

Rules of Criminal Procedure

(Rules of the Supreme Court No. 32 of December 1, 1948)

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Part I General Provisions

(Construction and Operation of These Rules)

Article 1 (1) These Rules must be construed and operated in a manner that ensures the speedy and fair judicial proceedings expected under the Constitution.

(2) Procedural rights must be exercised in good faith, and must not be abused.

Chapter I Jurisdiction of the Courts

(Method of Filing a Request for Designation or Change of Jurisdiction)

Article 2 In filing a request for designation or change of jurisdiction, the requester must submit a written request stating the reasons therefor to the court with jurisdiction.

(Notice of Request for Designation or Change of Jurisdiction)

Article 3 When a public prosecutor files a request for designation or change of jurisdiction for a case pending before a court, the public prosecutor must promptly notify the court to that effect.

(Delivery of a Transcript of a Written Request and Submission of a Written Opinion)

Article 4 (1) When a public prosecutor files a request for change of jurisdiction for a case pending before a court based on any of the grounds prescribed in the items of Article 17, paragraph (1) of the Code of Criminal Procedure (Act No.

131 of 1948; hereinafter referred to as the "Code"), the public prosecutor must promptly deliver a transcript of the written request to the accused.

- (2) The accused may submit a written opinion to the court with jurisdiction within three days from the day on which the accused has received delivery of the transcript of the written request.

(Request for Change of Jurisdiction by the Accused)

Article 5 (1) In order for the accused to submit a written request for change of jurisdiction, the accused must do so through the court before which the case is pending.

- (2) When the court set forth in the preceding paragraph receives a written request, it must promptly notify the public prosecutor in the public prosecutor's office corresponding to the court to that effect.

(Stay of Court Proceedings)

Article 6 When a request for designation or change of jurisdiction is filed for a case pending before a court, court proceedings must be stayed until a ruling is rendered; provided, however, that this does not apply in cases of urgency.

(Method of Filing a Request for the Transfer of a Case)

Article 7 In filing a request for a transfer under the provisions of Article 19 of the Code, the requester must submit a written request with the reasons attached to the court.

(Hearing of Opinions)

Article 8 (1) When a request for a transfer under the provisions of Article 19 of the Code has been filed, the court must render a ruling after hearing the opinions of the opponent or the defense counsel.

- (2) In order for the court to render an ex officio ruling to transfer a case under the provisions of Article 19 of the Code, the court must hear the opinions of the public prosecutor and of the accused or the defense counsel.

Chapter II Disqualification of, Challenge to, and Recusal of Court Officials

(Motion to Challenge)

Article 9 (1) When filing a motion to challenge a judge who is a member of a judicial panel, the motion must be filed with the court to which the judge is assigned, and when filing a motion to challenge an authorized judge, a single judge of a district court, or a judge of a family court or summary court, the motion must be filed with the judge who is being challenged.

- (2) In filing a motion to challenge, the grounds must be indicated.

(3) As to the grounds for the challenge, and as to the fact that the person filing the motion to challenge did not know of the existence of the grounds for the challenge when the person made a request or statement with regard to the case, or as to the fact that the grounds for the challenge occurred after the person made a request or statement with regard to the case, a prima facie showing must be made in writing within three days from the day on which the motion to challenge has been filed.

(Written Opinion on the Motion)

Article 10 A judge who has been challenged must submit a written opinion on the motion to challenge, except in the following cases:

- (i) where a single judge of a district court or a judge of a family court or summary court admits that there are grounds for the motion to challenge;
- (ii) where the motion to challenge is dismissed on the basis that it is clear that the motion has been filed merely for the purpose of delaying the court proceedings; or
- (iii) where the motion to challenge is dismissed on the basis that the motion has been filed in violation of the provisions of Article 22 of the Code or in violation of proceedings specified in paragraph (2) or (3) of the preceding Article.

(Stay of Court Proceedings)

Article 11 When a motion to challenge has been filed, except in the cases set forth in items (ii) and (iii) of the preceding Article, court proceedings must be stayed; provided, however, that this does not apply in cases of urgency.

(Judicial Decision on Disqualification)

Article 12 (1) The court that should render a ruling on a motion to challenge must render an ex officio ruling of disqualification if it finds that a judge falls under any of the items of Article 20 of the Code.

- (2) In rendering the ruling set forth in the preceding paragraph, the court must hear the opinion of the judge.
- (3) The judge who has been challenged may not participate in rendering of the ruling set forth in paragraph (1).
- (4) When the court is unable to render the ruling because of the withdrawal of the judge who has been challenged, the ruling must be rendered by the immediate upper instance court.

(Recusal)

Article 13 (1) A judge must recuse themselves if the judge considers that there are grounds for challenge.

- (2) A motion for recusal must be filed in writing with the court to which the judge is assigned.
- (3) The court that should render a decision on the motion to challenge must render a decision on a motion for recusal.
- (4) The provisions of paragraphs (3) and (4) of the preceding Article apply mutatis mutandis to recusal.

(Service of a Judicial Decision on Disqualification or Recusal)

Article 14 The rulings set forth in the preceding two Articles are not served.

(Provisions Applied Mutatis Mutandis)

Article 15 (1) The provisions of this Chapter apply mutatis mutandis to court clerks.

- (2) A motion to challenge a court clerk assigned to an authorized judge must be filed with that judge.

Chapter III Capacity to Sue or be Sued

(Request for Appointment of a Special Agent for a Suspect)

Article 16 A request for the appointment of a special agent for a suspect must be filed with the district court or summary court which has jurisdiction over the location of the public agency to which the public prosecutor or judicial police personnel handling the suspect's case is assigned.

Chapter IV Counsel and Assistants

(Appointment of Defense Counsel for a Suspect)

Article 17 The appointment of defense counsel made before the institution of prosecution remains effective in the first instance, only in cases where a document jointly signed by the suspect and the defense counsel has been submitted to the public prosecutor or judicial police personnel handling the suspect's case.

(Method of Appointing Defense Counsel for the Accused)

Article 18 The appointment of defense counsel after the institution of prosecution must be made by submitting a document jointly signed by the accused and the defense counsel.

(Appointment of Defense Counsel for Subsequently Prosecuted Cases)

Article 18-2 The appointment of defense counsel made to a certain case by a person specified in Article 30 of the Code remains effective in any other case in

which prosecution is instituted in the same court after the institution of prosecution of the case and which is consolidated with the case; provided, however, that this does not apply when the accused or the defense counsel states otherwise.

(Notice to the Accused or to the Suspect)

Article 18-3 (1) A notice under the provisions of Article 31-2, paragraph (3) of the Code to the accused or to a suspect committed to or detained in a penal detention facility (meaning a penal institutions, detention facilities, or coast guard detention facilities; the same applies hereinafter) is to be given to the warden of the penal institutions, the detention services manager (meaning a detention services manager as defined in Article 16, paragraph (1) of the Act on Penal Detention Facilities and the Treatment of Inmates and Detainees (Act No. 50 of 2005); the same applies hereinafter), or the coast guard detention services manager (meaning a coast guard detention services manager as defined in Article 26, paragraph (1) of the same Act; the same applies hereinafter).

(2) When the warden of a penal institution, a detention services manager, or a coast guard detention services manager receives the notice set forth in the preceding paragraph, they must immediately notify the accused or the suspect to that effect.

(Chief Defense Counsel)

Article 19 (1) When there is more than one defense counsel for the accused, one of them is to be designated as the chief defense counsel; provided, however, that a person who is not an attorney at law may not be designated as the chief defense counsel in a district court.

(2) The chief defense counsel is to be designated independently by the accused or by agreement among all the defense counsel.

(3) A person entitled to designate the chief defense counsel may change the designation.

(4) Neither designation of the chief defense counsel by all the defense counsel nor change thereof may be made contrary to the intent expressed by the accused.

(Method of Designating or Changing the Chief Defense Counsel)

Article 20 When the accused or all the defense counsel designate the chief defense counsel or make a change thereof, they must do so by submitting a document to the court; provided, however, that when changing the designation of the chief defense counsel on the trial date, it is sufficient to file a statement orally.

(Chief Defense Counsel Designated by the Presiding Judge)

Article 21 (1) If there is more than one defense counsel for the accused and the chief defense counsel has not been designated, the presiding judge must designate the chief defense counsel.

(2) The presiding judge may change the designation set forth in the preceding paragraph.

(3) The chief defense counsel set forth in the preceding two paragraphs performs their duties until the chief defense counsel set forth in Article 19 is designated.

(Notice of Designation or Change of the Chief Defense Counsel)

Article 22 With regard to the designation or change of the chief defense counsel, when the accused has made the designation or change, the fact must be immediately notified to the public prosecutor and the person designated as the chief defense counsel to that effect, and when all the defense counsel or the presiding judge has made the designation or change, the fact must be immediately notified to the public prosecutor and the accused.

(Deputy Chief Defense Counsel)

Article 23 (1) If the chief defense counsel is unable to perform their duties, the presiding judge may designate one person from among the other defense counsel as the deputy chief defense counsel.

(2) If the chief defense counsel has notified the court in advance of the person who is to serve as the deputy chief defense counsel, the person must be designated as the deputy chief defense counsel.

(3) The presiding judge may rescind the designation set forth in paragraph (1).

(4) The provisions of the second sentence of the preceding Article apply mutatis mutandis to the designation or cancellation of the deputy chief defense counsel.

(Resignation and Dismissal of the Chief Defense Counsel or Deputy Chief Defense Counsel)

Article 24 (1) The provisions of Article 20 apply mutatis mutandis to the resignation or dismissal of the chief defense counsel or deputy chief defense counsel.

(2) When the chief defense counsel or deputy chief defense counsel resigns or is dismissed, the fact must be immediately notified to the persons concerned in the case; provided, however, that there is no requirement to notify the accused when the accused dismisses the chief defense counsel or deputy chief counsel.

(Authority of the Chief Defense Counsel or Deputy Chief Defense Counsel)

Article 25 (1) The chief defense counsel or deputy chief defense counsel represents all other defense counsel in the receipt of notices and the delivery of

documents to other defense counsel.

- (2) No defense counsel other than the chief defense counsel and deputy chief defense counsel may file a motion, file a request, ask a question, conduct an examination, or make a statement without the permission of the presiding judge or a judge and without the consent of the chief defense counsel or deputy chief defense counsel; provided, however, that this does not apply to a request for permission to transcript articles of evidence, a request for the delivery of a transcript or an extract of a written judgment or of a record stating the judicial decision, or the statement of an opinion made after the examination of evidence on the trial date.

(Limitation of the Number of Defense Counsel for the Accused)

Article 26 (1) When there are special circumstances, the court may limit the number of defense counsel to three persons for each accused.

- (2) The ruling on limitation set forth in the preceding paragraph becomes effective upon notifying the accused to that effect.
- (3) When the court has limited the number of defense counsel for the accused and the number of defense counsel exceeds the limit, the court must immediately notify each defense counsel and the person who has appointed the defense counsel to that effect. In this case, notwithstanding the provisions of the preceding paragraph, the ruling on limitation becomes effective when seven days have elapsed from the day the notification was given.
- (4) When the ruling on limitation set forth in the preceding paragraph has become effective and the number of defense counsel still exceeds the limit, the appointment of the defense counsel ceases to be effective.

(Limitation of the Number of Defense Counsel for a Suspect)

Article 27 (1) The number of defense counsel for a suspect must not exceed three persons per suspect; provided, however, that this does not apply to cases where the district court or summary court which has jurisdiction over the location of the public agency to which the public prosecutor or judicial police personnel handling the suspect's case is assigned gives permission upon finding that there are special circumstances.

- (2) The permission set forth in the proviso to the preceding paragraph is to be granted upon the request of a person entitled to appoint the defense counsel or a person who seeks to serve as defense counsel in response to the request of the person.
- (3) The permission set forth in the proviso to paragraph (1) must be granted together with the designation of the number of defense counsel to be permitted.

(Request for the Appointment of Court-Appointed Defense Counsel)

Article 28 In filing the request set forth in Article 36, Article 37-2, or Article 350-3, paragraph (1) of the Code, the reason therefor must be indicated.

(Judge with Whom a Request for the Appointment of Court-Appointed Defense Counsel Is to Be Filed)

Article 28-2 The request set forth in Article 37-2 of the Code must be filed with the judge who has received a request for detention, a judge of the district court with jurisdiction over the location of the court to which the judge is assigned, or a judge of the summary court in the same locality as the district court (including the same locality as a branch of the district court).

(Submission of a Written Request for the Appointment of Court-Appointed Defense Counsels)

Article 28-3 (1) In order for a suspect committed to or detained in a penal detention facility to file the request set forth in Article 37-2 or Article 350-3, paragraph (1) of the Code, the suspect must submit a written request and a statement of their financial resources set forth in Article 36-2 of the Code to the judge through the warden of the penal institution, the detention services manager, the coast guard detention services manager, or a deputy of those persons, except in the case where the request is filed in the presence of a court clerk.

(2) In the case referred to in the preceding paragraph, when the warden of the penal institution, the detention services manager, the coast guard detention services manager, or a deputy of those persons receives the document set forth in the same paragraph from a suspect, they must immediately send the documents to the judge; provided, however, that except in the case of filing the request set forth in Article 350-3, paragraph (1) of the Code, if the person receives the document set forth in the preceding paragraph from a suspect whose detention has not been requested, the person must send the documents to the judge immediately after the request has been filed to detain the suspect.

(3) In the case referred to in the preceding paragraph, the warden of the penal institution, the detention services manager, the coast guard detention services manager, or a deputy of those persons may use a facsimile machine to transmit the document set forth in paragraph (1) to the judge.

(4) When the document set forth in paragraph (1) has been sent under the provisions of the preceding paragraph, the document is deemed to have been submitted at that time.

(5) In the case prescribed in the preceding paragraph, if the judge finds it necessary, the judge may have the warden of the penal institution, the detention services manager, or the coast guard detention services manager submit the original document used for the transmission.

(Judge Who Is to Make a Ruling on the Appointment of Defense Counsel)

Article 28-4 The ruling on the appointment of defense counsel under the provisions of Article 37-4 of the Code must be made by the judge who has received the request for detention, a judge of the district court which has jurisdiction over the location of the court to which the judge is assigned, or a judge of the summary court in the same locality as the district court (including the same locality as a branch of the district court).

Article 28-5 In cases where a defense counsel has been appointed pursuant to the provisions of Article 37-2, paragraph (1) or Article 37-4 of the Code, the ruling on the appointment of defense counsel under the provisions of Article 37-5 of the Code must be made by the judge who appointed the first defense counsel, a judge of the district court which has jurisdiction over the location of the court to which the judge is assigned, or a judge of the summary court in the same locality as the district court (including the same locality as a branch of the district court).

(Appointment of Court-Appointed Defense Counsel)

Article 29 (1) Defense counsel to be appointed by the court or by the presiding judge based on the provisions of the Code must be appointed by the presiding judge from among the attorneys at law who belong to the bar association within the jurisdictional district of the district court which has jurisdiction over the location of the court; provided, however, that if there is no attorney at law who is able to act as defense counsel for the case in question within the jurisdictional district or if there are other unavoidable circumstances, defense counsel may be appointed from among the attorneys at law belonging to a bar association within the jurisdictional district of another district court adjacent thereto or from among any other appropriate attorneys at law.

(2) The provisions of the preceding paragraph apply mutatis mutandis to cases where a judge appoints defense counsel based on the provisions of the Code.

(3) Notwithstanding the provisions of paragraph (1), in cases where the court of second instance appoints defense counsel, if the presiding judge finds it to be particularly necessary for the proceedings in the second instance, the presiding judge may appoint an attorney at law who served as defense counsel in the first instance (limited to an attorney at law appointed by the court, the presiding judge, or a judge based on the provisions of the Code) as defense counsel.

(4) The provisions of the preceding paragraph apply mutatis mutandis to cases where the final appellate court appoints defense counsel.

(5) When there is no conflict of interest among the accused or suspects, the court,

the presiding judge, or a judge may have the same defense counsel defend several accused or suspects.

(Judge Who Is to Make a Ruling on the Dismissal of Defense Counsel)

Article 29-2 A ruling on the dismissal of defense counsel under the provisions of Article 38-3, paragraph (4) of the Code must be made by the judge who has appointed the defense counsel, a judge of the district court which has jurisdiction over the court to which the judge is assigned, or a judge of the summary court in the same locality as the district court (including the same locality as a branch of the district court).

(Notice of Appointment of Court-Appointed Defense Counsel)

Article 29-3 (1) When the presiding judge or a judge appoints defense counsel based on the provisions of the Code, they must immediately notify the public prosecutor and the accused or the suspect to that effect. In this case, they must also immediately notify the Japan Legal Support Center to that effect.

(2) The provisions of the preceding paragraph apply mutatis mutandis to cases where the court or the judge dismisses the defense counsel based on the provisions of the Code.

(Interviews at the Court)

Article 30 In cases where the accused or a suspect who is under physical restraint is in the premises of the court, if it is necessary to prevent the flight of the person, the concealment or destruction of evidence of crime, or the giving or receiving of objects which may hinder safe custody, the court may designate the date, time, place, and duration of the interview between the person and the defense counsel or a person who seeks to serve as the defense counsel in response to the request of a person entitled to appoint the defense counsel, and may prohibit giving or receiving of documents or objects between those persons.

(Inspection of Documents by Defense Counsel)

Article 31 With the permission of the presiding judge, the defense counsel may have their employee or other persons inspect or copy documents and articles of evidence related to the litigation.

(Method of Notification for Assistants in Court)

Article 32 In giving notification for becoming an assistant in court, the notification must be given in writing.

Chapter V Judicial Decisions

(Proceedings for Rendering a Ruling or an Order)

Article 33 (1) When rendering a ruling through a motion in an open court, or when rendering a ruling on a motion filed in an open court, the statements of the persons concerned in the case must be heard. In other cases, the ruling may be rendered without hearing the statements of the persons concerned in the case; provided, however, that this does not apply when there are special provisions providing otherwise.

(2) An order may be rendered without hearing the statements of the persons concerned in the case.

(3) When conducting an examination of the facts for rendering a ruling or an order, the court or the judge may examine witness or order an expert examination, if necessary, pursuant to the provisions of the Code or these Rules,.

(4) In the case referred to in the preceding paragraph, if the court or the judge finds it necessary, the court or the judge may have the public prosecutor, the accused, the suspect, or the defense counsel to be present at the examination or the disposition.

(Announcement of a Judicial Decision)

Article 34 The announcement of a judicial decision must be made by pronouncement of the judicial decision at an open court, and by service of a transcript of the written judgment in other cases; provided, however, that this does not apply if there are special provisions providing otherwise.

(Pronouncement of a Judicial Decision)

Article 35 (1) Pronouncement of a judicial decision must be made by the presiding judge.

(2) In pronouncing the judgment, the presiding judge must read aloud the main text of the judgment and the reasons therefor, or read aloud the main text of the judgment and give an outline of the reasons therefor at the same time.

(3) When a ruling set forth in Article 290-2, paragraph (1) or (3) of the Code has been rendered, the pronouncement of judgment under the provisions of the preceding paragraph is to be made by a method in which the information that identifies the victim is not disclosed.

(Sending of a Transcript or an Extract)

Article 36 (1) When a judicial decision whose execution needs to be directed by the public prosecutor is made, a transcript or an extract of the written judgment or the record stating the judicial decision must be sent promptly to the public prosecutor; provided, however, that this does not apply when there are special provisions providing otherwise.

- (2) When an extract sent pursuant to the provisions of the preceding paragraph is an extract of the judgment document or a record stating the judgment under the provisions of Article 57, paragraphs (2) through (4) that is required in order for the public prosecutor to direct the execution of a sentence of imprisonment with or without work, an extract of the judgment document or the record stating the judgment which states the facts constituting the crime must be sent subsequently to the public prosecutor in a prompt manner.

Chapter VI Documents and Service

(Preparer of Litigation Documents)

Article 37 Documents related to litigation must be prepared by a court clerk, except when there are special provisions providing otherwise.

(Examination Record of Witnesses)

Article 38 (1) A record must be made for the examination of a witness, an expert witness, an interpreter, or a translator.

(2) The following matters must be stated in the record:

- (i) the names of the persons who were present at the examination;
- (ii) when a witness was not sworn under oath, the grounds therefor;
- (iii) the questions asked during examination of the witness, expert witness, interpreter, or translator, their statements, and the fact that the persons who were present at the examination were given the opportunity to examine the person;
- (iv) the fact that the measures prescribed in Article 157-2, paragraph (1) of the Code have been taken and the name of the person who accompanied the witness, and the relationship between the person and the witness;
- (v) the fact that the measures prescribed in Article 157-3 of the Code have been taken;
- (vi) the fact that the examination of the witness was conducted according to the method prescribed in Article 157-4, paragraph (1) of the Code;
- (vii) the fact that the questions asked during examination and the statement, and the circumstances thereof were recorded on a recording medium (meaning a thing which is able to record images and sounds simultaneously; the same applies hereinafter) pursuant to the provisions of Article 157-4, paragraph (2) of the Code, and the type and quantity of the recording media;
- (viii) the fact that the measures prescribed in Article 316-39, paragraph (1) of the Code have been taken, and the name of the person who accompanied the participating victim (meaning a participating victim as defined in Article 316-33, paragraph (3) of the Code; the same applies hereinafter) and the relationship between the person and the participating victim; and

- (ix) the fact that the measures prescribed in Article 316-39, paragraph (4) of the Code have been taken.
- (3) The court must have the declarant verify the content of the record (excluding the recording media onto which the questions asked during the examination of the witness and the statements, and the circumstances thereof were recorded pursuant to the provisions of Article 157-4, paragraph (2) of the Code; the same applies in the following paragraph and paragraph (5)) by having the court clerk read back the content of the record to the declarant, or by having the declarant inspect the content of the record.
- (4) If the declarant makes a motion for any addition, removal, or alteration, that statement must be entered into the record.
- (5) If the public prosecutor, the accused, the suspect, or the defense counsel who attended the examination files an objection as to the accuracy of the content of the record, an outline of the objection must be entered into the examination record. In this case, the presiding judge or the judge who conducted the examination may have their opinion on the objection entered into the examination record.
- (6) The presiding judge or the judge who conducted the examination must have the declarant sign and seal the record.
- (7) For the record that has a recording medium considered to be a part of the record pursuant to the provisions of Article 157-4, paragraph (3) of the Code, that fact must be clarified in the record.

(Record of Statements by the Accused or the Suspect)

Article 39 (1) A record must be made when informing the accused or a suspect of the content of the case charged to the court or of the suspect's case and hearing their statement on the case.

- (2) The provisions of the first sentence of paragraph (2), item (iii) of the preceding Article and paragraph (3), paragraph (4) and paragraph (6) of the preceding Article apply mutatis mutandis to the record set forth in the preceding paragraph.

(Stenographic Notes and Sound Recordings)

Article 40 With regard to the questions asked during the examination of a witness, an expert witness, an interpreter, or a translator, their statements, and the motions or statements made by a person concerned in the case, the court or a judge may have them taken down in stenographic notes by a court stenographer or other stenographers, or may have them recorded using a recording equipment.

(Record of Inspection or Seizure)

Article 41 (1) A record must be made for inspections, or seizures carried out without issuing a seizure warrant.

(2) An inspection record must state the following matters:

(i) the names of the persons who were present at the inspection;

(ii) the fact that the measures prescribed in Article 316-39, paragraph (1) of the Code have been taken, and the name of the person who accompanied the participating victim and the relationship between the person and the participating victim; and

(iii) the fact that the measures prescribed in Article 316-39, paragraph (4) of the Code have been taken.

(3) When articles have been seized, an inventory of the articles must be made and attached to the record.

(Descriptive Requirements for Record)

Article 42 (1) In the record set forth in Article 38, Article 39 and the preceding Article, the court clerk must enter the date on which and the place where the examination was conducted or the disposition was taken, and sign and seal thereto, and the person who has conducted the examination or taken the disposition must affix their seal of approval thereto; provided, however, that when the court has conducted the examination or taken a disposition, the presiding judge must affix their seal of approval.

(2) The time that the disposition was taken must be stated in the record set forth in the preceding Article.

(Record of Execution of a Seizure Warrant or Search Warrant, and Search Record)

Article 43 (1) With regard to the execution of a seizure warrant or a search warrant or with regard to a search of the accused or of a suspect in the case of executing a writ of physical escort or a detention warrant, the person carrying out the execution of the warrant or the search must personally prepare the record.

(2) The record must state the following matters:

(i) the date, time, and place that the execution of the warrant or the search was carried out; and

(ii) if the execution of the warrant could not be carried out, the grounds thereof.

(3) The provisions of Article 41, paragraph (2), item (i) and Article 41, paragraph (3) apply mutatis mutandis to the record set forth in paragraph (1).

