

# Act on Penal Detention Facilities and Treatment of Inmates and Detainees

(Act No. 50 of May 25, 2005)

## Part I General Provisions

### Chapter I Common Provisions

(Purpose)

Article 1 The purpose of this Act shall be to conduct adequate treatment of inmates, detainees, and coast guard detainees with respect for their human rights and in accordance with their respective circumstances, as well as to achieve the appropriate management and administration of penal detention facilities (i.e. penal institutions, detention facilities, and coast guard detention facilities).

(Definitions)

Article 2 In this Act, the meanings of the terms listed in the following items shall be as prescribed respectively in those items:

- (i) "Inmate" means a person who is committed to a penal institution;
- (ii) "Detainee" means a person who is detained in a detention facility;
- (iii) "Coast guard detainee" means a person who is detained in a coast guard detention facility;
- (iv) "Sentenced person" means a person who is sentenced to imprisonment with work, a person who is sentenced to imprisonment without work, or a person who is sentenced to misdemeanor imprisonment without work;
- (v) "Person sentenced to imprisonment with work" means a person who is detained for the execution of the punishment of imprisonment with work (including the assistance punishment prescribed in item (i) of paragraph (1) under Article 16 of the Act on the Transnational Transfer of Sentenced Persons (Act No. 66 of 2002); the same shall apply hereinafter);
- (vi) "Person sentenced to imprisonment without work" means a person who is detained for the execution of the punishment of imprisonment without work (including the assistance punishment prescribed in item (ii) of paragraph (1) under Article 16 of the Act on the Transnational Transfer of Sentenced Persons; the same shall apply hereinafter);
- (vii) "Person sentenced to misdemeanor imprisonment without work" means a person who is detained for the execution of the punishment of misdemeanor imprisonment without work;
- (viii) "Unsentenced person" means an arrestee, a person under detention, and

- any other person confined as an unsentenced person;
- (ix) "Arrestee" means a person who is arrested and detained pursuant to the provisions of the Code of Criminal Procedure (Act No. 131 of 1948);
  - (x) "Person under detention" means a person who is detained under the provisions of the Code of Criminal Procedure;
  - (xi) "Inmate sentenced to death" means a person who is sentenced to the death penalty and is detained;
  - (xii) "Miscellaneous inmate" means an inmate except sentenced person, unsentenced person, and inmate sentenced to death.

## **Chapter II Penal Institutions**

(Penal Institutions)

Article 3 Penal institutions shall be the establishments to commit any of the following persons and to conduct necessary treatment for them:

- (i) Person detained for the execution of punishment of imprisonment with work, imprisonment without work, or misdemeanor imprisonment without work;
- (ii) Person arrested and detained pursuant to the provisions of the Code of Criminal Procedure;
- (iii) Person under detention pursuant to the provisions of the Code of Criminal Procedure;
- (iv) Person detained after sentenced to the death penalty;
- (v) Person who is other than those listed in the preceding items but who may be committed to a penal institution pursuant to the provisions of laws and regulations.

(Separation among Inmates)

Article 4 (1) The inmates shall be separated into groups in accordance with the following distinctions and each group shall be isolated from the others:

- (i) Distinction in sex;
  - (ii) Distinction between the sentenced person (except those having the status as an unsentenced person), the unsentenced person (except those having the status either as a sentenced person or an inmate sentenced to death), the sentenced person having the status as an unsentenced person, the inmate sentenced to death, and the miscellaneous inmate;
  - (iii) Distinction between the person sentenced to imprisonment with work, the person sentenced to imprisonment without work, and the person sentenced to misdemeanor imprisonment without work.
- (2) Notwithstanding the provision of the preceding paragraph, if it is necessary to have a sentenced person make contact with other inmates in order to assign him/her to a work such as serving meals as the work prescribed in Article 92 or

93, then the separation by the distinctions listed in items (ii) and (iii) of said paragraph may be left unexecuted.

- (3) Notwithstanding the provision of paragraph (1) and where deemed appropriate, the separation by the distinction listed in item (iii) of said paragraph may be left unexecuted outside the inmate's room (i.e. a room the warden of the penal institution assigns as a place used by inmates mainly for rest and sleep; the same shall apply in Chapter II of the next Part) only.

(On-the-spot Inspection)

Article 5 In the interests of the appropriate enforcement of this Act, the Minister of Justice shall designate inspectors from among his/her staff and order the inspectors to conduct on-the-spot inspections at each penal institution at least once per annum or more frequently.

(Opinion Hearing)

Article 6 The warden of the penal institution shall endeavor to obtain opinions required to contribute to the appropriate administration of the penal institution from the staff of relevant public offices, public organizations and private organizations, and from persons with relevant knowledge and experience.

(Penal Institution Visiting Committee)

Article 7 (1) The Penal Institution Visiting Committee (hereinafter referred to as "Committee" in this Chapter) shall be established in each penal institution.  
(2) The Committee shall inspect the penal institution where the Committee is established and shall provide the statement of its opinions to the warden of the penal institution with regard to the administration of the penal institution.

(Organization)

Article 8 (1) The Committee shall be composed of a maximum of 10 members.  
(2) The Minister of Justice shall appoint the Committee members from among the persons of advanced integrity and insight with enthusiasm for the improvement of the administration of the penal institution.  
(3) The Committee members shall hold their office for one year and may be reappointed.  
(4) The Committee members shall serve part-time.  
(5) In addition to what is provided for in the preceding paragraphs, necessary matters on the organization and administration of the Committee shall be provided for by a Ministry of Justice Ordinance.

