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~Features~

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- I. Introduction -

FOREWORD

- In lieu of Inaugural Address

NAITO, Shintaro

Director of the International Cooperation Department

As of July 16, 2021, I have succeeded Mr. MORINAGA Taro as Director of the International Cooperation Department (ICD) of the Research and Training Institute (RTI) of the Ministry of Justice.

My professional background is prosecution. As a prosecutor, I have been mainly involved in investigations and prosecutions; and besides, I have also worked at Tokyo District Court, the Legislative Bureau of the House of Representatives, the Correctional Bureau of the Ministry of Justice as well as the Nuclear Regulation Authority, having been engaged in various duties as judiciary, government attorney etc. As for international affairs, I used to work as a faculty member of the United Nations Asia and Far East Institute for the Prevention of Crime and the Treatment of Offenders (UNAFEI), however, UNAFEI focuses on the field of criminal justice, while ICD focuses mainly on the civil and commercial fields. Therefore, I am freshly redetermined in conducting my new duties as Director of ICD.

Ever since I took over Director of ICD, I have been very much encouraged to see how all ICD members have continued to provide support to our recipient countries (RCs) under the difficult circumstances of the COVID-19, making full use of online service, and struggling together with RCs. Also, when I attended online seminars and other events, many people in RCs gave me their words of gratitude for all the activities of ICD to date as well as their expectations for our future assistance. I felt a renewed sense of appreciation to realize the great achievements made by our predecessors and determined to continue them with our best efforts.

ICD was established under RTI in 2001 as a department exclusively dedicated to legal technical assistance (LTA). We have conducted various activities mainly in Southeast Asian countries; now the number of countries to which we provide assistance is more than ten, and the quality and quantity of our support for the development of legal systems have become more advanced and extensive.

The three basic pillars of ICD's activities have been (1) assistance in drafting of basic laws and regulations, (2) assistance in development of the systems of the judiciary-related organizations that administer the enacted laws and regulations, and (3) assistance for development of human resources such as prosecutors, judges, and other legal practitioners. Some of these activities are carried out by the Japan International Cooperation Agency (JICA) with the cooperation of ICD,

while others are carried out by the initiatives of ICD. In all cases, Japan's LTA has a unique characteristic compared to that of other countries/organs, which is, that the assistance is provided based on the request of each RC and with respect for its autonomy (ownership). In other words, we intend not to impose our legal system on RCs, but to provide our knowledge and experience in order to suggest better options for them through continuous and detailed discussions, with our related parties such as JICA's headquarters and long-term experts, scholars, etc. Japan's LTA is known to be the style of "Face-to-Face" and "Side-by-Side"; it has been highly evaluated by RCs. These good traditions built up by our predecessors and the strong relationship of trust with RCs are the strengths and origins of ICD.

ICD has been providing LTA for the past 20 years and achieved satisfactory results. However, in order to continue and develop our LTA, we must take into account the latest policy of "judicial diplomacy" being promoted by the Japanese government, as well as various challenges in the modern international community, such as the SDGs and business and human rights. etc.; we should also fully respect the present situation of RCs as we have done, considering what kind of assistance they are seeking, what the priority issues are for them, and how we should tackle these issues.

ICD members with diversified professional/specialized backgrounds such as prosecutors, judges, and administrative officers, are working diligently for the common goal of prevailing the rule of law in RCs. Each ICD member has brought a breath of fresh air into our department. While learning lessons from the past, he/she is conducting his/her own research and deepening his/her thoughts in light of the current situation. In recent years, some persons who once worked at ICD have returned or advanced to the related fields of international affairs. As a result, a good personnel cycle has been gradually established, in which the traditions of ICD are being inherited and spreading to the people around us. As for myself, I will work together with all our members to make steady progress in LTA, even if it takes only one step at a time, while cherishing the tradition and the prime point of ICD.

I would like to once again sincerely thank you, all the people concerned in RCs and in Japan, in advance for your continued support and cooperation.

- II. Contributions -

CRIMINAL JUSTICE SYSTEM, ROLES OF PROSECUTION, DEFENSE & JUDICIARY IN SRI LANKA

D. S. Soosaithas, *High Court Judge – High Court of Batticaloa*

Shaminda Wickrema, *State Counsel – Attorney General's Department*

Dimuthu Senerath Bandara – *Attorney-at-Law*

Namal Ralapanawe – *Senior Project Specialist, JICA Sri Lanka Office*

1. Outline of the Criminal Justice System

1.1 Evolution

As many other countries in South Asia, Sri Lanka was also subjected to over a century of colonization, by the Portuguese, the Dutch and then the British. It is evident from historical records that the country already had developed mechanisms for not only criminal justice but also for civil matters prior to colonization. The Dutch introduced their own laws to the maritime provinces which they ruled over, and codified them with a mix of local laws. However it was the British who occupied the entire country from 1815 to 1948, who had the greatest influence on the Sri Lankan legal system. They codified the law adopting British law where possible, incorporating the laws codified by the Dutch in some instances and filling the gaps by adapting the existing local laws as per their own interpretation and sensibilities. The codification enabled the law to be preserved in its original state; but it also seems to have hindered its evolution in line with the changes in social norms and values. 70 years after independence, the volume of laws have increased with the introduction of new laws to fill the obvious gaps necessitated by the changing times; but some archaic laws inconsistent with internationally acceptable norms and best practices still remain in force, perhaps due to the cumbersome procedure of amendment.

1.2 Key Features of the Legal System

In principle, Sri Lanka's legal system is adversarial, with some elements of inquisitorial justice systems especially when the role of the judges is considered in "proactive elicitation of evidence to ensure proper administration of justice" (Justice Yasantha Kodagoda, 2021).

The principles of adherence to rule of law, protection of the rights of all parties, presumption of innocence of accused until proven guilty, and proof of guilt beyond reasonable doubt are fundamental tenets of the system.

The criminal justice procedure is codified and considered together with statutes and case law interpretations.

1.3 Relevant Legislation

The Constitution: The Judiciary derives its powers from the Constitution of the Democratic Socialist Republic of Sri Lanka, as amended by the 20th Amendment.¹ The Constitution stipulates that judicial power of the People shall be exercised by the Parliament through courts, tribunals and institutions established by the Constitution and or by other laws.

The general jurisdiction, constitution and powers of both these Courts and the High Courts of the Provinces, and the appointment of the Chief Justice, the President of the Court of Appeal and the other Justices of these two Courts are stipulated in the Constitution.

Judicature Act: The Courts of First Instance which include the High Court, District Courts, Small Claims Courts² and the Magistrates Courts. The Act provides for the establishment, constitution, jurisdiction and powers and the procedure in and before these Courts.

Criminal Procedure Code & Penal Code: These two Acts provide for the procedure of criminal justice and punishments for those convicted. The Penal Code was originally enacted in 1883 by the British, while the Criminal Procedure Code was enacted later in 1979. In principle, the Criminal Procedure Code sets out the criminal justice procedure, while the Penal Code stipulates the offences and consequent penalties.

Evidence Ordinance: The Evidence Ordinance³ provides for the laws of evidence applicable for all judicial proceedings in or before any court. It stipulates on matters such as relevancy of facts, admissibility of statements and confessions, etc.

Other Acts and Laws: Several other Acts and laws exist in order to address procedure and set out the punishments for specific crimes such as bribery & corruption, narcotics, financial fraud, prevention of terrorism etc. The criminal justice procedure and the respective courts with jurisdiction are set out in the provisions of these Acts.

1.4 Service Providers in the Criminal Justice System

Judges: Judges preside over both criminal and civil matters, in the different courts within the system – High Courts, Court of Appeal and Supreme Court. Judges must make their determination considering the facts and merits of each party to the proceedings as well as the relevant laws. The judge should also uphold the rights of all parties (victim, defendant, witnesses) and ensure a fair trial.

Judges to the High Courts as well as Magistrates are appointed by the Judicial Services Commission which consists of the Chief Justice as the Chairperson and two senior Judges of the Supreme Court appointed by the President. The Judges of the Court of Appeal and Supreme Court are appointed by the President.

¹ <https://www.parliament.lk/files/pdf/constitution.pdf>

² Although the Act provides for establishment of Small Claims Courts, as at 2021 they are not yet established.

³ <https://www.lawnet.gov.lk/evidence-ordinance/>

Attorney General: The Attorney General is the chief public prosecutor of the state, and represents the state in all criminal prosecutions before the High Court and superior courts, through State Counsel of the Attorney General's Department. The Attorney General and Solicitor General (deputy of AG) are appointed by the President from the senior state counsel of the Department.

Police: The Police Department is responsible for investigation, arrest, detention, charging the accused, and prosecution in the case of offences cognizable before Magistrates Courts.

Defense Counsel: The accused have the right to be represented by Defense Counsel, who are Attorneys-at-Law from the private Bar.

Legal Aid Commission (LAC): Attorneys-at-Law of the Legal Aid Commission provide free legal representation and advice to low income litigants. The LAC handles matters on land, divorce, domestic violence, maintenance, bail, appeals and fundamental rights violation matters etc, but rarely accepts criminal cases. As a result, low income accused are forced to navigate the legal system on their own⁴

1.5 Court System with respect to Criminal Justice

Magistrates Court: The Magistrates Courts (MC) are courts of first instance for criminal proceedings and have summary jurisdiction over criminal matters. A Magistrates Court is established for every Judicial Division. The Code of Criminal Procedure (s.2) sets out the jurisdiction of the MC:

- (i) jurisdiction to inquire into the commission offences –
- (ii) to issue search warrants and to require sureties for the peace –
- (iii) to inquire into cases of sudden or accidental death –

This is subject to s.10 of the Code of Criminal Procedure which stipulates the offences triable by the MC⁵. In principle, criminal offences punishable by a term not exceeding two years and/or a fine not exceeding Rs. 1500 are summarily tried/disposed of at MC.

High Court: The High Courts are courts of first instance established for every judicial zone and has jurisdiction over both criminal and civil matters. The Provincial High Courts established through the 13th Amendment to the Constitution have appellate and revisionary jurisdiction in respect of judgments made by lower courts within the respective Province as well.

The Judicature Act (s.9) sets out the jurisdiction of the HC on criminal matters:

To hear, try and determine in the manner provided for by written law all prosecutions (only) **on indictment by Attorney General** instituted therein against any person in respect of:

- (a) any offence wholly or partly committed in Sri Lanka,
- (b) any offence committed by any person on or over the territorial waters of Sri Lanka;
- (c) any offence committed by any person in the air space of Sri Lanka;

⁴ Pg. 167, International Bridges to Justice, Sri Lanka Criminal Defence Practice Manual

⁵ Schedule 1 of Code of Criminal Procedure lists the offences triable by MC and HC.

- (d) any offence committed by any person on the high seas where such offence is piracy by the law of nations;
- (e) any offence wherever committed by any person on board or in relation to any ship or any aircraft of whatever category registered in Sri Lanka; or
- (f) any offence wherever committed by any person, who is a citizen of Sri Lanka, in any place outside the territory of Sri Lanka or on board or in relation to any ship or aircraft of whatever category.

The jurisdiction of the Provincial High Courts is set out in the Constitution.

Article 154 P (3) of the Constitution confers Jurisdiction to the Provincial High Courts on the following matters:

- (a) exercise according to law the original criminal jurisdiction of the High Court of Sri Lanka in respect of offences committed within the province,
- (b) notwithstanding anything in Article 138 and subject to any law, exercise, appellate and revisionary jurisdiction in respect of convictions, sentences and orders entered or imposed by Magistrate's Court within the Province,
- (c) exercise such other jurisdiction and powers as Parliament may, by law provide,

Article 154 P (4) of the Constitution confers jurisdiction to the Provincial High Courts to issue, according to law;

- (a) Orders in the nature of habeas corpus, in respect of persons illegally detained within the province, and
- (b) Orders in the nature of Writs of *Certiorari*, Prohibition, *Procedendo*, *Mandamus* and *Quo Warranto* against any person exercising, within the province, any powers under-
 - (i) any law or,
 - (ii) any statute made by the Provincial Council established for the province/ in respect of any matter set out in Provincial Council list

Court of Appeal: The Court of Appeal (CA) is the second highest Court in Sri Lanka. It is established and derives its powers through the Constitution. It has appellate jurisdiction over the courts of first instance and other judicial institutions, and jurisdiction for correction of all errors and facts in law, on both criminal and civil matters. The Constitution confers the following jurisdiction on CA:

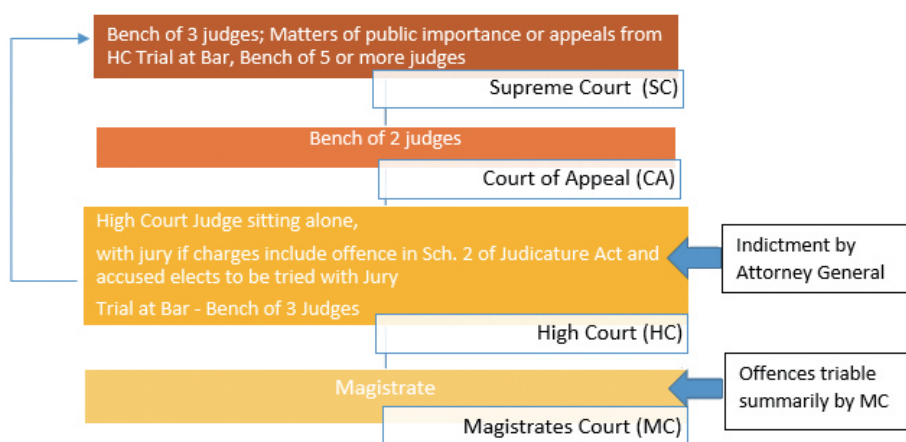
- Art. 139 (1): Affirm, reverse, correct or modify any order, judgment, decree or sentence
- Art. 139 (2): Further receive and admit new evidence additional to, or supplementary of, the evidence already taken in the Court of First Instance
- Art. 140: Power to issue writs, other than writs of habeas corpus
- Art. 142: Power to bring up and remove prisoners

- Art. 143: Power to grant injunctions
- Art. 145: Inspect and examine any record of any Court of First Instance

Supreme Court: The Supreme Court (SC) of Sri Lanka is the highest and final superior Court of record. It is established and derives its powers through the Constitution (Art. 118 – 136). The SC has jurisdiction over:

- Constitutional Matters;
- Fundamental Rights;
- Final Appellate Jurisdiction – both in criminal and civil matters;
- Consultative Jurisdiction;
- Election Petitions
- Breach of privileges of the Parliament;
- Other matters which Parliament may by law vest or ordain;
- Admission, Enrolment, Suspension and Removal of Attorneys-At-Law.

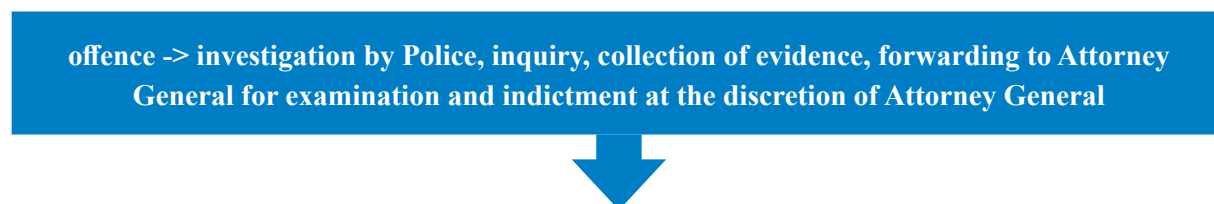
Snapshot of the hierarchy of the Court System with respect to criminal justice proceedings is shown in Graph 1.1, and steps of the criminal justice procedure in Graph 1.2.

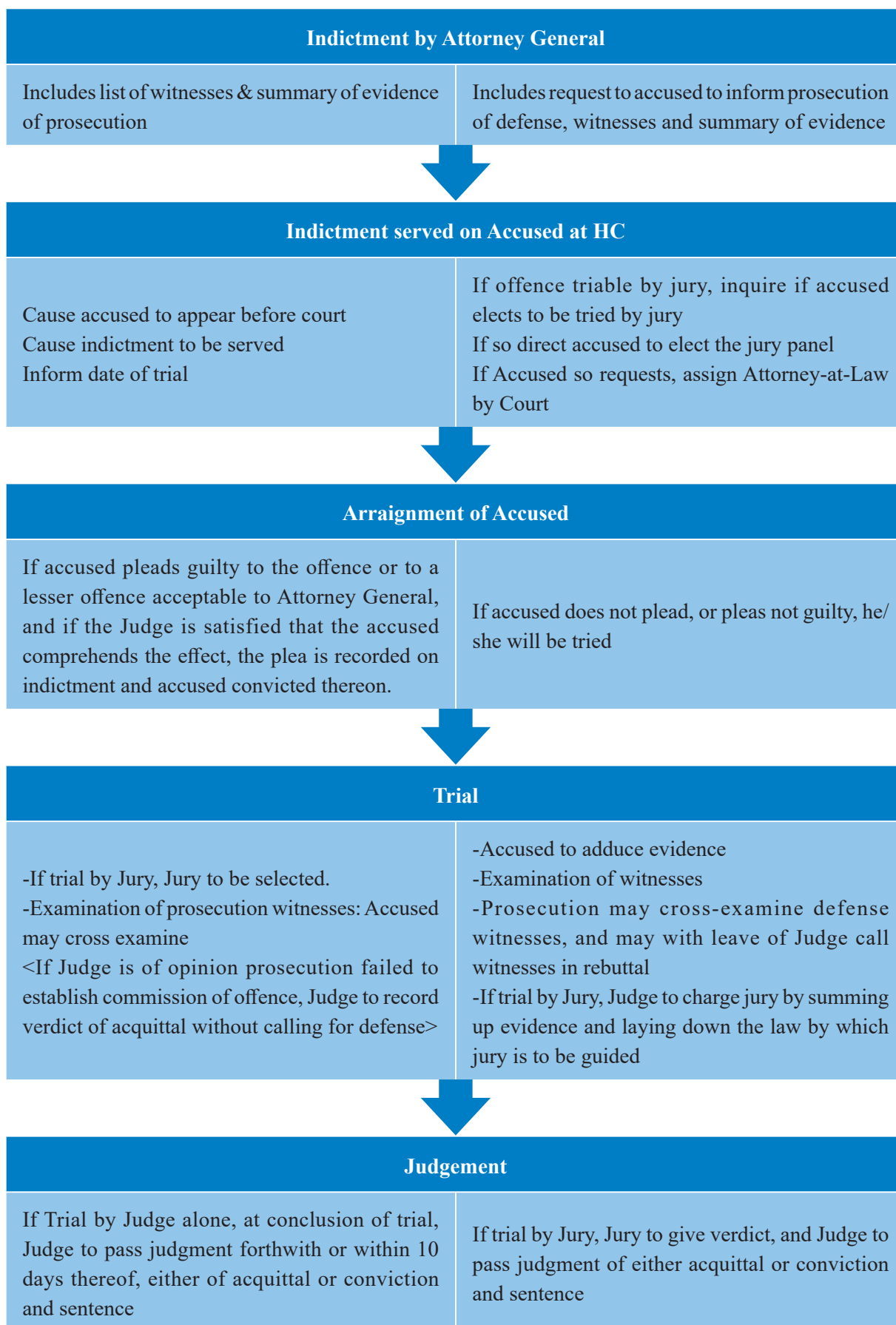


Graph 1.1: Hierarchy of the Courts with respect to criminal justice system

1.6 Criminal Justice Procedure

The key steps of the non-summary criminal justice procedure at High Court are as given below:





Graph 1.2: Key steps of the criminal justice procedure before High Court

Accused may appeal to the Court of Appeal, and further to the Supreme Court if leave to appeal is granted.

In principle, the same key steps apply at procedure at Magistrates Court. The prosecution at MC is handled by the Police. There is no jury option, and trial will be held before Magistrate, who will pass judgment and sentence. Accused may appeal to the relevant Provincial High Court.

1.7 Strengths & Challenges in the Criminal Justice System

The primary objectives of a criminal justice system are prosecution, conviction and punishment of the guilty and facilitating acquittal in the case of an innocent person being accused, through lawful investigations and a fair trial (Justice Yasantha Kodagoda, 2021).

In principle, Sri Lanka's criminal justice system built upon the rule of law and is geared towards achieving these objectives.

Judges have power to perform the role of an umpire, as well as to engage in proactive elicitation of evidence and interpretation of the law to ensure proper administration of justice. (Justice Yasantha Kodagoda, 2021)

The fundamental rights of the accused are considered throughout the system – such as the right to a fair trial, pre-condition of lawfulness of investigation for prosecution, the right to be represented through an attorney-at-law and the right to remain silent throughout the trial. The burden of proving its case beyond reasonable doubt lies upon the prosecution, and the accused is presumed innocent until proven guilty.

Rules against self-incrimination is generally recognized. Confessions made to the police are not admissible. In case of the offence of murder, even if accused pleads guilty in court, the Judge is required to consider it as a plea of not guilty or no plea, and proceed to trial.

As in many other common law jurisdictions, the victim is generally not a party to criminal proceedings and the prosecutor indicts the accused on behalf of the state against the crime committed against the society. Victims and witnesses are often subjected to harassment, intimidation, retaliatory attacks and secondary victimization. They are left to navigate the system without legal representation or effective assistance. Their plight is further aggravated by the chronic delay in criminal justice proceedings in Sri Lanka, where on average it could take 8-10 years for a criminal proceeding to be concluded.

Sri Lanka's criminal justice system is fundamentally one of retributive justice, and reparatory or restorative measures to victims of crime were non-existent until **Assistance to and Protection of Victims of Crime and Witnesses Act No. 4 of 2015** came into operation in 2016. The Act inter alia sets out the rights and entitlements of the victims and witnesses of crime, provides for assistance and protection to them, enables victims of crime to obtain redress through compensation, restitution, reparation and rehabilitation, sets out the responsibilities of the

state and service providers in protecting and promoting the rights of victims and witnesses. As provided for in the Act, the National Authority for the Protection of Victims of Crime and Witnesses was established and inaugurated in January 2016, as the mechanism to enforce and exercise the rights and entitlements of the victims and witnesses under the Act.

The Attorney General (AG) of Sri Lanka acts as the principal legal advisor to the state, the principal civil litigator and the chief public prosecutor. The AG's wide ranging functions, especially with regard to advising the Executive of the state, defending the state and public officials and representing the state in fundamental rights applications may potentially compromise the independence and impartiality of the office of the AG. There is currently a discussion on whether to separate the office of the Chief Public Prosecutor, which could not only promote the impartiality of the office, but also facilitate improving the efficiency of criminal justice proceedings.

The AG has wide and exclusive powers in prosecutorial discretion. AG can decide not to prosecute and thereby cause discharge of a suspect, award conditional pardon to a suspect or list an alleged suspect as a witness, decide on and draft charges, decide on proposals to amend indictment to a lesser offence, decide on whether or not to proceed with prosecution or early termination, may enter *nolle prosequi* and may withdraw indictment with permission of Court. Although these wide powers exist, in practice the use of such discretion is seemingly low. One reason for this could be the compulsion to be seen as victim centric and accountable to the public. However, the extremely long time period currently required to dispose of a criminal case and the low rate of conviction has deteriorated public trust in the justice system, and appropriate use of prosecutorial discretion has the potential to improve the situation.

The primary challenge faced by the criminal justice system is the prolonged length of time taken to conclude cases. This situation has arisen due to an extensive backlog of cases increasing through the years due to insufficient resource allocation (both in human resources and infrastructure) commensurate with crime rates. Although additional resource allocation has increased in the recent years and several new measures have been adopted in order to improve the efficiency of criminal justice proceedings, a significant positive impact is still not evident.

The criminal justice procedure is rigorously regulated by the Criminal Procedure Code and associated statutes. However, much of the legislation is outdated, and require amendment not only to introduce new measures and processes but also to update existing provisions to correspond with current good practices. Amendment of legislation is a cumbersome process, and often becomes a victim of political policy changes. There is no established mechanism for consultation of stakeholders and practitioners in introducing new provisions or amendments. As such, even when new legislation is introduced, they may not be implemented as expected, or may not produce the expected results or outcomes.

However, measures such as more effective use of prosecutorial discretion as already provided for by law, pre-trial consultation among prosecution and defense towards effective planning of the trial proceedings, effective division of tasks to enable judges to focus on judicial proceedings instead of administrative functions could be implemented immediately without needing amendment of legislation or much additional resources. This could provide some relief to the system until other measures needing longer term processes to be implemented.

2. Role of the Prosecution in Criminal Justice Proceedings

The role of the prosecution with regard to criminal justice proceedings is conducted by the Attorney General and the Attorney General's Department with specific reference to the Code of Criminal Procedure Act (CCPA), No. 15 of 1979 of Sri Lanka.

Whilst it is noted that there are multiple Prosecuting Authorities in addition to the Attorney General, such as the Commission to Investigate Allegations of Bribery or Corruption (CIABOC), the Sri Lanka Police, Prosecuting Officers operating under specialist laws such as Forest Officers and Public Health Inspectors, this article deals (only) with the role of the Attorney General and the Attorney General's Department as the Chief Law Officer of the State.

2.1 Introduction to the Office of the Attorney General

The Office of the 'Attorney General' as it is known today was formally established under British Colonial Rule in the year 1884. However, its roots can be traced back even further to an era when the Dutch ruled part of the then Island of "Ceylon"⁶.

As mentioned above, the Attorney General is the Chief Law Officer of the State. One of the main functions of the Attorney General is as the Chief Prosecutor against crimes in Sri Lanka. In this capacity, the Attorney General institutes prosecutions and prosecutes crimes directly through its Officers and also, sometimes, conducts prosecutions on behalf of the other Prosecuting Authorities referred to above. "He conducts prosecutions in criminal cases and appears on behalf of the Government, Government Departments, Statutory Boards and Public Corporations in any Court or Tribunal"⁷.

The Attorney General is also the Chief Legal Advisor of the State, which entails advising Government Departments, Statutory Boards and Public Corporations in respect of legal matters. Further, the Attorney General appears on behalf of the Government, Government Departments, Statutory Boards and Public Corporations in diverse judicial fora⁸.

The Attorney General has to examine every Bill (legislation pending approval of Parliament) for contraventions of the requirements of the Constitution and for any provisions which cannot be

⁶ Accessed at <http://www.attorneygeneral.gov.lk/evolution-of-the-office-of-the-ag/> on 30th of December 2021.

⁷ Accessed at <http://www.attorneygeneral.gov.lk/> on 30th of December 2021.

⁸ *Ibid* 1.

passed except by special majority of the Parliament⁹ and any other matters regarding the legality of its content. In relation to such Bills and certain other matters, the Attorney General may also render his opinion to the President, to the Supreme Court, and to the Speaker, the representative of Parliament.

“The Attorney General acts in a quasi-judicial manner in certain instances. He renders advice, either upon advice being sought or on his own initiative to State Departments, public officers, officers of the Police and other armed forces and officers in Statutory Boards and Public Corporations in respect of any criminal matter of importance or complexity”¹⁰. In terms of the present Constitution¹¹, the Attorney General is appointed to his Office by the President on the recommendation of the Parliamentary Council¹².

2.2 Structure of the Attorney General’s Department

The Attorney General’s Department can be broadly divided into several divisions, based on the nature of the work handled by each division.

These are the Criminal Division, the Civil Division, the State Attorney’s Division and other specialized Units. Whilst this article will focus mainly on the work and responsibilities of the Criminal Division, for the purposes of completeness, a short description of the Civil Division, the State Attorney’s Division and the other specialized Units is given below:

The Civil Division: According to its official website¹³, the Attorney General represents the Republic in any civil action filed by or against the State and/or State Officers acting in their official capacity¹⁴. As such, when filing an action against the State and/or ‘its’ officials, it should be instituted against the Attorney General, and such action should be maintained against the Attorney General. Similarly, when the State intends to claim from an individual or any other institution, those cases should be filed by the Attorney General. Prior to Civil Litigation, the Attorney General may mediate into the matter with the relevant Government Institution and the affected party as a means of preventing unnecessary litigation. Thus, on many occasions the Attorney General settles disputes between parties after negotiating with the relevant Government Institutions in his capacity as the principal law officer of the country.

In addition, special powers are given to the Attorney General to watch the interests of “wards of court” such as persons of unsound mind¹⁵ and minors¹⁶. The Attorney General is also vested with power in respect of all public charitable Trusts and actions alleging breach of any charitable

⁹ Article 77 of the Constitution. Accessed at <https://www.parliament.lk/files/pdf/constitution.pdf> on 30th December 2021.

¹⁰ Accessed at <http://www.attorneygeneral.gov.lk/> on 30th of December 2021.

¹¹ <https://www.parliament.lk/files/pdf/constitution.pdf>

¹² Article 41A of the Constitution. The Parliamentary Council consists of the Prime Minister, his nominee, the Speaker, the Leader of the Opposition and his nominee.

¹³ Accessed at <http://www.attorneygeneral.gov.lk/in-relation-to-civil-matters/> on 30th of December 2021.

¹⁴ Section 456 of the Civil Procedure Code.

¹⁵ Section 556(2), 572(2), and 575(1) of the Civil Procedure Code. Accessed at <https://www.lawnet.gov.lk/civil-procedure-code/> on 30th of December 2021.

¹⁶ Section 589, 591, and 592(2) of the Civil Procedure Code.

Trust can only be brought by the Attorney General or by others with his permission¹⁷.

State Attorney's Division: The State Attorney's Division provides legal assistance, handles conveyancing work, drafts agreements, instructs and appears as Registered Attorneys for State institutions in Original and Appellate Civil Courts. In coordination with the State Counsel assigned to outstation Courts, the Officers of the State Attorney's Division also liaise with Attorneys-at-Law, who are appointed by the Attorney General as Registered Attorneys¹⁸ to facilitate appearances, applications or act on behalf of the State in the outstation Courts within the respective provinces of Sri Lanka¹⁹.

Other Specialized Units: Additionally, there are specialized units that play an important role for the efficient discharge of the duties of the Department²⁰. These are the Public Petitions Unit (Engaged in dealing with matters relating to public petitions)²¹, Child Abuse Unit (Engaged in dealing with matters relating to child abuse cases)²², EER Unit (Engaged in dealing with matters relating to the cases initiated under the Emergency Regulations and Prevention of Terrorism Act)²³, Immigration and Emigration Unit (Engaged in dealing with matters relating to cases instituted under the Immigration and Emigration Law)²⁴, Corporation Unit (Dealing with matters with regard to Public Corporations)²⁵ and Narcotics Unit (To expedite, advice and prosecutions in relation to Narcotics).²⁶ Further in terms of Courts, special divisions such as the Supreme Court Unit and the Appeal Court Unit also perform a significant function. Generally, each major division also has back up services to deal with the allocation and distribution of the files pertaining to each division, generally termed "The Criminal Branch", "The Civil Branch" and "The State Attorney's Division".

2.3 Officers of the Attorney General's Department

The officers of the Attorney General's Department as regards the Criminal and Civil Divisions (without reference to the State Attorney's Division, which carries a different hierarchy and is not discussed here in order to avoid confusion) are as follows:

¹⁷ Section 101 of the Trust Ordinance.

¹⁸ Section 25(a) of the Civil Procedure Code.

¹⁹ Accessed at <http://www.attorneygeneral.gov.lk/state-attorneys-division/> on 30th December 2021.

²⁰ Accessed at https://www.moj.gov.lk/index.php?option=com_content&view=article&id=22&Itemid=169&lang=en on 30th December.

²¹ *ibid.*

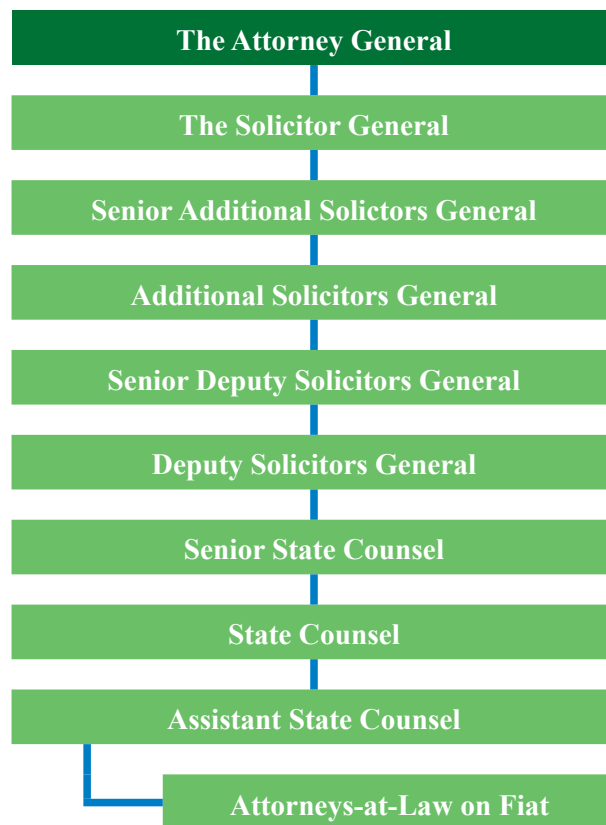
²² *ibid.*

²³ *ibid.*

²⁴ *ibid.*

²⁵ Accessed at <http://www.attorneygeneral.gov.lk/corporations-unit/> on 30th December 2021.

²⁶ Accessed at <http://www.attorneygeneral.gov.lk/narcotics-unit-cr3/> on 30th December 2021.



Graph 2.1 Hierarchy of the Attorney General's Department

As at the time of writing this article, the Criminal Division is headed by the Attorney General and consists of a total of 140 Counsels and Attorneys.

The 140 Counsel in the Criminal Division are allocated duties as follows:

1. The Attorney General heads the Division and holds overall supervision,
2. 45 Counsels are allocated prosecutions in the High Court,
3. 7 Counsels are allocated appearances in the Supreme Court,
4. 26 Counsel are allocated appearances in the Court of Appeal (20 Counsels handling Criminal Appeals, 3 Counsels handling Criminal Revisions and 3 Counsels handling Habeas Corpus applications),
5. 28 Counsel handling Miscellaneous Appearances,
6. 29 Attorneys handling work for the Other Specialised Units (mainly in filing charges, Indictment, or discharging Suspects in order to expedite specialist cases),
(4 officers on long term leave)

Of the above figures, Counsel who appear in Court are mainly those mentioned from 1 to 5 above, being a total of 107 Counsel.

For a country with a population of approximately 21 million persons²⁷, it is interesting to

²⁷ Accessed at <https://data.worldbank.org/indicator/SP.POP.TOTL?locations=LK> on 30th of December.

calculate the number of Prosecutors per 100,000 persons as follows:

$$\frac{107}{21,000,000} \times 100,000 \approx 0.509$$

Thus it may be seen that the average number of Prosecutors per 100,000 persons is approximately half of one Prosecutor, thus pointing to a unique dearth of personnel when considering the available Public Prosecutors in Sri Lanka.

2.4 Institution of Criminal Proceedings with regard to the Code of Criminal Procedure Act (CCPA)

Generally Criminal Proceedings in Sri Lanka are instituted in the two original courts of First Instance, namely, the Magistrate's Court and the High Court.

2.4.1. Institution of Proceedings in the Magistrates Court

Proceedings in the Magistrate Court shall be instituted in one of the following ways²⁸. (The sections have been simplified for the reader to easily understand.)

1. On a Complaint being made (by any person) orally or in writing, that an Offence has been committed²⁹. This is known in practice as a "Private Complaint".
2. On a written report being made by an Officer to the Magistrate that an Offence has been committed³⁰. This is known in practice as a "B Report".
3. On the initiation of the Magistrate based on the knowledge or suspicion that an Offence has been committed³¹.
4. On a person being brought before a Magistrate, in custody, without process, accused of having committed an Offence³².
5. On a warrant by the Attorney General to hold an inquiry in respect of an Offence³³.
6. On a written complaint by a Court (under Section 135 of CCPA)³⁴.

2.4.2 Institution of Proceedings in the High Court

In comparison, the High Court shall not take cognizance of any offence unless the accused person

²⁸ Section 136 of CCPA.

²⁹ Section 136 (1) (a) of CCPA reads as follows - "on a complaint being made orally or in writing to a Magistrate of such court that an offence has been committed which such court has jurisdiction either to inquire into or try"

³⁰ Section 136 (1) (b) of the CCPA reads as follows - "on a written report to the like effect being made to a Magistrate of such court by an inquirer appointed under Chapter XI or by a peace officer or a public servant or a servant of a Municipal Council or of an Urban Council or of a Town Council"

³¹ Section 136 (1) (c) of the CCPA reads as follows - "upon the knowledge or suspicion of a Magistrate of such court to the like effect; Provided that when proceedings are instituted under this paragraph the accused or when there are several persons accused any one of them, shall be entitled to require that the case shall not be tried by the Magistrate upon whose knowledge or suspicion the proceedings were instituted, but shall either be tried by another Magistrate or committed for trial"

³² Section 136 (1) (d) of the CCPA reads as follows - "on any person being brought before a Magistrate of such court in custody without process, accused of having committed an offence which such court has jurisdiction either to, inquire into or try"

³³ Section 136 (1) (e) of the CCPA reads as follows - "upon a warrant under the hand of the Attorney-General requiring a Magistrate of such court to hold an inquiry in respect of an offence which such court has jurisdiction to inquire into"

³⁴ Section 136 (1) (f) of the CCPA reads as follows - "on a written complaint made by a court under section 135"

has been indicted before it at the instance of the Attorney General³⁵ and in select instances, the High Court may also take cognizance of an offence instituted by the following persons:

- Director General of the Commission to Investigate Allegations of Bribery or Corruption (CIABOC) - in pursuance of a direction made by the CIABOC³⁶.
- The Inspector General of Police - under the Prevention of Death Threats Regulations³⁷.

In practice, most Indictments filed in the High Court are at the instance of the Attorney General³⁸ covering most serious criminal cases apart from cases of Bribery and Corruption.

As stated earlier, this article will focus on the role of the Attorney General as Chief Prosecutor.

Section 393 of CCPA lays down the instances where the Attorney General may present indictments and institute, undertake, or carry on Criminal Proceedings. Section 393 and the related instances are discussed in detail under *the General Powers of the Attorney General* below.

2.5 The General Powers of the Attorney General

The Attorney General possesses wide powers in respect of Criminal Proceedings. Some of these powers in respect of Criminal Matters are set out in **Section 393** of the CCPA.

1. To exhibit information, indict, institute and continue with criminal proceedings in the following cases³⁹ (The sections have been simplified for the reader to easily understand.):
 - a. In a case where a preliminary inquiry is required by a Magistrate under Chapter XV of the CCPA or as directed by the Attorney General⁴⁰,
 - b. In a case where the Offence is not bailable⁴¹,
 - c. In a case referred by a State Department, where Criminal Proceedings should be instituted⁴²,
 - d. In any important, difficult or other similar case (which is not instituted by a Private Plaintiff)⁴³,
 - e. In any case where an Indictment is presented or information is presented in the High Court⁴⁴,
2. To advise whether on application or the Attorney General's initiative, State Departments,

³⁵ Section 12 of CCPA.

³⁶ Section 12 of Commission to Investigate Allegations of Bribery or Corruption Act, No. 19, of 1994.

³⁷ Prevention of Death Threats Regulations No. 1 of 1988.

³⁸ including the Solicitor-General or a State Counsel or by some pleader generally or specially authorised by the Attorney-General in that behalf (s. 193 of the CCPA).

³⁹ Section 393 (1) of the CCPA reads as follows - "*It shall be lawful for the Powers of Attorney-General to exhibit information, Attorney-present indictments and to institute, undertake, or carry on criminal proceedings in the following cases, that is to say:-*"

⁴⁰ Section 393 (1) (a) of the CCPA reads as follows - "*in the case of any offence where a preliminary inquiry under Chapter XV by a Magistrate is imperative or may be directed to be held by the Attorney-General*"

⁴¹ Section 393 (1) (b) of the CCPA reads as follows - "*in any case where the offence is not bailable*"

⁴² Section 393 (1) (c) of the CCPA reads as follows - "*in any case referred to him by a State Department in which he considers that criminal proceedings should be instituted*"

⁴³ Section 393 (1) (d) of the CCPA reads as follows - "*in any case other than one filed under section 136 (1) (a) of this Code which appears to him to be of importance or difficulty or which for any other reason requires his intervention*"

⁴⁴ Section 393 (1) (e) of the CCPA reads as follows - "*in any case where an indictment is presented or information exhibited in the High Court by him*"

Public Officers, Police Officers, and Corporation Officers⁴⁵.

3. To summon such Officers along with books and documents⁴⁶.

4. To nominate State Counsel and employ Private Attorneys for prosecutions⁴⁷.

5. To have the Divisional Superintendent of Police or Assistant Superintendent of Police to report to the Attorney General in the given circumstances⁴⁸.

6. To have such Officers submit specified documents⁴⁹.

7. a. To forward Direct Indictment to the High Court⁵⁰.

b. To direct Magistrates to hold Preliminary Inquiries⁵¹.

Apart from the General Powers of the Attorney General discussed above, the remaining powers of the Attorney General could be discussed under the specific instances outlined below.

2.5.1. Powers pertaining to Non-Summary Inquiries (in the Magistrate's Court)

A Non-Summary Inquiry is a preliminary inquiry conducted by the Magistrate for the purposes of ascertaining sufficiency of evidence and for the purposes of recording evidence, soon after a crime is committed mainly due to the length of time it may take to approach the Trial Proper. The instances where a Non-Summary inquiry is mandatory by law, are outlined in the Second Schedule to the Judicature Act⁵².

However, if the Attorney General is of the opinion that the collection of evidence is necessary before deciding to Indict, the Attorney General has the power to direct the Magistrate to conduct

⁴⁵ Section 393 (2) of the CCPA reads as follows - "*The Attorney-General shall give advice, whether on application or on his own initiative to State Departments, public officers, officers of the police and officers in corporations in any criminal matter of importance or difficulty*"

⁴⁶ Section 393 (3) of the CCPA reads as follows - "*The Attorney-General shall be entitled to summon any officer of the State or of a corporation or of the police to attend his office with any books or documents and there interview him for the purpose of - (a) initiating or prosecuting any criminal proceeding, or (b) giving advice in any criminal matter of importance or difficulty. The officer concerned shall comply with such summons and attend at the office of the Attorney-General with such books and documents as he may have been summoned to bring*"

⁴⁷ Section 393 (4) of the CCPA reads as follows - "*The Attorney-General may nominate State Counsel or employ any attorney-at-law to conduct any prosecution in any court and determine the fees to be paid to such attorney-at-law*"

⁴⁸ Section 393 (5) of the CCPA reads as follows - "*The Superintendent or Assistant Superintendent of Police in charge of any division shall report to the Attorney-General every offence committed within his area where - (a) preliminary investigation under Chapter XV is imperative; or (b) for the institution of proceedings the consent or sanction of the Attorney-General is required; or (c) a request for such report has been made by the Attorney-General; or (d) such Superintendent or Assistant Superintendent considers the advice or assistance of the Attorney-General necessary or desirable; or (e) the Magistrate so directs; or (f) the offence was cognizable and the prosecution was withdrawn or cannot be proceeded with*"

⁴⁹ Section 393 (6) of the CCPA reads as follows - "*When reporting in terms of subsection (5) the Superintendent or Assistant Superintendent of Police as the case may be shall supply to the Attorney-General - (a) a full statement of the circumstances; (b) copies of the statements of all witnesses, (c) such other information, documents or productions as may be relevant or as may be called for by the Attorney-General; and (d) where an inquest has been held, a copy of the inquest proceedings*"

⁵⁰ Section 393 (7) of the CCPA reads as follows - "*Notwithstanding any other provisions contained in this Act, it shall be lawful for the Attorney-General, having regard to the nature of the offence or any other circumstances, in respect of any summary offence - (a) to forward an indictment directly to the High Court, or (b) to direct the Magistrate to hold a preliminary inquiry in accordance with the procedure set out in Chapter XV in respect of any offence specified by him where he is of opinion that the evidence recorded at a preliminary inquiry will be necessary for preparing an indictment; and thereupon such offence shall not be triable by a Magistrate's Court.*"

⁵¹ *ibid.*

⁵² Offences punishable under sections 296, 297 and 300 of the Penal Code; section 364 of the Penal Code (except in cases where the offence is committed in respect of a woman under sixteen years of age); abetment and conspiracy for the abetment or commission of preceding offences; as well as section 4 (2), and section 4 (3) read with section 6 (1) of the Offensive Weapons Act and the conspiracy for the commission of the said offences

a Non-Summary Inquiry with regard to any offence⁵³ (Even if the matter does not fall under the Second Schedule of the Judicature Act as explained above) and is in addition to the list of offences in which the Magistrate is mandatorily required to conduct a Non-Summary Inquiry⁵⁴. At the conclusion of the Non-Summary Inquiry, if the Magistrate commits⁵⁵ the accused to be tried in the High Court, it shall be the duty of the Magistrate to send the copies of the Non-Summary Proceedings along with relevant documents to the Attorney General. While the Magistrate is not required to forward the copies of the Non-Summary Proceedings in the event it is decided to discharge the suspect, the Attorney General would be empowered to call for the case record even if the accused has been discharged⁵⁶.

If the Attorney General is of the opinion that there is insufficient evidence for the committal of the Accused to the High Court, he is empowered to quash such committal and direct the Magistrate to discharge the accused⁵⁷.

On the other hand, in instances where the Magistrate has discharged the accused, if the Attorney General is of the opinion that the Accused should be indicted in the High Court, he may direct the Magistrate to commit the accused and thereafter indict him in the High Court⁵⁸.

Non-Summary Prosecutions should be conducted only by the Attorney General or Attorneys-at-Law authorized by the Attorney General⁵⁹. However, if the Attorney General or on an authorized Attorney-at-Law is not available, the Magistrate shall conduct the prosecution. In such a situation if the Magistrate considers it to be desirable, he may get the assistance of an Attorney-at-Law or any public officer to conduct the prosecution⁶⁰.

2.5.2 Powers pertaining to Summary Cases in the Magistrate's Court

Prosecutions in Summary Trials should be conducted only by the Attorney General or an Attorney-at-Law authorized by the Attorney General⁶¹. However, in the absence of the Attorney General or the Attorney-at-Law authorized by him, any other Lawyer representing a government department or local government may conduct the prosecution. In addition, if there is no Attorney-at-Law for the complainant, then the Magistrate may permit any other Attorney-at-Law to conduct the prosecution⁶².

However, the Attorney General will not have a right to appear in a case that was initiated by the filing of a complaint under **Section 136(1)** of the CCPA (commonly referred to as a 'Private

⁵³ Section 145 (b) of the CCPA.

⁵⁴ Section 145(a) of the CCPA.

⁵⁵ Section 159 (2) (b) of CCPA.

⁵⁶ Section 398(1) of the CCPA.

⁵⁷ Section 396 of the CCPA.

⁵⁸ Section 399 of the CCPA.

⁵⁹ Section 400 (1) of the CCPA.

⁶⁰ Section 400 (2) of the CCPA.

⁶¹ Section 191 (1) of the CCPA.

⁶² *ibid.*

Plaint’ as explained above)⁶³. But, if the complaint was filed against a public officer relating to the discharge of his official duty, then the Attorney General would be entitled to conduct the prosecution although a private party may have filed the case⁶⁴.

Furthermore, if the Magistrate finds that the court has no jurisdiction to try the offence, then he shall stay proceedings and seek advice of the Attorney General. The Magistrate is bound by the instructions of the Attorney General⁶⁵.

2.5.3 Powers of the Attorney General in the High Court

It is the authority of the Attorney General to send out an Indictment to the High Court. The Attorney General can exercise this authority through a State Counsel of his Department⁶⁶ (except for offences contained in the Bribery Act, No. 02 of 1965)⁶⁷.

However, if the Attorney General so desires, he can authorise any Attorney-at-Law to conduct such prosecution⁶⁸. A ‘Fiat’ can be given to any Attorney-at-Law to conduct a prosecution, generally or specifically.

With regard to offences where the High Court and Magistrate’s Court have concurrent jurisdiction, the Attorney General can decide upon which Court to initiate proceedings.

Presently, the Attorney General has the power of sending out direct Indictments to the High Court without a Non-Summary Inquiry with regard to the offences referred to in the Second Schedule of the Judicature Act⁶⁹. This scheme has now come to be known as sending out a ‘Direct Indictment’.

2.5.4 Powers of the Attorney General regarding Trials-at-Bar

Three Judges of the High Court at Bar may try certain cases without a jury where owing to the nature of the Offence, or the circumstances relating to the commission of the Offence in the interest of Justice, a Trial-at-Bar could be held where three judges will sit together in judgement of that case which will be “held as speedily as possible”. The Attorney General has special powers to exhibit information with regards to initiating a Trial-at-Bar⁷⁰.

The AG may move the Chief Justice to constitute a Trial-at-Bar⁷¹ or to issue a direction permitting the institution of Criminal Proceedings⁷².

The Attorney General may consider the circumstances and request for a Trial - at -Bar from

⁶³ Section 191 (2) of the CCPA.

⁶⁴ *ibid.*

⁶⁵ Section 187 of the CCPA.

⁶⁶ Section 12 of the CCPA.

⁶⁷ Written sanction of the Commission is needed prior to sending out Indictment.

⁶⁸ Section 193 read with Section 393(4) of the CCPA.

⁶⁹ Section 3 of the CCPA (Special Provisions) Act, No. 2 of 2013.

⁷⁰ Section 450 (3) of the CCPA.

⁷¹ Section 450 of the CCPA.

⁷² Section 12A (4) (a) of the Judicature Act.

the Chief Justice⁷³. While the discretion in appointing a Trial- at- Bar is vested with the Chief Justice⁷⁴, the Attorney General has the power to request a trial in the High Court to be heard by three Judges. With regard to the offences in the Second Schedule to the Judicature Act, the Attorney General has the power to move for a Trial-at-Bar without proceeding for a Non-Summary Inquiry.

In a like manner to the above, the Attorney General may move the Chief Justice to issue a direction permitting the institution of criminal proceedings before the Permanent High Court at bar⁷⁵.

2.5.5 The Attorney General's Power to Discharge Suspects and allow Conditional Pardons

The Attorney General also in certain instances acts as an arbitrator of facts and decides as to whether a particular suspect should be prosecuted or not on the available evidence. Such decisions of the Attorney General to discontinue the prosecution is communicated via a 'Discharge Paper'⁷⁶. In order to show that the Attorney General has given such advice to the police, a copy of the said document is dispatched to the Magistrate.

Furthermore, the Attorney General can also award a Conditional Pardon to an accomplice mostly with "lesser" involvement without whose evidence a conviction might be difficult to achieve against the more "important" offender.⁷⁷ Even without tendering a conditional pardon, the Attorney General can list an alleged perpetrator as a witness. This is usually done upon discharging the witness in terms of Section 120 (3) of the CCPA.

