



## Security Council

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### **Letter dated 27 December 2001 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council**

The Counter-Terrorism Committee has received the attached report from Japan, submitted pursuant to paragraph 6 of resolution 1373 (2001) (see annex).

I should be grateful if you would arrange for this letter and its annex to be circulated as a document of the Security Council.

(Signed) Jeremy **Greenstock**  
Chairman  
Counter-Terrorism Committee

**Annex**

[Original: English]

**Note verbale dated 27 December 2001 from the Permanent Representative of Japan to the United Nations addressed to the Chairman of the Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism**

The Permanent Representative of Japan to the United Nations presents his compliments to the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism, and, pursuant to operative paragraph 6 of this resolution, has the honour to transmit herewith the report of the Government of Japan on the steps it has taken to implement this resolution (see enclosure).

**Enclosure**

**JAPAN**

**REPORT TO THE COUNTER-TERRORISM COMMITTEE  
PURSUANT TO PARAGRAPH 6 OF SECURITY COUNCIL  
RESOLUTION 1373 (2001) OF SEPTEMBER 28, 2001**

**REPORT TO THE COUNTER-TERRORISM COMMITTEE PURSUANT TO PARAGRAPH 6 OF SECURITY COUNCIL RESOLUTION 1373 (2001) OF SEPTEMBER 28, 2001**

The position of Japan on the fight against terrorism has been detailed in its statements during the General Debate under agenda item 166 of the 56th session of the UN General Assembly, "Taking a Comprehensive Approach to the Elimination of Terrorism" (ANNEX 1), and on other occasions. As described below, Japan is vigorously undertaking domestic procedures to facilitate the smooth and prompt implementation of United Nations Security Council resolution 1373 (2001) of September 28, 2001.

United Nations Security Council resolution 1373 (2001) is significant as it upgrades the capability of the international community to combat terrorism. Its early and full implementation is therefore important. In this connection, Japan stresses the importance for Member States to coordinate their measures as far as possible to ensure the effective implementation of the counter-terrorism measures in accordance with the said resolution, including the freezing of assets. Further, in accordance with the basic thrust and objective of this resolution, Japan intends to maintain a close link with the Counter-Terrorism Committee and would like to contribute to its work by providing constructive support.

**LEGISLATIVE ACTION**

There has been substantial progress on the work related legislative action among the authorities concerned in order to ensure the early and full implementation of SCR1373 (2001). With respect to the broader issue of legislation against terrorist financing, as Chief Cabinet Secretary Yasuo Fukuda announced on November 16, Japan will take necessary measures such as seeking the approval of the conclusion of the International Convention for the Suppression of the Financing of Terrorism in the next ordinary Diet session and preparation of the legal framework to implement the provisions related to the Convention and SCR1373 (2001). To this end, relevant Ministries and Agencies have been working together intensively to identify what Japan can do within the present legal framework and what amendments and additional legal arrangements it should make.

As Japan responds to the specific questions posed by the Counter-Terrorism Committee, many parts of the provisions of SCR1373 (2001) have already been implemented through previous legislation and executive measures, including:

- FOREIGN EXCHANGE AND FOREIGN TRADE LAW (Law No.228 of 1949)
- EXPORT TRADE CONTROL ORDER (Executive Order No.414 of 1949)
- FOREIGN EXCHANGE ORDER (Executive Order No.260 of 1980)
- LAW CONCERNING PREVENTION OF INJURY TO PERSONS CAUSED BY SARIN (Law No.78 of 1995)
- NARCOTICS AND PSYCHOTROPICS CONTROL LAW (Law No.14 of 1953)
- LAW OF OPIUM (Law No.71 of 1954)
- HEMP CONTROL LAW (Law No.124 of 1948)
- STIMULANTS CONTROL LAW (Law No.252 of 1951)
- LAW CONTROLLING POSSESSION, ETC. OF FIREARMS AND SWORDS (Law No.6 of 1958).
- THE ACT REGARDING THE CONTROL OF ORGANIZATIONS WHICH COMMITTED INDISCRIMINATE MASS MURDER (Law No.147 of 1999)
- SUBVERSIVE ACTIVITIES PREVENTION ACT (Law No.240 of 1952)
- LAW FOR PUNISHMENT OF ORGANIZED CRIMES, CONTROL OF CRIME PROCEEDS AND OTHER MATTERS (Law No.136 of 1999)
- IMMIGRATION CONTROL AND REFUGEE RECOGNITION ACT (Law No.319 of 1951)
- THE THREE PRINCIPLES ON ARMS EXPORT (Declaration at the Diet session in 1967)

**THE ANTI-TERRORISM SPECIAL MEASURES LAW**

Japan is resolved to continue to stand by the United States and other Member States in their determined fight against terrorism, and to contribute actively, on its own initiative, to the efforts of the international community in

order to prevent and eradicate international terrorism and to ensure that terrorist acts will never be repeated. In this context, the Anti-Terrorism Special Measures Law was passed by the Diet on October 29, 2001.

The Law intends to enable Japan to contribute actively and on its own initiative to the efforts of the international community for the prevention and eradication of international terrorism, thereby ensuring the peace and security of the international community, including Japan itself, through (1) cooperation and support activities for the armed forces of the United States and other countries which aim to eradicate the threat of terrorist attacks, thereby contributing to the achievement of the purposes of the Charter of the United Nations; (2) search and rescue activities for such foreign forces; and (3) assistance to affected people.

On November 16, the Cabinet, following a meeting of the Security Council of Japan, decided on a Basic Plan regarding Response Measures Based on the Anti-Terrorism Special Measures Law. On November 20, the Minister of State for Defense decided on the implementing guidelines, and on November 25, three Self-Defense Forces (SDF) vessels departed (one supply ship ("Towada"), one destroyer ("Sawagiri") and one minesweeper tender ("Uraga")), in addition to the three SDF vessels already in operation for information-gathering purposes (two destroyers ("Kurama" and "Kirisame") and one supply ship ("Hamana") of the Maritime Self-Defense Force). These ships have been engaged in cooperation and support activities and providing assistance to affected people, etc. On December 2, the Air Self-Defense Force also commenced its cooperation and support activities. (AC-130 transport aircraft commenced the transport activities from U.S. bases in Japan to areas in the direction of Guam and elsewhere on December 2.)

### **EXECUTIVE ACTION**

#### **•MEASURES TO CUT OFF TERRORISTS' FUNDS**

In accordance with United Nations Security Council resolutions 1267 (1999) and 1333 (2000), the Government of Japan took measures on September 22 to freeze assets of and restrict money flows to 165 organizations and individuals related to the Taliban or Usama bin Laden. The Government of Japan extended these measures to 23 additional organizations and individuals on October 12; an additional 27 organizations and individuals on October 27; an additional 62 organizations and individuals on November 13; and an additional 4 organizations and individuals on December 26, for a total of 281 organizations and individuals subject to the restrictions in accordance with SCR 1267 (1999) and 1333 (2000). The Government has so far frozen 4 accounts (with about \$600,000) in Japan, and is examining other accounts.

In addition to the above mentioned asset-freezing measures based on UN Security Council resolutions 1267 (1999) and 1333 (2000), the Government of Japan decided, on December 18, to take measures to freeze the assets of an organization engaged in financing terrorism related activities (Holy Land Foundation for Relief and Development), as well as eight terrorists who committed terrorist activities such as hijacking of a commercial airline of TWA in 1985, conspiracy plot, based in Manila, the Philippines, to bomb commercial United States airliners, and bombing of the Khobar Towers military housing complex in Dhahran, Kingdom of Saudi Arabia. These asset-freezing measures are effective from December 19.

#### **•MEASURES TO ENHANCE INTERNATIONAL LEGAL FRAMEWORKS**

The Japanese government supports the twelve counter-terrorism conventions. Japan is already a party to eleven of them. The International Convention for the Suppression of Terrorist Bombings and related domestic legislative proposals were approved at the previous session of the Diet on November 9, and the Convention took effect for Japan on December 16. The Government signed the International Convention for the Suppression of the Financing of Terrorism on October 30, and is preparing for its conclusion at the next plenary session of the Diet in 2002. The Government has also been encouraging other countries to ratify these anti-terrorism conventions on various occasions.

### **TECHNICAL ASSISTANCE TO OTHERS**

Japan has solid programs of bilateral assistance in counter-terrorism aimed at preventing terrorist acts. Activities covered by these programs in the past fifteen years include seminars and a training project. These programs are

offered to officials mainly from developing countries including ASEAN countries. Since 1986, the Japan International Cooperation Agency (JICA) has held such seminars and training courses supported by related ministries and agencies in the following fields. Up to the present, a total of 308 officials from more than 100 countries have participated in the programs. (ANNEX 2)

•**TRAINING COURSE ON IMMIGRATION CONTROL ADMINISTRATION (FOR ASIAN COUNTRIES)**

RESULTS: 60 participants from 18 countries and regions (1995-2001)

PURPOSE: The purpose of this course is to provide participants with practical knowledge and training on immigration control administration by introducing the Japanese system, in order to contribute to the development of immigration control and a regional network mechanism in participating countries of Asia.

MAIN FEATURES OF CURRICULUM: In this course, the following major subjects are covered through lectures, discussions and observation trips: (1) law and regulation system, control administration mechanism; (2) inspection service; (3) computer service; (4) document identification service, and (5) theme study.

QUALIFICATIONS OF APPLICANTS: (1) immigration officer; (2) over 7 years' experience; (3) under 40 years of age; (4) university graduate or equivalent

JICA CENTER / TRAINING INSTITUTIONS:

(1) Osaka International Centre and (2) Osaka Regional Immigration Bureau, Ministry of Justice

•**SEMINAR ON INTERNATIONAL TERRORISM INVESTIGATION**

RESULTS: 95 participants from 50 countries (1995-2001)

PURPOSE: This seminar is designed to provide those who are leaders in charge of the prevention and investigation of international terrorism with an opportunity to discuss the international terrorist situation and anti-terrorism measures. Through the seminar, participants are expected to: (1) acquire an overall understanding of the organization of the Japanese police system and of measures to counter international terrorism investigation through case studies; (2) acquire knowledge and skills for investigation of international terrorism in general through lectures and discussion on international terrorism situations and counter-terrorism measures in their countries; and (3) deepen mutual understanding and establish cooperative relations among participants in order to promote international cooperation for investigating terrorists and preventing international terrorism.

MAIN FEATURES OF CURRICULUM: The following major subjects are covered in the seminar: (1) participants' presentation and discussion of international terrorism situation and anti-terrorism measures; (2) organization and current state of Japan's police system; (3) terrorism situation and anti-terrorism measures in Japan; and (4) observation visit to related facilities.

QUALIFICATIONS OF APPLICANTS: (1) director of division or equivalent position, in charge of international terrorism prevention and investigation in the national police or the security organization of the Ministry of Home Affairs; (2) approximate rank of police superintendent or higher.

JICA CENTER / TRAINING INSTITUTIONS:

(1) Tokyo International Centre and (2) Security Bureau, National Police Agency

•**SEMINAR ON AVIATION SECURITY**

RESULTS: 153 participants from 51 countries and regions (1986-2000)

PURPOSE: The purpose of this seminar is to provide participants with fundamental knowledge of aviation security practices in Japan, which includes ICAO specifications. Participants also have the opportunity to exchange views in the field of aviation security with each other and with Japanese lecturers, thus contributing to the investigation of applicable methods to improve aviation security in participating countries.

MAIN FEATURES OF CURRICULUM: In this seminar, the emphasis is on the Japanese systems as an example. The following major subjects are covered in the seminar. (1) civil aviation in Japan; (2) airport management and security guard; (3) countermeasures for aviation security; (4) security control systems; (5) presentation and discussion by participants; (6) observation of airports and aviation facilities to: (a) deepen fundamental knowledge of international measures for aviation security; (b) acquire fundamental knowledge of countermeasures for aviation security and of security control system practiced in Japan as a reference; (c) enhance fundamental technical knowledge of security equipment; and (d) identify the problems of aviation

security in each participating country, and thus contribute to a consideration of the improvement of such problems.

QUALIFICATIONS OF APPLICANTS: (1) university graduate or the equivalent; (2) currently employed by own government or other public civil aviation authority, preferably in leadership position in administrative and/or policy-planning sections for aviation security; (3) have not less than five years' work experience in the field of aviation security; (4) under 45 years of age

JICA CENTER / TRAINING INSTITUTIONS:

(1) Tokyo International Centre and (2) Civil Aviation Bureau, Ministry of Land and Transportation

Japan committed to double the number of participants in each above-described program in 2002. Japan believes that such efforts will assist other Member States to implement SCR1373 (2001) fully and smoothly. If a need for various forms of assistance arises during the course of the implementation of SCR1373 (2001) by Member States, Japan is prepared to consider providing further assistance.