(Information Provision for the Committee and Visits of the Committee)

Members)

Article 9 (1) The warden of the penal institution shall, pursuant to a Ministry of Justice Ordinance, furnish the Committee on a regular or as-needed basis with the information on the penal institution with respect to its state of administration.

(2) The Committee may, in order to grasp the circumstances of the administration of the penal institution, conduct a visit to the penal institution by the Committee members. Upon the visit, the Committee may, when the Committee finds it necessary, elicit cooperation from the warden of the penal institution for holding an interview with inmates by the Committee members.

(3) The warden of the penal institution shall provide the necessary cooperation for such visit and interview with inmates as are set forth in the preceding paragraph.

(4) Notwithstanding the provisions of Articles 127 (including the cases where it is applied mutatis mutandis pursuant to Article 144), 135 (including the cases where it is applied mutatis mutandis pursuant to Articles 138 and 142), and 140, no document that inmates submit to the Committee shall be examined.

(Publication of Opinions of the Committee)

Article 10 The Minister of Justice shall compile both the opinions expressed by the Committee to the warden of the penal institution and the measures taken by the warden of the penal institution responding to the opinions once per annum, and shall publicize the outline thereof.

(Observation by Judges and Public Prosecutors)

Article 11 Judges and public prosecutors may observe the penal institutions.

(Viewing of Penal Institutions)

Article 12 Where a person applies to view the penal institution, if such application is deemed reasonable, then the warden of the penal institution may permit him/her to do so.

(Prison Officers)

Article 13 (1) The Minister of Justice shall, pursuant to a Ministry of Justice Ordinance, designate the prison officers from among the staff members of the penal institution.

(2) The ranks of the prison officers shall be provided for by a Ministry of Justice Ordinance.

(3) The prison officers shall be given training and discipline necessary for promoting a better understanding of the human rights of inmates and for acquiring and improving knowledge and technique necessary for appropriate

and effective practice of treatment of inmates.

### **Chapter III Detention Facilities**

(Detention Facilities)

Article 14 (1) Detention facilities shall be established in prefectural police.

(2) Detention facilities shall be the establishments in which to detain the following persons and to conduct necessary treatment for them:

- (i) Person arrested by, or arrested person received by prefectural police officers and subsequently detained pursuant to the provisions of the Police Act (Act No.162 of 1954) and the Code of Criminal Procedure;
- (ii) Person listed in the preceding item and being under detention pursuant to the provisions of the Code of Criminal Procedure following the application of paragraph (1) of the following Article;
- (iii) Person who is other than those listed in the preceding two items but who may be detained in a detention facility pursuant to the provisions of laws and regulations.

Article 15 (1) Except following persons, those listed in the items of Article 3 may be detained in a detention facility as an alternative to the commitment to a penal institution:

- (i) Person detained for the execution of the punishment of imprisonment with work, imprisonment without work, or misdemeanor imprisonment without work (except those having the status as a person detained under the provisions of the Code of Criminal Procedure or other laws and regulations for the reasons other than the execution of said punishments, such as arrest or detention)
  - (ii) Person detained after sentenced to death penalty;
  - (iii) Person temporarily accommodated pursuant to the provision of paragraph (1) under Article 17-4 of the Juvenile Code (Act No. 168 of 1948) or Article 17-2 of the Act of Juvenile Training School Act (Act No. 169 of 1948) (including the cases where it is applied mutatis mutandis pursuant to paragraph (2) of Article 17 under said Act));
  - (iv) Person detained pursuant to the provision of paragraph (1) of Article 5, paragraph (2) of Article 17 or paragraph (1) of Article 25 of the Act on Extradition (Act No. 68 of 1953), paragraph (1) of Article 23 of the Act on International Assistance in Investigation and Other Related Matters (Act No. 69 of 1980), or paragraph (1) of Article 21 or paragraph (1) of Article 35 of the Act on Cooperation for the International Criminal Court (Act No. 37 of 2007).
- (2) The Minister of Justice may request the National Public Safety Commission

an explanation of the circumstances of the detention facilities' administration concerning the detention pursuant to the provision of the preceding paragraph, and state his/her opinions with regard to treatment of persons detained pursuant to said paragraph.

(Detention Services Managers and Detention Officers)

- Article 16 (1) The person who administers the affairs of the detention concerning a detention facility (hereinafter referred to as "detention services manager") shall be the person who is designated by the Superintendent General for Metropolitan Police Department, the Chief of the Prefectural Police Headquarters, or the Chief of the Area Headquarters (hereinafter referred to as "Chief of Police") from among the police officers who are in the rank of and higher than the Superintendent in the cases of any such detention facility in the Metropolitan Police Department, Prefectural Police Headquarters, or Area Headquarters (referred to as "Police Headquarters" in Article 20) or, in cases of the detention facility established in a police station, the Chief of the Police Station.
- (2) The police officers who engage in the affairs of the detention in the detention facilities (hereinafter referred to as "detention officers") shall be given training and discipline necessary for promoting a better understanding of the human rights of detainees and for acquiring and improving knowledge and technique necessary for appropriate and effective practice of treatment of detainees.
- (3) A detention officer shall not be engaged in criminal investigations related to such a detainee that is detained in the detention facility of the detention officer.