(Descriptive Requirements for Trial Records)

Article 44 (1) The following matters must be stated in the trial record:

(i) the name of the case charged to the court and the name of the accused;

- (ii) the court carrying out the trial and the date of the trial;
- (iii) if the court session has been held at a different place pursuant to the provisions of Article 69, paragraph (2) of the Court Act, the place;
- (iv) the official titles and names of the judge and the court clerks;
- (v) the official title and name of the public prosecutor;
- (vi) the names of the accused, defense counsel, agent, and assistant in court who appeared;
- (vii) the fact that the presiding judge made an announcement under the provisions of Article 187-4;
- (viii) the names of the participating victims and the entrusted attorney at law who appeared;
- (ix) the fact that the measures prescribed in Article 316-39, paragraph (1) of the Code have been taken, and the name of the person who accompanied the participating victim and the relationship between the person and the participating victim;
- (x) the fact that the measures prescribed in Article 316-39, paragraph (4) or paragraph (5) of the Code have been taken;
- (xi) the fact that the trial has been prohibited from opening to the public, and the grounds therefor;
- (xii) the fact that the presiding judge made a ruling to maintain order in court, such as having the accused leave the courtroom;
- (xiii) statements which the accused and the defense counsel made with regard to the case charged to the court upon the opportunity set forth in Article 291, paragraph (3) of the Code;
- (xiv) a request for examination of evidence or other motions;
- (xv) the relationship between the evidence and the facts to be proved (excluding cases where the relationship is clear from the list of the evidence);
- (xvi) when the evidence for which examination is requested is evidence set forth in Article 328 of the Code, that fact;
- (xvii) the filing of any objections set forth in Article 309 of the Code and the grounds therefor;
- (xviii) a statement indicating a change to the designation of the chief defense counsel;
- (xix) questions asked to the accused and their statement;
- (xx) the names of the witness, expert witness, interpreter, and translator who appeared;
- (xxi) the fact that the witness was exempted from swearing under oath, and the grounds thereof;
- (xxii) questions asked during examination of the witness, expert witness, interpreter, or translator and their statement;
- (xxiii) the fact that a witness or any other person refused to swear under oath,

- to testify, or to carry out any other act, and the grounds thereof;
- (xxiv) the fact that the measures prescribed in Article 157-2, paragraph (1) of the Code have been taken, and the name of the person who accompanied the witness and the relationship between the person and the witness;
- (xxv) the fact that the measures prescribed in Article 157-3 of the Code have been taken;
- (xxvi) the fact that examination of the witness was conducted according to the method prescribed in Article 157-4, paragraph (1) of the Code;
- (xxvii) the fact that the questions asked during the examination, the statements, and the circumstances thereof have been recorded on recording media with the consent of the witness pursuant to the provisions of Article 157-4, paragraph (2) of the Code, and the type and quantity of the recording media;
- (xxviii) the fact that the presiding judge has taken the measures set forth in Article 202;
- (xxix) a consent set forth in Article 326 of the Code;
- (xxx) a list of evidence examined and the order of examination;
- (xxxi) an inspection or a seizure carried out in an open court;
- (xxxii) the fact that the proceeding set forth in Article 316-31 of the Code has been carried out;
- (xxxiii) an argument set forth in Article 335, paragraph (2) of the Code;
- (xxxiv) matters concerning the addition, withdrawal, or alteration of the count against the accused or applicable penal statutes (including matters concerning correction of the charging instrument);
- (xxxv) the name of the person who stated their opinion pursuant to the provisions of Article 292-2, paragraph (1) of the Code;
- (xxxvi) an outline of the opinion stated by the person prescribed in the preceding item;
- (xxxvii) the fact that the measures prescribed in Article 157-2, paragraph (1) of the Code as applied mutatis mutandis pursuant to Article 292-2, paragraph (6) of the Code have been taken, and the name of the person who accompanied the person prescribed in item (xxxv) and the relationship between the person and the person prescribed in that item;
- (xxxviii) the fact that the measures prescribed in Article 157-3 of the Code as applied mutatis mutandis pursuant to Article 292-2, paragraph (6) of the Code have been taken;
- (xxxix) the fact that the court has had opinions under the provisions of Article 292-2, paragraph (1) of the Code to be stated by the method prescribed in Article 157-4, paragraph (1) of the Code as applied mutatis mutandis pursuant to Article 292-2, paragraph (6) of the Code;
- (xl) the fact that the proceeding under the provisions of Article 292-2,

- paragraph (8) of the Code has been carried out;
- (xli) an outline of the opinions stated by the public prosecutor, the accused, and the defense counsel after finishing the examination of evidence;
- (xlii) an outline of the opinions stated by a participating victim or entrusted attorney at law pursuant to the provisions of Article 316-38, paragraph (1) of the Code ;
- (xliii) an outline of the closing statement of the accused or the defense counsel;
- (xliv) the fact that judgment has been pronounced;
- (xlv) a ruling or an order rendered; provided, however, that those set forth in the following sub-items are excluded:
 - (a) permission for the accused or the defense counsel to make an opening statement (Article 198);
 - (b) a ruling to establish or change the scope, order, or method of the examination of evidence (Article 297 of the Code);
 - (c) permission for the accused to leave the court (Article 288 of the Code);
 - (d) permission for the defense counsel other than the chief defense counsel or deputy chief defense counsel to carry out an act such as filing a motion, filing a request, or asking a question (Article 25);
 - (e) an order to present evidence for rendering a ruling on the examination of evidence (Article 192);
 - (f) permission to take stenographic notes, make sound recordings, take videos or photographs, etc. (Article 47 and Article 215);
 - (g) a ruling to the effect that the questions asked during examination of the witness, the statements, and the circumstances thereof are to be recorded on a recording medium (Article 157-4, paragraph (2) of the Code); and
 - (h) permission to submit a transcript of documentary evidence or articles of evidence (Article 310 of the Code); and
- (xlvi) if the trial procedure has been renewed, an entry to that effect and the following matters:
 - (a) if the accused or the defense counsel has made a statement that differs from a previous statement with regard to the case charged to the court, that statement; and
 - (b) document or article for which a ruling not to conduct an examination has been rendered.
- (2) A matter during the court proceedings on the trial date other than those listed in the preceding paragraph, which the presiding judge orders to be entered, ex officio or upon the request of a person concerned in the case, must also be entered into the trial record.

(Simplified Entry of Statements in the Trial Record)

Article 44-2 If the persons concerned in the case give their consent and the

presiding judge finds it appropriate, in lieu of entering the questions asked to the accused, their statements, and the questions asked during examination of a witness, an expert witness, an interpreter or a translator and their statements, it is possible to enter an outline of those persons' statements into the trial record. In this case, an entry to the effect that the persons concerned in the case have given their consent must be contained in the trial record.

(Procedure for Creating a Trial Record)

- Article 45 (1) Proceedings under the provisions of Article 38, paragraph (3), paragraph (4), and paragraph (6) are not required with regard to a trial record.
- (2) If there is a request by the declarant, the court must have the court clerk read back to the person the parts of the trial record relating to their statement. If the person examined makes a motion for an addition to or removal or alteration of their statement, the court must have the statement entered into the trial record.

(Signatures and Seals, and Seals of Approval to the Trial Record)

- Article 46 (1) A court clerk must sign and seal the trial record, and the presiding judge must affix their seal of approval thereto.
- (2) If the presiding judge is unable to affix their seal of approval to the trial record, one of the other judges must affix the seal of approval and indicate the grounds therefor in a supplementary note.
- (3) If a single judge of a district court or a judge of a summary court is unable to affix their seal of approval to the trial record, a court clerk must sign and seal the trial record, and indicate the grounds therefor in a supplementary note.
- (4) If the court clerk is unable to sign and seal the trial record, the presiding judge must affix their seal of approval to the trial record and indicate the grounds therefor in a supplementary note.

(Stenographic Notes and Sound Recording in Open Court)

- Article 47 (1) The provisions of Article 40 apply mutatis mutandis to the questions asked during examination of a witness, an expert witness, an interpreter or a translator, their statements, the questions asked to and the statement given by the accused, and the motions or statements made by a person concerned in the case in an open court.
- (2) The public prosecutor, the accused, or the defense counsel may take the measures under the provisions of the preceding paragraph with the permission of the presiding judge.

(Entry of Objections Filed)

- Article 48 If an objection is filed as to the accuracy of the outline of the

statement given by a witness on a trial date or as to the accuracy of the content of the trial record, the date on which the objection is filed and its outline must be entered into the record. In this case, a court clerk must enter the opinion of the presiding judge regarding the objection into the record and sign and seal the record, and the presiding judge must affix their seal of approval thereto.

(Quotation in a Record)

Article 49 A document, photograph, or other materials which the court or the judge finds appropriate may be deemed to constitute a part of the record by quoting it in the record and attaching it to the case record.

(Binding the Record by the Matters Stated)

Article 49-2 A record may be divided by the matters stated and be binded into the case record. In this case, it must be clarified in such divided records that they constitute a unified record.

(Inspection of the Trial Record by the Accused)

Article 50 (1) An inspection of a trial record by the accused who has no defense counsel must be carried out at the courthouse.

(2) The reading aloud of a trial record to be carried out when the accused set forth in the preceding paragraph is unable to read or see must be carried out by a court clerk as ordered by the presiding judge.

(Announcement of Outline of Witness Statements)

Article 51 When a court clerk announces the outline of the statements given by witnesses on the previous trial date or material matters concerning the proceedings carried out on the previous trial date on a date other than the trial date, the court clerk must make the announcement in the presence of the presiding judge.

(Completion of the Trial Record)

Article 52 With respect to the period for filing an objection as to the accuracy of the content of the trial record, in cases where the trial record has been completed pursuant to the provisions of the proviso to Article 48, paragraph (3) of the Code, the trial record is deemed to have been completed on the last day by which the trial record should have been completed.

(Witness Examination Record in Trial Preparation)

Article 52-2 (1) In cases where the court, an authorized judge, or a commissioned judge examines a witness, an expert witness, an interpreter, or a translator during trial preparation, an record may be made in accordance with the

following rules, if the accused or the defense counsel is present at the examination and the persons concerned in the case who are present and the declarant give their consent:

- (i) only the outline of the statement given by the witness or other persons is to be entered into the record in lieu of entering the questions asked during examination and their statements; and
 - (ii) the proceedings under the provisions of Article 38, paragraphs (3) through (6) are not to be carried out.
- (2) In cases where an record is made in accordance with the rules set forth in the items of the preceding paragraph, the fact that the persons concerned in the case and the declarant have given their consent must be stated in the record.
- (3) In cases where the record made in accordance with the rule set forth in paragraph (1), item (ii) is not completed, if there is a request from the public prosecutor, the accused, or the defense counsel, a court clerk must give an outline of the statements given by witnesses and other persons in the presence of the presiding judge, the authorized judge, or the commissioned judge.
- (4) In the case referred to in the preceding paragraph, if the public prosecutor, the accused, or the defense counsel files an objection as to the accuracy of the outline of a statement, the date on which the objection is filed and an outline thereof must be entered into the record. In this case, a court clerk must enter the opinion of the presiding judge, the authorized judge, or the commissioned judge regarding the objection into the record and sign and seal the record, and the presiding judge, the authorized judge, or the commissioned judge must affix their seal of approval thereto.
- (5) In cases where an record made in accordance with the rule set forth in paragraph (1), item (ii) is examined on the trial date, if the public prosecutor, the accused, or the defense counsel files an objection as to the accuracy of the content of the record, the provisions of the preceding paragraph apply *mutatis mutandis*.

(Creation of a Stenographic Record)

Article 52-3 When a court stenographer takes stenographic notes, they must promptly make a stenographic record by transcribing the stenographic notes; provided, however, that this does not apply when quotation from a stenographic record is found to be inappropriate pursuant to the provisions of the proviso to Article 52-4 or the proviso to Article 52-7, or when the stenographic notes are deemed to constitute a part of the trial record pursuant to the provisions of Article 52-8.

(Quotation from the Stenographic Record in Witness Examination Records)

Article 52-4 In the case of having a court stenographer take stenographic notes

of the questions asked during examination of a witness, an expert witness, an interpreter, or a translator, their statements, and the motions and statements made by persons concerned in the case, the stenographic record is deemed to constitute a part of the record by quoting the stenographic record in the record and attaching it to the case record; provided, however, that this does not apply when the court or the judge finds it inappropriate to quote the stenographic record after hearing the opinions of the public prosecutor and the accused, the suspect, or the defense counsel who was present at the examination or the proceedings.

(Measures to Be Taken in the Case of Quoting from the Stenographic Record)

- Article 52-5 (1) The proceedings under the provisions of Article 38, paragraphs (3) through (6) are not to be carried out for the process of deeming that a stenographic record of the questions asked during examination of a witness, an expert witness, an interpreter, or a translator and their statements constitute a part of the record pursuant to the provisions of the main clause of the preceding Article.
- (2) In the case referred to in the preceding paragraph, the following rules apply:
- (i) the court or a judge is to have the declarant verify the content of the stenographic notes by having the court stenographer orally translate from the stenographic notes;
 - (ii) if the declarant makes a motion for any addition, removal, or alteration, the court or a judge is to have the statement taken in stenographic notes;
 - (iii) if the public prosecutor, the accused, the suspect, or the defense counsel who was present at the examination files an objection as to the accuracy of the stenographic notes, the court or a judge is to have the objection taken in stenographic notes. In this case, the presiding judge or the judge who conducted the examination may have their opinion on the objection taken in stenographic notes; and
 - (iv) the court or a judge is to have a court clerk enter the fact that the proceeding specified in item (i) has been carried out into the record, and have the declarant sign and seal the record.
- (3) If the declarant indicates that there is no need to orally translate from the stenographic notes, and the public prosecutor and the accused, the suspect, or the defense counsel who was present at the examination has no objection, the proceedings set forth in the preceding paragraph are not to be carried out. In this case, the court or a judge is to have a court clerk enter the fact into the record, and have the declarant sign and seal the record.
- (4) In the case of deeming the stenographic record of the questions asked during examination of a witness, an expert witness, an interpreter, or a translator and their statements during the trial preparation to constitute a part of the record,

the provisions of the preceding two paragraphs do not apply; provided, however, that the proceedings specified in paragraph (2), item (i) and item (ii) must be carried out when the declarant requests an oral translation of the stenographic notes.

Article 52-6 (1) In cases where an record created in accordance with the rules set forth in the preceding Article has not been completed, if there is a request from the public prosecutor, the accused, the suspect, or the defense counsel who was present or who could have been present at the examination, a court clerk must have the court stenographer orally translate from the stenographic notes.

(2) In the case referred to in the preceding paragraph, if the stenographic notes are those of the questions asked and the statement given during trial preparation, the public prosecutor, the accused, or the defense counsel may file an objection as to the accuracy of those stenographic notes.

(3) If an objection set forth in the preceding paragraph is filed, the court clerk must enter the date on which the objection was filed and its outline into a record, and enter the opinion of the presiding judge, the authorized judge, or the commissioned judge regarding the objection into the record and sign and seal the record, and the presiding judge, the authorized judge, or the commissioned judge must affix their seal of approval thereto.

(4) If an record which has a stenographic record of the questions asked and the statements given during trial preparation deemed to constitute a part stenographic record pursuant to the rules set forth in the preceding Article has been examined on the trial date, when the public prosecutor, the accused, or the defense counsel files an objection as to the accuracy of the content of the record, the provisions of the preceding paragraph apply mutatis mutandis.

(Quotation from the Stenographic Record in the Trial Record)

Article 52-7 In the case of having a court stenographer take stenographic notes of the questions asked during examination of a witness, an expert witness, an interpreter or a translator, their statements, the questions asked to and the statement given by the accused, and the motions and statements made by a person concerned in the case in an open court, the stenographic record is deemed to constitute a part of the trial record by quoting it in the trial record and attaching it to the case record; provided, however, that this does not apply when the court finds it inappropriate for the stenographic record to be quoted after hearing the opinions of the public prosecutor and the accused, or the defense counsel.

(Quotation from Stenographic Notes in the Trial Record)

Article 52-8 In cases where a court stenographer takes stenographic notes as set

forth in the preceding Article, if the court finds it appropriate and the person concerned in the case give their consent, the stenographic notes may be deemed to constitute a part of the trial record by quoting it in the trial record and attaching it to the case record. In this case, the fact that the person concerned in the case have given their consent must be entered into the trial record.

(Oral Translation of Stenographic Notes)

Article 52-9 In cases where a stenographic record or stenographic notes are deemed to constitute a part of a trial record pursuant to the provisions of the main clause of Article 52-7 or the preceding Article, when the declarant requests, the court must have the court stenographer orally translate the parts of the stenographic notes relating to the statement given by the person. If a person examined makes a motion for any addition, removal, or alteration of their statement, the court must have the statement taken down in stenographic notes.

Article 52-10 (1) In cases where a stenographic record or stenographic notes are deemed to constitute a part of a trial record pursuant to the provisions of the main clause of Article 52-7 or Article 52-8, if the trial record is not completed by the next trial date, the court clerk must, upon the request of the public prosecutor, the accused, or the defense counsel, have the court stenographer orally translate, on or by the next trial date, from the stenographic notes of the questions asked during examination of the witness and the statement on the previous trial date. In this case, when the public prosecutor, the accused, or the defense counsel files an objection as to the accuracy of the stenographic notes, the provisions of Article 48 apply *mutatis mutandis*.

(2) In cases where a court clerk announces important matters concerning the proceedings carried out on the previous trial date pursuant to the provisions of Article 50, paragraph (2) of the Code, if the matters have been taken down in stenographic notes by a court stenographer, the court clerk may have the court stenographer orally translate from the stenographic notes.

Article 52-11 (1) If there is a request from the public prosecutor or defense counsel, the court clerk must have the court stenographer orally translate from the stenographic notes that are deemed to constitute a part of the trial record pursuant to the provisions of Article 52-8. The same applies when there is a request from the accused who has no defense counsel.

(2) In the case referred to in the preceding paragraph, if an objection is filed as to the accuracy of the stenographic notes, the provisions of Article 48 apply *mutatis mutandis*.

(Transcription of Stenographic Notes)

Article 52-12 (1) In the following cases, the court must have the court stenographer promptly transcribe the stenographic notes that are deemed to constitute a part of the trial record pursuant to the provisions of Article 52-8 and create a stenographic record:

- (i) when there is a request from the public prosecutor, the accused, or the defense counsel;
 - (ii) when an appeal has been filed; provided, however, that this excludes cases where the appeal has clearly been filed after the expiration of the right to appeal; or
 - (iii) in other cases where it is found necessary.
- (2) A court clerk must attach the stenographic record set forth in the preceding paragraph to the case record, clarify that fact in the case record, and notify the persons concerned in the case to that effect.
- (3) A stenographic record attached to the case record pursuant to the provisions of the preceding paragraph is to be treated as a substitute for the stenographic notes that are deemed to constitute a part of the trial record.

(Period for Filing an Objection Against an Attached Stenographic Record)

Article 52-13 If the notice under the provisions of paragraph (2) of the preceding Article is given after the final trial date, filing of an objection as to the accuracy of the content of the trial record may be made, limited to the part pertaining to the stenographic record, within 14 days from the day on which the notice is given; provided, however, that if the notice under the provisions of paragraph (2) of the preceding Article is given for a trial record that is completed after the trial date on which the judgment is pronounced pursuant to the provisions of the proviso to Article 48, paragraph (3) of the Code, and the notice is given before the final day by which the trial record should have been completed, the objection may be filed within 14 days from the final day.

(Witness Examination Records Created by Transcribing a Sound Recording)

Article 52-14 When a sound recording has been made for the questions asked during examination of a witness, an expert witness, an interpreter or a translator, their statements, and the motions or statements made by a person concerned in the case, if the court or a judge finds it appropriate, the record must be created by transcribing the recording (hereinafter referred to as the "sound recording").

(Measures in the Case of Transcribing a Sound Recording)

Article 52-15 (1) In the event that the record is created by transcribing the sound recording of the questions asked during examination of a witness, an

expert witness, an interpreter, or a translator and their statements pursuant to the provisions of the preceding Article, the proceedings under the provisions of Article 38, paragraphs (3) through (6) are not to be carried out.

- (2) In the case prescribed in the preceding paragraph, the following proceedings are to be carried out:
 - (i) the court or a judge is to have the declarant verify the contents of the sound recording by having a court clerk reproduce the sound recording;
 - (ii) if the declarant makes a motion for any addition, removal, or alteration to the sound recording, the court or a judge is to have the statement recorded;
 - (iii) if the public prosecutor, the accused, the suspect, or the defense counsel who was present during the examination files an objection as to the accuracy of the sound recording, the court or a judge is to have the objection recorded. In this case, the presiding judge or the judge who conducted the examination may have their opinion on the objection recorded; and
 - (iv) the court or a judge is to have a court clerk enter into the record the fact that the proceeding set forth in item (i) has been carried out, and have the declarant sign and seal the record.
- (3) If the declarant indicates that there is no need to reproduce the sound recording, and the public prosecutor and the accused, the suspect, or the defense counsel who has been present at the examination has no objection, the proceeding set forth in the preceding paragraph are not to be carried out. In this case, the court or a judge is to have the court clerk enter the fact into the record, and have the declarant sign and seal the record.
- (4) When creating the record by transcribing a sound recording of the questions asked during examination of a witness, an expert witness, an interpreter, or a translator and their statements during trial preparation, the provisions of the preceding two paragraphs do not apply; provided, however, that the proceedings set forth in paragraph (2), item (i) and item (ii) must be carried out when the declarant requests that the sound recordings to be reproduced.

Article 52-16 (1) If an record as prescribed in paragraph (1) of the preceding Article has not been completed, when there is a request from the public prosecutor, the accused, the suspect, or the defense counsel who has been present or who could have been present at the examination, the court clerk must reproduce the sound recording.

- (2) In the case prescribed in the preceding paragraph, if the sound recording is the recording of the questions asked and the statements given during the trial preparation, the public prosecutor, the accused, or the defense counsel may file an objection as to the accuracy of the sound recording.
- (3) If an objection as prescribed in the preceding paragraph is filed, the court clerk must enter the date on which the objection was filed and its outline into

the record, and also enter the opinion of the presiding judge, the authorized judge, or the commissioned judge regarding the objection into the record and sign and seal the record, and the presiding judge, the authorized judge, or the commissioned judge must affix their seal of approval thereto.

- (4) When an record as prescribed in paragraph (4) of the preceding Article is examined on the trial date, if the public prosecutor, the accused, or the defense counsel files an objection as to the accuracy of the record, the provisions of the preceding paragraph apply *mutatis mutandis*.

(Trial Record Created by Transcribing a Sound Recording)

Article 52-17 When a sound recording has been made for the questions asked during examination of a witness, an expert witness, an interpreter or a translator, their statements, the questions asked to and the statement given by the accused, and the motions and statements made by a person concerned in the case in an open court, if the court finds it appropriate, the trial record must be created by transcribing the sound recording.

(Measures for Transcribed Sound Recordings in the Trial Record)

Article 52-18 In creating a trial record pursuant to the provisions of the preceding Article, if the declarant makes a request, the court must have the court clerk reproduce the parts of the sound recording related to the statements given by the declarant. In this case, if the person examined makes a motion for any addition, removal, or alteration of their statement, the court must have the statement recorded.

(Reproduction of a Sound Recording Where a Trial Record Has Not Been Completed)

Article 52-19 (1) If a trial record has not been completed by the next trial date, the court must, upon the request of the public prosecutor, the accused, or the defense counsel, provide an opportunity, on or by the next trial date, for reproducing the sound recording of the questions asked during examination of a witness, an expert witness, an interpreter or a translator, their statements, the questions asked to and the statement given by the accused, and the motions and statements made by a person concerned in the case on the previous trial date, or for reproducing a recording medium on which the questions asked during examination of a witness, the statement, and the circumstances thereof have been recorded pursuant to the provisions of Article 157-4, paragraph (2) of the Code.

- (2) When an opportunity for reproducing the sound recording is provided pursuant to the provisions of the preceding paragraph, the reproduction may be treated as a substitute for the announcement of the outline under the

provisions of Article 50, paragraph (1) of the Code.

- (3) In cases where a court clerk announces important matters concerning the proceedings carried out on the previous trial date pursuant to the provisions of Article 50, paragraph (2) of the Code, the court clerk may do so by the method of reproducing the sound recording.

(Quotation from a Sound Recording in the Trial Record)

Article 52-20 In the case of having a sound recording made of the questions asked during examination of a witness, an expert witness, an interpreter, or a translator, their statements, the questions asked to and the statements given by the accused, and the motions and statements made by a person concerned in the case in an open court, if the court finds it to be appropriate and the public prosecutor and the accused or the defense counsel give their consent, the sound recording may be deemed to constitute a part of the trial record by quoting it in the trial record and attaching it to the case record.

(Preparation of a Document Stating the Content of a Sound Recording)

Article 52-21 In any of the following cases, the court must have the court clerk promptly prepare a document stating the content of a sound recording that is deemed to constitute a part of the trial record pursuant to the provisions of the preceding Article:

- (i) when there is a request from the public prosecutor, the accused, or the defense counsel before the judgment becomes final and binding;
- (ii) when an appeal is filed; provided, however, that this excludes cases where the appeal has obviously been filed after the expiration of the right to appeal;
- or
- (iii) in any other case in which it is found necessary.

(Preparation of a Written Judgment)

Article 53 When issuing a judicial decision, a written judgment must be prepared; provided, however, that in the case of pronouncing a ruling or an order, the ruling or the order may be entered into the record without preparing a written judgment.

(Preparer of Written Judgment)

Article 54 Written judgment must be prepared by a judge.

(Signature and Seal on a Written Judgment)

Article 55 The judge who has issued a judicial decision must sign and seal the written judgment. When the presiding judge is unable to sign and seal the written judgment, one of the other judges must sign and seal and indicate the

grounds therefor in a supplementary note, and when the other judge is unable to sign and seal the written judgment, the presiding judge must sign and seal the written judgment and indicate the grounds therefor in a supplementary note.

(Descriptive Requirements for Written Judgments)

Article 56 (1) Except when there are special provisions providing otherwise, the name, age, occupation, and residence of the recipient of the judicial decision must be entered into the written judgment. When the recipient of the judicial decision is a corporation (including an association, foundation, or organization which is not a corporation; the same applies hereinafter), its name and office must be entered into the written judgment.

(2) In addition to the matters prescribed in the preceding paragraph, the official title and name of the public prosecutor who appeared on the trial date must be entered into a judgment document.

(Transcript or Extract of a Written Judgment)

Article 57 (1) A transcript or an extract of a written judgment or of a record stating the judicial decision must be prepared based on the original or a transcript thereof.

(2) An extract of a judgment document or a record stating a judgment may, if there is a need for urgency in cases where a judicial decision should be executed, be prepared by entering the name, age, occupation, residence, and registered domicile of the accused, the charged offense, the main text of the judgment, the applicable penal statute, the date on which the judgment was pronounced, the names of the court and the judge, notwithstanding the provisions of the preceding paragraph.