## **COMMENTS IN RELATION TO THE SPECIFIC QUESTIONS POSED BY THE COUNTER-TERRORISM COMMITTEE**

### **Operative Paragraph 1**

**Sub-paragraph (a)** - *What measures if any have been taken to prevent and suppress the financing of terrorist acts in addition to those listed in your responses to question on 1(b) to (d).*

The Government of Japan, by successive additions to the list of those who are subject to measures to freeze their assets, has designated a total of 290 individuals and organizations, and has implemented measures to freeze those assets relating to terrorist acts.

The Government has designated 165 organizations and individuals on September 22, 2001; 23 organizations and individuals on October 12; 27 organizations and individuals on October 27; 62 organizations and individuals on November 13; 1 organization and 8 individuals in December 19; and an organization and 3 individuals on December 26, as subject to measures to freeze their assets. Included in this list are not only those who have been designated by the Sanctions Committee of the United Nations Security Council as having affiliations with the Taliban, but also the 22 most wanted terrorists designated as subject to having their assets frozen under the United States Executive Order. These organizations and individuals are listed on official gazettes, and effective measures are implemented to freeze their assets. As a result, 4 banks in Afghanistan have been revealed to hold 4 savings accounts (about 600,000 US dollars) in Japan, and those accounts were frozen immediately. The Government of Japan, while continuing to maintain close exchange of information with relevant countries, will endeavor to ensure effective and expeditious measures to freeze assets relating to terrorist acts.

**Sub-paragraph (b)** - *What are the offences and penalties in your country with respect to the activities listed in this sub-paragraph?*

Under the Penal Code of Japan, when a principal offender commences the commission of a crime, the provision or collection of funds is punishable as aiding and abetting, or as complicity. However, if the principal did not commence the commission of a crime, the provision or collection of funds is not punishable under the Penal Code.

"Law concerning Prevention of Injury to Persons Caused by Sarin" (Law No.78 of 1995) stipulates that, regardless of whether a principal offender commences the commission of a crime, the provision of funds for emission, production and importation of the prohibited substances including sarin, with the knowledge that the funds would be used for such action, is by itself punishable. Similar stipulations are provided in "Narcotics and Psychotropics Control Law" (Law No.14 of 1953), "Law of Opium" (Law No.71 of 1954), "Hemp Control Law" (Law No.124 of 1948), "Stimulants Control Law" (Law No.252 of 1951), "Law Controlling Possession, etc. of Fire-Arms and Swords" (Law No.6 of 1958) and other laws.

Japan is of the view that the conclusion of the "International Convention for the Suppression of the Financing of Terrorism" will ensure the full implementation of this sub-paragraph. Currently, the relevant authorities of the Government are working together to come up with necessary legislation to be a party to the Convention at the next plenary session of the Diet which convenes next January.

**Sub-paragraph (c) - What legislation and procedures exist for freezing accounts and assets at banks and financial institutions? It would be helpful if States supplied examples of any relevant action taken.**

In accordance with the "Foreign Exchange and Foreign Trade Law," the Minister of Finance or the Minister of Economy, Trade and Industry may apply a licensing system in order for residents or non-residents to make payments from Japan to persons or organizations in other countries, for residents to make payments to non-residents, or for residents to receive payments from non-residents. The Minister of Finance may apply a licensing system for any capital transactions such as those with respect to savings and trusts, loans and issuance or flotation of bonds. In addition, those who breach such regulations are subject to penalties.

The Government of Japan, since September 11, has taken measures to freeze assets of 290 organizations and individuals including those organizations and individuals which are related to the Taliban or Usama bin Laden, and to date, 4 of their accounts in Japan have been frozen (about 600,000 US Dollars).

As for further action to be taken, the Government of Japan is working seriously to establish an improved mechanism by which more prompt and effective freezing measures can be taken. The mechanism would make it possible for the Japanese government to block financial assets independent of the name lists maintained by the Sanctions Committee of United Nations Security Council more effectively. Through this mechanism, Japan will be able to contribute more actively, on its own initiative, to the efforts of the international community in order to prevent and eradicate international terrorism.