(Separation among Detainees)

- Article 17 (1) The detainees shall be separated into groups in accordance with the following distinctions and each group shall be isolated from the others:
- (i) Distinction in sex;
  - (ii) Distinction between the detainees with the status as a sentenced person and the detainees without the status;
- (2) Notwithstanding the provision of the preceding paragraph, in cases where it is necessary for the maintenance of discipline and order or the management and administration of the detention facility for the separation by the distinction listed in item (ii) of said paragraph to be left unexecuted, if no risk of causing a hindrance to the treatment of the detainees, then the separation may be left unexecuted.

(On-the-spot Inspection)

- Article 18 In the interests of the appropriate enforcement of this Act, the Chief of Police shall designate inspectors from among his/her staff and order the

inspectors to conduct on-the-spot inspections at each detention facility at least once per annum or more frequently pursuant to the provisions by the prefectural public safety commissions (or area public safety commissions in cases of the areas except for the area where Hokkaido Police Headquarters is located; hereinafter referred to as "public safety commissions.")

(Inspection Rounds)

Article 19 In the interests of the uniform treatment of the detainees and the appropriate enforcement of this Act, the Commissioner General of the National Police Agency shall, pursuant to the provisions by the public safety commission, order the inspectors designated by him/her to conduct round inspections of the detention facilities.

(Detention Facilities Visiting Committee)

Article 20 (1) The Detention Facilities Visiting Committee (hereinafter referred to as "Committee" in this Chapter) shall be established in each Police Headquarters.

(2) The Committee shall inspect the detention facilities within the jurisdiction of the prefectural police of the Police Headquarters where the Committee is established (or, the detention facilities within the area where the Hokkaido Police Headquarters is located when the Committee is established in Hokkaido Police Headquarters, or the detention facilities within the area where the Area Headquarters is located when the Committee is established in the Area Headquarters) and shall provide the statement of its opinions to the detention services manager with regard to the administration of the detention facilities.

(Organization)

Article 21 (1) The Committee shall be composed of a maximum of 10 members.

(2) The Public Safety Commission shall appoint the Committee members from among the persons of advanced integrity and insight with enthusiasm for the improvement of the administration of the detention facility.

(3) The Committee members shall hold their office for one year and may be reappointed.

(4) The Committee members shall serve part-time.

(5) A person who is, or has ever served as, a Committee member shall not divulge any secret which may have come to his/her knowledge related to his/her duty.

(6) In addition to what is provided for in the preceding paragraphs, necessary matters on the organization and administration of the Committee shall be provided for by a Prefectural Ordinance.

(Information Provision for the Committee and Visits of the Committee)

Members)

Article 22 (1) The detention services manager shall, pursuant to the provisions by the public safety commissions, furnish the Committee on a regular or as-needed basis with the information on the detention facility with respect to its state of administration (including the matters on the measures under paragraph (1) of Article 190 or paragraph (1) of Article 208).

(2) The Committee may, in order to grasp the circumstances of the administration of the detention facility, conduct a visit to the detention facility by the Committee members. Upon the visit, the Committee may, when the Committee finds it necessary, elicit cooperation from the detention services manager for holding an interview with detainees by the Committee members.

(3) The detention services manager shall provide the necessary cooperation for such visit and interview with detainees as are set forth in the preceding paragraph.

(4) Notwithstanding the provision of Article 222, no document that detainees submit to the Committee shall be examined.

(Publication of Opinions of the Committee)

Article 23 The Chief of Police shall compile both the opinions expressed by the Committee to the detention services manager and the measures taken by the detention services manager responding to the opinions, and shall publicize the outline thereof.

(Mutatis-Mutandis Application of Provisions on Penal Institutions)

Article 24 The provisions of Articles 6, 11, and 12 shall apply mutatis mutandis to the detention facilities. In this case, the term "warden of the penal institution" in Articles 6 and 12 shall be read as "detention services manager."

#### **Chapter IV Coast Guard Detention Facilities**

(Coast Guard Detention Facilities)

Article 25 (1) Coast guard detention facilities shall be established in the Regional Coast Guard Headquarters, the offices of Regional Coast Guard Headquarters, or aboard the vessels of the Japan Coast Guard.

(2) Coast guard detention facilities shall be the establishments in which to detain the following persons and to conduct necessary treatment for them; provided, however, that the coast guard detention facilities aboard the vessels of the Japan Coast Guard may be established only in the cases where the persons cannot be forthwith detained in the coast guard detention facility in the Regional Coast Guard Headquarters or in the offices of Regional Coast Guard Headquarters due to unavoidable reason:



- (i) Person arrested by, or arrested person received by, a coast guard officers or assistant coast guard officers, and subsequently detained pursuant to the provisions of the Japan Coast Guard Act (Act No. 28, 1948) and the Code of Criminal Procedure;
- (ii) Person who is other than those listed in the preceding item but who may be detained in a coast guard detention facility pursuant to the provisions of laws and regulations.

(Coast Guard Detention Services Managers and Coast Guard Detention Officers)

Article 26 (1) The person who administers the affairs of the detention concerning a coast guard detention facility (hereinafter referred to as "coast guard detention services manager") shall be the person who is designated by the Commander of a Regional Coast Guard Headquarters in the cases of the coast guard detention facility in the Regional Coast Guard Headquarters, or shall be the chief of the office in the case of the coast guard detention facility in the offices of Regional Coast Guard Headquarters, or shall be the Captain of the vessel in the case of the coast guard detention facility onboard the vessels of the Japan Coast Guard.