(3) The extract set forth in the preceding paragraph is valid only when the judge who issued the judgment affixes their seal of approval thereto and indicates in a supplementary note that the judge certifies the content of the extract.

(4) The provisions of the second sentence of Article 55 apply mutatis mutandis to the case referred to in the preceding paragraph; provided, however, that a seal of approval may be affixed in lieu of a signature and seal.

(5) In cases where facts stated in the charging instrument or other documents are quoted in a judgment document, the facts stated in the charging instrument or other documents must also be stated in a transcript or an extract of the judgment document; provided, however, that this does not apply in cases where the facts stated in the charging instrument or other documents need not be entered into an extract.

(6) In cases where a list of evidence stated in a trial record is quoted in a judgment document, if a person concerned in the case requests, the list of

evidence stated in the trial record must also be entered into a transcript or an extract of the judgment document.

(Documents Prepared by Public Employees)

- Article 58 (1) With regard to a document that should be prepared by a government official or other public employees, except when there are special provisions providing otherwise, they must enter the date and sign and seal the document and indicate the public agency to which they are assigned.
- (2) With regard to a written judgment, a record, or a transcript or extract thereof that should be prepared by a judge or any other court official, which is to be served on, sent to, or delivered to a person concerned in the case or other persons (excluding cases where the service, sending, or delivery is made to the court or a judge, and cases where the service, sending, or delivery is made due to the conclusion of the case charged to the court or based on other grounds similar thereto), they must affix each sheet with a seal to confirm page continuation, or take measures equivalent thereto in lieu of the seal to confirm page continuation.
- (3) With regard to a document (excluding a document concerning a motion, a statement of an opinion, a notice, or other procedural act similar thereto against a court or a judge) that should be prepared by a public prosecutor, a public prosecutor's assistant officer, a judicial police personnel, or other public employees (excluding a judge or other court officials), they must affix each sheet with a seal to confirm page continuation; provided, however, that in the case of preparing a transcript or an extract thereof, they may take measures equivalent thereto in lieu of the seal to confirm page continuation.

(Correction of Documents Prepared by Public Employees)

Article 59 When a government official or other public employees prepare a document, they may not alter any of the characters. If they add, delete, or enter in the margins any characters, they must clarify the scope thereof and affix their seal of approval to the part they corrected; provided, however, that the deleted characters must be left visible in the deleted part, so that they can be read.

(Document Prepared by a Person Other than a Public Employee)

Article 60 With regard to a document that should be prepared by a person who is not a government official or other public employees, the person must enter the date and sign and seal the document.

(Affixation of Name and Seal in Lieu of Signature and Seal)

Article 60-2 (1) In cases where a judge or any other court official should sign and

seal a document, they may affix their name and seal in lieu of their signature and seal; provided, however, that this does not apply in cases where the judge is to affix their signature and seal to a judgment document.

- (2) The provisions of the preceding paragraph also apply to cases where any of the following persons is to sign and seal a document concerning a motion, a statement of opinion, a notice, a notification to the court or a judge, or other procedural acts similar thereto, or when the person is to sign and seal a transcript or an extract of the document:
- (i) a public prosecutor, a public prosecutor's assistant officer, judicial police personnel, or other public employees (excluding the persons prescribed in the preceding paragraph);
 - (ii) defense counsel or a person who seeks to serve as defense counsel in response to the request of a person entitled to appoint a defense counsel; or
 - (iii) an attorney at law as prescribed in Article 316-33, paragraph (1) of the Code or an attorney at law who performs any of the acts prescribed in Article 316-34, or Articles 316-36 through 316-38 of the Code on entrustment by a participating victim.

(Having Another Person Write on One's Behalf or Affixing a Fingerprint in Lieu of Signature and Seal)

- Article 61 (1) In cases where a person who is not a government official or other public employee is to sign and seal, when they are unable to sign (excluding a case where they are able to affix their name and seal pursuant to paragraph (2) of the preceding Article), they must have another person write on their behalf, and if the person who is not a government official or other public employee is unable to affix their seal thereto, they must affix their fingerprint.
- (2) In cases where a person who is not a government official or other public employee has another person write on their behalf, the person writing on their behalf must enter into the document the grounds therefor and sign and seal the document.

(Notification for Receiving Service of Documents)

- Article 62 (1) The accused or their agent, defense counsel, or assistant in court must notify the court of their residence or office in writing in order to receive service of documents. If the person does not have a residence or office in the locality of the court, the person must appoint a person who has a residence or office in the locality as a designated service recipient, and notify the court thereof by a document jointly signed by the person and the person so appointed.
- (2) The notification under the provisions of the preceding paragraph is valid for the courts of the respective instances within the same locality.
- (3) The provisions of the preceding two paragraphs do not apply to a person

committed to a penal institution.

- (4) With regard to a service, the designated service recipient is deemed to be the intended recipient of the service, and the residence or office of the designated service recipient is deemed to be the residence of the intended recipient of service.

(Service by Registered Mail)

Article 63 (1) When a person who must notify the court of their residence, office, or designated service recipient fails to make the notification, the court clerk may serve a document by registered mail or by any of the correspondence delivery services provided by a general correspondence delivery operator or a specified correspondence delivery operator, which are specified separately by the Rules of the Supreme Court as services equivalent to registered mail (referred to as "registered mail, etc." in the following paragraph); provided, however, that this does not apply to the service of a transcript of a charging instrument or a summary order.

- (2) The service set forth in the preceding paragraph is deemed to have been made at the time when the document has been sent by registered mail, etc.

(Requirements for Service at the Workplace)

Article 63-2 A document may be served on an intended recipient at the residence or office of another person where the intended recipient works based on employment, entrustment, or other legal acts, but only if the intended recipient has no objection thereto.

(Service on a Public Prosecutor)

Article 64 Service of a document on a public prosecutor must be made by sending the document to the public prosecutor's office.

(Personal Service)

Article 65 When the court clerk has delivered a document to be served to the intended recipient of the service, the document is deemed to have been served on the intended recipient.

Chapter VII Periods

(Extension of the Statutory Period for a Person Who Performs a Procedural Act in Court)

Article 66 (1) When the court finds it appropriate to extend the statutory period in consideration of the distance between the location of the residence or office of the person who is to perform a procedural act in court and the location of the

court, and any inconvenience with regard to transportation and communications, the court must specify the extended period by a ruling.

- (2) The provisions of the preceding paragraph do not apply to the period for filing an appeal against a pronounced judicial decision.

(Extension of the Statutory Period for a Person Who Performs a Procedural Act against a Public Prosecutor)

Article 66-2 (1) When a public prosecutor considers it appropriate to extend a statutory period in consideration of the distance between the location of the residence or office of the person who is to perform a procedural act against the public prosecutor and the location of the public prosecutor's office, and any inconvenience with regard to transportation and communications, the public prosecutor must request the judge to extend the period.

- (2) When the judge finds the request set forth in the preceding paragraph to have reasonable grounds, the judge must promptly specify the extended period.
- (3) The judicial decision set forth in the preceding paragraph becomes effective by notifying the public prosecutor thereof.
- (4) When the public prosecutor receives the notification of a judicial decision as set forth in the preceding paragraph, they must immediately notify the person who is to perform the procedural act thereof.

Chapter VIII Summonses, Physical Escort, and Detention of the Accused

(Grace Period between Service of Summons and Appearance)

Article 67 (1) A grace period of at least 12 hours must be set between the time of the service of a writ of summons against the accused and the time of their appearance; provided, however, that this does not apply when there are special provisions providing otherwise.

- (2) If the accused has no objection, it is possible not to set the grace period set forth in the preceding paragraph.

(Preservation of Physical Safety and Reputation with Regard to Physical Escort or Detention)

Article 68 With regard to physical escort or detention of the accused, due care must be taken to preserve the physical safety and reputation of the accused.

(Presence of the Court Clerk)

Article 69 When informing the accused of a case charged to the court and hearing their statements related thereto pursuant to the provisions of Article 61 of the Code, the court must have a court clerk be present.

(Descriptive Requirements for a Detention Warrant)

Article 70 In addition to the matters prescribed in Article 64 of the Code, grounds specified in the items of Article 60, paragraph (1) of the Code must be entered into a detention warrant.

(Descriptive Requirements for a Writ of Summons, Writ of Physical Escort, or Detention Warrant Issued by the Presiding Judge)

Article 71 In cases where the presiding judge issues a writ of summons, writ of physical escort, or detention warrant pursuant to the provisions of Article 69 of the Code, the presiding judge must enter a statement to that effect in the writ of summons, writ of physical escort, or detention warrant.

(Sending the Original Writ of Physical Escort or Detention Warrant)

Article 72 In cases where the execution of a writ of physical escort or detention warrant is to be directed by a public prosecutor, the court or judge that has issued the writ or warrant must send the original to the public prosecutor.

(Delivery of Multiple Copies of a Writ of Physical Escort)

Article 73 Multiple copies of a writ of physical escort may be prepared and delivered to a multiple number of the public prosecutor's assistant officers or judicial police personnel.

(Request for the Delivery of a Transcript of a Writ of Physical Escort or Detention Warrant)

Article 74 An accused against whom a writ of physical escort or detention warrant is executed may request the delivery of a transcript thereof.

(Measures to Be Taken after the Execution of a Writ of Physical Escort or Detention Warrant)

Article 75 (1) If a person in charge of the execution executes a writ of physical escort or detention warrant, the person must enter the place and the date and time of the execution into it, and if the person fails to execute a writ of physical escort or detention warrant, they must enter the grounds for the failure and affix their name and seal to the writ of physical escort or detention warrant.

(2) A document related to the execution of a writ of physical escort or detention warrant must be submitted to the court or the judge that has issued the writ of physical escort or detention warrant through the public prosecutor or the judge who directed the execution thereof.

(3) The court or a judge that has received documents related to the execution of a writ of physical escort must have a court clerk enter into the writ of physical escort the date and time on which the accused was physically escorted.

(Bench Warrant Issued through Commission)

- Article 76 (1) When a judge who has issued a writ of physical escort through commission receives the document related to the execution of the writ of physical escort, the judge must have a court clerk enter into the writ of physical escort the date and time on which the accused was physically escorted.
- (2) When a judge who has issued a writ of physical escort through commission refers the accused to the designated court, the judge must enter into the writ of physical escort the period within which the accused should arrive at the designated court, and affix their name and seal thereto.
- (3) When a court or judge that has commissioned the issuance of a writ of physical escort receives the document related to the execution of the writ of physical escort, the court or judge must have a court clerk enter into the writ of physical escort the date and time on which the accused arrived.

(Presence of a Court Clerk)

Article 77 When a court or judge makes a ruling set forth in Article 76 or Article 77 of the Code, the court or judge must have a court clerk be present at the ruling.

(Preparation of Records)

Article 78 A record shall be created for the ruling set forth in Article 76 or Article 77 of the Code.

(Notice of Detention)

Article 79 In cases where an accused has been detained, if the accused has no defense counsel, statutory agent, curator, spouse, lineal relative, or sibling, upon the request of the accused, one person designated by the accused must be notified to the effect that the accused has been detained.

(Transfer of the Accused)

- Article 80 (1) The public prosecutor may, with the consent of the presiding judge, transfer the accused under detention to another penal institution.
- (2) When the public prosecutor transfers the accused to another penal institution, the public prosecutor must immediately notify the court and the defense counsel of the fact and the name of the penal institution. If the accused has no defense counsel, the public prosecutor must notify one person who has been designated by the accused from among their statutory agent, curator, spouse, lineal relative, or sibling of the fact and the name of the penal institution.
- (3) The provisions of the preceding Article apply mutatis mutandis to the case referred to in the preceding paragraph.

(Method of Requesting Disclosure of the Grounds for Detention)

Article 81 (1) Requests for disclosure of the grounds for detention must be filed by each requester separately and in writing.

(2) When any of the persons listed in Article 82, paragraph (2) of the Code files a request as set forth in the preceding paragraph, the person must specifically clarify their relationship with the accused in writing.

(Dismissal of a Request for Disclosure)

Article 81-2 A request for disclosure of the grounds for detention that is filed in violation of the provisions of the preceding Article must be dismissed by ruling.

(Proceedings for Disclosure)

Article 82 (1) When a request for disclosure of the grounds for detention is filed, the presiding judge must set the disclosure date.

(2) The accused must be summoned on the disclosure date.

(3) The public prosecutor, defense counsel, assistant in court, and requester must be notified of the disclosure date.

(Disclosure on the Trial Date)

Article 83 (1) Disclosure of the grounds for detention may be carried out on the trial date.

(2) In disclosing the grounds for detention on the trial date, the public prosecutor, the accused, the defense counsel, their assistant in court, and the requester must be notified in advance of the fact and the trial date on which the grounds for detention are to be disclosed.

(Request for Disclosure and the Disclosure Date)

Article 84 The interval between the date on which the grounds for detention are to be disclosed and the day on which the request was made is to be no longer than five days; provided, however, that this does not apply when there are unavoidable circumstances.

(Change of the Disclosure Date)

Article 85 When there are unavoidable circumstances, the court may change the disclosure date.

(Disclosure When the Accused or the Defense Counsel Has Left the Court)

Article 85-2 If, on the disclosure date, the accused or defense counsel leaves the court without obtaining permission or is ordered to leave the court by the presiding judge so that order may be maintained, the grounds for detention

may be disclosed in the absence of the person.

(Time Limit for Statement of Opinion on the Disclosure Date)

Article 85-3 (1) The time during which the persons listed in the main clause of Article 84, paragraph (2) of the Code states their opinion on the disclosure date must not exceed 10 minutes each.

(2) A person set forth in the preceding paragraph may submit a document in lieu of or to supplement their statement of opinion.

(Record of the Disclosure Date)

Article 86 A record must be made of the proceedings on the disclosure date, after which a court clerk must sign and seal the record and the presiding judge must affix their seal of approval thereto.

(Service of a Ruling Dismissing a Request for Disclosure)

Article 86-2 A ruling dismissing a request for disclosure of the grounds for detention need not be served.

(Matters to Be Entered into a Bail Bond)

Article 87 The amount of bail money and the fact that bail money will be paid at any time must be stated in the bail bond.

(Hearing of Opinions on Stay of Execution)

Article 88 In staying the execution of detention, the court must first hear the opinion of the public prosecutor; provided, however, that this does not apply in cases of urgency.

Article 89 Deleted

(Stay of Execution by Entrustment)

Article 90 In staying the execution of detention by entrusting the accused under detention to a relative, shelter organization, or other persons, the court must have the person submit a document ensuring that the person will have the accused appear in court in response to a summons at any time.

(Refund of Bail Money)

Article 91 (1) In any of the following cases, bail money that has not been subject to non-penal confiscation must be refunded:

- (i) when the detention is rescinded or the detention warrant ceases to be effective;
- (ii) when the accused is committed to a penal institution as a result of the bail

- being rescinded or ceasing to be effective; or
- (iii) in the event that bail is rescinded or ceases to be effective, when, before the accused is committed to a penal institution, a new order of bail is issued and new bail money is paid or the execution of detention is stayed anew.
- (2) When an order of bail as set forth in item (iii) of the preceding paragraph is issued, the new bail money is deemed to have been paid in whole or in part using the previously paid bail money.

(Ruling on Detention with Regard to a Case for which an Appeal Has Been Filed)

- Article 92 (1) With regard to a case that is still within the period for filing an appeal but for which no appeal has yet been filed, when the period of detention should be renewed, the court of prior instance must render a ruling therefor.
- (2) With regard to a case for which an appeal has been filed but for which the case record has not yet arrived at the appellate court, the provisions of the preceding paragraph also apply to cases where the period of detention should be renewed, where the detention should be rescinded, where the execution of bail or detention should be stayed, or where the suspension should be rescinded.
- (3) The provisions of the preceding paragraph apply mutatis mutandis to cases where the grounds for detention should be disclosed.
- (4) When the appellate court receives the case record for a case in which the accused is under detention, it must immediately notify the court of prior instance to that effect.

(Proceedings for Committing to a Penal Institution an Accused Who Has Been Sentenced to Imprisonment Without Work or Severer Punishment)

Article 92-2 In committing the accused to a penal institution pursuant to the provisions of Article 98 of the Code as applied mutatis mutandis pursuant to Article 343 of the Code, it is sufficient to show the accused a transcript of a detention warrant which shows the sentence rendered, the date on which the judgment was pronounced, and the court that pronounced the judgment, and to which the presiding judge or a judge has affixed their seal of approval and certified that the content have been verified in a supplementary note.

Chapter IX Search and Seizure

(Maintenance of Confidentiality and Reputation During Search and Seizure)

Article 93 With regard to search and seizure, due care must be taken to maintain the confidentiality of a person subject to the disposition, and to not harm the reputation of the person.

(Matters to Be Entered in a Search Warrant or a Seizure Warrant)

Article 94 When found necessary, the grounds for carrying out the search or seizure must be stated in the search warrant or the seizure warrant.

(Provisions Applied Mutatis Mutandis)

Article 95 The provisions of Article 72 apply mutatis mutandis to a search warrant or a seizure warrant.

(Person Who Prepares a Search Certificate or an Inventory of Seized Articles)

Article 96 In cases where a search or seizure is carried out by the execution of a warrant, the certificate set forth in Article 119 of the Code or the inventory set forth in Article 120 of the Code must be prepared and delivered by the person who executed the warrant.

(Measures to Be Taken after the Execution of a Search Warrant or a Seizure Warrant)

Article 97 A person who has executed a search warrant or a seizure warrant must promptly submit a document related to the execution and the seized articles to the court that issued the warrant. In the event that a public prosecutor has directed the execution of the warrant, the document and articles must be submitted through the public prosecutor.

(Treatment of Seized Articles)

Article 98 With regard to seized articles, appropriate measures must be taken in order to prevent any loss or damage.

(Entry of a Seizure Warrant in an Execution Record)

Article 99 When the person who has executed a seizure warrant has taken a disposition set forth in Article 96, the preceding Article, or Article 121, paragraph (1) or paragraph (2) of the Code, the person must make an entry to that effect in the record.

(Presence at a Search or Seizure)

Article 100 (1) When a seizure is carried out without issuing a seizure warrant, the court must have a court clerk be present.

(2) When a search warrant or seizure warrant is executed, the public prosecutor's assistant officer, the judicial police personnel, or the court clerk who executes the warrant must have another public prosecutor's assistant officer, judicial police personnel, or court clerk be present.

Chapter X Inspections

(Due Care in Inspection)

Article 101 Where an autopsy or an exhumation is carried out during an inspection, due care must be taken not to be disrespectful, and if the deceased had a spouse, lineal relatives, or siblings, those persons must be notified of the autopsy or exhumation.

(Descriptive Requirements for a Writ of Summons for the Physical Examination of the Accused)

Article 102 A writ of summons or writ of physical escort for the accused to appear for a physical examination must contain a statement to the effect that the accused is being summoned or physically escorted for a physical examination.

(Descriptive Requirements for a Writ of Summons for the Physical Examination of a Person Other than the Accused)

Article 103 (1) A writ of summons for a person other than the accused to appear for a physical examination must state the name and residence of the person, the name of the accused, the charged offense, the date, time, and place to appear, the fact that the person is being summoned for a physical examination, and the fact that a civil fine or a criminal penalty may be imposed and a writ of physical escort may be issued if the person fails to appear without legitimate grounds, and the presiding judge must affix their name and seal thereto .

(2) A writ of physical escort for a person other than the accused to appear for a physical examination must state the name and residence of the person, the name of the accused, the charged offense, the place where the person should be physically escorted, the fact that the person is physically escorted for a physical examination, the valid period, the fact that upon expiration of the valid period the writ of physical escort may not be executed and must be returned, as well as the date of issuance, and the presiding judge must affix their name and seal thereto.

(Provisions Applied Mutatis Mutandis)

Article 104 The provisions of Articles 72 through 76 apply mutatis mutandis to the physical escort of a person other than the accused for physical examination.

(Presence at Inspection)

Article 105 When carrying out an inspection, the court must have a court clerk be present.

Chapter XI Examination of Witnesses

(Statement of Matters for Examination)

Article 106 (1) A person who requests that a witness be examined must promptly submit a document stating the matters for examination or the matters on which the witness should testify, in order to provide a reference for examination by the judge; provided, however, that this does not apply when a person concerned in the case is allowed to examine the witness first on the trial date.

(2) Even in the case set forth in the proviso to the preceding paragraph, if the court finds it necessary, the court may order the person who requests the examination of a witness to submit the document set forth in the main clause of the preceding paragraph.

(3) The matters to be stated in the document set forth in the preceding two paragraphs must include all the matters that should be proved by the testimony of the witness.

(4) Except in the event that a witness is examined on a date other than the trial date, when the presiding judge finds it appropriate, the presiding judge may, notwithstanding the provisions of paragraph (1), permit the person who requests the examination of a witness not to submit the document set forth in the paragraph.

(5) When a witness is examined on a date other than the trial date, the person who requests the examination of the witness must promptly submit to the court the number of transcripts of the document set forth in paragraph (1) corresponding to the number of opponents and the defense counsel.

(Dismissal of a Request)

Article 107 A request for the examination of a witness made in violation of the provisions of the preceding Article may be dismissed.

(Announcement of Ruling)

Article 107-2 (1) A ruling to take the measures prescribed in Article 157-2, paragraph (1) of the Code, a ruling to take the measures prescribed in Article 157-3 of the Code, a ruling to examine a witness by the method prescribed in Article 157-4, paragraph (1) of the Code, and a ruling to the effect that the questions asked during examination of the witness, and the statements, and the circumstances thereof are to be recorded on a recording medium pursuant to the provisions of paragraph (2) of the same Article need not be served, even if the ruling is rendered before the trial date.

(2) In the case referred to in the preceding paragraph, the court must promptly notify the persons concerned in the case of the content of each ruling.

(Announcement of the Matters for Examination)

- Article 108 (1) In the event that a witness is examined at the request of the public prosecutor, the accused, or the defense counsel on a date other than the trial date, the court must establish the matters on which the witness is to be examined, using the document set forth in Article 106, paragraph (1) as a reference, and inform the opponent and the defense counsel thereof.
- (2) The opponent or the defense counsel may request in writing that to examine the witness on other necessary matters in addition to the matters for examination prescribed in the preceding paragraph.

(Examination Conducted Ex Officio On a Date Other Than the Trial Date)

- Article 109 (1) When the court examines a witness ex officio on a date other than the trial date, the court must inform the public prosecutor, the accused, and the defense counsel of the matters for examination in advance.
- (2) The public prosecutor, the accused, or the defense counsel may request, in writing, that to examine the witness on other necessary matters in addition to the matters for examination prescribed in the preceding paragraph.

(Descriptive Requirements for a Writ of Summons or Writ of Physical Examination)

- Article 110 (1) A writ of summons issued to a witness must state the name and residence of the witness, the name of the accused, the charged offense, the date, time, and place of appearance, as well as the fact that a civil fine or a criminal penalty may be imposed and that a writ of physical escort may be issued if the witness fails to appear without legitimate grounds, and the presiding judge must affix their name and seal thereto.
- (2) A writ of physical escort issued to a witness must state the name and residence of the witness, the name of the accused, the charged offense, the date and time on which and the place where the person should be physically escorted, the valid period, the fact that after the expiration of the valid period the writ of physical escort may not be executed and must be returned, and the date of issuance, and the presiding judge must affix their name and seal thereto.

(Grace Period for a Summons)

- Article 111 A grace period of at least 24 hours must be set between the time of the service of a writ of summons on a witness and the time of their appearance; provided, however, that this does not apply in cases of urgency.

(Provisions Applied Mutatis Mutandis)

Article 112 The provisions of Articles 72 through 76 apply mutatis mutandis to physical escort of a witness.

(Due Care in Examination and Witnesses Present in Court)

Article 113 (1) A witness who appears in response to a summons must be examined promptly.

(2) When a witness is present in the courthouse, the witness may be examined without a summons.

(Presence During Examination)

Article 114 The court must have a court clerk be present during examination of witnesses.

(Examination on Identity of a Witness)

Article 115 The court must first confirm the identity of a witness.

(Explanation of the Purpose of the Oath)

Article 116 When there is doubt as to whether a witness is able to understand the purpose of the oath, the court must question this point before the witness takes the oath, and when it is found necessary, the court must explain the purpose of the oath to the witness.

(Timing of Oath)

Article 117 The court must have a witness take oath before examination.

(Method of Oath)

Article 118 (1) A witness must take the oath by a written oath.

(2) A written oath must state that the witness swears to tell the truth, and neither conceal nor add anything, according to the dictates of their conscience.

(3) The presiding judge must have the witness read aloud the written oath and have them sign and seal the written oath. If a witness is unable to read the written oath aloud, the presiding judge must have a court clerk do so.

(4) The taking of the oath must be carried out solemnly and while standing.

(Individual Oath)

Article 119 The court must have each witness individually take an oath.

(Warning Against Perjury)

Article 120 Before conducting an examination, the court must inform a witness who has taken an oath of the punishment for perjury.

(Notification of the Right to Refuse to Testify)

Article 121 (1) Before conducting an examination, the court must inform a witness of the fact that they may refuse to give testimony which has a risk of resulting in criminal prosecution or a guilty verdict against themselves or the persons prescribed in Article 147 of the Code.

(2) If the court finds it necessary, it must inform the persons prescribed in Article 149 of the Code of the fact that they may refuse to give testimony pursuant to the provisions of that Article.

(Refusal to Testify)

Article 122 (1) A person who refuses to give testimony must indicate the grounds for the refusal.

(2) If a person who refuses to give testimony fails to indicate the grounds for the refusal, the court must order the person to testify and inform the person of the fact that a civil fine or other sanctions may be imposed on them.

(Individual Examination)

Article 123 (1) Witnesses must be individually examined.

(2) When a witness who is to be examined later is present in court, the court must order the witness to leave the court.

(Simultaneous Examination)

Article 124 If the court finds it to be necessary, the court may have a witness and another witness or the accused undergo simultaneous examination.