**Sub-paragraph (d) - What measures exist to prohibit the activities listed in this sub-paragraph?**

Generally, the financing of criminal acts, according to the Penal Code in Japan, is regarded as aiding and abetting such acts; therefore, under Japan's Penal Code the financing of an act regarded as an act of terrorism is also punishable, once the commission of the act is commenced. Furthermore, as stated in sub-paragraph (b), under the current legal system in Japan, the crime of financing is stipulated with regard to the several specific criminal acts, and in cases where particular terrorist acts constitute such criminal acts, the financing thereof may be subject to punishment.

In addition, while taking necessary steps towards the ratification of the "International Convention for the Suppression of the Financing of Terrorism," the Government is proceeding with work on criminalizing the financing of terrorist acts, and coordinating among relevant ministries to enact the necessary legislation.

**Operative Paragraph 2**

**Sub-paragraph (a) - What legislation or other measures are in place to give effect to this sub-paragraph? In particular, what offences in your country prohibit (i) recruitment to terrorist groups and (ii) the supply of weapons to terrorists? What other measures help prevent such activities?**

***(i) to prohibit recruitment to terrorist groups***

"The Act Regarding the Control of Organizations Which Committed Indiscriminate Mass Murder (Law No.147 of 1999)" stipulates that a group which has committed indiscriminate mass murder as an organizational activity is to have its activities investigated and placed under observation and that necessary measures will be taken to prevent the recurrence of such act. (ANNEX 3)

In cases where officials or members of an organization carried out indiscriminate mass murder by way of its activities and when it is deemed necessary to continually investigate its activities, and where there are sufficient



facts to find that there is a potential danger that the organization will carry out indiscriminate mass murder, the organization is placed under surveillance by the Director-General of the Public Security Investigation Agency, with the provision that such action shall not exceed the period of three years. In a case where it is deemed necessary to investigate the activities of an organization, the Director-General may have public security investigators enter land or buildings owned or managed by the organization.

Action for prevention of recommitment of indiscriminate mass murder is taken in cases where conditions require that an organization be placed under surveillance, and in cases where officials or members of the organization concerned have forced or attempted to force a person to join that organization concerned. The measure includes 1) prohibition of acquisition of land or buildings; 2) prohibition of use of specific land or building owned or managed by the organization concerned; 3) ban on a person who participated in the said indiscriminate mass murder or who was an official of the organization concerned at the time the said indiscriminate mass murder was carried out from participating in or engaging in all or a part of the activities of the organization concerned; 4) prohibition against forcing or soliciting entry into the organization concerned; 5) prohibition or restriction of receipt by organization of donation of money, articles or other property interests. Any person who contravenes the above-mentioned measures shall be liable to penalties.

Furthermore, "Subversive Activities Prevention Act (Law No.240 of 1952)," in order to contribute to the maintenance of public safety, stipulates necessary regulatory measures against an organization that is engaged in subversive activities that were intrinsic activities of the organization. (ANNEX 4)

Whenever there is clear and well-grounded danger that an organization which performed any terrorist subversive activities in the past performs again in the future any such subversive activity continuously or repeatedly, the following measures may be taken: 1) In cases where such terrorist subversive activity performed in a mass demonstration, procession or public gathering, such activity shall be prohibited for a period of six months; 2) in cases where such terrorist subversive activity performed through a distribution of multiple copies of the publication of the organization, the printing and distribution of such journal shall be prohibited for a fixed period not exceeding six months; 3) any particular officer, official or member of the organization who took part in such terrorist subversive activities shall be prohibited from performing any act in the interest of the organization for a fixed period not exceeding six months. Any person who contravenes the said measures shall be liable to penalties.

If there is clear and well-grounded danger of such organization performing again in the future any terrorist subversive activities continuously or repeatedly as an intrinsic activity of the organization, and if it is seen as not possible to effectively eliminate such danger, such organization may be forced to be dissolved. Any person who takes any action in the interest of the dissolved organization shall be liable to penalties.

***(ii) to prohibit the supply of weapons to terrorists? What other measures help prevent such activities***

Japan's export control legislation and measures contribute toward the elimination of the supply of weapons to terrorists.

The Government of Japan has been dealing carefully with "arms" exports in accordance with the policy guideline titled Three Principles on Arms Exports (hereinafter referred to as "the Three Principles") in order to avoid any possible aggravation of international conflicts. The Three Principles have been the basic policy concerning Japan's "arms" exports since they were declared at the Diet session in 1967. "Arms" as referred to in the Three Principles are defined as goods which are used by military forces and which are directly employed in combat; specifically, 16 goods listed under Item 1 of the Annexed List 1 of the Export Trade Order. (ANNEX 5)

Under the Three Principles, "arms" exports to the following countries or regions shall not be permitted:

- (1) Communist bloc countries,
- (2) countries subject to "arms" exports embargo under United Nations Security Council resolutions, and
- (3) countries involved in or likely to be involved in international conflicts.