- (2) The coast guard officers and assistant coast guard officers who engage in the affairs of the detention in the coast guard detention facilities (hereinafter referred to as "coast guard detention officers") shall be given training and discipline necessary for promoting a better understanding of the human rights of coast guard detainees and for acquiring and improving knowledge and technique necessary for appropriate and effective practice of treatment of coast guard detainees.
- (3) A coast guard detention officer shall not be engaged in criminal investigations related to such a coast guard detainee that is detained in the coast guard detention facility of the detention officer.

(Separation among Coast Guard Detainees)

Article 27 The coast guard detainees shall be separated in accordance with the distinction in sex.

(On-the-spot Inspection)

Article 28 In the interests of the appropriate enforcement of this Act, the Commandant of the Japan Coast Guard shall designate inspectors from among his/her staff and order the inspectors to conduct on-the-spot inspections at each coast guard detention facility at least once per annum or more frequently.

(Mutatis-Mutandis Application of Provisions on Penal Institutions)

Article 29 The provisions of Articles 6, 11, and 12 shall apply mutatis mutandis to the coast guard detention facilities. In this case, the term "warden of the penal institution" in Articles 6 and 12 shall be read as "coast guard detention services manager."

## **Part II Treatment of Inmates and Detainees**

### **Chapter I Principles of Treatment**

(Principle of Treatment for Sentenced Persons)

Article 30 Treatment of a sentenced person shall be conducted with the aim of stimulating motivation for reformation and rehabilitation and developing the adaptability to life in society by working on his/her sense of consciousness in accordance with his/her personality and circumstances.

(Principle of Treatment for Unsentenced Persons)

Article 31 Upon treatment of an unsentenced person, special attention shall be paid to the prevention of his/her escape and destruction of evidence and to the respect for his/her right of defense, while taking into consideration the status as an unsentenced person.

(Principle of Treatment for Inmates Sentenced to Death)

Article 32 (1) Upon treatment of an inmate sentenced to death, attention shall be paid to help him/her maintain peace of mind.  
(2) Measures such as counseling or lectures which may contribute to help the inmate sentenced to death maintain peace of mind shall be taken by obtaining cooperation from nongovernmental volunteers.

## **Chapter II Treatment of Inmates in Penal Institutions**

### **Section 1 Commencement of Commitment**

(Notification upon Commencing Commitment)

Article 33 (1) The warden of the penal institution shall, at the commencement of commitment to the penal institution, notify inmates of the following matters in accordance with their status as an inmate. The same shall apply where the status of an inmate who has been committed to the penal institution changes subsequently.

- (i) Matters pertaining to lending, supplying, and self-supplying of articles;
- (ii) Matters pertaining to the handling of money and other goods, such as self-retained articles prescribed in paragraph (1) of Article 48;
- (iii) Matters pertaining to hygiene and medical care;
- (iv) Matters pertaining to religious acts, religious ceremonies and teachings;

- (v) Matters pertaining to access to books, etc. (i.e. books, magazines, newspapers, and other documents and drawings (except for letters); the same shall apply hereinafter);
  - (vi) Matters pertaining to the compliance rules prescribed in paragraph (1) of Article 74;
  - (vii) Matters pertaining to visits and correspondence;
  - (viii) Matters pertaining to disciplinary punishments;
  - (ix) Matters pertaining to the claim for review, such as the measures against which a claim for review may be filed, the reviewing agency, and the filing period of the claim for review;
  - (x) Matters pertaining to the report pursuant to the provision of paragraph (1) of Article 163, such as the acts against which a report may be filed pursuant to the provision of said paragraph, the destination of the report, and the reporting period;
  - (xi) Matters pertaining to the filing of complaints.
- (2) The notification pursuant to the provision of the preceding paragraph shall be made in writing, pursuant to a Ministry of Justice Ordinance.

(Examination for Physical Identification)

Article 34 (1) Prison officers may, upon commencement of the commitment to the penal institution, examine the inmate's body within the limit necessary for identification. The same shall apply to subsequent cases of the necessity so to do.

- (2) The examination of female inmates pursuant to the provision of the preceding paragraph shall be conducted by female prison officers. However, in cases where female prison officers are unable to conduct the examination, a male prison officer may conduct it by directing female staff members whom the warden of the penal institution designates.

## **Section 2 Modes of Treatment**

(Mode of Treatment for Unsentenced Persons)

Article 35 (1) Treatment (except exercise, bathing, visits, and other occasions provided for by a Ministry of Justice Ordinance; the same shall apply in paragraph (1) of the following Article and paragraph (1) of Article 37) of an unsentenced person (limited to those committed to a penal institution; hereinafter the same shall apply in this Chapter) shall be conducted in an inmate's room throughout day and night, except where deemed appropriate to conduct it in the outside of the inmate's room.

- (2) The room of an unsentenced person (except those having the status as an inmate sentenced to death) shall be a single room if there is a risk of causing a

hindrance to the prevention of destruction of evidence; even when the risk is not found, the room shall be a single room as much as practicable except where deemed appropriate to accommodate him/her in a shared room.

- (3) No unsentenced persons shall, if there is a risk of causing a hindrance to the prevention of destruction of evidence, be permitted to make mutual contacts even in the outside of the inmate's room.

