduly broadening the scope of the proscribed conducts. The "anti-conspiracy bill" in its current form does not appear to conform to this principle given that its vague and subjective concepts could be interpreted very broadly and lead to legal uncertainty." (paragraph 3, page 3 in the letter)

Response:

As stated in (3) above, the necessary conditions that constitute the "offence of the preparation of acts of terrorism and other organized crimes" are clear and restrictive. Therefore, the allegation that these conditions are vague and subjective is unfounded.

(7) "There are no plans to reinforce ex-ante warrants for the carrying out of surveillance." (paragraph 4, subparagraph 2, page 3 in the letter)

Response:

As stated in (4) above, surveillance of citizens cannot be carried out by the establishment of the "offence of the preparation of acts of terrorism and other organized crimes."

In addition, given that warrants issued by judges are mandatory for taking compulsory measures such as arrest, search and seizures under the Code of Criminal Procedure, the said allegation is unfounded.

(8)"There seem to be no plans to establish a statutory independent body in order to pre-authorise the carrying out of surveillance for national security purposes. This suggests that the establishment of such vital checks remains at the discretion of the specific agencies carrying out the operations." (paragraph 4, subparagraph 3, page 3 in the letter)

Response:

As stated in (7) above, surveillance of citizens cannot be carried out by the establishment of the "offence of the preparation of acts of terrorism and other organized crimes."

(9) "There are concerns about the oversight of the operations of law enforcement and security and intelligence services especially insofar as their activities are compliant or the extent to which they may interfere with the right to privacy through methods which are neither necessary nor proportionate in a democratic society. A sub-set of these concerns is the quality of judicial oversight and review when police request surveillance measures in order to carry out observations such as GPS detection or monitoring of activities on electronic devices." (paragraph 4, subparagraph 4, page 3 in the letter)

Response:

As stated in (4) above, the establishment of the "offence of the preparation of acts of terrorism and other organized crimes" does not make changes to methods of investigation. Investigations into the offence will be conducted in an appropriate manner, in accordance with laws and regulations such as the Code of Criminal Procedure like with any other offences.

In addition, under the Code of Criminal Procedure, warrants issued by judges are mandatory, in principle, to conduct compulsory measures leading to limitations of privacy. Investigative authorities will carefully assess the necessity of requesting a warrant and submit prima facie evidence on why a warrant should be issued. Strict judicial review by judges will follow the submission of such documents. The said concerns are therefore unfounded.

Furthermore, with regards to wiretapping, extremely stringent conditions must be fulfilled for judges to issue warrants, and crimes for which wiretapping is allowed is restrictively prescribed by law. The "offence of the preparation of acts of terrorism and other organized crimes" will not be included in this restrictive list. Therefore, under

Japan's current domestic law, authorities will not be allowed to conduct wiretapping for the purpose of investigating "offence of the preparation of acts of terrorism and other organized crimes."

(10) "Concerns are raised particularly with regard to the impact of the application of the new norms on the right to privacy given the broad opportunity the new norm would create for the Police to request for warrants to search for information on suspect individuals." (paragraph 2, page 4 in the letter)

Response:

Please refer to the answers stated in (9) above.

For your information, it is a misunderstanding that the Japanese courts are extremely prone to accept warrant requests. The low rejection rate for warrant requests is due to the fact that the law prescribes strict conditions for judges to issue warrants and therefore investigative authorities carefully assess the necessity of requesting warrants and only request warrants when they are highly likely to be issued. Judges carefully assess the necessity of issuing warrants and carefully scrutinize whether the prerequisites for issuing warrants are fulfilled based on the evidence submitted by investigative authorities. For example, the prerequisites set out in the Act on Wiretapping for Criminal Investigation is extremely stringent. As a result, only 11 cases of wiretapping were conducted in 2016.

4 The compatibility of the Act with international human rights norms and standards (paragraph 4, subparagraph 3, page 4 in the letter)

Article 19 of the Constitution of Japan stipulates that "Freedom of thought and conscience shall not be violated." Also, the right to privacy is enshrined in Article 17 of the International Covenant on Civil and Political Rights and is also recognized as a right derived from Article 13 of the Constitution.

Although it is necessary to take all possible measures to prevent terrorism to protect the lives and assets of the people, as a matter of course, such rights and freedom of people must not be subject to any violation in doing so.

The amended Act is an implementing legislation of the UNTOC which 187 countries and regions are already State Parties to and an act subject to punishment under the amended Act is "an act of planning" and "an act of preparation for implementation (of the crime)". Therefore, the amended Act by no means criminalizes thought or unduly undermines the freedom of expression and the right to privacy.