Subsequently, in February 1976, the Government of Japan announced the collateral policy guideline at the Diet session that "arms" exports to other areas not included in the Three Principles will also be restrained in conformity with Japan's position as a peace-loving nation. In other words, the collateral policy guideline declared that the Government of Japan shall not promote "arms" exports, regardless of the destination.

Japan's export control system is based on the Foreign Exchange and Foreign Trade Law (Law No.228 of 1948) (hereinafter referred to as "Foreign Exchange Law"), which provides the general legal framework governing Japan's external transactions, as well as the Export Trade Control Order (Executive Order No.414 of 1949) (for goods) and the Foreign Exchange Order (Executive Order No.260 of 1980) (for technologies). In accordance with these regulations, the Government of Japan exercises vigilant control over exports of all items on the lists attached to the Orders by means of a licensing requirement.

Based on the Foreign Exchange Law, the Government of Japan controls exports of goods and technologies which appear as the 15 items described as "subject to control" in the Export Trade Control Order Attachment List 1 and the Foreign Exchange Order Attachment List, respectively. Goods and technologies described on these Lists correspond to the goods and technologies controlled by the four international export control regimes, namely Wassenaar Arrangement, Missile Technology Control Regime, Nuclear Suppliers Group and Australia Group.

Since export controls of weapons and dual-use goods and technologies related to weapons of mass destruction and conventional arms aim at preventing the proliferation of weapons of mass destruction and the destabilizing accumulation of conventional arms, exports of controlled goods and technologies to all destinations are subject to licensing requirements in Japan.

To further strengthen export controls for the non-proliferation of weapons of mass destruction, Japan introduced the catch-all controls in December 2001. A license must be obtained from the Minister for Economy, Trade and Industry for the export of virtually all goods and technologies that are related to weapons of mass destruction.

***Sub-paragraph (b) - What other steps are being taken to prevent the commission of terrorist acts, and in particular, what early warning mechanisms exist to allow exchange of information with other states?***

In preparation for the effective exchange of information with other countries, the relevant government agencies have reinforced the system to integrate, assess and share information under the Director of Cabinet Intelligence.

Relevant terror information obtained by Japan, including warning information, is provided to foreign security agencies concerned in a timely and proper manner. Japan has enhanced this process since the September incident. Terror information involving Japan provided by foreign countries has been centralized at the post of Director of Cabinet Intelligence to enable relevant governmental agencies to coordinate their measures to prevent terrorist attacks. Japan has enhanced this process since the September incident.

In this regard, Japan has been directing its related security agencies to reinforce information-gathering on those affairs related to terrorism. Specifically, Japan has been gathering information that might lead to the prevention of terrorist activities by making use of existing informants etc., and has concurrently been developing a new network for information gathering. In addition, Japan has been carrying out the exchange of information which might lead to the disclosure of the activities of terrorist groups by reinforcing relations with the counterpart intelligence agencies of foreign governments concerned.

***Sub-paragraph (c) - What legislation or procedures exist for denying safe haven to terrorists, such as laws for excluding or expelling the types of individuals referred to in this sub-paragraph? It would be helpful if States supplied examples of any relevant action taken.***

According to Articles 5 and 24 of the "Immigration Control and Refugee Recognition Act (Law No.319 of 1951)," the Government of Japan may deport a foreigner from its territory (Article 24) or deny a foreigner to entry into its territory (Article 5).

## 1. Deportation

The Government of Japan is capable of effecting the deportation of foreign persons, for example;

Persons who organize, belong to, or are closely associated or affiliated with any of the following political parties or other organizations:

- Political parties or other organizations that encourage acts of violence or assaulting, killing, or injuring officials of the Government or local public entities for the reason of their being such officials.
- Political parties or other organizations that encourage illegal damage or destruction of public installations or facilities.