2.5.6 Power to sanction certain Prosecutions and Appeals

The Attorney General has the power to sanction certain prosecutions without which sanctions the cases cannot proceed. Thus, before criminal proceedings are initiated in any Court, there are necessary conditions to be fulfilled with regard to certain Penal offences⁷⁸. In these offences, the previous sanction of the AG is necessary for proceedings to commence. In some instances, proceedings could be initiated on a complaint of a Court. In one instance⁷⁹, a complaint made by a public servant is also sufficient to institute such proceedings.

Similarly whenever the aggrieved party wishes to appeal this has to always be done with the sanction of the attorney General⁸⁰.

⁷³ Section 450 of the CCPA.

⁷⁴ Section 451 of the CCPA.

⁷⁵ Section 12A (4) (a) of the Judicature Act.

⁷⁶ Section 396 of the CCPA.

⁷⁷ Section 256 of the CCPA.

⁷⁸ Section 135 of the CCPA. Please see the section for the list of offences.

⁷⁹ Section 135 (1) (a) of the CCPA.

⁸⁰ Section 318 of the CCPA.

2.5.7 Nolle Prosequi

Finally, the Attorney General has the option of stopping any criminal proceeding in any Court for any reason. However this provision is rarely used, and would be a last resort to prevent a miscarriage of justice⁸¹. This discretion is allowed only for the Attorney-General in person and may not be delegated.⁸²

2.6 Strengths & Challenges in fulfilling the Role

In the recent past, some of the numerous powers of the Attorney General outlined above, have been challenged by way of Judicial Review⁸³.

As explained initially for every 100,000 people in Sri Lanka, there exists only half a Prosecutor from the Attorney General's Department. This is in stark contrast to the number of Police officers who number 424 per 100,000 in population⁸⁴. This makes it very clear that, even though the powers are extensive the Department faces a dearth of manpower to effectively exercise these powers.

Further the exercise of these powers anyhow require careful discretion. This is exemplified in a recent presentation made by Justice Yasantha Kodagoda at the JICA country-focused training on "Strengthening Criminal Justice Proceedings in Sri Lanka" where His Lordship stated that *"All these functions of the Attorney General entail the exercise of discretion. The power to exercise such discretion arises out of statutory power conferred on the Attorney General. Such discretion must be exercised in a quasi-judicial manner, in terms of the law (substantial and procedural), for the purpose of facilitating the due administration of justice, independently, impartially and neutrally, diligently, fairly, in national and public interest, and with the view to secure the best interests of the victim of crime."*⁸⁵

3. Role of the Defense in Criminal Justice Proceedings

3.1 Overview

One of the fundamental principles and requirements in a fair Criminal Justice System is to provide a person accused or suspected of committing a criminal offense, an adequate opportunity to be duly defended in legal proceedings against him.

There exist many legal provisions that facilitate such accused or suspect to be represented by

⁸¹ Section 194 (1) of the CCPA.

⁸² Section 401 of the CCPA reads "The Solicitor-General and State Counsel may by the direction either general or special of the Attorney-General exercise all or any of the powers, except the powers of entering a nolle prosequi and of pardoning an accomplice or of sanctioning an appeal from an acquittal, conferred and perform all or any of the duties imposed upon the Attorney-General by this Code"

⁸³ See the cases of R.P. Wijesiri v. Attorney General, (1980) 2 Sri L.R. 317 and Victor Ivan v. Hon. Sarath N. Silva, Attorney General and Another, (1998) 1 Sri L.R. 340 and Janaka Bandara Thennakoon vs. AG, A.H.M.D. Nawaz, J., CA. (Writ) 335/2016

⁸⁴ Accessed at https://en.wikipedia.org/wiki/List_of_countries_and_dependencies_by_number_of_police_officers on 31st December 2021.

⁸⁵ Hon. Yasantha Kodagoda, PC, Justice of the Supreme Court, Prosecutorial Discretion in Sri Lanka Presentation made at JICA country-focused training on "Strengthening Criminal Justice Proceedings in Sri Lanka".

an Attorney of his choice, at various stages of a criminal proceeding in Sri Lanka, thus ensuring him a fair and just trial.

An alleged offender apprehended by the authorities would be initially produced before a Magistrate's Court during the investigation stages. Subsequently he would be charged before the same court or in relation to grave offences, indicted before the High Court. There are some instances depending on the offences, both courts would have concurrent jurisdiction to hear trials.

The purpose of this segment is to briefly highlight the legal provisions for a person suspected or accused of a crime to be legally represented in the Criminal Justice System in Sri Lanka, and to identify his other rights, and duties and responsibilities vested on his attorney. The challenges faced by the defense in a criminal proceeding and possible solutions are also discussed.

3.2 Right to Legal Representation of an Accused or Suspect

Criminal Justice Law in Sri Lanka is governed by principal laws such as the Constitution, Code of Criminal Procedure Act (CCPA), Penal Code, Evidence Ordinance and the Judicature Act. In addition, Sri Lanka has ratified or acceded to a number of seminal international treaties related to human rights and criminal justice, which has introduced further provisions adhering to international standards. Some of the main statutory laws and such provisions applicable to Sri Lanka, which guarantee legal representation to a person suspected or accused of a Criminal offence, are summarized below:

The Constitution: The Constitution, being the supreme law of the Republic, guarantees that any person charged with an offence shall be entitled to be heard, in person or by an attorney-at-law, at a fair trial by a competent court.⁸⁶

Code of Criminal Procedure Act (CCPA): Procedure in Courts of first instance i.e., the Magistrate's Court and High Court are governed by the Code of Criminal Procedure Act which specifically provides for every person accused before any criminal court to as of right, be defended by an Attorney-at-Law. Similarly, every aggrieved party shall also have the right to be represented by an Attorney-at-Law.⁸⁷

Judicature Act: The Judicature Act provides for the establishment and the constitution of the system of courts of first instances in accordance with the constitution of Sri Lanka. This act guarantees every Attorney -at-Law the right to *assist and advise clients and to appear, plead or act in every court or other institution established by law for the administration of justice and in turn, guarantees the right of a person to be represented by an attorney-at-law*.⁸⁸

⁸⁶ Article 13(3) of the Constitution of the Democratic Socialist Republic of Sri Lanka

⁸⁷ Section 260 of CCPA

⁸⁸ Section 41- Judicature Act

ICCPR, the International Standard: Sri Lanka acceded the International Covenant on Civil and Political Rights in 1980 and relevant provisions were incorporated into local legislation in 2007. Hence Sri Lanka is a binding state to the following provisions among others of the ICCRP.

A person charged of a criminal offence under any written law, shall be entitled—

- (a) to be afforded an opportunity of being tried in his presence;
- (b) to defend himself in person or through legal assistance of his own choosing and where he does not have any such assistance, to be informed of that right;
- (c) to have legal assistance assigned to him in appropriate cases where the interest of justice so requires and without any payment by him, where he does not have sufficient means to pay for such assistance.⁸⁹

3.3 Actors of the Defense

Following are the Actors of the Defense in a criminal justice proceeding.

Accused or Suspect: The accused is the person who is alleged to have committed a criminal offence, and who has been charged with committing it. Prior to being so charged with, a person may be referred to as the “suspect”.

Defense Counsel: A defense counsel is retained by a person charged with a criminal offence and represents that person in the court process. A defense counsel’s primary duty is to ensure that the person accused of a crime gets a fair trial.

Defense Witness: Defense Witnesses are being called by the Accused, if the court decides to call the defense at the conclusion of the prosecution’s case. If such a person testifies in a trial, she/he will be under an oath and will be governed by same provisions of law applicable to witnesses for the prosecution.

Convict: Convict is an accused who has been found guilty by a competent court.

Prisoner: Prisoner is a person legally committed to prison as a punishment for a crime or while awaiting trial (Remand Prisoner).

Appellant: The term for the party appealing a judgment in the Magistrate Court or High Court. Statutory time limit for lodging such an appeal is 14 days from the impugned order or judgement.

Surety: The surety is a person who agrees to ensure that an accused person attends court as required until the case is over, and to ensure that the accused abides by the conditions of release. Sureties sign recognizances, agreeing to pay a specified amount of money if the accused person fails to obey the court order.

3.4 Appointment and obtaining Services of a Defense Attorney

In Sri Lanka there exists no specific stage at which a suspect or an accused person could retain

⁸⁹ Article 04- International Covenant on Civil and Political Rights

the services of an attorney-at-Law. An accused or a suspect has the right to defend himself through an Attorney of his choice, at any stage of proceedings.

On the other hand, an accused is able to according to law, defend himself in a criminal proceeding without obtaining services of an attorney. However, it is a very seldom occurrence.

Legal assistance or representation could be obtained in certain instances, even before a suspect is apprehended by the authorities, or is summoned before court.

A person suspected of an unbailable offence, under certain specific circumstances, has a right to move court on his own motion for “anticipatory bail” prior to his anticipated arrest. Such bail is granted in suitable cases, effecting the release of the suspect on bail once his arrest is made.⁹⁰

A suspect is entitled to be represented by an Attorney-at Law at the police station during police inquiries and investigations, though with certain limitations. The attorney cannot interfere in the investigations, but can watch the interest of his client at such instances.

A suspect is initially produced or summoned before the Magistrate’s court and is released on bail at the initial stage or is committed to remand custody for a period of 14 days which would be extended, until his release on bail, by similar time periods by court if necessary. The services of an Attorney-at -Law could be retained by such person at this stage for surrendering to the police station or court and for subsequent bail process.

Lesser offences as defined by the CCPA are charged and tried before the Magistrate’s court generally prosecuted by the police or other authorities such as Forest officers, Excise officers, Public Health Inspectors, depending on the type of offense. At the discretion of the Attorney General, in certain necessary cases, the prosecution may be conducted by a State Counsel. Grave crimes are prosecuted in the High Court on indictment by the Attorney General himself. In trials before the Magistrate’s Court and the High Court, the accused may retain an attorney of his choice.

It is pertinent to note that, as against mandatory provisions for civil litigation, there exists no requirement for a “registered attorney” to represent the defense in a criminal matter or trial at any stage of such proceedings. Hence the counsel for the defense is not retained on a proxy or any other written authority and could be changed by his client at any stage of the proceedings according to his discretion.

3.4.1 Defense Counsel assigned by the State

It is provided in law for the state to appoint an Attorney -at- Law for the defense, in the event that the accused does not have means to or is unable to retain a defense counsel himself.

It is the duty of Judge of the High Court to inquire from a person indicted and provide legal representation at the expense of the state. - *Section 260 of CCPA*. A counsel so appointed by

⁹⁰ Introduced by Bail Act No. 30 of 1997

court is known as an “Assigned Counsel”. This effectively gives the accused a right to legal aid. Similarly, the Court of Appeal may assign a lawyer to any appellant in a criminal case, matter or proceeding if, in the opinion of the court, it appears desirable in the interests of justice that the appellant should have legal aid, and that he has no sufficient means to obtain that aid. - *Section 353 of CCPA*.

3.4.2 Access to Clients in Detention

According to accepted international standards all governments are bound to ensure any person deprived of his or her liberty is entitled to benefit from legal safeguards throughout the entire criminal justice process, including those that are specific to pretrial and trial phases. Attorneys-at-Law are entitled to visit such detainees in prisons and other detention centers.

All arrested, detained or imprisoned persons shall be provided with adequate opportunities, time and facilities to be visited by and to communicate and consult with a lawyer, without delay, interception or censorship and in full confidentiality. Such consultations may be within sight, but not within the hearing, of law enforcement officials. - *Article 8, UN Basic Principles on the Role of Lawyers*

3.5 The Role of the Defense Attorney

As Robert Kennedy once said, *courage is the most important attribute of a lawyer*.⁹¹ The role of the criminal defense attorney is multi-faceted and not for those who lack courage. The criminal defense attorney must have the courage not only to represent the client, but to act as an officer of the court and a seeker of justice.⁹²

A strong and independent legal profession is essential for maintaining the rule of law and ensuring the protection of human rights. In order to perform their duties effectively, attorneys must be accorded all the domestic and international law guarantees which allow them to represent the interests of their clients in an independent and effective manner in criminal proceedings, as well as the other fundamental rights and freedoms.⁹³

3.5.1 Safeguarding the Rights and Privileges of the Client

The primary responsibility of the defense attorney is safeguarding the rights and privileges of a person accused of a crime and ensure him a fair and just trial. Safeguarding the following fundamental rights which are guaranteed by law to an accused or a suspect in Sri Lanka, forms important aspects of responsibility vested in the defense attorney.

⁹¹ Edward A. Hartnett, *Becoming a Lawyer*, 25 SETON HALL L. Rev. 863, 868 (1994).

⁹² The role of the defense attorney – Roberta K Flowers - OHIO STATE JOURNAL OF CRIMINAL LAW Vol 7:647

⁹³ International Bridges to Justice, *Sri Lanka Criminal Defence Practice Manual*

Presumption of innocence: Every person shall be presumed innocent until he is proved guilty: provided that the burden of proving particular facts may be placed on an accused person - *Section 13(5) of the Constitution*.

Right to remain silent: Confessions made to a Judge may be used as evidence against the accused only if they were made voluntarily. Also, the accused must be informed that he/she is not obliged to confess and that the confession may be used as evidence against him/her. - *Section 127 of CCPA*

Right to be represented by a lawyer: Legal provisions safeguarding a person's right to retain services of a lawyer were discussed in 3.2 above.

Right to mount a defense: The accused has the right to respond to evidence against him and has the right to present evidence or witnesses for his defense. - *Sections 152, 184 & 201 of CCPA*

Right not to be tortured or ill-treated: No person shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. - *Article 11 of the Constitution*. The accused shall not be induced by threat, promise, or otherwise by inquirer or police to make any statement - *Sections 111 & 126 of CCPA*.

Right to due process: No person shall be arrested except according to procedure established by law. Any person arrested shall be informed of the reason for his arrest - *Article 13(1) of the Constitution*. Every person held in custody, detained or otherwise deprived of personal liberty shall be brought before the judge of the nearest competent court according to procedure established by law and shall not be further held in custody, detained or deprived of personal liberty except upon and in terms of the order of such judge made in accordance with procedure established by law - *Article 13(2) of the Constitution*

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Right to equal protection under the law: All persons are equal before the law and entitled to the equal protection of the law - *Article 12(1) of the Constitution*. No citizen shall be discriminated against on the grounds of race, religion, language, caste, sex, political opinion, place of birth or any one of such grounds. - *Article 12(2) of the Constitution*.

Right against unlawful police detention: Every person held in custody, detained or otherwise deprived of personal liberty shall be brought before the judge of the nearest competent court according to procedure established by law and shall not be further held in custody, detained

or deprived of personal liberty except upon and in terms of the order of such judge made in accordance with procedure established by law - *Article 13(2) of the Constitution*.

The accused have the right to be released within 24 hours of being held in custody by the police - *Section 37 of CCPA*. The accused have the right to be brought before the appropriate court without unnecessary delay upon arrest - *Section 54 of CCPA*. When an investigation cannot be completed within 24 hours, the detention of the accused may be authorized for a total period of fifteen days and no more - *Section 115 of CCPA*. As soon as the investigation is completed, and there is no allegation that the suspect has committed an offence, the Magistrate shall discharge him - *Section 120(3) of CCPA*.

Right against unlawful searches and seizures: No person shall be arrested except according to procedure established by law - *Article 13(1) of the Constitution*. The person making an arrest shall touch or confine the body of the person to be arrested unless there is a submission to custody by word or action - *Section 23 of CCPA*. Women have the right to be searched by another woman with strict regard to decency - *Section 30 of CCPA*.

Right to be informed of charges: The accused shall be informed as to the nature of the charge or allegation upon which he is arrested - *Section 23(1) of CCPA*. The accused has the right to be read the charges against them at the commencement of a preliminary inquiry - *Section 146 of CCPA*, summary trial - *Section 182(2) of CCPA* or a trial on indictment - *Section 195 of CCPA*.

Right to Bail: When an accused appears before a court for a bailable offence, the accused shall be released on bail - *Section 402 of CCPA*. According to the guiding principle of the Bail Act, granting of bail is considered the rule while refusing of bail is considered the exception.⁹⁴

Right to language interpretation: Sinhala and Tamil shall be the languages of the courts throughout Sri Lanka and Sinhala shall be used as the language of the courts situated in all areas of Sri Lanka except those in any area where Tamil is the language of administration. Any judge, juror, party or applicant or any person legally entitled to represent such party or applicant, who is not conversant with the language used in a court, shall be entitled to interpretation and to translation into [Sinhala or Tamil] provided by the State, to enable him to understand and participate in the proceedings before such court and shall be entitled to obtain in [such language] any such part of the record or translation thereof - *Article 24 of the Constitution*.

Evidence given in court shall be interpreted to the accused and necessary portions of documents adduced as proof shall be interpreted to him - *Section 275 of CCPA*. When the accused makes a

⁹⁴ *Section 2 of Bail Act No. 30 of 1997*

statement to a Magistrate the whole statement shall be recorded in full and such record shall be shown or read to him in a language which he understands - *Section 277(1) of CCPA*.

Right against Double Jeopardy: Person once tried for an offense shall not be liable to be tried again for the same offense - *Section 314, CCPA*.

3.5.2 Duties and Responsibilities of the Defense Attorney

In addition to protecting the due process rights of his client, the defense counsel is under various other duties towards his client, court and justice system as a whole. Below are some of such duties which are provided for or recognized in Sri Lanka.

Duty to maintain confidentiality of client information and communication: Duty to Maintain Confidentiality of Information provided by the client and of communications between the client and is Attorney - *Sections 126 & 129, Evidence Ordinance*.

Duty to be a zealous advocate: The defense lawyer must be thoroughly prepared both in the facts and law of the case, and should be able to argue vigorously for his clients' interests. He has a duty to fearlessly raise every issue, advance every argument, and ask every question which he thinks will help his client's case.

Duty to conduct necessary investigations: The defense lawyer has the duty to scrutinize the case for the prosecution by going through every material available. While striving to find out weaknesses of the prosecution, he should make every effort to acquire and utilize effectively any material or evidence which is in favor of his client.

Duty to be Independent: While the defense counsel needs to be client-centered and ever mindful of the client's interest, he should always remain an independent professional, providing representation consistent with the law and ethical standards. He must never deviate from his basic responsibility as an officer of court.

Duty to be ethical: Lawyers shall always conduct themselves in accordance with the law and the recognized standards and ethics of the legal profession. The Supreme Court may make rules regulating generally the practice and procedure of the court including - the admission, enrolment, suspension, and removal of attorneys-at-law and the rules and conduct and etiquette for such attorneys-at-law. - *Section 40 of the Judicature Act, Article 136(g) of the Constitution*.

Duty to avoid conflicts of interests in representations: Lawyers have a duty in criminal

proceedings to avoid conflicts of interest in representation.

3.6 Challenges faced by the Defense and Future Outlook

Some of the challenges faced by the defense in criminal justice proceedings in Sri Lanka are discussed with possible solutions the author thinks as feasible.

Delayed justice and solutions: Delays in the criminal justice process in Sri Lanka has been the number one challenge faced by all stakeholders of the system for decades. Failure to implement reforms and proposals brought in by several government and non-government institutions over a long period of time has left the issue to expand in volumes.

Unduly prolonged pre-trial custody, over-strict requirements to consider bail, delays in commencement of trials etc., are common challenges faced by the defense due to such delays. Most affected due to this are the persons who are unjustly suspected or accused of a crime, and accused who repent of their criminal conduct and wish to accept punishment and re-integrate with the society at the earliest.

Need for more awareness of rights: The lack of information and knowledge of legal rights by average citizens in Sri Lanka is a main issue as far as rights abuses are concerned. Both victims as well as suspects or accused need to be aware of their rights and legal options available to them. Especially, suspects of a crime are more vulnerable to infringements of rights at the hands of the investigating authorities. Though the rights of such person are protected by law, more awareness need to be set in, for such rights to be effectively protected.

Arming defense lawyers with updates and standards: The lack of knowledge among a considerable sector of defense attorneys in Sri Lanka on international standards and updates applicable in criminal justice process deprive them of serving up to maximum potential. More programs aimed at skills development, international community building and technical support need to be provided, especially targeting younger segments of the profession.

Need for more legal literature in Sinhala and Tamil languages: Majority of defense attorneys in Sri Lanka are more apt to use their vernacular when dealing with law and courts. However, the majority of legal literature including superior court judgements being available only in English language creates a barrier for them to discharge their duty adequately. Hence, priority should be given by state sector as well as professional bodies to ensure that more legal literature is available in Sinhala and Tamil languages.

Need of a separate academic body dedicated to criminal law practitioners: Overcrowding of

the profession, especially in criminal law practice is alleged to have paved the way to a decrease of the standard of the profession. Bar Association of Sri Lanka, being the professional body of the entire legal fraternity of the country would not be able to entirely focus on Criminal Law Practitioners and their professional development. Hence there is a need for a separate academic body with the sole focus on development of the standard of the criminal law practitioner in Sri Lanka. Such institution should serve the following purposes:

- a) To achieve and maintain high academic, professional and ethical standards
- b) For education, training, research and Continuous Professional Development
- c) To identify challenges faced in Criminal Justice System and seek solutions
- d) To encourage friendly, mutually respected and healthy professional relationship among professionals of the Criminal Justice System (Judges, Prosecutors and Defense Attorneys)

Unsustainable prosecutions: A fair share of cases filed by the police in the Magistrate Courts end up in acquittals due to lack of merits. This is due to insufficient guidance to the police and other investigating authorities to effectively exercise prosecutorial discretion vested in them. More input is needed in this regard and investigators should be able to conduct professional, impartial and independent investigations without being subjected to political or other influences. The Attorney General is vested with sufficient prosecutorial discretionary powers to curtail unsustainable prosecutions at the outset. Such discretion needs to be exercised more effectively to reduce the vast volume of cases from which the system is heavily overburdened at present.

Need of more research and statistics: The lack of updated statistics on court cases, especially success ratios, conviction and acquittal ratios etc., has prevented identification and proper evaluation of issues faced by the Criminal Justice System. Periodical surveys ought to be conducted on all segments of the system.

Need for a Public Defender System: Present legal aid facilities do not cater to persons suspected for criminal offences except in limited instances such as bail. There are also limitations to counsel assigned by court to accused or appellants. Due to the paucity of professionalism of defense counsel who are retained by accused who do not have sufficient finances, accused may not be able to effectively avail themselves of the available safeguards. One of the solutions could be the conversion of the system of ‘assigned counsel’ into a public defender system in which accused from economically and socially disadvantaged backgrounds would have access to better quality defense lawyers.⁹⁵

⁹⁵ Interview with Mr. Yasantha Kodagoda, President’s Counsel

Interviewing both the victim and the accused: The Attorney General of Sri Lanka does not participate, direct or give instructions to investigative authorities. Therefore, the accused's side of the story is not heard by the prosecutor before indictment is prepared. The Attorney General has to make decisions solely on the material placed before him by the investigators. On the other hand, the prosecutors do not interview the victims either. It is suggested that if a change could be brought to facilitate the prosecutors to interview the victim as well as the accused with his lawyer, as is done in jurisdictions in USA and Japan, prior to initiating a trial process, significant outcome is likely to be achieved to reduce the number of prosecutions or to shorten lengthy prosecutions.

4. Role of the Judiciary in Criminal Justice Proceedings

(with particular reference to the Role of a High Court Judge)

4.1 Introduction

*“Counsel only seek for their client’s success but the judge must watch that justice triumphs.”*⁹⁶

Administration of justice is considered as an integral part of the sovereignty of the people. The Second Republican Constitution of Sri Lanka (1978) proudly recognizes in its Preamble that assuring justice to all people is one of its immutable republican principles. Such proclamation necessarily warrants adherence to certain principles for the administration of justice as well.

In adjudicating disputes courts decide the rights and liabilities of the parties concerned. In doing so, the judiciary aims at constructing a social order by convincing the public that there is a system in place where equality of citizens would be the basis in deciding their rights and liabilities.

Justice needs to be understood in the context of equality. There cannot be any other institution other than the judiciary that ensures such equality of treatment to all. There is no exaggeration in saying that an independent and impartial judiciary alone can create a “heaven of justice”.

Hence delivering justice in criminal cases necessitates a thorough understanding of the dynamics of individual liberty as well as its implications with public order. Application of substantive and procedural laws in the context of the criminal justice system by the original courts as well as the appellate ones is so vital not only for maintaining public order but also creating “heaven of justice” where lives and property of individuals would be protected from violent infringement and encroachment.

⁹⁶ Lumpkin, J. in *Epps v. State* (1855) 19 Ga. 118-(U.S.A)

In Sri Lanka, it is under the Constitution, Penal Code, the Code of Criminal Procedure Act (herein after referred to as the ‘CCPA’), the Judicature Act, and certain relevant legislation both the Magistrate Courts as well as the High Court exercise original jurisdiction in criminal cases. However, the proceedings in these two types of courts are substantially different on many counts. This article only deals with the role of the Judge of the High Court when it exercises its criminal jurisdiction.

4.2 The Judicial System of Sri Lanka

The Sri Lanka’s judicial system, similar to that of other common law jurisdictions, is based on adversarial system in that it is the responsibility of the parties to identify and advance the dispute by way of, generally known as, “party prosecution”. This is considerably different from, as well known in civil law system, the inquisitorial system or “judicial prosecution.” What practiced in civil law countries is entrusting the judge with the primary responsibility of investigating the dispute. In both systems, however, apparently fair and unbiased involvement of the judicial officer seems to be the bedrock of the proceedings of adjudication.

Another crucial feature of the adversarial system is that the judge is the fact-finder of the dispute. He or she must therefore be expected to maintain a neutral and passive role during the proceedings. Granting equal opportunities to both sides to present their respective cases must be guaranteed by the judge. He or she is entrusted with the task of dispassionately examining and evaluating the evidence while remaining uninvolved for avoiding the risk of reaching a premature decision.

One of the essential features of the adversary or accusatorial system is that witnesses are questioned by the parties or their representatives, summoned generally by them and called according to the order of their choice before a judge, who presides as an umpire and not as an inquisitor.⁹⁷

Dr. Glanville Williams states that under the accusatorial common law systems, it is a plenary power of the judge to ascertain the truth by his own exertions in conjunction with those of the official prosecution.⁹⁸

However, another view point has been expressed in the case of *R.V. Hepworth*⁹⁹. It was held as follows:

⁹⁷ Cross and Tapper, On Evidence, 6th Ed., 238, 242-243

⁹⁸ Proof of Guilt, Evidence, 3rd Ed, 24-26, E.R.S.R. Coomaraswamy, The Law of Evidence, Vol. 2, Book 2 page 860

⁹⁹ 1928 AD 265 at 277

“A Judge is an administrator of justice, he is not merely a figurehead, he has not only to direct and control the proceedings according to recognized rules of procedure but to see that justice is done.”

In the light of the above two different views, it is pertinent to note what Justice Jayasuriya expressed in the *Director-General for the Prevention of Bribery and Corruption vs. Fernando*¹⁰⁰

“.....(T)he High Court Judge has an inherent power to make an order discontinuing legal proceedings before him and discharging the accused in the exercise of his powers of control over the course of proceedings.”

As per section 439 of the CCPA, the court:

may

- (a) summon any person as a witness or examine any person in attendance, though not summoned as a witness, or
- (b) recall or re-examine any person already examined; and

shall

Summon and examine or recall and re-examine any such person, if his evidence appears to it essential to the just decision of the case.

The dictum of Justice Jayasuriya correctly reflects the plain reading of section 439 of the CCPA.

Furthermore, Section 135 of the Evidence Ordinance states that the order in which witnesses are produced and examined shall be regulated by the law and practice for the time being relating to civil and criminal procedure respectively and, in the absence of any such law, by the discretion of the court. But in practice, the matter is left largely to the party taking the witnesses to examine them in any order he/she chooses. Although the Court seldom interferes with the discretion of the counsel, the court has the power to do so.¹⁰¹

Also, according to Section 136 of the Evidence Ordinance, it is the judge who should decide the admissibility of evidence. It is the duty of the judge to object inadmissible evidence for the prosecution even though the counsel for the defense makes no objection, and also, even to stop defense counsel from leading such evidence. It is the duty of the judge to stop irrelevant evidence

¹⁰⁰ (1999) 3 Sri LR page 104 at 107

¹⁰¹ E.R.S.R. Coomaraswaswamy, *The Law of Evidence*, Vol. 11, Book 2, Page 710

being led before jury.¹⁰²

Section 165 of the Evidence Ordinance states that the judge has the power to put questions to the witnesses since it is the duty of the judge as the fact-finder to determine the dispute based on the evidence. This section empowers the judge to put questions or order production of documents and things during judicial proceedings. Nevertheless, the said power is not infinite, but is subject to limitations and only enables the judge to clarify facts to elicit the evidence.

4.3 Overall Jurisdiction of the High Court

Article 111(1) and 154 P of the Constitution, section 9 of the Judicature Act, No.2 of 1978 and sections 11 and 12 of the Code of Criminal Procedure Act No. 15 of 1979 deal with the jurisdiction of the High Court. As such, there are two types of High Courts that are functioning in the country exercising original as well as appellate jurisdictions.

Original Jurisdiction of the High Court: The High Court is vested with the Original Jurisdiction by article 111 (1) of the Constitution.

The Article reads as follows:

“The High Court of First instance exercising criminal jurisdiction and created by law shall be called and known as “The High Court of the Republic of Sri Lanka and shall exercise such jurisdiction and powers as Parliament by law vest or ordain.”

According to Section 2 of the Judicature Act recognizes the High Court of the Republic of Sri Lanka as one of the Courts of first instance for the administration of justice in the Republic of Sri Lanka.

The matters over which the High Court exercises jurisdiction are listed out in Section 9 of the Judicature Act. This section confers the forum jurisdiction of the High Court. Further, it confers, specially, criminal jurisdiction on the High Court to hear, try and determine all prosecutions on indictment instituted therein;

Section 10 of the Judicature Act states that the Judges of the High Court may impose any sentence or other penalty prescribed by written law. Section 11(1) of the Act states that all trials in the High Court shall be before a Judge of the High Court sitting alone without a jury. Section 11(2) states about trial by jury while section 12 (1) contains provisions regarding the Trial at Bar.

¹⁰² E.R.S.R. Coomaraswaswamy, The Law of Evidence, Vol 11, Book 2. Page 874

In terms of section 12 of the CCPA, the High Court shall not take cognizance of any offence unless the accused person has been indicted before it for trial by or at the instance of the Attorney-General. Section 161 of the said Act states that all prosecutions on indictment instituted in the High Court shall be tried by a Judge of that court. But in any case, where at least one of the offences falls within the list of offences set out in the Second Schedule to the Judicature Act, the trial shall be by a jury, before a Judge, if and only if the accused elects to be tried by a jury.

Jurisdiction of the Provincial High Court: The High Court of the Provinces established by Article 154 P of the Constitution is an institution administering justice which is quite distinct from that of the High Court of Sri Lanka established by Article 111 of the Constitution.

Article 154 P (1), a provision introduced as a part of the Thirteen Amendment to the Constitution, established High Court for each Province and each such Province and each such High Court has been designated as the High Court of the relevant Province.

This Paper deals only with the original jurisdiction of the High Court. In terms of section 10 of the aforesaid Act, the High Court has criminal jurisdiction to try any offence under the Penal Code subject to the other provisions of the Code. It also has the power to try any offence under any law other than the Penal Code where the court mentioned on that behalf in the law is the High Court.

The authority to file an indictment before the High Court is vested in the Attorney-General¹⁰³ and cases under the Bribery Act No. 11 of 1954 (as amended) the power is vested with the Director-General of the Commission for the investigation of offences of Bribery and Corruption.

The trial will be conducted by the Attorney-General or Solicitor-General or a State Counsel or by some pleader generally or specially authorized by the Attorney-General on that behalf.¹⁰⁴ At any stage of a trial before the High Court, Attorney-General may withdraw the prosecution before the returning of the verdict. In such a situation, all the proceedings against the accused shall be stayed and he shall be discharged from all proceedings.¹⁰⁵ In this situation, the High Court judge has no discretion. He/she has to discharge the accused. This is called *nolle prosequi*. It means “not to wish to prosecute.”

Similarly, the State Counsel may withdraw the prosecution against the accused with the consent

¹⁰³ Section 12 of *Code of Criminal Procedure Act* (CCPA)

¹⁰⁴ Section 193 of *CCPA*

¹⁰⁵ Section 194(1) of *CCPA*

of the presiding judge. In that event, the High Court judge shall stay proceedings and discharge the accused from criminal proceedings.¹⁰⁶ Here, the High Court judge has discretion either to allow the application or reject the application and order the continuance of the trial.

Upon the receipt of the indictment, the judge has to take steps to serve the copy of the indictment with annexures on the accused.¹⁰⁷ The contents of the indictment are described in section 162 of the CCPA. In the case of *Wijeyapala vs. State*,¹⁰⁸ Justice Mark Fernando emphasized the importance of pretrial disclosure. He stated that the accused has the right to have a fair trial. It is guaranteed in article 13(1) of the Constitution. He accentuated that pretrial disclosure is one of the basic features of fair trial.

Duty of the judge starts upon receipt of an indictment. He/she causes the accused to appear or to be brought before him/her and¹⁰⁹ serve copy of the indictment.¹¹⁰ At the time of serving the indictment on the accused, the judge has to inform the date of trial to him/her.¹¹¹ After serving of indictment, the accused may be released on bail or remanded in prison during the pendency of the trial.¹¹² It is followed by the judge taking steps to obtain the fingerprint of the accused and forward it to the Registrar of Finger Prints to find out whether the accused has a record of previous conviction.¹¹³ If the offence is triable by a jury, the duty is cast upon the judge to inquire the accused whether he/she likes to try by the jury or judge.¹¹⁴ In the case of *The AG vs. G.K. Viraj Aponso*,¹¹⁵ Justice J.A.N.de Silva has stated the following:

“As long as it is in the statute book that the accused can elect to be tried by a jury, the trial judge has an obligation not only to inquire from him whether he is to be tried by a jury, the judge must also inform that the accused has a legal right to that effect. Non-observance of this procedure is illegality and not a mere irregularity.”

Consequent to this judgment, numerous convictions were set aside and sent back for retrials. If the accused has no counsel to defend him/her, the Court must ask him/her whether he/she needs counsel to defend him. If the accused requested counsel the court shall assign a counsel.¹¹⁶ Article 13(3) of the Constitution states that any person charged with an offence shall be entitled to be heard, in person or by an Attorney-at-Law, at a fair trial by a competent court. Section 260

¹⁰⁶ Section 194(3) of CCPA

¹⁰⁷ Sectionn195(a) and (b) of CCPA

¹⁰⁸ (2001) 1 Sri LR 46

¹⁰⁹ Sectionn195 (a) of CCPA

¹¹⁰ Sectionn195 (b) of CCPA

¹¹¹ Sectionn195 (c) of CCPA

¹¹² Sectionn195 (d) of CCPA

¹¹³ Sectionn195 (e) of CCPA

¹¹⁴ Sectionn195 (ee) of CCPA

¹¹⁵ SC SLA Application No. 330/2007, Decided on 2008.09.12; (2008) B.L.R at 145

¹¹⁶ Sectionn195 (g) of CCPA

of CCPA states that every person accused before any criminal court may of right be defended by an attorney-at-law. Also, section 4(1)(b) of the International Covenant on Civil and Political Rights Act No 56 of 2007(ICCPR Act) states that a person charged with a criminal offence under any written law, shall be entitled to defend himself in person or through legal assistance of his own choosing and where he does not have any such assistance, to be informed of that right. If a counsel is assigned on behalf of the accused, he/she must be allowed to prepare the case for the accused.¹¹⁷

An accused can be tried either by the jury or judge according to his/her own choice. If he/she elects to try by the judge, the judge must read over the indictment and explain the charges to him. Before accepting the plea, it is the duty of the judge to ensure that the charge is triable. Further, he/she has to ask the accused whether he/she would like to plead guilty or not to the charges on the indictment.¹¹⁸ If he/she fails to read over the indictment, it will be fatal. In that case, a retrial will be ordered. If the accused pleads guilty to the offence, the High Court judge must satisfy that the accused comprehend the effect of the plea. Then only he/she can record the plea and convict him/her thereon. But if the charge is of murder, the judge may refuse to receive the plea and cause the trial to proceed against him/her.¹¹⁹ When the accused plead guilty to the charge the judge must impose a sentence.¹²⁰ If the accused does not plead or if he/she pleads guilty, he shall be tried.¹²¹

As of today, introducing the pretrial procedure in criminal proceedings is still in Bill form. The main objective of introducing pretrial procedure and a pretrial conference is to minimize the delay. But, until such time the judge can utilize the existing provisions in the CCPA and minimize the delay without prejudice to the parties. The following provision of the CCPA can be utilized effectively to control the proceedings:

The trial shall commence by the prosecuting counsel stating his case to the court.¹²² The trial judge uses this provision and asks the State Counsel to identify and point out the fact in issue and relevant facts in the case. Further, asks him to address on who are the material witnesses and who are the formal witnesses in the case and ascertain on whose evidence trial relies. The State Counsel's opening address may be recorded. During the trial suppose the material witnesses went back, no need to wait until the prosecution closes the case.

¹¹⁷ **Queen vs. A.K.Peter** (1961) 64 NLR 120, **Murugaiya Shamila Devi vs. A.G.** (C.A 262/2009, Decided on 2012.10.03), **Perumal Sivanadan vs. AG** (CA/72/2013, Decided on: 2015.10.16)

¹¹⁸ Section 196 of *CCPA*

¹¹⁹ Section 197(1) of *CCPA*

¹²⁰ Section 197(2) of *CCPA*

¹²¹ Section 198 of *CCPA*

¹²² Section 199(1) of *CCPA*

The judge can terminate the proceedings and acquit the accused without waiting for the terminal end stated in section 200 of the CCPA.¹²³ But a contrary view was expressed by Justice Amaratunga in *AG vs. Baranage*.¹²⁴

According to section 200 of the CCPA, when the prosecution closed the case, and if the High Court judge wholly discredits the evidence on the part of the prosecution, he/she shall acquit the accused. If he/she considers that there are grounds for proceedings with the trial, he/she shall call the accused to place his/her defense.

In the aftermath of the defense trial, if the prosecuting counsel wishes to lead evidence in rebuttal, he/she can do so only with the leave of the judge.¹²⁵ Trial judge has to deliver the judgment forthwith or within ten days from the closure of the prosecution and defense trial. He/she can either acquit the accused from the charge or convict him/her. If he/she convicts him/her, he/she has to impose a sentence according to law.

4.4 Role of the Judge in Trial by Jury

In Sri Lanka (or Ceylon as it was known then) trial by jury or jury system was introduced during the time of Governor Thomas Maitland by the Charter of Justice in 1810. This was done mainly to get the assistance of local inhabitants to the Supreme Court judges who were alien to the native society.¹²⁶

The golden thread that runs through the entire fabric of criminal law is that an accused is deemed to be innocent till the contrary is proved beyond a reasonable doubt. The basic assumption underlying this is that every facility and assistance would be afforded to an accused at every stage of his trial. The appointment of a jury is one of the most significant steps taken to ensure the smooth and just functioning of the judicial machinery.

In a jury trial, the Judge must allow the jury to decide only on facts. He/she should not usurp the power of the jury. If the judge does not approve the verdict returned by the jury, he/she may direct them to reconsider their verdict, and the verdict given after such reconsideration shall be deemed to be the true verdict.¹²⁷ If the jury finds the accused guilty then judge has to pass the sentence according to law.¹²⁸

¹²³ *Pauline Ruth De Croos vs. The Queen* 71 NLR 169

¹²⁴ *AG vs. Baranage* (2003) 1 Sri LR

¹²⁵ Section 202 of *CCPA*

¹²⁶ *The AG vs. G.K. Viraj Aponso*, SC SLA Application No. 330/2007, Decided on 2008.09.12

¹²⁷ Section 235(2) of *CCPA*

¹²⁸ Section 238 of *CCPA*

The jury shall consist of seven persons. The verdict returned shall be unanimous or by a majority of not less than five to two.¹²⁹ As soon as the jury has been sworn in, the Registrar shall in the hearing of the accused read the indictment to the jury and then the judge shall inform them that they must listen to the evidence and upon that evidence to find their verdict whether or not the accused is guilty of the charge, and may direct them briefly on the presumption of innocence, the burden of proof and such other principles of law as may be relevant to the case.¹³⁰ When the case for the prosecution is closed and if the judge considers that there is no evidence that the accused committed the offence he/she shall direct the jury to return the verdict of not guilty.¹³¹ After both prosecution and defense trial, the judge shall charge the jury summing up the evidence and laying down the law by which the jury is to be guided.¹³² The judge must decide the question of law arising in the course of the trial and especially all the questions as to the relevancy of facts which it is proposed to prove and the admissibility of evidence.¹³³ The judge may comment on the question of fact or upon question mixed law and fact.¹³⁴

4.5 Trial at Bar

As per section 450(2) of the CCPA, the Chief Justice appoints a three judge Bench to hear the case. This section deprives the right of the accused to elect a jury to hear his/her case. Generally, it is in the case of considering the grievous nature of the offences, the Trial-at-Bar is appointed by the Chief Justice of the country.¹³⁵

4.6 Sentencing

If the accused is convicted for murder, the judge has no discretion. He/she has to sentence him/her to death.¹³⁶ Certain statutes imposed mandatory sentences. It means no discretion is given to the judge. He/she has to impose sentence as stated in the law. The Supreme Court has decided that attempting to impose mandatory minimum sentence was against the Constitution.¹³⁷ The reasons attributed to the said decision is as follow:

- (a) The imposition of mandatory minimum sentences would result in legislative determination of punishment and a corresponding erosion of a judicial discretion and a general determination in advance of the appropriate punishment without a consideration of relevant factors which proper sentencing policy should not ignore; such as the offender and his age, and antecedents, the offence and its circumstances (extenuating or otherwise), the need for

¹²⁹ Section 209 of *CCPA*

¹³⁰ Section 217 of *CCPA*

¹³¹ Section 220 of *CCPA*

¹³² Section 229 of *CCPA*

¹³³ Section 230 of *CCPA*

¹³⁴ Section 231 of *CCPA*

¹³⁵ Section 450 of *CCPA*

¹³⁶ Section 296 of the **Penal Code**

¹³⁷ S.C. Reference 03/2008

deterrence and the likelihood of reform and rehabilitation.

- (b) The imposition of mandatory minimum sentence would result in imposing identical sentences in case where court thinks it appropriate and where Court thinks it most inappropriate which amounts to treating unequals as if they were equals, in violation of Article 12(1).
- (c) The effect of imposition of mandatory minimum sentences would amount to an erosion of an essential judicial discretion in regard to sentencing. There would be gross disparities in sentences, which will not only violate the principles of equal treatment but may even amount to cruel punishment.

But, in the case of other offences the judge has discretion to impose any sentence but within the range stipulated in the statute. Further, the judge has discretion to suspend the term of imprisonment if the aggregate sentence does not exceed two years.¹³⁸

Sri Lankan judicial system has not adopted any definite sentencing guidelines or sentencing policy. Therefore, disparity in sentencing is not very uncommon. Probably, the reasons for not adopting any sentencing guideline or policy seem to be that it may interfere with the discretion of the judge. In the absence of any sentencing policy, the judge has to bear sole responsibility on imposing sentence. Besides, the courts show little interest in imposing alternative sentence such as probation.

4.7 The Overall Role of the Judge

As traditionally believed, the judge has to play the role of an umpire. But, in the modern-day society, the daily crime-rate is increased immensely. Further, these crimes are much more complicated comparing with other legal issues. For instance, the rate of conviction in crimes related to finance is negligible. In these circumstances, if the judge plays the role of an umpire, most of the white-collar criminals will go without punishment. The judge must exercise his/her power to control the court and the proceedings without violating the law. Unlike other crimes, financial crimes lead the entire nation into bankruptcy. If the judge fails to play a vibrant role, the ordinary citizen will be swindled by the fraudsters.

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¹³⁸ Section 303 (2)(d) of the *CCPA*

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- Bail Act No. 30 of 1997
- International Covenant on Civil and Political Rights (ICCPR)

CURRICULUM VITAE

Co-authors of “CRIMINAL JUSTICE SYSTEM, ROLES OF PROSECUTION, DEFENSE & JUDICIARY IN SRI LANKA”

Denis Shanthan Soosaithas, High Court Judge – High Court of Batticaloa

He was appointed as a High Court Judge since April 2018 and was assigned civil and criminal jurisdictions. Previously, he served for Attorney General’s Department from 2003 to 2018, prosecuting criminal cases and sending out indictments in the name of Attorney General. He is a graduate of the University of Colombo in Sri Lanka and enrolled as an Attorney-at-Law in 1999. He has LL. B in the year of 1996 and LLM in the year of 2018 at University of Colombo. He also has wealth of experience to participate in international conferences and training courses including JICA’s study trip to Japan in 2020.

Shaminda Wickrema, State Counsel – Attorney General’s Department

He was appointed as a State Counsel since Jan 2004. He has been prosecuting in criminal cases such as women and child abuse cases, other grave crimes including murder, robbery, rape and terrorism in the High Courts and appearing in defence of convictions in the Appellate Courts. He also has various experience as government officers, especially appointed to appear in Habeas Corpus and Terrorism related matters for a period of 4 years. He is a graduate of the Law College of Sri Lanka and enrolled as an Attorney-at-Law in 2002.

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He is a senior lawyer from Sri Lanka whose practice in the private Bar spans over 25 years. His expertise is in the field of Criminal Law and Procedure, and his practice covers both original and appellate courts. He is a consultant to many corporate sector establishments and is the current Chairman of the Criminal Law Committee of the Bar Association of Sri Lanka. He is a product of the Sri Lanka Law College and is a graduate of the University of Kelaniya, Sri Lanka. He has been joining JICA’s online training courses since 2021 with the other co-authors.

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She has been serving for Japan International Cooperation Agency (JICA), Colombo, Sri Lanka since May 2009, responsible for a number of project managements from loan administration to coordination with government agencies. She is playing a vital role to implement the current JICA’s training course. Previously, she had been engaging with business acquisition, operations and engineering in private sector in Sri Lanka, Germany, UK, China and Canada. She is a graduate of the Sri Lanka Law College and enrolled as Attorney-at-Law and Notary Public in 1998.

New in the constitution of Uzbekistan: securing the guarantee of the rights of youth

Shahnoza Ganibaeva

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Uzbekistan, being the most densely populated republic in Central Asia, possesses a huge human potential. Almost a third of the country's inhabitants are below the age of 18 years, 24 percent are young people between 18 and 30 years age group. Ensuring the legal rights and interests of young people is one of the priorities of state policy.

In less than three years, at the initiative of President Shavkat Mirziyoyev, practical steps have been taken in the state youth policy of Uzbekistan in order to provide all-round support to young people. In particular, three laws, dozens of decrees and orders of the president and government decisions were adopted.

On 30 June 2017, at the congress of the Kamolot movement a decision was made to transform the structure into the Union of Youth of Uzbekistan with the participation of the President. At present time, this day is widely celebrated as the Day of Youth.

Among the main activities of the newly created youth organization were identified, in particular, the protection of the rights, freedoms and legitimate interests of youth, the creation of decent conditions for young men and women to acquire modern professions, employment, the development of their business skills, wide involvement in entrepreneurship, stimulation of initiatives, assistance in the realization of intellectual and creative potential, the organization of targeted work to provide material and moral support to young families, youth with disabilities and in need of social protection, the creation of decent housing and social conditions for them. In accordance with the Action Strategy, the education system has been radically reformed. Youth business clusters have appeared in the regions, housing for young families is being built at a rapid pace. The Institute for the Study of Youth Problems and the Training of Promising Personnel was established at the Academy of Public Administration under the President. Based on the relevance of the new youth policy, interdepartmental councils on youth issues began to operate under the chairmanship of the Prime Minister, and locally, under the chairmanship of khokims, a commission on youth issues was created in the Legislative Chamber of the Oliy Majlis.

Much has been done, but systemic problems still remain on the ground that hinder the growth of the socio-economic activity of young people, the realization of their potential, including the lack of the necessary infrastructure for the comprehensive development of youth entrepreneurship, involving young men and women in a healthy lifestyle and playing sports, reading and creativity, in general in socially useful activity.

The most pressing issue is youth employment. Every year, about 500 thousand (according to the IMF, 2018) young people enter the labor market. It is increasingly difficult for them to find a job, to compete, since they do not have sufficient experience and knowledge. In July 2018, at a video conference on the issues of targeted and systematic work with youth, creating decent conditions for employment, the President noted that, despite the holding of over 1,700 job fairs, only five percent of the participants were employed to earn money abroad. 509 thousand young people have left abroad. In his festive congratulations to the people of Uzbekistan on the 29th anniversary of the adoption of the country's Constitution, the Head of State noted that the main reason for the constitutional reform is its harmonization with the changes taking place in the republic.

In the opinion of the Head of State Shavkat Mirziyoyev, the Constitution should reflect the state youth policy, issues of comprehensive support for youth, their rights and obligations.

The world community and certain governments were trying to find ways to stabilize the situation in the world financial and commodity markets, support banking systems and enterprises of the real economy sector. Alongside with other countries, the anti-crisis measures on prevention and neutralization of the negative consequences of the global financial and economic crisis were also carried out in Uzbekistan too¹.

The state youth policy of Uzbekistan is aimed at educating a harmoniously developed young generation - physically healthy and spiritually mature, intellectually rich, possessing not only versatile knowledge, but also able to think independently, boldly look into the future and capable of taking responsibility for the fate of our Motherland. The Law of the Republic of Uzbekistan "On state youth policy" adopted in September in 2016 determined its content and direction, determining the reform and modernization of all spheres of society as a priority.

There is no common accepted definition of what youth policy is or what it includes. Each country has its own national policy and defines what is to be considered youth policy. However, below we attempt to define youth policy. Youth policy has various objectives². One youth policy problem is how to combine society's responsibility with the ambition to let young people decide over their own lives. Young people are dependent on adults; not just for their material prosperity, but also for their spiritual development. However, it is important that youth is not associated with dependency and adulthood with independence. There is a mutual dependency between young people and adults³. Williamson claims that youth policy is not only about helping young people to become adults, but also about helping the young to be young. It is about "being" as well as "becoming; it concerns the quality of the present as well as preparing for the future. A

¹ Ashurov, Z. The Youth Policy of Uzbekistan in the Period of the Global Financial and Economic Crisis: Overview and Results, available at <https://www.youthpolicy.org/national/Uzbekistan_2011_Youth_Policy_Article.pdf>

² Şener, T. Introduction to Youth Policies. Swedish and Turkish Perspectives (January 2009) available at <https://www.researchgate.net/profile/TuelinSener/publication/279060074_Introduction_to_Youth_Policies/links/5589500508ae9076016ead10/Introduction-to-Youth-Policies.pdf?origin=publication_detail> (accessed 21 November 2016).