Furthermore, with regard to concerns on intensified surveillance, "the offence of the preparation of acts of terrorism and other organized crimes" is not listed in the list of crimes for which wiretapping is allowed in the first place. As such, investigative

authorities are not allowed to undertake wiretapping through SNS and email, or to conduct real-time surveillance. Therefore, the concerns that the “offence of the preparation of acts of terrorism and other organized crimes” would lead to intensified surveillance and undermine the right to freedom of expression are unfounded. Also, even in the light of provisions of international human rights law, the allegation that the draft bill will unduly limit the right to privacy and the freedom of expression is unfounded.

5 Opportunities for public participation in the process of deliberation of the bill (paragraph 4, subparagraph 4, page 4 in the letter)

The Japanese Diet consists of Diet members who represent the Japanese people. As a forum reflecting the will of the Japanese people, public deliberations in the Diet should be respected to the maximum extent. Discussion on legislation to implement UNTOC had been on-going for over 10 years in Japan. Deliberations on the relevant bills to amend the Act submitted to the previous Diet sessions extended over 30 hours. Debate in the latest Diet session has also reached nearly 50 hours. Furthermore, 10 outside-the-government experts including supporters and opponents of the bill testified in the House of Representatives on 25th of April and 16th of May, and 6 outside-the-government experts including supporters and opponents of the bill testified in the House of Councilors on 1st and 13th of June respectively. Deliberation in the Diet took place, taking into account a wide range of views in such a manner.

Public interest towards this issue was extremely high with extensive media coverage almost every day and opinion polls was undertaken frequently by the media during the latest Diet session. In light of this, it can be said that the process entailed the active involvement of civil society. Also, given that preliminary deliberations took place at the Legislative Council of the Ministry of Justice, which consists of experts such as lawyers, when drafting the legislation, it can be said that public opinion was fully respected in the drafting stage as well.

The Special Rapporteur points out that relevant definitions of the amended Act are ambiguous, that there was a lack of transparency, and that there was pressure for its rapid adoption without adequate public debate. However, all deliberations took place in the Diet which is open to public. Also, records including views expressed by supporters and opponents of the bill as well as the government’s explanation were publicly available online throughout the course of deliberations. The amended Act was enacted after such deliberations.

6 Conclusions

As described above, the Government of Japan has made every effort to sincerely respond to the concerns and questions raised by the Special Rapporteur. It is hoped that those concerns and questions will be resolved as the Special Rapporteur

peruses the responses stated above. If the Special Rapporteur still has questions on the amended Act, the Government of Japan is ready to explain it directly to the Special Rapporteur. However, the Government of Japan requests that further inquiry is done through diplomatic channels and not as a one-sided online disclosure of opinion without having listened to explanations from the Government of Japan. Japan remains committed to playing an active role in protecting and further promoting human rights including the right to privacy in the international community.

(END)

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[1] The draft bill was submitted to the Diet on 21st March and passed the House of Representatives on 23rd May. After deliberations in the House of Councilors, the Diet passed the bill on 15th June in 2017.

[2] https://www.unodc.org/documents/treaties/UNTOC/Publications/TOC%20Convention/TOCebook-e.pdf

[3] *UN General Assembly resolution 71/167(2016)*
http://www.un.org/en/ga/search/view_doc.asp?symbol=A/RES/71/167&referer=http://www.un.org/en/ga/71/resolutions.shtml&Lang=E
UN General Assembly resolution 69/197(2014)
http://www.un.org/en/ga/search/view_doc.asp?symbol=A/RES/69/197
UN General Assembly resolution 67/193(2012)
http://www.un.org/en/ga/search/view_doc.asp?symbol=A/RES/67/193&referer=http://www.un.org/en/ga/67/resolutions.shtml&Lang=E
UN Security Council Resolution 2195 (2014)
https://www.un.org/en/sc/ctc/docs/2015/N1470875_EN.pdf
UN Security Council Resolution 2322 (2016)
http://www.un.org/en/ga/search/view_doc.asp?symbol=S/RES/2322%282016%29&referer=/english/&Lang=E
G7 Taormina Statement on the Fight Against Terrorism and Violent Extremism(2017);
http://www.mofa.go.jp/mofaj/files/000259991.pdf
"We will reinforce cooperation among ourselves and intensify partnership with third countries, as an essential element of the global action to counter terrorism, in order to implement all relevant UN Security Council Resolutions and international instruments, including the UN Convention against Transnational Organized Crime (UNTOC)."
G7 Ise-Shima Leaders' Declaration (2016);
http://www.mofa.go.jp/mofaj/files/000160266.pdf
"We call for the conclusion and full implementation of the relevant international instruments, such as the UN Convention against Transnational Organized Crime and its Protocols."