In addition to the above, Article 24 of the "Immigration Control and Refugee Recognition Act" provides for various other conditions for deportation. (ANNEX 6)

## 2. Denial of Landing

The Government of Japan is capable of denying landing to foreign persons, for example;

Persons who organize, belong to, or are affiliated with any of the following political parties or other organizations:

- Political parties or other organizations that encourage acts of violence or assaulting, killing, or injuring officials of the Government or local public entities for the reason of their being such official.
- Political parties or other organizations that encourage illegal damage or destruction of public installations or facilities.

In addition to the above, Article 5 of the "Immigration Control and Refugee Recognition Act" provides for various other conditions for denial of landing. (ANNEX 7)

***Sub-paragraph (d) - What legislation or procedures exist to prevent terrorists acting from your territory against other states or citizens? It would be helpful if States supplied examples of any relevant action taken.***

Clause 2, Article 4-2 of the Penal Code stipulates that the Code is applicable to those who committed an act which is to be punished under international agreements, to which Japan has become a party, even in a case where the act was committed outside of Japan. Since Japan has been a party to eleven of the counter-terrorism conventions, offences set forth in the eleven conventions are punishable regardless of the place of the commission. (ANNEX 8)

Therefore, for such crimes, regardless of the places in which the planning and execution took place within Japanese territory, the Government is capable of exercising its jurisdiction and applying punishment within the obligation provided by such conventions.

***Sub-paragraph (e) - What steps have been taken to establish terrorist acts as serious criminal offences and ensure that the punishment reflects the seriousness of such terrorist acts? Please supply examples of any convictions obtained and the sentence given.***

Of the twelve existing counter-terrorism conventions, Japan has ratified all except the "International Convention for the Suppression of the Financing of Terrorism." All acts recognized as crimes by the concluded conventions have appropriate penal regulations under domestic laws of Japan according to the seriousness of the crime. As in the case of the domestic implementation of the "International Convention for the Suppression of the Financing of Terrorism," the preparation of necessary legislation is under way, so as to formulate a penalty clause in balance with the rest of the conventions.

**Sub-paragraph (f) - What procedures and mechanisms are in place to assist other States? Please provide any available details of how these have been used in practice.**

Japan has been providing maximum possible mutual legal assistance to foreign countries in accordance with its domestic legislation. As a member of INTERPOL, Japan has also ensured its readiness to cooperate in counter-terrorism measures within the framework of the organization.

**Sub-paragraph (g) - How do border controls in your country prevent the movement of terrorists? How do your procedures for issuance of identity papers and travel documents support this? What measures exist to prevent their forgery etc?**

The Immigration Bureau of the Ministry of Justice operates the "Document Examination Laboratory" at district offices located at both Narita Airport and Kansai International Airport. At these laboratories, the immigration inspectors examine travel documents etc. by using the latest and most sophisticated document identification devices. The Immigration Bureau provides the immigration inspectors with various training courses for improving their skill in examining documents.

As to "Refugee Travel Document", if an alien in Japan who has been recognized as a refugee seeks to depart from Japan, the Minister of Justice issues a Refugee Travel Document upon application by such alien, in accordance with the procedures provided for by the Ministry of Justice Ordinance. The Refugee Inquirer examines whether the applicant is a subject of investigation under suspicion of committing a crime provided by Article 1 F- (a) or (c) of the Convention relating to the Status of Refugees, etc. after she or he has been recognized as a refugee and determines whether to issue a Refugee Travel Document.

For security reasons, Japan is not able to describe in detail regarding measures taken to prevent the alteration or forging of identification in the Refugee Travel Document.

**Operative Paragraph 3**

**Sub-paragraph (a) - What steps have been taken to intensify and accelerate the exchange of operational information in the areas indicated in this sub-paragraph?**

In preparation for the effective exchange of information with other countries, the relevant government agencies have reinforced the system of integrating, assessing and sharing information under the Director of Cabinet Intelligence.

Japan has contributed to the promotion and acceleration of exchange of operational information through enhancing relationships among counter-terrorism related agencies of various countries and has strengthened linkage with INTERPOL in the field of counter-terrorism as well. In addition, Japan has established a system of information sharing, both domestic (among its government agencies) and international (with foreign governments), with regard to trends in the export of materials subject to the control of Japan's Foreign Exchange Control Law.

Japan has been making the existing exchange of information on activities related to terrorism with various counterpart agencies of foreign governments concerned, and intends to make such exchanges with the counterpart intelligence agencies of foreign governments concerned smoother and speedier by sending officials of Japan abroad on official trips following the terrorists attacks in the United States.