(Examination in Writing)

Article 125 When a witness is unable to hear, questions may be asked using a document, and when a witness is unable to speak, the witness may make responses using a document.

(Inspection of a Record of an Examination Conducted on a Date Other Than the Trial Date)

Article 126 (1) In cases where the public prosecutor, the accused, or the defense counsel has not attended the examination of a witness conducted on a date other than the trial date, when the examination record for the witness is completed or has been received by the court, the court must promptly notify the persons who were not present at the examination to that effect.

(2) The accused may inspect the examination record set forth in the preceding paragraph.

(3) When the accused is unable to read or see, they may request that the examination record set forth in paragraph (1) to be read aloud.

(4) The provisions of Article 50 apply mutatis mutandis to the cases set forth in the preceding two paragraphs.

(Examination by the Authorized or Commissioned Judge)

Article 127 Even in cases where the authorized judge or the commissioned judge examines a witness, the proceedings set forth in Article 106, paragraphs (1) through (3), and paragraph (5), Articles 107 through 109, and the preceding Article must be carried out by the court.

Chapter XII Expert Examination

(Oath)

Article 128 (1) The court must have an expert witness take an oath before giving expert testimony.

(2) An expert witness must take an oath by a written oath.

(3) A written oath must state that the expert witness swears to give expert testimony sincerely according to the dictates of their conscience.

(Expert Examination Report)

Article 129 (1) The court must have the expert witness report orally or by means of a written statement of expert opinion the progress and results of the examination they have conducted.

(2) When there are two or more expert witnesses, the court may have them report jointly.

(3) When having the expert witness report the progress and results of their examination by means of a written statement of expert opinion, the court must notify the expert witness of the fact that they may be examined with regard to the matters stated in the written statement of expert opinion on the trial date.

(Expert Examination Conducted Outside the Court)

Article 130 (1) When it is necessary, the court may have the expert conduct their examination outside of court.

(2) In the case referred to in the preceding paragraph, the court may deliver objects related to the expert examination to the expert witness.

(Descriptive Requirements for a Writ of Detention for Expert Examination)

Article 130-2 A writ of detention for expert examination must state the name and residence of the accused, the charged offense, an outline of the charged facts, the place for detention, the period of detention, the purpose of the expert examination, the valid period, the fact that after the expiration of the valid period, the writ may not be executed and be returned, and the date of issuance,

and the presiding judge must affix their name and seal thereto.

(Method of Requesting that the Accused Be Placed Under Guard)

Article 130-3 A request under the provisions of Article 167, paragraph (3) of the Code must be made by submitting a document stating the grounds for the need to place the accused under guard.

(Extension or Shortening of the Period of Detention for Expert Examination)

Article 130-4 The extension or shortening of the period during which the accused is detained for the expert evaluation must be carried out by a judicial ruling.

(Payment of Detention Fees)

Article 130-5 (1) If the accused is detained in a hospital or other places for expert examination, upon the request of the administrator of that place, the court is to pay the hospital fees or other expenses required for the detention.
(2) The amount of the expenses to be paid pursuant to the provisions of the preceding paragraph is to be an amount the court finds to be appropriate.

(Provisions Applied Mutatis Mutandis)

Article 131 In addition to cases where there are special provisions providing otherwise in these Rules, the provisions concerning detention apply mutatis mutandis to the detention of the accused for an expert examination; provided, however, that this does not apply to the provisions concerning bail.

(Provisions Applied Mutatis Mutandis)

Article 132 The provisions of Article 101 apply mutatis mutandis to cases where an expert witness conducts an autopsy or exhumation.

(Descriptive Requirements for a Permit for Expert Examination)

Article 133 (1) The permit set forth in Article 168 of the Code must state the valid period, the fact that after the expiration of the valid period the permitted disposition may not be taken and the permit must be returned, and the date of issuance, and the presiding judge must affix their name and seal thereto.
(2) In cases where conditions are attached to a physical examination to be conducted by an expert witness, the conditions must be entered into the permit set forth in the preceding paragraph.

(Inspection for the Purpose of Expert Examination)

Article 134 (1) When it is necessary for the expert examination, an expert witness may, with the permission of the presiding judge, inspect or transcript documents and articles of evidence, and may be present during proceedings

when questions are being asked of the accused or when a witness is being examined.

(2) Notwithstanding the provisions of the preceding paragraph, the recording medium prescribed in Article 157-4, paragraph (3) of the Code may not be copied.

(3) An expert witness may request that the accused be questioned or that a witness be examined, or may directly ask those persons questions with the permission of the presiding judge.

(Provisions Applied Mutatis Mutandis)

Article 135 Except for the provisions concerning physical escort, the provisions of the preceding Chapter apply mutatis mutandis to expert examinations.

Chapter XIII Interpretation and Translation

(Provisions Applied Mutatis Mutandis)

Article 136 The provisions of the preceding Chapter apply mutatis mutandis to interpretation and translation.

Chapter XIV Preservation of Evidence

(Judge Who Is to Make a Ruling)

Article 137 (1) Requests for the preservation of evidence must be filed with a judge of the district court or summary court which has jurisdiction over the following locations:

(i) with regard to a seizure, the location of the object to be seized;

(ii) with regard to a search or inspection, the location of the place, body, or object to be searched or inspected;

(iii) with regard to the examination of a witness, the current residence of the witness; and

(iv) with regard to an expert examination, the location or current residence of the subject of the examination.

(2) When requesting a disposition of expert examination, if it is not possible to file a request pursuant to the provisions of item (iv) of the preceding paragraph, the request may be filed with a judge of the district court or summary court that is considered to be the most convenient district court or summary court to take the disposition.

(Method for Filing a Request)

Article 138 (1) Requests for the preservation of evidence must be filed in writing.

(2) The following matters must be entered into the written request set forth in

the preceding paragraph:

- (i) an outline of the case;
- (ii) the facts to be proved;
- (iii) evidence and the method of preservation thereof; and
- (iv) the grounds for the need to preserve the evidence.

(3) A prima facie showing of the grounds for the need to preserve the evidence must be made.

Chapter XV Court Costs

(Court with Which to File Requests)

Article 138-2 Requests as set forth in Article 187-2 of the Code must be filed with the district court or summary court that has jurisdiction over the location of the public prosecutor's office to which the public prosecutor who has made the disposition of not instituting prosecution is assigned.

(Method of Filing Requests)

Article 138-3 Requests set forth in Article 187-2 of the Code must be filed by means of a document stating the following matters:

- (i) the name, age, occupation, and residence of the person who is to bear the court costs;
- (ii) when the person prescribed in the preceding item is not the suspect, the name and age of the suspect;
- (iii) the charged offense and an outline of the alleged facts of the crime;
- (iv) the fact that a disposition of not instituting prosecution was made;
- (v) the grounds on which the relevant person should bear the court costs; and
- (vi) the court costs to be borne.

(Provision of Materials)

Article 138-4 In filing the request set forth in Article 187-2 of the Code, the following materials must be provided:

- (i) materials establishing the grounds on which the relevant person should bear the court costs; and
- (ii) materials necessary for calculating the amount of the court costs to be borne.

(Submission and Service of Transcripts of a Written Request)

Article 138-5 (1) When filing a request as set forth in Article 187-2 of the Code, the public prosecutor must submit to the court the number of transcripts of the written request corresponding to the number of persons who are being requested to bear the court costs, at the same time with the filing of the

request.

- (2) When the court receives the transcripts set forth in the preceding paragraph, the court must serve the transcripts on the persons who are requested to bear the court costs, without delay.

(Hearing of Opinions)

Article 138-6 In the case of rendering a ruling on the request set forth in Article 187-2 of the Code, the court must hear the opinions of the persons who is being requested to bear the court costs.

(Dismissal of a Request)

Article 138-7 When a request as set forth in Article 187-2 of the Code has been filed in violation of the method provided in laws and regulations, or when not having the relevant person bear the court costs, the request must be dismissed by a ruling.

Chapter XVI Compensation for Costs

(Provisions Applied Mutatis Mutandis)

Article 138-8 The provisions of Article 227 and Article 228 apply mutatis mutandis to the request for compensation filed in writing set forth in Article 188-4 of the Code.

(Calculation by the Court Clerk)

Article 138-9 In the event that a ruling is rendered for compensation set forth in Article 188-2, paragraph (1) or Article 188-4 of the Code, the court may have a court clerk calculate the amount of the costs to be compensated.

Part II First Instance

Chapter I Investigation

(Method of Filing a Request for a Warrant)

Article 139 (1) A request for a warrant must be filed in writing.

- (2) A written request for an arrest warrant must be attached with a single transcript of the request.

(Dismissal of a Request for a Warrant)

Article 140 In order for a judge to dismiss a request for a warrant, it is sufficient to state the fact in the written request, and for the judge to affix their name and seal thereto, and deliver it to the requester.

(Return of a Written Request for a Warrant)

Article 141 When a judge issues a warrant or dismisses a request for a warrant, except in the case set forth in the preceding Article, the judge must promptly return the written request for a warrant to the requester.

(Notice of Designation of or Change to Persons Entitled to Request an Arrest Warrant)

Article 141-2 When the National Public Safety Commission or Prefectural Public Safety Commission designates the judicial police personnel who is able to request an arrest warrant pursuant to the provisions of Article 199, paragraph (2) of the Code, the National Public Safety Commission must notify the Supreme Court to that effect, and the Prefectural Public Safety Commission must notify the district court which has jurisdiction over the location thereof to that effect. The same applies when the content of the notification is changed.

(Descriptive Requirements for a Written Request for an Arrest Warrant)

Article 142 (1) The following matters and other matters that are required to be entered into an arrest warrant, as well as matters required for the issuance of an arrest warrant, must be entered into a written request for an arrest warrant:

- (i) the name, age, occupation, and place of residence of the suspect;
 - (ii) the charged offense and an outline of the alleged facts of crime;
 - (iii) the grounds necessitating the suspect's arrest;
 - (iv) the official title and name of the requester;
 - (v) when the requester is judicial police personnel who is a police officer, the fact that the police officer is a person designated under the provisions of Article 199, paragraph (2) of the Code;
 - (vi) when a validity period in excess of seven days is required, an entry to that effect and the grounds therefor;
 - (vii) when a multiple number of arrest warrants is required, an entry to that effect and the grounds therefor; and
 - (viii) when any request has previously been made or an arrest warrant has previously been issued for the suspect with regard to the same facts of the crime or facts of another crime currently under investigation, an entry to that effect and the facts of that crime.
- (2) When the name of the suspect is unknown, the suspect must be designated by facial and physical descriptions and by other matters that are sufficient to identify the suspect.
- (3) When the age, occupation, or residence of the suspect is unknown, it is sufficient to make an entry to that effect.

(Provision of Materials)

Article 143 In filing a request for an arrest warrant, the requester must provide materials that establish the grounds for arrest (meaning the requirements for the issuance of an arrest warrant excluding those on the necessity of the arrest; the same applies hereinafter) and that establish the need for the arrest.

(Hearing of the Statements of a Requester of an Arrest Warrant)

Article 143-2 When a judge who receives a request for an arrest warrant finds it necessary, the judge may hear statements from the person who requested the arrest warrant by requesting the person to appear, or may request the person to present documents or any other objects.

(Cases Where There Is Clearly No Need for Arrest)

Article 143-3 Even if a judge who has received a request for an arrest warrant finds that there are grounds for arrest, when the judge finds that there is clearly no need for an arrest due to there being no risk of the suspect to flee or destroy evidence of crime, in light of the age and environment of the suspect, the gravity and mode of the offense, and various other circumstances, the judge must dismiss the request for an arrest warrant.

(Descriptive Requirements for an Arrest Warrant)

Article 144 An arrest warrant must state the official title and name of the requester.

(Preparation of an Arrest Warrant)

Article 145 An arrest warrant may be prepared by making use of the written request for the arrest warrant and its content.

(Multiple Copies of an Arrest Warrant)

Article 146 Multiple copies of an arrest warrant may be issued on request.

(Descriptive Requirements for a Written Request for Detention)

Article 147 (1) A written request for the detention of a suspect must state the following matters:

- (i) the name, age, occupation, and residence of the suspect;
- (ii) the charged offense, an outline of the alleged facts of the crime, and when the suspect was arrested as an offender caught in the act, the probable cause sufficient to suspect that the arrestee had committed the crime;
- (iii) the grounds specified in the items under Article 60, paragraph (1) of the Code;
- (iv) when a public prosecutor or judicial police personnel is unable to comply

with the time limitations specified by the Code due to unavoidable circumstances, the grounds therefor; and

- (v) when the suspect has a defense counsel, the name of the defense counsel.
- (2) With regard to entry of the age, occupation, and place of residence of the suspect, the charged offense, and an outline of the alleged facts of the crime, if those matters are the same as those stated in the written request for the arrest warrant, notwithstanding the provisions of the preceding paragraph, it is sufficient to make an entry to that effect in the written request.
- (3) The provisions of Article 142, paragraph (2) and paragraph (3) apply *mutatis mutandis* to the case set forth in paragraph (1).

(Provision of Materials)

Article 148 (1) In filing a request for the detention of a suspect, the requester must provide the following materials:

- (i) when the suspect has been arrested pursuant to an arrest warrant, the written request for the arrest warrant, and the arrest warrant stating the date, time, and place of arrest, the date and time the suspect was physically escorted, the date and time that the procedure for referring the suspect to a public prosecutor or judicial police personnel was carried out, and the date and time that the referral was made, with the name and seal of the relevant person affixed thereto for each entry;
 - (ii) when the arrest was an arrest of the person in the act of committing a crime, a record or other documents stating the matters prescribed in the preceding item; and
 - (iii) materials establishing the grounds for detention specified in the Code.
- (2) When a public prosecutor or judicial police personnel is unable to comply with the time limitations specified by the Code due to unavoidable circumstances, the requester must also provide materials establishing the circumstances.

(Descriptive Requirements for a Detention Warrant)

Article 149 A detention warrant issued against a suspect must state the date of the request for detention.

(Sending of Documents)

Article 150 When a judge detains a suspect, the judge must promptly send the document concerning the detention to a public prosecutor.

(Re-extension of the Detention Period of a Suspect)

Article 150-2 An extension of the period under the provisions of Article 208-2 of the Code may only be made when there are unavoidable circumstances.

(Request for an Extension of Period)

Article 151 (1) Request for an extension of the period under the provisions of Article 208, paragraph (2) or Article 208-2 of the Code must be filed in writing.
(2) The written request set forth in the preceding paragraph must state the unavoidable circumstances and the requested period of extension.

(Provision of Materials)

Article 152 In filing the request set forth in paragraph (1) of the preceding Article, the requester must submit the detention warrant and materials establishing the unavoidable circumstances.

(Judicial Decision on Extension of Period)

Article 153 (1) When a judge finds that there are reasonable grounds for the request set forth in Article 151, paragraph (1), the judge must enter the period of extension and the grounds for the extension into the detention warrant and affix their name and seal thereto, and have a court clerk deliver the warrant to a public prosecutor.
(2) The judicial decision on the extension under the preceding paragraph becomes effective through the delivery set forth in that paragraph.
(3) When a court clerk delivers a detention warrant to a public prosecutor, the court clerk must enter the date of delivery therein, and affix their name and seal thereto.
(4) When a public prosecutor receives delivery of a detention warrant, the public prosecutor must immediately have an official of a penal institution show the warrant to the suspect.
(5) The provisions of Article 140, Article 141, and Article 150 apply mutatis mutandis to the request set forth in Article 151, paragraph (1).

(Request for Delivery of a Transcript)

Article 154 When the judicial decision set forth in paragraph (1) of the preceding Article is issued, the suspect may request delivery of a transcript of the detention warrant that states the judicial decision.

(Descriptive Requirements for a Written Request for a Warrant for Seizure)

Article 155 (1) A written request for a warrant for seizure, search, or inspection must state the following matters:
(i) the object to be seized, or the place, body, or object to be searched or inspected;
(ii) the official title and name of the requester;
(iii) the name of the suspect or the accused (if the suspect or the accused is a corporation, the name of the corporation);

- (iv) the charged offense and an outline of the facts of the crime;
 - (v) when a validity period exceeding seven days is required, an entry to that effect and the grounds therefor; and
 - (vi) when there is a need to carry out a seizure, search, or inspection before sunrise or after sunset, an entry to that effect and the grounds therefor.
- (2) In addition to the matters prescribed in the preceding paragraph, a written request for a warrant for inspection of a body must state the matters prescribed in Article 218, paragraph (4) of the Code.
- (3) When the name of the suspect or the accused is unknown, it is sufficient to make an entry to that effect.

(Provision of Materials)

- Article 156 (1) In filing the request set forth in paragraph (1) of the preceding Article, the requester must provide materials based on which the suspect or the accused is considered to have committed an offense.
- (2) In filing a request for a warrant for the seizure of a postal item, piece of correspondence, or telegram that is being kept by or is in the possession of a person who handles communications business affairs based on the provisions of laws and regulations (excluding those sent by the suspect or the accused, or those sent to the suspect or the accused), the requester must provide materials establishing that there are circumstances to sufficiently support the item's or document's relationship to the suspect's case or the case charged to the court.
- (3) In filing a request for a warrant to search the body, an object, or the residence of a person other than the suspect or the accused, or any other location of that other person, the requester must provide materials establishing that there are circumstances to sufficiently support the existence of the object to be seized.

(Descriptive Requirements for a Warrant for Inspection of a Body)

Article 157 A warrant for inspection of a body must state that a civil fine or a criminal penalty may be imposed if the person who is to receive the inspection refuses to undergo inspection of the body without legitimate grounds.

(Entry Concerning Return of the Arrest Warrant)

Article 157-2 An arrest warrant or the warrant set forth in Article 218, paragraph (1) of the Code must state that, even within the valid period, when there is no longer a need for the warrant, the warrant must be immediately returned.

(Request for a Penalty)

Article 158 A request for a civil fine to be imposed or for compensation of expenses to be ordered against a person who has refused an inspection of the

body pursuant to the provisions of Article 222, paragraph (7) of the Code must be filed with the district court or summary court that has jurisdiction over the location of the public agency to which the requester is assigned.

(Descriptive Requirements for a Written Request for Detention for Expert Examination)

Article 158-2 (1) A written request for the detention of a suspect for expert examination must state the following matters:

- (i) the name, age, occupation, and place of residence of the suspect;
- (ii) the charged offense and an outline of the alleged facts of the crime;
- (iii) the official title and name of the requester;
- (iv) the place of detention;
- (v) the required period of detention;
- (vi) the purpose of the expert examination;
- (vii) the name and occupation of the expert witness; and
- (viii) if the suspect has a defense counsel, the name of the defense counsel.

(2) The provisions of Article 142, paragraphs (2) and (3) apply mutatis mutandis to the case referred to in the preceding paragraph.

(Descriptive Requirements for a Written Request for Permission for Taking Dispositions in an Expert Examination)

Article 159 (1) A written request for permission set forth in Article 225, paragraph (1) of the Code must state the following matters:

- (i) the official title and name of the requester;
- (ii) the name of the suspect or the accused (if the suspect or the accused is a corporation, the name of the corporation);
- (iii) the charged offense and an outline of the facts of the crime;
- (iv) the name and occupation of the expert witness; and
- (v) the residence, premises, building, or vessel to be entered by the expert witness, the person to be examined, the corpse to be autopsied, the grave to be exhumed, or the object to be destroyed; and
- (vi) when a validity period exceeding seven days is required for the permit, an entry to that effect and the grounds therefor.

(2) The provisions of Article 155, paragraph (3) apply mutatis mutandis to the case referred to in the preceding paragraph.

(Descriptive Requirements for a Written Request for Examination of a Witness)

Article 160 (1) Requests for the examination of a witness set forth in Article 226 or 227 of the Code must be filed by means of a document containing the following matters:

- (i) the name, age, occupation, and place of residence of the witness;

- (ii) the name of the suspect or the accused (if the suspect or the accused is a corporation, the name of the corporation);
 - (iii) the charged offense and an outline of the facts of the crime;
 - (iv) the facts to be proved;
 - (v) the matters to be questioned or the matters on which the witness should testify;
 - (vi) the grounds prescribed in either Article 226 or Article 227 of the Code; and
 - (vii) when the suspect has a defense counsel, the name of the defense counsel.
- (2) The provisions of Article 155, paragraph (3) apply mutatis mutandis to the case referred to in the preceding paragraph.

(Provision of Materials)

Article 161 In filing a request for the examination of a witness set forth in Article 226 of the Code, the requester must provide materials establishing the grounds prescribed in that Article.

(Presence During Examination of a Witness)

Article 162 When the judge who receives a request for the examination of a witness set forth in Article 226 or Article 227 of the Code finds that there is no risk of the investigation being hindered, the judge may allow the accused, the suspect, or the defense counsel to be present in the examination.

(Sending of Documents)

Article 163 When a judge examines a witness in response to a request set forth in Article 226 or Article 227 of the Code, the judge must promptly send the document concerning the examination to the public prosecutor.

Chapter II Prosecution

(Descriptive Requirements for a Charging Instrument)

Article 164 (1) In addition to the matters prescribed in Article 256 of the Code, a charging instrument must state the following matters:

- (i) the name, age, occupation, place of residence, and registered domicile of the accused; provided, however, that if the accused is a corporation, the office and the name and residence of the representative or administrator of the corporation; and
 - (ii) if the accused has been arrested or detained, an entry to that effect.
- (2) When a matter listed in item (i) of the preceding paragraph is unknown, it is sufficient to make an entry to that effect.

(Submission of a Transcript of a Charging Instrument)

- Article 165 (1) At the same time as instituting a prosecution, a public prosecutor must submit to the court a number of transcripts of the charging instrument corresponding to the number of accused; provided, however, that if the public prosecutor is unable to do so due to unavoidable circumstances, they must submit the transcripts promptly after instituting the prosecution.
- (2) At the same time as instituting a prosecution, a public prosecutor must submit to the court the written appointment of defense counsel that was submitted to the public prosecutor or judicial police personnel. If the public prosecutor is unable to submit the written appointment at the same time as instituting the prosecution, they must make an entry to that effect in the charging instrument, and promptly submit the written appointment of the defense counsel after instituting the prosecution.
- (3) When a judge has appointed a defense counsel prior to institution of prosecution based on the provisions of the Code, a public prosecutor must notify the court to that effect at the same time as instituting a prosecution.
- (4) The provisions of paragraph (1) do not apply when requesting a summary order.

(Submission of Materials for Proof)

Article 166 In instituting a prosecution, when it is necessary to prove that a transcript of the charging instrument or of a summary order could not be validly served since the offender was outside Japan or was fleeing and hiding, a public prosecutor must submit to the court materials proving this promptly after institution of prosecution; provided, however, that the public prosecutor must not submit a document or other objects which may cause the judge to be prejudiced with regard to the case.

(Submission of an Arrest Warrant or a Detention Warrant)

- Article 167 (1) When a public prosecutor institutes a prosecution against the accused who has been arrested or is being detained, the public prosecutor must promptly submit the arrest warrant or the arrest warrant and detention warrant to a judge of the court with which prosecution has been instituted. The same applies when a public prosecutor institutes a prosecution against the accused who has been released after arrest or detention.
- (2) In cases where a judge of another court should make a ruling on detention pursuant to the provisions of Article 187, the judge must immediately send the arrest warrant and detention warrant set forth in the preceding paragraph to the judge of another court.
- (3) When proceedings have been held on the first trial date, the judge must promptly send the arrest warrant, detention warrant, and documents concerning a ruling on detention to the court.

(Method for Withdrawing Prosecution)

Article 168 Withdrawal of prosecution must be carried out by means of a document stating the grounds therefor.

(Descriptive Requirements for a Written Request for Trial)

Article 169 A written request as set forth in Article 262 of the Code must state the facts of the crime and the evidence for the case that should be referred to the court for trial.

(Method of Withdrawing a Request)

Article 170 Withdrawal of the request set forth in Article 262 of the Code must be made in writing.

(Sending of Documents)

Article 171 When a public prosecutor finds the request set forth in Article 262 of the Code to be without grounds, the public prosecutor must send a written request to the court prescribed in that Article by attaching a written opinion, along with documents and articles of evidence, within seven days from the date of receiving the written request. The written opinion must state the grounds for not instituting a prosecution.

(Notice of a Request)

Article 172 (1) When documents and articles of evidence are sent pursuant to the preceding Article, the court clerk must promptly notify the suspect of the fact that the request set forth in Article 262 of the Code has been filed.

(2) When a request is withdrawn pursuant to Article 262 of the Code, the court clerk must promptly notify the public prosecutor and the suspect to that effect.

(Interrogation of a Suspect)

Article 173 (1) When the court that receives the request set forth in Article 262 of the Code interrogates a suspect, the court must have a court clerk be present at the interrogation.

(2) In the case referred to in the preceding paragraph, a record must be prepared, and a court clerk must sign and seal the record and the presiding judge must affix their seal of approval to the record.

(3) The provisions of the first sentence of Article 38, paragraph (2), item (iii), Article 38, paragraph (3), paragraph (4), and paragraph (6) apply mutatis mutandis to the record set forth in the preceding paragraph.

(Ruling for Trial)

Article 174 (1) In rendering a ruling set forth in Article 266, item (ii) of the Code, the matters that should be stated in the charging instrument must be entered into the written judgment.

(2) A transcript of the ruling set forth in the preceding paragraph must also be served on the public prosecutor and the suspect.

(Actions after a Ruling for Trial)

Article 175 In cases where the court renders a ruling under Article 266, item (ii) of the Code, the court must promptly take either of the following dispositions:

(i) when the court has referred the case to the same court for a trial, it is to send documents and articles of evidence, excluding the written judgment, to the attorney at law who is to maintain the prosecution of the case; or

(ii) when the court has referred the case to another court for trial, the court is to send the written judgment to the other court, and send documents and articles of evidence to the attorney at law who is to maintain the prosecution of the case.