(Mode of Treatment for Inmates Sentenced to Death)

Article 36 (1) Treatment of an inmate sentenced to death shall be conducted in an inmate's room throughout day and night, except where it is deemed appropriate to conduct it in the outside of the inmate's room.

- (2) The room of an inmate sentenced to death shall be a single room.

- (3) No inmates sentenced to death shall be permitted to make mutual contacts even in the outside of the inmate's room, except where deemed advantageous in light of the principle of treatment prescribed in paragraph (1) of Article 32.

(Mode of Treatment for Miscellaneous Inmates)

Article 37 (1) Treatment of a miscellaneous inmate (limited to those committed to a penal institution; hereinafter the same shall apply in this Chapter) shall be conducted in an inmate's room throughout day and night, except where deemed appropriate to conduct it in the outside of the inmate's room.

- (2) The room of a miscellaneous inmate shall be a single room as much as practicable except where it is deemed appropriate to accommodate him/her in a shared room.

### **Section 3 Schedules of Daily Activities**

(Schedules of Daily Activities)

Article 38 The warden of the penal institution shall, pursuant to a Ministry of Justice Ordinance, determine the following schedules and notify inmates of them:

- (i) Daily schedule of meals, sleeping, and other daily routine activities;
- (ii) With regard to sentenced persons (limited to those committed to a penal institution; hereinafter the same shall apply in this Chapter), daily schedule of the correctional treatment, etc. prescribed in paragraph (1) of Article 86 and daily schedule set aside for leisure.

(Assistance for Leisure Activities)

Article 39 (1) The warden of the penal institution shall, so long as there is no risk of causing a hindrance to either the maintenance of discipline and order or the management and administration of the penal institution, permit inmates to

engage in a self-contracted work (i.e. manufacturing of goods engaged in by an inmate under contract to a person outside the penal institution; the same shall apply hereinafter) during leisure time, etc. (i.e. for sentenced persons the daily schedule set aside for leisure; and for other inmates the daily schedule except those of meals, sleeping, and other routine activities; the same shall apply in the following paragraph)

- (2) The warden of the penal institution shall, pursuant to a Ministry of Justice Ordinance, provide inmates with assistance regarding self-contracted work, intellectual, educational, and recreational activities, sports, and other activities during leisure time, etc.

#### **Section 4 Lending, Supplying, and Self-Supplying of Articles**

(Lending and Supplying of Articles)

Article 40 (1) Inmates shall be lent, or supplied with, the articles listed in the following items (except for books, etc.; hereinafter the same shall apply in this Section) and required for the daily life in the penal institution (except for the articles listed in the items of paragraph (1) of Article 42):

- (i) Clothing and bedding;
- (ii) Meals and drinking water or tea;
- (iii) Articles such as daily necessities, pens and erasers.

- (2) In addition to what is provided for in the preceding paragraph, inmates may, pursuant to a Ministry of Justice Ordinance, and as occasion demands, be lent room ornaments and other articles used for the daily life in the penal institution (except the articles listed in the items of paragraph (1) of Article 42), or supplied with sweets and favorite articles (except for intoxicating liquor; the same shall apply hereinafter).

(Use and Consumption of Self-Supplied Articles)

Article 41 (1) In cases where a sentenced person requests to use or consume such self-supplied articles as the following articles (except the articles listed in the items under paragraph (1) of the following Article; the same shall apply in the following paragraph), if deemed appropriate in terms of his/her treatment, the warden of the penal institution may, pursuant to a Ministry of Justice Ordinance, permit him/her to do so:

- (i) Clothing;
- (ii) Foods and bottled water;
- (iii) Room ornaments;
- (iv) Sweets and favorite articles;
- (v) Daily necessities, stationery, and other articles used in the daily life in the penal institution.

(2) In cases where an inmate other than a sentenced person claims to use or consume such self-supplied articles as the articles listed in the items of the preceding paragraph and beddings, the warden of the penal institution shall, pursuant to a Ministry of Justice Ordinance, permit him/her to do so except where there is a risk of causing a hindrance to either the maintenance of discipline and order or the management and administration of the penal institution or where it is prohibited pursuant to the provisions of Section 12.

(Self-supplying of Corrective Instruments, Etc.)

Article 42 (1) Inmates shall be permitted to use such self-supplied articles as the following articles except where there is a risk of causing a hindrance to either the maintenance of discipline and order or the management and administration of the penal institution:

- (i) Corrective instruments such as eyeglasses;
- (ii) Articles necessary for a self-contracted work;
- (iii) Articles necessary for sending letters, such as envelopes;
- (iv) Clothing and other articles used during a day leave or a furlough pursuant to the provision of paragraph (1) of Article 106;
- (v) Other articles provided for by a Ministry of Justice Ordinance.

(2) In cases where an inmate is unable to use self-supplied articles as to the articles listed in the items of the preceding paragraph, if deemed necessary, he/she shall be lent, or supplied with, those articles.

(Standard of Lending and Supplying of Articles)

Article 43 The articles lent or supplied pursuant to the provision of Article 40 or paragraph (2) of the preceding Article shall be both suffice for the maintenance of inmates' health and appropriate in light of the status as an inmate, taking into consideration the actual situation of national life.

## **Section 5 Handling of Cash and Other Articles**

(Examination of Cash and Other Articles)

Article 44 The staff members of the penal institution may examine the following cash and other articles:

- (i) Cash and articles an inmate carries at the time of commitment;
- (ii) Cash and articles an inmate obtained while in custody (except for such articles as letters; the same shall apply in the following item) but not the cash and the articles listed in the following item (except for the articles supplied by the warden of the penal institution);
- (iii) Cash and articles a person other than the inmate concerned brought or sent to the penal institution in order to deliver to the inmate.