**Sub-paragraph (b) - What steps have been taken to exchange information and cooperate in the areas indicated in this sub-paragraph?**

In terms of exchanging information, Japan has promoted cooperative relationships, including information sharing, with countries concerned through existing channels among security agencies and through the INTERPOL framework. Terror information involving Japan provided by foreign countries is centralized at the post of

Director of Cabinet Intelligence to enable relevant governmental agencies to coordinate their measures to prevent terrorist attacks.

Regarding cooperation to prevent the commission of terrorist acts, relevant agencies have cooperated with each other in strengthening immigration control to prevent terrorists' entry into Japan. Relevant agencies have also coordinated their efforts in reinforcing the checking of flight passengers to prevent aircraft hijacking. Further, relevant terror information obtained by Japan, including warning information, has been provided to foreign security agencies concerned in a timely and proper manner.

**Sub-paragraph (c) - What steps have been taken to cooperate in the areas indicated in this sub-paragraph?**

The Government of Japan has been taking full advantage of bilateral meetings and multilateral fora, including the United Nations and the G8, to denounce terrorism in any form regardless of motive, to strengthen the international framework for the eradication of terrorism, and to call upon other countries for the implementation of effective measures against terrorist financing. In the G8, for instance, Japan has been actively involved in drawing up an Action Plan against terrorism. In view of the importance of regional cooperation involving developing countries, in addition, Japan called for strengthening such cooperation at the Lyon Summit, and has been taking the initiative in holding counter-terrorism meetings or criminal investigation seminars on cooperation to assist countries in Asia and other regions.

As regards specific cooperation measures under the international legal framework, from the standpoint of implementing the counter-terrorism conventions to which Japan is a party, as stated in Paragraph 3 Sub-paragraph (b), Japan has been making efforts to prevent hijacking of aircraft or other forms of terrorism through close cooperation among related authorities and to observe suspected criminal activities through exchange of information. To support the CTC in providing assistance to third countries regarding the fulfillment of United Nations Security Council resolutions, Japan has been sending a specialist to the CTC.

**Sub-paragraph (d) - What are your government's intentions regarding signing and/or ratifying the conventions and protocols referred to in this sub-paragraph?**

Of the twelve existing counter-terrorism conventions, Japan has ratified all except the "International Convention for the Suppression of the Financing of Terrorism." Its status regarding the conclusion of the Convention is as stated in paragraph 1, sub-paragraph (b). Details of the current status are as indicated in ANNEX 9.

**Sub-paragraph (e) - Provide any relevant information on the implementation of the conventions, protocols and resolutions referred to in this sub-paragraph.**

The Government of Japan, as stated in paragraph 3 sub-paragraph (d), has ratified eleven counter-terrorism conventions, and has signed, on October 30, 2001, the "International Convention for the Suppression of the Financing of Terrorism," as the twelfth of such conventions. The Government is considering necessary legislation to gain the Diet's approval at the next plenary session. The Government has also been implementing necessary measures in accordance with relevant domestic law to fulfill its obligations as stated in United Nations Security Council resolutions 1269 (1999) and 1368 (2001).

**Sub-paragraph (f) - What legislation, procedures and mechanisms are in place for ensuring asylum seekers have not been involved in terrorist activity before granting refugee status. Please supply examples of any relevant cases.**

All the applicants for refugee status are investigated by the Refugee Inquirer and the Minister of Justice through interviews or reference to the public authorities. The Government of Japan does not in general reveal the details of refugee applicants in order to protect their lives and privacy.

***Sub-paragraph (g) - What procedures are in place to prevent the abuse of refugee status by terrorists? Please provide details of legislation and/or administrative procedures that prevent claims of political motivation being recognized as grounds for refusing requests for the extradition of alleged terrorists. Please supply examples of any relevant cases.***

Terrorists will not be recognized as refugees based on paragraph F of Article 1 of the Convention relating to the Status of Refugees. They may not enjoy the non-refoulement principle in the context of Paragraph 2 Article 33 of the Convention and Paragraph 3 Article 53 of the Immigration Control and Refugee Recognition Law. Article 61-2-2 of the Immigration Control and Refugee Recognition Law provides that the Minister of Justice shall withdraw the recognition of refugee status if the alien residing in Japan commits the crime in Article 1 F- (a) or (c) of the Convention after being recognized as a refugee.