Chapter III Trial

Section 1 Trial Preparation and Trial Procedure

(Service of a Transcript of the Charging Instrument)

Article 176 (1) When the court receives a transcript of the charging instrument, the court must immediately serve the transcript on the accused.

(2) When the court is unable to serve a transcript of the charging instrument, the court must immediately notify the public prosecutor to that effect.

(Notice Concerning Appointment of Defense Counsel)

Article 177 When prosecution is instituted, the court must without delay, inform the accused the fact that they may appoint a defense counsel, and that they may file a request for the appointment of a defense counsel if they are unable to appoint a defense counsel due to indigence or other grounds, and, in addition, inform the accused the fact that for a case punishable by the death penalty, life imprisonment, or imprisonment with or without work that exceeds three years, that the trial may not be held in absence of a defense counsel; provided, however, that this does not apply when the accused has secured a defense counsel.

(Measures to Be Taken for a Case Without a Defense Counsel)

Article 178 (1) When prosecution has been instituted and the accused has no defense counsel, for a case punishable by the death penalty, life imprisonment, or imprisonment with or without work that exceeds three years, the court must,

without delay, confirm with the accused whether they will appoint a defense counsel, and for other cases, the court must confirm whether they will file a request for the appointment of a defense counsel under the provisions of Article 36 of the Code.

- (2) When taking the measures under the preceding paragraph, the court may demand that the accused respond within a certain period of time designated by the court.
- (3) In the case set forth in the first sentence of paragraph (1), if no response is given or no defense counsel is appointed within the period of time set forth in the preceding paragraph, the presiding judge must immediately appoint a defense counsel for the accused.

(Preparations by Persons Concerned in the Case Prior to the First Trial Date)

Article 178-2 Prior to the first trial date, the persons concerned in the case must make preparations to ensure speedy proceedings, by collecting and organizing as much evidence as possible.

(Notification of the Names of the Public Prosecutor and the Defense Counsel)

Article 178-3 In order to allow the public prosecutor and the defense counsel to contact each other for preparations of the proceedings promptly after institution of prosecution, when the court finds it necessary, the court must order a court clerk to take appropriate measures, such as informing the public prosecutor and the defense counsel of each other's names.

(Designation of the First Trial Date)

Article 178-4 Preparations of the proceedings to be made by the persons concerned in the case prior to the first trial date must be taken into consideration in setting the first trial date.

(Notification of the Amount of Expected Time That Can Be Allocated to the Proceedings)

Article 178-5 When the court finds it appropriate in order for proceedings on the trial date to be carried out in a productive manner, the court must inform the public prosecutor and the defense counsel in advance of the amount of expected time that can be allocated to the proceedings on that date.

(Details of Preparations by the Public Prosecutor and the Defense Counsel Prior to the First Trial Date)

Article 178-6 (1) The public prosecutor must carry out the following actions prior to the first trial date:

- (i) when there is documentary evidence or when there are articles of evidence

- which the accused or the defense counsel is to be given an opportunity to inspect pursuant to the provisions of the main clause of Article 299, paragraph (1) of the Code, the public prosecutor must give the opportunity as promptly as possible after institution of prosecution; and
- (ii) with regard to documentary evidence or articles of evidence which the defense counsel has been given an opportunity to inspect pursuant to the provisions of paragraph (2), item (iii), the public prosecutor is to notify the defense counsel of the probability of whether the public prosecutor will give the consent under Article 326 of the Code, or of whether they will object to a request for examination of the piece of documentary evidence or the article of evidence as promptly as possible.
- (2) The defense counsel must carry out the following actions prior to the first trial date:
- (i) to ascertain the facts through an appropriate method, such as an interview with the accused and any other person concerned;
 - (ii) with regard to documentary evidence or articles of evidence which the public prosecutor has given an opportunity to inspect pursuant to the provisions of item (i) of the preceding paragraph, to notify the public prosecutor the probability of whether they will give the consent under Article 326 of the Code, or of whether they will object to a request for examination of the piece of documentary evidence or the article of evidence as promptly as possible; and
 - (iii) when there is documentary evidence or when there are articles of evidence which the public prosecutor should be given an opportunity to inspect pursuant to the provisions of the main clause of Article 299, paragraph (1) of the Code, the defense counsel is to present them and give the opportunity as promptly as possible.
- (3) Beyond what is set forth in the preceding two paragraphs, the public prosecutor and the defense counsel must carry out the following actions prior to the first trial date, by contacting each other:
- (i) in order to clarify the counts against the accused or applicable penal statutes described in the charge sheet or in order to clarify the issues of the case, to discuss those matters with each other to the furthest extent possible; and
 - (ii) to inform the court of matters necessary for the court to estimate the number of court sessions to be held, such as the amount of time that will likely be required for the examination of evidence and any other proceedings.

(Cases of Giving an Opportunity to Learn the Name and Residence of the Witnesses)

Article 178-7 When a person concerned in the case gives an opportunity to learn

the name and residence of a witness, etc. to the opponent pursuant to the provisions of the main clause of Article 299, paragraph (1) of the Code prior to the first trial date, the person must give the opportunity as early as possible.

(Appearance of a Witness on the First Trial Date)

Article 178-8 The public prosecutor or the defense counsel must endeavor to have a person for whom they plan to file a request to examine as a witness and who is likely to be examined on the first trial date to appear in court.

(Inquiry on the Progress of Preparation by the Public Prosecutor or Defense Counsel)

Article 178-9 The court may order a court clerk to make an inquiry to the public prosecutor or the defense counsel as to the progress of preparations for the proceedings or to take measures to urge the public prosecutor or the defense counsel to make the preparations.

(Preliminary Discussions with the Public Prosecutor and the Defense Counsel)

Article 178-10 (1) When the court finds it appropriate, the court may have the public prosecutor and the defense counsel appear prior to the first trial date, and discuss necessary matters concerning the designation of trial dates and other processes in the proceedings; provided, however, that the discussion may not cover matters that have a risk of causing prejudices to the case.
(2) The court may have a member of the judicial panel take the measures set forth in the preceding paragraph.

(Use of the Provisions on Return and Provisional Return)

Article 178-11 After the institution of prosecution, the public prosecutor must give consideration on making use of the provisions of Article 123 (Return and Provisional Return of Seized Articles) of the Code as applied *mutatis mutandis* pursuant to Article 222, paragraph (1) of the Code, in order to allow the accused and the defense counsel to use the articles that have been seized with regard to the case to the greatest extent possible in preparing for the proceedings.

(First Trial Date)

Article 179 (1) A writ of summons against the accused for the first trial date may not be served before the service of a transcript of the charging instrument.
(2) A grace period of at least five days must be set between the first trial date and the service of a writ of summons against the accused; provided, however, that for a summary court, it is sufficient to set a grace period of three days.
(3) If the accused has no objection, it is possible to not set the grace period set

forth in the preceding paragraph.

Article 179-2 Deleted

(Measures to Be Taken Against a Person Who Fails to Appear on the Trial Date)

Article 179-3 When the accused or any other person who has been summoned for the trial date fails to appear without legitimate grounds, the court must give consideration on making use of the provisions of Articles 58 (Physical Escort of the Accused), Article 96 (Rescission of Bail), and Articles 150 through 153 (Sanctions against a Witness) of the Code, and other provisions of a similar nature.

(Request to Change the Trial Date)

Article 179-4 (1) When any grounds arise that require the trial date to be changed, the person concerned in the case must immediately file a request for a change of the date with the court, by specifically clarifying the grounds and the period during which the grounds are expected to exist, and making a prima facie showing thereof by a medical certificate or other materials.

(2) Unless the court finds the grounds set forth in the preceding paragraph to be unavoidable, the court must dismiss the request set forth in that paragraph.

(Measures to Be Taken in the Event that Private Defense Counsel Becomes Indisposed)

Article 179-5 (1) When any grounds arise that require the trial date to be changed, the defense counsel appointed by the persons listed in Article 30 of the Code must immediately carry out the procedure set forth in paragraph (1) of the preceding Article, as well as inform the accused and an appointer other than the accused of the grounds and the period during which the grounds are expected to exist.

(2) In cases where the court finds the grounds set forth in the preceding paragraph to be unavoidable, if the court considers that the grounds may cause a delay in the proceedings over the long term, it must specify a definite period of time and request that the accused and an appointer other than the accused set forth in the same paragraph to respond within that period as to whether they will appoint another defense counsel.

(3) If no response has been given or no defense counsel has been appointed within the period set forth in the preceding paragraph, the following rules are to be observed; provided, however, that this does not apply when there is a concern that doing so would substantially harm the interests of the accused:

(i) for the case in which a court session may not be held in absence of defense

counsel, a court session may be held by appointing another defense counsel for the accused pursuant to the provisions of Article 289, paragraph (2) of the Code; and

- (ii) for the case in which a court session may be held in absence of defense counsel, a court session may be held without waiting for defense counsel to appear.

(Measures to Be Taken in the Event that Court-Appointed Defense Counsel Becomes Indisposed)

Article 179-6 When any grounds arise that require the trial date to be changed, the defense counsel appointed by the court, the presiding judge, or a judge pursuant to the provisions of the Code must immediately carry out the procedure set forth in Article 179-4, paragraph (1), as well as inform the accused of the grounds and the period during which the grounds are expected to exist.

(Hearing of Opinions on the Change of Date)

Article 180 When changing the trial date, the court must, in advance, hear the opinions of the public prosecutor and the accused or the defense counsel if making the change ex officio, and must hear the opinions of the opponent or the defense counsel if making the change upon a request; provided, however, that this does not apply in cases of urgency.

(Service of an Order Dismissing the Request for Change of Date)

Article 181 A ruling to dismiss the request for change of the trial date need not be served.

(Non-Change of the Trial Date)

Article 182 (1) Unless the court finds it to be unavoidable, the court may not change the trial date.

- (2) When the court has changed the trial date in abuse of its powers, a person concerned in the case may file a complaint in writing with the court which has the power of supervision over the judge concerned pursuant to the provisions of Article 80 of the Court Act.

(Materials to Be Submitted in the Event of Non-Appearance)

Article 183 (1) When the accused has received a summons to appear on a trial date, if they consider that they will be unable to appear due to a mental or physical illness or other grounds, they must immediately submit to the court a document stating the grounds and a doctor's medical certificate or other materials for clarifying the grounds.

- (2) In cases where the accused is to submit a doctor's medical certificate pursuant to the provisions of the preceding paragraph, if the accused is unable to acquire the doctor's medical certificate due to indigence, the court may commission a doctor to prepare a medical certificate for the accused.
- (3) The medical certificate set forth in the preceding two paragraphs must state, in addition to the disease name and medical conditions, the doctor's concrete opinion as to whether or not the accused, being in such state of mental or physical illness, is able to appear on a trial date, is able to appropriately exercise their right to defense independently or in cooperation with the defense counsel, or if appearing in court or participating in the proceedings would pose a substantial threat to their life or health conditions.

(Non-Acceptance of Medical Certificate)

Article 184 (1) When a doctor's medical certificate set forth in the provisions of the preceding Article is in violation of the form specified in that Article, the court must not accept the doctor's medical certificate.

- (2) Even when the medical certificate set forth in the preceding Article is not in violation of the form specified in that Article, if the court finds its content to be doubtful, the court must take appropriate measures, such as summoning the doctor who prepared the medical certificate to examine them as a witness with regard to their qualifications and the content of the medical certificate, or ordering another fair-minded, qualified doctor to conduct an expert examination on the medical conditions of the accused.

(Improper Medical Certificates)

Article 185 With regard to a doctor's preparation of a medical certificate under the provisions of Article 183, if the court finds that the doctor has intentionally made false entries, violated the form specified in that Article, obfuscated its content, or conducted other inappropriate acts, the court may notify the Minister of Health, Labour and Welfare or a doctors' association to that effect in order to have the Minister or the association to take the measures that are found to be appropriate against the doctor, or the court may take other appropriate measures allowed under laws and regulations.

(Provisions Applied Mutatis Mutandis)

Article 186 The provisions of the preceding three Articles apply mutatis mutandis to persons other than the accused who have received a summons for the trial date and to persons who have received notice of the trial date.

(Judge Who Is to Make a Ruling on Detention)

Article 187 (1) Rulings on detention during the period from the institution of

prosecution until the first trial date must be made by a judge of the court with which the prosecution has been instituted; provided, however, that a judge who is to participate in the proceedings of the case may not make the ruling.

- (2) When the ruling set forth in the preceding paragraph may not be made in accordance with the provisions of that paragraph, the judge set forth in the paragraph must request a judge of the district court or summary court within the same area to make the ruling; provided, however, that this does not preclude the judge from making the rulings themselves in cases of urgency or in cases where there is no judge from another court who can be requested to make the rulings within the same area notwithstanding the provisions of the proviso to the same paragraph.
- (3) A judge who has received the request set forth in the preceding paragraph must make a ruling set forth in paragraph (1).
- (4) When making a ruling set forth in paragraph (1), the judge may order the public prosecutor, the accused, or the defense counsel to appear and hear their statements. If necessary, the judge may order the persons to submit documents or other objects; provided, however, that a judge who is to participate in the proceedings of the case may not order the submission of a document or other objects which may cause the judge to be prejudiced in the case.
- (5) A branch of a district court is deemed to be a district court separate from the court with regard to the application of the provisions of paragraphs (1) and (2).

(Notice of Refusal to Appear)

Article 187-2 When the accused who is in detention refuses to appear on the trial date for which the accused has been summoned, and makes it extremely difficult for an official of the penal institution to physically escort them to court, the warden of the penal institution must immediately notify the court to that effect.

(Examination on Refusal to Appear)

Article 187-3 (1) For a trial procedure to be carried out without waiting for the accused to appear pursuant to the provisions of Article 286-2 of the Code, the court must examine, in advance, whether or not the grounds specified in that Article exist.

- (2) When the court finds it necessary in order to conduct an examination under the provisions of the preceding paragraph, the court may order an official of the penal institution or other persons concerned to appear and hear their statements, or order those persons to submit a written report.
- (3) The court may have a member of the judicial panel conduct an examination under the provisions of paragraph (1).

(Notification to Carry Out Trial Procedure With Non-Appearance of the Accused)

Article 187-4 In carrying out a trial procedure without waiting for the accused to appear pursuant to the provisions of Article 286-2 of the Code, the presiding judge must notify the persons concerned in the case to that effect in an open court.

(Period for Filing a Request for the Examination of Evidence)

Article 188 A request for the examination of evidence may be filed even prior to the trial date; provided, however, that this does not apply prior to the first trial date, except in the case of filing the request during the pretrial conference procedure.

(Submission of Documents when Requesting the Examination of Evidence)

Article 188-2 (1) When filing a request for the examination of a witness, an expert witness, an interpreter, or a translator, the requester must submit a document stating the name and residence of the person.
(2) When filing a request for the examination of documentary evidence or other documents, the requester must submit a document stating a list thereof.

(Notification of the Time for Examination of a Witness)

Article 188-3 (1) When filing a request for the examination of a witness, the requester must notify the court of the expected time that will be required for the examination of the witness.
(2) The opponent of the person who has filed a request for the examination of a witness must notify the court of the expected time that will be required to perform the examination when a ruling for the examination of the witness is rendered.
(3) When a ruling for the examination of a witness to be conducted ex officio has been rendered, the public prosecutor and the accused or the defense counsel must notify the court of the expected time that will be required for them to perform the examination.

(Method of Filing a Request for the Examination of Evidence)

Article 189 (1) Requests for the examination of evidence must be filed by clearly indicating the relationship between the evidence and the facts to be proved.
(2) In filing a request for the examination of a portion of documentary evidence or of other documents, the portion must be specifically clarified.
(3) When the court finds it necessary, the court may order a person filing a request for the examination of evidence to submit a document that clarifies the matters specified in the preceding two paragraphs.

(4) A request for the examination of evidence which is filed in violation of the provisions of the preceding paragraphs may be dismissed.

(Careful Selection of Evidence)

Article 189-2 Requests for the examination of evidence must be filed after the requester has carefully selected the evidence necessary for proving the facts that should be proved.

(Ruling on Examination of Evidence)

Article 190 (1) The examination of evidence or dismissal of a request for the examination of evidence must be carried out by a ruling.

(2) When rendering the ruling set forth in the preceding paragraph, the court must hear the opinions of the opponent or the defense counsel if the ruling has been rendered based on the request for the examination of evidence, and must hear the opinions of the public prosecutor and the accused or the defense counsel if it has been rendered ex officio.

(3) When the accused and the defense counsel do not appear on the trial date on which the examination of evidence may be conducted without the appearance of the accused, the ruling set forth in paragraph (1) may be rendered without hearing the opinions of those persons, notwithstanding the provisions of the preceding paragraph.

(Service of a Ruling on Examination of Evidence)

Article 191 (1) A ruling on the examination of a witness, an expert witness, an interpreter, or a translator need not be served, even when the ruling is rendered prior to the trial date.

(2) In the case referred to in the preceding paragraph, the court must immediately notify the persons concerned in the case of the name of the person.

(Appearance of the Witnesses)

Article 191-2 When a ruling on the examination of a witness, an expert witness, an interpreter, or a translator has been rendered, the person concerned in the case who has filed the request for the examination must endeavor to have the person appear on the date of the examination.

(Preparation for Examination of a Witness)

Article 191-3 The public prosecutor or the defense counsel who has filed a request for the examination of a witness must make preparations so as to be able to conduct an appropriate examination, by a method such as confirming the facts with the witness or other persons concerned.

(Order to Present Evidence for Rendering a Ruling on the Examination of Evidence)

Article 192 When the court finds it necessary for rendering a ruling to conduct the examination of evidence, the court may order the persons concerned in the case to present documentary evidence or articles of evidence.

(The Order in Which Requests for the Examination of Evidence Are to Be Filed)

Article 193 (1) First, the public prosecutor must file a request for the examination of all the evidence that they find necessary for the trial of the case. (2) After the request set forth in the preceding paragraph has been filed, the accused or the defense counsel may file a request for the examination of evidence that they find necessary for the trial of the case.

Article 194 and Article 195 Deleted

(Questioning on the Identity of the Accused)

Article 196 Before the public prosecutor reads aloud the charging instrument, the presiding judge must ask the accused for information sufficient to ascertain the identity of the person.

(Method of Giving Notice to the Effect That a Request Set Forth in Article 290-2, Paragraph (1) of the Code Has Been Made)

Article 196-2 Notice under the provisions of the second sentence of Article 290-2, paragraph (2) of the Code must be given in writing; provided, however, that this does not apply when there are unavoidable circumstances.

(Notification of Information that Has the Possibility of Being Disclosed in Open Court)

Article 196-3 When the ruling set forth in Article 290-2, paragraph (1) or paragraph (3) of the Code has been rendered, if there is information that identifies the victim, other than the name and address of the victim, which the public prosecutor considers could be disclosed in a court that is open to the public in consideration of the nature of the case, the status of the proceedings, and other circumstances, the public prosecutor is to notify the court and the accused or the defense counsel to that effect.

(Specification of a Pseudonym)

Article 196-4 When the court has rendered a ruling set forth in Article 290-2, paragraph (1) or paragraph (3) of the Code, if the court finds it necessary, it may specify a pseudonym to be used in lieu of the victim's name or any other

name related to information that identifies the victim.

(Notification of the Ruling)

- Article 196-5 (1) When the court renders a ruling set forth in Article 290-2, paragraph (1) or paragraph (3) of the Code or a ruling to revoke the ruling pursuant to the provisions of paragraph (4) of that Article, except when the ruling has been rendered on the trial date, the court must promptly notify the persons concerned in the case to that effect. The same applies when the court decides not to render the ruling set forth in paragraph (1) of the same Article.
- (2) When the court renders a ruling set forth in Article 290-2, paragraph (1) of the Code or a ruling to revoke the ruling pursuant to the provisions of paragraph (4) of that Article, the court must promptly notify the person who has made the request set forth in paragraph (1) of the same Article to that effect. The same applies when the court decides not to render the ruling set forth in the paragraph.

(Matters to Notify the Accused in Order to Protect Their Rights)

- Article 197 (1) After the charging instrument has been read aloud, the presiding judge must notify the accused the fact that they may remain silent at all times and that they may refuse to make statements in response to individual questions, as well as the fact that they may also make statements, and that any statements they make may be held as evidence for or against them.
- (2) In addition to the matters prescribed in the preceding paragraph, if the presiding judge finds it necessary, the presiding judge must explain to the accused matters on the rights for their protection which they are not likely to have sufficiently understood.

(Measures to Be Taken for Summary Criminal Trial)

Article 197-2 When the accused has made a statement admitting the charged facts upon the opportunity set forth in Article 291, paragraph (3) of the Code, the presiding judge must explain to the accused the purpose of a summary criminal trial, and confirm whether the statement by the accused has been made based on their free will and whether the statement falls under the category of the guilty plea specified in Article 291-2 of the Code; provided, however, that this does not apply when the court is unable to, or finds it to be inappropriate to hold a summary criminal trial for the case.

(Statements by Defense Counsel)

Article 198 (1) After the public prosecutor has clarified the facts to be proved by the evidence at the beginning of the examination of evidence, the court may also permit the accused or the defense counsel to clarify the facts to be proved

by the evidence.

- (2) In the case referred to in the preceding paragraph, the accused or the defense counsel may not state a matter that has a risk of causing the court to be biased or prejudiced with regard to the case based on materials that cannot be used as evidence or materials for which they do not have an intention to request an examination.

(Examination of Evidence with Regard to Undisputed Facts)

Article 198-2 With regard to undisputed facts, the persons concerned in the case must endeavor to have the examination of evidence conducted appropriately according to the content and nature of the facts and evidence, by considering the use of leading questions, documents or statements set forth in Article 326, paragraph (1) of the Code, and the document set forth in Article 327 of the Code, or by other methods.

(Examination of Evidence on Circumstances That Are Clearly Unrelated to the Facts of Crime)

Article 198-3 Efforts must be made to conduct the examination of evidence on circumstances that are clearly unrelated to the facts of the crime as separately as possible from the examination of evidence that is related to the facts of the crime.

(Proof of the Circumstances of Interrogation)

Article 198-4 With regard to statements made by the accused or by a person other than the accused, if the public prosecutor seeks to prove the circumstances of the interrogation, the public prosecutor must endeavor to provide proof as speedily and as precisely as possible, through the use of documents in which the circumstances of the interrogation have been recorded or any other such material, or by other methods.

(The Order in Which Examination of Evidence Is to Be Carried Out)

Article 199 (1) When conducting an examination of evidence, the public prosecutor is to first examine all evidence for which they have requested examination and which they find necessary for the trial of the case. After this process has been completed, the public prosecutor is to examine the evidence for which the accused or the defense counsel has requested examination and which the public prosecutor finds to be necessary for the trial of the case; provided, however, that when it is deemed to be appropriate, evidence necessary for the trial may be examined at any time.

- (2) Even after the completion of the examination of evidence set forth in the preceding paragraph, further examination of evidence is not to be precluded if

it is necessary.

(The Order in Which Examination of Witnesses Is to Be Carried Out)

Article 199-2 (1) When the persons concerned in the case first examine a witness, the examination is to be conducted in the following order:

- (i) examination by the person who has requested the examination of the witness (direct examination);
 - (ii) examination by the opponent (cross-examination); and
 - (iii) further examination by the person who has requested the examination of the witness (redirect examination).
- (2) A person concerned in the case may conduct a further examination with the permission of the presiding judge.

(Direct Examination)

Article 199-3 (1) Direct examination is to be conducted on matters to be proved and any matters relevant thereto.

- (2) During direct examination, questions may also be asked on matters necessary for challenging the probative value of the witness's statement.
- (3) During direct examination, no leading questions may be asked; provided, however, that leading questions may be asked in any of the following cases:
 - (i) when the question relates to a preparatory matter that needs to be clarified prior to commencing the substantial examination, such as the witness's social status, personal history, and friends and acquaintances;
 - (ii) when the question relates to a matter that is clearly undisputed between the persons concerned in the case;
 - (iii) when there is a need to refresh the witness's memory with regard to a matter on which their memory is unclear;
 - (iv) when the witness shows hostility or antagonism toward the person conducting the direct examination;
 - (v) when the question relates to a matter on which the witness is avoiding to testify;
 - (vi) when the witness makes a statement that conflicts with or substantially differs from their previous statement, and the question relates to a matter on which the witness has stated; or
 - (vii) when there is other special circumstance for which a leading question is necessary.
- (4) When asking a leading question, due care must be taken to avoid reading aloud documents or using any other method that risks unduly influencing the witness's statement.
- (5) When the presiding judge finds leading questions to be inappropriate, the presiding judge may restrict the questions.

(Cross-Examination)

- Article 199-4 (1) Cross-examination is to be conducted on matters mentioned in the direct examination, matters relevant thereto, and on matters necessary for challenging the probative value of the witness's statements.
- (2) Unless there are special circumstances, cross-examination must be conducted immediately following the completion of direct examination.
- (3) During cross-examination, leading questions may be asked when necessary.
- (4) When the presiding judge finds leading questions to be inappropriate, the presiding judge may restrict the questions.

(Examination of a New Matter in Cross-Examination)

- Article 199-5 (1) The opponent of the person who requested the examination of a witness may, in cross-examination, also examine the witness on a new matter that supports their allegations, with the permission of the presiding judge.
- (2) An examination under the provisions of the preceding paragraph is deemed to be direct examination on the matter set forth in that paragraph.

(Examination of Necessary Matters for Challenging the Probative Value of Statements)

- Article 199-6 An examination of the matters necessary for challenging the probative value of a witness's statements is to be conducted on matters concerning the credibility of the testimony, such as the accuracy of the witness's observation, memory, or expressions, and on matters concerning the credibility of the witness, such as the witness's interests, biases, or prejudices; provided, however, that the examination must not cover a matter that harms the reputation of the witness without due cause.

