

Your editorials “Ghosn, Baby, Ghosn” (Jan. 9) and “The Carlos Ghosn Experience” (Jan. 2) don’t accurately reflect the Japanese criminal justice system.

In Japan, unlike in some other democracies, arrests require permission of judges except for cases such as arresting someone while committing a crime. Only significant cases with sufficient evidence are subject to indictment, since becoming a party to a criminal trial imposes a burden on a suspect; Japan’s indictment ratio is only 37%—“99.3%” is the percentage of convictions divided by the number of indictments, not the criminals. As such, the conviction rate is high.

Consequently, investigation and interrogation for deciding whether to indict someone become an accurate and precise process. Suspects have the right to remain silent and to consult with lawyers exclusively, so as to avoid abusive interrogation which can lead to forced confessions. Audio/visual recording is conducted to ensure that there is no abusive interrogation. Our constitution stipulates that forced confessions shall not be admitted in evidence, prohibiting convictions solely based on confessions.

After indictment, barring any flight risk or a danger of evidence being concealed or destroyed, defendants can be released on bail before the trial to see their spouses and spend time together. In contrast, according to prosecutors, a judge recently issued an arrest warrant against Mr. Ghosn’s wife, Carole, on suspicion of committing perjury regarding her communications with those involved in her husband’s case.

Japan’s criminal proceedings cautiously take each step with scrutiny by judges, paying closest attention to the rights of the accused.

Recent Journal articles praised Japan’s progress in corporate governance. Recalling the half-century old, dust-covered “Japan Inc.” and implying conspiracy between the government and a company is in no way compelling.

MORI Masako  
Minister of Justice of Japan  
Tokyo