

Japan: Protests against the special secrets protection bill under Diet debate

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Protesters stage rally against state secrets bill in front of PM’s office

A large group gathered outside the Prime Minister’s Office on the evening of Nov. 7 to protest the special secrets protection bill now under Diet debate, calling the proposed law a threat to Japanese democratic freedoms.

According to organizers, there were about 400 people at the rally in Tokyo’s Chiyoda Ward, many holding placards reading “Absolutely against a nation without freedom,” and “What’s secret? Sorry, that’s secret.”

Protesters also pointed out, in loud voices, that the bill “says consideration will be given to press freedoms and the people’s right to know. Those aren’t things to ‘consider’; they’re rights we’ve always had,” sparking applause from passers-by.

“Neither the Japanese people nor our lawmakers truly understand what’s in the secrets bill or the problems with it,” commented 43-year-old protester Takayuki Fujita. If the bill passes the Diet, “it’s absolutely possible that you could be arrested without ever knowing why,” he added.

The group behind the rally — “Stop! ‘himitsu hogoho’ 11.21 dai-shukai jikko iinkai” — is also organizing a mass rally against the secrets bill for Nov. 21 in Tokyo’s Hibiya Park.

“Legislators can’t effectively debate the bill in the short time available during the current Diet session,” group members stated to reporters in Tokyo earlier in the day.

Meanwhile, the Japan Federation of Commercial Broadcaster Workers’ Unions (Minpo Roren) released comments on Nov. 7 by chair Ohoro Akatsuka lambasting the government for “forcing the introduction of the secrets bill regardless of public opposition. We hereby announce once again our resolve for the bill to be scrapped.”

Kyodo News, November 8, 2013

<http://mainichi.jp/english/english/newsselect/news/20131108p2a00m0na015000c.html>

‘Special secrets’ could remain as such indefinitely under state secrets protection bill

The government of Prime Minister Shinzo Abe is pressing for enactment during the current extraordinary Diet session of a controversial state secrets protection bill to toughen penalties for leakers of “special secrets,” or sensitive information related to diplomacy, defense, terrorism, and espionage. But the legislation poses a serious problem: once information is designated as a special secret by the government, it could remain as such indefinitely.

The bill sets the effective period of such designation at five years, but it also stipulates that the special secret designation could be renewed for up to 30 years. The effective period of 30 years is the same as the maximum period set for preserving official documents under the Public Records Management Act. Nevertheless, special secrets designated by the government under the contentious legislation would not necessarily be released after 30 years. That’s because the legislation contains an exemption clause.

Article 4 of the legislation stipulates, “If the designation of special secrets is to be extended beyond 30 years it is required to obtain Cabinet approval.” In other words, special secrets could remain as such indefinitely if the Cabinet approves them. The legislation has no rules as to when the special secret designation will be lifted thereafter.

Yosuke Isozaki, a special adviser to Prime Minister Abe, who is in charge of the legislation, explains on his blog, “It is all right to say that it (the duration of designation) has been set for up to 30 years in principle.” Nonetheless, it is to be treated that way only “in principle.”

The bill stipulates that the designation of special secrets shall be lifted as soon as it becomes unnecessary. It could be lifted within less than five years, but it is not clear whether the rule will in fact work out that way. About 55,000 cases of sensitive information were designated as “defense secrets” under the Self-Defense Forces Act between 2007 and 2011. Of all the cases, 34,300 of them were destroyed as secrets without being exposed to the public eye even once. There was only one case for which its defense secret designation was lifted.

The legislation does not clarify how special secrets will be treated even after their designations are lifted. New Komeito, the ruling Liberal Democratic Party (LDP)’s coalition partner, is demanding that the Public Records Management Act be applied to public documents designated as special secrets. In that case, government ministries and agencies will not be allowed to destroy such documents on their own because they are required to obtain the prime minister’s permission to do so. Also, historically important documents are supposed to be transferred to the National Archives of Japan. The Cabinet Information Research Office has said, “We are coordinating our views in that direction.” But the government has yet to make a final decision.

Mainichi Shimbun, November 7, 2013

<http://mainichi.jp/english/english/newsselect/news/20131107p2a00m0na007000c.html>