(Redirect Examination)

- Article 199-7 (1) Redirect examination is to be conducted on matters mentioned in the cross-examination and matters relevant thereto.
- (2) When conducting redirect examination, the rules on direct examination are to be observed.
- (3) The provisions of Article 199-5 apply mutatis mutandis to redirect examinations.

(Supplementary Examinations)

- Article 199-8 With regard to an examination that is conducted by the persons concerned in the case after the presiding judge or an associate judge has first examined the witness, the provisions of the preceding six Articles apply mutatis mutandis, in accordance with the distinction between the person who

has requested the examination of the witness, and the opponent.

(Supplementary Examination of a Witness Conducted Ex Officio)

Article 199-9 In cases where the court interrogates a witness ex officio, when the persons concerned in the case examine the witness after the presiding judge or an associate judge has examined the witness, the rules on cross-examination are to be observed.

(Presentation of Documents or Objects)

Article 199-10 (1) When a person concerned in the case examines a witness about a document or an object with regard to its formation, identity, or a matter equivalent thereto, if it is necessary, the person may present the document or the object.

(2) When a document or an object referred to in the preceding paragraph has not been examined as evidence, the opponent of the person who seeks to present the document or object must be given an opportunity to inspect it in advance; provided, however, that this does not apply if the opponent has no objection.

(Presentation of Documents to Refresh the Witness's Memory)

Article 199-11 (1) When it is necessary for refreshing the witness's memory with regard to a matter on which their memory is unclear, a person concerned in the case may examine the witness by showing the witness a document (excluding a document in which a statement is recorded) or an object during the examination, with the permission of the presiding judge.

(2) When conducting an examination under the provisions of the preceding paragraph, due care must be taken so that the content of the document does not unduly influence the witness's statements.

(3) The provisions of paragraph (2) of the preceding Article apply mutatis mutandis to the case referred to in paragraph (1).

(Use of Drawings)

Article 199-12 (1) When it is necessary for clarifying a statement made by the witness, a person concerned in the case may examine the witness by using a drawing, photograph, model, apparatus, or the like, during the examination, with the permission of the presiding judge.

(2) The provisions of Article 199-10, paragraph (2) apply mutatis mutandis to the case referred to in the preceding paragraph.

(Method of Conducting Examination of a Witness)

Article 199-13 (1) When examining a witness, persons concerned in the case must ask questions that are as specific, concrete, and concise as possible.

(2) Persons concerned in the case must not ask the following questions; provided, however, that, with regard to the questions listed in items (ii) through (iv), this does not apply when there are legitimate grounds:

- (i) intimidating or insulting questions;
- (ii) questions that overlap with a question which has already been asked;
- (iii) questions that seek an opinion or become argumentative; and
- (iv) questions on the facts on which the witness has no direct experience.

(Clear Indication of Relevance)

Article 199-14 (1) In cases where a person concerned in the case conducts an examination on a matter that is relevant to a matter to be proved or a matter mentioned in direct examination or cross-examination, the person must clarify its relevance to the court through asking questions that clarify its relevance or by other methods.

(2) The provisions of the preceding paragraph also apply to the examination of a matter that is relevant to the credibility of a witness's testimony, such as the accuracy of their observation, memory, or expressions, or a matter that is relevant to the credibility of the witness, such as the witness's interests, biases, or prejudices.

(Examination by an Associate Judge)

Article 200 For an associate judge to examine a witness, expert witness, interpreter, or translator, the associate judge must notify the presiding judge to that effect in advance.

(Examination by the Presiding Judge)

Article 201 (1) When the presiding judge finds it necessary, the presiding judge may have a person concerned in the case stop questioning the witness, expert witness, interpreter, or translator at any time, and ask a question with regard to the matter themselves.

(2) The provisions of the preceding paragraph must not be construed as denying the right of the persons concerned in the case to sufficiently examine a witness or other persons prescribed in the preceding paragraph within the limits set forth in Article 295 of the Code.

(Having an Observer Leave the Court)

Article 202 When the presiding judge considers a witness, an expert witness, an interpreter, or a translator to be unable to sufficiently make statements in the presence of a specific observer (with regard to a witness, this includes cases where the measures prescribed in Article 157-3, paragraph (2) of the Code are taken, and cases where the method prescribed in Article 157-4, paragraph (1)

of the Code is adopted), the presiding judge may have the observer leave the court while the witness, expert witness, interpreter, or translator makes a statement.

(Giving the Persons Concerned in the Case an Opportunity to Examine Witnesses)

Article 203 When the presiding judge examines a witness, an expert witness, an interpreter, or a translator, the presiding judge must give the persons concerned in the case an opportunity to examine those persons.

(Method of Examining Documentary Evidence)

Article 203-2 (1) The presiding judge may have the person who has requested the examination of the evidence, an associate judge, or a court clerk give an outline of the evidence, or may themselves give its outline, in lieu of the reading aloud the documentary evidence, or the writing on articles of evidence that serves as evidence for examination upon request if the presiding judge finds it to be appropriate after hearing the opinions of the persons concerned in the case.

(2) The presiding judge may give an outline of the evidence themselves, or may have an associate judge or a court clerk give an outline of the evidence in lieu of reading aloud documentary evidence, or document in articles of evidence that serves as evidence for ex officio examination if the presiding judge finds it to be appropriate after hearing the opinions of the persons concerned in the case..

(Special Provisions on Summary Criminal Trial)

Article 203-3 The provisions of Article 198, Article 199, and the preceding Article do not apply to a case for which an order has been rendered for a summary criminal trial.

(Opportunity to Challenge the Probative Value of Evidence)

Article 204 The presiding judge must notify the public prosecutor and the accused or the defense counsel, on an opportunity that is found to be appropriate by the court, the fact that they may challenge the probative value of evidence by requesting examination of rebuttal evidence or by other methods.

(Grounds for Filing an Objection)

Article 205 (1) An objection may be filed as set forth in Article 309, paragraph (1) of the Code based on grounds that there is violation of laws or regulations or there is inappropriateness; provided, however, that objection may not be filed against a ruling on the examination of evidence based on grounds that the

ruling is inappropriate.

(2) An objection may only be filed as set forth in Article 309, paragraph (2) of the Code based on the grounds that there is violation of laws or regulations.

(Method and Timing of Filing an Objection)

Article 205-2 Objections must be filed separately for individual acts, dispositions, or rulings, immediately, and by concisely indicating the grounds therefor.

(Timing of a Ruling on an Objection Filed)

Article 205-3 A ruling must be rendered without delay on an objection filed.

(Ruling on an Unlawful Objection)

Article 205-4 An objection filed belatedly, an objection obviously filed for the sole purpose of delaying the proceedings, and other objections filed unlawfully must be dismissed by a ruling; provided, however, that an objection filed belatedly must not be dismissed based on the grounds that it has been filed belatedly when the filed matter is important and it is found appropriate to render a decision on the matter.

(Ruling on a Groundless Objection)

Article 205-5 When the court finds an objection which has been filed to be groundless, the court must dismiss the objection by a ruling.

(Ruling Where There Are Grounds for Objection)

Article 205-6 (1) When the court finds that there are grounds for an objection to be filed, the court must render a ruling that address the objection, such as a ruling on the suspension, withdrawal, rescission, or change of the act against which the objection was filed.

(2) When the court finds that there are grounds for an objection filed based on grounds that evidence cannot be used as evidence, the court must render a ruling to exclude the evidence in whole or in part.

(Prohibition on Repeated Objections)

Article 206 When a ruling has been rendered on an objection which has been filed, objection may not be filed repeatedly with regard to the matter that has been determined by the ruling.

(Ex Officio Ruling to Exclude Evidence)

Article 207 When it becomes clear that the evidence which has been examined cannot be used as evidence, the court may render an ex officio ruling to exclude the evidence in whole or in part.

(Vindication)

Article 208 (1) When the presiding judge finds it to be necessary, the presiding judge may request a person concerned in the case to make a vindication or urge the person to provide proof.

- (2) An associate judge may take the measures prescribed in the preceding paragraph after notifying the presiding judge to that effect.
- (3) A person concerned in the case may request that the presiding judge ask questions in order to make a vindication.

(Addition, Withdrawal, or Alteration of Counts Against the Accused or Applicable Penal Statute)

Article 209 (1) Addition, withdrawal, or alteration of the counts against the accused or to the applicable penal statutes must be made through submission of a document.

- (2) The document set forth in the preceding paragraph must be attached with the number of transcripts of the document corresponding to the number of persons accused.
- (3) When the court receives the transcripts set forth in the preceding paragraph, the court must immediately serve the transcripts on the accused.
- (4) After the service referred to in the preceding paragraph is made, the public prosecutor must, without delay, read aloud the document set forth in paragraph (1) on the trial date.
- (5) When the ruling set forth in Article 290-2, paragraph (1) or paragraph (3) of the Code has been rendered, the document to be read aloud pursuant to the provisions of the preceding paragraph is to be read aloud in a way that does not disclose information that identifies the victim. In this case, the public prosecutor must show the document set forth in paragraph (1) to the accused.
- (6) Notwithstanding the provisions of paragraph (1), in an open court where the accused is present, the court may permit counts against the accused or applicable penal statutes to be added, withdrawn, or altered orally.

(Separation of Proceedings)

Article 210 When the court finds it necessary for protecting the rights of the accused, on grounds such as there being conflicting defenses for the accused, the court must render a ruling for separate proceedings, upon the request of the public prosecutor, an accused, or the defense counsel, or render a ruling *ex officio*.

(Method of Notice of a Request to State Opinions)

Article 210-2 The notice prescribed in the second sentence of Article 292-2,

paragraph (2) of the Code must be given in writing; provided, however, that this does not apply when there are unavoidable circumstances.

(Notice of the Trial Date for Statement of Opinions)

Article 210-3 (1) The court must notify a person who has filed a request to state an opinion of the trial date on which the court is to have the person state their opinion pursuant to the provisions of Article 292-2, paragraph (1) of the Code.

(2) When the court has given the notice set forth in the preceding paragraph, the court must notify the persons concerned in the case the fact that the court is to have the person prescribed in the preceding paragraph state their opinion pursuant to the provisions of Article 292-2, paragraph (1) of the Code on the trial date.

(Duration of Time for Statement of Opinions)

Article 210-4 The presiding judge may specify the duration of the time that may be allocated to the statement of opinion pursuant to the provisions of Article 292-2, paragraph (1) of the Code.

(Notification of a Ruling on Measures in Lieu of Statement of Opinions)

Article 210-5 The ruling set forth in Article 292-2, paragraph (7) of the Code need not be served, even when the ruling is rendered prior to the trial date. In this case, the court must promptly notify the person who has filed a request to state their opinion pursuant to the provisions of Article 292-2, paragraph (1) of the Code and the persons concerned in the case of the content of the ruling set forth in paragraph (7) of that Article.

(Notice of Submission of a Document Stating an Opinion)

Article 210-6 When a document stating an opinion has been submitted pursuant to the provisions of Article 292-2, paragraph (7) of the Code, the court must promptly notify the public prosecutor and the accused or the defense counsel to that effect.

(Provisions Applied Mutatis Mutandis)

Article 210-7 (1) The provisions of Article 115 and Article 125 apply mutatis mutandis to statement of opinion pursuant to the provisions of Article 292-2 of the Code.

(2) The provisions of Article 107-2 apply mutatis mutandis to a ruling for taking the measures prescribed in Article 157-2 of the Code as applied mutatis mutandis pursuant to Article 292-2, paragraph (6) of the Code. The same applies to a ruling for taking the measures prescribed in Article 157-3 of the Code as applied mutatis mutandis pursuant to Article 292-2, paragraph (6) of

the Code and to a ruling to state opinions by the methods prescribed in Article 157-4, paragraph (1) of the Code as applied mutatis mutandis pursuant to Article 292-2, paragraph (6) of the Code.

(Closing Statement)

Article 211 The court must give the accused or the defense counsel an opportunity to make a closing statement.

(Timing of Oral Arguments)

Article 211-2 The public prosecutor, the accused, or the defense counsel in stating their opinion after the examination of evidence, must state their opinion as promptly as possible after the examination of evidence.

(Manner of Oral Argument)

Article 211-3 When the public prosecutor, the accused, or the defense counsel in stating their opinion after the examination of evidence, with regard to a disputed fact, they must state their opinion by clearly and concretely indicating the relationship between the opinion and the evidence.

(Time Limit for Oral Arguments)

Article 212 When the presiding judge finds it to be necessary, the presiding judge may limit the duration of time which the public prosecutor, the accused, or the defense counsel states their opinions after the examination of evidence, insofar as this does not violate the essential rights of those persons.

(Renewal of Trial Procedure)

Article 213 (1) If the trial procedure has been stayed due to the insanity of the accused after a trial has begun, the trial procedure must be renewed.
(2) If the court session has not been held for a long time after a trial has begun, and the court finds it necessary, the trial procedure may be renewed.

(Procedure for Renewal)

Article 213-2 In renewing a trial procedure, the following rules are to be observed:

(i) the presiding judge must first have the public prosecutor make a statement on the outline of the charged facts based on the charging instrument (including written corrections to the charging instrument or the document for adding or changing the counts against the accused or applicable penal statutes); provided, however, that the presiding judge may have the public prosecutor omit all or part of the statement if the accused and the defense counsel have no objection;

- (ii) after the completion of the proceeding set forth in the preceding item, the presiding judge must give the accused and the defense counsel an opportunity to make statements with regard to the case charged to the court;
- (iii) a document in which statements given by the accused or a person other than the accused on the trial date before the renewal have been recorded, a document stating the results of an inspection by the court conducted on the trial date before the renewal, or a document or an object examined on the trial date before the renewal must be examined ex officio as a documentary evidence or as an article of evidence; provided, however, that the court must render a ruling not to examine the document or the object with regard to a document or an object that the court finds may not be used as evidence and a document or an object that the court finds to be inappropriate for use as evidence, and the persons concerned in the case has no objection to the document or the object not being examined;
- (iv) in examining any of the documents or objects set forth in the main clause of the preceding item, if the persons concerned in the case give their consent, the presiding judge may examine those documents or objects by a method that the presiding judge finds appropriate in lieu of reading aloud or presenting all or part of the documents or objects; and
- (v) the presiding judge must hear the opinions and explanations of the persons concerned in the case with regard to the individual pieces of evidence examined.

(Service of a Ruling Dismissing the Request to Resume Proceedings)

Article 214 A ruling dismissing the request to resume proceedings which have been concluded need not be served.

(Limitation on the Taking of Photographs in Open Court)

Article 215 Photographs may not be taken, sound recordings may not be made, and there may not be any broadcasting in an open court without the permission of the court; provided, however, that this does not apply when there are special provisions providing otherwise.

(Notification of the Date on Which Judgment Is to Be Pronounced)

Article 216 (1) A writ of summons for the trial date on which only the pronouncement of judgment is to be given for a case set forth in Article 284 or Article 285 of the Code must state the fact that judgment is to be pronounced on the trial date.

(2) When the accused is summoned for the case set forth in the preceding paragraph by notifying an official of a penal institution of the trial date set forth in that paragraph, the official must also be notified of the fact that

judgment is to be pronounced on the trial date. In this case, the official of the penal institution must also notify the accused to that effect.

(Proceedings After Reversal)

Article 217 In cases where a case has been remanded or transferred from an appellate court, the following rules are to be observed:

- (i) dispositions on detention during the period until the first trial date are to be made by the court;
- (ii) the provisions of the proviso to Article 188 do not apply; and
- (iii) requests may not be filed for the preservation of evidence or for the examination of a witness set forth in Article 226 or Article 227 of the Code.

Section 2 Proceedings to Arrange Issues and Evidence

Subsection 1 Pretrial Conference Procedure

Division 1 General Rules

(Formulation of a Proceedings Schedule)

Article 217-2 (1) In a pretrial conference procedure, the court must formulate a proceedings schedule for the trial so that productive trial proceedings may be conducted successively, systematically, and speedily.

(2) The persons concerned in the case must cooperate in the formulation of a proceedings schedule set forth in the preceding paragraph by performing the obligations specified by the Code and these Rules.

(Service of a Ruling on Pretrial Conference Procedure)

Article 217-3 A ruling making a case subject to the pretrial conference procedure need not be served.

(Notice to the Effect that Defense Counsel Is Needed)

Article 217-4 When having made a case subject to a pretrial conference procedure, the court must, without delay, in addition to informing the accused that no pretrial conference procedure may be conducted in absence of defense counsel, the court must also inform the accused that no court session may be held in the absence of defense counsel if the case is not a case prescribed in Article 177; provided, however, that this does not apply when the accused has secured a defense counsel.

(Designation of the Date of Pretrial Conference Procedure)

Article 217-5 When specifying the date of the pretrial conference procedure, consideration must be given to the preparations which the persons concerned in the case is required to make before that date.

(Request to Change the Date of Pretrial Conference Procedure)

Article 217-6 (1) When any grounds arise that require the date of the pretrial conference procedure to be changed, a person concerned in a case must immediately file a request for a change of the date with the presiding judge, specifically clarifying the grounds and the period during which the grounds are expected to exist.

(2) Unless the presiding judge finds the grounds set forth in the preceding paragraph to be unavoidable, the presiding judge must dismiss the request set forth in that paragraph.

(Hearing of Opinions on Changing the Date of Pretrial Conference Procedure)

Article 217-7 In changing the date of the pretrial conference procedure, the presiding judge must, in advance, hear the opinions of the public prosecutor and the accused or the defense counsel if making the change ex officio, and must hear the opinions of the opponent or the defense counsel if making the change upon a request.

(Service of a Direction on Changing the Date of Pretrial Conference Procedure)

Article 217-8 A direction on changing the date of the pretrial conference procedure need not be served.

(Non-Change of the Date of Pretrial Conference Procedure)

Article 217-9 Unless the presiding judge finds it unavoidable, the presiding judge may not change the date of the pretrial conference procedure.

(Notice Concerning Appearance of the Accused on the Date of the Pretrial Conference Procedure)

Article 217-10 When the court requests that the accused appear on the date of the pretrial conference procedure, the court must promptly notify the public prosecutor and the defense counsel to that effect.

(Service of a Ruling for an Authorized Judge to Conduct the Pretrial Conference Procedure)

Article 217-11 A ruling for a member of the judicial panel to conduct the pretrial conference procedure need not be served.

(Notification of Ruling Rendered on the Date of the Pretrial Conference Procedure)

Article 217-12 Rulings and orders rendered on the date of the pretrial conference procedure need not be served on or notified to persons concerned in the case

who have attended the procedure.

(Notification of Rulings)

Article 217-13 When the court has rendered a ruling listed in Article 316-5, items (vii) through (ix) of the Code during the pretrial conference procedure, the court must notify the public prosecutor and the accused or the defense counsel to that effect.

(Descriptive Requirements for Records of Pretrial Conference Procedure)

Article 217-14 (1) The following matters must be stated in the record of pretrial conference procedure:

- (i) the name of the case charged to the court and the name of the accused;
- (ii) the court or the authorized judge who conducted the pretrial conference procedure, and the date on which and the place where the pretrial conference procedure was conducted;
- (iii) the official title and name of the judge and the court clerk;
- (iv) the official title and name of the public prosecutor who appeared;
- (v) the names of the accused, defense counsels, representatives, and assistant in court who appeared;
- (vi) the name of the interpreter who appeared;
- (vii) the questions asked during examination of the interpreter and statements made by the interpreter;
- (viii) the facts to be proved or any other factual or legal allegations expected to be made on the trial date;
- (ix) a request for the examination of evidence or any other motions;
- (x) the relationship between the evidence and the facts to be proved (excluding cases where the relationship is clear from the list of the evidence);
- (xi) when the evidence for which examination is requested is evidence set forth in Article 328 of the Code, an entry to that effect;
- (xii) the filing of an objection set forth in Article 309 of the Code and the reason therefor;
- (xiii) the consent set forth in Article 326 of the Code;
- (xiv) matters concerning the addition, withdrawal, or alteration of the counts against the accused or applicable penal statutes (including matters concerning correction of the charging instrument);
- (xv) matters concerning rulings on disclosure of evidence;
- (xvi) an order or direction; provided, however, that the following matters are to be excluded:
 - (a) an order specifying the order in which evidence is examined and the method therefor (Article 316-5, item (viii) of the Code);
 - (b) permission for defense counsel other than the chief defense counsel or

- deputy chief defense counsel to file a motion, file a request, ask a question, etc. (Article 25); and
- (c) an order to present evidence so that an order may be issued on the examination of evidence (Article 192); and
 - (xvii) an entry to the effect that the results of the arrangement of the issues and evidence of the case have been confirmed, and the content of the results.
- (2) Any matter during the proceeding on the date of the pretrial conference procedure other than those listed in the preceding paragraph, which the presiding judge or an authorized judge has ordered to be entered into the record of the pretrial conference procedure upon the request of a person concerned in the case or ex officio, must be entered into the record of the pretrial conference procedure.

(Affixing of the Signature, Seal, and Seal of Approval to Records of Pretrial Conference Procedure)

- Article 217-15 (1) A court clerk must sign and seal the record of the pretrial conference procedure, and the presiding judge or an authorized judge must affix their seal of approval thereto.
- (2) If the presiding judge is unable to affix their seal of approval, one of the other judges must affix their seal of approval to the record and indicate the grounds therefor in a supplementary note.
 - (3) If a single judge of a district court, a judge of a summary court, or an authorized judge is unable to affix their seal of approval, a court clerk must sign and seal the record and indicate the grounds therefor in a supplementary note.
 - (4) If a court clerk is unable to affix their signature and seal, the presiding judge or an authorized judge must affix their seal of approval to the record and indicate the grounds therefor in a supplementary note.

(Completion of the Record of Pretrial Conference Procedure)

Article 217-16 A record of the pretrial conference procedure must be completed promptly after each date of the pretrial conference procedure, and by no later than the first trial date.

(Filing of an Objection to the Content of the Record of Pretrial Conference Procedure)

Article 217-17 The provisions of Article 51, paragraph (1), the main clause of Article 51, paragraph (2), Article 52 of the Code, and Article 48 of these Rules apply mutatis mutandis to the record of the pretrial conference procedure. In this case, the phrase "court proceedings on the trial dates" in Article 52 of the Code is deemed to be replaced with "proceedings on the date of the pretrial

conference procedure" and the term "presiding judge" in Article 48 is deemed to be replaced with "presiding judge or an authorized judge."

(Special Provisions for Cases Subject to a Pretrial Conference Procedure)

Article 217-18 The provisions of Article 178-6, paragraph (1), Article 178-6, paragraph (2), items (ii) and (iii), and Article 178-7, Article 178-8, and Article 193 do not apply to the case on which an order making the case subject to a pretrial conference procedure has been rendered.

Division 2 Arrangement of Issues and Evidence

(Method of Clarifying the Facts to be Proved)

Article 217-19 (1) In entering the facts to be proved into the document prescribed in Article 316-13, paragraph (1) or Article 316-21, paragraph (1) of the Code, the public prosecutor must clearly indicate in a concrete and concise manner, the necessary matters for arranging the issues and evidence of the case.

(2) When the accused or the defense counsel clarifies, pursuant to the provisions of Article 316-17, paragraph (1) or Article 316-22, paragraph (1) of the Code, the facts to be proved or any other factual or legal allegations to be made on the trial date, they must clearly indicate in a concrete and concise manner, the necessary matters for arranging the issues and evidence of the case.

(Matters to Be Considered in Clarifying the Facts to be Proved)

Article 217-20 In clarifying the facts to be proved, the public prosecutor and the accused or the defense counsel must endeavor to have the arrangement of issues and evidence in the case to be conducted smoothly, by clearly indicating in a concrete manner, the relationship between the facts and the primary evidence used for proving the facts, or by other appropriate methods.

(Notification of Deadline)

Article 217-21 If the deadline prescribed in Article 316-13, paragraph (4), Article 316-16, paragraph (2) of the Code (including as applied mutatis mutandis pursuant to Article 316-21, paragraph (4) of the Code), Article 316-17, paragraph (3), Article 316-19, paragraph (2) of the Code (including as applied mutatis mutandis pursuant to Article 316-22, paragraph (4) of the Code), Article 316-21, paragraph (3), or Article 316-22, paragraph (3) of the Code has been set at the pretrial conference procedure, the public prosecutor and the accused or the defense counsel must be notified thereof.

(Strict Observance of the Deadline)

Article 217-22 In cases where the deadline prescribed in the preceding Article has been set, the persons concerned in the case must strictly observe the deadline so as not to hinder the arrangement of the issues and evidence of the case.

(Measure to Be Taken When the Deadline Is Not Observed)

Article 217-23 In cases where the deadline prescribed in Article 316-16, paragraph (2) of the Code (including as applied mutatis mutandis pursuant to Article 316-21, paragraph (4) of the Code), Article 316-17, paragraph (3), Article 316-19, paragraph (2) of the Code (including as applied mutatis mutandis pursuant to Article 316-22, paragraph (4) of the Code), Article 316-21, paragraph (3), or Article 316-22, paragraph (3) of the Code has been set at the pretrial conference procedure, if the court finds it appropriate to commence trial proceedings even when opinions or allegations have not been clarified or when the examination of evidence has not been requested by the deadline, the court may complete the pretrial conference procedure.

Division 3 Rulings on the Disclosure of Evidence

(Notification of Grounds for Non-Disclosure of Evidence)

Article 217-24 If the public prosecutor decides not to disclose evidence for which a request for disclosure has been made by the accused or the defense counsel pursuant to the provisions of Article 316-15, paragraph (1) of the Code (including as applied mutatis mutandis pursuant to Article 316-21, paragraph (4) of the Code), or Article 316-20, paragraph (1) of the Code (including as applied mutatis mutandis pursuant to Article 316-22, paragraph (5) of the Code), the public prosecutor must notify the accused or the defense counsel of the grounds for not disclosing the evidence.

(Method for Filing a Request for Rulings on the Disclosure of Evidence)

Article 217-25 (1) A request for a ruling on the disclosure of evidence under the provisions of Article 316-25, paragraph (1) or Article 316-26, paragraph (1) of the Code must be filed by submitting the request in writing.