³ Ibid

youth policy creates a framework for a country to provide resources, support and services that will allow young people to fulfil their potential and contribute to social, cultural and economic growth. Strategies for youth policy must empower young people to influence actively and to shape the political agenda⁴. It is the government's commitment and practice aimed at ensuring good living conditions and opportunities for the young population of a country⁵.

Youth policy provisions should be incorporated into the Constitution of Uzbekistan. At a basic level, the concept of governance can be described as the structures and processes that are designed to ensure accountability, transparency, responsiveness, the rule of law, stability, equity and inclusiveness, empowerment and inclusive participation (UNESCO 2016). The reinforcement of the initiative by the Constitution will determine who should participate in the youth policy processes. Young people should have the right, means, support, opportunities and space to participate as partners in the youth policy: advising or co-deciding on its design, contributing to service delivery, monitoring and evaluating the impact of the policies and not merely as beneficiaries of services. If young people are involved, they feel ownership of the decisions made, and deliverable services correspond better to their aspirations or rights. The chances for success of those policies are then higher⁶. We hope that the consolidation of the existing measures for the protection and support of youth in the new Constitution of the Republic of Uzbekistan will allow: ensuring rights and freedoms, free medical care and general education, conditions and guarantees for obtaining higher education within the framework of state grants, employment, provision of benefits in the sphere of labor, allocation of soft loans for the construction and purchase of housing, material support for low-income young families, the development of a system of leisure and recreation, and others.

In addition, the amendment to the Constitution regarding the guarantees for youth will make it possible to determine the basic principles and directions of the state youth policy in the Republic of Uzbekistan, which will become a guideline and the basis for its implementation, the adoption of a complex of organizational, legal and institutional measures. The innovation in the Constitution will be aimed at improving public administration in the field of the youth policy, consolidating the powers of each entity participating in this process.

At the same time, it will expand and establish additional state guarantees that will stimulate the all-round development of youth in Uzbekistan, its involvement in private entrepreneurship, which will become the locomotive of the country's economic growth.

⁴ Williamson, H. Supporting young people in Europe: principles, policy and practice: the Council of Europe international reviews of national youth policy 1997-2001 - a synthesis report, Council of Europe, available at <<https://rm.coe.int/1680702418>> (accessed 21 November 2016).

⁵ Denstad, F., Yrjar. Youth Policy Manual: How to develop a national youth strategy, Council of Europe Publishing (online): <http://youth-partnership-eu.coe.int/youth-partnership/documents/EKCYP/Youth Policy/docs/YP_strategies/Research/YP_Manual_pub.pdf> (accessed 29 December 2016).

⁶ Denstad F. Y. Youth Policy Manual: How to develop a national youth strategy, Council of Europe Publishing, Strasbourg.

Some legal issues of jurisdiction in administrative litigation proceedings in the Uzbekistan

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Introduction of administrative courts separated from civil, criminal and economic courts for the first time in the history of Uzbekistan from June 1, 2017¹, as well as for the first time was adopted Law on administrative procedure of Uzbekistan (hereinafter LAP) on January 8, 2018² and the Code of Administrative Litigation (hereinafter CAL) on January 25, 2018³ formed a completely new, important stage in the development of administrative law in Uzbekistan. These changes in legislation of Uzbekistan started the process of harmonization of national administrative law with the standards of developed foreign countries⁴.

The Decree of the President of the Republic of Uzbekistan “On additional measures to further improve the functioning of the judiciary and increase the efficiency of justice” aimed at bringing judicial reform in the country to a completely new level and solving existing problems is the basis for further improvement of the administrative court system in Uzbekistan⁵.

The first part of Article 107 of the Constitution of the Republic of Uzbekistan was amended by the Law of the Republic of Uzbekistan No. ZRU-671 of February 8, 2021 and the Law of the Republic of Uzbekistan of July 28, 2021 No. ZRU-703 “On Courts” was adopted. As a result, the criminal, civil, and economic courts at the provincial level were merged into courts of general jurisdiction. Administrative courts were retained as separate courts from courts of general jurisdiction. Also, from January 1, 2021 in Uzbekistan, the authority to consider cases on administrative offenses was transferred from administrative courts to criminal courts⁶.

¹ Decree of the President of the Republic of Uzbekistan dated February 21, 2017 No PF-4966 “On measures to radically improve the structure and efficiency of the judicial system of the Republic of Uzbekistan” (National Database of Legislation, 29.09.2017, 06/17/5195 / 0033-son).

² Law of the Republic of Uzbekistan No. ZRU-457 of January 8, 2018 “On Administrative Procedures”. (Date of entry into force 10.01.2019. National Database of Legislation, 09.01.2018, No. 03/18/457/0525).

³ Law of the Republic of Uzbekistan No. ZRU-462 of January 25, 2018 “On approval of the Code of the Republic of Uzbekistan on administrative litigation” (Date of entry into force 01.04.2018. National database of legislation, 26.01.2018, 03/18 / 462/0626-son).

⁴ Nematov J. Some issues of perception, interpretation of administrative law and legal education in modern Uzbekistan // Review of Law Sciences. – 2019. – № 1. – P. 96–102.; Nematov J. New administrative law reforms in Uzbekistan: problems and their solutions.// International Cooperation Department Research and Training Institute Ministry of Justice (Japan). ICD News 2018 № 75 (2018/6) – P. 29-38.

⁵ Decree of the President of the Republic of Uzbekistan dated July 24, 2020 No PF-6034 “On additional measures to further improve the work of courts and increase the efficiency of justice” (National Database of Legislation, 24.07.2020, 06/20/6034 / 1103).

⁶ Nematov J., Astanov Sh. Issues of reforming the judicial process of administrative offenses in Uzbekistan // Journal of Legal Research. - 2020. - № SI2. - P. 359–364.

The newly introduced administrative courts, in turn, have created new theoretical and practical problems and positive changes⁷. In particular, the issue of jurisdiction in the administrative litigation proceedings, which is analyzed in this article, remains the most controversial issue. Some of these problems are discussed below.

First, there are also some problematic aspects in distinguishing jurisdiction in court-related cases between civil courts and administrative courts.

According to Article 26 of the Code of Civil Procedure of the Republic of Uzbekistan (hereinafter CPC), the court of civil cases deals with disputes arising from civil, family, labor, housing, land and other relations.

It should be noted that the legal nature of disputes over land or labor relations under Article 26 of the CPC remains unclear. This, in turn, causes many problems in court practice. The point is, land relations can be different. For example, while it can be said that the relevant decision of the governor on land allocation or land reserve was made within the framework of land relations, on the other hand, the same issue can be said to be a dispute over administrative-legal relations. In terms of case law, so far disputes over the relevant decision of the governor on land allocation or land reserve have been considered in the administrative courts.

In our view, Article 26 of the CPC should exclude the phrase of disputes arising from land relations. After all, there is no problem in treating land disputes arising from civil law relations as disputes arising from civil law relations in general.

The sentence of labor relations in Article 26 of the CPC is also problematic. The fact is that disputes over the civil service or public civil service are considered in the context of administrative litigation proceedings in developed countries (including Germany, Japan and others). Because it is wrong to say that disputes arising from employment issues in the civil service and in the private sector are the same. These issues are drastically different from each other. The civil service also includes areas where employment contracts are not provided for in the Labor Code, such as the judiciary, prosecutors, law enforcement, and others. It would therefore be a mistake to say that civil service disputes relate to civil courts as labor relations. Unfortunately, in today's judicial practice, civil service disputes are also seen as disputes arising from labor relations.

In our opinion, it is necessary to clarify the list of disputes arising from labor relations in Article 26 of the CPC, with the exception of civil service disputes. This point is also confirmed in the draft law "On Civil Service", which is expected to be adopted in near future in Uzbekistan.

In addition, the fact that the decisions of enterprises, institutions, organizations, public associations

⁷ Nematov J. Transformation of Soviet administrative law: Uzbekistan's case study in judicial review over administrative acts // *Administrative law and process*. – 2020. – № 1(28). – P. 105–125. DOI <https://doi.org/10.17721/2227-796X.2020.1.08>; Nematov J. Peculiarities of litigation in the field of electoral law // *Journal of Justice*. – 2019. – № 11. – P. 12–16.; Nematov J. Can a citizen's right to appeal to an administrative court be restricted (analysis of some aspects of jurisdiction) // *Journal of Legal Research*. – 2020. – № S4. – P. 212–224.

paragraph 6 of Part 1 of Article 26 of the CPC, which do not arise from administrative and other public relations, and the dispute over such actions (inaction) of their officials. Because it is difficult to determine the boundaries of decisions of enterprises, institutions, organizations, public associations, arising from administrative and other public legal relations and not arising from such relations. For example, if an order of the head of an enterprise violates the rights of an employee of that enterprise, such a dispute is still considered in the general order as a labor dispute. In this case, it is not necessary to establish the rule provided for in paragraph 6 of Part 1 of Article 26 of the CPC.

In addition, in court practice, disputes between students of higher education institutions that are public institutions and those related to admission and exclusion are also difficult to describe as civil disputes. This is because there will be students who enter on the basis of a state grant, or a student who has been expelled will not have a dispute with the university over the fulfillment of the terms of the contract when he appeals to the court.

In this regard, paragraph 7 of the decision of the Plenum of the Supreme Court of the Republic of Uzbekistan dated December 24, 2019 No 24 “On judicial practice to consider cases on appeals against decisions, actions (inaction) of administrative bodies and their officials” notes that decisions and actions of officials of penitentiary institutions on the application of disciplinary measures against detainees, prisoners and convicts may be challenged in accordance with Chapter 23 of the Code of Administrative Litigation of the Republic of Uzbekistan, except for issues resolved in accordance with Article 542 of the Criminal Procedure Code of the Republic of Uzbekistan. In this case, disputes between public institutions, for instance, penitentiary institutions, and the application of disciplinary measures to convicts are subject to the jurisdiction of the administrative courts. A natural question arises as to why disputes over the disciplinary measures applied to a student by a higher education institution that is a public institution should no longer be considered as a dispute that subject to the jurisdiction of the administrative courts. Current judicial practice makes a mistake here, too, in our view.

Accordingly, in our opinion, it is expedient to exclude the rule provided for in paragraph 6 of Part 1 of Article 26 of the CPC.

Second, there are also some problematic aspects in jurisdiction between the economic courts and the administrative courts.

Article 25, part 1, paragraph 1 of the Code of Economic Procedure (hereinafter CEP) states that the economic court is subject to disputes arising from administrative legal relations in the field of economics. This is against the rules of CAL. This is because administrative courts are courts that are set up specifically to handle disputes arising out of administrative legal relationships. In particular, if we look at the case on the application of legal sanctions, which is Chapter 27 of the CEP, we can see that most of these disputes are purely administrative legal disputes. For

example, disputes over licenses and permits are in fact part of the administrative-legal activities of administrative bodies in relation to stakeholders, according to Article 3 of the LAP. Although we have already mentioned this aspect⁸, we can see a similar point in the scientific work of I.M. Salimova⁹.

Therefore, in our opinion, it is proposed to exclude cases on disputes arising from administrative-legal relations in the scope of cases related to economic courts, including cases on the application of legal sanctions under Chapter 27 of the CEP, and designate them as cases belonging to administrative courts.

Another issue that has been controversial in judicial practice is the jurisdiction of disputes related to the decision (action) of the state executors.

According to Part 2 of Article 186 of the CAL, an application (complaint) to declare the decision of the state executor invalid, actions (inaction) may be filed with the court within ten days from the date of notification of the interested person of violation of his rights, freedoms and legitimate interests.

According to Article 86-1 of the Law of the Republic of Uzbekistan “On Enforcement of Judicial and Other Bodies’ Documents”, in the cases that were decided by economic court the official may be appealed within ten days from the date of notification of the decision in cases to the economic court. In cases not provided for in the first part of this article, the decision of the state executor shall be appealed to the court of general jurisdiction at the place of location of the state executor or to a higher body, an official within ten days from the date of notification of the decision.

Paragraph 9 of the Resolution of the Plenum of the Supreme Court of the Republic of Uzbekistan dated December 24, 2019 No 24 “On judicial practice to consider cases on appeals against decisions, actions (inaction) of administrative bodies and their officials” states that state executor’s decisions, action or inaction can be appealed to the administrative court in accordance with the procedure provided for in Chapter 23 of the CAL, with the exception of decisions on the executive document issued by the economic court.

In this regard, it can be seen that contradictory approaches are emerging in judicial practice. For example, the question arises as to which court can be appealed against the action (inaction) of the state executor on the enforcement document issued by the economic court.

In this regard, if we look at the above-mentioned Article 86-1 of the Law of the Republic of Uzbekistan “On Enforcement of Judicial and Other Bodies’ Documents” and paragraph 9 of the Plenum of the Supreme Court of the Republic of Uzbekistan dated December 24, 2019 No. 24, we can understand that these cases are in jurisdiction of administrative court. But the question also arises as to whether such an approach to the matter is correct and in accordance with the

⁸ Nematov J. Judicial relevance in administrative proceedings // Criteria of justice. - 2020. - № 6. - P. 48.

⁹ I.M.Salimova. Jurisdiction of economic disputes (theoretical-legal and procedural aspects). Abstract of the dissertation of Doctor of Philosophy in Law. Tashkent. - 2020. - P. 22.

rules of jurisdiction. Imagine if the disputes over the decision of the state executor in one case are considered in the economic court, in the same case the disputes over the actions (inaction) of the state executor are considered in the administrative court. In such circumstance, the coherence of court decisions and judicial practice on this category of cases would be impossible. In our opinion, the approach to the issue should be changed. Because in the content of Part 2 of Article 186 of the CAL, it is possible to understand that the appeals against decision of the state executor and the cases on disputes over his actions (inaction) belong to the administrative courts. Considering that CAL is the most recently adopted law, according to Article 18 of the Law of the Republic of Uzbekistan “On normative legal acts” of April 20, 2021, “in case of differences between normative legal acts of equal legal force the rules of the later adopted normative legal act apply.

Accordingly, Article 86-1 of the Law of the Republic of Uzbekistan “On Enforcement of Judicial and Other Bodies’ Documents” and paragraph 9 of the Resolution of the Plenum of the Supreme Court of the Republic of Uzbekistan dated December 24, 2019 No. 24 should be amended. It should be noted that all cases related to disputes over the decision, actions (inaction) of the state executor belong to the administrative courts.

Third, there are also some problematic aspects in court-related cases between military courts and administrative courts.

In accordance with Part 1 of Article 45 of the Law of the Republic of Uzbekistan “On Courts” No. ZRU-703 of July 28, 2021, consideration of complaints against decisions of military authorities, actions (inaction) of military officials violating the rights and freedoms of military servicemen belong to the military courts. Paragraph 10 of the Resolution of the Plenum of the Supreme Court of the Republic of Uzbekistan dated December 24, 2019 No 24 “On judicial practice to consider cases on appeals against decisions, actions (inaction) of administrative bodies and their officials” notes that the appeals against decisions, actions (inaction), military authorities as well as decisions of the Republic of Karakalpakstan, regions, Tashkent city conscription commissions are considered by military courts. In court practice, there are questions about which courts should consider the disputes over decisions, actions (inaction) of military authorities and their officials in the case of that plaintiff is not military serviceman (citizens who are not military servicemen). In our view, disputes concerning the decisions, actions (inaction) of military administration bodies and their officials raised by citizens who are not considered military servicemen belong to the administrative courts. Because there is no military serviceman in this place and the relationship is an administrative-legal relationship.

From the above, it can be concluded that the administrative courts are relatively new in Uzbekistan, so the above-mentioned issues of jurisdiction are important, and it is important to further improve the legislation, judicial practice and the theoretical basis of administrative

justice, for instance, in the topic of boundaries of the disputes that belong to the jurisdiction of administrative court.

- III. Special Interview - —Commemorating the 20th Anniversary of Foundation of ICD—

**～ INTERVIEW with the Honorable Justice. Takdir Rahmadhi,
Deputy Chief Justice of the Supreme Court of the Republic of Indonesia～
On Cooperation with Indonesian Supreme Court in the Legal/Judicial Field**

-
- Interviewee: Prof. Dr. the Honorable. Takdir Rahmadhi
Deputy Chief Justice of the Supreme Court of the Republic of
Indonesia
 - Interviewer: KUROKI Kota, Professor of the ICD
-

Special Interview Commemorating the 20th Anniversary of Foundation of ICD

On April 7, 2021, an interview was realized with the Honorable Justice. Takdir Rahmadhi, Deputy Chief Justice of the Supreme Court of the Republic of Indonesia (hereinafter, “Hon. Takdir”).

For reference, the history of legal technical assistance to Indonesia is as below:

2002 Exchange began via the JICA framework

Mar. 2007 to Mar. 2009 “Mediation Project”¹

Dec. 2015 to Sep. 2021 “IP Project”²

Hon. Takdir is a Supreme Court Justice who was originally a scholar. He played a central role in the “Mediation Project” in the Working Group (WG) as a scholar who has much expertise in Alternative Dispute Resolution (ADR) and also played a central role as a WG project manager in the “IP Project” from the position of a Supreme Court justice. We can say that he has engaged in both projects most deeply and is the most appropriate interviewee for this special interview.

In this interview, he talked about his view of the two projects as well as his day-to-day tasks as a justice of the Supreme Court of Indonesia, as we hardly know what it is like.

■ Personal Background

From Scholar to Supreme Court Justice

Kuroki: I understand that you are a Supreme Court Justice with a scholarly background. Could you give us a brief background of your careers, including how you became a Supreme

¹ Official name is “Project on Improvement of the Mediation System”

² Official name is “Project on Intellectual Property Rights Protection and Legal Consistency for Improving Business Environment” The project period which was originally until Dec. 20, 2020 was agreed to extend until end of Sep. 2021 due to the COVID-19 situation.

Court justice?

Hon.Takdir: Well, first of all, I would like to thank you for inviting me to this special interview.

As you mentioned, I am a justice and a former scholar. There are two ways of career paths for Supreme Court justices in Indonesia: one is the path of a judge starting from the bottom up and finally become a Supreme Court justice, while the other is the career path to become a Supreme Court justice from being a scholar.

Originally, I was teaching at the Law Dept. of Andalas University in Sumatra island.

After becoming a professor there, the Supreme Court of Indonesia asked me to join the WG for drafting the amendment of Supreme Court Rules regarding 2003 Mediation. And the Supreme Court justice who invited me also had a non-career career path, originally teaching at Padjadjaran University. So, we got along well and that's how I came to join in the cooperation.

At that time, Chief Justice Bagir Manan, a graduate of Padjadjaran University, was heading the Supreme Court. As you may have heard, initially Australia participated in settlement/mediation. Later, we learned that Japan had the same system and decided to ask for cooperation from JICA in this field.

The 2003 Supreme Court Rules was amended in 2007 and became the 2008 No.1 Supreme Court Rules.



Hon. Takdir Rahmadhi, Deputy Chief Justice



Supreme Court of Indonesia

“Mediation Project” provided a wonderful opportunity for me

Hon.Takdir: Actually, it was at that time when I had the opportunity to join the WG for the “Mediation Project”. Through this activity, I could get acquainted with the people from the Supreme Court. Back then, the Chief Justice was Bagir Manan and under him was

Harifin, the Deputy Chief Justice. Harifin later became the Chief Justice, and he was also then chief of the WG. So, he asked me to become a Supreme Court justice promising to provide moral support for me. I also received a letter of recommendation from Andalas University to run in the selection of Supreme Court justices.

The non-career Supreme Court justices were from various universities, however, none of them was from Andalas University. So, the alumni association of the law students of Andalas University supported and recommended me. Of course, the recommendation was not enough, so, I needed to take an exam to be appointed as a Supreme Court justice. In 2008, I passed the exam and started my career as a Supreme Court justice.

Therefore, in a way, the reason why I ended up as a Supreme Court justice was thanks to the opportunity to be involved in the “Mediation Project”. I believe it was because I participated in the work of revising the Supreme Court Rules in the “Mediation Project” with Japan.

■ On Settlement/Mediation

Method for Mediation was not decided at all

Kuroki: According to the reference³, you researched on ADR while you studied in Canada. Did you have a strong interest in settlement/mediation?

Hon. Takdir: Exactly, I had an interest in settlement/mediation from the beginning. I obtained a master’s degree in Canada with a thesis “Mediation in Environmental Dispute Resolution”. It explored the mediation in the U.S. and its possible application in Indonesia. I assume they knew of my thesis. I had also frequently lectured at seminars on mediation. I was also a researcher at the Indonesian Institute for Conflict Transformation (IICT), which was commissioned by the Indonesian Supreme Court with assistance from Australia to prepare a draft of the Supreme Court Rules on Mediation.

Kuroki: What were some problems with settlement/mediation in Indonesia?

Hon. Takdir: The concept of mediation did exist in Indonesia. However, the method of how to do this had not been decided. At universities, we had the word “mediation,” but we could not teach how to do it. There were no lectures about it. It was not until 2006/ 2007 that we were able to give lectures on ADR. The concept of settlement and mediation was there, and our Code of Civil Procedure said that “A judge must attempt a settlement, first”. However, we didn’t know how to do it, so the judge would just gather the parties and tell

³ Tanaka, Kazuko “Report of the 1st local seminar; “Project on Improvement of the Mediation System” ICD NEWS No.32 (Sep.2007) pg. 233

them to settle. What to do or how to proceed with the discussion was not decided at all. The problem was that the judge just advised, “Settle the case”.

I felt the Japanese way of thinking fits Indonesian culture

Kuroki: How did you come to ask Japan for assistance in settlement/mediation?

Hon. Takdir: Due to such problems, mediation was not working well in Indonesia. That is why we initially amended the Supreme Court Rules with the assistance of Australia. The 2003 Mediation had a strong influence from the American (North American) way of thinking. In particular, the biggest issue was that the judge was not able to attend the discussions in the process of settlement. In the American way of thinking, judges are not supposed to get involved outside the courtroom; therefore, judges did not participate in settlement/mediation. It was other parties than judges who could organize a mediation.

However, from the Asian way of thinking, it did not fit well with our culture. As a matter of fact, various people of the field, particularly the judges began to say that this is not the way things should be. Voices to say we must change from judges started to raise in and after 2003. We realized that this was not going to function well in Indonesia.

Later, we learned that actually Japan had settlement/mediation and we came to assume maybe the Japanese way would fit better in Indonesia. So, we visited Prof. KUSANO and Prof. INABA in Japan to learn about many things. With the aid of JICA, we could complete the 2008 Supreme Court Rules, which enabled participation of judges in mediation, that was not allowed in the 2003 Supreme Court Rules. And now, judges are present in settlement scenes.

Kuroki: Do you think settlement/mediation fits the culture of Indonesia?

Hon. Takdir: Yes, I believe settlement/mediation fits our culture. Especially the 2007 Supreme Court Rules enabled judges to participate in settlement, which suits our Indonesian culture. In Indonesia, people prefer to conclude cases with settlements.

Having judges, the legal professionals, in the process of settlement upon concluding cases with settlement, before the judge makes a judgment, fits our customs and way of thinking.

While in the US, because of the conflicts of interest, judges are not to be involved in settlement/mediation. I can understand such an intention, too, so, we refer to it and decided that the judge in charge of the settlement is a different one from the one in charge of the case.

Indonesian culture is changing; People are more aware of their rights

Kuroki: Where can you see or feel such culture/way of thinking of Indonesia? Is there any change taking place with the Indonesian culture?

Hon. Takdir: Indonesian people prefer to resolve disputes peacefully through discussions, if possible. However, recently, I think a change is happening in our culture/way of thinking in various aspects. Compared to old times, people's ego is getting stronger and people are eager to win over/defeat others.

For instance, if a family has an inheritance issue, I think it is better to adjust the issue with settlement if possible. However, some of the family members claim their rights strongly or they are more conscious of their rights to win, so, I feel more cases are brought to the Court. That is why the recent success rate of mediation is only approximately 5%. I think our culture is starting to change.

Kuroki: I see that the culture is changing in a direction that makes it difficult to reach a settlement, but how does the Indonesian Supreme Court try to increase the settlement success rate?

Hon. Takdir: The Supreme Court thinks this is not a good situation. So, this year, we have started a new initiative called the Mediation Award. It looks at the number and percentage of cases where mediation has taken place in the courts, and to see which courts have excelled in mediation. We also announce which court is the best. The winner will be announced on August 19, the Anniversary of the Supreme Court of Indonesia. As we will be announcing the winner on such an event, a lot of effort is being put into.

In addition, the Training Institute regularly provides training for judges to improve their settlement/mediation skills, so, they can participate in such trainings as well.

Publicity for settlement/mediation will be important

Kuroki: What do you think is the future challenge with settlement/mediation?

Hon. Takdir: Public relations activities, I think. How we are going to direct settlements will be largely influenced by publicity activities. We need to let the general public be well informed that in case they face a family, neighborhood, or business disputes, they can choose to resolve it with settlement/mediation, before they try to settle everything in the Court.

Besides that, attorneys have great influence on their clients, so, I believe reforming their mindset to consider settlement/mediation before starting a court litigation case is also necessary.

Internal judges should be also well aware of it.

For these things, education is very important. For that sake, it is important that universities offer undergraduate curriculums for students to learn about settlement/mediation. Presently, almost all universities in Indonesia have such curriculums in addition to 15 external institutes, where trainings are offered for settlement/mediation. They are institutes approved by the Supreme Court. This kind of external institutes are increasing. As such, I believe socialization of settlement/mediation in various fields are very important.



Working in the Office (Center in the back, Hon.Takdir)

■ On Japan

I was very impressed when I first visited Japan

Kuroki: What is your impression of Japan?

Hon.Takdir: I believe that there are many differences between Indonesian people and Japanese people, in particular the culture. However, I think Indonesian people know Japan quite well. First, Japanese people work very hard, and secondly, they are very advanced and economically strong. I think that Japan is the most advanced country in Asia, and I also think that Japan is adopting the ideas of America and Western Europe. Even though Japan

lost in World War II, Japan overcame the defeat and has built a wonderful country. I am sure the people made tremendous effort behind such achievement. If it were not for that, there would not have been the Toyota, Honda, Nissan, etc. that are now filling the streets of Indonesia. I think that is the result of people's great efforts.

To tell you the truth, my maternal grandmother, Ien Nakamoto, is of Japanese descent. (Showing a photo). In this photo, she is holding my uncle. As you can see, I am also from the Japanese descent. So, it delighted me so much when I visited Japan in 2002. I was greatly touched that I could visit the country of my roots.

Indonesian people have told me, "Your mother looks like a Chinese, doesn't she?", since when Indonesian people see someone who is whiter and has narrow eyes, they automatically think they are Chinese. I always had to argue them back that she was of Japanese descent. Thus, I have always felt close to Japan.

Kuroki: What impressed you when you visited Japan?

Hon. Takdir: Of course, there are many different things between Japan and Indonesia including religious beliefs. In Indonesia, people have strong religious beliefs and we often pray. However, in Japan, people are not that way. During my six or seven trips to Japan for the "Mediation Project", "IP Project" and APEC ODR (online mediation) meetings, I was able to visit many places and have many wonderful memories from them, including temples in Nara, Muslim mosque in Kobe, kabuki theater, etc. In Nara, there was a huge Buddha statue and in Kyoto there was a big bamboo forest in the old shrine, which were wonderful. They were rather sightseeing spots.

The other thing that impressed me was that everyone brushed their teeth after eating. In Indonesia, people brush their teeth in the morning and evening and that's it. I was impressed that Japanese people brush their teeth after lunch in a line at the washroom in the office.

There were many impressive things and maybe that is why I still don't drive European or American cars today. I drive a Toyota.

I do hope to visit Japan again.

Mediation Project is very much appreciated

Kuroki: How is the Mediation Project evaluated in Indonesia?

Hon. Takdir: The Mediation Project has been very highly evaluated and much appreciated. In particular, my superiors including the Chief Justice of the Supreme Court of Indonesia and the judges working in the field have benefited from it.

In fact, the judges who were sent to Japan during this project to learn the Japanese way of settlement/mediation are still participating in the mediation WG and discussing the issues on a daily basis. Their experience of being sent to Japan is still utilized here to this date. As we were very inspired by the Japanese method, we could collaborate with outside organizations. The inspiration from Japan was remarkable and is still here with us today. The origin of the word settlement/mediation is ‘mediasi’, the English word, however, despite the language difference, the core concepts and ideas are mutual and common.

■ On tasks of a justice of the Supreme Court of Indonesia

It is important to make closure of a case as a Supreme Court justice

Kuroki: Could you please share with us some stories after the Mediation Project finished?

Hon. Takdir: For five to six years, the cooperation relationship with Japan ceased to exist, during which time I monitored the “Mediation Project” not to mention my tasks as a Supreme Court justice.

I belong to the Civil Dept. of the Supreme Court, so I was engaged in Civil Dept. tasks. Also, I was in charge of educating young judges e.g. giving seminars as a lecturer for settlement/mediation, or giving advice to other lectures who have been to Japan as WG members. Those are things we did every year as a follow-up of the “Mediation Project”.

Kuroki: We are not knowledgeable with tasks of the Supreme Court of Indonesia, could you please tell us about them in detail?

Hon. Takdir: The day-to-day work of a Supreme Court justice involves a variety of tasks.

There are many different WGs, and I am in charge of all of them. For example, I have to report the results of the WGs to the Chief Justice, or I discuss the results of the WGs with in-charge people, which alone keeps me quite busy.

My job title is a justice of the Supreme Court. It means, the core tasks of mine are to dispose cases appropriately. Therefore, in my small spare time or travel time, I try to read in depth the documents related to the cases. And if necessary, I use my Sundays to work at home, too.

The fourth Wednesday of the month is a trial day for me. There are 50 to 60 cases a month, and I make final decisions on them.

Kuroki: That sounds you are very busy. How do you manage your time?

Hon. Takdir: I have both judicial administrative task and trial task, so I try to use my time

efficiently. My work keeps me busy, but I don't forget to secure time for leisure as well. For example, on Saturday mornings, I exercise with the Chief Justice and watch television with my family. The Chief Justice tells me to make no excuse but execute my main task, which is to deliver a judgment without fail. I tell him I know, and I am well prepared for that.

Kuroki: I believe you have many final appeal cases at the Supreme Court of Indonesia. Could you share with us some of the recent cases and how you handled them?

Hon. Takdir: There are many final appeals at the Supreme Court, however, there have been efforts to limit them. For example, as for the retrials, we put some limitations on them, including a rule that there shall be no retrials for employment dismissal cases. We also restrict final appeals for small-scale cases. The point is we limit retrials.

■ Efforts for Digitalization of Trials

Digitalization can relax burdens of the Supreme Court

Kuroki: Could you also share with us some other efforts you are making?

Hon. Takdir: It is also important to expedite the trial. We have a WG for this. It is a WG for expediting cases and digitalization at the Supreme Court.

Up to now, trial case-related documents were on the paper basis. All case records were sent in paper from high courts, which was a problem for expediting cases. So, in the WG, there has been discussions on, for example, to allocate a staff member to scan documents. In other words, there has been a consideration on staff and equipment.

I believe digitalization can decrease the burden of the Supreme Court. I am the chairman of that, too, so, I hope to decrease our burdens from such viewpoint as well.

Kuroki: Indonesia is composed of 10,000 plus islands. Do documents arrive from local areas on a paper base? It sounds that you are going through many attempts for digitalization.

Hon. Takdir: Currently, everything is sent to Jakarta from local areas on a paper basis. So, we are trying to do something about this and going through various attempts, including having our staff member scan the documents and send them to us. Or if that is not possible, we have them send us the papers and we scan them at the Supreme Court. We would like to expedite the trial through these means. We are hoping to cooperate with JICA with this issue, too, if that's possible.

Kuroki: What will be the consideration for digitalization in the future?

Hon. Takdir: Even now, we can execute such measures as scanning. However, we need to discuss further on what kind of regulations will be necessary. We hope to summarize them in the WG and submit it to the Chief Justice around July 2021, so, it can be escalated to a higher-level consideration. As such, Indonesia is proactive on digitalization.

■ On IP Project

Judgments on IP cases were not stable

Kuroki: Could you talk about how the “IP Project” was set up?

What were the problems you had?

Hon. Takdir: In Indonesia, the Chief Justice of the Supreme Court looks at all the problems in the Indonesian judiciary. The situation at that time was that the judgments in IP cases in Indonesia were unstable, inconsistent and different from judge to judge, which was not good, and the problem was that the judges in charge of the first instance cases did not yet have a good understanding of IP.

So, there was a need to improve this situation. Judge Agung, who is well versed in IP cases and others suggested that we should have a WG on IP. Judge Agung was a general Supreme Court judge at the time. So, when he wanted to communicate to his superiors, he decided to go through me.

In 2014/2015, a WG was set up, with myself as the chief and Justice Agung as deputy chief, and Justice Rahmi, who is very strong in IP and commercial matters, as a member. In 2017, we had a change in members and Judge Ibrahim joined us. By then, Judge Agung was promoted to the head of the Special Civil Office and he contributed a lot.

Kuroki: Were you able to see improvement through the IP project?

Hon. Takdir: I think the level of understanding of Indonesian judges on IP has improved, thanks to the trainings in Indonesia inside and training in Japan and publicities in the local areas. The mindset of the members who went to Japan for the training has changed and the first collection of judgments has been completed, which is a very good teaching material. Judges and related parties involved in IP cases can read this and understand how they can right good IP judgments, which I believe contributes to avoid the problem of IP judgment inconsistent from judge to judge.

■ On Fostering Judges

Independence increased in 2004 and training institute was established

Kuroki: Could you also share with us how you foster judges in Indonesia?

Hon. Takdir: The Supreme Court has the authority to foster judges. It was expanded like this in 2004. Even before 2004, there was a Supreme Court but its authority was extremely limited. With the reform which was brought after the Suharto regime ended, the Supreme Court's authority was remarkably increased in 2004.

At that time, the Constitution of Indonesia was also revised. Previously, the Supreme Court was purely a trial organization, meaning it handled final appeals /retrials and made judgments. However, the Supreme Court began to foster personnel and provide trainings, which was previously done by the Ministry of Law and Human Rights.

In 2004, independence of the Supreme Court was increased and ever since we began to take charge of fostering personnel as well. As for finance, we do not have independence, since financing is under the jurisdiction of the Ministry of Finance. However, upon obtaining independence with fostering personnel and trainings, we set up the Judicial Training Center, where we foster judges and other job type personnel with WG, curriculums and materials.

Kuroki: What are some other efforts you are making?

Hon. Takdir: In addition, the Chief Justice and other representatives of each department visit the local areas in groups, to observe the problems they face in local areas and directly listen to their complaints/requests.

Kuroki: In Indonesia, are the trainings more major than on-the-job trainings (OJT) for judges?

Hon. Takdir: There are various areas such as commercial laws including intellectual property, corruption, environmental laws, competition laws, laws for the protection of women and children, fisheries, industrial relations, and court management. For these, the main part of fostering judges in particular young ones and the ones in local areas, is the trainings they receive at the Judicial Training Center.

We have OJT too. In most cases, judges or candidates for judges teach as senior judges or tutors at the District Court. However, the majority of the trainings are provided at the Judicial Training Center.



Judicial Training Center

■ Challenges for the court in the future

There are mainly four challenges: We want to learn from Japan's experience

Kuroki: Could you please share with us the challenges for courts in Indonesia in the future?

Hon. Takdir: There are mainly four challenges: The first is the issue of uniformity, which means that the same kind of judgment should be rendered in the same kind of cases. I hope to learn how Japan dealt with this issue. The second one is digitization and modernization. I believe that judicial services should be given quickly, cheaply and efficiently. I would like to learn what Japan is doing and how it is doing it in this regard. In Indonesia, we have an E-Court, but it is at the moment only for the first instance. The WG is discussing how it can be used in the future in the High Court and the Supreme Court. I am very interested in how we are going to digitize and modernize the system. Thirdly, I believe that intellectual property is still very important. I think it is important to evaluate what we have done so far, and how we will evaluate it in the future. Fourthly, online mediation, which was one of the themes of APEC held in Tokyo. I am interested in how we are going to deal with it in particular with mediation for SMEs. In fact, we are currently aiming to revise the Supreme Court Rules on mediation in this regard.

Kuroki: Could you please tell us about the cooperation with Japan in the future?

Hon. Takdir: First of all, to continue the current cooperation in the IP field, which I earnestly hope Japan will. So far, Japan provided publicity and trainings. It was especially good that the training included judges of the first instance courts in the local areas. The content

of the training was also excellent. So far, it has focused on trademarks, so, I hope it will be expanded to designs, patents, and copyrights as well.

Secondly, I would like to ask for cooperation in new areas, such as how you handle the online mediation, the uniformity of judgments, or the new unprecedented cases. In Indonesia, we are having various new cases related to the environmental law. Japan is a clean country, so, I would like to know what efforts Japan has made regarding this field.

Kuroki: Could you be more specific with the cases you are having related to the environment law?

Hon. Takdir: In Indonesia, forest fires are a major problem, as they cause schools to close and airplanes to stop flying. It has a big impact on our lives. Forest fires are so bad that even airplanes are not allowed to fly. I believe such fires occur because our technology is not developed yet. Amid such situation, there are more cases where ordinary citizens are suing companies. Such industrial pollution is a problem in Java island, where there are many factories. Climate change is another problem. These are the environmental issues our President pays attention to.

■ Message

Kuroki: In closing this interview, will you please give a message to the Japan side?

Hon. Takdir: First of all, on behalf of the Supreme Court of Indonesia, I would like to express our utmost gratitude to the Japanese Government and JICA for their excellent cooperation. The cooperation of the Japanese Government and JICA has contributed greatly to the reform of the Supreme Court.

The Supreme Court of Indonesia would like to be a better judicial institution and would like to make more progress and development in mediation and IP.

I hope that the excellent relationship and cooperation established between our two countries will continue in the future and continue to benefit both of us.



Interview (Central, upper, Hon. Takdir)



Day to day scene in the Office (Far left, Hon. Takdir)

Beyond Legal Technical Assistance (From the Perspective of a Judge of the International Criminal Court)

**～Special Interview with the Honorable Judge AKANE Tomoko
on the 20th Anniversary of ICD～**

“Dream Big, but Take Small, Steady Steps”

As a special project to commemorate the 20th anniversary of the ICD, on November 29, 2021, we were able to hold an interview with the Honorable Judge AKANE Tomoko¹ of the International Criminal Court (hereinafter referred to as “Judge Akane”).

Judge Akane shared her perspectives and insights on various matters, and I think the message that runs through the entire interview is “Don’t be afraid to get outside of your comfort zone.” In this interview, I felt that I would like to get outside of my own field without fear and learn new things. I also thought that Judge Akane’s advice to “Dream big, but take small, steady steps” was insightful. In this interview, she talked about the big picture vision for, and the direction of, legal technical assistance, as well as about working diligently as a legal professional and being grateful to the clerks who support her.

I am sure that this interview will be of great help not only to those who are involved in legal technical assistance, but also to legal professionals who wish to work in the international field. Since it is a rather long article, a table of contents is included below. I hope you will read this interview starting from the area that interests you.

–KUROKI Kota, ICD Professor

¹ Judge Akane started her career as a prosecutor in 1982. Since then, she has worked as a public prosecutor at the Tokyo, Nagoya, Sendai and other public prosecutors offices, studied in the U.S., worked to enhance international cooperation as a UNAFEI professor, and taught at law schools in Japan. She was ICD Director from January 2009 to August 2010 and Director of UNAFEI since July 2013 to July 2014 and President of RTI since July 2014 to June 2016. Since March 2018, she has been a Judge of the ICC. Her current term ends in March 2027.

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“I want you to have the courage to move forward despite your fears.”



The Honorable Judge AKANE Tomoko

■ Personal Background

How I ended up having an international career

Kuroki: Today, I would like to discuss with you Japan's international cooperation in the field of law and justice, focusing on legal technical assistance. In your 2016² article in "Rule of Law"^{3,4}, you discussed the current status and challenges of legal technical assistance from your standpoint then as the Director of the Research and Training Institute. Five years have passed since then, and this time, in commemoration of the 20th anniversary of the founding of the ICD, I would like to hear from you about your experiences and perspectives after you have been abroad.

Akane: First of all, thank you very much for inviting me for this interview. It is a great honor for me, and I was quite happy to accept the invitation.

After I started my career at the International Criminal Court in The Hague, I was reminded that the legal technical assistance that Japan has been involved in, although it may not be as conspicuous as the international cooperation activities of other countries, has been close to the people living in the recipient countries and has made a great contribution to the development of laws and human resources. Although I am no longer directly involved in legal technical assistance, I have always wanted to support legal technical assistance "behind the scenes" in this sense. However, this time I was convinced by Judge MATSUKAWA Mitsuyasu⁵ to accept the interview and come to the forefront again.

Kuroki: I am very grateful to have you here today with us, thanks to Judge Matsukawa. You are a judge at ICC, could you please share with us how you came to be involved in international affairs?

Akane: Naturally, I did not become a prosecutor to work in the "international" field. When I entered my seventh year as a prosecutor, I decided to take a leave of absence from the prosecutor's office to study abroad at my own expense, because I wanted to be a prosecutor who had strengths different from others. I was temporarily reassigned as an officer in the Ministry of Justice and permitted to take a leave of absence for research, because prosecutors were not given such opportunities to take a long leave for studying

² Since the Japan International Cooperation Agency (JICA) started the first legal technical assistance project in Vietnam in 1996, 2016 is said to be the 20th anniversary of legal technical assistance. On the other hand, the Ministry of Justice started the legal technical assistance project in 1994.

³ See AKANE Tomoko "Current Status and Challenges of Legal Technical Assistance: Focusing on Legal Technical Assistance Involved by the Research and Training Institute of Ministry of Justice", *Rule of Law, No. 181* (2016), p. 99-115

⁴ In the above paper, she looked back on about 20 years of legal technical assistance, using ICDNEWS as the main reference material. In the first issue of ICDNEWS, it was stated that "I sincerely hope that many essays will emerge from the analysis of primary sources (such as ICDNEWS) that will point the way to the future with living theory, and that they will be published in this journal again. This paper is just such a paper. In addition, ICDNEWS was launched in January 2002. Judge Akane valued that the fact that ICDNEWS was launched at such an early stage was very wise in view of the significant role that ICDNEWS has played since then. See OZAKI Michiaki, "On the Occasion of the Publication of ICDNEWS," *ICDNEWS, the first issue* (January 2002), p. 6-7

⁵ Judge Matsukawa was the third judge to become an ICD professor. There was a period when he was an ICD prof. under Director Akane.

at the time. I don't know exactly how it happened, but some people said I was just being selfish, and I'm sure that several of my supervisors had to make a lot of difficult adjustments, and I'm still grateful to them. So, I went to Alabama in the U.S. for two years to study criminal justice at Jacksonville State University as a graduate student.

“We need female prosecutors to succeed in order to open up the future for others.”

Kuroki: What triggered your interest in international affairs?

Akane: When I was assigned to the Nagoya District Public Prosecutors Office in my fifth year as a prosecutor, there was an American professor who came to Nagoya University and Nanzan University as a visiting professor. His specialty was political science, but he wanted to do research on the prosecutorial discretion system for suspension of prosecution, so he asked the prosecutors' office for assistance, and the Chief Prosecutor asked me to take charge of the matter. At that time, I could not speak English well, but I did my best to explain the practice and what kinds of cases were not prosecuted, based on statistical data such as the White Paper on Crime in English. The American professor told me that it was very interesting because a system of suspension of prosecution did not exist in the US. When I told him it is interesting to know how the criminal justice systems work in other countries, he suggested that I should study in the U.S., and that's when my interest began to grow. I maintained a long friendship with that professor until he passed away recently.

Kuroki: Did that lead you to study in the U.S.? You mentioned earlier that you wanted to be a prosecutor who was different from others.

Akane: I was inspired by the words of prosecutor's assistant officers. In my time, there were very few female prosecutors, and there were only two women in the same recruitment year, including me. Very few of our senior prosecutors were female. There were times when I felt that female prosecutors were marginalized.

However, I felt that the prosecutor's assistant officers were supporting me wholeheartedly. They were more open-minded than my fellow prosecutors and had a broader perspective. This was an unexpected discovery. One of the prosecutor's assistant officers told me, “In order to open up the future, we need female prosecutors to succeed”. He even said, “In order to do that, you better be able to do something that others can't, something that will make you stand out, something that you are good at.” That's what he said to me.

As I was thinking about what I was good at, an NGO in the U.S. was promoting study in the U.S., including scholarships, so I applied and was selected to study there.

Kuroki: So, you took a research leave of absence and decided to study abroad at your own expense.

Akane: Taking a research leave of absence was unprecedented, and I felt the great caliber of the

executive prosecutors who were so understanding about this at that time. On the other hand, I felt that I had been labeled as a “peculiar person who does things a bit recklessly,” which made life easier for me after that (laughing).



the appearance of ICC

■ Views on Legal Technical Assistance

Increasing assistance is a good trend

Kuroki: How do you feel about the development of legal technical assistance from the past to the present?

Akane: I haven't been able to catch up much on legal technical assistance, but I feel that it is significantly developing in size and regions.

It was my first time to get involved in legal technical assistance when I became the Director of the ICD in January 2009⁶. In the early days of legal technical assistance, until around 2004, Japan was enthusiastically engaged in legal technical assistance activities for Vietnam and Cambodia in order to respond to their requests. The start of legal technical assistance to these two countries was epoch-making for Japan. I did not experience the events in the early days of these legal technical assistance activities, so I do not know directly about the many hardships that were experienced by both Japanese and Vietnamese/Cambodian sides in the early days. It is also sure that, when Japan was struggling to find the best way to provide legal technical assistance, there were many difficulties in establishing the ICD⁷.

As for the legal technical assistance by Japan, since around 2009, the number of

⁶ For details on the progress of legal technical assistance up to 2016, See AKANE Tomoko “Current Status and Challenges of Legal Technical Assistance: Focusing on Legal Technical Assistance Involved by the Research and Training Institute of Ministry of Justice”, *Rule of Law*, No. 181 (2016), p. 100-106

⁷ According to the first ICD Director, OZAKI Michiaki, “the Creation of the department faced various difficulties in terms of budget requests, staffing, etc., and the establishment of an independent department dedicated to ‘international cooperation in the maintenance and improvement of laws and regulations implemented by foreign countries’ was a breakthrough not only for the Ministry of Justice but for Japan as a whole.” *ICDNEWS*, No.63 (June 2015), p. 1. Available at: <https://www.moj.go.jp/content/001150427.pdf>

partner countries and target fields of legal technical assistance has been expanding and diversifying. In addition to Vietnam and Cambodia, new legal technical assistance projects have started in Laos, Myanmar, and Indonesia. We are currently also providing legal technical assistance to Nepal, Timor-Leste, Sri Lanka, Uzbekistan and Bangladesh. For the project in Indonesia, we have provided support for capacity building of courts to deal with intellectual property cases and legal consistency in intellectual property law. As you can see, we are not only working with a wider range of partner countries, but also with a wider range of areas, from basic laws such as civil law to special laws such as intellectual property law, compared to the beginning. I'm very pleased with this expansion, because it means that we are trying to continually improve our legal technical assistance. I think this is a good trend.

Kuroki: I can feel the expansion in my daily legal technical assistance work. We are doing other activities that are not framed as assistance, such as the Japan-Korea Partnership Program.

Akane: I think this long-time project is a pioneering attempt to have both countries' legal officials, who are in charge of registration of the properties and the people and so on, visit each other and hold study sessions, and I think there are cases where this can be applied to other countries and institutions.

I also think that it is necessary to widen to our relationship and collaborate with more legal practitioners as well as a wider spectrum of professors and staffs from universities, and to interact with them. I think it is possible to have exchanges in legal fields that focus on theory, in those that are directly related to practice, and in those that are attracting global attention. It is also necessary to make efforts to track the legal positions of the major Asian countries.

In order to do so, I think it is necessary to keep our antennas up and our channels of communication open.

For example, we need to know what kinds of laws other countries are making with what aims, and what they consider important. We should ask for introductions to scholars from other countries who have been involved in the drafting of laws, and discuss the legal aspects. I think it is important to be able to do these things.

I think “judicial diplomacy” is a good term.

Kuroki: What about the changes in the so-called “vessels⁸” of legal technical assistance, such as the Ministry of Justice (International Affairs Division of the Minister's Secretariat, UNAFEI, ICD) and JICA?

⁸ For a discussion of “vessel” in the early days of legal technical assistance, see YAMASHITA Terutoshi, “The Relationship between the Lips, Teeth, and Wheel — Setting the Vessel (Utsuwa) in Order,” ICDNEWS, No. 38 (March 2009), p. 23-31. Available at: <https://www.moj.go.jp/content/001142713.pdf>

Akane: One of the major changes that has occurred recently is the establishment of the International Affairs Division of the Minister's Secretariat, and I think it is good that we now have a system that can pay more attention to international and domestic developments in the legal and justice fields. It is very encouraging to see that the Ministry of Justice now has a leading role in the advancement of internationalization in a positive sense.

I also think that the term "judicial diplomacy" is a good one. I would think it is a term that encompasses broader meanings: the exchange between judicial personnel (legal/judicial practitioners, researchers, and politicians who are in charge of judicial matters involved), the encouragement of diplomacy through the judiciary, legal technical assistance, and, beyond that, the establishment of cooperative relationships between the judiciaries, legal authorities and justice agencies in many countries.

Sincere acceptance of the shortcomings of our own system

Kuroki: What do you think are the strengths of Japan's legal technical assistance?

Akane: Japan is a country where democracy and the rule of law are well established, and I think excellent legal professionals and the high quality of the organization of ministries and agencies are also good points. In addition, it is often said that Japan has never insisted that our values should be accepted by our partner countries. Of course, such values cannot be forced on others, and if possible, we would like our partner countries to consider what should be their real value, learn and move forward on their own without being forced.

Kuroki: On the other hand, is there anything about Japan's legal technical assistance that you feel could be improved, either at a large level or at the field level?

Akane: I think we have to keep in mind that people in partner countries come from different cultural and linguistic backgrounds than ours. It is important to communicate with each other effectively to ensure that nothing is lost in translation. (For example, Japanese traditionally tend to avoid detailed explanations.)

Also, depending on the relationship of trust between us and our partner countries, there are times when Japanese experts should have more confidence in our systems, and they could advise our partners more directly, under the condition that we acknowledge the shortcomings of our own system. Accepting faults as faults is something that can only be done if you have confidence in yourself, and this is the key to establishing stronger ties with our partner countries.

In addition, it might be better, when necessary, to promote the results of our cooperation clearly and directly so that our counterparts will realize how important the achievements are and that it is their responsibility to build on these achievements by taking the next steps. I want to encourage you to be confident in assuring our counterparts that your advice deserves to be heard because you are an expert, because you have been selected

as an outstanding legal professional, and because you are always working with your counterparts in the recipient country to help them achieve their goals.