(Disposition of Articles Brought at the Time of Commitment)

Article 45 (1) In cases where any of the articles listed in item (i) or (ii) of the preceding Article falls under any of the cases set out under the following items, the warden of the penal institution shall request the inmate to deliver the article to the inmate's relative (including the person who have not yet registered his/her marriage to the inmate but have a relationship similar to de facto marital relationship therewith; the same shall apply hereinafter) or other persons deemed appropriate, or to make other appropriate dispositions:

- (i) Cases where the article involves inconvenience in keeping in custody;
- (ii) Cases where the article is likely to be decomposed or perish;
- (iii) Cases where the article is likely to cause danger.

(2) In cases where the warden of the penal institution requests the inmate to take action on the article pursuant to the provision of the preceding paragraph, if the inmate does not take any such action within a reasonable period of time, then the warden of the penal institution shall dispose of it by sale and retain the proceeds. However, the warden of the penal institution may destroy the article if it is unsalable.

(Request to Accept Articles from Outside)

Article 46 (1) In cases where any of the cash or the articles listed in item (iii) of Article 44 falls under any of the cases set out under the following items, the warden of the penal institution shall request the person who brought or sent the cash or the article (hereinafter referred to as "outside supplier") to retrieve the article:

- (i) Cases where the delivery of the article to the inmate is likely to disrupt discipline and order in the penal institution;
- (ii) Cases where the recipient of the article is a sentenced person, and the outside supplier is not his/her relative, and the article is likely to cause a hindrance to adequate pursuance of correctional treatment;
- (iii) Cases where the recipient is an unsentenced person, and the acceptance of the article is not permitted pursuant to the provisions of the Code of Criminal Procedure;
- (iv) Cases where the article is from an outside supplier whose name is anonymous;
- (v) Cases where the article is other than those may be permitted for the inmate to use or consume at his/her own expense, or an article deemed necessary upon his/her release (hereinafter referred to as "self-supplied articles, etc.");
- (vi) Cases where the article falls under any of the cases set out under the items of paragraph (1) under the preceding Article.

(2) In cases where any of the cash or the articles prescribed in item (iii) of Article

44 falls under any of items (i) to (iv) inclusive under the preceding paragraph, if it is unfeasible to make a request pursuant to the provision of said paragraph because the outside supplier's whereabouts are unknown, the warden of the penal institution shall make a public notice to this effect by the methods prescribed by a Cabinet Order.

- (3) In cases where the outside supplier does not retrieve the cash or the article prescribed in the preceding paragraph until the day on which expires the period of six months starting from the day on which the request pursuant to the provision of paragraph (1) was made, or from the day on which the public notice was made pursuant to the provision of the preceding paragraph, the cash or the article shall vest in the national treasury.
- (4) The warden of the penal institution may dispose of the article prescribed in paragraph (2) which falls under item (vi) of paragraph (1) by sale and retain the proceeds even within the period set forth in the preceding paragraph. However, he/she may destroy the article if it is unsalable.
- (5) In cases where any of the cash or the articles prescribed in item (iii) of Article 44 falls under item (v) or (vi) of paragraph (1) (except such articles that fall under any of items (i) to (iv) inclusive under said paragraph,) if it is unfeasible to make a request pursuant to the provision of said paragraph because the outside supplier's whereabouts are unknown, or if it is inappropriate to make the request, or if the outside supplier has refused to retrieve the cash or the article, then the warden of the penal institution shall request the inmate to deliver the cash or the article to the inmate's relative or other appropriate persons, or to make other appropriate dispositions.
- (6) The provision of paragraph (2) of the preceding Article shall apply mutatis mutandis to the cases where the request of disposition set forth in the preceding paragraph is made.
- (7) In cases where an inmate refuses to receive any of the cash or the articles prescribed in item (iii) of Article 44 which does not fall under any of the items of paragraph (1), the warden of the penal institution shall request the outside supplier to retrieve the cash or the article. The provisions of paragraphs (2) and (3) shall apply mutatis mutandis to the cases set out in the foregoing.

#### (Delivery and Retention of Articles)

Article 47 (1) Such articles set forth hereunder that are permitted for an inmate to use or consume pursuant to the provisions of this Act shall be delivered to the inmate:

- (i) Articles listed in item (i) or (ii) of Article 44 which do not fall under any of the items under paragraph (1) of Article 45;
- (ii) Articles listed in item (iii) of Article 44 which do not fall under any of the items under paragraph (1) of the preceding paragraph (except those the



inmate refused to receive).

- (2) The warden of the penal institution shall retain the following cash and articles:
  - (i) Articles listed in the items of the preceding paragraph and are other than those permitted for the inmate to use or consume pursuant to the provisions of this Act;
  - (ii) The cash listed in the items under Article 44 and does not fall under item (i), (ii), or (iv) under paragraph (1) of the preceding Article.

(Self-retained Articles)

Article 48 (1) The warden of the penal institution may, pursuant to a Ministry of Justice Ordinance, impose restrictions necessary for the management and administration of the penal institution on the method of retention of self-retained articles (articles retained by an inmate following the receipt thereof pursuant to the provision of paragraph (1) under the preceding Article (including the articles retained following the receipt thereof pursuant to the provision of paragraph (5)) and letters received and retained by the inmate; hereinafter the same shall apply in this Chapter).

