NOTE VERBALE

The Ministry of Foreign Affairs presents its compliments to the Australian Embassy and, with reference to the latter's Notes No. E278 of October 26, 1983, and No. E323 of December 8, 1983, requesting assistance in the child abduction case concerning Mr. Peter Bevan RIDDELL, has the honour to state in reply as follows:

1. It is unclear whether or not the Australian request by the Notes mentioned above has been made in relation to the criminal procedure in Australia. In case it is related to the criminal procedure, the Japanese Government will be able to examine the above request, on condition that (1) the request is conveyed by a diplomatic Note accompanied by a Letter of Request of the Australian investigative authorities, addressed to the Japanese authorities concerned and that (2) the request meet the conditions prescribed in "the Law for International Assistance in Investigation" of Japan (English translation of the Law is attached hereto).
2. In case Mr. Riddell's conduct has not been treated as a criminal case, the scope of action that the Japanese Government will be able to take in response to the Australian request would be rather limited. In this connexion it may be noted that Mrs. Julie Christine Riddell could institute legal proceedings in Japanese courts to have the judicial decision by the Family Court of Australia, which granted her sole guardianship and custody of the child, made effective in Japan as well as in Australia, provided that the above-mentioned decision of the Australian Court implies forcible execution.

3. The Ministry of Justice has already been informed that Mr. Riddell's passport has been cancelled by the Australian authorities.

Tokyo, December 22, 1983.