Judge Akane is seated in the middle of the bottom row

■ The Future of Legal Technical Assistance and What Lies Beyond

Can the “rule of law” contribute to addressing global issues?

Kuroki: As a final theme of this interview, I would like to ask you to talk about the future of legal technical assistance and what lies beyond, which is a slightly larger theme.

Akane: Right now, with the COVID-19 pandemic, we have a lot of challenges, but the pandemic also gave us a lot of time to think. The global problems that humanity faces in the future include global warming, global pollution, human exploration and development of space, etc., wars and internal conflicts caused by armed groups such as terrorists and war lords, the crisis of democracy caused by conflicting ideologies and nationalism, the security situation facing Japan and the surrounding region. I believe that the root causes of these problems are attributed to social, economic and political fragmentation, the global spread of corruption and other matters. The question is whether the promotion of the “rule of law” can contribute to solutions to these problems and whether Japan’s legal technical assistance and judicial diplomacy can be used as a means to achieve this. If so, what form

should these efforts take?

Kuroki: Global issues such as global warming are a big topic, but do you think that the legal profession can contribute to these issues as well?

Akane: For example, in the article of the interview with the Honorable Justice Takdir RAHMADHI⁹, he mentioned that he expects cooperation from Japan in environmental measures. There are many legal issues related to environmental measures around us. This is a bit of a leap, but I feel that Japan needs to contribute to the establishment of a legal cooperation system, starting from the immediate area, and win the trust of other countries in order to ensure the survival of the human race, including global warming countermeasures.

It is important for legal professionals to have a strong will to play an active role in solving global issues. For example, many of the ambassadors to The Hague have legal qualifications, and some countries post legal professionals as counselors, which shows that legal professionals are willing to solve these problems. I think that some European countries in particular enthusiastically take active approaches to global issues in accordance with their keen interests.

“Dream Big, but Take Small, Steady Steps”

Kuroki: As you mentioned in the context of global issues, what do you think about Japan’s efforts toward building a legal cooperation system and the direction it should take in the future?

Akane: It would be awkward to say that we should start with something small when we are talking about a big picture, but I think that, first of all, Japan must be committed to the region as a member of Asia¹⁰. The foundation of any activity requires money, goods and people, but I think it is good to promote the quality of the people involved in the Japanese judiciary and the quality of the practices in the judiciary. In other words, the quality of the legal professionals as generalists could be pointed out. On the other hand, I think it is also important to focus on special and advanced legal fields. This means, for example, dealing with intellectual property law, like the project in Indonesia. I look forward to seeing what you will be working on next.

In summary, dream big, but take small, steady steps.

However, it is important to always expand your horizons and take on new challenges, so I think it is necessary to try various things, expecting some failure as well. Also, I don’t want you to take short-term measures in hopes of getting immediate results. In this

⁹ See Takdir Rahmadhi “On Cooperation with the Indonesian Supreme Court in the Legal/Judicial Field”, *ICDNEWS* (March 2022), p. 52-65

¹⁰ In the 2016 article, judge Akane expressed her personal view on the geographical scope of legal technical assistance, stating that it would be desirable to focus on the Asian region first. See AKANE Tomoko “Current Status and Challenges of Legal Technical Assistance: Focusing on Legal Technical Assistance Involved by the Research and Training Institute of Ministry of Justice”, *Rule of Law, No. 181* (2016), p. 116

sense, it would be desirable for ICD and UNAFEI to set short-, medium- and long-term organizational goals that are harmonized with each other, and to steadily accumulate achievements with the support of the International Affairs Division of the Minister's Secretariat.

Kuroki: You mentioned earlier that judicial diplomacy is a good term that encompasses many things from exchanges between judicial personnel at the individual level to cooperative relationships in the judiciary between countries at the national level. In this context of moving from the individual level to the national level, what would you think about the future of legal technical assistance and judicial diplomacy?

Akane: Beyond legal technical assistance, there must be judicial diplomacy in that sense. I think it is most desirable and necessary to build a common understanding and trust among legal professionals who are familiar with the importance of the rule of law as of a common language, and to develop it into a national framework that can be utilized in times of crisis between countries.

Something will come out of trial-and-error challenges

Kuroki: In your 2016 article on the rule of law, you mentioned issues related to building a whole-of-Japan system for strategic legal technical assistance, and issues related to the development of human resources involved in legal technical assistance. I would like to ask you about your current thoughts on these issues, as you have mentioned your expectations in your paper.

Akane: First of all, I think that judicial diplomacy is a very good way to interact with other countries.

On top of that, we need to create a system that will allow all of Japan to put forth its best efforts, nurture the staff who are working hard in the international field, and create a natural movement from continuous support to cooperation.

I believe that Japan should not be an inward-looking country. In the near future, it is possible, for example, that Japanese court precedents will be examined to see how they are in line with international law, or whether we are relying only on domestic law to solve human rights problems.

Kuroki: I suppose that's possible. I feel that the world has become much closer than before, in many ways.

Akane: I think that something will be created by changing our minds and taking on challenges through trial and error. In order to do this, I think the most important thing is to make a dramatic shift in thinking, such as how to take advantage of the many overseas Japanese resources in a timely manner, and on the other hand, to be willing to warm up to ideas from them and gradually incorporate these into policy and implementation.

Specifically, I think it is important to make the best use of Japanese nationals who are now overseas, to send more lawyers, judges and prosecutors to international organizations abroad on a regular basis, to further pursue measures on how to acquire the knowledge of those who have returned to Japan, to exchange opinions with foreign nationals in Japan, to cooperate with international organizations abroad, and to promote exchanges of personnel with our partner countries after legal technical assistance.

To be honest, I really wish that more Japanese judges would enter the international field. I feel that the ability of Japanese judges is very high due to their well-educated and developed legal minds, and I also feel that there are many judges who have great potential in the international field. I wish there were more places where they could be utilized internationally.

Kuroki: Through what you have said so far, I have felt that it is important to get out into the world.

Akane: It is important to get out without fear. I think it is also important to go abroad or to come out of your shell by trying different fields.

Feedback System is Important

Kuroki: Since we are talking about human resources, from that perspective, could you tell us your thoughts on issues related to the development of human resources involved in legal technical assistance?

Akane: As I mentioned at the beginning, there are many prosecutor's assistant officers who have a broad perspective. I think it is important to create more opportunities for these people to get out in the world, and to create a system to gather their feedback.

There are also many young Japanese judges who come to Europe to study, and I sometimes meet them in The Hague. When I meet them, they share with me the points of improvement in the courts that they felt from their perspective while living abroad. However, I am not sure how they talk about such things internally after they return to Japan. I think it would be good if judges who have studied abroad raise their voices about such improvements even after they have returned to Japan, and if the courts listen to such voices and make use of them, there may be a natural increase in the momentum to increase the number of opportunities to work or study overseas.

Kuroki: In Japan, there may be an idea that rather than having them gain overseas experience and then utilize it on the international stage, they should be allowed to broaden their horizons and become active as domestic legal professionals.

Akane: The courts and the Public Prosecutors Office may not feel that there is much demand for Japanese legal professionals on the international stage, but as I have said, this is not the case.

For example, global issues such as climate change, ocean pollution, and even human

exploration and development of space are naturally going to be major legal issues, and I would like to see a lot of Japanese legal professionals playing active roles.

Also, by sending people abroad, I think it is necessary to utilize those people as satellites from Japan, and to have an attitude of trying to absorb information and experiences from abroad, which will lead to discussions in Japan. I think it would be a good idea to assign specific missions to those who have been posted overseas and have them return to Japan on a regular basis, so that they can have opportunities to discuss various issues with people in Japan.

Kuroki: I agree. It may be difficult, but if more legal professionals go abroad, things may change.

Akane: If more legal professionals go overseas, the base of the legal profession will expand, and some of them will have competency. Judge Matsukawa, for example, is a person who is capable to explore new fields on his own, and I think that if such people with competency can show their strengths, we will be able to move in a better direction.

The same goes for public prosecutors, prosecutor's assistant officers, and other Ministry of Justice employees. The Ministry of Justice has established the International Affairs Division of the Minister's Secretariat and is beginning to think about how to dispatch staff to international organizations and how to create career paths.

Kuroki: What do you think about the construction of a whole-of-Japan system?

Akane: I feel that the construction of a whole-of-Japan system has improved a lot compared to the past. I also feel that there are still some issues to be addressed.

I believe that we need to be patient and persistent, and never give up in building the system.

■ Message

“I want you to have the courage to move forward despite your fears.”

Kuroki: Lastly, I would like to ask you to give a message to those who will be involved in international cooperation, including legal technical assistance, and to the readers of ICDNEWS.

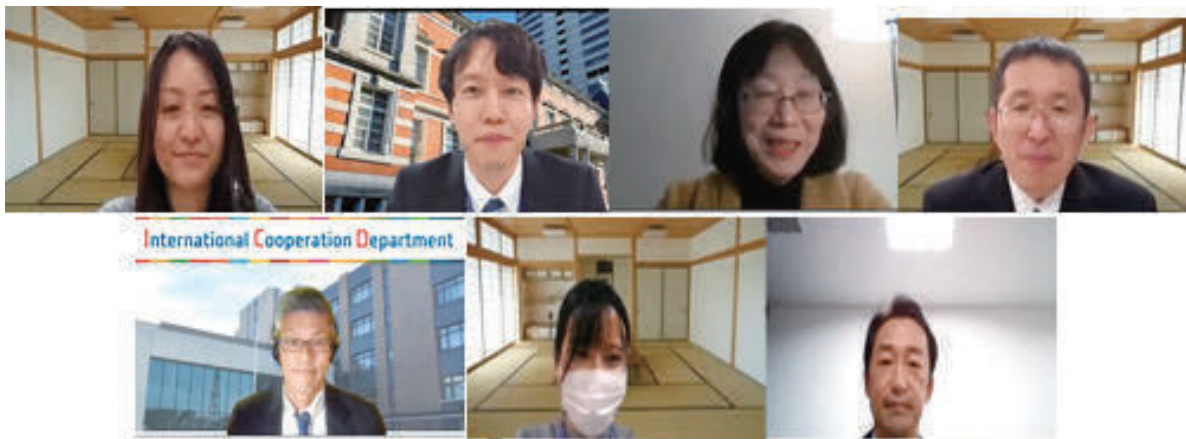
Akane: As for those who will be involved in international cooperation, including legal technical assistance in the future, I think that young people today are really working hard.

It is very important for you to be familiar with your work and to be interested in languages and different fields. If you want to go out into the international field, I would like to encourage you to get involved in legal technical assistance work (ICD, UNAFEI) first. When you go abroad and work, you may encounter some obstacles. However, it will be a source of growth for you. I would like you to believe that Japan and the organization you belong to are supporting you, and do not be afraid of failures.

As I mentioned at the beginning, there were prosecutor's assistant officers who thought

freely, had a broad perspective, and even dared to give me tough comments. I am very grateful for having met those people. The work of the legal profession and international cooperation would not be possible without the clerks and administrative staffs who support us. I hope that you will work with them to further enrich and broaden your activities.

From now on, I would like to concentrate on sending encouragement to young people. I hope that I will be able to convey dreams and also the reality, so that you will have the courage to move forward even though they are afraid to.



Interview (Judge Akane is second from the right in the upper row.)

- IV. Recent Trends and Activities of Legal Technical Assistance and Cooperation -

The Side Event of the 14th United Nations Congress on Crime Prevention and Criminal Justice (Kyoto Congress)

SHOJI Minako

Professor, International Cooperation Department

I. Introduction

The 14th United Nations Congress on Crime Prevention and Criminal Justice (Kyoto Congress) was held at the Kyoto International Conference Hall for six days from March 7 (Sunday) to 12 (Friday), 2021. On March 9, the International Cooperation Department (ICD) of the Research and Training Institute (RTI) co-hosted with JICA a side event including lectures entitled “Enhancing Access to Justice for the Realization of the Rule of Law” and a panel discussion entitled “Access to Justice in Laos, Nepal and Vietnam”.

This side event was broadcasted online and was attended by many participants from Japan and abroad. A summary of the event is reported below.

II. Theme of the Side Event

The overall theme of the Kyoto Congress was “Advancing crime prevention, criminal justice and the rule of law: towards the achievement of the 2030 Agenda”.

SDGs Goal 16 states, “Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels,” and Target 16-3 states, “Promote the rule of law at the national and international levels and ensure equal access to justice for all.” In order to promote the rule of law, ICD has been providing various kinds of assistance in line with the needs of each country. In order to promote the rule of law, a judicial system that can provide fair and equitable solutions to disputes is required. It is extremely important to “ensure access to justice”, which is the premise for such a system, that is to ensure the access to redress of the rights through public judicial system for ordinary citizens, especially those in vulnerable positions.

Accordingly, ICD held lectures and the panel discussion to discuss the prospects regarding strengthening access to justice to further promote rule of law by focusing on the challenge of ensuring access to justice and sharing experiences of Laos, Nepal, and Vietnam in terms of the awareness of the general public, the establishment of public institutions, the existence of access points and lawyers, and a reliable judicial system.

III. Outline of the Lectures

The lectures were delivered by the Honorable Justice Kalyan Shrestha, former Chief Justice of the Supreme Court of Nepal, on “Enhancing Access to Justice to Vulnerable Groups A case Study of Nepal” and by Mr.Nalonglith Norasing, the Director-General of Department of Law Assessment and Evaluation, Ministry of Justice, Lao PDR, on “Development of Legal Aid as Part of Strengthening the Rule of Law in Lao PDR”

In the lecture by the Honorable Justice Kalyan Shrestha, he discussed the current situation in Nepal where the poor, illiterate, victims of crime, women, children, and other vulnerable groups are unable to receive adequate judicial remedies and his thoughts on the causes of such a situation. He also explained the measures taken by the Government of Nepal and the Supreme Court of Nepal to deal with this problem, citing specific examples e.g. the Supreme Court precedents and discussed the future prospects.

In the lecture by Mr. Nalonglith Norasing, he described the history of legal aid and other policies and reforms of the judicial system in Laos from around 1990 to the present. He also gave a detailed explanation of the system of legal aid that currently supports access to justice in Laos (eligibility for aid, the organization that provides it, the establishment of offices in each prefecture, the actual use of the system, etc.). He also mentioned the future challenges of the system, such as training of staff and funding.

IV. Summary of the Panel Discussion

In the panel discussion that followed, in addition to the Honorable Justice Kalyan Shrestha and Director-General Nalonglith Norasing, the panelists included Ms.Vadsana Sinthavong , Senior Rule of Law Manager Asia Foundation’s Office in Vientiane, Lao PDR, Ms. Nguyen Thanh Truc, Child Protection (Justice System) Specialist, UNICEF Vietnam and Ms. Wakaba Hara, a Japanese lawyer. Mr. Taro Morinaga, Director of ICD served as moderator.

Ms. Vadsana Shinthavong spoke about the current status of access to justice in Laos, noting that there are only 312 lawyers in the whole country and that they are unevenly distributed in urban areas, and that in rural areas, the Village Mediation Unit has been formed to provide legal services as a preliminary step to formal trials.

Ms. Nguyen Thanh Truc introduced the current situation of access to justice in Vietnam from the viewpoint of protection of the rights of children involved in criminal and civil cases, especially those who are in such vulnerable positions, and mentioned the need to improve the stance of investigative agencies and the development of laws such as the court system.

Ms. Hara, based on her experience of setting up a legal counseling call center to improve access to justice at the Ministry of Justice in Cote d’Ivoire, mentioned that the call center as a place to provide legal information was useful to improve access to justice for those who had legal problems but were not even aware that their problems were legal problems, and that the

call center was useful in overcoming the three major obstacles (geographical, economic, and psychological obstacles) against access to justice.

In the plenary session that followed, there was a discussion on what factors have become bottlenecks in improving access to justice in each country.

During the discussion, as a shared challenge for each country, the social prejudice against seeking legal justice in underdeveloped areas was mentioned. There is still a culture of not wanting to make family problems public, which family disputes are shameful and should not be made public in order to protect the honor of the family. It was also mentioned that women are more likely to be victims of violent crimes and thus have a higher need for access to justice, yet, it is difficult to improve access to justice for women who grew up in the male-dominated value e.g. “women should live obeying men.”

As an effort to address these points, the example of a consultancy center for women by women police officers in Nepal was introduced, and the importance of creating a system (law) to strengthen access to justice was mentioned.

The importance of outreach by legal professionals to vulnerable groups who have difficulties in accessing justice was also mentioned.

A wide range of questions were asked from the participants who were watching the session online.

V. Conclusion

This side event could provide a precious opportunity for participants to obtain new viewpoints to improve access to justice through discussions on challenges and future prospects for improving access to justice by panelists from various countries taking into account their cultural and social backgrounds.

In closing, I would like to take this opportunity to appreciate all the speakers and panelists.



Panel Discussion

The 22nd Annual Conference on Legal Technical Assistance

SHOJI Minako

Professor, International Cooperation Department

I. Introduction

On Saturday June 12, 2021, the 22nd Annual Conference on Legal Technical Assistance was co-hosted by the Research and Training Institute (RTI) and JICA (Japan International Cooperation Agency). It was held in a hybrid format of in-person on-site and online streaming with approximately 200 participants from Japan and abroad.

The following is a summary report of it.

II. Theme of the 22nd Annual Conference on Legal Technical Assistance

The theme of the 22nd Annual Conference on Legal Technical Assistance was “Legal Technical Assistance in the New Era: Commemorating the 20th Anniversary of the ICD”.

ICD, which was established in April 2001, celebrated its 20th anniversary in April 2021. Over the past 20 years, the number of countries to which the ICD provides assistance has expanded and the content of assistance has diversified. Moreover, addition, as the economic and social conditions surrounding recipient countries have undergone major changes, Japan has continued to provide long-term assistance while staying side-by-side to the needs of the recipient countries. In this Annual Conference, we aimed to look back on the history of Japan’s assistance for the development of legal systems, focusing on ICD’s activities and explore the future legal technical assistance.



State Minister of Justice of Japan, TADOKORO delivering video opening remarks

III. Contents of the 22nd Annual Conference on Legal Technical Assistance

1. Congratulatory Messages

Celebrating ICD's 20th anniversary, we received three congratulatory video messages from Mr. Bounkhouang THAVISACK, Vice President of the People's Supreme Court of Lao P.D.R, Mr. Nelinho VITAL, Director of National Directorate of Legal Advice and Legislation, Ministry of Justice of the Democratic Republic of Timor-Leste and Mr. Dinh Trung Tung, former Vice Minister of the Ministry of Justice of Socialist Republic of Viet Nam. In the respective message, they recalled the history and achievements of ICD's activities and expressed gratitude for the trust built between the ICD and the counterpart organizations in their countries.



Congratulatory video message from Laos



Congratulatory video message from Timor-Leste



Congratulatory video message from Vietnam

2. Keynote Speeches

In the keynote speech, Emeritus Professor MORISHIMA Akio of Nagoya University pointed out the importance of making a clear distinction between the legal system development support required in the 1990s (“Era I”), when Japan’s legal system development support began, and that to be required in the post-2020s era (“Era II”), in light of the significant changes in the circumstances surrounding the recipient countries.

Furthermore, he pointed out the importance of some issues that legal technical assistance in “Era II” will face and he talked about the issues in detail to be resolved in order to further enhance it in the new era as follows:

1. Building of a system to systematically transfer the methods/know-how of legal technical assistance activities accumulated in “Era I” to “Era II”.
2. Organization and storage of teaching materials and documents created in “Era I”.
3. Systematizing of the formulation of legal technical assistance strategies and clarification of responsibilities of each organization.
4. Securing of interpreters and other professional staff on a permanent basis.
5. Documentation, systematizing and succession of the assistance experiences/ know-how gained by dispatched experts



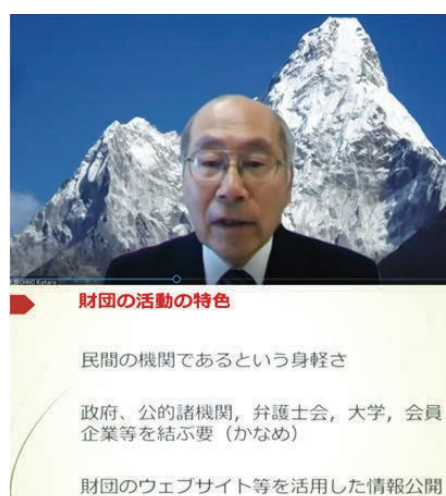
*PART I. Keynote speech by Prof.
MORISHIMA Akio*

3. Activity Report

ICD, UNAFEI (the United Nations Asia and Far East Institute for the Prevention of Crime and Treatment of Offenders), JICA, ICCLC (the International Civil and Commercial Law Centre), CALE (the Center for Asian Legal Exchange) of Nagoya University, KUSI (Kobe University Center for Social Systems Innovation), JFBA (the Japan Federation of Bar Associations), and IDE-JETRO (the Institute of Developing Economies, Japan External Trade Organization) presented their activity reports. In addition to the status of activities using online and other means while each organization was subject to restrictions due to the COVID-19 that were reported by each of them, important policies in recent years including the possibility of implementing new projects in Africa, further cooperation with ASEAN, human resource development in the countries to be supported through projects e.g. acceptance of foreign students, and measures regarding business and human rights were also introduced.



Part II. Activity reports by ICD (left) and UNAFEI (right)



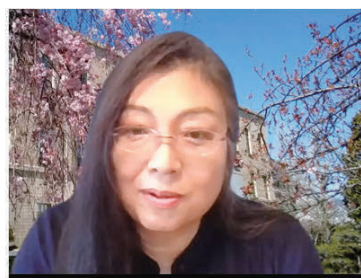
Part II. Activity reports by JICA (left) and ICCLC (right)



法政国際教育協力研究センター (Center for Asian Legal Exchange (CALE))



- 2002年文部科学省令に基づき法学分野の国際協力を推進するセンターとして設立
- アジア市場経済移行国に対して法整備支援事業を実施
- アジア諸国に対する法整備支援研究に関する国内屈指のグローバルネットワーク拠点



総括：20年の関わりとこれから

- 法整備支援に入づくりの面で息長い関与（一進一退）
- 教育連携と研究連携の好循環
- 研究連携から法整備支援へのフィードバック
世銀IMF「開発における法の役割」論にみる法的道具主義に囚われない法の本質的機能に根ざした結果評価を…
 - 法の安定性～法典起草支援の意義と検証
 - 法の自立性～法は社会規範から遊離できない
 - 法の支配/司法改革～権威主義下の行政裁量統制
- コロナ禍で重要性を増す教育連携協力
- コロナ禍で深まる研究連携（共同調査）

Part II. Activity reports by Nagoya University (left) and Kobe University (right)



日本弁護士連合会の国際司法支援活動 ～昨年度の報告と今後の予定～

日本弁護士連合会 国際交流委員会幹事 国際司法支援センター（ILCC）部会
法務省 法務総合研究所（ICD）調査員
弁護士 石崎明人



Part II. Activity reports by JFBA (left) and IDE-JETRO (right)

4. Panel Discussions

(1) Outline of Panel Discussion I

Panel Discussions were divided into I and II. The theme of the Panel Discussion I was “Looking Back on the history of Legal Technical Assistance in Japan : On the Occasion of the 20th Anniversary of the ICD”. It consisted of presentations by four panelists, Mr. SAKANO Issei, Advisor to the Ministry of Justice of the Kingdom of Cambodia, Mr. YABUKI Kimitoshi, President of the Tokyo Bar Association/Vice President of JFBA (Ex-chairperson of the Committee of International Relations), Mr. YAMASHITA Terutoshi, Notary (Advisor to the ICCLC/Vice Chairman of the ACPF), and Mr. SUDA Hiroshi, Deputy Director of ICD, with the moderator Mr. MORINAGA Taro, then Director of the ICD. During Panel Discussion I, the experts who have shoulder’s Japan’ assistance from its earliest days to the present introduced

specific episodes based on their experiences, describing the difficulties they encountered in each of the recipient countries and in Japan, along with the attitudes they took upon facing them. They also discussed how Japan's legal technical assistance was established as a new field of technical cooperation support.

Mr. YAMASHITA Terutoshi, who was a professor of the ICD at its foundation and later served as the Director of ICD, explained how JICA and ICD have cooperated hand in hand since the start of Japan's legal technical assistance in 1994, how the Annual Conference on Legal Technical Assistance has come to be held annually as a forum for liaison and discussions among related parties, and how assistance has been provided to Laos and Indonesia in addition to Vietnam and Cambodia. He mentioned that one aspect of legal technical assistance is that continuation of the assistance is enabled through accepting what may seem to be unacceptable at the first glance, and carrying on with it, instead of saying NO to an opportunity presented. He also stressed the importance of making a compromise and mutual efforts, despite the big gap between the awareness of those involved in development who may think "If a result is not achieved within a certain period of time, it is a failure" and the awareness of jurists who may think "Continuous support for a long period of time is necessary to support the legal system, and even if the goal is not achieved, the same goal can be set again in the future".

Mr. SAKANO Issei stated, based on his experiences as a long-term JICA expert dispatched to Cambodia since 1998 as well as his involvement in assisting the drafting of the Civil Code and the Code of Civil Procedure of Cambodia, that ICD played a significant role in coordinating the activities of JICA staff and Japanese legal scholars in the early days of supporting the development of the Cambodian legal system, focusing on the perspective of project management as in conventional development projects. He also mentioned that the future challenges lie in the roles of dispatched experts, the Ministry of Justice of Japan and JICA.

Mr. YABUKI Kimitoshi, looking back on the past 20 years of assistance, mentioned that ICD contributed to the sustainability and consistency of the activities by playing a coordinating role between the local and Japanese teams, and the presence of Japan was greatly enhanced by the dispatch and activities of Japanese legal professionals. On the other hand, he pointed out the issue that as the activities have been gradually concentrated to ICD, it might have been difficult to produce major projects other than ICD.

He further mentioned that in addition to sustainability and consistency, diversity and inclusiveness are important as well; he stressed the importance for various stakeholders to work on various projects in cooperation with international organizations.

ICD's Deputy Director Mr. SUDA introduced, based on his experiences as a long-term expert dispatched to Laos, that, in the drafting assistance for the Civil Code of Laos, the legislative capacity of the Lao side and the understanding of Lao law by the Japanese side were insufficient when the request for support was initially received, and so they decided to take sufficient time

first of all to build the trusted relationship slowly and steadily by reviewing example cases or making textbooks, etc. It indeed had a positive ripple effect on the subsequent support for fostering legal professionals as well. Director MORINAGA expressed his view that Japan's legal technical assistance did not select recipient countries with a plan nor did it have any fixed ideas of how developing countries should be in pursuing the assistance. Instead, it respected requests received even when Japan did not necessarily have sufficient resource, however he felt that that is actually why Japan could gain trust from recipient countries, since such situations led to the way of assistance which did not impose assistance on them but allowed Japan to provide a polite and patient way of assistance.



Part III. Panel Discussion

(2) Outline of Panel Discussion II

Panel Discussion II had the theme of “Future perspective of Legal Technical Assistance in Japan” with the five panelists: Mr. AIKYO Masanori, President of the Aichi Prefecture Public University Corporation/ Emeritus Professor of Nagoya University, Mr. KOMATSU Kenta, JICA international cooperation expert/attorney-at-law, Ms. SHIBATA Noriko, Director of the International Affairs Division, Minister’s Secretariat, Ministry of Justice, Mr. MATSUO Hiroshi, Professor of Keio Law School , and Mr. MORINAGA Taro, then Director of the ICD, with myself as moderator.

At the beginning, Ms. SHIBATA explained how the International Affairs Division, Minister’s Secretariat was established in April 2018, as a division to should Japan’ judicial diplomacy to spread internationally such fundamental values as rule of law and respect for basic human rights, and introduced their efforts as below:

1. Discussions regarding the significance and achievements of Kyoto Congress held in March 2021, future development, and strategies for legal technical assistance, which is one of the major pillars of judicial diplomacy.

2. Vitalization of international arbitration and further development in the civil and commercial law field through commitment to the formation of international rules.
3. Strengthening of cooperation with other countries and communities by promoting MOC exchanges etc. and engagement in conducting various trainings and international relations affairs by the Ministry of Justice.
4. Further promotion of fostering international legal professionals and dispatching them to international organizations, etc.

Prof. MATSUO Hiroshi mentioned as below, summarizing the achievements and challenges of Japan's legal technical assistance up to date and the directions to proceed.

The achievements include:

1. Main laws and regulations of recipient countries, mainly civil basic laws and regulations which are the basis of regulating individual rights and obligations, have been developed to a large extent.
2. Governance of legal technical assistance itself, such as remarkably advanced formation, has been established through strong cooperation between ICD and JICA, universities and NGOs, and especially JFBA and ICCLC.
3. Regarding the methods of legal technical assistance, as abundant experiences and knowledge have already accumulated, a situation is enabled to come up with a method most suitable for the recipient country's situation (e.g. presentation of draft laws and regulations, joint research, presentation of comments and repeated feedback, etc.)
4. Seeking of the philosophy of legal technical assistance has deepened and a shared awareness by those engaged in legal technical assistance is created that assistance should be provided to assist their own self-help efforts to build "good governance".

Following challenges were also mentioned:

1. The right order of assistance needs to be considered more in conducting legal technical assistance. That is, we need to surely strengthen the strategic viewpoints.
2. We need to, at the start of legal technical assistance, in particular in assisting legislation, further strengthen the method of legal technical assistance that further respects the process of institutional change, i.e., to fully investigate and understand existing systems such as existing laws and customs of the recipient country.
3. We need to be more aware of how the achievements of legal technical assistance are utilized and become shared social assets, toward further protection of the rights or enhancement of benefits not only among experts but also in their organizations and the people of the recipient country.

On what must be done in the future, following points were mentioned:

1. It is necessary to create basic policies to make a feedback on the on-site changes, from the viewpoints that establishing a methodology for legal technical assistance and reviewing it once every few years is necessary and to deepen such methodologies.
2. It is also necessary to always deepen the common understanding between Japan and recipient countries that making the achievement of assistance a shared social asset should be included in the strategies from the planning phase, and what the ultimate goal of the legal technical assistance is, e.g. building a good governance of the recipient country etc.
3. It is necessary to consider how we will make a linkage between development of the Japanese legal system/legal studies and achievements of legal technical assistance.

With regard to human resource development, Prof. AIKYO referred to the importance of fostering law students of developing countries at local Japanese law centers and Japanese universities, as well as the importance of fostering Japanese law students to be engaged in legal technical assistance. As an effort for the latter, he proposed online lectures on legal technical assistance for young aspiring law school students.

Furthermore, Prof. AIKYO pointed out that, in considering future legal technical assistance, we need to face the reality that the times and circumstances have changed from the beginning of Japan's legal technical assistance to the present, and that human rights, democracy, and the rule of law are understood differently in the recipient countries than they used to be understood in Japan.

As for the strategic nature of legal technical assistance, Prof. MATSUO Hiroshi pointed out that, when promoting legal system development support in a "strategic" manner, respecting the ownership of the recipient country is not only useful as a means of achieving project goals, but is also indispensable in the sense that it leads to the higher goal of realizing "good governance" in the recipient country. Also, in order to respect the ownership, the process is important. For example, in establishing the laws and regulations or in supporting the drafting of their amendments, the person of the recipient country in charge should draft them first. Taking such process will lead to fostering persons who operate the legal systems which is essential for a good governance. He also mentioned that it is important to share a meta rule regarding the drafting process or to have a cooperation formation which evaluates the steady progress of the process itself even before we can see the actual achievements; and that a process which would enhance voluntariness or motivation to accept legal technical assistance is important in order to create an ownership e.g. sharing the joy of obtaining an idea after long discussions.

As for the evaluation method and indicator for legal technical assistance, he introduced the contents of the study group on evaluation/methods of legal technical assistance, which has been held continuously since October 2020, hosted by ICD with participation of JICA, university officials and others. In the search for appropriate evaluation indicators for legal technical

assistance, he mentioned that it is important to not only set specific project goals and higher goals for each legal system development support, but also to be aware of super goals or ultimate goals and reflect them in the basic policy of legal technical assistance.

He also pointed out that there are purposes of creating evaluation indicators for legal technical assistance: one is to receive external evaluations such as administrative business reviews, and the other is to improve the activities of those who participate in legal technical assistance, however, the development of indicators that reflect the latter in the former objective will lead to truly useful and substantial indicators in the future.

Director MORINAGA Taro pointed out that the term “strategy” for legal technical assistance is sometimes used in the context of methodology, e.g. the development of basic theories and procedures for supporting the development of legal systems, while at other times it is used in the context of political considerations under the current world situation or in the context of benefiting Japan and Japanese companies. He mentioned that there are many meanings depending on the commentators and introduced an example of “strategy” in the political consideration: when assistance for Laos slowed down, it led to the instability of communities and there was a consideration that it could have a negative impact on diplomatic relationship with Japan.

He further mentioned that regarding the “strategy” as a methodology and the ownership of the recipient country, the “order” of assistance that would take their legal stamina and circumstances into account is important, and such attitude will cover the respect of ownership as well.

Mr. KOMATSU Kenta mentioned that as for the strategy in a time of emergency, modern societies are too unpredictable and complicated to finalize the details of the plan in advance. Rather, such assistance to start with a small-scale yet prompt and flexible response is required, which will gradually have a bigger impact later.

He also mentioned that the Japanese side should first of all express its will to value diversity, democracy, basic human rights, and dignity of individuals, and then come up with a way of assistance to realize them, as well as the importance of explaining the relevance of the content of assistance to the universal values to the recipient countries, and the importance of simplifying and speeding up the procedures for procuring external resources for quick response.

As for assistance under the COVID-19 situation, there are advantages such as conducting online trainings, use of video materials, flexibility of using online method to ensure participation of instructors and enabled participation of ICD professors in their local activities. However, it was pointed out that the importance of grasping the needs of recipient countries or building individual relationships is not lost. Moreover, the need to consider new outreach to vulnerable populations who get more severely affected by COVID-19 was also mentioned.

With regard to the legal technical assistance for Myanmar, it was pointed out that the current situation is quite serious in terms of its impact on the rule of law and democracy, and that consideration should be given to whether or not the legal technical assistance will help legitimize

the Myanmar military government, and that the voices of the Myanmar people, who are the beneficiaries of ODA, should be taken into account. He also expressed that it is not that it is unnecessary to provide legal technical assistance to countries that have concerns regarding democracy or protection of human rights, but that it is important to share with them their desire to achieve democratic principles and proceed with projects and activities.

In the Q&A sessions which followed the panel discussions, participants asked a wide a range of questions regarding potential expansion of future assistance, current status and challenges regarding specific involvement of Japanese companies in legal technical assistance, or expectations of the providers of the assistance, etc.



Part IV. Panel Discussion

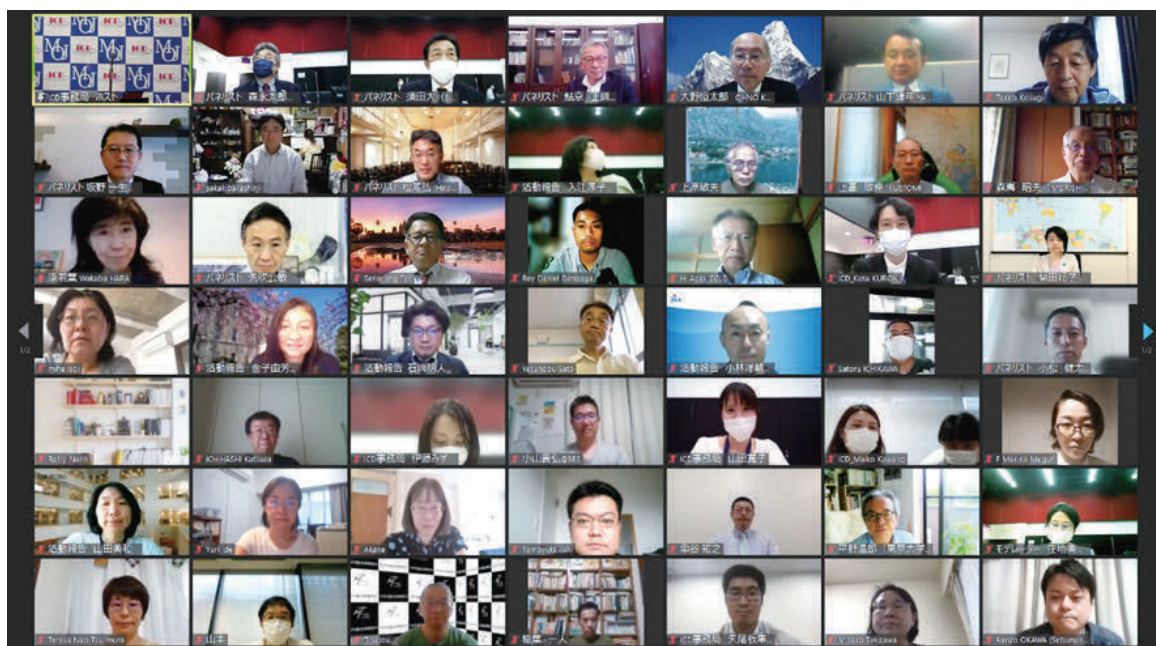
IV. Closing

Situations surrounding the legal systems in Asia has changed significantly from the time when Japan began to support the development of legal systems to the present, and the content of support required of Japan has also changed. Over the past 20 years, Japan has accumulated a wealth of experience in supporting the development of legal systems, and the number of recipient countries and legal fields has expanded.

Amid such circumstances, in the discussions of the Annual Conference, various opinions were exchanged with regard to the directions future legal technical assistance should be taking or the universal values it should hold, the methods of legal technical assistance or the rules each organ should play, which I believe was a valuable opportunity for participants to gain a new perspective.

As for the challenges and the counter measures which came to light in the annual conference, it is essential to continue considerations with more specific developments.

I would like to once again take this opportunity to sincerely express our gratitude to the keynote speakers, activity reporters, and panelists. Thank you very much.



Commemorative Photo by Participants



The 22nd Annual Conference on Technical Assistance in the Legal Field



SATURDAY 12 JUNE 2021

10:30 -17:30

Online (No fee. Registration required)

from International Conference Hall A
International Justice Center
Ministry of Justice(MOJ)

English/Japanese simultaneous interpretation available

“Legal Technical Assistance in the New Era:
Commemorating the 20th Anniversary of ICD”



Organized by: Research and Training Institute (RTI), Ministry of Justice of JAPAN and
Japan International Cooperation Agency (JICA)

Supported by: Supreme Court, Japan Federation of Bar Associations, Institute of Developing
Economies of the Japan External Trade Organization (JETRO), International Civil
and Commercial Law Centre Foundation (ICCLC)



Program

* Honoric titles omitted, Panelists in alphabetical order.

Opening Address 10:30-10:50

Deputy Minister, MOJ
President, RTI, MOJ
Senior Vice President, JICA

TADOKORO Yoshinori
UETOMI Toshinobu
NAKAMURA Toshiyuki

Congratulatory messages 10:50-11:20

Session 1: Keynote Speech 11:20-12:00

Emeritus Professor, Nagoya University

MORISHIMA Akio

Lunch Break 12:00-13:00

Session 2: Activity Reports 13:00-14:30

Deputy Director, ICD, RTI, MOJ
Deputy Director, UNAFEI
Senior Director, Law and Justice Team, Governance Group,
Governance and Peacebuilding Department, JICA
President, ICCLC
Director, Center for Asian Legal Exchange, Nagoya University
Professor, Kobe University Center for Social System Innovation
Attorney, Japan Federation of Bar Associations, Member of
Committee on International Relations, Attorney-at-Law(Research Fellow) of ICD
Director, Law and Institution Studies Group, Inter-disciplinary Studies Center,
Institute of Developing Economies, JETRO

SUDA Hiroshi
IRIE Junko
KOBAYASHI Yosuke

OHNO Kotaro
FUJIMOTO Akira
KANEKO Yuka
ISHISAKI Akito

Break 14:30-14:45

Session 3: Panel Discussion 1 14:45-15:45

Looking back on the history of Legal Technical Assistance in Japan

—Panelists—

Advisor, Ministry of Justice, Kingdom of Cambodia
Deputy Director, ICD, RTI, MOJ
President, Tokyo Bar Association, Vice-President, Japan Federation of
Bar Associations (Ex-chairperson of the Committee of International Relations)
Notary (Advisor of ICCLC, Vice Chairperson of ACPF)

SAKANO Issei
SUDA Hiroshi
YABUKI Kimitoshi
YAMASHITA Terutoshi

—Moderator—

Director, ICD, RTI, MOJ

MORINAGA Taro

Break 15:45-16:00

Session 4: Panel Discussion 2 16:00-17:15

Future perspective of Legal Technical Assistance in Japan

—Panelists—

President, Aichi Public University Corporation,
Emeritus Professor, Nagoya University
Attorney, JICA international cooperation specialist
Director, International Affairs Division, Minister's Secretariat, MOJ
Professor, Keio Law School
Director, ICD, RTI, MOJ

AIKYO Masanori
KOMATSU Kenta
SHIBATA Noriko
MATSUO Hiroshi
MORINAGA Taro

—Moderator—

Professor, ICD, RTI, MOJ

SHOJI Minako

Q & A Session 17:15-17:25

Closing Address 17:25-17:30

President, ICCLC

OHNO Kotaro

Session 1 Keynote Speech



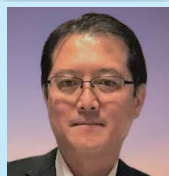
Prof. MORISHIMA Akio

Jurist (Civil law・Environmental law). 1958 Faculty of Law, University of Tokyo, LL.B, 1968 Harvard Law School, LL.M. 1971 Professor of Law at Nagoya University. 1988 Dean, Faculty of Law, Nagoya University. 1996 Professor Emeritus, Nagoya University. While teaching at universities in Japan and overseas, Prof. Morishima has served as member of various governmental councils, having paved the way for Japan's legal development support.

Session 3 Panel Discussion 1

Looking back on the history of Legal Technical Assistance in Japan

Panelists



Mr. SAKANO Issei

Advisor for MOJ in Cambodia. After working as UNTAC (United Nations Transitional Authority in Cambodia) election division officer since 1998, Mr. Sakano engaged in drafting support for Cambodia's Civil Code and Civil Procedure Code as JICA long-term expert from 1998. Utilizing proficient Khmer language ability, Mr. Sakano has greatly contributed to legal development in Cambodia and assumed current position in 2018.



Mr. SUDA Hiroshi

Appointed as public prosecutor in 2001. After working at various prosecution offices, Mr. Suda worked as a ICD professor in 2013. Dispatched to the People's Democratic Republic of Laos as JICA long-term expert in 2015. After returning to Japan, he worked in Tokyo prosecution office and assumed current position at ICD in April 2021.



Mr. YABUKI Kimitoshi

Attorney-at-law in Japan and State of New York, contributing to international assistance projects in Vietnam, Cambodia, Laos, Indonesia, Mongolia, Philippines, etc. Mr. Yabuki assumed various key positions such as Chairperson of the Committee of International Relations of the Japan Federation of Bar Associations (the "JFBA"), leading various international assistance programs initiated by the JFBA. Mr. Yabuki has been in the current positions at the bars since April 2021.



Mr. YAMASHITA Terutoshi

Appointed as public prosecutor in 1984 and worked at various prosecution offices until retirement. Mr. Yamashita contributed to the founding of the ICD and assumed important positions including the director of ICD, director of UNAFEI etc. Currently, he is a notary as well as advisor for ICCLC and Vice Chairperson of ACPF.

Moderator

Mr. MORINAGA Taro

Session 4 Panel Discussion 2

Future perspective of Legal Technical Assistance in Japan

Panelists



Prof. AIKYO Masanori

President, Aichi Public University Corporation, Professor Emeritus, Nagoya University. Specializes in Constitutional Law and Asian Law. Director of Center for Asian Legal Exchange, Dean of Graduate School of Law, Vice President, Nagoya University.



Mr. KOMATSU Kenta

Attorney-at-law. After working for a private company and a law firm, Mr. Komatsu has been engaged in legal cooperation project in Myanmar and other countries as JICA's senior advisor since 2013. Long-term expert in Myanmar from 2014 to 2017. In 2019, he was dispatched to Myanmar again.



Ms. SHIBATA Noriko

Appointed as public prosecutor in 1998. Dispatched to the Royal School for Judges and Prosecutors of Cambodia as JICA long-term expert in 2006. After returning to Japan, Ms. Shibata served as Deputy Director of ICD for two years from 2013 and worked as UNODC officer in the Regional Office for Southeast Asia and the Pacific. Assumed current position in July 2019.



Prof. MATSUO Hiroshi

Professor at Keio University, Director, Keio Global Law Institute. Specializes in Civil Law and Law and Development. Visiting professor at University of Sydney, and University of Oxford. Served as secretary of the Legislative Council, member of the Social Infrastructure Development Council, special member of the National Land Council etc. Prof. Matsuo is engaged in research and practice on how legal technical assistance should be in development process based on the history of each country.



Mr. MORINAGA Taro

Appointed as public prosecutor in 1994. While working as ICD professor, Mr. Morinaga was dispatched to MOJ of the Socialist Republic of Vietnam as JICA long-term expert in 2004. After the position of Deputy Director of UNAFEI etc., Mr. Morinaga assumed current position in October 2017.

Moderator

Ms. SHOJI Minako

Appointed as public prosecutor in 2008. After working at various prosecution offices, Ms. Shoji worked as a government attorney of the Rehabilitation Bureau of MOJ and assumed ICD professor in 2020.

Congratulatory Messages for the 20th Anniversary of ICD

Mr. Bounkhouang Thavisack

Vice President of the People's Supreme Court of Lao P.D.R

I would like to congratulate the ICD, on behalf of the Joint Coordinating Committee of the Project for Promoting the Development of the Rule of Law in the Lao PDR, on the 20th anniversary of its establishment and its remarkable growth and achievements over the past 20 years.

As you know, the people and governments of Laos and Japan have been building amicable and cooperative relations for a long time; and at the end of 2020, we celebrated the 65th anniversary of the establishment of diplomatic relations between Laos and Japan. The Japanese government and the Japanese people have been providing assistance to Laos in various fields such as infrastructure, education, health, and law through many projects. In the field of law, the ICD has been providing support to Laos for the past 20 years through the JICA Legal Technical Assistance Project.

Looking back at our activities, we can divide them into three periods.

In the first period up to the year 2001, the assistance focused on the civil law, commercial law, and educational trainings.

The second period, from 2001 to 2006, was the implementation of the joint legal technical assistance project, in which I participated as a member of the committee in charge. During this period, a number of manuals and textbooks were produced.

And in the third period, from 2010 up to the present, the legal technical assistance project has been continuously implemented. I have been involved in the project for more than 20 years, and I am honored to have been able to build a deep bond with the ICD through my activities with them.

In fact, People's Supreme Court of Lao P.D.R has been in contact with the ICD for a long time. For example, around 2002, then Chief Justice of People's Supreme Court of Lao P.D.R attended the opening ceremony of the ICD facility in Osaka to deepen the cooperative relationship between the two organizations. I have participated in ICD trainings on many occasions and been involved in project activities; I cannot express the joy and gratitude for the warm welcomes I have received from the ICD instructors and staff. During 2007-2008, my participation in the project activities was temporarily suspended, as I was studying at Nagoya University. However,

even during that time, I would go to the ICD on Fridays and Saturdays to prepare for the project activities and conducted research etc. with many experts including Prof. Aikyo of Nagoya University, Ms. Watanabe and Mr. Morinaga of the ICD.

After my return to Laos in 2009, the Project for Human Resource Development in the Legal Sector was launched in July 2010. I joined the project and have been continuously participating in the project as a member of the Management Committee and now as a member of the Joint Coordinating Committee. I believe that this project activities can greatly contribute to the development of the legal and judicial fields in Laos.

We have learned a great deal from our 20 years of project activities, and I think we have gained three major things.

The first is human resource development. The project participants were able to improve professional knowledge and learn the Japanese style of how to work and plan their work. We also gained knowledge about legal research and textbook writing. Furthermore, we could acquire skills in presentation and explanation.

The second is the deliverables of the project. Through the activities of this project, we were able to produce law-related manuals, textbooks, litigation charts, pamphlets, and so on. These products have been distributed to libraries, schools and related institutions and are widely used by teachers, legal practitioners and the general public.

The third is enhancement of awareness of legal compliance in society. We are contributing to this by conducting dissemination activities using the project deliverables. All among them, the biggest achievement is, I think, the completion of the first Lao Civil Code. We can say that the Lao Civil Code is a historic achievement achieved through the joint efforts of JICA, ICD and Lao lawyers.

I believe that the knowledge and experience we gained over the 20 years of cooperation with the ICD will greatly contribute to the fostering of legal professionals and legal system in Laos, and ultimately to the establishment of the rule of law. I would like to ask for continued support and cooperation of JICA, ICD and the professors for fostering legal professionals and development of legal system in Laos. I would like to express my sincere gratitude, as a member of the Joint Coordinating Committee and as an individual, to the Japanese government and the Japanese people for their generous support through JICA. I would like to express my utmost gratitude to the ICD for its support as the main implementing agency of the project, and to the Japanese professors and experts for their efforts in the development of the legal profession and legal

system in Laos.

In closing, I would like to once again congratulate the ICD on its 20th anniversary and sincerely wish for its further growth, good health and success of all of you, and further development of amicable relationship between Laos and Japan. Thank you very much.

Mr. Nelinho Vital

*Director of National Directorate of Legal Advice and Legislation,
Ministry of Justice of the Democratic Republic of Timor-Leste*

I would like to extend my respectful greetings to all the staff of the ICD of the RTI including the Director Mr. Morinaga, and to all of you who are here today. It is a great honor for me to be here today at the 20th anniversary of the ICD and to deliver my congratulatory address at such an important event.

ICD is an important partner for the Democratic Republic of Timor-Leste, especially for the National Directorate of Legal Advice and Legislation (DNAJL) of the Ministry of Justice. The collaboration and cooperation between the ICD and the DNAJL, which began in 2009, has had many successes and continues successfully to this day. Through cooperation up to the present, DNAJL could achieve the annual target of drafting bills in the Annual Action Plan of the Ministry of Justice of Timor-Leste each year. With the cooperation from ICD, we have been working on the International Criminal Justice Cooperation Act and the Combating Illicit Drugs Trafficking Act etc. The Civil Registration Act and the Mediation Act, among others, are in the final stages of adjustment, and the Bar Association Act is under discussion in the National Parliament. In addition, land and property related bills currently being drafted include the Land and Property Registration Bill, the Cadastral Bill, and the Community Land and Property Bill, which will be presented to the Council of Ministers in the near future.