(2) A person who has filed a request set forth in the preceding paragraph must promptly send a transcript of the written request set forth in that paragraph to the opponent or the defense counsel.

(3) Notwithstanding the provisions of paragraph (1), the court may permit a requester to file the request set forth in that paragraph orally on the date of the pretrial conference procedure.

(Matters to Be Entered into the List of Evidence)

Article 217-26 The list set forth in Article 316-27, paragraph (2) of the Code must state for each piece of evidence, the type of evidence, the name of the declarant or the person who prepared the evidence, and the date of preparation, as well as matters that are found to be necessary for determining whether or not the presentation of evidence should be ordered pursuant to the provisions of paragraph (1) of that Article.

Subsection 2 Interim Conference Procedure

(Provisions Applied Mutatis Mutandis)

Article 217-27 With regard to an interim conference procedure, the provisions of the preceding Subsection (excluding Article 217-18) apply mutatis mutandis. In this case, the terms "date of the pretrial conference procedure" and "record of the pretrial conference procedure" in these provisions (including their titles) are deemed to be replaced with "date of the interim conference procedure" and "record of the interim conference procedure" respectively, and the term "Code" in the titles of Articles 217-2 through 217-11, Article 217-13 (including its title), the title of Article 217-14, and paragraph (1), item (xvi), (a) of the same Article, the titles of Articles 217-15 through 217-17, Article 217-19 (including its title), the title of Article 217-20, Article 217-21 (including its title), the title of Article 217-22, Article 217-23 and Article 217-24 (including their titles), the title of Article 217-25, and paragraph (1) of the same Article, and the preceding Article (including their titles) is deemed to be replaced with "Code as applied mutatis mutandis pursuant to Article 316-28, paragraph (2) of the Code," and the term "first trial date" in Article 217-16 is deemed to be replaced with "first trial date after the completion of the interim conference procedure."

Subsection 3 Special Provisions on Trial Procedure

(Progress of Trial Proceedings According to the Proceedings Schedule)

Article 217-28 (1) With regard to a case that has been made subject to a pretrial conference procedure or an interim conference procedure, the court must endeavor to have the trial proceedings progress according to the schedule that has been specified in the pretrial conference procedure or the interim conference procedure.

(2) The persons concerned in the case must cooperate with the court so that the trial proceedings progress according to the schedule that has been specified in the pretrial conference procedure or the interim conference procedure.

(Proceedings for Clarifying the Results of Pretrial Conference Procedures)

Article 217-29 (1) With regard to a case subject to a pretrial conference

procedure or an interim conference procedure, in order to clarify the results of the pretrial conference procedure or the interim conference procedure, the record of the pretrial conference procedure or the record of the interim conference procedure must be read aloud, or their outline must be announced. The same applies to the document prescribed in Article 316-2, paragraph (2) of the Code (including as applied mutatis mutandis pursuant to Article 316-28, paragraph (2) of the Code).

(2) In clarifying the results of the pretrial conference procedure or the interim conference procedure pursuant to the provisions of the preceding paragraph, the court may order a court clerk to do so.

(3) When the order set forth in Article 290-2, paragraph (1) or paragraph (3) of the Code has been rendered, the reading aloud of the record of the pretrial conference procedure or the interim conference procedure or the announcement of their outline under the provisions of the preceding two paragraphs is to be carried out by a method that does not disclose information that identifies the victim. The same applies to the document prescribed in Article 316-2, paragraph (2) of the Code (including as applied mutatis mutandis pursuant to Article 316-28, paragraph (2) of the Code).

(Prima Facie Showing of Unavoidable Grounds)

Article 217-30 With regard to a case subject to a pretrial conference procedure or an interim conference procedure, in filing a request for the examination of evidence for which examination was not requested in the pretrial conference procedure or the interim conference procedure, the requester must make a prima facie showing to the effect that they were unable to file a request for the examination of evidence due to unavoidable grounds.

(Requests for Examination of Evidence Which Could Not Be Filed Due to Unavoidable Grounds)

Article 217-31 With regard to a case subject to a pretrial conference procedure or an interim conference procedure, requests for the examination of evidence for which examination could not be requested in the pretrial conference procedure or the interim conference procedure due to unavoidable grounds must be filed as promptly as possible after the grounds have ceased to exist.

Section 3 Victim Participation

(Method for Notice that a Request for Victim's Participation Has Been Filed)

Article 217-32 The notice under the provisions of the second sentence of Article 316-33, paragraph (2) of the Code must be given in writing; provided, however, that this does not apply when there are unavoidable circumstances.

(Notification of Entrustment)

Article 217-33 (1) A participating victim who has entrusted an attorney at law with the acts prescribed in Articles 316-34 and Articles 316-36 through 316-38 of the Code must, in having the attorney at law carry out the acts, notify the court to that effect, in advance, using a document jointly signed by the participating victim and the attorney at law.

- (2) The notification under the provisions of the preceding paragraph must be given separately for each instance.
- (3) If the document set forth in paragraph (1) does not specify the act entrusted, all of the acts prescribed in Article 316-34 and Articles 316-36 through 316-38 of the Code are deemed to have been entrusted.
- (4) The notification under the provisions of paragraph (1) is also effective in cases for which proceedings have been consolidated and the participating victim has been permitted to participate in the proceedings; provided, however, that this does not apply to a case for which the participating victim has been permitted to participate in the proceedings, if the participating victim makes a statement that the notification is not effective for the case.
- (5) When the participating victim who has made a notification under the provisions of paragraph (1) rescinds all or part of the entrustment, the victim must notify the court to that effect in writing.

(Recording of Requests to Appoint a Representative)

Article 217-34 When a request to appoint a representative who is to appear at the trial date or the trial preparation pursuant to the provisions of Article 316-34, paragraph (3) of the Code (including as applied mutatis mutandis pursuant to paragraph (5) of that Article; the same applies in the following Article) has been made, a court clerk must clearly indicate that the request has been made in the record.

(Notice to be Given by the Appointed Representative)

Article 217-35 A person who has been appointed as a representative who is to appear at the trial date or during trial preparation pursuant to the provisions of Article 316-34, paragraph (3) of the Code, must promptly notify the court to that effect.

(Timing for Statement of Opinion)

Article 217-36 Statement of opinion under the provisions of Article 316-38, paragraph (1) of the Code must be made promptly after the public prosecutor's argument pursuant to the provisions of Article 293, paragraph (1) of the Code.

(Duration of Time for Statement of Opinion)

Article 217-37 The presiding judge may specify the duration of time that may be allocated to the statement of opinion under the provisions of Article 316-38, paragraph (1) of the Code.

(Notification of the Ruling)

Article 217-38 (1) When the court renders a ruling on the request set forth in Article 316-33, paragraph (1) of the Code or a ruling revoking the ruling set forth in that paragraph, the court must promptly notify the person who made the request set forth in the same paragraph to that effect.

(2) When the court renders a ruling not to allow the appearance of a person at the trial date or the trial preparation pursuant to the provisions of Article 316-34, paragraph (4) of the Code (including as applied mutatis mutandis pursuant to paragraph (5) of that Article; the same applies in paragraph (4)), the court must promptly notify the person who has not been allowed to appear to that effect.

(3) When the court renders a ruling on the request set forth in Article 316-36, paragraph (1), Article 316-37, paragraph (1), or Article 316-38, paragraph (1) of the Code, the court must promptly notify the person who made the request to that effect.

(4) When the court renders a ruling on the request set forth in Article 316-33, paragraph (1) of the Code, a ruling revoking the ruling set forth in that paragraph, a ruling to the effect that it does not allow the appearance of a participating victim at the trial date or the trial preparation under the provisions of Article 316-34, paragraph (4) of the Code, a ruling on the request set forth in Article 316-36, paragraph (1), Article 316-37, paragraph (1), or Article 316-38, paragraph (1) of the Code, a ruling to take measures prescribed in Article 316-39, paragraph (1) of the Code or a ruling revoking the ruling set forth in that paragraph, or a ruling to take measures prescribed in paragraph (4) or (5) of the same Article, except in the case of having rendered the order on the trial date, the court must promptly notify the persons concerned in the case to that effect.

Section 4 Judicial Decisions in Trials

(Quotation in a Judgment Document)

Article 218 A district court or a summary court may quote in a judgment document, the charged facts stated in the charging instrument or the facts stated in the document for adding or changing the counts or the applicable penal statutes.

Article 218-2 A district court or a summary court may specify and quote, in the judgment document for a case tried in a summary criminal trial or in expedited trial proceedings, a list of evidence stated in the trial record.

(Judgment Contained in the Record)

Article 219 (1) A district court or a summary court may, in cases where no appeal is filed, have a court clerk enter the main text of judgment, a gist of the facts constituting the crime, and the penal statutes applied at the end of the record for the trial date on which the judgment was rendered, and may substitute this for a judgment document; provided, however, that this does not apply if a request for a transcript of a judgment document has been filed within 14 days of the rendering of the judgment and before the judgment has become final and binding.

(2) The judge who rendered the judgment and a court clerk must jointly sign and seal the record set forth in the preceding paragraph.

(3) The provisions of Article 46, paragraphs (3), paragraph (4), and the second sentence of Article 55 apply mutatis mutandis to the case set forth in the preceding paragraph.

(Special Provisions on Service of a Ruling Dismissing Prosecution)

Article 219-2 (1) A ruling dismissing prosecution under the provisions of Article 339, paragraph (1), item (i) of the Code need not be served on the accused.

(2) If a ruling set forth in the preceding paragraph has been rendered, if the accused has a defense counsel, the court must notify the defense counsel to that effect.

(Notification of the Period for Filing an Appeal)

Article 220 In rendering a judgement of conviction, the court must notify the accused of the period for filing an appeal and of the court to which a written motion for an appeal is to be submitted.

(Explanation of the Purpose of Probation)

Article 220-2 In rendering a judgment to place the accused on probation, the presiding judge must explain to the accused the purpose of probation and any other matters that the presiding judge finds to be necessary.

(Admonition After Rendering the Judgment)

Article 221 After rendering judgment, the presiding judge may appropriately admonish the accused with regard to their future.

(Notice of the Judgment)

Article 222 If the court has rendered judgment in absence of the accused for a case set forth in Article 284 of the Code, the court must immediately notify the accused to that effect and of the main text of judgment; provided, however, that this does not apply in cases where the representative or the defense counsel of the accused has appeared on the trial date on which the judgment was rendered.

(Notice of Judgment of Probation)

Article 222-2 (1) When the court renders judgment to place the accused on probation, it must promptly send a transcript or an extract of the judgment document or a document stating the name, age, and residence of the person to be placed on probation, the charged offense, the main text of judgment, a gist of the facts of the crime, and the date that the judgment was rendered to the director of the probation office which is to be in charge of the person's probation. In this case, the court must attach thereto a document stating an opinion on special matters with which the person is to comply during the probation period.

(2) The document set forth in the first sentence of the preceding paragraph may be attached with a document stating the opinion of the court other than the opinion prescribed in the second sentence of that paragraph and other matters that should serve as reference material for the person's probation.

(Report on the Performance of the Person on Probation)

Article 222-3 A court that has rendered judgment to place the accused on probation may, during the probation period, request that the director of the probation office report on the performance of the person on probation.

(Method of Filing a Request to Revoke the Suspended Execution of the Sentence)

Article 222-4 Requests to revoke the suspended execution of the sentence must be filed by submitting a document in which the grounds for the revocation are specifically stated.

(Submission of Materials)

Article 222-5 In filing a request to revoke the suspended execution of the sentence, the requester must submit materials establishing the grounds for the revocation. When the request asks for the revocation of a suspended sentence under the provisions of Article 26-2, item (ii) of the Penal Code, the requester must also submit materials establishing that the request is being made by the director of the probation office.

(Submission and Service of a Transcript of a Written Request)

Article 222-6 (1) When filing a request to revoke the suspended execution of the sentence under the provisions of Article 26-2, item (ii) of the Penal Code, the public prosecutor must submit a transcript of the written request to the court at the same time that they file the request.

(2) When the court receives the transcript set forth in the preceding paragraph, it must, without delay, serve the transcript on the person who was given the suspended sentence.

(Notice of the Right to Request Oral Arguments)

Article 222-7 (1) When the court receives a request to revoke the suspended execution of the sentence under the provisions of Article 26-2, item (ii) of the Penal Code, the court must, without delay, inform the person who was given the suspended sentence to the effect that they may file a request for oral arguments and that they may appoint a defense counsel when filing the request, and the court must also confirm whether or not the person seeks to file a request for oral arguments.

(2) When confirming whether or not the person who was given the suspended sentence seeks to file a request for oral arguments pursuant to the provisions of the preceding paragraph, the court may demand the person to respond within a certain period of time designated by the court.

(Order to Appear)

Article 222-8 In the case of having received a request to revoke the suspended execution of the sentence, if the court finds it necessary, the court may order the person who was given the suspended sentence to appear.

(Oral Arguments)

Article 222-9 With regard to oral arguments under the provisions of Article 349-2, paragraph (2) of the Code, the following rules are to be observed:

- (i) the presiding judge must specify the date for oral argument;
- (ii) the court must order the person who was given the suspended sentence to appear on the date for oral argument;
- (iii) the court must notify the public prosecutor and the defense counsel of the date for oral argument;
- (iv) the court may, upon the request of the public prosecutor, the person who was given the suspended sentence or the defense counsel, or ex officio, change the date for oral argument;
- (v) the oral arguments are to be conducted in a court that is open to the public; the court session is to be held in the presence of a judge, a court clerk and the public prosecutor;

- (vi) the court session may not be held if the person who was given the suspended sentence fails to appear on the date for oral argument; provided, however, that this does not apply when the person fails to appear without legitimate grounds;
- (vii) it is possible not to open the oral argument to the public when there is a request from the person who was given the suspended sentence or when opening oral arguments to the public has a risk of harming public policy; and
- (viii) a record must be made for the oral arguments.

(Provisions Applied Mutatis Mutandis)

Article 222-10 The provisions of Article 222-4, the first sentence of Article 222-5, and Article 222-8 apply mutatis mutandis to the request set forth in Article 350 of the Code.

Chapter IV Expedited Trial Proceedings

Section 1 Motions for Expedited Trial Proceedings

(Attachment of a Document)

Article 222-11 A written motion for expedited trial proceedings must be attached with a document for clarifying that the proceedings specified in Article 350-2, paragraph (3) of the Code have been carried out.

(Request for Appointment of Court-Appointed Defense Counsel for Confirmation of Consent)

Article 222-12 Requests set forth in Article 350-3, paragraph (1) of the Code must be filed with a judge of the district court or the summary court which has jurisdiction over the location of the public prosecutor's office to which the public prosecutor making a confirmation as set forth in Article 350-2, paragraph (3) of the Code is assigned, or with a judge of the summary court in the same locality as the district court (including the same locality as a branch of the district court).

(Request for Appointment of Private Defense Counsel for Confirmation of Consent)

Article 222-13 In cases where a suspect whose financial resources (meaning the financial resources prescribed in Article 36-2 of the Code; the same applies in Article 280-3, paragraph (1)) are equal to or greater than the base amount (meaning the base amount prescribed in Article 36-3, paragraph (1) of the Code; the same applies in Article 280-3, paragraph (1)) files a request set forth in Article 350-3, paragraph (1) of the Code, the bar association to which requests set forth in Article 31-2, paragraph (1) of the Code are to be filed

pursuant to the provisions of Article 37-3, paragraph (2) of the Code as applied mutatis mutandis pursuant to Article 350-3, paragraph (2) of the Code is to be a bar association within the jurisdictional district of the district court with jurisdiction over the location of the public prosecutor's office to which the public prosecutor who is making a confirmation as set forth in Article 350-2, paragraph (3) of the Code is assigned, and the district court to which the bar association is to give notice pursuant to the provisions of Article 37-3, paragraph (3) of the Code as applied mutatis mutandis pursuant to Article 350-3, paragraph (2) of the Code is to be the district court with jurisdiction over the location of the public prosecutor's office.

Section 2 Special Provisions on Trial Preparation and Trial Procedure

(Dismissal of a Motion for Expedited Trial Proceedings)

Article 222-14 (1) With regard to a case for which a motion for expedited trial proceedings has been filed, if the case falls under any of the items of Article 350-8 of the Code, the court must dismiss the motion by a ruling. The same applies in the event that the accused has not made a statement to the effect that they are guilty of a count stated in the charging instrument in taking the procedure under Article 291, paragraph (3) of the Code.

(2) The ruling set forth in the preceding paragraph need not be served.

(Notice on Appointment of Defense Counsel)

Article 222-15 With regard to a case other than one punishable by the death penalty, life imprisonment with or without work, or imprisonment with or without work that exceeds three years, if a motion for expedited trial proceedings has been filed, notwithstanding the provisions of Article 177, the court must, without delay, inform the accused to the effect that the accused may appoint a defense counsel, and that they may file a request for defense counsel to be appointed if they are unable to do so due to indigence or on other grounds, and inform them that the trial date for carrying out the proceedings set forth in Article 350-8 of the Code and the trial date for the expedited trial proceedings may not be held in the absence of a defense counsel; provided, however, that this does not apply when the accused has secured a defense counsel.

(Measures to Be Taken for a Case Without a Defense Counsel)

Article 222-16 (1) In cases where a motion for expedited trial proceedings has been filed, if the accused does not have a defense counsel, notwithstanding the provisions of Article 178, the court must, without delay, confirm with the accused whether they will appoint a defense counsel.

- (2) When taking the measures set forth in the preceding paragraph, the court must demand that the accused respond within a certain period of time designated by the court.
- (3) If no response is made or no defense counsel is appointed within the period of time set forth in the preceding paragraph, the presiding judge must immediately appoint a defense counsel for the accused.

(Designation of Trial Date)

Article 222-17 In specifying the trial date set forth in Article 350-7 of the Code, a date within 14 days from the day on which prosecution was instituted must be specified to the greatest extent possible.

(Special Provisions for Cases Tried in Expedited Trial Proceedings)

Article 222-18 The provisions of Articles 198, Article 199, and Article 203-2 do not apply when a ruling has been rendered to try the case in expedited trial proceedings.

Article 222-19 (1) With regard to the trial record of a case that has been tried in expedited trial proceedings and for which judgment was rendered on that trial date, it is sufficient to complete the record within 21 days from the trial date on which the judgment was rendered.

- (2) In the case referred to in the preceding paragraph, in its relation to the period for filing an objection as to the accuracy of the content of the trial record, the trial record is deemed to have been completed on the last day by which the trial record should have been completed.

Article 222-20 (1) With regard to a case that has been tried in expedited trial proceedings and for which the judgment was rendered on that trial date, with the permission of the presiding judge, a court clerk may omit all or part of the matters that are listed in Article 44, paragraph (1), item (xix) and item (xxii) to be entered into the trial record; provided, however, that this does not apply to cases where an appeal to the court of second instance has been filed.

- (2) When the presiding judge gives permission set forth in the preceding paragraph, the public prosecutor and the defense counsel may state their opinions.

Part III Appeals

Chapter I General Rules

(Court for Filing a Motion for Waiver of Appeal)

Article 223 A motion to waive an appeal must be filed with the court of prior

instance.

(Court for Filing a Motion for Withdrawal of Appeal)

Article 223-2 (1) A motion to withdraw an appeal must be filed with the appellate court.

(2) When withdrawing an appeal prior to sending the case record to the appellate court, a written motion to withdraw the appeal may be submitted to the court of prior instance.

(Method of Filing a Motion for Withdrawal of Appeal)

Article 224 A motion to withdraw an appeal must be filed in writing; provided, however, that an oral motion may be filed in an open court. In this case, the motion must be entered into the record.

(Submission of Written Consent)

Article 224-2 When a person prescribed in Article 353 or Article 354 of the Code waives or withdraws an appeal, the person must submit a document stating the consent of the accused at the same time.

(Method of Filing a Request on Restoration of Appeal Right)

Article 225 Requests on restoration of appeal right must be filed in writing.

(Prima Facie Showing of Grounds for a Request on Restoration of Appeal Right)

Article 226 A prima facie showing must be made of causal facts for restoration of appeal right.

(Appeal by an Accused Committed to a Penal Institution)

Article 227 (1) For the accused who has been committed to a penal institution to file an appeal, the person must submit a written motion for appeal through the warden of the penal institution or a deputy thereof.

(2) The warden of the penal institution or a deputy thereof must send the written motion for appeal to the court of prior instance, and notify the court of the date they received the written motion.

Article 228 When the accused who has been committed to a penal institution submits a written motion for appeal to the warden of the penal institution or a deputy thereof within the period for filing an appeal, the appeal is deemed to have been filed within the period for filing an appeal.

(Waiver of Appeal by The Accused Committed to a Penal Institution)

Article 229 In cases where the accused who has been committed to a penal institution waives or withdraws an appeal or requests restoration of appeal right, the provisions of the preceding two Articles apply mutatis mutandis.

(Notice of Appeal)

Article 230 When there is an appeal, a waiver or withdrawal of an appeal, or a request on restoration of appeal right, a court clerk must promptly notify the opponent to that effect.

Articles 231 through 234 Deleted

Chapter II Appeal to the Court of Second Instance

(Sending of the Case Record)

Article 235 Except in cases where it is obvious that the motion for appeal to the court of second instance has been filed after the right to appeal to the court of second instance has expired, the court of first instance must, after the passage of a period of time for filing an objection as to the accuracy of the content of the trial record, promptly send the case record and articles of evidence to the court of second instance.

(Period for Submission of Statement of Reasons for Appeal)

Article 236 (1) When the court of second instance receives the case record, the court must promptly designate the last day by which a statement of reasons for appeal is to be submitted, and notify the appellant of the date. When the appellant has a defense counsel, the notice must also be given to the defense counsel.

(2) Notice set forth in the preceding paragraph must be given through service of a written notice.

(3) The last day set forth in paragraph (1) must be no earlier than the 21st day from the day following the date on which the service set forth in the preceding paragraph has been made on the appellant.

(4) When written notice set forth in paragraph (2) has been served, if the designation of the last day set forth in paragraph (1) was made in violation of the provisions of the preceding paragraph, notwithstanding the provisions of paragraph (1), the 21st day from the day following the date on which the service on the appellant has been made is deemed to be the last day.

(Notice of Arrival of the Case Record)

Article 237 When giving the notice set forth in the preceding Article, the court of second instance must simultaneously notify the public prosecutor or the

accused who is not the appellant to the effect that the case record has arrived. If the accused has a defense counsel, the notice must be given to the defense counsel.

(Statement of Reasons for Appeal after the Passage of the Period for Submission)

Article 238 Even in cases where the court of second instance receives a statement of reasons for appeal after the passage of the period of time for submitting a statement of reasons for appeal, if the court finds that the delay is due to unavoidable circumstances, it may conduct a trial by deeming the statement to have been submitted within the period.

(Statement of Reasons for Appeal Submitted by Defense Counsel Other Than the Chief Defense Counsel)

Article 239 A defense counsel other than the chief defense counsel may also submit a statement of reasons for appeal.

(Entry in the Statement of Reasons for Appeal)

Article 240 The grounds for the appeal to the court of second instance must be indicated clearly and concisely in a statement of reasons for appeal.

(Transcripts of the Statement of Reasons for Appeal)

Article 241 A statement of reasons for appeal must be attached with the number of transcripts of the statement corresponding to the number of opponents.

(Service of the Transcripts of the Statement of Reasons for Appeal)

Article 242 When the court of second instance receives a statement of reasons for appeal, the court must promptly serve the transcripts thereof on the opponents.

(Written Answer)

Article 243 (1) The opponent to an appeal may submit a written answer to the court of second instance within seven days after being served with a transcript of the statement of reasons for appeal.

(2) When the public prosecutor is the opponent, the prosecutor must submit a written answer with regard to what they find to be the material grounds for the appeal.

(3) When the court finds it to be necessary, the court may order the opponent of the appeal to submit a written answer within a certain period designated by the court.

(4) A written answer must be attached with the number of transcripts of the

written answer corresponding to the number of opponents.

- (5) When the court of second instance receives a written answer, the court must promptly serve its transcript on the appellant.

(Transfer of the Accused)

Article 244 (1) In cases where the accused has been committed to a penal institution and the trial date is to be designated, the court of second instance must notify a public prosecutor in the corresponding public prosecutor's office to that effect.

- (2) When a public prosecutor receives the notice set forth in the preceding paragraph, the prosecutor must promptly transfer the accused to a penal institution in the locality of the court of second instance.
- (3) When the accused has been transferred to a penal institution in the locality of the court of second instance, the public prosecutor must promptly notify the court of second instance of the penal institution to which the accused has been transferred.

(Written Report by Authorized Judge)

Article 245 (1) The presiding judge may have a member of the judicial panel inspect the written motion for appeal to the court of second instance, the statement of reasons for appeal, and the written answer, and have the member prepare a written report.

- (2) On the trial date, an authorized judge must read aloud the written report prior to oral argument.

(Entry in the Judgment Document)

Article 246 A judgment document must state an outline of the reasons for the appeal and important answers. In this case, if the court finds it appropriate, the court may quote the facts stated in the statement of reasons for appeal or the written answer.

(Transfer to the Supreme Court)

Article 247 With regard to a case for which the motion to appeal to the court of second instance was filed solely on the grounds of a Constitutional violation or a misinterpretation of the Constitution, if the court of second instance finds it to be appropriate, it may transfer the case to the Supreme Court by a ruling, after hearing the opinions of the persons concerned in the case.

(Request for Permission to Transfer)

Article 248 (1) The ruling set forth in the preceding Article must be rendered after obtaining the Supreme Court's permission.

- (2) Requests for the permission set forth in the preceding paragraph must be made through a written document.
- (3) The document set forth in the preceding paragraph must be attached with a transcript of the judgment document in prior instance and a transcript of the statement of reasons for appeal.

