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<http://www.foejapan.org/en/news/170529.html>

23 NGOs and other civic organisations including FoE Japan that have been active in various issues concerning the environment, development, human rights, peace and the like have issued a joint statement in opposition to the “anti-conspiracy” bill (an amendment to the Act on the Punishment of Organised Crimes to establish “preparation for a terrorist act” as a crime).

“Anti-Conspiracy” bill which is currently discussed at the parliament in Japan, could enable the government to diminish citizens action in many ways. For example, the bill opens up the possibility for any criticism against government policies to be regarded as preparation for an organisational crime and elicit monitoring. It could also allow government agencies to manipulate information in a way to suggest that an organisation is “preparing for an organised crime”.

The Joint Statement also cites overseas examples of how human rights oriented NGOs and investigative journalists have been subject to surveillance as a result of being considered a threat to national security. We disapprove of such monitoring of emails and phone conversations in order to investigate “preparation for a terrorist act”. We are calling for the dismissal of the “anti-conspiracy” bill that suppresses civil society and inhibits democracy.

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Joint Statement in Opposition to an ‘Anti-Conspiracy’ Bill that will Suppress Civil Society

As an NGO and civil society who has been active in various issues concerning the environment, development, human rights, peace and the like, we strongly object the so-called “anti-conspiracy” bill (an amendment to the Act on the Punishment of Organized Crimes and Control of Crime Proceeds) to establish “planning and preparatory actions for terrorist acts” as a crime that will lead to a suppression of civil society.

The “anti-conspiracy” bill currently being debated in the Diet specifies 277 punishable crimes. The bill punishes those involved in activities such as copyright infringement, sit-ins in opposition to development projects, activities of labor unions that may be deemed as forcible obstruction of business chargeable as felony, and also includes theft of trees from protected forests under the Forest Act, infringement of breeder’s rights guaranteed under the Plant Variety Protection and Seed Act, amongst others. How are these activities possibly relate to the prevention of terrorism?

The government explained that establishing the preparatory actions for terrorist acts as a crime be necessary in order to ratify the UN Convention against Transnational Organized Crime. However, not only is the treaty not aimed against terrorism, this bill is not even a necessity in order to join the treaty. Japan has already ratified a series of relevant anti-terrorism treaties, and various legislations to preemptively punish murder, robbery, and use of explosives have already been put in place under domestic law.

The subject of the bill is supposedly "organized crime groups", however, it is the investigating authorities who judge what constitutes as a "organized crime group" and as such, the bill can subject a broad general public to its scrutiny. What constitutes as an "organized crime group" is not defined in the bill. During the parliamentary inquiries the government even testified that whether the organization is an "organized crime group" or not will be determined at the time in which the nature of the organization is deemed changed. There has been no measures included to prevent the authorities from expanding their interpretation.

In Japan and abroad, we have been sounding the alarm on activities that destroy the environment and violate human rights in the name of the "state". There are also groups that oppose the national policy to export nuclear power plants abroad after the Fukushima nuclear accident. It cannot be denied that there is a possibility that such criticisms on government policies could be regarded as preparation for an organizational crime and elicit monitoring. If the bill passes, such organizations could be subject to investigation simply based on tips received anonymously and damage their social credibility, and have a severe chilling effect on civil society activities.

We are not alone. "I want to preserve the nature of my home"? There are local residents who oppose development projects and participate in sit-ins genuinely for this feeling from their heart. Police surveillance over people like them, legalized under this "anti-conspiracy" bill, may make it possible to constitute such activities as "preparation for organized crime" by arbitrary manipulation of the gathered information. Regardless, the fear of being charged with crime will certainly manifest as a chilling effect on criticizing government policies.

There are many countries in the world where laws severely restrict the freedom of speech and the freedom of association and assembly, and countries under strict military regimes. Even under such circumstances, people continue their efforts to address human rights and environmental problems risking incarceration and other criminal prosecutions. Supporting such activists abroad who stand up for their human rights and the environment could be regarded as conspiring with overseas criminals and make us subject to punishment.

Another major concern with the enactment of this law is that it may open the door to broader surveillance of e-mails and phones by the investigating authorities in the sake of catching preparatory acts. In the United States, it was revealed that the National Security Agency (NSA) has been monitoring emails and other information exchanges via the internet of ordinary citizens. Similarly, there has been reports that the British Government Communications Headquarters (GCHQ) views human rights NGOs and investigative journalists as a threat to national security and as such, monitors their communications. This law may subject not only civil society groups like ourselves, but the citizens, researchers, and corporate and government officials we exchange information and opinions with to government surveillance. There is a dangerous possibility that our freedom of speech and thought?an essential component to a democratic nation?will be compromised.

The international community has also raised concerns over this proposed bill. On May 18, Professor Joseph Cannataci, a Special Rapporteur on the right to privacy for the United Nations, sent a letter to Prime Minister Abe expressing his concerns over how the "anti-conspiracy" bill could "lead to undue restrictions to the rights to privacy and to freedom of expression". Professor Cannataci requested that the Japanese government provide information on whether the proposed bill is consistent with the norms and standards of international human rights law and whether representatives of civil society are given the opportunity to have any input on the deliberations of the bill by examining the bill and having their opinions heard.

However, at the press-conference on the 22nd, Chief Cabinet Secretary Suga failed to respond to the inquiries of the special rapporteur in a concrete manner and instead treated the special rapporteur's concerns as personal opinion and labeled the letter inappropriate and misguided. The government's response of ignoring the function of the special rapporteur appointed by the United Nations for human rights compliance is a complete contradiction to their claims that the bill is necessary in order to ratify the United Nations convention against transnational organized crime.

We strongly feel that this dangerous bill has not been sufficiently deliberated and was hastily brought to a vote in the House of Representatives. We strongly urge to repeal this "anti-conspiracy" bill that suppresses civil society and inhibits democracy.

Friends of the Earth Japan, Mekong Watch, Peace Boat, Pacific Asia Resource Center (PARC), International Environmental Youth Organization ASEED Japan, Henoko Relay, Fukushima Beacon for Global Citizens Network, Dugong Protection Campaign Center, Nuclear Energy Civic Watch Group, Citizen's Group Against Military Bases in the Beautiful Ocean and Yanbaru, Japan International Volunteer Center (JVC), The Takagi Fund for Citizen Science, P-nong Learning Center, WE21 Japan Izumi, Ramsar Network Japan, People's Action Against TPP, Enaga-no-Kai Kashiwa, Japan Campaign to Ban Landmines (JCBL), Ayus: Network of Buddhist Volunteers on International Cooperation, WE21 Japan, Africa Japan Forum, NPO WE21 Japan Takatsu, Alternative People's Linkage in Asia (APLA)