Three or four years ago, I had an opportunity to express my impressions of the cooperation we had when I was in Tokyo for the ICD's training and I would like to repeat myself again on some points today. For us, the cooperation of the ICD is unique and very valuable in that the relationship between the ICD and the DNAJL is well balanced. In our joint research, the ICD supports us with all the relevant information, knowledge and research materials, but always leaves the choice of research topics and legislative decisions to us, giving us the people of Timor-Leste, the opportunity to make our own legislative decisions in line with our own situation. It is

a beautiful, wonderful relationship.

As the Director of DNAJL, I would like to express my gratitude to Director Mr. Morinaga and all members of the ICD who have contributed so much to the development of human resources in the DNAJL. It is my sincere hope that our relationship will continue without stagnation and contribute to the improvement of the skills of Timorese lawyers and law drafters.

I am very happy to celebrate with you the 20th anniversary of the ICD today, as Director of the DNAJL and as an individual. All of us are confident that after its 20 years of experience, the ICD will continue to grow and be able to advance as a collaborator for us and other countries in need of human resource and organizational development assistance.

Congratulations on your 20th anniversary! Thank you very much.

Mr. Dinh Trung Tung

Former Vice Minister of the Ministry of Justice of Socialist Republic of Viet Nam

I am very happy to meet with all of you who have worked with me in the project in the law and justice sector in Vietnam supported by JICA on the 20th anniversary of the ICD. I am honored to be participating in the ICD's 20th anniversary event in this way.

It has been nearly thirty years since the cooperation relationship between Vietnam and Japan began in 1993/94; I understand that it is becoming stronger day by day, with its high quality coming to recognition.

Thanks to the technical assistance provided by the Ministry of Justice of Japan to Vietnam through JICA projects, Vietnam has been able to learn from the valuable experience of Japanese experts and the Ministry of Justice and other government agencies could submit important bills to the National Assembly. In drafting important bills, the knowledge of many Japanese experts has been helpful.

With the valuable experience of the experts shared with us, the Civil Code, Civil Procedure Code, Penal Code, Criminal Procedure Code, Law on Execution of Civil Judgments, Law on Bankruptcy, Law on State Compensation Liability, etc. were specifically customized to meet the actual conditions of Vietnam and submitted to the National Assembly. Japan's assistance has also contributed to the capacity building of Vietnam's legal and judicial personnel. Thanks to

such technical assistance, Vietnam has not only achieved socioeconomic development but also realized the construction of the rule of law socialist state of the people, by the people and for the people.

In 2020, a memorandum of cooperation in the field of law and justice was agreed between the Vietnamese Ministry of Justice and the Japanese Ministry of Justice, and a new JICA project was officially approved for the period from 2021 to 2025.

I believe that this agreement is important for both countries to take further steps in the future. Looking back on the achievements of JICA projects, I understand that the efforts of the Japanese Ministry of Justice, including the ICD, have been significant. In particular, since 2001 when the ICD was established up to now, ICD has worked closely with us and greatly supported various JICA activities of the Vietnamese Ministry of Justice and other government agencies. Specifically, ICD has supported the trainings in Japan for Vietnamese delegations, the selection and dispatch of local experts to Vietnam in cooperation with JICA, the dispatch of research teams to Vietnam, and the visits to Japan of Vietnamese leaders in the fields of law and justice.

All of JICA's long-term experts are competent, responsible, kind and hard-working even when they are not working. It is very encouraging to work with such long-term experts and the ICD. They are working for Vietnam as if they were working for their own country.

On this occasion of the 20th anniversary of ICD, I would like to extend my heartfelt gratitude and congratulations to all of you and wish ICD continued success. I hope that ICD will continue to play its role as a bridge between our countries in order to steadily implement the project from 2021 to 2025 and to realize the cooperation agreed upon by the Ministers of Justice of both countries during this period. Furthermore, I hope that the legal and judicial cooperative relationship between our countries will be taken to new heights and a broad strategic partnership for peace and prosperity of Vietnam, Japan and Asia will be promoted.

Thank you very much!



Activity Report

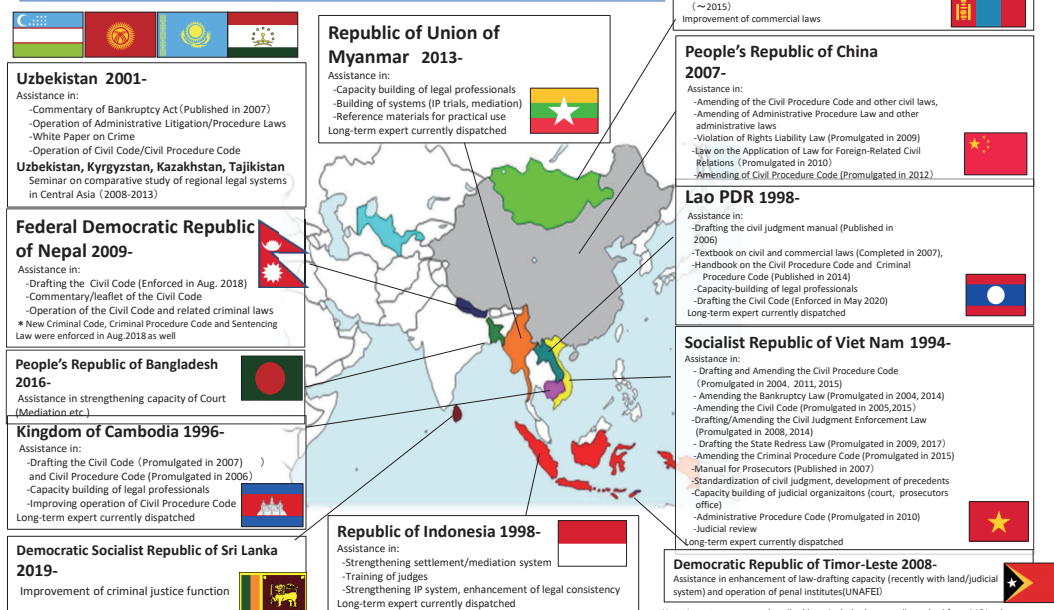
International Cooperation Dept. (ICD) Research and Training Institute (RTI)

SATURDAY 12 JUNE 2021

THE 22ND ANNUAL CONFERENCE ON LEGAL TECHNICAL
ASSISTANCE










Main Contents of ICD's Assistance










Note: Long-term experts described here include the ones dispatched from MOJ only.

Cooperation with JICA Projects

(Training in Japan, Seminar, Dispatch of Experts etc.)

- 
〈Vietnam〉
 - Ensuring consistency of laws, uniform operation and application of systems (～Dec. 2020)
 - Improving quality of legal normative documents and effectiveness of execution (Jan.2021～New Project)
- 
〈Cambodia〉
 - Improving operation of Civil Code/Civil Procedure Code (immovable property registry, drafting of Executors law, sample trial documents, activities for disclosure of judgments, etc.)
- 
〈Lao PDR〉
 - Research paper for the Civil Code, revision of civil judgment manual and fact-finding workbook
 - Strengthening capacity-building via legal education/improvement of trainings, etc.
- 
〈Myanmar〉
 - Building IP trial system, propagation of mediation system
- 
〈Indonesia〉
 - Strengthening IP protection/legal consistency to improve business environment
- 
〈Bangladesh〉
 - Strengthening mediation system via training of mediators, strengthening case management to decrease backlog cases at Court
- 
〈Sri Lanka〉
 - Improving practice of criminal justice (resolving delays in criminal procedure)

ICD-led Activities (Major ones)

- 
〈Timor-Leste〉
 - Seminar on land-related legal system, joint study on immovables registry/judicial system
- 
〈Uzbekistan〉
 - Joint study on administrative procedure law/administrative litigation law
 - Preparation of White Paper on Crime based on MOC between RTI and Academy of General Prosecutors Office of Uzbekistan
- 
〈Mongolia〉
 - Joint study for legal development on business transactions, seminar co-hosted with National University of Mongolia
- 
〈Nepal〉
 - Seminar co-hosted by the Supreme Court and National judicial Academy of Nepal (civil law, criminal law)
- 
〈Myanmar〉
 - Joint study on land registration legal system, seminar on IP (administrative control)
- 
〈Laos〉
 - Seminar based on MOC between RTI and National Institute of Justice of Lao PDR
- 
〈Cambodia〉
 - Activity for strengthening educational system based on MOC between RTI and Royal Academy for Judicial Professions of Cambodia

Other Activities

➤ Invitation to Legal Technical Assistance

- An event aiming to introduce legal technical assistance activities to younger generations while thinking of a career path together to lead them to be involved in legal technical assistance activities
- Held in Nov. 2020. Introduced the attraction of legal technical assistance and how to involve in it through lectures and discussions by former/current longer-term experts and JICA staff.

➤ Training for Persons to be Involved in International Cooperation

- Training for staff of MOJ and Prosecutors Office to be involved in legal technical assistance (Since 2019)

➤ Study Group on Legal System in Asia Pacific Region(10th) -mainly conducted in Kansai region

- Currently studying joint venture contracts in Vietnam, Indonesia, Malaysia and Thailand
- Symposium held in March 2021 with approximately (cumulative) 130 lawyers and company workers participated.

Examples of Application of Web Conference System

➤ Invitation to Legal Technical Assistance

➤ Capacity-building of persons to be involved in International Cooperation

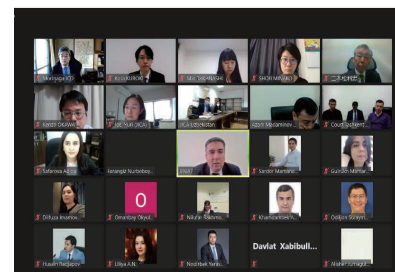
➤ Online Seminars

(Timor-Leste, Bangladesh, Nepal, Myanmar, Uzbekistan, Laos, Mongolia, etc.)

➤ Training in Japan (Sri Lanka)

➤ Lectures at Universities in/outside Japan

(Osaka Univ., Kyoto Univ., Keio Univ., Kobe Univ., Shinshu Univ., Nagoya Univ., Tashkent State University of Law)



Online Seminar /Uzbekistan



KYOTO CONGRESS

Side Events Co-Hosted by ICD and JICA

1. March 9, 2021

Lecture on best practices of strengthening Access to Justice for realization of Rule of Law

2. March 9, 2021

Panel Discussion (Initiatives for Access to Justice in Laos, Nepal and Vietnam)



Side Event 1



Side Event 2

Thank you for your kind attention

International Cooperation Dept.
Research and Training Institute





UNA FEI's Activities

The United Nations Asia and Far East Institute
for the Prevention of Crime and the Treatment of Offenders
(UNA FEI)

About UNA FEI

- Established in 1962 by an agreement between the UN and the Government of Japan (signed in 1961)
- The United Nations Crime Prevention and Criminal Justice Programme Network Institute (PNI)
- Participation in and Contribution to the UN Crime Congress and the UN Crime Commission (CCPCJ)
- Provides training courses with regard to the UN's interests in the field of crime prevention and criminal justice



Technical assistance to developing countries funded
by Japan's ODA budget (Mainly through JICA)

Organization

- Department for cooperation for UN training, Research and Training Institute, Ministry of Justice is in charge of operation
- Staff (2021)
 - ✓ Director: Prosecutor → approved by the UN
 - ✓ Deputy Director: Prosecutor
 - ✓ Professors: a judge, prosecutors, correctional officers, probation officers, a police officer (part-time)
 - ✓ Administrators
 - ✓ Linguistic adviser

etc.

UNAFEI's Activities

International Training Courses and Seminars

- International Training Programmes
 - Criminal Justice
 - Treatment of Offenders
 - Crime Prevention and Criminal Justice (Senior Seminar)
 - Criminal Justice Response to Corruption
- Regional Training Courses and Seminars
- Bilateral Training & Technical Assistance

Activities in 2020:

International Training Courses and Seminars

- Regional Training Courses and Seminars
Regional Seminar on Good Governance for Southeast Asian Countries (anti-corruption measures)
→ Webinar
- Bilateral Training
 - ✓ Nepal (Office of the Attorney General etc.)
 - ✓ Timor-Leste (Corrections)
in collaboration with ICD and UNODC
 - ✓ Philippines (Corrections, Community Treatment)
 - ✓ Cambodia (Community Treatment)
→ Webinar, Translation of reference materials, etc.

Activities in 2020: Alumni Webinar

- Three Alumni Webinars



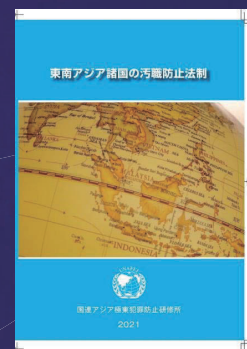
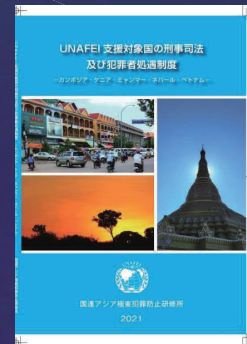
- ◆ Information sharing

- ✓ Updates on criminal justice issues (including responses to the COVID-19 pandemic) in each participating country
- ✓ Reports from alumni on how they had made use of their experiences at UNAFEI

- ◆ Strengthening our alumni network

Activities in 2020: Research

- The criminal justice systems and treatment of offenders in the countries to which UNAFEI provides technical assistance
 - Cambodia, Kenya, Myanmar, Nepal, Viet Nam
- Anti-corruption measures and legal systems in Southeast Asian countries



Themes of International training courses: 2021-2022

- 2021
 - ✓ Achieving Inclusive Societies through Effective Criminal Justice Policies & Practices
 - ✓ Treatment of Women Offenders
 - ✓ Preventing Crime and Reoffending through Multi-Agency Cooperation and Public-Private Partnership
- 2022
 - ✓ Cybercrime and Digital Evidence
 - ✓ Treatment of Juveniles and Young-Adult Offenders
 - ✓ Promoting Access to Justice for Crime Victims and the Accused

The Kyoto Congress

-The 14th UN Congress on Crime Prevention and Criminal Justice

- Kyoto Congress: 7-12 March 2021
- Workshop on “Reducing Reoffending”
- Ancillary meetings
 - ✓ Rehabilitation and social reintegration of women prisoners and offenders
 - ✓ Reunion: Strengthening the alumni network

Workshop: Reducing reoffending



Ancillary meeting: Women offenders



Ancillary meeting: Alumni reunion



Exhibition Booth



UNA FEI's Post-Congress Agenda

Follow-up to the Kyoto Congress

- Active involvement in the creation of new UN standards and norms on reducing reoffending:
 - Official Workshop
 - High expertise and professional network
- Participation in international cooperation platforms in Asia and the Pacific
- Involvement in the Youth Forum



JICA FY2020 Activity Report FY2021 Activity Plan

JICA Governance and Peacebuilding Dept.
KOBAYASHI Yosuke

独立行政法人 国際協力機構

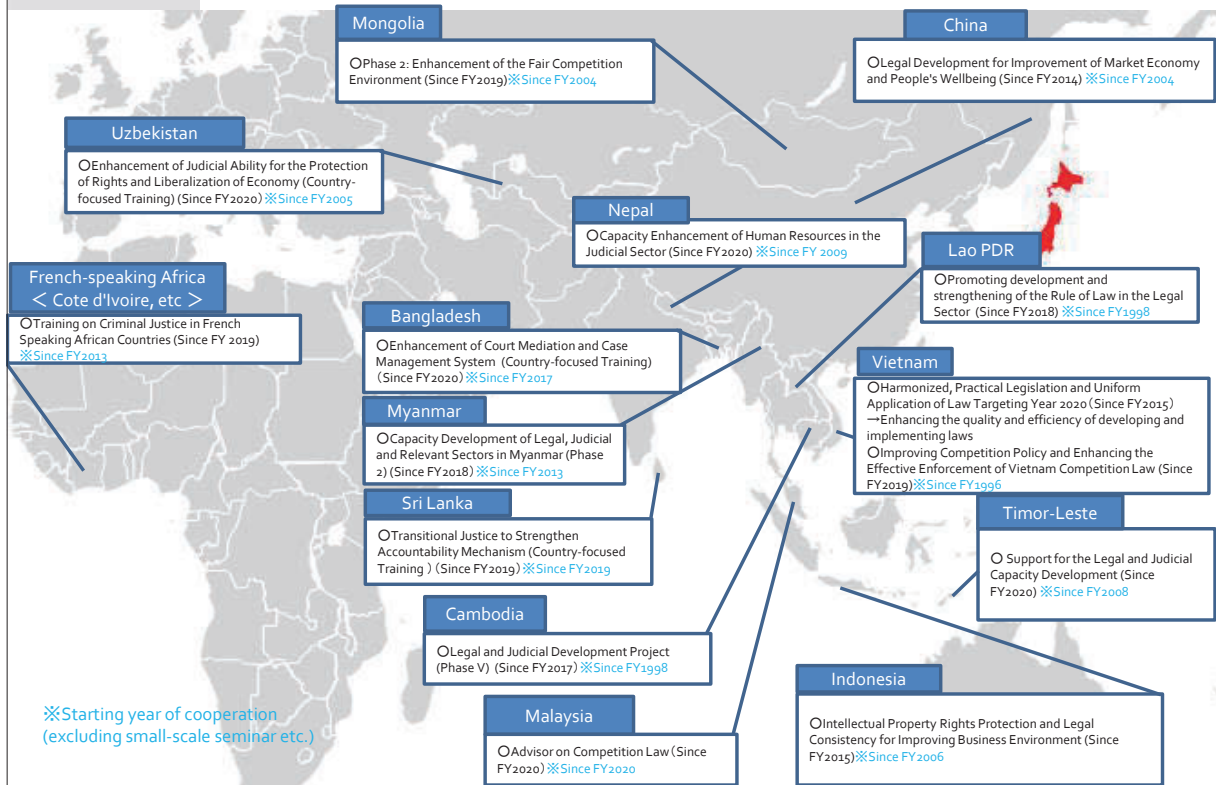


FY2020 Activity Report

1. Overall Status

2. Highlights

Cooperation for Legal and Judicial Development Implemented in FY2020



FY2020 Activity Report

1. Overall Status

- ① Long-term experts' travel restricted
- ② Training in Japan suspended
→ Online Trainings, etc.
- ③ Preparing projects online

1 ・ Overall Status

① Long-term experts' travel restricted

Indonesia, Cambodia, Vietnam,
Myanmar, Laos, China, Mongolia, Nepal
→Project activities continued via Online
working group activities, etc.

1. Overall Status

② Training in Japan suspended→Online trainings, etc.

【Knowledge Co-Creation Program (Groups & Region-focused)】
Access to Justice, International Public Law, Competition Law

【Knowledge Co-Creation Program (Country-focused)】

Sri Lanka Criminal Law, Vietnam Competition Law,
Mongolia Competition Law

【Others: Preparation of Materials, Online Seminars】

UNAFEI Seminar, Video materials for criminal procedure,
Myanmar Training for Mediators,
Uzbekistan Civil Procedure Code,
Cambodia Executors Law WS,
Timor-Leste Land Law, etc.

Lecture

FAQ

➤ What if parties can not reach an agreement?

- The mediation proceedings will end in an "order in lieu of mediation" (civil mediation) or "ruling in lieu of mediation" (domestic relations mediation), or unsuccessful mediation. In addition, the petitioner may withdraw his/her petition.
- If a mediation is unsuccessful or an objection is raised to an order/ruling in lieu of mediation, the proceedings will move on as follows:
 - Cases referred from litigation
 - Automatically return to an original litigation
 - Domestic relations cases in "Appended table 2" (ex. change of a person with parental authority, claim for child support, division of estates etc.)
 - Automatically proceed to an adjudication procedure
 - Civil cases and other domestic relation cases (ex. divorce, dissolution of adoption etc.)
 - No further automatic procedure

The parties may voluntarily file a lawsuit.



ပြည်ထောင်စုလုံးကဆောင်ရွက်နေသော အခွင့်အရေးများကို အစီအစဉ်တကျလုပ်ဆောင်ရန်



(Upper Right)
Video Material for Mediation

(Left)
Online Mediation Seminar for Bangladesh
(Role-playing)

1. Overall Status

③ Preparing Projects Online

・ Vietnam "The Project for Enhancing the quality and efficiency of developing and implementing laws in Vietnam"

・ Project Purpose

The quality of Vietnam's legal normative document system and effective law implementation are enhanced to contribute to the promotion of legal and judicial reforms and the strengthening of national competitive capacity according to international standards.

1. Overall Status

③ Preparing Projects Online

- ・ Indonesia "Project for Efficient and Fair Disputes Resolution Mechanism and Legislative Drafting Capacity Development for Improving Business Environment"

- ・ Project Purpose

1. The capacity of drafters to ensure legislative consistency is improved.
2. The capacity of judges for efficient and fair case processing and disposition in business-related cases including intellectual property disputes is strengthened.

1. Overall Status

2. Highlights

- (1) Cooperation with partners in Vietnam
- (2) Accepting students from Laos
- (3) End of ODA to China
- (4) Efforts to resolve backlog in Sri Lanka and Bangladesh
- (5) Kyoto Congress
- (6) Publishing English books on legal technical assistance

2. Highlights

① Cooperation with partners in Vietnam

- In Dec.2020, VBF, VBLC, JFBA, Japanese Chamber of Commerce and Industry in Vietnam (JCCI) and ICCLC held a seminar for promotion of exchange of Japanese/Vietnamese lawyers to vitalize investment/business (with JICA playing a catalytic role)
- The newly launched Project also plans to collaborate with a wide range of stakeholders.



Japan-Vietnamese Business Lawyers Seminar

2. Highlights

② Accepting students from Laos

- A program exploring greater synergy between project activities and legal education in Japanese universities newly launched. Two project counterparts are now studying in Keio University.
- In FY2021, a similar program will be implemented for Vietnam (Nagoya University) in addition to Laos, and from FY2022, the target countries will be extended to Cambodia and others.
- JICA is exploring further collaboration with Japanese universities.

2. Highlights

③ End of ODA to China

- ・ Cooperation for legal and judicial development in China ended in March 2021.
- ・ "Seminar on Establishment of Civil Code/ Revision of Patent Law" held in Jan.2021.

2. Highlights

④ Efforts to resolve backlog in Sri Lanka and Bangladesh

- Efforts continued to resolve backlog through aforementioned online trainings, etc.
- In Sri Lanka, timely input prior to the drafting of a bill on pre-trial arrangement in criminal procedure.

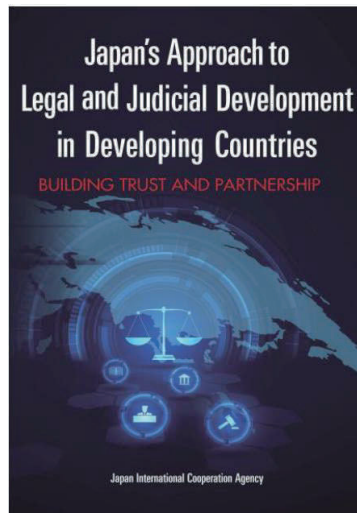
2. Highlights

⑤ Kyoto Congress

- Co-hosted a side event on Access to Justice (led by ICD)
- Expansion of Knowledge Co-Creation Programs (Group & Region-focused) from FY2021
"Criminal justice measures for vulnerable groups including re-offenders, children and women towards an inclusive society"

2. Highlights

⑥ Publishing English books on cooperation for legal and judicial development



<https://japanlibrary.jp/ics.or.jp/books/publish/29b66020b11c9a2d42d8a78de363d028332ac031.html>

16

独立行政法人 国際協力機構

1. Continuous response to COVID-19
2. Stronger collaboration with partners
3. Others

17

独立行政法人 国際協力機構

1. Continuous response to COVID-19

- ① Further expansion of online trainings
- ② Formulating projects online
- ③ New activities in response to COVID-19
 - ・ Pilot activities on attorney-matching apps within the scope of a survey on access to justice in Africa

2. Stronger collaboration with partners

- ① Vietnam, Cambodia, Laos, etc.
 - ・ Collaboration with programs implemented by other stakeholders
- ② Accepting international students
 - ・ Collaboration between project activities and legal education in Japanese universities

3. Others

① A more strategic approach

- ・ "Cluster" approach

② Preparation for TICAD 8

- ・ Surveys on access to justice and business laws in Africa
- ・ Survey on protection and rehabilitation of juveniles in Kenya
- ・ Full-scale launch of training on criminal justice in French-speaking Africa

③ Collaboration with ASEAN

- ・ Participation from ASEAN in knowledge co-creation programs (group & region-focused) on criminal justice and international public law

④ Business and Human Rights


- ・ Survey on the protection of vulnerable workers
- ・ New activities related to acceptance of foreign workers

(<https://jp-mirai.org/en/>)



International Civil and Commercial Law Centre Foundation (ICCLC)

President OHNO Kotaro



ICCLC was established in 1996.

Purpose: Support legal technical assistance projects for Asian countries from the perspective of a private sector
Deepen mutual understanding for legal system/operation in Asian countries.

Members: Companies doing business in Asia,
Law firms handling international legal matters



What We Do:

1. Legal technical assistance activities
2. Research and study of business legal systems and operations in Asian countries



1. Legal technical assistance activities

Commissioned by JICA

Provide support to legal technical assistance activities conducted by ICD, etc.

Co-host events e.g. Invitation to Legal Technical Assistance , etc.



2. Research and Study of business legal system and operation in Asian countries

International Study Groups such as:

Japan-China Civil and Commercial Law Seminar

Japan-Korea Partnership Joint Study



2. Research and Study of business legal system and operation in Asian countries

Japanese study groups such as:

Study on Asia-Pacific comparative civil and commercial law

Asia Business Law Forum(ABLF)



Characteristics of ICCLC Activities

- Flexibility as a private institution
- A key link between the government, public organizations, bar associations, universities, member companies, etc.
- Disclosing information to the public on our website

Report from the Center for Aisan Legal Exchange, Nagoya University

AKIRA FUJIMOTO
Director, The Center for Asian Legal Exchange
Professor, Graduate School of Law
Nagoya University

The 22nd Legal Support Liaison Meeting (June 12, 2021)

1

Center for Asian Legal Exchange (CALE)



2



- Established in 2002
- Specialized institution which focuses on the promotion of international cooperation in the field of law and political science

CALE' s Missions

3

Mission 01 Research on Laws in Asia and Science of Legal Assistance
Coordinating research on the laws of Asian countries and theories of legal assistance.

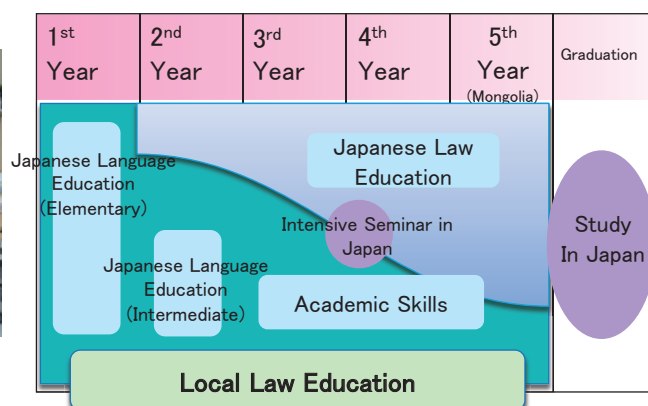
Mission 02 Legal Education Assistance
Developing human resources needed by countries in Asia in making and operating laws by themselves.

Mission 03 Training of Human Resources in Japan
Fostering global leaders or experts who know well about Asia and will be able to contribute meaningfully to the development of the region.

Japanese Law Program

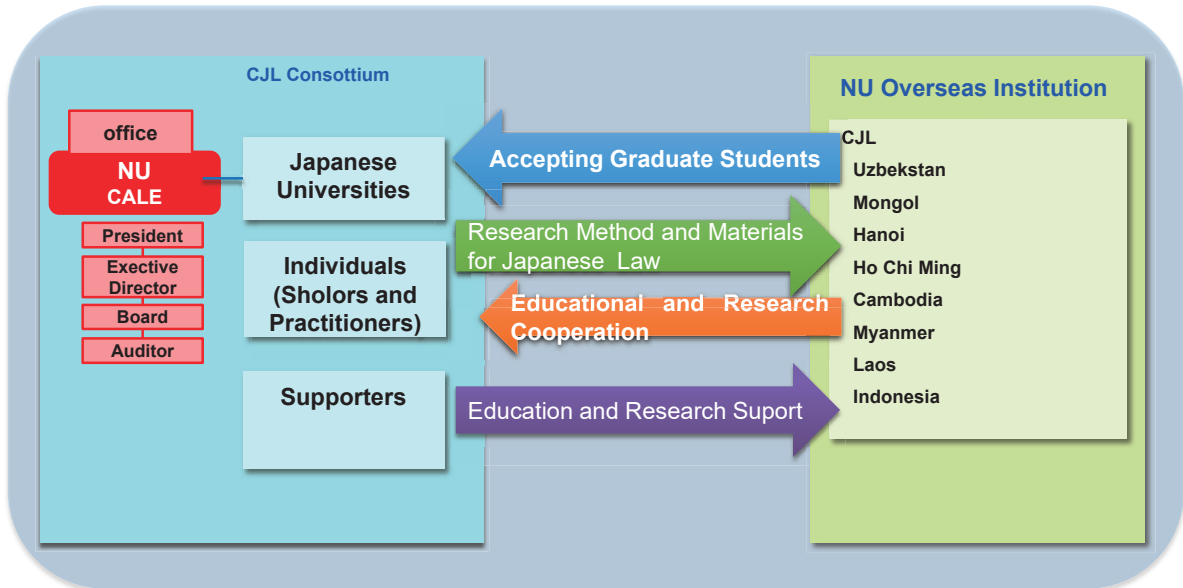
4

- Japanese Language Training
- Introductory Japanese Law
- 2 weeks Intensive Seminar in Japan
- Study in Japan after graduation



CJL Consortium

本コンソーシアムは、名古屋大学大学院法学研究科および同法政国際教育協力研究センター（CALE）と共同して、ミッションポリシーに基づく日本法教育研究センター（CJL s）の事業の運営に参画する。



Overview of 2020-2021 Research Activities

Despite the movement restrictions imposed by COVID-19, we were able to actively develop online international symposiums and seminars and gain more participants than ever before.

On the other hand, in areas where the communication infrastructure was not well developed, it was difficult for CJL students to take remote lessons.

International symposium hosted by CALE

2020/5/8	Online Workshop on "Comparative legal research, legal academic writing, and publishing research papers with peer-reviewed academic publications" (cosponsored by Nagoya U Graduate School of law, CALE, Tashkent State University of Law)
2020/8/10-11	Workshop Series on Constitutionalism in Asia and Beyond Consolidating Constitutionalism in New Democracies: Perspectives from Eurasia (Remotely held) (Co-sponsored by Tashkent National Law University, Uzbekistan National Institute of Human Rights, University of Melbourne, Regensburg University, German-Eastern European Law Institute) (total of 137 participants)
2020/10/21	Workshop Series on Constitutionalism in Asia and Beyond "Consolidating Constitutionalism in New Democracies: Perspectives from Eurasia (II)" (Remotely held) (76 participants)
2021/1/14	Workshop Series on Constitutionalism in Asia and Beyond "Judicial Independence in ASEAN: A Comparative Perspective" (Remotely held) (93 participants from 15 countries)


A collection of papers on Constitutionalism will be published in Germany in the near future.

7


Lectures by the CALE International Visiting Scholars

CALE SPECIAL SEMINAR

Constitutional-KHMER-ism:
Khmer concepts of constitutionalism through historical and cultural trails



H.E. TAING Ratana
CALE Visiting Research Fellow
Secretary General,
Constitutional Council of Cambodia



Date: February 20th (Thu)
Time: 13:00-14:30
Venue: Conference Room
Asian Legal Exchange Plaza

CALE Special Lectures by Professor Eiko Ciklauri-Lammich
Max Planck Institute for Foreign and International Criminal Law
Two lectures in German with simultaneous translation into English by Ref. jur. Theodor Lammich




I. Legal Education in Germany
(Die deutsche Juristenausbildung)
(January 24, Friday, 13:00 - 14:30)
ALEP Conference Room

Legal education in Germany is largely based on the Prussian legal education of the late 19th and early 20th centuries. More than a hundred years later, more and more representatives of politics and universities are advocating a comprehensive reform. This lecture shows the basics of the two-step system, its advantages, its disadvantages, and modern approaches in times of European assimilation.

II. The German Impact on Japanese Criminal Law
(Der deutsche Einfluss auf das japanische Strafrecht)
(January 27, Monday 10:30-12:00)
ALEP Conference Room

Especially in medicine and law, German intellectuals appeared as examples for various scientific disciplines. Even if one can not deny the impact of French and American Law, German Lawyers influenced the Japanese Law doubtlessly the most during its era of modernization. The lecture sums up the process from a German point of view.

Prof. Dr. Dr. h.c. mult. Eiko Ciklauri-Lammich (Max Planck Institute for Foreign and International Criminal Law) focuses on areas such as "legal aspects of prevention of violence and conflicts" and "modern technologies and human rights". She also coordinates partnerships between Germany and the successor states of the former Soviet Union.

Please contact further: cale.iimu@law.nagoya-u.ac.jp

CJL Consortium Lecture Series 「Current Status of Japanese Legal Development Support」

2020/9/1	1 "Legal Development Support by the Ministry of Justice" (Lecturer: Taro Morinaga, Director of International Cooperation Department, Research and Training Institute of the Ministry of Justice) (Remotely held) (67 participants)
2020/10/19	2 "Why did I start legal development support-called Boissonade in Japan" (Lecturer: Akio Morishima, Professor Emeritus, Nagoya University) (Remotely held) (40 participants)
2020/12/11	3 "Teaching Japanese Law in Japanese Language in Asia - Legal Development Support, Observations by Former Lecturers of Law at the Center for Japanese Law" (remotely held) (40 participants)
2021/2/9	4 "Activities of CJL graduates who make use of their knowledge of Japanese law" (remotely held) (45 participants)
2021/3/2	5 "Legal Development Support and Asian Legal Research — Based on the Vietnam Constitutional Amendment Debate." Lecturer: Masanori Aikyo (Chairman of Aichi Public University Corporation, Professor Emeritus of Nagoya University) (Remotely held) (44 participants)

Special Lectures for Asian Legal Development Support

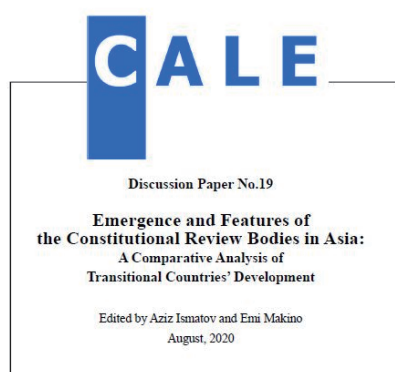
2020/11/24	2020 No. 1 "Political System in the Lao Constitution" (Lecturer: Masanori Ayukyo, Professor Emeritus, Nagoya University)
2020/12/15	2020 No. 2 "Constitution of Myanmar, a multi-ethnic country" (Lecturer: Emi Makino) (11 participants)
2021/1/20	2020 No. 3 "Contemporary Russian Judiciary System-From a Comparison with the Soviet Judiciary System" (Lecturer: Kazutaka Sugiura, Professor Emeritus, Nagoya University) (24 participants)
2021/2/10	2020 No. 4 "Human Rights Issues in Contemporary Russia: From the Perspective of the Relationship between Domestic Law and International Law" (Lecturer: Kazutaka Sugiura, Professor Emeritus, Nagoya University) (16 participants)
2021/5/20	2021 No. 1 "Learning Asian Laws at Nagoya University-From the Experience of International Student Exchange" (Lecturer: Azusa Hongo Anderson Mori & Tomotsune Law Office, Foreign Law Joint Project Associate) (Remotely held) (35 participants)
2021/6/17	2021 No. 2 "Legal Development Support by NPO: Practice of Japan-Cambodia Law Association" (Lecturer: Kazuhiro Shiozawa, Professor, Faculty of Law, Seikei University) (Remotely held)

Other lectures / symposiums

2020/12/19	<p>Online seminar "What is the career of a law instructor at the Center for Japanese Law Education and Research-Attractiveness of interaction with lawyers in Asian countries through education-" (remotely held) (91 participants)</p> <p>Wataru Joto (Atsumi Sakai Law Office Foreign Law Joint Business Lawyer) Worked at CJL Vietnam Mariko Kimoto (Attorney at Anderson Mori & Tomotsune Law Office) Worked at CJL Vietnam Yoichiro Shinoda (Lawyer, Arunrea Law Office) Worked at CJL Cambodia Former JICA Cambodia Legal Development Support Long-term Expert Hironori Shamoto (Tsujimaki Law Office Lawyer) Worked at CJL Uzbekistan, Former Uzbekistan-Nepal JICA Legal Development Support Long-term Expert, Representative Director of Nagoya Uzbekistan Friendship Association Eiji Takao (Deputy Representative Lawyer, Total Kaiketsu Law Office) Worked at CJL Cambodia Moderator, Shoichiro Tamagaki (JICA Governance Peacebuilding Department, Special Commission / Lawyer) Worked at CJL Cambodia</p>
2021/3/18	<p>Seminar "Impact of Myanmar Political Change on Japanese Companies" (Lecturer, Former JICA Long-Term Expert Lawyer) (Remotely Held) (100 Participants)</p>
2021/4/18	<p>Co-sponsored / Symposium "Citizen's Life and Administration after Amendment of Covid-19 Related Laws-Comparison of Theory and Practice in Asia-"</p>

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CALE Discussion Paper No. 19



Nagoya University
Center for Asian Legal Exchange

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CALE News No. 44 (2020/9) No. 45 (2021/3)



Prospects for CALE education and human resource development

--->To develop high-quality local educators with research abilities, mainly international students who have obtained a doctoral degree.

CALE Research Prospects

- Systematically develop multiple research projects while linking them.
- Building a framework to involve experts from Asian countries, mainly returnees, in the above research projects.

Challenges of CALE hub function

- Providing continuing education / training opportunities for returning students who are active as professionals (judges, lawyers, prosecutors, government officials / staff) in their countries/areas, and facilitate their collaboration with Japanese professional counter partners (courts, Ministry of Justice, bar associations.)

- In addition, we need to enhance the presence of CALE and Nagoya University by participating more systematically and actively in international networks among universities and research institutions and international academic conferences. Joint research projects, conferences, and symposia held on the basis of these networks are also effective as a venue for international students and former international students to play an active role in academia.

Examples of international networks in which CALE is a member

*Institutions in parentheses indicate the organizing body.

World Bank Global Forum on Law, Justice and Development

ALIN - Asian Legal Information Network (Korea Legislation Research Institute)

ASLI - Asian Law Institute (NUS)

15

Activity Report for the 22nd Legislative Assistance Program Liaison Conference Twenty Years of International Student Education and Research Exchange at Kobe University

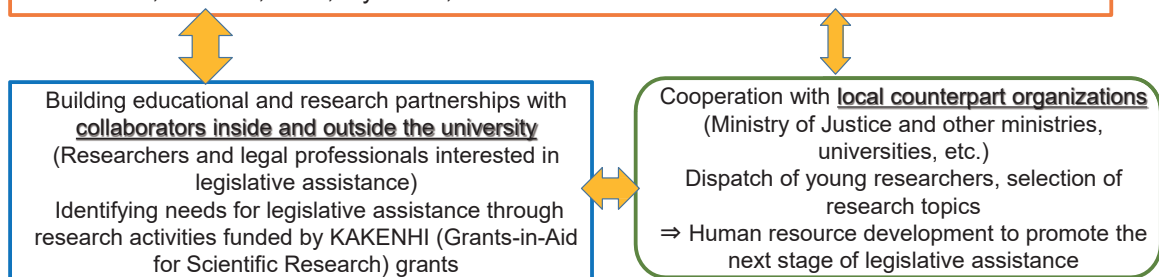


Saturday, June 12, 2021, 10:30-17:30

Prof. Yuka Kaneko, Assistant Director
Kobe University Center for Social Systems
Innovation (KUSSI)

Cooperation in legal education and research with local counterpart organizations

- "System Building Theory Course" launched at the Graduate School of International Cooperation Studies, Kobe University (2005-)
- "Law and Development Program" launched as an educational program
- The International Cooperation Department of the Research and Training Institute, Ministry of Justice, started a course on legislative assistance.
- Project for Human Resource Development Scholarship (JDS Project) and other projects in the framework of the JICA Grant Aid: Acceptance of government-sponsored students from Indonesia, Vietnam, Laos, Myanmar, etc.



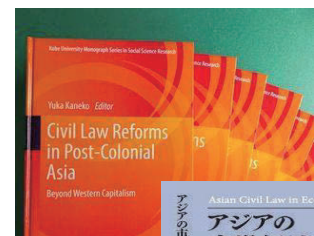
Education and research partnerships with the Ministry of Justice and universities in Vietnam

- Acceptance of young people from the Ministry of Justice, the People's Procuratorate and universities (Hanoi University of Law, Da Nang University of Economics, Ho Chi Minh University of Economics and Law, etc) in the framework of our international student program:
- Overseas academic research by cooperating Japanese professors using the KAKENHI grants ⇒ Cooperation with the dispatching institutions

Research exchange with the officials of the Vietnamese Ministry of Justice involved in the drafting of the Civil Code

↓ Research topics focused on by the dispatched students

- Civil code and land law
- Land use rights and compensation for land expropriation
- Legal interpretation in the application of the United Nations Convention on Contracts for the International Sale of Goods
- Legal restrictions on public-private partnership business contracts
- Bilateral investment agreements and investment dispute settlement systems
- Interpretation and application of the Civil Code in environmental lawsuits
- SME transactions and competition law
- Intellectual property disputes and the judiciary

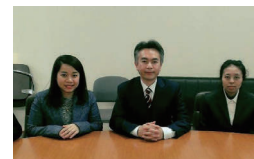


Education and research partnerships with relevant Lao ministries and agencies

International students' research topics are becoming clearer, and they are also learning to write master's theses.

(Thanks to the support? Transparency in the selection process) - Easy to form educational partnerships

- Prime Minister's Office: Investor-state dispute settlement
- Ministry of Foreign Affairs: WTO-TRIPS Agreement
- Ministry of Foreign Affairs: Master plan on the "rule of law"
- Ministry of Foreign Affairs: System for settlement of investment disputes
- Ministry of Justice: Bankruptcy law
- Ministry of Justice: Mediation system



Intellectual Property High Court



Patent Office/WIPO training



Interaction with IP lawyers and legal apprentices

Education and research partnerships with ministries and universities in Myanmar

Increased awareness of international students over time

(Selection process by ministry) - Launch of educational partnerships

- Ministry of Home Affairs: Land dispute resolution and disaster law
- Ministry of Commerce/Chamber of Commerce: Competition law
- Supreme Court: Bankruptcy law
- Office of the Attorney General: Settlement of investment disputes



Bankruptcy law drafting team of the Supreme Court



Ministry of Home Affairs and survey of disaster-stricken areas



Research exchange with the Ministry of Commerce

Bankruptcy Law Study Group of Osaka Bar Association



Educational exchange with Yangon University and Dagon University (twice a year)



Research Exchange with the Office of the Attorney General

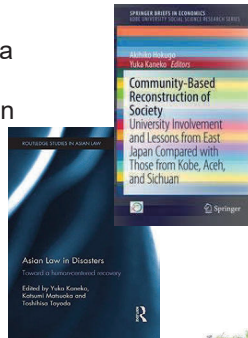
Indonesia: Education and research exchange with courts and other institutions via universities

Exchange between disaster-stricken universities
2004 Sumatra Tsunami

- Reconciliation and mediation system as a means to support disaster recovery
- Publication of a book co-authored with an expert in Sharia law and customary law



Osaka District Court



Ordinary court



Sharia court



Comparative study of ASEAN economic legislations: Examining the outcomes of legislative reforms (2019-21)

- Balancing Trade in the ASEAN Economic Community: Japan works with CLVM (Cambodia, Laos, Vietnam and Myanmar) countries to achieve trade balance in order to prevent trade and investment liberalization in the ASEAN Common Market from creating winners and losers (an important subject since ASEAN Plus 1).

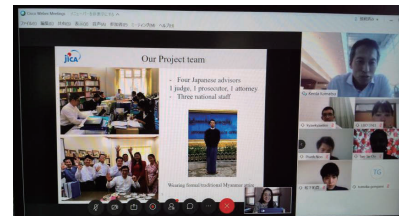
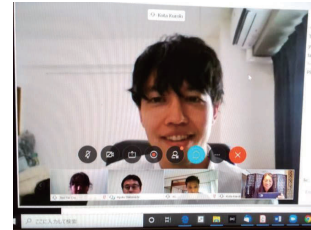


- Break down and quantify the requirements of the institutional infrastructure essential for promoting long-term, sustainable and value-added investment:
- Corporate law, bankruptcy law and financial culture for sound corporate governance
- Legal basis for stable business activities (guarantee of private rights in the Civil Code)
- Contract law and culture as the foundation for sustainable employment and supply chains
- Awareness of market actors toward fair trade
- Stability of legal policy, "rule of law" to control administrative discretion
- Fair and efficient litigation, ADR and enforcement systems for contract enforcement and administrative litigation

Cambodia	Ministry of Justice
Indonesia	Institute of Development Law, Lampung University
Laos	National Institute for Economic Research, Lao PDR
Malaysia	University of Malaysia
Myanmar	Department of Law, Dagon University
Philippines	National College of Public Administration & Governance, University of the Philippines
Thailand	Faculty of Law, Thammasat University
Vietnam	Ho Chi Minh University of Economics and Law

Conclusion: 20 years of involvement and the future

- Long-lasting involvement in legislative assistance in terms of human resource development (with ups and downs)
- A virtuous cycle of educational and research partnerships
- Feedback from research partnerships to promote legislative assistance
We need to conduct result evaluation rooted in the essential functions of law without being bound by legal instrumentalism as in the "Role of Law in Development" advocated by World Bank and IMF...
 - Stability of law - significance and verification of legal drafting support
 - Independence of law: Law cannot be separated from social norms
 - Rule of law/judicial reform: control of administrative discretion under authoritarian regimes
- Increasing importance of educational cooperation under the COVID-19 pandemic
- Research partnerships deepening under the COVID-19 pandemic (joint research)



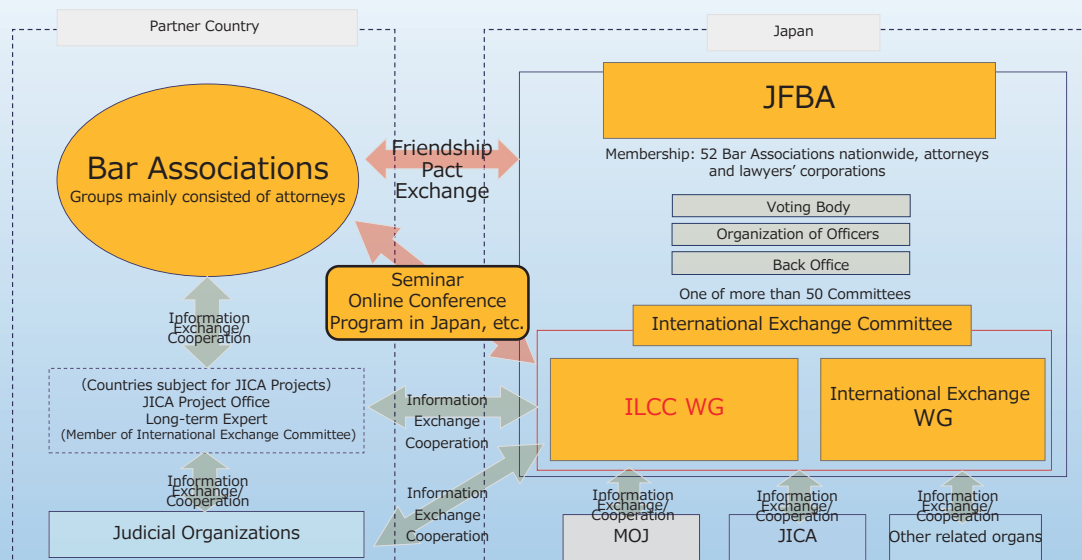
June 12, 2021

The 22nd Annual Conference on Legal Technical Assistance

Japan Federation of Bar Associations(JFBA) Activities for International Legal Support ～FY2020 Report and Future Plans～

Organizer, International Exchange Committee, JFBA
International Legal Cooperation Center (ILCC) Working Group (WG)
Law Research Fellow of International Cooperation Department (ICD) RTI, MOJ
Attorney, ISHISAKI Akito

Implementation of International Legal Cooperation



Outline of Activities Since FY2020

①Country-Focused Activity

«Toyota Foundation Grant Projects»

- Cambodia PT
- Laos PT
- Vietnam PT (※)

«Individual PT Activity»

- Mongolia PT
- ※Vietnam PT

②Transversal Activity

- JICA Knowledge Co-Creation Program (Group and Region Focused) PT

③Event/Training in Japan

- Online seminar: “The Rule of Law in the International Community and the Future of Japanese Attorneys”
- Training to raise next generation attorneys to shoulder international exchange/legal assistance

《On Toyota Foundation Grant Project》

**Making the “law” closer for a peaceful and abundant life:
Collaboration of four countries to realize access to justice
Cooperation on the realization of societies where people can have
Access to Justice in Vietnam, Cambodia, Laos and Japan**

- Aims to enhance Access to Justice by sharing experiences of Vietnam, Cambodia, Laos and Japan and learn from one another.

<http://toyotafound.force.com/psearch/JoseiDetail?name=D19-N-0070>

※The Project launched in Nov. 2019. Then supposed to hold workshops for each country February 2020 onwards and a joint four-country seminar in June, however...

Cambodia

《Actual Situation of Toyota Foundation Grant Project》

Local seminar scheduled to be held in consultation with BAKC.

It was initially scheduled to be held around Oct. 2020, however, it has been pushed back due to Covid-19. BAKC wants to wait until the the situation improves.

It is also planned to create video contents for the general public for promotion of Access to Justice.

Laos

- LBA requested assistance to create a tool which introduces the role of attorneys.

Background: The role of attorneys is not known especially in remote areas.

There have been cases where people could not
have access to justice due to non-involvement by attorneys.
(e.g. forced eviction from the land)

→ Activities downsized due to COVID-19.

« Actual Situation of Toyota Foundation Grant Project »

LBA's executive body was replaced this year. Adjustments are being made on the progress of the Project.

Vietnam

- VBF (and the Bar Association of Nghe An Province, the pilot district) requested for assistance to deliver legal services to remote areas. (e.g. Opening/Operating a remote legal consultation center using SNS).

Background: Western part of Nghe An Province, the largest province in Vietnam, does not have enough attorneys. Despite traveling legal consultation caravans, it is not still enough.

→ Activities downsized due to COVID-19.

