

Mandates of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Special Rapporteur on the rights to freedom of peaceful assembly and of association; and the Special Rapporteur on the situation of human rights defenders

REFERENCE: UA JPN 4/2016:

30 May 2016

Excellency,

We have the honour to address you in our capacity as Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; Special Rapporteur on the rights to freedom of peaceful assembly and of association; and Special Rapporteur on the situation of human rights defenders, pursuant to Human Rights Council resolutions 25/2, 24/5, and 25/18.

We take the opportunity to reiterate the appreciation expressed by the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression for your Government's support of his visit to Japan between 12 and 19 April this year.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning alleged acts of intimidation and reprisal, namely surveillance, of Ms. **Kazuko Ito**, secretary-general of Human Rights Now and a human rights defender, for facilitating the contacts of the Special Rapporteur on freedom of opinion and expression with civil society during his recent visit to Japan.

According to the information received:

On 20 May 2016, FACTA magazine reported information received through a leaked memo, according to which the Deputy Chief Cabinet Secretary, Mr. Hiroshige Seko, "ordered intelligence community members, such as the Cabinet's information research section", to surveil Ms. Kazuko Ito's movements ahead of the Special Rapporteur's visit to Japan. The report also notes that part of the memo allegedly produced by Japanese intelligence agency members was shared with Japanese officials.

The memo reportedly stated that Ms. Ito had allegedly asked the Special Rapporteur to visit Japan in December 2015. It also stated that she had met with the Special Rapporteur on 11 April 2016 (the date of the Special Rapporteur's arrival in Tokyo). The memo further indicated that Ms. Sanae Fujita would serve as an interpreter to the Special Rapporteur and that a report on the Specially Designated Secret's Act would be submitted to the Special Rapporteur through Ms. Fujita.

After learning about the report in FACTA, Ms. Ito contacted the Ministry of Foreign Affairs in Tokyo requesting information on her alleged surveillance. Until present, there was no formal response to this request.

While we do not wish to prejudge the accuracy of the aforementioned allegations, we would like express grave concern at the allegations of surveillance of Ms. Kazuko Ito, who facilitated the organization of meetings of the United Nations Special Rapporteur on freedom of opinion and expression with civil society in Japan. The order to monitor, and the act of monitoring of, human rights defenders and their interactions with United Nations special procedures, if confirmed, would amount to an act of intimidation and reprisal for their cooperation with the United Nations, its representatives and mechanisms in the field of human rights. The allegations are further surprising considering the spirit of cooperation encountered throughout the Special Rapporteur's interactions with your Excellency's Government.

As it is our responsibility under the mandates provided to us by the Human Rights Council to seek to clarify all cases brought to our attention, we would be grateful for your observations on the following matters.

1. Are the facts alleged in the summary of the case accurate?
2. What measures have been or are being taken to investigate the reported allegations of surveillance? In case investigations have being or are being conducted, please provide information on the scope of the inquiry and the results obtained so far.
3. Please explain what measures have been taken to ensure that all individuals and groups can engage with the United Nations, its representatives and mechanisms in the field of human rights without fear of acts of intimidation or reprisal for such cooperation.

We undertake to ensure that your Excellency's Government's response will be available in the report we will submit to the Human Rights Council for its consideration.

While waiting for your response, we urge your Excellency's Government to take all necessary measures to guarantee that the rights and freedoms of Ms. Kazuko Ito and any other person who contributed to the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression's visit are respected and, in the event that your investigations support or suggest the above allegations to be correct, the accountability of any person responsible for the reported surveillance activities. We also request that your Excellency's Government adopt effective measures to prevent the recurrence of these acts.

Your Excellency's Government's response will be made available in a report to be presented to the Human Rights Council for its consideration.

Please accept, Excellency, the assurances of our highest consideration.

Michel Forst
Special Rapporteur on the situation of human rights defenders

Maina Kiai
Special Rapporteur on the rights to freedom of peaceful assembly and of association

David Kaye
Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression