

(Provisional Translation)

Comment by MORI Masako, Minister of Justice

January 9, 2020

At yesterday's press conference by defendant Carlos Ghosn, he made various critical comments about Japan's criminal justice system.

Most of his comments were abstract, unclear or baseless assertions but they could spread false recognition around the world as they were widely broadcasted. In order to gain an accurate understanding about Japan's system, I would like to make brief comments at the outset, in addition to the comments that I made last night.

I would like to add to it that investigations and judicial proceedings of a specific case should be dealt within the responsibilities and under the jurisdictions of the prosecutors office. Therefore, with regard to the assertions made by the defendant on the specific case, I, as the Minister of Justice, will not make any comment or express my views on them.

- Defendant Ghosn criticized that Japan's judicial system is "hostage justice". As I stated last night, Japan's criminal justice system sets out appropriate procedures and is administered properly to clarify the truth in cases while guaranteeing basic individual human rights. Therefore, such criticism is off the mark.
- He also made an assertion that a fair judgement cannot be obtained, as the conviction rate in Japan is 99%. There is an established practice in Japan's prosecutors offices only to indict a suspect where there is a high likelihood of court's conviction based on sufficient evidence, so as to avoid an innocent person to suffer from the burden of bearing judicial expenses. The judges will make a decision from a neutral and fair position. Therefore, it is wrong to argue that a person cannot obtain a fair judgement because of the high conviction rate in Japan.
- He also made criticism against the overall process of interrogation including long hours of interrogation and lack of lawyer's presence. In Japan, a suspect has a right to remain silent and to seek advice from a lawyer without the presence of a

witness. The basic human rights of a suspect is duly taken into account by giving adequate break to the suspect during the interrogation, and appropriate interrogation is being conducted, including such means as recording and filming of the process.

- He criticized that the prosecutors intentionally prolonged the judicial process and that it would take more than 5 years for a decision to be made. However, the prosecutors offices are making various efforts to ensure that the judicial process move forward in a prompt manner.
- He also claimed that banning a defendant from seeing his spouse is a violation of basic human rights. Unless there is a flight risk or a danger of evidence being concealed or destroyed, however, there is no restrictions for a defendant to see certain individuals.
- Defendant Ghosn criticized that the investigation against him was based on a conspiracy by the relevant stakeholders of Nissan and the Japanese government. However, there is no way that the prosecutors offices would take part in any kind of conspiracy of any interest groups and investigate a matter that has not reached a threshold of the investigation.

While defendant Ghosn made various other assertions regarding his own criminal proceedings, those assertions will not justify his flight from Japan in any way.

If defendant Ghosn has anything to say on his criminal case, he should make his argument at a Japanese court and present concrete evidence. It is my strong hope that defendant Ghosn engage in all possible efforts to make his case within Japan's fair criminal justice proceedings, and that he seek justice rendered by a Japanese court.

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