- Trainings in Japan, which had been conducted since FY2009 as part of JICA's PJ for supporting legal/judicial system reform with the aim to strengthen the capacity of Bar Associations, was conducted online. (*Implementation method of e-learning, etc.)
- Other activities include Commercial Attorneys Club seminars, etc.

« Actual Situation of Toyota Foundation Grant Project »

- Adjustments are being made as domestic procedure is required for VBF to participate in the Project.

Mongolia

- Association of Mongolian Advocates and Mongolian Bar Association planned on a voluntary training via Zoom.

It is planned as informal training mainly for exchange with its theme “The Role of Attorneys under the COVID-19”. Both countries make presentations on the theme and exchange information.

*It was supposed to be held in Dec. 2020, however, was postponed due to strengthen the quarantine system along with a case of Covid-19 found in Mongolia. The new date is not set yet.

Myanmar

- No specific activities currently
- ✕ Attorneys are now able to make democratic involvement with the Bar Council.

JICA Knowledge Co-Creation Program (Group and Region Focused)

- Project: Knowledge Co-Creation Program on Enhancement of Access to Justice
 - Period: Jan.6-Feb.9, 2021 (8 times)
 - Number of participants: 10
 - Participating Countries/Organizations
Cambodia, Cote d'Ivoire, Laos, Malawi, Uzbekistan, Myanmar, South Sudan, Tanzania and Moldova (9 countries)
- Requirements of Participation
- Those who are interested in the current situation/challenges of Access to Justice in their countries and able to involve in building the system for Access to Justice. (e.g. Ministry of Justice, Courts, Bar Associations, etc.)
- 1 participant from each country, 2 participants from Myanmar,
1 observer from Myanmar

Knowledge Co-Creation Program (Group and Region Focused)

1. Introduction Phase: Preparation of Country Report

2. Preparation Phase: Watch On-demand Video

3. Core Phase: Participate in Live Sessions of Lecture/Discussions

Day 1 : Course orientation/Outline of Japanese judicial system

Day 2 : Country Report

Day 3 : Theory and international trend regarding Access to Justice

Day 4 : Outline of Japan Legal Support Center, major organization for legal aids in Japan

Day 5 : History of Civil Legal Aid System

Day 6 : History of Criminal Legal Aid System

Day 7 : Case Study (Assistance to Cote d'Ivoire), Q&A, Guidelines for Action Plan

Day 8 : Presentation of Action Plan

- **March 23, 2021**

“The Rule of Law and the Future of Japanese Attorneys in the International Community ”

Part 1: Keynote Lecture: “The Rule of Law and the Role of Attorneys in the International Community ”

Speaker: Mr. OWADA Hisashi (The 22nd President of the International Court of Justice)

Part 2: Activity Report by JFBA International Exchange Committee

Participants: Attorneys, legal apprentices, law school/undergraduate students, etc.

- **April 28–July 16, 2021 (6 times)**

“Training for Attorneys Who Will Shoulder the Next Generation of International Exchange/ Legal Support ”

Content: Introducing the activities of JFBA International Exchange

(Exchange Committee WG/ILCC WG) and actual situation of/how to get involved in international exchange/legal support

Participants: Attorneys, and legal apprentices introduced by attorneys

Thank you for your kind attention!

アジア経済研究所 活動報告
Activity Report of IDE

「ビジネスと人権：責任ある企業行動およびサステナビリティに関する政策」に係る
プラットフォーム事業
IDE-JETRO Policy Proposal Research Project FY2020-2022
“Platform for Business and Human Rights:
Responsible Business Conduct and Sustainability Policy”

日本貿易振興機構アジア経済研究所 新領域研究センター 法・制度研究グループ長
山田 美和 miwa_yamada@ide.go.jp
Director, Law and Institution Studies Group, Inter-disciplinary Studies Center
Institute of Developing Economies, JETRO
2021年6月12日 法務省国際法総合センター国際会議場A

IDE-JETRO Policy Proposal Research Project FY2020-2022
“Platform for Business and Human Rights: Responsible Business Conduct and Sustainability Policy”
ビジネスと人権：責任ある企業行動およびサステナビリティに関する政策提言事業

Purpose

- to research how Japanese business should integrate human rights respect and advance human rights due diligence in their core operations including supply chains and what are effective policy measures to create enabling environment for business.
- to organize seminars and workshops to promote UN Guiding Principles on Business and Human Rights and create a platform to discuss the issue among multi-stakeholders such as government agencies, companies and civil society groups.
- 日本企業のサプライチェーンで重要なアジア地域を中心に、ビジネスと人権に関する政府と企業の動向を調査し、企業はどのように人権尊重を企業活動の中に取り込むべきか、責任ある企業行動、責任あるサプライチェーンを実現できるか、そして日本政府としてどのような政策が必要か等について調査するとともに提言を行う。中小企業を中心とする企業が直面する課題を洗い出し、日本政府「ビジネスと人権に関する国連指導原則」にもとづく国別行動計画（NAP）の実行や見直しに有効なインプットを行う。ビジネスと人権、責任ある企業行動、持続的で包括的なサプライチェーンやサステナビリティに関する議論をする場としてのプラットフォームとして研究会を運営する。

Research

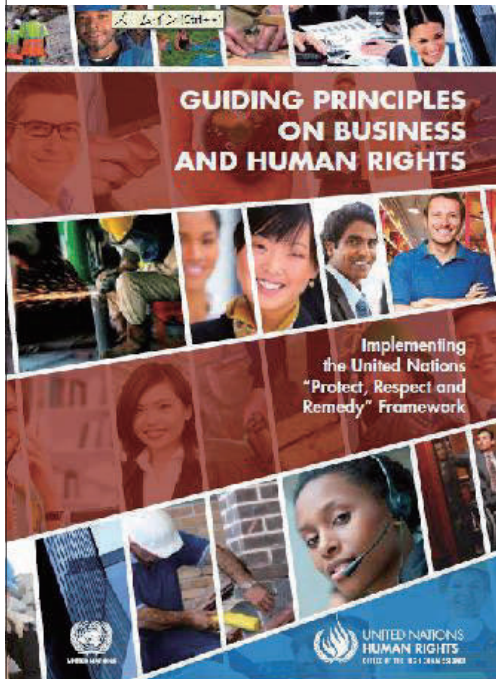
- Responsible Supply Chains in Vehicle Parts Industry Case Studies and Challenges in collaboration with ILO
- Opportunities and challenges of Japanese companies
- Trend of development in policy measures taken by governments, including legislating mandatory due diligence in Europe
- IDE Policy Brief: アジ研ポリシー・ブリーフNo. 146 2021年4月「人権デューデリジェンスをいかに促すか——日本政府「ビジネスと人権に関する行動計画（2020-2025）」を活用する」No. 142 2021年2月「欧州で活発化するデューデリジェンス義務化の動き」

Multi-Stakeholders Platform

Members: IDE-JETRO, Keidanren, Global Compact Network Japan, Japan Business Council in Europe, Human Rights Watch, Japanese Trade Union Confederation, Japanese Bar Association
Observers: METI, MHLW, FSA, etc.
Guest speakers: German Embassy, Myanmar Centre for Responsible Business, Ministry of Environment, Maersk, etc.

Outreach

- 「グローバル・サプライチェーンにおける責任ある労働慣行の実践と持続可能性～」タイにおける日本の自動車部品企業事例～」ILO駐日事務所と共催（2021年2月4日）
Webinar: Advancing Responsible Labour Practices and Sustainability in Global Supply Chains - Learning from Japanese Vehicle Parts Companies in Thailand -
- ハイレベルイベント「レジリエンス構築における責任ある企業行動の役割」EU/OECD/ILO共催における報告（2021年1月21日）
High Level Event: The role of Responsible Business Conduct in building resilience - Perspectives from Japan
- ジェトロ・メンバー会向けオンライン講座「責任あるサプライチェーン ビジネスと人権を視座においた企業の取り組み」（12月2日～3月2日配信）
JETRO On-line seminar for members: Responsible Supply Chains
- 今年度予定：夏期講座、中小企業団体とのセミナー、国際シンポジウム等
Under planning: IDE Summer Course on BHR, seminars with SMEs, International Symposium on BHR



UN Guiding Principles on Business and Human Rights 「ビジネスと人権に関する国連指導原則」

企業活動と人権の問題の深刻化の根本原因は‘ガバナンス・ギャップ’の存在。すなわち多国籍企業などの経済的アクターがもたらす負の側面と、それを適切にコントロールできない国際社会側の能力のギャップ。それをできるだけ少なくし埋めていくことが課題。

To fill “governance gap” =the gap between the sphere of influences and the scale of impacts caused by economic actors (including enterprises), and the inability of society to properly control the negative impact therefrom.

I 人権を保護する国家の義務(1-10)

The state duty to protect human rights

II 人権を尊重する企業の責任(11-24)

The corporate responsibility to respect human rights

III 救済へのアクセス(25-31) Access to remedy

3



日本政府「ビジネスと人権」に関する行動計画(2020-2025) National Action Plan on Business and Human Rights 2020年10月16日策定・公表 launched on 16 October, 2020

ビジネスと人権に関する行動計画に係る関係省庁連絡会議

Inter-Ministerial Committee on Japan's National Action Plan on Business and Human Rights



第2章 行動計画

(3) 人権を尊重する企業の責任を促すための政府による取組

ア. 国内外のサプライチェーンにおける取組及び「指導原則」に基づく人権デューディリジェンスの実施

<これまでの取組> 23頁

「普及・支援活動では、企業向けに、(独)日本貿易振興機構(JETRO)アジア経済研究所や・・・関係機関による調査研究を実施し、その成果を発表してきている。」

Chapter 2. Action Plan Page 23

(3) Measures of the Government Promoting Corporate Responsibility to Respect Human Rights

A. Measures Related to Domestic and Global Supply Chains and Promotion of Human Rights Due Diligence Based on the UNGPs (Measures taken)

In terms of awareness-raising activities and support, studies and research have been conducted by relevant institutions, including IDE-JETRO ...

4

日本企業の機会と課題—責任あるサプライチェーン調査結果から Opportunities and challenges of Japanese companies in 'Responsible Supply Chain'

- 自社のオペレーションが人権に与えるリスクについて日本企業は認識しつつあり、事業活動における人権デューデリジェンスの実施・強化が望まれる。リスクに対応することでプラスの成果を最大に。

Japanese companies are aware of risks of its operations impacts on human rights. Need to strengthen DD implementation. Maximize positive impacts by addressing risks.

- 人権尊重、経営の透明性、説明責任および建設的な労使関係を支援することで、サプライチェーン全体のレジリエンス、持続可能性、企業価値の向上につながる。

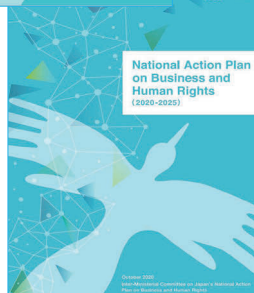
Supporting respect for human rights, transparency in management, accountability and constructive labour relations will lead to resilience, sustainability and increased corporate value through supply chains.

- 望む公的支援には、現地政府の政策や法規制に関する情報提供、企業の社会的責任、労働、環境の問題に関する現地の情報、現地政府への制度支援やキャパシティビルディングがある。企業が責任ある企業行動、人権尊重責任をはたせる環境を構築する、とくに、企業が単独では軽減できない構造的リスクに対処してほしい。

Japanese companies seek for public support including provision of information on policies, laws and regulations in the place of operation, and information on local issues relating to corporate social responsibility, labour and environments, and assistance to local governments in institution and capacity building. Government has a role to play in creating an enabling environment for companies to practice responsible business conduct that covers human rights, labour, environmental standards and good governance. In particular, governments should address systemic risks that businesses can't mitigate on their own.

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5



法整備支援と「ビジネスと人権」 Legal Technical Assistance and Business and Human Rights

第2章 行動計画

(5) その他の取組

(今後行っていく具体的な措置) 29頁

途上国における法制度整備支援

・ODAを活用し、関係府省庁とも協力しつつ、法の支配の下における人権の保障と自由な経済活動の基礎となる法令の起草・改正、法運用組織の機能強化と実務改善、法曹人材育成、司法アクセスの向上等に関する支援を実施する(JICAによる専門家派遣、研修、セミナー等)。【外務省、法務省】

Chapter 2. Action Plan

(5) Other Measures

(Future measures planned) Page 29

Support development of legal systems in developing countries

・Utilizing ODA and in cooperation with relevant ministries and agencies, provide assistance that ensures human rights under the rule of law and forms the foundation of free economic activities in areas that include: drafting and amendment of legislation; enhancement of capacities of and improving practice of legal and judicial institutions; capacity-building of legal professionals; and improvement of access to justice (through dispatching experts and providing training courses and seminars by JICA). [Ministry of Foreign Affairs, Ministry of Justice]

6

相手国政府が人権保護義務をはたし、現地で操業する企業が人権尊重責任をはたせる環境 (enabling environment)をいかに整えるか スマートミックスと政策の一貫性 Smart mix and Policy Coherence

➤「国家は、企業が常に国家の不作為を好み、または国家の不作為から利益を得ると推定すべきではなく、企業の人権尊重を助長するため、国内的及び国際的措置、強制的及び自発的な措置といった措置のスマートミックスを考えるべきである。」(原則3 解説)

State should not assume that business invariably prefer, or benefit from, State inaction, and that should consider a smart mix of measures – national and international, mandatory and voluntary – to foster business respect for human rights. (UNGP 3 Commentary)

➤ 政策の一貫性＝「会社法および証券規制法、投資、輸出信用及び保険、貿易、労働を含む、国および地方レベルで企業の実務を規律する部局や機関の共通認識と合致した行動」(原則8 解説)

Horizontal policy coherence means supporting and equipping departments and agencies that shape business practices – including those responsible for corporate law and securities regulation, investment, export credit and insurance, trade and labour – to be informed of and act in a manner compatible with the Governments' human rights obligations. (UNGP 8 Commentary)

➤ 法整備支援は日本政府として指導原則を具現化するものであり、同時に相手国の指導原則の実行を支援する。救済へのアクセスを確保する。市民社会のスペースを確保する。

Legal technical assistance embodies Japan's state duty under UNGP and supports recipient countries in implementing UNGP as their state duty to protect human rights, ensuring access to remedy and space for civil society engagement.

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7

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High Level Event “The role of Responsible Business Conduct in building resilience - Perspectives from Japan” Programme and Report
<https://www.rscaevents.org/hle-japan>

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8

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The 1st Global Youth Forum for a Culture of Lawfulness (Col-YF)

KUROKI, Kota

Professor of ICD

I. Introduction

The 1st Global Youth Forum for a Culture of Legal Compliance (Col-YF)¹ (hereinafter referred to as the “Youth Forum”) was held at the Tokyo International Forum for two days, on October 9 and 10, 2021, hosted by the Ministry of Justice and supported by the United Nations Office on Drugs and Crime (UNODC), the Ministry of Foreign Affairs (MOFA), and the Japan Federation of Bar Associations (JFBA). Due to the COVID-19 situation, the Youth Forum was held in a hybrid format, combining in-person and online participation; and about 120 youths from 41 countries participated. From the Research and Training Institute (RTI), Prof. OKUDA Yoshinori, Prof. OTSUKA Takeaki, and Prof. MIYAGAWA Tsubura of the United Nations Asia and Far East Institute for the Prevention of Crime and the Treatment of Offenders (UNAFEI), as well as Prof. SHOJI Minako, Prof. ITO Mizuki and myself (KUROKI Kota) of the ICD participated as moderators² etc.

At the Kyoto Congress Youth Forum held in February 2021, recommendations with 40 items for the realization of a safe and secure society were adopted and have been presented to the Fourteenth United Nations Congress on Crime Prevention and Criminal Justice (the Kyoto Congress) at its opening by youth representatives. The recommendations provided fresh perspectives that only young people could offer to the discussions at the Kyoto Congress, and were highly evaluated by many countries. In addition, the “Kyoto Declaration”, which was adopted as the outcome document of the Kyoto Congress, pointed out the importance of empowerment of young people through holding Youth Forums and other activities.

Therefore, as a legacy of the Kyoto Congress, the Ministry of Justice, in cooperation with UNODC, has decided to hold the “Global Youth Forum for a Culture of Lawfulness” on a regular basis, and this Forum was the very first one. This article describes the background and outline of this Forum.

The opinions expressed in this article are the personal ones of the author and the professors in charge.

¹ Website : https://www.moj.go.jp/Implementing_the_Kyoto_Declaration/en/col_yf/report/report_1st.html

² Specifically, Group Session1 Sub-group 2 was moderated by myself (KUROKI Kota), Group Session2 Sub-group 1 by Prof. SHOJI and Prof. ITO, Group Session 2 Sub-group 2 by Prof. OTSUKA, and Sub-group 3 by Prof. OKUDA, while Prof. MIYAGAWA supported the compilation of the draft recommendations of Sub-group 2. Although the responsibility for this article lies with me, I had other professors cooperate with the impressions of Group Session 2 in IV of this article.

II. Outline and Theme of the Youth Forum

A “culture of lawfulness” means a culture in which people trust that the law and its enforcement are fair and impartial, and therefore respect them. The name of the Global Youth Forum reflects the desire to foster a “culture of lawfulness” with young people, the driving force of the next generation of society, as the basis for achieving the Sustainable Development Goals (SDGs).

It is very important for young people from all over the world to recognize not only the diversity of their individual backgrounds, but also the differences in the cultures and traditions that have been cultivated in the societies to which they belong and the legal systems that are based on those cultures and traditions, and to become aware of this diversity. Through such awareness, young people can deepen their understanding of their own societies and systems, accept each other’s differences as facts, and discuss the tailor-made “culture of compliance with the law” in their own societies, as well as how the whole world should be in the future.

Under the overall theme of “ the Role of Youth in Achieving a Diverse and Inclusive Society” the Youth Forum was divided into Groups on “ Reaching the Age of Adulthood and Participation in Society ” and “ Crime Prevention and Criminal Justice in the Post-COVID-19 world—Youth Participation in Achieving an Inclusive Society”, where young people from around the world engaged in discussions. These themes are important for achieving the SDGs amid the COVID-19 has brought division and disparity to society. At the end of the forum, the participants adopted recommendations that were presented at the UN Commission on Crime Prevention and Criminal Justice (CCPCJ) in November 2021.

III. Outline of the Youth Forum

The main schedule of the Youth Forum was as below:

Day 1 (October 9)

- **Opening Ceremony**
- **Opening Plenary**
- **(Divided into Group 1 and Group 2) Subgroup Discussions**

Each Group was further divided into five sub-groups, which enabled discussions to be held in small groups of one moderator and a maximum of 12 participants per sub-group. For example, I was the moderator of Subgroup 2 of Group Session1 (“Reaching the Age of Adulthood and Participation in Society”), and my Group had about 10 participants (in-person and online).

- **Interim Reporting of the Group Discussion**

In each Group, the representatives of the five subgroups reported the contents of the discussion to the whole Group Session. The purpose of this was to share the status of the discussion among the subgroups with other subgroups and to make use of it in subsequent discussions. For example, one representative from Sub-group 2 of Group Session1 reported the contents of the discussion to the entire Sub-group 1 in about 5 minutes.



Group Session 1, Subgroup 2

Day 2 (October 10)

- **Subgroup Discussions in Group 1 and 2 (continued)**
- **Final Reporting of the Group Discussion**

In the final report, a representative of each of the five subgroups reported what had been discussed in each subgroup to the entire Group. On the basis of this report, the Rapporteur of that group session prepared a draft recommendation.

- **Approval of the Draft Recommendation within the Group Session**

The draft recommendations prepared by the Rapporteur were discussed and revised. Specifically, the Rapporteur of each group session first read out the draft recommendations to the participants. Next, the participants who had suggestions for amendments proposed specific wording for the amendments with concise reasons. When all amendments had been made, Rapporteur confirmed them, and the Lead Moderator declared that the Group had approved the draft recommendation, and the draft recommendation was approved.

- **Closing Plenary**

The Chairperson introduced the preamble of the draft recommendations she had prepared, followed by the Rapporteur of each Group explaining the contents of the draft recommendations approved by each Group Session and then the entire draft recommendations were adopted.

- **Closing Ceremony**



Venue: Tokyo International Forum

IV. Discussion of the Youth Forum and Impressions

【Group Session 1】

In Group Session 1, Subgroup 2, which I was in charge of, there was a lively discussion on the theme of “Reaching the Age of Adulthood and Participation in Society,” taking into account the circumstances and background of each country. For example, when considering what it means to be an adult, various discussions were held, starting from what the word “independent” means in the first place, and the discussion extended to not only economic aspects but also psychological, physical, and biological aspects. There was also a discussion on how to prepare for adulthood, including the need to prepare through education and other means, but also on the aspect of gradually training one’s abilities, and on how to deal with things that become legal after a certain age, such as drinking alcohol. It was also agreed that it is important for young people to have the courage to speak out against society, but there was also a discussion on how to deal with the fact that young people who speak out may be subject to slander. In addition, it was discussed that COVID-19 brought various difficulties to the society, but there were also positive aspects such as the promotion of online education, and how to deal with the division and disparity between those who do not have sufficient Internet access and those who do. There were in-depth discussions on a wide range of topics other than those mentioned here. It was wonderful to have such a discussion online and in English, which is the second language for many participants.

I am a professor with a background as a judge, and it is important for judges to respect the opinions of people in different positions, such as plaintiffs and defendants in civil cases, and prosecutors, defense counsels, and defendants in criminal cases. I was impressed by the fact that the young people who participated in the subgroup expressed their opinions openly while respecting each other’s positions. In the context of the impact of COVID-19, we discussed what can and cannot be replaced online. The participants were able to connect with each other online, and I hope that they will be able to network and change society for the better through face-to-face meetings.

【Group Session 2³】

★ Subgroup 1 (Prof. SHOJI/Prof. ITO)

There were various opinions from a wide range of perspectives, such as: the spread of unfounded information due to people’s heightened anxiety caused by COVID-19, which led to an increase in crimes caused by discrimination and prejudice; the promotion of ICT due to the long-lasting lockdown, which led to the spread of Internet crimes and cyber bullying in which young people became both perpetrators and victims; the background to these crimes was the concerns and worries of the perpetrators themselves, and the need for government agencies to approach them

³ I would like to express my gratitude for the comments from each professor in charge of Group 2.

as well. In the midst of the COVID-19 situation, which is an issue that is very close to the hearts of the participants, we had a very fruitful discussion in which each of us sincerely faced the social problems that each country was facing and seriously considered solutions.

In the course of such active exchange of opinions among the participants, it was pointed out that in today's society, young people tend to be regarded as not playing a significant role in solving problems, but in reality, young people, like the participants of this forum, have a strong desire to solve problems and have their own opinions and also the capacity building of practitioners is also essential to combat online crimes, which have become prominent in the COVID-19 situation, and it was also suggested that the knowledge and experience of young people in ICT, especially in SNS, can contribute to this. It was truly impressive to see the power of these young people, who consider themselves to be important actors in society and are earnestly trying to solve social issues. This forum has a great role to play in realizing a society that can utilize such power of the youths and grow even larger.

★ Subgroup 2 (Prof. OTSUKA)

The discussion began with the sharing of the actual situation in each country regarding the socioeconomic inequalities amplified by the COVID-19. It was argued that it is necessary not only to rebuild the lives of those whose livelihoods have visibly changed drastically due to the damage to many industrial sectors such as tourism, but also to reach out to those who have been working in the informal sector, young people, and people with disabilities, who are in a more difficult situation due to their vulnerable position. They also discussed the merits and demerits of the progress of digitalization, such as the spread of educational opportunities using ICTs, but the people who cannot take advantage of them, the challenges of slow diffusion in rural areas, and the increase in fraud and sexual crimes in the digital environment. Furthermore, the importance of integrated mental and legal care was emphasized in relation to crimes such as domestic violence as well as the mental health problems of people who are trapped and isolated by the COVID-19. The participants spoke passionately about strengthening partnerships between youth organizations and international and governmental organizations for young people to act as agents of support for and raising awareness of these social issues, which are also deeply related to the SDGs, and providing appropriate support for their activities. It was greatly encouraging to see the participants' high sensitivity and initiative to social issues.

★ Subgroup 3 (Prof. OKUDA)

Many of the participants pointed out the importance of education, especially the improvement of media literacy, as one of the measures to deal with the various issues (spread of fake news, cyber bullying, etc.) that were brought to light by the COVID-19. Specifically, on the premise that the government and mass media are required to provide the public with the information that

the public needs in a timely and accurate manner, young people, who are the recipients of the information, must also verify and consider the information themselves, and utilize and transmit it appropriately. Today's young people are not only in a position to acquire information, but also have the tools to transmit it themselves, and I felt that this opinion was based on an awareness of how this should be, and that it was a viewpoint that only young people could have. On the other hand, the participants from Africa also expressed their opinion that the problem of corruption lies in the background of economic disparity and poverty, and when I saw young people explaining the actual situation of corruption in their own countries and expressing their opinions on how to deal with it, without being bound by the issues we had assumed, I felt once again the high level of enthusiasm of young people to tackle social issues.

V. Conclusion

As I mentioned at the beginning of this article, this Youth Forum was the first in a series of “Global Youth Forums for a Culture of Lawfulness”, which the Ministry of Justice decided to hold regularly as a legacy of the Kyoto Congress. As such, there were some uncertainty about how the Youth Forum would turn out, but thanks to the active and motivated discussions of the participants, it turned out to be a wonderful and lively Forum.

The Global Youth Forum will continue to be held on a regular basis, and we look forward to further active discussions in the future.



Booth of RTI (UNAFEI/ICD)

International Comparison of “Civil Suits for Trademark Infringement”
Summary of the Results
of the Judicial Symposium on Intellectual Property (JSIP) 2021
(Day 2 Morning Session by the Ministry of Justice)

KUROKI Kota

ICD Professor

I. Introduction

From Wednesday, October 20, 2021 to Friday, October 22, 2021, the Ministry of Justice, together with the Supreme Court of Japan, IP High Court, Ministry of Justice, Japan Patent Office, Japan Federation of Bar Associations and IP Lawyers Network, co-hosted the Judicial Symposium on International Property (JSIP) 2021. This symposium has been conducted jointly with these organizations since 2017. The purpose of the symposium is to foster a common understanding of the legal systems and issues of each country regarding the resolution of intellectual-property-related disputes, to improve the IP dispute resolution capabilities of the entire Asian region, including the ASEAN region, and to provide information to Japanese legal professionals and private companies engaged in international business.

On Day 2, Thursday, October 21, 2021, the Ministry of Justice was in charge and conducted a panel discussion in the morning with participation of Japan and nine ASEAN countries (Indonesia, Cambodia, Singapore, Thailand, the Philippines, Brunei, Vietnam, Malaysia, and Laos), using hypothetical cases and questions on trademark infringement litigation.

At the venue in Japan, the moderator, attorney Mr.YABE Kozo, and commentators attorney Ms.ITAI Noriko, attorney Ms.TSUJI Junko, attorney Ms.IWAI Kumiko and the keynote speaker, judge the Honorable. KOKUBU Takefumi participated. Panelists from the nine ASEAN countries participated online and lively discussions took place. The time schedule is shown in the Appendix.

This article describes the outline of the hypothetical case and questions and introduces the discussions on trademark infringement litigation procedures in ASEAN countries based on the results of the panel discussion. The opinions expressed in this article are the author’s personal ones.

I would like to express sincere gratitude to the panelists, Mr. YABE Kozo, Ms. ITAI Noriko, Ms. TSUJI Junko, Ms. IWAI Kumiko and the keynote speaker, the Honorable KOKUBU Takefumi for their great efforts in the preparation of this report.

II. Hypothetical case and questions

1. [Case]

Please kindly suppose a civil lawsuit is filed in your country in respect of the following hypothetical case:

(1) Parties

(a) Plaintiff: XBC Co. Ltd. (“XBC”)

XBC is the former sole distributor in your country of the Asia Building Construction Machine Corporation (“**ABCM Corp.**”) (ABCM is headquartered abroad (not your country)).

In your country, XBC has registered a trademark that the designated goods are construction machineries etc. (“**Plaintiff’s Trademark**”) as follows:

Plaintiff’s Trademark: “ABCM”

A B C M

(b) Defendant: YBCM Inc. (“YBCM”)

YBCM is a wholly owned subsidiary of ABCM Corp. YBCM imports construction machineries produced by ABCM Corp. into your country, and sells or leases them to construction companies in your country. The products bear one of the following marks (“**Defendant’s Mark**”).

Defendant’s Mark 1: alphabetical trademark “ABCM”

A B C M

Defendant’s Mark 2: alphabetical trademark “ABCM” and images of construction machinery



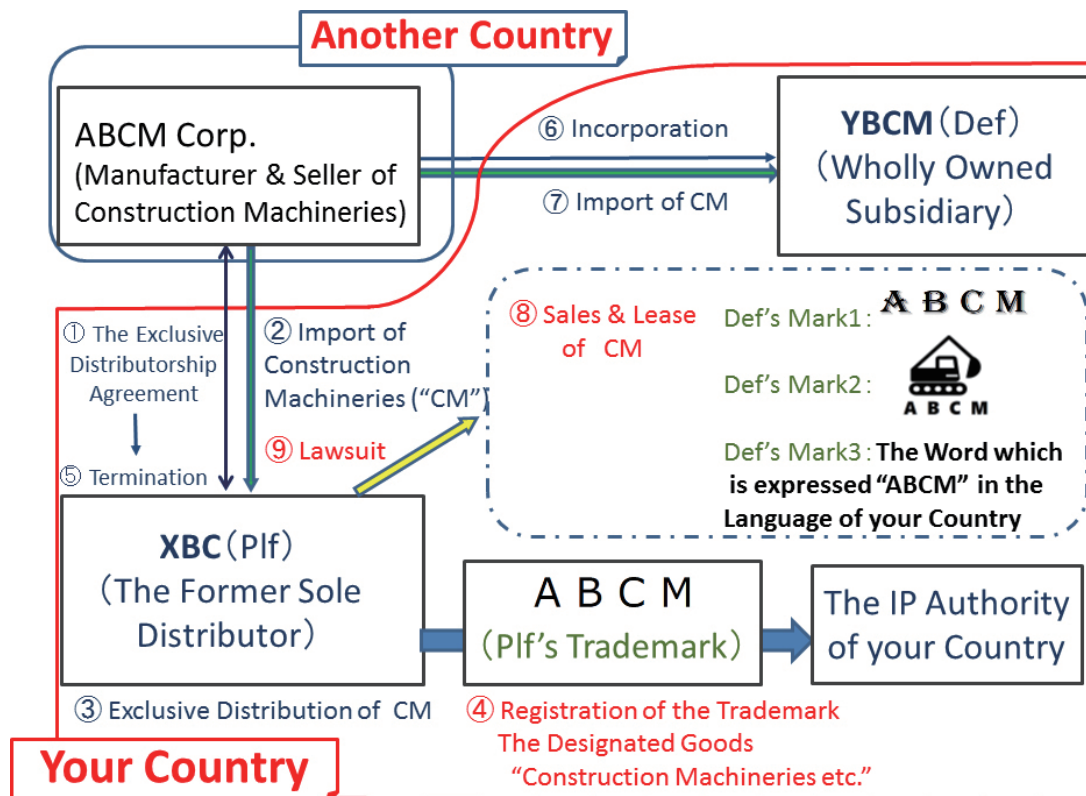
Defendant’s Mark 3: The word which is expressed “ABCM” in the language of your country

(2) Background facts

(a) ABCM Corp. is a company established under the laws of another country (not your country)

that manufactures and sells construction machineries and it routinely conducts business in East and Southeast Asia. Since the incorporation, ABCM Corp. has used the mark “ABCM” and the Defendant’s Marks as described above for its products. The company’s name and the alphabetical trademark “ABCM” are well known in ABCM Corp.’s home country, but they are not well known in your country.

- (b) Until five(5) years ago, XBC (Plaintiff), as the sole distributor of ABCM Corp. in your country exclusively sold construction machineries manufactured by ABCM Corp. in your country. However, due to revitalization of market activity in your country, ABCM Corp. planned to establish a wholly owned subsidiary in your country for the purpose of distributing ABCM Corp.’s machineries. XBC negotiated with ABCM Corp. to maintain its distributorship, but that attempt failed. As a result, ABCM Corp. terminated the exclusive distributorship agreement with XBC in compliance with relevant laws and contractual obligations in your country.
- (c) On the other hand, around the time when the negotiation mentioned in (2)(b) above was started, XBC applied for and registered Plaintiff’s Trademark (ABCM) with the IP authority of your country without the permission of ABCM Corp., by taking advantage of the fact that ABCM Corp. had not obtained a registered trademark in your country (and no application was filed under the Madrid Protocol).
- (d) At the beginning of last year, ABCM Corp. then incorporated YBCM (Defendant) as a wholly owned subsidiary in your country, and started its business directly through YBCM in your



country.

- (e) This year, XBC filed the lawsuit in your country against YBCM complaining the importation, sales, and lease of the construction machineries bearing Defendant's Mark(s) is the infringement of Plaintiff's Trademark.

2. [Questions]

Given the hypothetical case described above, we would like you answer the following questions:

- Q1) What kind of claims and allegations might XBC (Plaintiff) raise regarding trademark infringement in your country (for example, injunction and compensation for damages against the sale of the defendant's products in your country on the grounds of trademark infringement)?
- Q2) What kind of defenses and allegations might YBCM (Defendant) raise regarding trademark infringement in your country (for example, non-similarity of the trademark, cancellation of registration or invalidation of plaintiff's trademark, license, etc.)?
- Q3) Please explain how the trademark infringement cases are judged in your country, and how you judge trademark infringement in the hypothetical case above, including the following points.
- 1) What factors are taken into account in making decisions on the similarity of the Plaintiff's and the Defendant's marks?
 - 2) Is the similarity regarding designated goods or services considered? If so, what factors are taken into account?
- Q4) How are infringement and damages theories asserted, proven, and refuted in the course of litigation? [For instance, are they respectively determined on two different stages?]
- Q5) Please explain how damages for trademark infringement are calculated in your country.
- Q6) If the Plaintiff had registered the Plaintiff's Trademark but has not actually been used for the sale of construction machinery, would the decision in Q1 to Q5 be affected?
- Q7) If this case were filed in your country, what final judgment would you expect by taking into account the Defendant's defenses available? Please briefly explain your conclusions and reasons.

Q8) Please explain the enactment or amendment of any trademark laws in your country within the last five (5) years, including the recent legislation to be compliant with treaty obligations (e.g., the TPP Agreement).

In addition, please kindly provide information on the characteristics of the registration and use of trademarks in your country as compared to other countries.

III. Discussion on Trademark Infringement Litigation Procedures in ASEAN Countries

There was a discussion, using the hypothetical case, on the procedures of civil suits for trademark infringement in nine ASEAN countries. The following is a brief introduction in the order of the questions.

1. Plaintiff's Claims and Allegations

In the case of trademark infringement, it is generally common among the ASEAN nine countries that a claim for an injunction, compensation for damages, destruction of infringing goods, or removal of infringing marks could be made. Furthermore, in some countries, a request for delivery of infringing goods is also possible.

2. Defendant's Defenses and Allegations

It is common to all nine ASEAN countries that a claim concerning non-infringement can be made.

As a defense other than a non-infringement claim, many countries allow the plaintiff to raise a counter-allegation of rescission or invalidation of the trademark registration on the ground of registration for fraudulent purposes or in bad faith.

Some countries allow revocation on the grounds of non-use by the plaintiff.

However, it depends on each country whether such a decision is made by the court or whether separate measures are taken by the administrative agency in charge of IP. Some countries allow defenses based on the defendant's track record of prior use.

3. How to Determine Trademark Infringement

Some countries consider the possibility of confusion as a factor in determining trademark infringement as a separate factor from the similarity or non-similarity of the trademark and the goods or services. This is different from Japan, where the possibility of confusion is considered not as an independent factor but in the category of trademark and the category of goods or services.

There are several countries that list the three elements of appearance, sound, and concept or meaning as the elements for judging the similarity or disagreement of trademarks; there are also several countries that list more detailed elements.

It seems to be common among the nine ASEAN countries that the similarity or non-similarity of

the designated goods is taken into consideration.

As for the analogy with each defendant's mark in the hypothetical case, the nine ASEAN countries agreed at the conclusion that the marks are identical or similar.

4. Practice of Courts on Infringement and Damages

In Japan, the practice in the IP Divisions of the Tokyo District Court and the Osaka District Court adopt the two-phase proceedings system for patent infringement suits, in principle. In the first stage (Stage for examination on infringement), the court conducts proceedings on whether the patent has been infringed or not (including invalidity of the patent). After the court finds that infringement has actually occurred, the second-phase proceedings will be conducted on the amount of damage (Stage for examination on damages). If the court does not find infringement, it does not proceed to the stage for examination on damages.

There are four countries that responded that, like Japan, the proceedings for infringement and damages are conducted in separate stages. On the other hand, two countries responded that they do not have such separate stages.

5. How to Calculate the Infringement (Amount)

The point of considering the plaintiff's lost profits and the profits obtained by the defendant from the infringement is generally common among the nine ASEAN countries. Some countries take reasonable license fees into account. There is also a tendency to allow punitive damages in many countries. In some countries, when the plaintiff could prove the damage but could not prove the amount of damage, the amount of damage is decided at the discretion of the court.

6. Cancellation due to Non-Use

In all of the nine ASEAN countries, a system of revocation or extinguishment on the grounds of non-use of the plaintiff's trademark is recognized. It is also common to most of the countries that if there are justifiable reasons or special circumstances for non-use, the trademark concerned will be protected without being cancelled.

On the other hand, conditions such as whether or not the claimant has an interest in the trademark, the starting point and number of years of non-use, and whether the request for cancellation, etc. should be made to the IP Office or by a court decision vary from country to country.

7. Conclusion of the Case

The finding of identity, similarity and likelihood of confusion between the plaintiff's registered trademark and either of the marks used by the defendant seems to be common to all nine ASEAN countries. However, in this case, the plaintiff was a former distributor of the defendant's parent company, and after the distributorship agreement was terminated, the plaintiff registered the

trademark application by taking advantage of the fact that the trademark had not yet been registered in each country.

Considering such circumstances, it is also common in almost all countries from the viewpoint of fairness that the plaintiff's claim could be dismissed on the grounds that the plaintiff was not in good faith or was in bad faith when he registered the trademark application.

8. Recent Amendments to the Trademark Law

Malaysia explained that there was a major revision of trademark law in 2019.

IV. Conclusion

The symposium was beneficial in practice as well, as it allowed us to compare and examine the systems of each country regarding civil litigation procedures for trademark infringement.

This symposium has been a valuable opportunity for front-line IP practitioners from Europe, the United States, and Asia to exchange frank opinions. The Ministry of Justice would like to continue to promote exchanges with other countries, deepen mutual understanding, and hold fruitful discussions in order to improve the quality of IP litigation.



Panel Discussion

JSIP2021: The Schedule for the Program by the Ministry of Justice of Japan

Thursday, October 21, 2021

Trademark Legislation and Enforcement in ASEAN Countries

(Japan Time) 9:30~10:00	Registration
10:00~10:10	Opening Remarks by the Ministry of Justice of Japan and Photo Session
10:10~11:50	<p>Panel Discussion</p> <p>"Civil Suits for Trademark Infringement"</p> <p>Panelists: Judges from nine countries (Brunei, Cambodia, Indonesia, Laos, Malaysia, Philippines, Singapore, Thailand, and Viet Nam)</p> <p>Keynote speaker: Mr. KOKUBU Takefumi (Presiding Judge from the Tokyo District Court)</p> <p>Commentator: Ms. TSUJI Junko, Ms. ITAI Noriko and Ms. IWAI Kumiko (Attorneys)</p> <p>Moderator: Mr. YABE Kozo (Attorney)</p>
11:50~12:00	Break (10 minutes)
12:00~13:00	<p>Panel Discussion (continued)</p> <p>"Civil Suits for Trademark Infringement"</p>
	Q&A Session
13:00~14:00	Lunch Break (1 hour)
14:00~15:30	<p>Panel Discussion (Working Session 1)</p> <p>"Administrative Enforcement against Counterfeit Goods"</p> <p>Panelists: Administrative officials from five countries (Cambodia, Japan, Laos, Thailand and Viet Nam)</p> <p>Commentator: Mr. KUROSE Masashi (Patent Attorney)</p> <p>Moderator: Mr. KUROKI Kota (Professor, Research and Training Institute of the Ministry of Justice)</p>
15:30~15:40	Break (10 minutes)
15:40~17:10	<p>Panel Discussion (Working Session 2)</p> <p>"Administrative Enforcement against Counterfeit Goods"</p> <p>Panelists: Administrative officials from five countries (Brunei, Indonesia, Malaysia, Philippines, and Singapore)</p> <p>Commentator: Mr. KUROSE Masashi (Patent Attorney)</p> <p>Moderator: Mr. KUROKI Kota (Professor, Research and Training Institute of the Ministry of Justice)</p>
17:10~17:20	Break (10 minutes)
17:20~17:50	<p>Q&A Session</p> <p>"Administrative Enforcement against Counterfeit Goods"</p> <p>Panelists: Administrative officials from 10 countries (Brunei, Cambodia, Indonesia, Japan, Laos, Malaysia, Philippines, Singapore, Thailand, and Viet Nam)</p> <p>Commentator: Mr. KUROSE Masashi (Patent Attorney)</p> <p>Moderator: Mr. KUROKI Kota (Professor, Research and Training Institute of the Ministry of Justice)</p>
17:50~18:00	Closing and Photo Session

**International Comparison of
“Administrative Enforcement against Counterfeit Goods”
Summary of the Results of the Judicial Symposium on Intellectual Property
(JSIP) 2021**

(Day 2 Afternoon Session by the Ministry of Justice)

KUROKI Kota
ICD Professor

I. Introduction

From Wednesday, October 20, 2021 to Friday, October 22, 2021, the Ministry of Justice, together with the Supreme Court of Japan, IP High Court, Ministry of Justice, Japan Patent Office, Japan Federation of Bar Associations and IP Lawyers Network, co-hosted the Judicial Symposium on International Property (JSIP) 2021. This symposium has been conducted jointly with these organizations since 2017. The purpose of the symposium is to foster a common understanding of the legal systems and issues of each country regarding the resolution of intellectual-property-related disputes, to improve the IP dispute resolution capabilities of the entire Asian region, including the ASEAN region, and to provide information to Japanese legal professionals and private companies engaged in international business.

On Day 2, Thursday October 21, 2021, the Ministry of Justice was in charge and conducted a panel discussion in the afternoon regarding the system and measures taken by each country, with participation of Japan and eight ASEAN countries (Indonesia, Cambodia, Singapore, Thailand, the Philippines, Vietnam, Malaysia, and Laos) using hypothetical cases and questions on administrative enforcement against counterfeit goods.

At the venue in Japan, the commentator, patent attorney Mr. KUROSE Masashi and myself (KUROKI Kota) as the moderator participated. Panelists who are in charge of administrative enforcement participated from their countries online and lively discussions took place. The time schedule is shown in the Appendix.

I would like to express sincere gratitude to the patent attorney KUROSE Masashi for his great efforts in the preparation of this report. The opinions expressed in this article are the author's personal ones.

II. Case and Questions

【CASE】

- Administrative Enforcement Actions against Infringing and Counterfeit Products -

- 1) The right holder, Company A, has its headquarters in your country and has registered the following trademark for clothes as designated goods in your country. Many T-shirts made by

Company A have the trademark on the left chest.

The trademark:

AREEEA

Company A's goods:



2) An employee of Company A learned that two types of T-shirts with marks similar to Company A's trademark are sold without the permission of Company A at a certain market in the capital of your country. These are the products of Company B, which is headquartered in your country.

Company B's mark 1:

AREEEA

Company B's goods 1:



Company B's mark 2:

AREEEN

Company B's goods 2:



3) An employee of Company A was surfing the Internet and found that Company B's goods were also being sold on the e-commerce site "E-lulu Shopper!", which is a large online marketplace with more than 100 million products and more than 200 thousand shops, without the permission of Company A.

【Questions】

[Q1: Organization to contact]

What is the most common route for right holders to take action against counterfeiting? In other words, which is the most appropriate organization to contact first to report counterfeit products? In the case, upon discovering that Company B's goods might infringe Company A's trademark rights, which organizations should Company A go to first for advice?

(1.1): Besides the police or the court, is there any other administrative organization that investigates (including conducting visits, searches and seizures) counterfeit products?

(1.2): What can the above administrative organization do for investigation of counterfeit products? In other words, what kind of authority does the organization have to investigate counterfeit products?

* "Investigation" includes conducting visits, searches and seizures. You may use the terms "administrative action", "raid action" or "crackdown" in your country.

[Q2: Organizations that support infringement decisions]

Who makes the initial decision on whether a right holder's trademark has been infringed? Does the administrative organization in charge of the decision obtain/rely on the support of external experts or organizations to guide the investigation?

Under the facts of this case, does the organization identified in Q1 (police or other administrative

organization) that received the information from Company A make the infringement decision by itself or with the support of other external experts or organizations? If so, which experts or organizations provide support?

[Q3: Documents to be submitted]

When the right holder submits a request for investigation of counterfeit products, what documents and other items (including sample goods) are required to be submitted?

In this case, what kind of documents and other items does Company A need to submit?

[Q4: Procedure from a request for investigation to a remedy or relief]

What is the procedure from a request for the administration to conduct an investigation to the imposition of a remedy or other relief (fine, disposal of counterfeit goods, criminal prosecution, etc.)?

Under the facts of this case, from the standpoint of Company A, what procedures should be followed, and what is the average term required to complete the procedure?

(4.1): Are there any cases where the right holder and the infringer reached a settlement before the administrative remedy or relief?

(4.2): What is the approximate percentage of cases where the right holder and the infringer reached a settlement?

[Q5: Fines and other sanctions]

What kind of sanctions will be imposed on the infringer upon a decision of infringement? If a fine is imposed, how will the amount of the fine be determined (calculation criteria, aggravated punishment for a second or further repeated infringement, etc.)? Also, which organization (police or other administrative organization) will order payment of the fine?

Under the facts of this case, if the administrative organization finds trademark infringement occurred, what kind of sanctions will be imposed on Company B?

[Q6: Burden of expenses]

What expenses must the right holder bear despite obtaining a decision in its favor?

Under the facts of this case, does Company A have to bear, for example, the cost of chartering a truck to transport the counterfeit goods (Company B's goods), the cost of storage (warehouse), and the cost of disposal? Also, how will the amount be calculated?

[Q7: e-Commerce sites]

(7.1) How can counterfeit goods listed on a website be deleted?

(7.2) If the sales of counterfeit goods on a website are not suspended, is it possible for the right

holder to obtain damages from the site operator (“E-lulu Shopper!” in this case)?

(7.3) What can the right holder do to hold the seller of counterfeit goods on the Internet civilly or criminally liable? Also, as a precondition for that, how can the right holder obtain information on the identity of the seller, such as the seller’s name and address?

(7.4) Are there any official systems to monitor the sales of counterfeit goods on e-commerce sites, for example, by the police or government organizations? In addition, please indicate the legislation, regulations or other rules (organization functions etc.) authorizing those procedures.

III. Discussion on Administrative Enforcement against Counterfeit Goods

The hypothetical case was used to discuss the administrative enforcement against counterfeit goods by Japan and the nine ASEAN countries. For a summary of the answers to the questions, please refer to the attached PowerPoint presentation.

1. Overall Summary of the Discussions

In Japan, the courts and the police play a certain role in the fight against counterfeits. The same is true in Singapore, where the courts procedures, etc. are basically used for the relief of the rights of private individuals. On the other hand, in the eight ASEAN countries mentioned above other than Singapore, it was confirmed that there is a contact organization that can take administrative action against counterfeit goods. As this may be useful for reference, I will describe it later.

The documents to be submitted are generally the same in each country. Generally speaking, they include (1) information identifying the right holder and the infringer, (2) trademark registration certificate, (3) evidence of infringement (actual goods or photographs, etc.), and (4) evidence of where the infringement occurred, etc.

As for fines, in Japan there is no such thing as administrative penalties, but only criminal penalties. On the other hand, it is confirmed that in some countries, the police and administrative agencies have the authority to impose such fines and other penalties. As for the amount of fines, some of them may seem somewhat low for Japanese companies.

With regard to burden of expenses it is confirmed that in some countries, right holders do not have to bear any costs at all, while in other countries, right holders have to bear the costs of chartering trucks (for transporting counterfeit goods) and storage costs.

Regarding e-commerce sites, in some countries, the right holders themselves can file a complaint with the e-commerce site platform and ask for removal, and in some countries, the administrative agencies will apply for removal by making a request in writing.

2. Available Administrative Organizations (Contact Points)

The following is a list of administrative organizations (contact points) in the nine ASEAN countries.

Cambodia: Counter Counterfeits Committee (CCC)

Laos: Department of Intellectual property

Thailand: 1. Economic Crime Suppression Division

2. Department of Special Investigation

Vietnam: 1. Inspectorate of the Ministry of Science and Technology

2. Economic Police

3. Market Surveillance

4. People's Committee

Singapore: N/A

(Use of private criminal proceedings etc. is necessary)

Philippines: 1. Intellectual Property Office of the Philippines-Intellectual Property Rights Enforcement Office (IPOPHL-IEO)

2. Local Government Units (LGUs)

Indonesia: Directorate Investigation and Dispute Settlement department of Directorate General of Intellectual Property (DGIP)

Malaysia: Ministry of Domestic Trade and Consumer Affairs ("MDTCA")

IV. Conclusion

The symposium was beneficial in practice as well, as it allowed for a comparative study of the systems of administrative enforcement against counterfeit goods in various countries.

This symposium has been a valuable opportunity for front-line IP practitioners from Europe, the United States, and Asia to exchange frank opinions. The Ministry of Justice would like to continue to promote exchanges with other countries, deepen mutual understanding, and hold fruitful discussions in order to improve the quality of IP litigation.