[4] https://www.unodc.org/unodc/en/press/releases/2017/May/statement-of-unodc-executive-director--yury-fedotov--on-the-japanese-governments-progress-in-ratifying-the-un-convention-on-transnational-organized-crime.html (Statement of UNODC Executive Director, Yury Fedotov, on the Japanese Government's progress in ratifying the UN Convention on Transnational Organized Crime)

[5] The relevant provisions of UNTOC (Article 2 and 5)
Article 2 Use of Terms
(b) "Serious crime" shall mean conduct constituting an offence punishable by a maximum deprivation of liberty of at least four years or a more serious penalty;
Article 5 Criminalization of participation in an organized criminal group
1. Each State Party shall adopt such legislative and other measures as may be necessary to establish as criminal offences, when committed intentionally:
(a) Either or both of the following as criminal offences distinct from those involving the attempt or completion of the criminal activity:
(i) Agreeing with one or more other persons to commit a serious crime for a purpose relating directly or indirectly to the obtaining of a financial or other material benefit and, where required by domestic law, involving an act undertaken by one of the participants in furtherance of the agreement or involving an organized criminal group;
(ii) Conduct by a person who, with knowledge of either the aim and general criminal activity of an organized criminal group or its intention to commit the crimes in question, takes an active part in:
a. Criminal activities of the organized criminal group;
b. Other activities of the organized criminal group in the knowledge that his or her participation will

contribute to the achievement of the above-described criminal aim;

[6] Article 6-2 (Planning to commit a serious crime that entails an act of preparation by a terrorism group and other organized criminal groups) *See Attachment.*

[7] State Parties which use the above options are required to inform the Secretary-General of the UN at the time of their signature or of deposit of their instrument of ratification, acceptance or approval of or accession to this Convention. Among OECD member countries, Japan is the only country which uses both options.
https://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtdsg_no=XVIII-12&chapter=18&clang=_en

[8] In Japan, it is common to have an annex to legislation when it is easy and convenient, and also for the sake of understanding for readers. Many laws such as National Government Organization Act and Tax Act use this format.

[9]http://www.worldbank.org/en/topic/financialmarketintegrity/publication/justice-for-forests-improving-criminal-justice-efforts-to-combat-illegal-logging-report

[10] *UN Security Council resolution 2347(2017)*
https://www.un.org/en/ga/search/view_doc.asp?symbol=S/RES/2347(2017)&referer=/english/&Lang=E

[11]Out of “serious crimes” covered by the Convention or crimes required to criminalize by the Convention and other related protocols, annex 3 lists crimes in which “an association whose common purpose laying the foundation of its unifying relationship is to commit” is realistically expected.

(Attachment)

Amended Act on Punishment of Organized Crimes and Control of Crime Proceeds (Excerpt)

Provisional Translation

(Definition)

Article 2 The term "association" as used in this Act means a continually unified body of many people with a common purpose, where the acts that fulfill such purpose or intent are repeatedly engaged in, in whole or in part, by an organization (meaning a combination of people whose members act as one according to their predetermined share of duties based on directions and orders; hereinafter the same).

(Organized homicide, etc.)

Article 3 Where an act that constitutes a crime in the following items has been committed as the work of an association (meaning an act that is based on decision-making by the association and whose effect or resulting benefit belongs to the said association; hereinafter the same) by an organization whose purpose is to bring an act that constitutes the said crime to fruition, a person who has committed that crime shall be sentenced to the punishment prescribed in each of those items.

(Planning to commit a serious crime that entails an act of preparation by a terrorism group and other organized criminal groups)

Article 6-2 A person who, together with one or more persons, plans to commit an act that constitutes a crime in the following items as the work of an association by a terrorism group and other organized criminal groups (meaning an association whose common purpose laying the foundation of its unifying relationship is to commit a crime listed in Annex 3; hereinafter the same shall apply in the following paragraph) and through an organization whose purpose is to bring the said act to fruition, shall be sentenced to the punishment prescribed in each of those items if any person within those who made that plan has conducted an arrangement of fund or articles, preview of relevant locations, or other acts of preparation to implement the planned crime in accordance with the aforementioned plan; provided, however, that the person who surrenders him/herself before the person commences the crime shall be reduced or exculpated.

(i) Crimes in Annex 4 that are punishable by the death penalty, life imprisonment with or without work or a sentence of imprisonment with or without work whose maximum term of imprisonment exceeds 10 years

Imprisonment with or without work for not more than 5 years

(ii) Crimes in Annex 4 that are punishable by imprisonment with or without work for not less than 4 years but not more than 10 years

Imprisonment with or without work for not more than 2 years