- (2) In cases where the total volume of self-retained articles (except those specified by a Ministry of Justice Ordinance) of an inmate (hereinafter referred to as "total self-retention volume" in this Section) exceeds the maximum self-retention volume (i.e. a volume determined by the warden of the penal institution according to the respective status as an inmate as the volume of articles which may be self-retained by each inmate; hereinafter the same shall apply in this Section), or where the total volume of articles (except those specified by a Ministry of Justice Ordinance) retained for an inmate (hereinafter referred to as "total retention volume" in this Section) exceeds the maximum retention volume (i.e. a volume determined by the warden of the penal institution according to the respective status as an inmate as the volume of articles which may be retained; hereinafter the same shall apply in this Section), the warden of the penal institution may request the inmate to render such portion of the articles that is equivalent to the volume in excess to the inmate's relative or other persons considered to be appropriate, or to make other appropriate dispositions. The same shall apply to the articles which have come to be decomposed or perish.
- (3) The provision of paragraph (2) of Article 45 shall apply mutatis mutandis to the cases where a request pursuant to the preceding paragraph is made.
- (4) The warden of the penal institution may, if deemed appropriate, retain an inmate's self-retained articles in the cases where the inmate requests him/her to do so; provided, however, that this shall not apply in the cases where the consequent total retention volume after the delivery is estimated to exceed the

maximum retention volume.

- (5) The warden of the penal institution shall deliver to the inmate the articles being retained pursuant to the provision of the preceding paragraph in cases where the inmate requests to do so; provided, however, this shall not apply where the consequent total self-retention volume after the delivery is estimated to exceed the maximum self-retention volume.

(Use of Retained Cash)

Article 49 In cases where an inmate claims to expend the cash being retained in order to either purchase self-supplied articles, etc. or to apply it to the expenses to be incurred by him/her in the course of his/her daily life in the penal institution, the warden of the penal institution shall permit him/her to expend the necessary amount of cash; provided, however, that this shall not apply to the cases where the expenditure of cash for the purchase of self-supplied articles, etc. falls under any of the cases set out under the following items:

- (i) Cases where the consequent total self-retention volume is estimated to exceed the maximum self-retention volume or the consequent total retention volume is estimated to exceed the maximum retention volume after the purchase with the expenditure;
- (ii) Cases where the inmate is an unsentenced person and he/she is not permitted to receive the self-supplied articles he/she purchases with the expenditure under the provisions of the Code of Criminal Procedure.

(Delivery of Self-retained Articles, and Retained Cash or Articles)

Article 50 In cases where an inmate claims to deliver either the self-retained articles or the cash and articles being retained (except such articles that fall under the documents and drawings prescribed in Article 133 (including the cases where it is applied mutatis mutandis pursuant to Articles 136, 138, 141, 142, and 144)) to another person (except those being committed to the penal institution concerned) (except such delivery that falls under the delivery of a letter), the warden of the penal institution shall permit the inmate to do so except cases falling under any of the cases set out under the following items:

- (i) Cases where there is a risk of disrupting the maintenance of discipline and order in the penal institution accrued by such delivery to the inmate (except the cases where the recipient of such delivery is the inmate's relative; the same shall apply in the following item);
- (ii) Cases where the inmate is a sentenced person and there is a risk of causing a hindrance to the adequate pursuance of correctional treatment by such delivery to the inmate;
- (iii) Cases where the inmate is an unsentenced person and such delivery of the

article is not permitted pursuant to the provisions of the Code of Criminal Procedure.

(Restrictions on Delivery and Purchase of Articles)

Article 51 In addition to what is provided for in this Section, the warden of the penal institution may, pursuant to a Ministry of Justice Ordinance, impose restrictions necessary for the management and administration of the penal institution on the delivery of cash and articles to inmates by outside suppliers, and on the purchase of self-supplied articles, etc. by inmates.

(Delivery of Retained Articles)

Article 52 The warden of the penal institution shall deliver the cash and articles under retention to the inmate upon his/her release.

(Property Left by Released Persons)

Article 53 (1) The property left by an inmate (i.e. cash and articles left behind in the penal institution; hereinafter the same shall apply in this Chapter) who has been released shall vest in the national treasury if no request for its delivery has been made, or if no expense required for the delivery of the property has been offered, by him/her until the day on which expires the period of six months starting from the day of the inmate's release.

(2) The warden of the penal institution may, even within the period set forth in the preceding paragraph, dispose of the property left which have come to be decomposed or perish.

(Property Left by Escaped Persons, Etc.)

Article 54 (1) In cases where an inmate falls under any of the cases set out under the following items, if no request for its delivery has been made, or if no expense required for the delivery of the property has been offered, by him/her until the day on which expires the period of six months starting from the day prescribed in the respective items concerned, then the property left shall vest in the national treasury:

(i) Cases where the inmate has escaped: The day of the escape;

(ii) Cases where the inmate is liberated pursuant to the provision of paragraph (2) of Article 83 but fails to appear at the location prescribed in paragraph (3) of said Article promptly after the conditions prescribed in said paragraph which entailed the evacuation have ceased to exist: The day when such conditions that entailed the evacuation have ceased to exist;

(iii) Cases of a work pursuant to the provision of paragraph (1) of Article 96 or a day leave or a furlough pursuant to the provision of paragraph (1) of Article 106 where the inmate fails to return to the penal institution by the date and

- time specified by the warden of the penal institution: The specified day.
- (2) The provision of paragraph (2) of the preceding Article shall apply mutatis mutandis to such property left that is set forth in the preceding paragraph.