Panel Discussion

JSIP2021: The Schedule for the Program by the Ministry of Justice of Japan

Thursday, October 21, 2021

Trademark Legislation and Enforcement in ASEAN Countries

(Japan Time) 9:30~10:00	Registration
10:00~10:10	Opening Remarks by the Ministry of Justice of Japan and Photo Session
10:10~11:50	<p>Panel Discussion "Civil Suits for Trademark Infringement"</p> <p>Panelists: Judges from nine countries (Brunei, Cambodia, Indonesia, Laos, Malaysia, Philippines, Singapore, Thailand, and Viet Nam)</p> <p>Keynote speaker: Mr. KOKUBU Takefumi (Presiding Judge from the Tokyo District Court)</p> <p>Commentator: Ms. TSUJI Junko, Ms. ITAI Noriko and Ms. IWAI Kumiko (Attorneys)</p> <p>Moderator: Mr. YABE Kozo (Attorney)</p>
11:50~12:00	Break (10 minutes)
12:00~13:00	<p>Panel Discussion (continued) "Civil Suits for Trademark Infringement"</p>
	Q&A Session
13:00~14:00	Lunch Break (1 hour)
14:00~15:30	<p>Panel Discussion (Working Session 1) "Administrative Enforcement against Counterfeit Goods"</p> <p>Panelists: Administrative officials from five countries (Cambodia, Japan, Laos, Thailand and Viet Nam)</p> <p>Commentator: Mr. KUROSE Masashi (Patent Attorney)</p> <p>Moderator: Mr. KUROKI Kota (Professor, Research and Training Institute of the Ministry of Justice)</p>
15:30~15:40	Break (10 minutes)
15:40~17:10	<p>Panel Discussion (Working Session 2) "Administrative Enforcement against Counterfeit Goods"</p> <p>Panelists: Administrative officials from five countries (Brunei, Indonesia, Malaysia, Philippines, and Singapore)</p> <p>Commentator: Mr. KUROSE Masashi (Patent Attorney)</p> <p>Moderator: Mr. KUROKI Kota (Professor, Research and Training Institute of the Ministry of Justice)</p>
17:10~17:20	Break (10 minutes)
17:20~17:50	<p>Q&A Session "Administrative Enforcement against Counterfeit Goods"</p> <p>Panelists: Administrative officials from 10 countries (Brunei, Cambodia, Indonesia, Japan, Laos, Malaysia, Philippines, Singapore, Thailand, and Viet Nam)</p> <p>Commentator: Mr. KUROSE Masashi (Patent Attorney)</p> <p>Moderator: Mr. KUROKI Kota (Professor, Research and Training Institute of the Ministry of Justice)</p>
17:50~18:00	Closing and Photo Session

Cambodia



Laos



Thailand



Vietnam



Japan



Judicial Symposium on Intellectual Property 2021 - IP Dispute Resolution in Asia -

Panel Discussion (Working Session 1): Enforcement Actions against Infringing and Counterfeit Products

Kota KUROKI

Professor (Attorney)

International Cooperation Department, Research and Training Institute, Ministry of Justice of Japan



1. 14:00 - 14:10 Opening Address by KUROKI (10 minutes-introduction)

Commentator, Mr. KUROSE Masashi

Patent Attorney, KUROSE IP Management, President

2. 14:10 - 15:25 Panel Discussion moderated by KUROKI (75 minutes)

• Each panelist will very briefly introduce the measures taken by their respective countries against Counterfeit Goods-within 10 minutes each

• Every time after each introduction above, the moderator will express gratitude and comment Mr. KUROSE will make some short comments-within 3-5 minutes

• The Moderator might intervene in your presentation in case your time runs over by saying "Wrap us please".



14:10- 14:25 (10 minutes+comments =approximately 15minutes)

1. Japan, Mr. HOSHINO Shintaro

Attorney at Law, Patent Attorney, Japan Patent Office



14:25-14:40 (10 minutes+comments =approximately 15minutes)

2. Cambodia, Ms. Song Chorvoin

Deputy Prosecutor, Phnom Penh court of First Instance



14:40-14:55 (10 minutes+comments =approximately 15minutes)

3. Laos, Ms. Souligna Sisomneuk

Deputy Director, IP Dispute Resolution Division, Department of Intellectual Property, Ministry of Industry and Commerce



14:55-15:10 (10 minutes+comments =approximately 15minutes)

4. Thailand, Ms. Ruengrong Boonyarattaphun

Legal Officer, Senior Professional Level, Department of Intellectual Property, Ministry of Commerce



15:10-15:25 (10 minutes+comments =approximately 15minutes)

5. Vietnam, Ms. (Dr.) Nguyen Nhu Quynh

Deputy Chief Inspector, Ministry of Science and Technology

3. 15:25 - 15:30 Closing Announcement (5 minutes)

(Break starts at 15:30)

[CASE]

- Administrative Enforcement Actions against Infringing and Counterfeit Products -

1) The right holder, Company A, has its headquarters in your country and has registered the following trademark for clothes as designated goods in your country. Many T-shirts made by Company A have the trademark on the left chest.

The trademark:

AREEEA

Company A's goods:



2) An employee of Company A learned that two types of T-shirts with marks similar to Company A's trademark are sold without the permission of Company A at a certain market in the capital of your country. These are the products of Company B, which is headquartered in your country.

Company B's mark 1:

AREEEA

Company B's goods 1:



Company B's mark 2:

AREEEN

Company B's goods 2:



3) An employee of Company A was surfing the Internet and found that Company B's goods were also being sold on the e-commerce site "E-lulu Shopper!", which is a large online marketplace with more than 100 million products and more than 200 thousand shops, without the permission of Company A.

Q1. Organization to contact

What is the most common route for right holders to take action against counterfeiting?

Cambodia



**Counter
Counterfeits
Committee
(CCC)**

Laos



**Department of
Intellectual
property**

Thailand



**Department of
Special
Investigation**

Vietnam



**1. Inspectorate of
the Ministry of
Science and
Technology
2. Economic Police
3. Market
Surveillance
4. People's
Committee**

Japan








N/A

**-----
• Police
• Customs**






Q2. Organizations that support infringement decisions

- Who makes the initial decision on whether a right holder's trademark has been infringed?
- Does the administrative organization in charge of the decision obtain/rely on the support of external experts or organizations to guide the investigation?

Cambodia	Laos	Thailand	Vietnam	Japan
				
<ul style="list-style-type: none"> • Department of Intellectual Property Rights (DIPR) • The Registrar will decide 	Department of Intellectual property	<ul style="list-style-type: none"> • The DIP's officers • The polices from Economic Crime Suppression Division 	The police and administrative agencies (assessment authorities, etc. supports)	N/A ----- <ul style="list-style-type: none"> • Police (JPO supports) • Customs






Q3. Documents to be submitted

When the right holder submits a request for investigation of counterfeit products, what documents and other items (including sample goods) are required to be submitted?

Cambodia	Laos	Thailand	Vietnam	Japan
				
<ul style="list-style-type: none"> • All relevant documents in order to prove ownership of the relevant marks • Evident of infringement such as samples and photo of infringing products. 	1) A copy of certificate of trademark registration 2) The power of attorney in the case of filing complaint through the trademark representative 3) The sample of genuine and fake goods or can be a clearance photo of comparison of genuine and fake one 4) Other supplement information or evidence	<ul style="list-style-type: none"> • Trademark Registration Certificate • Sample goods etc. 	1) Documents describing or photographs of the infringement 2) Infringing goods or services 3) Location where the infringement had occurred 4) Samples and evidence to support administrative agencies in defining the infringement	1) Identification 2) Documents 3) Register of trademarks 4) Trademark gazette 5) Documents certifying the details (photographs, pamphlets, print-outs of EC website screenshots, samples of the other party's product, etc.)






Q4. Procedure from a request for investigation to a remedy or relief

What is the procedure from a request for the administration to conduct an investigation to the imposition of a remedy or other relief (fine, disposal of counterfeit goods, criminal prosecution, etc.)? what is the average term required to complete the procedure?

Cambodia	Laos	Thailand	Vietnam	Japan
				
<ul style="list-style-type: none"> • Trademark owner can submit a complaint to court • In civil action the court will consider of compensation for actual and punitive damages. In criminal actions, the court has power to award imprisonment, seizure and destruction of counterfeit goods. 	<ul style="list-style-type: none"> • It can be settlement among the right holder and the infringer. • If the infringer just only the sellers of counterfeit not producer of goods, right holders request administrative dispute resolution, administrative organization investigate case, sending warning letter to shops or market and recorded the amount, seizure and destroyed counterfeit goods. 	<p>No settlements. The trademark infringement is the action of criminal under Trademark Act.</p>	<ul style="list-style-type: none"> • If signs of criminal infringements is found, the administrative agencies must transfer the case file to competent criminal prosecution agencies for handling. • Company A needs to carry out assessment on the counterfeit goods and determine the value of counterfeit goods to decide whether to handle the case by administrative actions or criminal measures. 	<ul style="list-style-type: none"> • There are no special procedures for counterfeit products; the same procedures used in general criminal cases apply. • The process is: complaint ⇒ acceptance ⇒ start of investigation ⇒ referral to prosecutor ⇒ Prosecution by the prosecutor.






Q5. Fines and other sanctions

- What kind of sanctions will be imposed on the infringer upon a decision of infringement?
- If a fine is imposed, how will the amount of the fine be determined (calculation criteria, aggravated punishment for a second or further repeated infringement, etc.)?

Cambodia	Laos	Thailand	Vietnam	Japan
				
<ul style="list-style-type: none"> • Fine from 250\$ to 5000\$ • Imprisonment from 1 month to 5 years. 	<ul style="list-style-type: none"> • Second or later unintentionally violate the IP law which are not criminal offences shall be fined 1% of the damages value occurred. • Intentionally violation for a second time or repeatedly shall be fined 5% of the damages value occurred for each violation. 	<p>N/A</p>	<p>Major sanctions:</p> <ul style="list-style-type: none"> - Warning - Fines prescribed fine norm for each act of administrative violation <p>* Both police and administrative agencies have the authority to issue sanctioning decisions</p>	<p>There are no administrative penalties, only criminal penalties.</p> <p>* The court must render a fine by a judgment.</p>






Q6. Burden of expenses

What expenses must the right holder bear despite obtaining a decision in its favor?

Cambodia	Laos	Thailand	Vietnam	Japan
				
<p>Right holder does not have to expense anything.</p> <p>The infringer will take all responsible.</p>	<ol style="list-style-type: none"> 1. Cost of chartering a truck to transport the counterfeit goods 2. Cost of storage 3. Cost of disposal 4. Other implementation expenses for enforcement authorities 	N/A	<p>IP rights holders do not have to bear any costs if they request administrative agencies to handle violations.</p>	<ul style="list-style-type: none"> • The costs required for seizure during the investigation stage ,etc. are borne by the police and the prosecution respectively • The right holder bears only the costs for gathering enough information and investigating the matter sufficiently to file a complaint.

Q7. e-Commerce sites

- How can counterfeit goods listed on a website be deleted?
- Are there any official systems to monitor the sales of counterfeit goods on e-commerce sites, for example, by the police or government organizations?,etc.

Cambodia	Laos	Thailand	Vietnam	Japan
				
Not have any specific provision related to online counterfeiting and action taken against online counterfeiter under regular IP framework.	In collaboration with enforcement authorities such as contact directly economic police to investigate together with the issuance warning letter and sending to website operator (E-lulu Shopper) to stop and delete the counterfeit goods information	The competent officers with court orders are empowered to block or disable access to IPR infringing contents or to remove the infringing content from online computer system.	According to current Vietnamese law, many agencies have the authority to handle infringements of intellectual property rights on the internet. However, there is no regulation assigning this task to any specific agency for supervision.	Each e-Commerce sites offer a right holder protection program, and the right holder should submit a request to the relevant program.

Singapore



Philippines



Indonesia



Malaysia



Judicial Symposium on Intellectual Property 2021 - IP Dispute Resolution in Asia -

Panel Discussion (Working Session 2): Enforcement Actions against Infringing and Counterfeit Products

Kota KUROKI

Professor (Attorney)

International Cooperation Department, Research and Training Institute, Ministry of Justice of Japan



1. 15:40 - 15:50 Opening Address by KUROKI (10 minutes-introduction)

Commentator, Mr. KUROSE Masashi

Patent Attorney, KUROSE IP Management, President

2. 15:50 - 17:05 Panel Discussion moderated by KUROKI (75 minutes)

• Each panelist will very briefly introduce the measures taken by their respective countries against Counterfeit Goods within 10 minutes each

• Every time after each introduction above, the moderator will express gratitude and comment Mr. KUROSE will make some short comments within 3-5 minutes

• The Moderator might intervene in your presentation in case your time runs over by saying "Wrap us please".

15:50- 16:05 (10 minutes+comments =approximately 15minutes)



1. Indonesia, Mr. Ahmad Rifadi

Deputy Director, Prevention and Dispute Settlement, Directorate of Investigation and Dispute Settlement, Directorate

General of Intellectual Property, Ministry of Law and Human Rights



16:05-16:20 (10 minutes+comments =approximately 15minutes)

2. Malaysia, Mr. Hamzah Bin Mahadi

Enforcement Officer, Ministry of Domestic Trade and Consumer Affairs



16:20-16:35 (10 minutes+comments =approximately 15minutes)

3. Philippines, Mr. Teodoro C. Pascua

Deputy Director, General (DDG), Intellectual Property Office



16:35-16:50 (10 minutes+comments =approximately 15minutes)

4. Singapore, Mr. Leck Kwang Hwee Andy

Principal, Baker & McKenzie, Wong & Leow

16:50-17:05 (15minutes)

wrap up, etc

3. 17:05 - 17:10 Closing Announcement (5 minutes)

(Break starts at 17:10)

[CASE]

- Administrative Enforcement Actions against Infringing and Counterfeit Products -

1) The right holder, Company A, has its headquarters in your country and has registered the following trademark for clothes as designated goods in your country. Many T-shirts made by Company A have the trademark on the left chest.

The trademark:

AREEEA

Company A's goods:



2) An employee of Company A learned that two types of T-shirts with marks similar to Company A's trademark are sold without the permission of Company A at a certain market in the capital of your country. These are the products of Company B, which is headquartered in your country.

Company B's mark 1:

AREEEA

Company B's goods 1:



Company B's mark 2:

AREEEN

Company B's goods 2:



3) An employee of Company A was surfing the Internet and found that Company B's goods were also being sold on the e-commerce site "E-lulu Shopper!", which is a large online marketplace with more than 100 million products and more than 200 thousand shops, without the permission of Company A.

Q1. Organization to contact

What is the most common route for right holders to take action against counterfeiting?

Singapore



Private criminal proceedings

- Private investigations into the target
- Apply to the Singapore State Courts for a criminal search and seizure warrant

Civil claim: Cease and Desist Letter

Civil claim: legal proceedings, etc.

Philippines



- Intellectual Property Office of the Philippines-Intellectual Property Rights Enforcement Office (IPOPHL-IEO)
- Local Government Units (LGUs)

Indonesia



Directorate Investigation and Dispute Settlement department of Directorate General of Intellectual Property (DGIP)

Malaysia



Ministry of Domestic Trade and Consumer Affairs ("MDTCA")

Q2. Organizations that support infringement decisions

- Who makes the initial decision on whether a right holder's trademark has been infringed?
- Does the administrative organization in charge of the decision obtain/rely on the support of external experts or organizations to guide the investigation?

Singapore	Philippines	Indonesia	Malaysia
			
<ul style="list-style-type: none"> • Rights holders to apply to the Singapore State Courts for criminal search and seizure warrants to conduct a raid, so as to obtain evidence of the offence. "Initial decision" is made by the Court. • Rights holder typically engages a licensed private investigator to conduct surveillance and investigations against the counterfeiter. 	<ul style="list-style-type: none"> • IPOPHL- BLA(Bureau of Legal Affairs) makes the decision • Deciding body requires experts from the right holders to identify and certify that the goods are counterfeit 	<p>Investigators will ask for expert witness which can come from Directorate General of Intellectual Property (DGIP) or academics to determine whether there has been a violation</p>	<ul style="list-style-type: none"> • MDTCA enforcement officers can make the infringement decision by themselves. • MDTCA officers do not obtain/rely on the support of external experts or organizations to guide the investigation but may refer to any experts or organizations like Intellectual Property Corporation of Malaysia (MyIPO) to get opinions if needed.

Q3. Documents to be submitted

When the right holder submits a request for investigation of counterfeit products, what documents and other items (including sample goods) are required to be submitted?

Singapore	Philippines	Indonesia	Malaysia
			
<ul style="list-style-type: none"> • To obtain a criminal search and seizure warrant, a rights holder would have to make its application to Court with a complaint made by the rights holder • Supported by a statutory declaration exhibiting evidence of infringement obtained through the rights holders' initial investigations into the counterfeiter. 	<ol style="list-style-type: none"> 1. Certificate of registration of the intellectual property 2. Name and address of the respondent 3. Nature of the IPR violation 4. Complete details of the place or establishment to be subjected for visit 5. Evidence in support of the complaint, 6. Certification against non-forum shopping ,etc. 	<ol style="list-style-type: none"> 1. Proof of ownership IP like certificate of mark, patent, industrial design or evidence as author for copyright, license agreement. 2. Sample original and fact product, 3. Locus of IP Infringement, 4. Suspect identity. 	<ol style="list-style-type: none"> 1. Letter of complaint 2. Letter of authorization from trademark owners if the complaint is filed by authorized representatives 3. Surveillance report 4. Samples of the original and counterfeit products or photographs 5. Registrar's Verification from the Registrar of Trademark (where applicable).




Q4. Procedure from a request for investigation to a remedy or relief

What is the procedure from a request for the administration to conduct an investigation to the imposition of a remedy or other relief (fine, disposal of counterfeit goods, criminal prosecution, etc.)? what is the average term required to complete the procedure?

Singapore	Philippines	Indonesia	Malaysia
			
In our experience, both civil and criminal actions may last between 12 to 24 months from the time the action is commenced until the trial of the hearing.	It will take 60 to 90 working days from date of receipt of verified complaint (may be longer depending on complainant) to undertake enforcement action.	They can make complaints online through the DGIP website, the settlement of the case depends on the difficulty level of the case but in our regulations it ranges from 3 months to 9 months.	<ul style="list-style-type: none"> When necessary documents received by MDTCA, the enforcement officers will conduct visits, searches, seizures and arrest the suspected. Investigations will be carried out and referred to Deputy Public Prosecutor to compound or charge the infringer.

Q5. Fines and other sanctions

- What kind of sanctions will be imposed on the infringer upon a decision of infringement?
- If a fine is imposed, how will the amount of the fine be determined (calculation criteria, aggravated punishment for a second or further repeated infringement, etc.)?

Singapore	Philippines	Indonesia	Malaysia
			
<ul style="list-style-type: none"> Punishable as a criminal offence by a fine of up to SGD 100,000 (USD74,400), or up to 5 years' imprisonment. In the case of selling counterfeit goods, the offence is punishable by a fine not exceeding SGD 10,000 (approx. USD 7,400) per counterfeit good (but not exceeding in total SGD). 	<ul style="list-style-type: none"> Director of the BLA may impose administrative fines, 5 thousand pesos (P5,000) ~ 150 thousand pesos (P150,000). In addition, an additional fine of not more than 1 thousand pesos (P1,000) for each day of continuing violation. BLA can order condemnation and seizure of infringing products; assessment of damages; forfeiture of paraphernalia and all real and personal properties used in the offense 	Amount of the fine is based on the court's decision as well as the sentencing is also based on the court's decision.	MDTCA will impose payment of compound whereas the Court will order the fine when the case is charged in Court against the infringer based on the fine provided under the TMA.

Q6. Burden of expenses

What expenses must the right holder bear despite obtaining a decision in its favor?

Singapore	Philippines	Indonesia	Malaysia
			
<ul style="list-style-type: none"> * In private prosecutions, rights holder would bear the legal expenses of investigations; applying for search warrants / issuance of summonses, etc. * In private prosecutions, the rights holder would typically also bear the cost of the disposal (warehouse charges/incinerator charges). 	<ul style="list-style-type: none"> * Criminal complaint with the PNP or the NBI, right holder will pay the storage or warehouse fee and the bond required by the Court. * Administrative complaint, Director of BLA can order the condemnation and seizure of infringing products. Expenses in disposing the infringing products will be at the expense of the infringer. 	<p>In regulations, for example, the cost of transporting the goods is the responsibility of the party who wins the case because the goods have been confiscated, amount of fee depends on the rules in force at customs.</p>	<ul style="list-style-type: none"> * Expenses that the right holder bear are the cost of chartering a truck to transport the counterfeit goods and the cost of disposal whichever necessary. * Amount calculated will be based on the seizure of the counterfeit goods.

Q7. e-Commerce sites

- How can counterfeit goods listed on a website be deleted?
- Are there any official systems to monitor the sales of counterfeit goods on e-commerce sites, for example, by the police or government organizations?,etc.

Singapore	Philippines	Indonesia	Malaysia
			
<p>Virtually all e-commerce platforms operating in Singapore offer avenues for rights holders to report alleged trade mark and other intellectual property infringement, and issue a "take-down" notice for listings of counterfeit products.</p>	<p>IPOPHL-IEO can make a written request to the e-commerce site or platform to delete or takedown the website or account which purveys counterfeit goods and pirated materials.</p>	<ul style="list-style-type: none"> * For copyright infringement, IP right holder can apply for a removal mechanism to DGIP * While for counterfeit goods, you must submit it to the marketplace itself. 	<p>Counterfeit goods listed on a website can be deleted based on the request by MDTCA or by the request of the right holder themselves as in the case to the online marketplace.</p>

- V. Chronology of Legal Technical Assistance -

Chronology of Legal Technical Assistance (Main Chronology Known to RTI)

As of December 31, 2021

Year	Month	Vietnam
1991		The Minister of Justice of Vietnam requested assistance from the Ministry of Justice of Japan
1992		
1993		Prof. Akio Morishima of Nagoya Univ. (then) visited Vietnam to introduce Civil Code [CC] of Japan through cultural exchange project
1994	Oct.	Training course in Japan (on CC of Japan; etc.)
1995	Aug. Oct.	<ul style="list-style-type: none"> • “Survey on development policy to assist transition to market economy” (so-called Ishikawa Project)(1995 – 2001) • Training course in Japan (on Nationality Act; etc.)
1996	Aug. Sep. Dec. Dec.	<ul style="list-style-type: none"> • Training course in Japan (on Penal Code and Criminal Procedure Code[CRPC]) • Training course in Japan (on Commercial Code; etc.) • Cooperation Program in Legal Field, Phase I commenced • Long-term expert (private attorney) was dispatched

1997	Jun. Oct.	<ul style="list-style-type: none"> • Training course in Japan (on family register, registration, deposition) • Training course in Japan (on Civil Procedure Code [CPC] and Civil Execution Act)
1998	Jun. Oct.	<ul style="list-style-type: none"> • Local seminar • Training course in Japan (on Companies Act; etc.) • Training course in Japan (on intellectual property right)
1999	Jun. Oct. Nov. Dec.	<ul style="list-style-type: none"> • Local seminar • Training course in Japan (on criminal procedure) • Training course in Japan (on civil liability) • Training course (on criminal procedure and roles of prosecutors)(JICA and UNDP joint project) • Japan-Vietnam Civil and Commercial Law Seminar • Phase I of Above Project terminated • Cooperation Project in Legal Field, Phase II commenced <ul style="list-style-type: none"> - Joint study to amend Civil Code (CC) of Vietnam - Formulation of a bird's-eye view of laws - Human resource development • Supreme People's Court (SPC) and Supreme People's Procuracy (SPP) were added as counterpart organizations • Long-term expert (program coordinator) was dispatched
2000	Jun. Jul. Sep. Oct. Nov.	<ul style="list-style-type: none"> - Local seminar • Three long-term experts (public prosecutor, former judge and private attorney) were dispatched • Training course in Japan (on judicial system in Japan; etc.) • Joint study group to amend CC commenced • Training course in Japan (on lawyer system; etc.) • Training course in Japan (on criminal procedure; etc.) • Training course in Japan (on judiciary; etc.)
2001	May Jun. Sep. Nov.	<ul style="list-style-type: none"> • Two long-term experts (public prosecutor and private attorney) were dispatched • Local seminar • Training course in Japan (on legal training of prosecutors) • Training course in Japan (on capacity development) • Training course in Japan (on CPC) • Phase II of Above Project was extended until Mar. 2003
2002	Feb. May Jun. Sep.	<ul style="list-style-type: none"> • Former Minister of Justice of Vietnam was invited to Japan by JICA • Long-term expert (former judge) was dispatched • Local seminar • Training course in Japan (on CC) • Training course in Japan (on penal provisions concerning economy for developing market-oriented economy) • Training course in Japan (on laws and rules concerning stock exchange; etc.) • Training course in Japan (on CPC)
2003	Feb. Jun. Jul. Dec.	<ul style="list-style-type: none"> • Training course in Japan (on laws and rules concerning secured trading system) • Phase II of Above Project terminated • Phase III of Above Project commenced <ul style="list-style-type: none"> - Joint study group to amend CC - Joint study group on CPC - Joint study group on legal training (composed of MOJ, Supreme Court [SC] and Japan Federation of Bar Associations [JFBA]) - Joint study group (composed of MOJ, SC and JFBA) commenced to establish judgment-writing and judicial precedents • Seminar to assist amendment of Bankruptcy Law • Long-term expert (public prosecutor) was dispatched • Local seminar (on CC, CPC, legal training) • Minister of Justice and other delegates were invited to Japan by Research and Training Institute (RTI) and JICA

2004	Feb.	<ul style="list-style-type: none"> • Training course in Japan (on legal training) • Course on Japanese law at Vietnam National University commenced • Four long-term experts (public prosecutor, former judge, private attorney and program coordinator) were dispatched
	Jun. Jun.	<ul style="list-style-type: none"> • Local seminar (on CC, CPC, legal training, judgment-writing/judicial precedents) • CPC was enacted • Amended Bankruptcy Law was enacted
2005	Jan. Feb.	<ul style="list-style-type: none"> • Training course in Japan (on legal training) • Training course in Japan (on joint study to amend CC) • Long-term expert (former judge) was dispatched • Course on Japanese law at Vietnam National Univ. • Local seminar (on judgment-writing/judicial precedent, Judgment Execution Law, legal training)
	Jun. Sep.	<ul style="list-style-type: none"> • Amended CC was enacted • Training course in Japan (on standardization of judgment-writing)
2006	Feb. Jun.	<ul style="list-style-type: none"> • Training course in Japan (on legal training) • Phase III of Above Project was extended until Mar. 2007 • Long-term expert (program coordinator) was dispatched • Course on Japanese law at Vietnam National Univ. • Local seminar (on judgment-writing/ judicial precedents)
	Oct.	<ul style="list-style-type: none"> • Training course and joint study on Japan-Vietnam judicial systems (on judgment-writing/ judicial precedent, inviting four justices from SPC to Japan)
2007	Mar. Apr.	<ul style="list-style-type: none"> • Phase III of Above Project terminated • Project for Legal and Judicial Reform commenced • Joint study group on CC commenced • Study group to improve court practices commenced • Four long-term experts (public prosecutor, former judge, private attorney, program coordinator) were dispatched • Course on Japanese law at Vietnam National Univ. • Research and Education Center for Japanese Law was established at Hanoi Univ. of Law by Nagoya Univ.
	Sep. Nov.	<ul style="list-style-type: none"> • Local seminar (on State Compensation Law) • Training course in Japan (on drafting State Compensation Law)
2008	Jun. Aug.	<ul style="list-style-type: none"> • Joint study group on CC and study group to improve court practices • Course on Japanese law at Vietnam National Univ. • Training course in Japan (on criminology) • Training course in Japan (on improvement of court practices and measures for providing information of judicial precedent, etc.)
	Nov.	<ul style="list-style-type: none"> • Civil Judgment Execution Law was enacted
2009	Mar.	<ul style="list-style-type: none"> • Training course in Japan (on amendment of CRPC) • Joint study group on CC, study group to improve court practices • Course on Japanese law at Vietnam National Univ.
	Jun. Aug. Oct. Dec.	<ul style="list-style-type: none"> • State Compensation Law was enacted • Training course in Japan (on drafting Immovable Property Registration Law and Secured Transaction Registration Law) • Training course in Japan (on organization and activities of JFBA) • Training course in Japan (on drafting amended CRPC and guidance on operation of Civil Judgment Execution Law) • Local seminar (on Administrative Procedure Law, organization and management of bar federation, etc.)

2010	Feb.	<ul style="list-style-type: none"> • Training course in Japan (drafting Administrative Procedure Law) • JICA Survey Team was dispatched for project-end evaluation and project detailed planning survey
	Jun.	<ul style="list-style-type: none"> • Joint study group on CC and study group to improve court practices
	Aug.	<ul style="list-style-type: none"> • Course on Japanese law at Vietnam National Univ.
	Sep.	<ul style="list-style-type: none"> • Joint study on Japan-Vietnam judicial systems • Local seminar
	Oct.	<ul style="list-style-type: none"> • Training course in Japan (on attorney's business basic rules, roles of each bar association, etc.)
	Nov.	<ul style="list-style-type: none"> • Vice-Minister of Justice was invited to Japan
	Nov.	<ul style="list-style-type: none"> • Training course in Japan (on drafting Family Registration Law)
	Dec.	<ul style="list-style-type: none"> • Administrative Procedure Law was enacted
	Dec.	<ul style="list-style-type: none"> • Training course in Japan (on drafting amended CRPC)
	Dec.	
2011	Jan.	<ul style="list-style-type: none"> • Training course in Japan (on drafting amended CPC)
	Mar.	<ul style="list-style-type: none"> • Phase I of Above Project terminated • Amended CPC was enacted
	Apr.	<ul style="list-style-type: none"> • Phase II of Above Project (2011 - 2015) commenced • Joint study group on CC and study group to improve court practices
	Jun.	<ul style="list-style-type: none"> • Course on Japanese law at Vietnam National Univ. • Joint study on Japan-Vietnam judicial systems
2012	Feb.	<ul style="list-style-type: none"> • Training course in Japan (on organization of bar associations, strengthening capacity of attorneys, and countermeasures against depopulation of attorneys)
	Mar.	<ul style="list-style-type: none"> • Training course in Japan (on amendment of Court Organization Law) • Joint study group on CC, and study group to improve court practices
	Jun.	<ul style="list-style-type: none"> • Course on Japanese law at Vietnam National Univ. • Joint study on Japan-Vietnam judicial systems
	Jun.	<ul style="list-style-type: none"> • JICA Survey Team was dispatched (survey for guidance on project management)
2013	Feb.	<ul style="list-style-type: none"> • Training course in Japan (on establishment of rights of defense counsel in criminal justice, amendment of CC)
	Mar.	<ul style="list-style-type: none"> • Training course in Japan (on amendment of Court Organization Law)
	May	<ul style="list-style-type: none"> • JICA Survey Team (mid-term evaluation) • Joint study group on CC, and study group to improve court practices
	Aug.	<ul style="list-style-type: none"> • Course on Japanese law at Vietnam National Univ. • Joint study on Japan-Vietnam judicial systems (Prosecutor General of SPP was invited to Japan at the same time)
	Oct.	<ul style="list-style-type: none"> • Training course in Japan (on Bankruptcy Law; organization and management of bar associations and law firms in the province, and autonomy of private attorneys)
	Oct.	
2014	Feb.	<ul style="list-style-type: none"> • JICA Survey Team (Joint Coordinating Committee [JCC])
	Mar.	<ul style="list-style-type: none"> • Training course in Japan (on amendment of CC - amendment of international-private related law)
	Jun.	<ul style="list-style-type: none"> • Field survey by ICD (for preliminary survey to assist in amendment of Penal Code)
	Jun.	<ul style="list-style-type: none"> • Joint study group on CC, and study group to improve court practices
	Jul.	<ul style="list-style-type: none"> • Joint study on Japan-Vietnam judicial systems (on amendment of CC)
	Aug.	<ul style="list-style-type: none"> • Joint study on Japan-Vietnam judicial systems (on training of prosecutors)
	Sep.	<ul style="list-style-type: none"> • JICA survey team was dispatched (for project-end evaluation) • JICA survey team was dispatched (for pre-project detailed planning survey)
	Sep.	<ul style="list-style-type: none"> • Local seminar (on summary procedure, appeal system, amendment of CPC, etc.)
	Nov.	<ul style="list-style-type: none"> • JICA survey team was dispatched (for project detailed planning survey)
	Dec.	<ul style="list-style-type: none"> • Training course in Japan (on training of prosecutors)
	Dec.	<ul style="list-style-type: none"> • JICA survey team was dispatched (for 3rd project detailed planning survey)
	Dec.	

2015	Mar. Apr.	<ul style="list-style-type: none"> • Training course in Japan (on amendment of CC) • Project for Harmonized, Practical Legislation and Uniform Application of Law Targeting Year 2020 commenced (2015 - 2020) • The Office of the Government (OOG) was added as a new counterpart in this project in addition to pre-existing four counterparts • Additional long-term expert (prosecutor) was dispatched in addition to pre-existing four long-term experts • Joint study group on CC, and study group to improve court practices
	Jun. Sep. Oct. Nov. Dec.	<ul style="list-style-type: none"> • Joint study on Japan-Vietnam judicial systems (on criminal policy;etc.) • Training course in Japan (on enhancing consistency of legal normative documents) • JICA Survey Team was dispatched (for participating in JCC) • Training course in Japan (on enhancing consistency of legal normative documents) • Training course in Japan (on training of prosecutors)
2016	Apr. Jul.	<ul style="list-style-type: none"> • JICA survey team was dispatched (for participating in JCC) • Training course in Japan (on enhancing consistency of legal normative documents and training of prosecutors)
	Sep. Nov. Nov. Nov.	<ul style="list-style-type: none"> • Training course in Japan (on property registration act) • Training course in Japan (on training of judges) • Local survey(on Property Registration Act) • JICA survey team was dispatched (for survey for Property Registration Act)
2017	Feb. Apr. May Sep. Sep. Oct. Nov.	<ul style="list-style-type: none"> • Local seminar (on Property Registration Act, etc.) • Local survey(for Property Registration Act) • Training course in Japan (on judicial precedent) • Training course in Japan (on property registration act) • Local seminar (on judicial precedent) • Local seminar (on family court) • Training course in Japan (on civil execution system and registration system)
2018	Jan. May Jun. Sep. Oct. Oct.	<ul style="list-style-type: none"> • JICA survey team was dispatched (for Mid-term Review) • JICA survey team was dispatched (for participating in JCC) • Training course in Japan (on settlement and conciliation) • Local seminar (on judicial precedent) • Training course in Japan (on enhancing consistency of legal normative documents) • Local seminar (on family court)
2019	Jan. Apr. Aug. Aug. Sep. Oct.	<ul style="list-style-type: none"> • JICA survey team was dispatched (for participating in JCC) • JICA survey team was dispatched (for participating in JCC) • Local seminar (on hearing from women and children victims) • Local workshop (on forensic interviews) • JICA survey team was dispatched (for project detailed planning survey) • Above Project was extended until Dec. 2020 • Training courses in Japan (on adversarial principle in the criminal court practices)
2020	Jan. Feb.-Mar. Jul. Dec.	<ul style="list-style-type: none"> • JICA survey team was dispatched (for project detailed planning survey) • Training courses in Japan (on enhancing consistency of legal normative documents) • JCC • JCC and Launching Ceremony of the JICA Project in the period of 2021-2025 • Above Project (2015 - 2020) terminated
2021	Jan. Apr. Sep.	<ul style="list-style-type: none"> • Project “Enhancing the Quality and Efficiency of Developing and Implementing Laws in Vietnam” commenced (2021 - 2025) • The Central Internal Affairs Committee (CIAC) was added as a new counterpart in this project in addition to pre-existing five counterparts • Four long-term experts (public prosecutor, private attorney, official of MOJ and program coordinator) were dispatched • Kick-off Meeting of the new project • JCC
Year	Month	Cambodia
1993		

2006	Feb. Apr. Jul. Aug. Aug. Aug. Dec. Dec.	<ul style="list-style-type: none"> • Training course in Japan (CC, CCP) • Two long-term experts (including private attorney) were dispatched to MOJ of Cambodia • Minister of Justice of Cambodia and other delegates were invited to Japan by RTI and International Civil and Commercial Law Centre Foundation (ICCLC) • JICA Legal Development Project, Phase II was extended (until Apr. 2008) • JICA-Net seminar • CPC was enacted • Short-term experts were dispatched • Local seminar (special lecture on CC) • Local seminar (judgment-writing) • Remote seminar • JICA-Net seminar
2007	Feb. Mar. May Jul. Jul. Aug. Sep. Sep. Dec. Dec.	<ul style="list-style-type: none"> • Training course in Japan (legal training) • Local seminar (special lecture on CCP) • Additional long-term expert (private attorney) was dispatched to MOJ (three long-term experts in total) • JICA survey team was dispatched • JICA survey team was dispatched • JICA-Net seminar • Application of CCP commenced • Training course in Japan (legal training and CCP) • Remote seminar (CCP) • JICA-Net seminar • Local seminar (CC) • CC was promulgated • Local seminar (civil mock trial)
2008	Jan. Sep. Oct. Dec. Dec.	<ul style="list-style-type: none"> • Local seminar (CCP) • JICA Judicial Assistance Project for CBA commenced • JICA Legal Development Project, Phase III commenced <ul style="list-style-type: none"> - Drafting ancillary laws • JICA survey team was dispatched • JICA RSJP Project, Phase II commenced • Advisory group on legal training was established • JICA-Net seminar • Training course in Japan • Remote seminar (CCP) • Local seminar
2009	Feb. Feb. Mar. May Jun. Aug. Oct. Nov. Dec.	<ul style="list-style-type: none"> • Training course in Japan (Immovable Property Registration Law) • Local seminar • Training course in Japan • JICA-Net seminar • Local seminar • Local seminar • Training course in Japan • Training course in Japan • Local seminar (CCP)
2010	Feb. May May May Sep. Oct. Dec.	<ul style="list-style-type: none"> • Training course in Japan (on immovable property registration) • Dispatch of two long-term experts to RSJP continued, one long-term expert was added (two of total three were from MOJ) • JICA-Net seminar (CCP) • Field survey by RTI (needs assessment) • JICA Judicial Assistance Project for CPA completed. • Local seminar (CC) • Training course in Japan (legal training) • JICA-Net seminar (corporate registration)

2011	Mar. Jun. Jun. Aug. Sep. Oct. Oct. Dec. Dec.	<ul style="list-style-type: none"> • Local seminar (CC) • Civil Code Application Law was promulgated • Training course in Japan (legal training) • Local seminar (on CC in Aug., Sep., Nov.) • JICA survey team was dispatched (for project-end evaluation) • Training course in Japan (legal training) • JICA survey team was dispatched (for project detailed planning) • Application of CC commenced; commemorative ceremony • Local seminar (dissemination of CC)
2012	Jan. Feb. Mar. Apr. Sep. Nov. Dec.	<ul style="list-style-type: none"> • Local seminar (CC) • Training course in Japan (corporate registration) • JICA Legal Development Project, Phase III completed. • JICA Project for Dissemination of CC and CCP commenced <ul style="list-style-type: none"> - Assistance in drafting Joint Ministerial Ordinance on Immovable Property Registration - Personnel capacity-building of MOJ, RAJP, Bar Association of Kingdom of Cambodia (BAKC), and Royal University of Law and Economics • Local seminar (immovable property registration) • JICA survey team was dispatched (to participate in JCC) • Local seminar (immovable property registration)
2013	Feb. Feb. Sep. Sep. Oct. Dec.	<ul style="list-style-type: none"> • Local seminar (Family Inheritance Law) • Training course in Japan (human resource development) • JICA Project for Assistance in legislative drafting completed • Dispatch of an expert (private attorney) ended • Local seminar (CCP) • JICA survey team was dispatched (for guidance on project management) • Training course in Japan (on human resource development) • JICA survey team was dispatched (to participate in JCC)
2014	Feb. Mar. Jun. Aug. Sep. Oct. Dec. Dec.	<ul style="list-style-type: none"> • Training course in Japan (on human resource development) • Local seminar (CC) • Training courses in Japan • JICA survey team was dispatched (for mid-term review) • Long-term expert (prosecutor) was dispatched, dispatch of an expert ended • Training courses in Japan • JICA survey team was dispatched (to participate in JCC) • Local seminar (publication of judgments)
2015	Feb. Mar. Jul. Sep. Dec.	<ul style="list-style-type: none"> • Training courses in Japan • Local seminar (Registration of Immovables) • Local seminar (Joint Prakas on Registration of Immovables) • Training courses in Japan • JICA survey team was dispatched (to participate in JCC)
2016	Jan. Mar. Oct.-May Aug. Aug. Sep. Oct. Dec.	<ul style="list-style-type: none"> • Local seminar (Civil Provisional Remedies) • Training courses in Japan • Dispatch of a short-term expert (public prosecutor) • Local seminar (Problems in practice in Aug.) • JICA survey team was dispatched (for project-end evaluation) • JICA survey team was dispatched (for project detailed planning in Sep.) • Training courses in Japan (Oct.) • JICA survey team was dispatched (to participate in JCC)
2017	Jan. Feb. Mar. Apr. Aug. Aug.	<ul style="list-style-type: none"> • Local seminar (Problems in practice) • Local seminar (Compulsory execution) • Above JICA Project continued completed • JICA Legal and Judicial Project Phase V commenced • Working groups on CC terminated • Local seminar (Problems in practice) • Advisory group on Immovable Property Registration was formed

2018	Jan. Mar. Mar. Aug.	<ul style="list-style-type: none"> • Japan Federation of Bar Association (JFBA)Bar Association of Kingdom of Cambodia (BAKC)ICD seminar (Division of Inheritance) • RULEICD seminar (Divorce) • Japan Federation of Bar Association (JFBA)Bar Association of Kingdom of Cambodia (BAKC)ICD seminar (Divorce) • JFBABAKCICD seminar (Compulsory execution of Real Property)
2019	Jan. Feb. Feb. Mar.	<ul style="list-style-type: none"> • JICA survey team was dispatched (to participate in JCC) • Training courses in Japan • Workshop in Cambodia (Immovable Property Registration) • JFBABAKCICD seminar (Civil Provisional Remedies)
2020	Jan. Jan. Jan. Jan. Mar.	<ul style="list-style-type: none"> • JICA survey team was dispatched (to participate in JCC) • Training course in Japan • Workshop in Cambodia (Court enforcement officer act) • Signing MOC between the Royal Academy for Judicial Professions of the Kingdom of Cambodia(RAJP) and RTI • Online workshop (Immovable Property Registration)
2021	Feb. Mar. Jul. Aug. Oct. Nov.	<ul style="list-style-type: none"> • Online discussion about the joint study between ICD and RAJP • Online workshop (Court enforcement officer act) • Online workshop (Immovable Property Registration) • Online joint study between ICD and RAJP (on a loan case) • Online workshop (Immovable Property Registration) • Online workshop (Immovable Property Registration)
Year	Month	Laos
1995		
1996		Minister of Justice of Laos requested assistance during his visit to Japan
1997		
1998	Dec.	<ul style="list-style-type: none"> • Training course held in Japan by Nagoya Univ. and RTI as commissioned organizations • Local seminar & survey
1999	Feb. Nov.	Training course in Japan Training course in Japan
2000	Feb. Jun. Nov. Dec.	<ul style="list-style-type: none"> • Local seminar • Field survey on local judicial system (for 3 months) • Local seminar • Training course in Japan • JICA survey team was dispatched for project formulation
2001	Apr. Oct.	<ul style="list-style-type: none"> • Judicial system survey team was dispatched by JFBA • Judicial advisor-style short-term expert was dispatched (8 months in total) • Training course in Japan • Local seminar (twice)
2002	Mar. Oct.	<ul style="list-style-type: none"> • Training course in Japan • Long-term expert (public prosecutor) was dispatched • Local seminar (four times) • Training course in Japan
2003	Mar. May. Nov.	<ul style="list-style-type: none"> • Training course in Japan • JICA Project commenced <ul style="list-style-type: none"> - Creation of law database - Assistance in publication of statute book - Assistance in drafting of law textbooks and dictionary - Assistance in drafting of prosecutor's manual - Training of trainers • Long-term expert (public prosecutor) was dispatched • Training course in Japan

2004	Feb. Jul.	<ul style="list-style-type: none"> • Training course in Japan • Two long-term experts (public prosecutor, private attorney) were dispatched • Training course in Japan (twice) • Local seminar
2005		<ul style="list-style-type: none"> • Two long-term experts (public prosecutor, private attorney) were dispatched • Training course in Japan (twice) • Local seminar (on civil law textbook, judgment-writing manual, prosecutor's manual) • Prosecutor's manual and judgment-writing manual completed
2006	Nov.	<ul style="list-style-type: none"> • Local dissemination seminar (on judgment-writing manual, prosecutor's manual, civil and commercial law textbook) • Training course in Japan (on project wrap-up, distribution of deliverables, new judicial reform master plan)
2007	May May-Dec.	<ul style="list-style-type: none"> • Extension of above project terminated • Follow-up dissemination workshop by each local counterpart organization, monitoring by JICA local office
2008	Sep. Nov. Dec.	<ul style="list-style-type: none"> • Legal technical assistance simulation workshop held jointly with Nagoya Univ. • Above workshop held jointly with Nagoya Univ. • Above workshop held jointly with Nagoya Univ.
2009	Jan. May May Jun. Sep. Sep. Nov.	<ul style="list-style-type: none"> • Local survey • Legal technical assistance simulation workshop held jointly with Nagoya Univ. • Field survey • Above workshop held jointly with Nagoya Univ. • Local seminar (Sep.) • Field survey • Above workshop held jointly with Nagoya Univ.
2010	Feb. Mar. May. Jul. Jul. Jul. Aug. Oct. Dec.	<ul style="list-style-type: none"> • Legal technical assistance simulation workshop held jointly with Nagoya Univ. • Field survey • JICA-Net seminar (on CC) • JICA-Net seminar (on CC) • Field survey by RTI (on judicial system) • Project for Human Resource Development in Legal Sector (Phase I) commenced • Three long-term experts (prosecutor, private attorney, program coordinator) were dispatched • Advisory groups were formed in Japan (on CC, CPC, CRPC) • Field survey by RTI (on judicial system) • JICA-Net seminar (on CC) • JICA-Net seminar (on CC)
2011	Feb. Mar. Jun. Jul. Aug. Sep. Oct.	<ul style="list-style-type: none"> • Local seminar • Training course in Japan (on CC) • JICA-Net seminar (on CRPC) • JICA-Net seminar (on CC and CPC) • Local seminar (on CC) • Local seminar (on CPC) • Training course in Japan (on CRPC) • Vice-minister level officials from each counterpart organization (MOJ, People's Supreme Court, Supreme People's Prosecutor Office, National Univ. of Laos) were invited to Japan by JICA
2012	Jan. Mar. Jun. Jul. Aug. Oct. Oct. Nov.	<ul style="list-style-type: none"> • Training course in Japan (on CPC) • Local seminar (on CRPC) • Local seminar (on CC) • JICA survey team was dispatched (for mid-term evaluation) • *Assistance in drafting CC was added to project • Local seminar (on CC) • Training course in Japan (on CRPC) • JICA-Net seminar (on CRPC) • Training course in Japan (on CPC)

2013	Feb. Feb. Mar. Mar. Apr. May May Jul. Jul. Aug. Oct. Nov. Nov. Dec. Dec.	<ul style="list-style-type: none"> • Additional long-term expert (prosecutor) was dispatched (four experts in total: two prosecutors, private attorney, program coordinator) • Local seminar (on CPC and CRPC) • Training course in Japan (on CC) • Local seminar (on CC) • Training course in Japan (on CC) • JICA-Net seminar (on CRPC) • JICA-Net seminar (on CC) • JICA survey team was dispatched (for guidance on project management) • JICA-Net seminar (on CRPC and CC) • Training course in Japan (on CRPC) • Local seminar (on CC) • Training course in Japan (on CCP) • JICA-Net seminar (on CRPC and CC) • Local seminar (on CC) • JICA-Net seminar (on CC) • Local seminar (on CRPC)
2014	Jan. Feb. Feb. Mar. Mar. Mar. Apr. May. Jun. Jul. Jul. Jul. Jul. Aug. Sep. Oct. Oct. Oct. Nov.	<ul style="list-style-type: none"> • JICA-Net seminar (on CC) • JICA survey team was dispatched (project-end evaluation) • Training course in Japan (on CC) • Training course in Japan (on CC) • Local seminar (on CCP) • JICA-Net seminar (on CRPC) • JICA-Net seminar (on CC) • JICA-Net seminar (on CC) • JICA-Net seminar (on CC) • Above Project, Phase I terminated • Above Project, Phase II commenced • JICA-Net seminar (on CC) • Local seminar (on human resource development) • Local seminar (on CC) • JICA-Net seminar (on CC) • Additional long-term expert (private attorney) was dispatched • JICA survey team was dispatched (in Oct. to participate in 1st JCC) • JICA-Net seminar (on CC) • Training course in Japan (on CC)
2015	Jan. Feb. Feb. Mar. Mar. Apr. Aug. Sep. Nov. Dec.	<ul style="list-style-type: none"> • JICA-Net seminar (on CC) • JICA-Net seminar (on CC) • Training course in Japan (on CC) • JICA-Net seminar (on CC) • Local seminar (on CRPC) • JICA-Net seminar (on CC) • Minister of Justice was invited to Japan • Training course in Japan (on human resource development) • Training course in Japan (on CRPC) • Training course in Japan (on Civil and Economic Law)
2016	Feb. Mar. May. Sep. Nov. Nov. Dec.	<ul style="list-style-type: none"> • Local seminar (on CRPC) • Local seminar (on human resource development) • JICA survey team was dispatched (to participate in 1st JCC) • Training course in Japan (on Civil and Economic Law) • JICA survey team was dispatched (to participate in 2nd JCC) • Training course in Japan (on CRPC) • Local seminar (on human resource development)

2017	Feb. Feb. Feb. Mar. May. Jun. Aug. Aug. Nov. Dec.	<ul style="list-style-type: none"> • Training course in Japan (on human resource development) • Local seminar (on CRPC) • Japan-Laos joint study (CC), Symposium “Enactment of Civil Code of Laos and Challenges in Practice” held • Local seminar (on Civil and Economic Law) • JICA survey team was dispatched (to participate in JCC) • Local seminar (on human resource development) • Local seminar (on CC) • Training course in Japan (on Civil and Economic Law) • JICA survey team was dispatched (Project detailed planning survey) • Training course in Japan (on human resource development)
2018	Jan. Jan. Feb. Mar. Mar. Jun. Jul. Jul. Jul. Aug. Aug. Nov. Dec. Dec. Dec.	<ul style="list-style-type: none"> • JICA survey team was dispatched (Project detailed planning survey) • Training Course on the Enforcement of Intellectual Property Rights for Judges in Lao P.D.R • Local seminar (on CRPC) • Advisor for Law Committee, National Assembly and the other two people were invited to Japan, Symposium “New Civil Code of Laos and Legislation Procedure” held • Training course in Japan (on CC) • Local seminar (on human resource development) • Above Project Phase II terminated • The project for promoting development and strengthening of the rule of law in the legal sector of Lao P.D.R commenced • JICA survey team was dispatched (to participate in JCC) • Local seminar (on CC) • Local survey and Local seminar on Legislation Procedure and real property registration • Local seminar (on human resource development) • Training course in Japan (on human resource development) • Civil Code was approved at the 6th Lao National Assembly consideration • RTI and NIJ exchanged a memorandum of cooperation in the field of legal and judicial training
2019	Mar. May. Jun. Aug. Sep. Oct. Dec.	<ul style="list-style-type: none"> • Training course in Japan (on CC) • Training courses in Japan (on CRPC) • Local survey (to Jul.) • Local seminars (on Civil Judgment) • Local seminars (on CC) • Criminal Law Forum with Vietnam and Japan • Criminal Code Joint Seminar with NIJ • Training courses in Japan (on human resource development)
2020	Jan. Feb. Feb. Mar. Nov.	<ul style="list-style-type: none"> • Joint Seminar with the Prime Minister’s Office • Local seminars (on CC and Civil Related Law) • Local seminars (on CRPC) • Training courses in Japan (on CC) • Civil Law Joint Seminar of Fact Finding
2021	Feb. Mar. Jun. Sep. Oct. Dec.	<ul style="list-style-type: none"> • Joint Retreat Seminar (on Criminal and Civil Education) • Criminal Code Joint Seminar with NIJ(Online) • Joint Seminar with NIJ (on Penal Code and Legal Training) • Joint Seminar with NIJ (on Penal Code) • Penal Code Seminar • Joint Seminar with NIJ (on Training for Court Enforcement Officer and Notary)
Year	Month	Indonesia
1997		
1998	Oct. Nov.	Seminar on Economic Law
1999		