(Effect of the Ruling on Transfer)

Article 249 When the ruling set forth in Article 247 has been rendered, it is deemed that a motion for final appeal has been filed based on the grounds stated in the statement of reasons for appeal, as of the time that the motion for appeal to the court of second instance was filed.

(Provisions Applied Mutatis Mutandis)

Article 250 Except when there are special provisions providing otherwise, the provisions of Part II which are related to trials apply mutatis mutandis to appeal trials.

Chapter III Final Appeal

(Sending of the Case Record)

Article 251 Except in cases where it is obvious that the motion for final appeal has been filed after the expiration of the right to final appeal, the court of prior instance must, after the passage of a period of time for filing an objection as to the accuracy of the content of the trial record, promptly send the case record to the final appellate court.

(Period for Submission of Statement of Reasons for Final Appeal)

Article 252 (1) The last day by which a statement of reasons for final appeal is to be submitted must be no earlier than the 28th day from the day following the date of the service on the appellant of the written notice designating the last day.

(2) In cases where a written notice of the last day under the provisions of the preceding paragraph has been served, and the designation of the day was made in violation of the provisions of that paragraph, the 28th day from the day following the date on which the service on the appellant has been made is deemed to be the last day.

(Indication of Precedents)

Article 253 If a motion for final appeal has been filed based on grounds that the determination that has been rendered conflicts with precedents, the appellant of final appeal must concretely indicate the precedents in the statement of

reasons for final appeal.

(Direct Appeal to the Supreme Court)

Article 254 (1) A final appeal against a judgment in first instance that has been rendered by a district court or a summary court may be filed with the Supreme Court, based on grounds that in rendering its judgment, the court of first instance unjustly found a law, an order, a regulation, or a disposition to be in violation of the Constitution, or unjustly found an ordinance or a regulation of a local public entity to be in violation of laws.

(2) The public prosecutor may file a final appeal with the Supreme Court against a judgment in first instance that has been rendered by a district court or a summary court, based on grounds that in its judgment, the court of first instance unjustly found an ordinance or a regulation of a local public entity to be in compliance with the Constitution or with laws.

(Direct Appeal to the Supreme Court and Appeal to the Court of Second Instance)

Article 255 When a motion for appeal to the court of second instance has been filed, the final appeal set forth in the preceding Article ceases to be effective; provided, however, that this does not apply when the appeal to the court of second instance is withdrawn or when there is a judicial decision to dismiss the appeal to the court of second instance.

(Prioritized Trial of Cases with Findings of Unconstitutionality)

Article 256 With regard to a case for which a final appeal has been filed based on grounds that in the judgment, the court unjustly found a law, an order, a regulation, or a disposition to be in violation of the Constitution, the Supreme Court must prioritize the trial of the case above any and all other cases in which a similar judgment has not been made in the judgment of prior instance.

(Motion for the Supreme Court to Accept a Case as the Final Appellate Court)

Article 257 If a case in which judgment in first or second instance rendered by a high court is found to contain important matters concerning the interpretation of a law or regulation (including court rules), the appellant of a final appeal may file a motion for the Supreme Court to accept the case as the final appellate court, limited to the period for filing a final appeal against the judgment; provided, however, that the grounds prescribed in Article 405 of the Code may not be the reason for the motion.

(Method of Filing a Motion)

Article 258 In filing a motion set forth in the preceding Article, a written motion

must be submitted to the court of prior instance.

(Delivery of a Transcript of the Judgment of Prior Instance)

Article 258-2 (1) When the motion set forth in Article 257 has been filed, a request for the delivery of a transcript of the judgment under the provisions of Article 46 of the Code is deemed to have been filed with the court of prior instance; provided, however, that this does not apply when the movant has received delivery of a transcript of the judgment prior to filing the motion.

(2) In the case referred to in the main clause of the preceding paragraph, the court of prior instance must deliver a transcript of the judgment to the movant without delay.

(3) In the case referred to in the proviso to paragraph (1) or in the preceding paragraph, a court clerk must clearly indicate in the record the date on which the transcript of the judgment was delivered.

(Statement of Reasons for a Motion to Accept a Case)

Article 258-3 (1) A movant must submit a statement of reasons to the court of prior instance within 14 days from the day when the movant has received the delivery of a transcript under the provisions of paragraph (2) of the preceding Article, and within 14 days from the day on which the motion set forth in Article 257 was filed in the case set forth in the proviso to paragraph (1) of the preceding Article. In this case, the statement of reasons must be attached with the number of transcripts of the statement of reasons and transcripts of the judgment in prior instance corresponding to the number of opponents.

(2) In the statement of reasons set forth in the preceding paragraph, the reasons for the motion must be stated as concretely as possible, by such a method as giving the details of the judgment in first instance.

(Ruling Rendered by the Court of Prior Instance Dismissing a Motion)

Article 259 When it is obvious that the motion set forth in Article 257 has been filed after the expiration of the right to make a motion or when the statement of reasons set forth in paragraph (1) of the preceding Article has not been submitted within the period of time set forth in that paragraph, the court of prior instance must dismiss the motion by a ruling.

(Sending of a Written Motion)

Article 260 (1) When the court of prior instance receives the statement of reasons and the attached documents set forth in Article 258-3, paragraph (1), except in the cases set forth in the preceding Article, the court must promptly send the documents to the Supreme Court along with the written motion set forth in Article 258.

(2) When the Supreme Court receives the documents under the provisions of the preceding paragraph, the Supreme Court must promptly notify the public prosecutor of the date of receipt.

(Ruling to Accept a Case)

Article 261 (1) When the Supreme Court finds it reasonable to accept a case as the final appellate court, the Supreme Court must render a ruling to that effect within 14 days from the day of receipt of the documents under the provisions of the preceding Article. In this case, if the Supreme Court finds any of the reasons for the motion to be immaterial, it may exclude those reasons.

(2) When the Supreme Court has rendered the ruling set forth in the preceding paragraph, the Supreme Court must notify the public prosecutor to that effect within the period set forth in that paragraph.

(Notice of a Ruling to Accept a Case)

Article 262 When the Supreme Court renders the ruling set forth in paragraph (1) of the preceding Article, the Supreme Court must promptly notify the court of prior instance to that effect.

(Effect of a Ruling to Accept a Case)

Article 263 (1) When the ruling set forth in Article 261, paragraph (1) has been rendered, the statement of reasons set forth in Article 258-3, paragraph (1) is deemed to be a statement of the reasons for final appeal, and the reasons (excluding reasons that have been excluded pursuant to the provisions of the second sentence of Article 261, paragraph (1)) are deemed to be the reasons for the final appeal.

(2) In serving a transcript of the statement of reasons set forth in the preceding paragraph on the opponent, if any reason has been excluded pursuant to the provisions of the second sentence of Article 261, paragraph (1), a transcript of the ruling excluding the reasons must also be served at the same time.

(Effect of a Motion)

Article 264 The motion set forth in Article 257 has the effect of preventing the judgment in prior instance from becoming final and binding; provided, however, that this does not apply when a ruling dismissing the motion has been rendered or when the period set forth in Article 261, paragraph (1) has elapsed without the ruling set forth in that paragraph being rendered.

(Transfer of the Accused)

Article 265 In the final appellate instance, the accused need not be transferred even when a trial date is to be designated.

(Provisions Applied Mutatis Mutandis)

Article 266 Except when there are special provisions providing otherwise, the provisions of the preceding Chapter apply mutatis mutandis to the final appeal trial.

(Method for Filing a Motion to Correct Judgment)

Article 267 (1) Motions to correct judgment must be filed through a written document.

(2) The reasons for the motion must be indicated clearly and concisely in the document set forth in the preceding paragraph.

(3) The provisions of the preceding two paragraphs apply mutatis mutandis to a motion to extend the period for filing a motion to correct judgment.

(Notice of a Motion to Correct Judgment)

Article 268 When the motion set forth in paragraph (1) of the preceding Article has been filed, the final appellate court must promptly notify the opponent to that effect.

(Service of a Ruling Dismissing a Motion)

Article 269 A ruling dismissing a motion for the extension of the period for filing a motion for the correction of a judgment need not be served.

(Judicial Decision on a Motion to Correct Judgment)

Article 270 (1) A court consisting of all of the judges that constitute the court which issued the judgment in prior instance must issue the judicial decision on a motion to correct judgment; provided, however, that this does not apply when any of the judges have died or when there are other unavoidable circumstances.

(2) Even in the case set forth in the proviso to the preceding paragraph, the judicial decision set forth in that paragraph may not be issued by a court in which the majority of judges expressed a dissenting opinion to the judgment rendered in prior instance.

Chapter IV Appeal Against a Ruling

(Sending of the Case Record)

Article 271 (1) When the court of prior instance finds it necessary, the court must send the case record and articles of evidence to the court in charge of an appeal.

(2) The court in charge of an appeal may request that the case record and articles of evidence be sent thereto.

(Notice of a Ruling Rendered by the Court in Charge of an Appeal)

Article 272 A ruling rendered by the court in charge of an appeal must be notified to the court of prior instance.

(Provisions Applied Mutatis Mutandis)

Article 273 The provisions of the preceding two Articles apply mutatis mutandis to cases where a request as set forth in Article 429 or Article 430 of the Code has been filed.

(Entry in a Written Motion for a Special Appeal Against a Ruling to the Supreme Court)

Article 274 In a written motion for appeal against a ruling set forth in Article 433 of the Code, the object of the appeal against a ruling must be concisely stated.

(Scope of Examination on Special Appeal Against a Ruling to the Supreme Court)

Article 275 With regard to an appeal against a ruling set forth in Article 433 of the Code, the Supreme Court is to only conduct an examination on the object of the appeal against a ruling as stated in the written motion; provided, however, that examination may be conducted ex officio on the grounds prescribed in Article 405 of the Code.

(Provisions Applied Mutatis Mutandis)

Article 276 The provisions of Article 256, Article 271, and Article 272 apply mutatis mutandis to cases where a motion for appeal against a ruling set forth in Article 433 of the Code has been filed.

Part IV Special Procedure for Juvenile Cases

(Policy of Proceedings)

Article 277 With regard to the proceedings in a juvenile case, the proceedings must be conducted cordially and amicably and efforts must be made to examine the evidence that has been examined by the family court as far as possible, in order to clarify the factual background of the case.

(Descriptive Requirements for a Warrant for Referral to a Juvenile Classification Home)

Article 278 (1) A warrant issued pursuant to the provisions of Article 44, paragraph (2) of the Juvenile Act must contain the name, age, and residence of

the juvenile, the charged offense, a gist of the alleged facts of the crime, the grounds specified in the items of Article 60, paragraph (1) of the Code, the juvenile classification home to which the juvenile is to be committed, the validity period, and a statement that after the expiration of the validity period, the warrant may not be executed and is to be returned, as well as the date of the request and the date of the issue, and a judge must affix their name and seal thereto.

- (2) Warrants set forth in the preceding paragraph must be executed in accordance with those provisions of the Code and of these Rules pertaining to the execution of a detention warrant.

(Court-Appointed Defense Counsel)

Article 279 When the accused is a juvenile and has no defense counsel, the court must appoint a defense counsel ex officio, as far as possible.

(Effect of a Ruling to Put a Juvenile under the Observation and Protection of a Family Court Probation Officer)

Article 280 The measures set forth in Article 17, paragraph (1), item (i) of the Juvenile Act cease to be effective when a judicial decision to close the case becomes final and binding.

(Request for Appointment of Court-Appointed Defense Counsel in Cases Where Measure for Observation and Protection Is Deemed to Be Detention)

Article 280-2 (1) In cases where a detention warrant is deemed to have been issued against the suspect pursuant to the provisions of Article 45, item (vii) of the Juvenile Act (including as applied mutatis mutandis pursuant to Article 45-2 of the same Act; the same applies in paragraph (1) of the following Article), the request set forth in Article 37-2, paragraph (1) of the Code must be filed with the judge of the family court which issued the order set forth in Article 19, paragraph (2) of that Act (including as applied mutatis mutandis pursuant to Article 23, paragraph (3) of the same Act; the same applies in the following paragraph and paragraph (1) of the following Article) or in Article 20 of that Act, a judge of the district court which has jurisdiction over the location of the family court to which the judge is assigned, or a judge of the summary court in the same locality as the district court (including the same locality as a branch of the district court).

- (2) In the case prescribed in the preceding paragraph, a ruling concerning the appointment of defense counsel under the provisions of Article 37-4 of the Code must be taken by the judge of the family court which rendered the ruling set forth in Article 19, paragraph (2) or Article 20 of the Juvenile Act, a judge of the district court which has jurisdiction over the location of the family court to

which the judge is assigned, or a judge of the summary court in the same locality as the district court (including the same locality as a branch of the district court).

- (3) When the suspect set forth in paragraph (1) has been committed to a penal institution outside the jurisdictional district of the district court set forth in the same paragraph, notwithstanding the provisions of that paragraph, the request set forth in Article 37-2, paragraph (1) of the Code must be filed with a judge of the district court which has jurisdiction over the location of the penal institution, or a judge of the summary court in the same locality as the district court (including the same locality as a branch of the district court).
- (4) Notwithstanding the provisions of paragraph (2), in the case prescribed in the preceding paragraph, a ruling concerning the appointment of a defense counsel under the provisions of Article 37-4 of the Code must be taken by a judge of the district court which has jurisdiction over the location of the penal institution set forth in the preceding paragraph or a judge of the summary court in the same locality as the district court (including the same locality as a branch of the district court). The same applies to a ruling concerning the appointment of defense counsel under the provisions of Article 37-5 of the Code and Article 38-3, paragraph (4) of the Code.

(Request for the Appointment of Private Defense Counsel in Cases Where Measure for Observation and Protection Is Deemed to Be Detention)

- Article 280-3 (1) When a suspect for whom a detention warrant is deemed to have been issued pursuant to the provisions of Article 45, item (vii) of the Juvenile Act whose financial resources are equal to or above the base amount files a request set forth in Article 37-2, paragraph (1) of the Code, the bar association to which the request set forth in Article 31-2, paragraph (1) of the Code is to be filed pursuant to the provisions of Article 37-3, paragraph (2) of the Code is to be a bar association within the jurisdictional district of the district court which has jurisdiction over the location of the family court which rendered the ruling set forth in Article 19, paragraph (2) or Article 20 of the Juvenile Act, and the district court to which the bar association should notify pursuant to the provisions of Article 37-3, paragraph (3) of the Code is to be the district court which has jurisdiction over the location of the family court.
- (2) In cases where the suspect set forth in the preceding paragraph has been committed to a penal institution outside the jurisdictional district of the district court set forth in that paragraph, and when the suspect files a request set forth in Article 37-2, paragraph (1) of the Code, notwithstanding the provisions of the preceding paragraph, the bar association to which the request set forth in Article 31-2, paragraph (1) of the Code should be filed pursuant to the provisions of Article 37-3, paragraph (2) of the Code is to be a bar

association within the jurisdictional district of the district court which has jurisdiction over the location of the penal institution, and the district court to which the bar association should notify pursuant to the provisions of Article 37-3, paragraph (3) of the Code is to be the district court which has jurisdiction over the location of the penal institution.

(Request for Measures in Lieu of Detention)

Article 281 In a juvenile case, the provisions of Articles 147 through 150 apply mutatis mutandis to cases where the public prosecutor files a request with the judge for the measures set forth in Article 17, paragraph (1) of the Juvenile Act in lieu of the request for detention.

(Provisions Applied Mutatis Mutandis)

Article 282 The provisions of these Rules which are related to penal institutions apply mutatis mutandis to cases where the accused or the suspect is committed to or detained in a juvenile classification home.

Part V Retrial

(Procedure for Filing a Request)

Article 283 In filing a request for a retrial, the requester must submit a statement of the reasons therefor to the court with jurisdiction, along with a transcript of the judgment in prior instance, documentary evidence, and articles of evidence.

(Provisions Applied Mutatis Mutandis)

Article 284 The provisions of Article 224, Article 227, Article 228, and Article 230 apply mutatis mutandis to a request for a retrial or the withdrawal of that request.

(Conflict of Requests)

Article 285 (1) When a request for a retrial has been filed against a final and binding judgment in first instance and against a final and binding judgment on the dismissal of an appeal to the court of second instance, the court of second instance must, by a ruling, stay the court proceedings until the court proceedings in the court of first instance have been concluded.

(2) When a request for a retrial has been filed against a final and binding judgment in first or second instance and against a final and binding judgment to dismiss a final appeal, the final appellate court must, by a ruling, stay the court proceedings until the court proceedings in the court of first instance or the court of second instance have been concluded.

(Hearing of Opinions)

Article 286 When rendering a ruling with regard to a request for a retrial, the court must hear the opinions of the requester and the opponent. If the request was filed by the statutory agent or curator of a person who has been found guilty, the court must also hear the opinion of the person who has been found guilty.

Part VI Summary Proceedings

Article 287 Deleted

(Attachment of a Document)

Article 288 A written request for a summary order must be attached with a document clarifying that the procedure specified in Article 461-2, paragraph (1) of the Code have been carried out.

(Submission of Documents)

Article 289 The public prosecutor must, at the same time that the prosecutor files a request for a summary order, submit to the court the documents and articles of evidence that they consider necessary for the issuance of a summary order.

(Timing of the Issuance of a Summary Order)

Article 290 (1) A summary order must be issued no later than within 14 days from the date of the request.

(2) When the court was unable to serve a transcript of the summary order, the court must immediately notify the public prosecutor to that effect.

(Provisions Applied Mutatis Mutandis)

Article 291 The provisions of Article 219-2 apply mutatis mutandis to the ruling set forth in Article 463-2, paragraph (2) of the Code.

(Submission of Transcripts of the Charging Instrument)

Article 292 (1) When the public prosecutor receives the notice set forth in Article 463, paragraph (3) of the Code, the prosecutor must promptly submit to the court the number of transcripts of the charging instrument corresponding to the number of accused.

(2) The provisions of Article 176 apply to the case set forth in the preceding paragraph.

(Return of Documents)

Article 293 When the court gives the notice set forth in Article 463, paragraph (3) or Article 465, paragraph (2) of the Code, the court must immediately return the documents and articles of evidence set forth in Article 289 to the public prosecutor.

(Provisions Applied Mutatis Mutandis)

Article 294 The provisions of Articles 224 through 228 and Article 230 apply mutatis mutandis to the request for a formal trial or the withdrawal of that request, or to a request for the restoration of the right to request a formal trial.

Part VII Execution of Judicial Decisions

(Motion for Exemption from Court Costs)

Article 295 (1) Motion for exemption from the execution of judicial decisions ordering to bear the court costs, motion requesting the interpretation of judicial decisions, and filing of objections to the execution of judicial decisions must be made in writing. The same applies to the withdrawal of that motion or filing.

(2) The provisions of Article 227 and Article 228 apply mutatis mutandis to the motion or filing, or its withdrawal set forth in the preceding paragraph.

(Court for Filing a Motion for Exemption from Court Costs)

Article 295-2 (1) A motion for exemption from the execution of a judicial decision ordering to bear the court costs must be filed with the court which has rendered the judicial decision; provided, however, that in cases where the case has been concluded in the appellate instance, the motion must be filed with the appellate court for all court costs.

(2) A court which has received the motion set forth in the preceding paragraph must render a ruling on the motion; provided, however, that a court which has received a motion under the provisions of the proviso to the preceding paragraph may, if the court finds it inappropriate for the court to render a ruling on the motion, have the lower instance court that rendered the judicial decision ordering to bear the court costs render a ruling on the motion. In this case, the court is to send a document stating the fact, and to which the presiding judge has affixed their seal of approval, along with the written motion and related documents, to the lower instance court.

(3) When a court has sent the documents under the provisions of the proviso to the preceding paragraph, the court must immediately notify the public prosecutor to that effect.

(Cases Where a Written Motion Has Been Submitted to a Court Other Than the Court with Which the Motion Is to Be Filed)

Article 295-3 When a written motion has been submitted to a court other than the court with which the motion should be filed pursuant to the provisions of paragraph (1) of the preceding Article (limited to a court before which the case is pending), the court must promptly send the written motion to the court with which the motion should be filed. In this case, if the written motion was submitted within the period for filing a motion, the motion is deemed to have been filed within the period for filing a motion.

(Descriptive Requirements for a Written Motion)

Article 295-4 In a written motion for exemption from the execution of a judicial decision ordering to bear the court costs, the court which has rendered the judicial decision must be indicated, and the grounds for not being able to pay the court costs in full must be specifically stated.

(Notice Given to the Public Prosecutor)

Article 295-5 When a written motion for exemption from the execution of a judicial decision ordering to bear the court costs has been submitted, the court must immediately notify the public prosecutor to that effect.

Part VIII Auxiliary Provisions

(Method for Making a Motion or Statement)

Article 296 (1) Motions or statements to the court or a judge may be made in writing or orally; provided, however, that this does not apply when there are special provisions providing otherwise.

(2) An oral statement must be made in the presence of a court clerk.

(3) In the case referred to in the preceding paragraph, a court clerk must make a record thereof.

(Statement by the Accused or by a Suspect Who Has Been Committed to or Detained in a Penal Detention Facility)

Article 297 The warden of the penal institution, the detention services manager, or the coast guard detention services manager, or a deputy of those persons must, when the accused or a suspect who has been committed to or detained in a penal detention facility seeks to make a motion or statement to the court or a judge, provide assistance to that end insofar as possible, and when the accused or the suspect is unable to prepare a written motion or written statement by themselves, the person must write the document on behalf of the accused or the suspect or have an employee of the facility write it on behalf of the accused or

the suspect.

(Sending and Acceptance of Documents)

Article 298 (1) The sending and acceptance of documents are to be handled by a court clerk.

(2) When giving a notice to a person concerned in the case or other persons, the court may have a court clerk give the notice.

(3) In cases where a notice has been given to a person concerned in the case or other persons, the fact that the notice was given must be clearly indicated in the record.

(Request for the Interrogation of a Judge)

Article 299 (1) A public prosecutor, a public prosecutor's assistant officer, or a judicial police personnel must file a request for a interrogation of or a disposition or warrant with a judge of the district court or summary court which has jurisdiction over the location of the public agency to which the person is assigned, irrespective of the jurisdiction of the case in question; provided, however, that the request may be filed with a judge of the nearest lower instance court if there are unavoidable circumstances.

(2) For a juvenile case, the request referred to in the preceding paragraph may also be filed with a judge of the family court which has jurisdiction over the location of the public agency to which the person prescribed in the same paragraph is assigned, notwithstanding the provisions of the main clause of that paragraph.

(Valid Period of a Warrant)

Article 300 A warrant's valid period is to be seven days from the date of issuance; provided, however, that if the court or the judge finds it appropriate, the court or the judge may specify a period exceeding seven days.

(Inspection of Documents and Articles of Evidence)

Article 301 (1) The presiding judge or a judge may designate the date, place, and time for the inspection or copying of documents and articles of evidence related to the court.

(2) When the presiding judge or a judge finds it necessary for preventing destruction of documents or any other unlawful acts with regard to the inspection or copying of documents and articles of evidence related to the court, they must have a court clerk or any other court official attend the inspection or copying, or take other appropriate measures.

(Authority of a Judge)

Article 302 (1) An authorized judge, a commissioned judge, or any other judge who is deemed to have the same authority as the court or the presiding judge, who is subject to the mutatis mutandis application of the provisions concerning dispositions to be made by the court, or who may make a ruling that is to be made by the court or the presiding judge, under the Code, also may make a ruling under these Rules.

(2) A judge who has received a request set forth in Article 224 or Article 225 of the Code has the same authority as the court or the presiding judge with regard to the ruling thereon.

(Measures to Be Taken Against an Act Committed by a Public Prosecutor or Defense Counsel to Delay the Court Proceedings)

Article 303 (1) In cases where a public prosecutor or defense counsel who is an attorney at law obstructs the speedy progress of proceedings, a pretrial conference procedure, or an interim conference procedure, in violation of laws or court rules on court proceedings, the court may demand that the public prosecutor or the defense counsel explain the reason therefor.

(2) In the case referred to in the preceding paragraph, if the court finds it to be particularly necessary, in the case of a public prosecutor, the court must notify the person who has the power of control and supervision over the public prosecutor, and in the case of a defense counsel, the court must notify the bar association to which the attorney at law belongs or the Japan Federation of Bar Associations, of the fact and request that appropriate measures be taken.

(3) A person who has received a request under the provisions of the preceding paragraph must notify the court of the measures the person has taken.

(Sending of the Case Record after the Conclusion of a Case Charged to the Court)

Article 304 (1) After the conclusion of a case charged to the court, the court must promptly send the case record to the public prosecutor of the public prosecutor's office corresponding to the court of first instance.

(2) In cases where a case charged to the court has been concluded in an appellate instance, the case records to be sent pursuant to the provisions of the preceding paragraph must be sent through the lower instance court which the case charged to the court was pending.

(Application of Provisions to Alternate Detention)

Article 305 A person who has been detained in a detention facility pursuant to the provisions of Article 15, paragraph (1) of the Act on Penal Detention Facilities and the Treatment of Inmates and Detainees is to be subject to the application of the provisions of Article 62, paragraph (3), Article 80, paragraph

(1) and paragraph (2), Article 91, paragraph (1), item (ii) and item (iii), Article 92-2, Article 153, paragraph (4), Article 187-2, Article 187-3, paragraph (2), Article 216, paragraph (2), Article 227 (including as applied mutatis mutandis pursuant to Article 138-8, Article 229, Article 284, and Article 294, and Article 295, paragraph (2)), Article 228 (including as applied mutatis mutandis pursuant to Article 138-8, Article 229, Article 284, Article 294, and Article 295, paragraph (2)), Article 229, Article 244, Article 280-2, paragraph (3) and paragraph (4), and Article 280-3, paragraph (2), by deeming the detention facility to be the penal institution, the detention services manager to be the warden of the penal institution, and the detention officers (meaning detention officers as prescribed in Article 16, paragraph (2) of the Act on Penal Detention Facilities and the Treatment of Inmates and Detainees) to be the officials of the penal institution.