2000	Jun. Oct.	<ul style="list-style-type: none"> • Study group on Antimonopoly Law of Indonesia organized by Japan External Trade Organization (JETRO) • Symposium on APEC Economic Law System held by JETRO, etc.
2001		
2002	Jan. Jul. Jul.	<ul style="list-style-type: none"> • JICA Survey Team was dispatched • Training course in Japan • Symposium on APEC Economic Law System held by JETRO, etc.
2003	Jan. Mar. Jun. Sep. Oct.	<ul style="list-style-type: none"> • JICA Survey Team was dispatched • Chief Justice of Supreme Court of Indonesia was invited to Japan by Ministry of Foreign Affairs and JICA • Training course in Japan • JICA long-term planning researcher was dispatched (private attorney) • Japan-Indonesia ADR Comparative Study Seminar (training course in Japan)
2004	Jun. Jul. Sep.	<ul style="list-style-type: none"> • Training course in Japan • Project on competition policy and deregulation in Indonesia commenced (by Fair Trade Commission) • JICA planning researcher was dispatched
2005	Dec.	<ul style="list-style-type: none"> • Training course in Japan
2006	Mar. Mar. Jul. Sep. Oct.	<ul style="list-style-type: none"> • ADR local seminar in Aceh (by JICA and JFBA) • Remote seminar on ADR in Aceh (five times in total) (by JICA and JFBA) • Training course in Japan • JICA Survey Team was dispatched and Minutes of Meeting was signed • Project on competition policy and deregulation in Indonesia terminated (by Fair Trade Commission)
2007	Mar. Jun. Aug. Oct.	<ul style="list-style-type: none"> • JICA Project on Improvement of Mediation System commenced, long-term expert (private attorney) was dispatched • Advisory group was formed in Japan • Local seminar • Training course in Japan
2008	Mar. Jul. Jul. Nov. Nov.	<ul style="list-style-type: none"> • Local seminar • 2nd training course in Japan • amended regulation of Supreme Court of Indonesia, PERMA No.1, 2008 was enforced (on court-annexed mediation and rules on mediation procedure) • Local seminar • JICA Survey Team was dispatched for project-end evaluation
2009	Mar. Sep. Nov.	<ul style="list-style-type: none"> • JICA Project on Improvement of Mediation System terminated • Field survey • JICA Country-focused training course (on court-annexed mediation)
2010	Mar. Aug. Nov. Dec.	<ul style="list-style-type: none"> • Discussion meeting with Supreme Court of Indonesia on future cooperation • Field survey by RTI • Judges of Supreme Court were invited to Japan by RTI • Deputy Chief Justice and others of Supreme Court were invited to Japan by RTI • RTI cooperated in JICA Project on Intellectual Property Rights
2011	Aug. Nov.	<ul style="list-style-type: none"> • Field survey on dissemination of mediation system and actual judicial system • Joint study in Japan for strengthening judicial training in Indonesia
2012	Aug. Nov.	<ul style="list-style-type: none"> • Field survey • 2nd joint study in Japan for strengthening judicial training system in Indonesia
2013	May. Nov.	<ul style="list-style-type: none"> • Field survey • JICA survey for information collection and confirmation in legal and judicial field
2014	Feb. Apr. Oct. Dec.	<ul style="list-style-type: none"> • 3rd joint study in Japan for strengthening judicial training in Indonesia • Local survey • Project-end evaluation survey of JICA Project on Intellectual Property Rights • Study on small-claims system with Supreme Court of Indonesia

2015	Feb. Feb. Jul., Aug. Dec. Dec.	<ul style="list-style-type: none"> • JICA survey team is to be dispatched • 4th joint study in Japan for strengthening judicial training in Indonesia • JICA signed memorandum on cooperation with the Supreme Court in Indonesia (Jul.) and the Ministry of Justice and Human Rights (Aug.) • JICA Project on Intellectual Property Rights Protection and Consistency for Improving Business Environment commenced • JICA survey team was dispatched • Two long-term experts (prosecutor, judge) were dispatched
2016	Mar. Apr.-May May May Jun., Oct., Feb. Jul. Jul., Aug. Oct.	<ul style="list-style-type: none"> • Local survey • Local survey • Minister of Justice of Japan visited Indonesia for the Ceremony • Joint study with the Ministry of Justice and the Human Rights • Advisory group meeting • Training course in Japan • JICA survey team was dispatched (in Jun. to participate in the International Conference in Aug., to participate in JCC) • Training courses in Japan
2017	Feb. Mar. Apr. Jun. Jul. Sep. Nov. Nov.	<ul style="list-style-type: none"> • Training course in Japan • Local seminar • JICA survey team was dispatched • Local seminar • Training course in Japan • Minister of Justice of Japan visited Indonesia • Training course in Japan • Advisory group meeting
2018	Jun. Feb. May, Aug. Jul. Oct. Dec.	<ul style="list-style-type: none"> • Local seminar • Training course in Japan • JICA survey team was dispatched (to attend the JCC in May, to attend the International Conference in Aug.) • Local seminar • Training course in Japan • Advisory group meeting
2019	Jan., Feb. Feb. Apr. Jun. Jun. Jul., Sep. Nov.	<ul style="list-style-type: none"> • Training courses in Japan • Local seminar • Advisory group meeting • JICA survey teams were dispatched (to attend the JCC, to attend the International Conference) • Local seminars • Training courses in Japan • Advisory group meeting
2020	Jan. Jan. Nov.	<ul style="list-style-type: none"> • Local seminar • Training course in Japan • JCC was held (online)
2021	Aug. Sep. Oct.	<ul style="list-style-type: none"> • JCC was held (online) • Online seminar on ensuring consistency among laws and regulations • Project “The Project for Efficient and Fair Disputes Resolution Mechanism and Legislative Drafting Capacity Development for Improving Business Environment” commenced (October 2021 – September 2025)
Year	Month	Mongolia
1993		
1994		• Prof. Akio Morishima was dispatched as JICA short-term expert to give advice on amendment of Civil Code
1995		

1996		• Assistance regarding registration system by Japan Federation of Shiho-Shoshi Lawyer's Associations
1997		
1998		• Seminar on registration for registrars of Immovable Property Registration Agency of Mongolia (held by judicial scriveners as JICA short-term experts)
1999		• Same as previous year
2000		
2001	Aug.-Sep. Oct.-Nov.	• Preliminary survey on legal technical assistance to Mongolia • Seminar on Japan-Mongolia comparative judicial systems held in Japan by RTI • Assistance regarding registration system in Mongolia by Japan Federation of Shiho-Shoshi Lawyer's Associations
2002	Feb.	• Training course for Mongolia held in Japan by Nagoya Univ.
2003	Mar.	• Short-term experts were dispatched to Mongolia (from Nagoya Univ., private attorney)
2004	Mar. Sep.	• Long-term expert (private attorney) was dispatched to Ministry of Justice and Home Affairs of Mongolia (2004 - 2006) • International symposium held in Mongolia by Nagoya Univ.
2005	Sep.	• International symposium held in Mongolia by Nagoya Univ. • Sociology of law study project on land law system in Mongolia commenced (by Nagoya Univ.)
2006	Sep.	• Project for Strengthening Mongolian Advocates Association commenced (2006 - 2008) • Long-term expert (private attorney) was dispatched (from JFBA) • Research and Education Center for Japanese Law was established at National Univ. of Mongolia by Nagoya Univ.
2007		
2008	Nov.	• Above Project terminated
2009	Jun. Sep.	• Survey team was dispatched for project detailed planning for strengthening mediation system in Mongolia • 3rd-year Celebration Event of Research and Education Center for Japanese Law in Mongolia by Nagoya Univ.
2010	May	• Project for Strengthening Mediation System commenced (2010 - 2012) • Long-term expert (private attorney) was dispatched from JFBA
2011		
2012	Oct. Nov.	• Survey team was dispatched for detailed planning of Above Project, Phase II • Above Project terminated
2013	Apr. Jul.	• Above Project, Phase II commenced (2013 - 2015) • Long-term expert (private attorney) was dispatched (from JFBA) • Short-term experts (private attorney, ICD Prof.) were dispatched to Mongolia
2014		
2015	Dec.	• Above Project, Phase II terminated
2016		
2017	Mar. Sep.	• Field survey by ICD • Field survey by ICD
2018	Aug.	• Field survey by ICD • Joint study (on Trade Laws)
2019	Jun. Sep. Oct.	• Field survey by ICD • Field survey by ICD • Joint study (on Trade Laws 2nd)
2021	May Aug. Oct.	• Online Seminar on Trade Laws • Signing MOC between the National Legal Institute of Mongolia (NLI) and RTI • Online workshop (Comparison of the criminal justice system in Mongolia and Japan)

Year	Month	Central Asia
1999		
2000	Jul. Aug.	[Uzbekistan] • Local seminar held by Cabinet Legislation Bureau • Academic exchange agreement was signed between Nagoya Univ. and three univ. in Uzbekistan
2001	Sep.	[Uzbekistan] • JICA Survey Team was dispatched
2002	Feb. Mar. Apr. Sep. Oct. Oct. Oct.	[Uzbekistan] • Symposium held by Nagoya Univ. inviting legal experts from three Central Asian countries • Expert was dispatched to Tashkent State Institute of Law by Nagoya Univ. • Training course in Japan • JICA Survey Team was dispatched • Local symposium by Nagoya Univ. • Local survey by JFBA • Local seminar (by RTI and Nagoya Univ.)
2003	Mar. Mar. Sep. Oct. Dec.	[Uzbekistan] • JICA Survey Team was dispatched • Field survey and local symposium (by Nagoya Univ.) • Expert was dispatched (by Hokkai Gakuen Univ.) • Training course in Japan • Minister of Justice of Uzbekistan was invited to Japan by MOJ and Nagoya Univ. and symposium was held by Nagoya Univ. • Two experts were dispatched (from MOJ and Waseda Univ.) to hold local follow-up seminar of training course held in Japan
2004	Jun. Jul. Jul. Oct. Oct.	[Uzbekistan] • Expert was dispatched to MOJ of Uzbekistan (by Mie Univ.) • JICA Survey Team was dispatched • Minutes of Meeting was signed (on assistance in drafting commentary on Bankruptcy Law) • Training course in Japan (on commentary on Bankruptcy Law) • Assistance in drafting Civil and Commercial Code continued (by Nagoya Univ.) • Deputy Chief Justice of Supreme Economic Court was invited to Japan (by MOJ) • Local symposium (by Nagoya Univ.) • Local follow-up seminar (by MOJ)
2005	May. Nov. May. Aug. Nov. Oct. Oct.	[Uzbekistan] • Training course in Japan (commentary on Bankruptcy Law) • Research and Education Center for Japanese Law was established at Tashkent State Institute of Law (by Nagoya Univ.) • Short-term experts were dispatched (from MOJ, Osaka Univ., etc.) • Project for Drafting Commentary on Bankruptcy Law commenced (by MOJ, until Sep. 2007) • Project to improve civil-related and administrative-related laws for development of corporate activities commenced (by Nagoya Univ.) • Long-term expert was dispatched (by Nagoya Univ.) • Local symposium (by Nagoya Univ.) [Kazakhstan, Kyrgyzstan, Tajikistan, Uzbekistan] • Comparative Study Project on Constitutional Courts in Central Asia commenced (by Nagoya Univ.)
2006	Apr. May. Aug. Sep. Nov.	[Uzbekistan] • Project for Drafting Commentary on Bankruptcy Law continued (by MOJ until Sep. 2007) • Long-term expert (private attorney) was dispatched through Above Project (by MOJ, until Sep. 2007) • Training course in Japan on commentary on Bankruptcy Law • Additional long-term expert was dispatched (by Nagoya Univ.)

2007	Jun, Feb. Mar. Jul. Dec. Sep Sep Sep.	[Uzbekistan] • Short-term experts were dispatched (from MOJ, Osaka Univ., etc.) • Commentary on Bankruptcy Law, Russian version was published • Seminar on dissemination of commentary in Uzbekistan • Workshop to promote use of commentary • Commentary, Japanese and Uzbek versions were published • Project for Drafting Commentary ended
2008	Jun. Mar. Dec. Dec.	[Uzbekistan] • Presentation ceremony to commemorate publication of commentary in Uzbekistan • Commentary, English version was published • Project to improve civil-related and administrative-related laws for development of corporate activities terminated (by Nagoya Univ.) • [Kazakhstan, Kyrgyzstan, Tajikistan, Uzbekistan] • Seminar on Central Asia Comparative Legal System Study
2009	Nov. Dec.	• Cooperation preliminary survey team was dispatched for Project to Improve Civil-related and Administrative-related Laws for Development of Corporate Activities (Phase II) [Kazakhstan, Kyrgyzstan, Tajikistan, Uzbekistan] • Seminar on Central Asia Comparative Legal System Study
2010	Dec.	[Kazakhstan, Kyrgyzstan, Tajikistan, Uzbekistan] • Seminar on Central Asia Comparative Legal System Study
2011	Dec.	[Kazakhstan, Kyrgyzstan, Tajikistan, Uzbekistan] • Seminar on Central Asia Comparative Legal System Study
2012	Nov.	[Kazakhstan, Kyrgyzstan, Tajikistan, Uzbekistan] • Seminar on Central Asia Comparative Legal System Study
2013	Nov.	[Kazakhstan, Kyrgyzstan, Tajikistan, Uzbekistan] • Seminar on Central Asia Comparative Legal System Study
2018	Mar. Sep.	[Uzbekistan] • Japan-Uzbekistan Joint Study in Tokyo • Seminar on Administrative Laws in Tashkent
2019	Feb. Mar. Jul. Jul.	[Uzbekistan] • Seminar on Administrative Laws in Tashkent • Japan-Uzbekistan Joint Study in Tokyo • Signing MOC between the Academy of the General Prosecutor's Office of Uzbekistan and Research and Training Institute • Seminar on Administrative Laws in Tashkent
2020	Apr. Jun.	[Uzbekistan] • JICA Project for Enhancement of Judicial Ability of the Protection of Rights and Liberalization of Economy commenced • Joint Project for Uzbekistan White Paper commenced
2021	Mar. May. Jun. Aug. Oct. Nov. Dec.	[Uzbekistan] • JICA Project for Enhancement of Judicial Ability of the Protection of Rights and Liberalization of Economy Online Seminar • Online Seminar on White Paper (1) • Online Seminar on White Paper (2) • JICA Project for Enhancement of Judicial Ability of the Protection of Rights and Liberalization of Economy Online Training Seminar • Joint Project for Uzbekistan White Paper and Crime Prevention Research commenced • Online Seminar on Crime Prevention (1) • Online Seminar on Crime Prevention (2) • Cooperation with the Lawyers' Training Center under the Ministry of Justice of the Republic of Uzbekistan commenced • Online Seminar on White Paper (3)
Year	Month	China
1995		

1996	Nov.	• Japan-China Civil and Commercial Law Seminar held by ICCLC (annually)
1997	Oct.	• Japan-China Civil and Commercial Law Seminar held by ICCLC (annually)
1998	Nov.	• Japan-China Civil and Commercial Law Seminar held by ICCLC (annually)
1999	Jun.	• Japan-China Civil and Commercial Law Seminar held by ICCLC (annually)
2000	Nov.	• Japan-China Civil and Commercial Law Seminar held by ICCLC (annually)
2001	Sep.	• Japan-China Civil and Commercial Law Seminar held by ICCLC (annually)
2002	Sep.	• Japan-China Civil and Commercial Law Seminar held by ICCLC (annually)
2003	Nov.	• Japan-China Civil and Commercial Law Seminar held by ICCLC (annually)
2004	Sep.	<ul style="list-style-type: none"> • Legal technical assistance to China on Economic Law by Ministry of Economy, Trade and Industry (METI), etc. • Japan-China Civil and Commercial Law Seminar held by RTI and ICCLC • Lecture presentation on Japan-China intellectual property legal systems held in Tokyo and Osaka by RTI and ICCLC
2005	Sep.	• Japan-China Civil and Commercial Law Seminar held by ICCLC (annually)
2006	Sep.	• Japan-China Civil and Commercial Law Seminar held by ICCLC (annually)
2007	Jun. Sep. Nov. Nov. Nov.	<ul style="list-style-type: none"> • JICA Survey Team was dispatched • Japan-China Civil and Commercial Law Seminar held by RTI, ICCLC and JETRO • Record of Discussions (R/R) was signed on JICA Project for Improving Civil Procedure Law (CPL) and Arbitration Law of China • Training course in Japan • Study group was established in Japan
2008	Mar. May., Nov. Oct.	<ul style="list-style-type: none"> • Local seminar • Training course in Japan • Japan-China Civil and Commercial Law Seminar held by RTI and ICCLC • Long-term expert (private attorney) was dispatched by JICA (for two years)
2009	May, Jul. Sep. Nov. Dec.	<ul style="list-style-type: none"> • Local seminar • Lecture on International Private Law and International CPL of China (inviting prof. from Tsinghua University) • Japan-China Civil and Commercial Law Seminar held by RTI, ICCLC and JETRO • Training course in Japan • Tort Law was enacted
2010	Mar. May. Jul. Jul. Oct. Oct. Nov.	<ul style="list-style-type: none"> • Local seminar • Project-end evaluation of Project for Improving CPL and Arbitration Law • Country-focused training course in Japan on “CPL and Civil-related Laws” • Country-focused training course in Japan on “Judicial personnel training” • Training course in Japan on Project for Improving CPL and Arbitration Law • Law on Application of International Private Law was enacted • Local seminar on Administrative Procedure Law in China
2011	Jan. Mar., Oct. Nov. Nov.	<ul style="list-style-type: none"> • Long-term expert (private attorney) was dispatched • Japan-China Civil and Commercial Law Seminar held by RTI and ICCLC • Training course in Japan (on judicial personnel training) • Local seminar (on CPL)
2012	Jan. Jun. Jul. Jul. Aug. Oct.	<ul style="list-style-type: none"> • Training course in Japan (on CPL and civil-related laws) • Local seminar on Inheritance Law in China • Country-focused Training Program on “Administrative Procedure Law and administrative-related laws” commenced • Training course in Japan (on Administrative Procedure Law and administrative-related laws in Jul. • CPL was amended • Japan-China Civil and Commercial Law Seminar held by RTI and ICCLC

2013	Jan. May., Oct. Aug. Oct. Oct. Dec. Dec.	<ul style="list-style-type: none"> • Training course in Japan (on CPL and civil-related laws(Consumer Rights Protection Law)) • Training course in Japan (on CPL and civil-related laws (Consumer Rights Protection Law) in May, (Copyright Law) in Oct.) • Local seminar on Inheritance Law in China • Country-focused training program on “CPL and civil-related laws” completed • Consumer Rights Protection Law was amended • Japan-China Civil and Commercial Law Seminar held by RTI, ICCLC and JETRO • JICA Survey Team was dispatched for project detailed project planning.
2014	May Jun. Jun.	<ul style="list-style-type: none"> • JICA survey team was dispatched to participate in JCC • Project for Legal Development for Imarket Economy and People’s Wellbeing commenced • Long-term expert (private attorney) was dispatched (from JFBA)
2015	Oct., Nov., Jun. Oct. Feb.	<ul style="list-style-type: none"> • Training course in Japan (on Crime Victim’s Rights Protection Act in Oct. and Nov., on Industrial Accident Compensation Insurance Act etc in Jun.) • JICA survey team was dispatched to participate in JCC • Japan-China Civil and Commercial Law Seminar held by RTI and ICCLC
2016	Jan. Apr. Sep., Nov. Nov.	<ul style="list-style-type: none"> • Japan-China Civil and Commercial Law Seminar held by RTI and ICCLC • JICA survey team was dispatched to participate in JCC • Training course in Japan (on Patent Act in Sep., on CC in Sep. on Administrative Procedure Act in Nov.) • Japan-China Civil and Commercial Law Seminar held by RTI and ICCLC
2017	Jun. Nov.	<ul style="list-style-type: none"> • JICA survey team was dispatched to participate in JCC • Local seminar on CC
2018	Apr., Sep. May Jul., Nov.	<ul style="list-style-type: none"> • Training course in Japan (on CC in Apr., on Patent act in Sep.) • JCC was held • Japan-China Civil and Commercial Law Seminar held by RTI, ICCLC and Japan-China Economic Association
2019	Jan. May Jun., Nov. Sep. Nov.	<ul style="list-style-type: none"> • Local seminar on CC • JCC was held • Training courses in Japan (on CC in Jun., on Patent act in Nov.) • Local seminar on CC • Japan-China Civil and Commercial Law Seminar held by RTI, ICCLC and Japan-China Economic Association
2020	May Oct.	<ul style="list-style-type: none"> • Civil Code was enacted. • the fourth amended Patent Law was enacted
2021	Jan. Mar.	<ul style="list-style-type: none"> • Online seminar (Civil Code and amended Patent Law) • Project for Legal Development for Improvement of Market Economy and People’s Wellbeing completed
Year	Month	Nepal
2007		
2008		<ul style="list-style-type: none"> • Local seminar on criminal-related law comparative study (twice)
2009	Jul. Oct.	<ul style="list-style-type: none"> • Field survey in Nepal • Local seminar on criminal-related law comparative study
2010	Jul. Jul. Aug.	<ul style="list-style-type: none"> • Country-focused training course in Japan on “Comparative Study of Criminal Justice System and Criminal Procedure” • Legal technical assistance advisory long-term expert (private attorney) was dispatched • Country-focused training course in Japan on “Civil Code and related laws”
2011	Feb. Sep. Nov.	<ul style="list-style-type: none"> • Field survey in Nepal • Japan-Nepal joint study on investigation and prosecution practice • Field survey in Nepal
2012	Jul. Aug. Sep. Nov.	<ul style="list-style-type: none"> • Japan-Nepal joint study on criminal justice • Training course in Japan on drafting of commentary on Civil Code • Training course in Japan on case management • Field survey in Nepal

2013	Aug. Sep. Sep. Dec.	<ul style="list-style-type: none"> • Japan-Nepal joint comparative study on judicial system • Project for Court Capacity-building for Expeditious and Fair Dispute Resolution in Nepal commenced • Long-term expert (private attorney) was dispatched for above project • 1st training course in Japan for above project
2014	Mar. Jun. Sep. Sep. Nov. Dec.	<ul style="list-style-type: none"> • Field survey in Nepal • JICA survey team was dispatched (survey for guidance on project management) • Japan-Nepal joint comparative study on judicial system • 2nd training course in Japan for above project • Local survey & seminar • 3rd training course in Japan for above project
2015	Feb. Oct. Dec. Nov.	<ul style="list-style-type: none"> • Field survey in Nepal • Local seminar • 4th training course in Japan for above project • Field survey in Nepal
2016	Feb. Mar. Jul. Sep. Nov. Dec.	<ul style="list-style-type: none"> • Field survey in Nepal • Japan-Nepal joint comparative study on judicial system • Invitation to support for enacting, disseminating and enforcing Civil Code • 5th course in Japan for above project • JICA survey team was dispatched (for project-end evaluation) • 6th training course in Japan for above project • Field survey in Nepal
2017	Mar. Nov.	<ul style="list-style-type: none"> • Japan-Nepal joint comparative study on judicial system • Field survey in Nepal
2018	Feb. Mar. Mar. May Aug. Dec.	<ul style="list-style-type: none"> • Wrap-up seminar for above project • Japan-Nepal joint comparative study on judicial system • Above project terminated • Local seminar on Code of Criminal Procedure • Local seminar on Code of Criminal Procedure and Civil Code • Field survey in Nepal
2019	Mar. Aug. Nov. Dec.	<ul style="list-style-type: none"> • Japan-Nepal joint comparative study on judicial system • Local seminar on contract law, tort law, private international law and pre-trial conference • Field survey in Nepal • Local seminar on property law, tort law and private international law
2020	Feb. Dec.	<ul style="list-style-type: none"> • Japan-Nepal joint comparative study on judicial system • Online seminar on tort law, private international law and pre-trial conference
2021	Mar. Sep. Dec.	<ul style="list-style-type: none"> • Online seminar on tort law, private international law and criminal procedure • Online seminar on tort law, private international law • Online seminar on probation and parole
Year	Month	Timor-Leste
2008		
2009	Jul.	• Training course in Japan for legislative drafting capacity-building
2010	Aug.	• Training course in Japan for legislative drafting capacity-building (Phase 2)
2011	Mar.	• Field survey in Timor-Leste
2012	Mar. Sep. Dec.	<ul style="list-style-type: none"> • Field survey in Timor-Leste • Joint study on legal system of Timor-Leste • Local seminar and field survey in Timor-Leste
2013	Apr.-Mar.2014 Jun. Sep. Dec.	<ul style="list-style-type: none"> • Advice on legal system of Timor-Leste (for legislative-drafting capacity-building) • Field survey and local seminar in Timor-Leste (on mediation law) • Local seminar in Timor-Leste (on mediation law) • JICA-Net seminar (on mediation law)

2014	Mar. Jul. Dec.	<ul style="list-style-type: none"> • Local seminar in Timor-Leste (on mediation law) • Field survey in Timor-Leste • Joint study on legal system of Timor-Leste (on juvenile law)
2015	Mar. Sep. Dec.	<ul style="list-style-type: none"> • Local seminar and field survey in Timor-Leste (on juvenile law) • Joint study on legal system of Timor-Leste (on mediation law and marriage law) • Local seminar and field survey in Timor-Leste (on mediation law)
2016	Mar. Aug.	<ul style="list-style-type: none"> • Joint study on legal system of Timor-Leste (on mediation law and nationality law) • Field survey in Timor-Leste
2017	Feb. Mar. Aug. Nov.	<ul style="list-style-type: none"> • Joint study on legal system of Timor-Leste (on civil registration law and marriage law) • Local seminar and field survey in Timor-Leste (on juvenile law) • Field survey in Timor-Leste • Local seminar and field survey in Timor-Leste (on immovable property registration law)
2018	Jan. Mar. Aug. Nov. Dec.	<ul style="list-style-type: none"> • Joint study on legal system of Timor-Leste (on land related law) • Field survey in Timor-Leste • Local seminar and field survey in Timor-Leste (on immovable property registration law) • Local seminar and field survey in Timor-Leste (on correction system) • Joint study on legal system of Timor-Leste (on immovable property registration law)
2019	Mar. Jul. Nov.	<ul style="list-style-type: none"> • Local seminar in Timor-Leste (on judicial system) • Local seminar and field survey in Timor-Leste (on immovable property registration law and judicial system) • Field survey in Timor-Leste (on immovable property registration law)
2020	Feb. Nov.	<ul style="list-style-type: none"> • Joint study on legal system of Timor-Leste (on immovable property registration law and judicial system) • Online seminar (on immovable property registration law)
2021	Jan. Feb. Mar. Apr. Jun. Jul. Sep. Nov. Dec.	<ul style="list-style-type: none"> • Online seminar (on immovable property registration law and land dispute resolution) • Online seminar (on immovable property registration law and land dispute resolution) • Online seminar (on land related law) • Online seminar (on cadastral law) • Online seminar (on land related law and cadastral law) • Online seminar (on civil registration law) • Online seminar (on civil registration law) • Online seminar (on immovable property registration law and land dispute resolution) • Online seminar (on immovable property registration law and civil registration law)
Year	Month	Myanmar
2011		
2012	Jul. Aug. Aug. Nov. Dec.	<ul style="list-style-type: none"> • Joint comparative study of legal systems in Japan and Myanmar, inviting former Dean of Faculty of Law of Yangon Univ. and former Director of Research and International Relation Department of Supreme Court of Union (SC) (by RTI) • Policy Research Institute of Ministry of Finance and Central Bank of Myanmar signed memorandum on cooperation for development of capital market • Local seminar on Legal System of Public Companies and Corporate Governance Reform (by JICA and Union Attorney General's Office (UAGO)) • Joint comparative study of judicial systems in Japan and Myanmar inviting five judges including Chief Justice of SC (by RTI and Keio Univ.) • Local seminar on Legal Aspects in Privatizing State Companies (by JICA and UAGO)

2013	Feb.	• Meetings with UAGO and SC (by RTI and JICA)
	Apr.	• Local seminar on Commercial Arbitration (by JICA and UAGO)
	Jun.	• Joint comparative study of legal systems in Japan and Myanmar inviting six officers including Attorney General and Chairman of Drafting Committee on Bills in Hluttaws (by RTI, JICA and ICCLC)
	Jul.	• Small-scale local seminar on Intellectual Property (IP) Law and Legal Training (by RTI and JICA)
	Jul.	• Securities Transaction Law of Myanmar was established with assistance from Policy Research Institute of Ministry of Finance
	Aug.	• Agreement on “Project for Capacity-Development of Legal, Judicial and Relevant Sectors in Myanmar (The Project Phase 1)” was signed between JICA and UAGO/SC on Aug.22
	Sep.	• Small-scale local seminar on IP Law, Bankruptcy Law and Legal Training (by RTI and JICA)
	Oct.	• Field survey on Correction (by RTI and JICA)
	Nov.	• Small-scale local seminar on IP Law (by RTI, JICA and Japan Patent Office)
	Nov.	• The Project Phase 1 commenced on Nov. 20
2014	Jan.	• Long-term expert (Attorney at Law) was dispatched
	Feb.	• Small-scale local seminar on Companies Act several times in and after Feb.
	Feb.	• Small-scale local seminar on Copyright Law
	Mar.	• Local survey and small-scale local seminar on Handling of Electromagnetic Records in Criminal Procedure and Investigation Methods of Intellectual Property Cases (by RTI)
	Apr.	• Small-scale local seminar on Handling of Electromagnetic Evidence in Civil Procedure
	May	• Long-term expert (Program coordinator) was dispatched
	May	• Long-term expert (Prosecutor) was dispatched
	May	• Small-scale local seminar on Outline of Securities Market and Capital Market, etc. (by Japan Securities Exchange)
	May	• 1st Study Tour in Japan on Judicial System of Japan
	Jun.	• Working group activities held on an ad-hoc basis in and after Jun.
	Jul.	• 1st Joint Coordinating Committee (JCC)
	Jul.	• Local seminar on IP Law (by JICA and Japan Patent Office)
	Aug.	• Local seminar on Arbitration Law
	Oct.	• Meeting of Advisory Group on Companies Act
	Nov.	• 2nd Study Tour in Japan on Human Resource Development
2015	Feb.	• 2nd JCC
	Feb.	• 3rd Study Tour in Japan on Legislative Procedure
	Jun.	• 4th Study Tour in Japan on Companies Act
	Jul.	• Mid-term evaluation and 3rd JCC
	Nov.	• 5th Study Tour in Japan on Techniques of Training and IP
	Nov.	• Local seminar on IP System
2016	Feb.	• Local seminar on IP System (jointly hosted by Japan Federal Bar Associations and IP-Net etc.)
	Feb.	• 6th Study Tour in Japan on IP System
	Mar.	• 4th JCC
	May	• Small-scale seminar on IP System (jointly hosted by IP-Net etc.)
	Jun.	• 7th Study Tour in Japan on Bankruptcy Code.
	Jul.	• Local seminar on Dispute Resolution including Arbitration and Mediation
	Aug.	• Local seminar on Drafting Policy Document of IP System
	Oct.	• Survey of management & instruction / Discussion on next project with JICA
	Nov.	• Small-scale seminar on Bankruptcy Code
	Nov.	• 8th Study Tour in Japan on Dispute Resolution including Arbitration and Mediation
	Dec.	• Change of Long-term expert (Prosecutor)

2017	Feb. Feb. Mar. Mar. May Jun. Jun. Aug. Oct. Oct.	<ul style="list-style-type: none"> • Local seminar on IP system • 9th Study Tour in Japan on Bankruptcy Code • 5th JCC • Local seminar on Mediation System • Change of Long-term expert (Attorney at Law) • Field survey on Legal System of Estate (by RTI) • 10th Study Tour in Japan on Legislation and Training System of Legal Professionals • Joint study on Legal System of Estate (by RTI) • Local seminar on Drafting Textbook of IP Law for Judges (newly appointed) • 11th Study Tour in Japan on IP System
2018	Feb. Feb. Mar. May Jun. Jul. Aug. Sep. Sep. Nov. Dec.	<ul style="list-style-type: none"> • Field survey on Legal System of Estate (by RTI) • Local seminar on IP System • 12th Study Tour in Japan on New Types of Evidences • The Project Phase 1 terminated on May 31 • “The Project for Capacity Development of Legal, Judicial and Relevant Sectors in Myanmar Phase2” commenced on Jun. 1 • 13th Study Tour in Japan on Efficient Dispute Resolutions • Local Seminar on IP Law System • Local Seminar on Mediation System • Field survey and Local Seminar on Immovable Property Registration-related Legal System (by RTI) • 14th Study Tour in Japan on Improvement of Training of Legal Professions • Local Seminar on IP Law System
2019	Jan. Jan. Jun. Jul. Jul. Sep. Oct. Oct. Nov. Dec. Dec.	<ul style="list-style-type: none"> • Local seminar on Textbook of Business-related Laws for Judges • Joint Study on Immovable Property Registration-related Legal System (by RTI) • Local seminar on IP Law System • 6th JCC • 16th Study Tour in Japan on Legislative Process • Field survey and local seminar on Immovable Property Registration-related Legal System (by RTI) • Local seminar on IP Law System • 17th Study Tour in Japan on Mediation System • Joint study on Immovable Property Registration-related Legal System (by RTI) • Local seminar on Textbook of Business-related Laws for Judges • Local seminar on IP Law System
2020	Jan. Jan. Jan. Feb. Mar. Jun. Jul. Aug. Dec.	<ul style="list-style-type: none"> • Local seminar on Textbook of Business-related Laws for Judges • Small-scale local seminar on Copyright Law • Local seminar on Mediation (Mediator Training) • Field survey on Immovable Property Registration-related Legal System (by RTI) • 18th Study Tour in Japan on Actual Practice of IP Law (canceled halfway due to COVID-19) • 7th JCC (UAGO) • 7th JCC (SC) • Online seminar on Effective Enforcement of Trademark Law • Online seminar on Immovable Property Registration-related Legal System (by RTI)
2021	Jan. Jan.	<ul style="list-style-type: none"> • Online seminar on Mediation • Online seminar on Effective Enforcement of Trademark Law
Year	Month	Bangladesh
2015	Jun.	• Field survey in Dhaka
2016	Mar. Oct.	<ul style="list-style-type: none"> • Preliminary tour for joint study • Joint study on court proceedings and ADR
2017	Jul. Dec.	<ul style="list-style-type: none"> • Field survey in Dhaka • 1st study trip to Japan of country-focused training course for “Capacity Building of the Members of the Subordinate Judiciary” (mainly on ADR)

2018	Jul. Nov.	<ul style="list-style-type: none"> • Local seminar in Dhaka • 2nd study trip to Japan (mainly on mediator training)
2019	Mar. Jul. Nov.-Dec.	<ul style="list-style-type: none"> • Field survey in Dhaka and Narsingdi • Local seminar in Dhaka • 3rd study trip to Japan (mainly on mediator training and case management)
2020	Oct. Nov.	<ul style="list-style-type: none"> • Online seminar on mediation • 1st Online seminar on case management
2021	Mar. Jul. Nov.	<ul style="list-style-type: none"> • 2nd Online seminar on case management • Online seminar on mediation • 3rd Online seminar on case management
Year	Month	Sri Lanka
2019	Aug.	<ul style="list-style-type: none"> • Field survey and local seminar in Colombo
2020	Jan. Jan.-Feb.	<ul style="list-style-type: none"> • Preliminary local seminar in Colombo for 1st study trip • 1st study trip to Japan of country-focused training course for “Improvement of the Practice of Criminal Justice Proceedings in Sri Lanka”
2021	Mar.-Apr. Aug Dec	<ul style="list-style-type: none"> • 2nd Country-focused training course for “Improvement of the Practice of Criminal Justice Proceedings in Sri Lanka” (online) • 3rd Country-focused training course for “Improvement of the Practice of Criminal Justice Proceedings in Sri Lanka” (online) • 4th Country-focused training course for “Improvement of the Practice of Criminal Justice Proceedings in Sri Lanka” (online)
Year	Month	Others
1995		
1996		<ul style="list-style-type: none"> • International Civil and Commercial Law Centre Foundation (ICCLC) was established • International Civil and Commercial Law Symposium held by ICCLC (twice)
1997	Feb.-Mar. Nov.	<ul style="list-style-type: none"> • Region-focused training course held by RTI (with participation from Mongolia, Myanmar, Vietnam) • International Civil and Commercial Law Symposium (on bankruptcy law system) held by RTI, ICCLC and Study Group on Comparative Legal Systems in Asia-Pacific Region
1998	Feb.-Mar.	<ul style="list-style-type: none"> • Region-focused training course continued (with participation from Cambodia, China, Laos, Mongolia, Myanmar, Vietnam)
1999	Feb. Feb.-Mar. Sep.	<ul style="list-style-type: none"> • 2nd International Civil and Commercial Law Symposium (on corporate bankruptcy, mortgage law system) • Region-focused training course continued (with participation from same countries as in previous year) • Japan-Korea Partnership Program held by RTI (with focus on comparative study of registration system)
2000	Jan.-Feb. Jan., Oct. May.-Jul. May and Sep.	<ul style="list-style-type: none"> • Region-focused training course continued (with participation from same countries as in previous year) • 1st and 2nd Annual Conference on Technical Assistance in Legal Field • Global Conference on Legal Technical Assistance held by World Bank • Region-focused training course held jointly by RTI and ADB • 2nd Japan-Korea Partnership Program held by RTI
2001	Jan.-Feb. Apr., Nov Sep. Jul. Jun. and Sep.	<ul style="list-style-type: none"> • Region-focused training course continued (with participation from same countries as in previous year) • International Cooperation Department (ICD) was established within RTI (Apr.), and relocated to Osaka (Nov.) • Participation in ADB Conference (in the Philippines) • 3rd Annual Conference on Technical Assistance in Legal Field • 2nd Global Conference on Legal Technical Assistance by World Bank • 3rd Japan-Korea Partnership Program held by RTI

2002	Feb. Feb.-Mar. Jun. and Oct.	<ul style="list-style-type: none"> • 3rd International Civil and Commercial Law Symposium (on ADR) • Region-focused training course continued (with participation from same countries as in previous year) • International workshop “Changes in Law, Development, Economy and Society in Asia” held by Institute of Developing Economies (IDE-JETRO) • Training course for the Philippines held in Japan jointly by RTI and ADB • 4th Japan-Korea Partnership Program held by RTI
2003	Jan. Jan. Jan.-Feb. Jun. and Oct.	<ul style="list-style-type: none"> • Lecture presentation on Japan-Korea Intellectual Property Rights lawsuit held by RTI and ICCLC (Tokyo and Osaka) • General meeting on “legal technical assistance to Asia” held by Nagoya Univ. • Study Council for Promoting Translation of Japanese Laws and Regulations into Foreign Languages • Legal technical assistance requested from Iran • 4th Annual Conference on Legal Technical Assistance in Legal Field • Symposium on Legal Systems of Intellectual Property Rights in Asia • Region-focused training course continued (with participation from Cambodia, China, Kazakhstan, Laos, Mongolia, Myanmar, Thailand) • 5th Japan-Korea Partnership Program held by RTI
2004	Jan. Feb.-Mar. Mar. Jun. and Oct.	<ul style="list-style-type: none"> • General meeting on “legal technical assistance to Asia” by Nagoya Univ. • Legal technical assistance (training course in Japan) to Iran begun by Nagoya Univ. • 5th Annual Conference on Technical Assistance in Legal Field • Region-focused training course in Japan on international civil and commercial law (for Cambodia, Laos, Vietnam). • 4th International Civil and Commercial Law Symposium (on intellectual property rights) held by RTI, ICCLC and JETRO • 6th Japan-Korea Partnership Program held by RTI
2005	Jan. Feb.-Mar. Jun. and Oct.	<ul style="list-style-type: none"> • 6th Annual Conference on Technical Assistance in Legal Field • Region-focused training course in Japan on International Civil and Commercial Law (for Cambodia, Laos, Myanmar, Vietnam) • 7th Japan-Korea Partnership Program held by RTI
2006	Feb. Feb.-Mar. Mar. Mar. Jun. and Oct.	<ul style="list-style-type: none"> • 5th International Symposium on Civil and Commercial Law (on international corporate law) held by RTI, ICCLC and JETRO • Region-focused training course in Japan on International Civil and Commercial Law (for Cambodia, Laos, Myanmar, Vietnam) • General meeting on “Legal Technical Assistance to Asia” held by Nagoya Univ. • 7th Annual Conference on Technical Assistance in Legal Field • 8th Japan-Korea Partnership Program held by RTI
2007	Jan. Jan. Feb.-Mar. Jun. and Oct.	<ul style="list-style-type: none"> • General meeting on “Study of Legal Technical Assistance Strategies” held by Nagoya Univ. • 8th Annual Conference on Technical Assistance in Legal Field • Region-focused training course in Japan on International Civil and Commercial Law (for Cambodia, Laos, Myanmar, Vietnam) • 9th Japan-Korea Partnership Program held by RTI
2008	Jan. Feb.-Mar. Feb. Feb. Dec. Jun. and Oct.	<ul style="list-style-type: none"> • 9th Annual Conference on Technical Assistance in Legal Field • Region-focused training course in Japan on International Civil and Commercial Law (for Cambodia, Laos, Myanmar, Vietnam) • “Seminar on Derivative Action in Asia” held by RTI and ICCLC • “Kanazawa Seminar” held by Ishikawa International Civil and Commercial Law Center • General meeting on “Study of Legal Technical Assistance Strategies” held by Nagoya Univ. • 10th Japan-Korea Partnership Program held by RTI

2009	Jan. Mar. Mar. Dec. Aug. Jun. and Oct.	<ul style="list-style-type: none"> • 10th Annual Conference on Technical Assistance in Legal Field. • 6th International Civil and Commercial Law Symposium on Derivative Action in Asia held by RTI, ICCLC and JETRO • “Kanazawa Seminar” by Ishikawa International Civil and Commercial Law Center • General meeting on “Study of Legal Technical Assistance Strategies” held by Nagoya Univ. • Symposium, “Our Legal Technical Assistance - Let’s Think Together about International Cooperation in Legal Field” held jointly by RTI, ICCLC and JICA • 11th Japan-Korea Partnership Program held by RTI
2010	Jan. Mar. Aug. Aug. Sep. Jun. and Oct.	<ul style="list-style-type: none"> • 11th Annual Conference on Technical Assistance in Legal Field • “Kanazawa Seminar” held by Ishikawa International Civil and Commercial Law Center • Internship by MOJ • Seminar on “Audit System in Asia” held jointly by RTI and ICCLC • Summer Symposium “Our Legal Technical Assistance 2010” held jointly by RTI, ICCLC and Nagoya Univ. • 12th Japan-Korea Partnership Program held by RTI
2011	Jan. Mar. Mar. Mar. Aug. Sep. Sep.	<ul style="list-style-type: none"> • 12th Annual Conference on Technical Assistance in Legal Field. • Internship for law school students by National Personnel Authority • “Kanazawa Seminar” held by Ishikawa International Civil and Commercial Law Center • Mini-symposium to study Japan-Korea cooperation in legal technical assistance • Internship by MOJ • Summer Symposium “Our Legal Technical Assistance 2011” held jointly by RTI, ICCLC, Nagoya Univ., Keio Univ., Kobe Univ. and ITP • 7th International Civil and Commercial Law Symposium on “Audit System in Asia” held jointly by RTI and ICCLC
2012	Jan. Mar. Mar. Aug. Nov. Jun. and Oct.	<ul style="list-style-type: none"> • 13th Annual Conference on Technical Assistance in Legal Field • Internship for law school students by National Personnel Authority • “Kanazawa Seminar” held by Ishikawa International Civil and Commercial Law Center • Internship by MOJ • “Our symposium ‘Access to Justice’ in Asia” held jointly by RTI, ICCLC, Nagoya Univ., Keio Univ., Kobe Univ. and others • 13th Japan-Korea Partnership Program held by RTI
2013	Jan. Feb. Mar. Nov. Jun. and Oct.	<ul style="list-style-type: none"> • 14th Annual Conference on Technical Assistance in Legal Field. • Internship for law school students by National Personnel Authority • “Kanazawa Seminar” by Ishikawa International Civil and Commercial Law Center • “Collaborative Project ‘International Cooperation for Asia in the Legal Field’” held jointly by RTI, ICCLC, Nagoya Univ., Keio Univ. and others • 14th Japan-Korea Partnership Program held by RTI
2014	Jan. Feb. Mar. Nov. Sep. Jun. and Oct.	<ul style="list-style-type: none"> • 15th Annual Conference on Technical Assistance in Legal Field. • Internship for law school students by National Personnel Authority • “Kanazawa Seminar” held by Ishikawa International Civil and Commercial Law Center • “Collaborative Project ‘International Cooperation for Asia in the Legal Field’” held jointly by RTI, ICCLC, Nagoya Univ. and Keio Univ. • 8th International Civil and Commercial Law Symposium on “Information providing system” held jointly by RTI and ICCLC • 15th Japan-Korea Partnership Program held by RTI
2015	Jan. Feb. Mar. May, Aug., Nov. Sep. and Oct.	<ul style="list-style-type: none"> • 16th Annual Conference on Technical Assistance in Legal Field • Internship for law school students by National Personnel Authority • “Kanazawa Seminar” held by Ishikawa International Civil and Commercial Law Center • “Collaborative Project ‘International Cooperation for Asia in the Legal Field’” held jointly by RTI, ICCLC, Nagoya Univ. and Keio Univ. • 16th Japan-Korea Partnership Program held by RTI

2016	Jan. Mar. Jun., Aug., Dec. Jun. and Oct	<ul style="list-style-type: none"> • 17th Annual Conference on Technical Assistance in Legal Field • “Kanazawa Seminar” held by Ishikawa International Civil and Commercial Law Center • “Collaborative Project ‘International Cooperation for Asia in the Legal Field’” held jointly by RTI, ICCLC, Nagoya Univ. and Keio Univ. • 17th Japan-Korea Partnership Program held by RTI
2017	Jan. Jun., Aug., Dec. Jun. Jun. and Nov. Aug. Sep. Oct.-Nov. Nov.	<ul style="list-style-type: none"> • 18th Annual Conference on Technical Assistance in Legal Field • “Collaborative Project ‘International Cooperation for Asia in the Legal Field’” held jointly by RTI, ICCLC, Nagoya Univ. and Keio Univ. • “Kanazawa Seminar” held jointly by Ishikawa International Civil and Commercial Law Center • 18th Japan-Korea Partnership Program held by RTI • Internship for law school students by National Personnel Authority • 9th International Civil and Commercial Law Symposium on “Corporate-Governance in Four Southeast Asian Countries” held jointly by RTI and ICCLC • Judicial Symposium on Intellectual Property 2017 ~IP Dispute Resolution in ASEAN+3 ~Japan-China-Republic of Korea)~ • “Japan-Korean Judicial Partnership / Immovable Property Registration Seminar” held by RTI and ICCLC
2018	Jan. Jun., Aug., Dec. Jun. and Oct. Jul. Nov.	<ul style="list-style-type: none"> • 19th Annual Conference on Technical Assistance in Legal Field • “Collaborative Project ‘International Cooperation for Asia in the Legal Field’” held jointly by RTI, ICCLC, Nagoya Univ. and Keio Univ. • 19th Japan-Korea Partnership Program held by RTI • “Kanazawa Seminar” held jointly by Ishikawa International Civil and Commercial Law Center • Judicial Symposium on Intellectual Property Advanced Seminar for ASEAN+3 2018
2019	Feb. Jun., Aug., Dec. Jun. and Oct. Jun. Aug. Aug. Sep.	<ul style="list-style-type: none"> • 20th Annual Conference on Technical Assistance in Legal Field • “Collaborative Project ‘International Cooperation for Asia in the Legal Field’” held jointly by RTI, ICCLC, Nagoya Univ. and Keio Univ. • 20th Japan-Korea Partnership Program held by RTI • “Japan-Korean Judicial Partnership 20th Memorial International Academic Conference” held by KTICO and RTI • “Kanazawa Seminar” held jointly by Ishikawa International Civil and Commercial Law Center • Internship for law school students by National Personnel Authority • Judicial Symposium on Intellectual Property 2019 ~IP Dispute Resolution in Asia - Pacific Region~
2020	Feb. Dec.	<ul style="list-style-type: none"> • 21st Annual Conference on Technical Assistance in Legal Field • “Collaborative Project ‘International Cooperation for Asia in the Legal Field’” held jointly by RTI, ICCLC, Nagoya Univ. and Keio Univ.

2021	Jan.	• JSIP Follow-Up Seminar (Laos, Myanmar)
	Feb.	• Youth Forum for The Fourteenth United Nations Congress on Crime Prevention and Criminal Justice
	Mar.	• 10th International Civil and Commercial Law Symposium on “Laws and Practices of Joint Venture in Four Southeast Asian Countries” held jointly by RTI and ICCLC
		• The Fourteenth United Nations Congress on Crime Prevention and Criminal Justice Ancillary Meeting
	June.	• 22nd Annual Conference on Technical Assistance in Legal Field
	Aug.-Sep.	• Internship for law school students by National Personnel Authority
	Sep.	• Internship for university students by MOJ
	Oct.	• The 1st Global Youth Forum for a Culture of Lawfulness
		• Judicial Symposium on Intellectual Property 2021 ~IP Dispute Resolution in Asia - Pacific Region~
	Nov.	• “Collaborative Project of Legal Technical Assistance” held jointly by RTI, ICCLC, Nagoya Univ. and Keio Univ.
		• “Kanazawa Seminar” held jointly by Ishikawa International Civil and Commercial Law Center
	Nov.-Dec.	• 22nd Japan-Korea Partnership Program held by RTI

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