(Property Left by Deceased Persons)

- Article 55 (1) The property left by a deceased inmate shall, pursuant to a Ministry of Justice Ordinance, be delivered to the bereaved family, etc. (i.e. the relatives of the deceased that are specified by a Ministry of Justice Ordinance; hereinafter the same shall apply in this Chapter) upon a claim from the bereaved family.
- (2) In cases where there is a property left by a deceased inmate, if it is unfeasible to make the notification pursuant to the provision of Article 176 because of the whereabouts of the bereaved family, etc. being unknown, then the warden of the penal institution shall make a public notice to this effect by the means prescribed by a Cabinet Order.
- (3) In cases where no claim set forth in paragraph (1) has been made until the day on which expires the period of six months starting from the day of the notification made pursuant to the provision of Article 176, or the day of the public notice made pursuant to the preceding paragraph, such property left that is set forth in paragraph (1) shall vest in the national treasury.
- (4) The provision of paragraph (2) of Article 53 shall apply mutatis mutandis to such property left that is prescribed in paragraph (1).

## **Section 6 Hygiene and Medical Care**

(Principle of Hygiene and Medical Care)

Article 56 At penal institutions, efforts shall be made to grasp the physical and mental conditions of the inmates thereof, and hygienic and medical measures adequate in light of the public standards of hygiene and medical care shall be taken in order to maintain the health of the inmates and the hygiene inside the penal institutions.

(Physical Exercise)

Article 57 Except Sundays and other days specified by a Ministry of Justice Ordinance, inmates shall be provided with the opportunity to take adequate exercise which shall be in the open air as much as practicable, in order to maintain their health; provided, however, that this shall not apply where it is impossible to provide with the opportunity within the working hours of the penal institution due to such circumstances as an appearance on a trial date.

(Inmates' Duty to Cleanliness)

Article 58 An inmate shall maintain the cleanliness of his/her own body, clothes and personal belongings, and his/her own room and other places used everyday.

(Bathing)

Article 59 Inmates shall, pursuant to a Ministry of Justice Ordinance, be required to take baths adequate for the hygiene inside the penal institution.

(Haircuts and Shaves)

Article 60 (1) Sentenced persons shall, pursuant to a Ministry of Justice Ordinance, be required to have haircuts and shaves.

(2) In cases where a sentenced person requests to have a haircut on his/her own expense, if the haircut is deemed appropriate in terms of his/her treatment, then the warden of the penal institution may permit him/her to do so.

(3) In cases where an inmate other than a sentenced person requests to have a haircut or a shave, the warden of the penal institution shall, pursuant to a Ministry of Justice Ordinance, permit him/her to do so.

(Medical Examination)

Article 61 (1) The warden of the penal institution shall conduct health examinations for inmates promptly after the commitment of the inmate to the penal institution and regularly at the frequency of once a year or more. The warden of the penal institution shall conduct the same if there exists necessity so to do in terms of the hygiene inside the penal institution.

(2) Inmates shall undergo the medical examination prescribed in the preceding paragraph. In the case of the foregoing, inmates shall not be able to refuse blood sampling, radiography, or otherwise any other medical treatment within the limit necessary for conducting the health examination.

(Medical Treatment)

Article 62 (1) In cases where an inmate falls under any of the cases set out under the following items, the warden of the penal institution shall promptly give him/her medical treatment (including a procedure to supply nutrition; the same shall apply hereinafter) by a doctor (i.e. a medical doctor or a dentist; the same shall apply hereinafter) on the staff of the penal institution and other necessary medical measures. However, in cases falling under item (i), if there is no risk of either endangering the inmate's life or infecting his/her disease to others, then the foregoing is limited to the cases where the treatment is not given against the inmate's will:

(i) Cases where the inmate is injured or suffering from disease, or is suspected to sustain an injury or to have a disease;

(ii) Cases where the inmate refuses to ingest food and drink, and may endanger

his/her own life.

- (2) In the case prescribed in the preceding paragraph, the warden of the penal institution may, if deemed necessary in accordance with the type and degree of the injury or disease, give a medical treatment by a doctor who is not the staff of the penal institution.
- (3) In cases where the warden of the penal institution provides the opportunity of medical treatment pursuant to the provisions of the preceding two paragraphs, he/she may have the inmate visit a hospital or a clinic outside the penal institution as may be required, or, may commit the inmate to a hospital or a clinic outside the penal institution if it is unavoidable so to do.

(Medical Treatment by Appointed Doctor)

- Article 63 (1) In cases where an inmate sustaining an injury or suffering from a disease claims to designate a doctor who is not the staff of the penal institution to receive a medical treatment, if such claim is deemed appropriate for the inmate's medical care in light of such circumstances as the type and degree of the injury or disease, and as the fact that the inmate had been visiting said doctor on the regular basis for medical treatments prior to the commitment to the penal institution, then the warden of the penal institution may permit the inmate to receive the medical treatment inside the penal institution at his/her own expenses.
- (2) In cases where the warden of the penal institution permits to receive the medical treatment prescribed in the preceding paragraph, if deemed necessary in order for him/her to examine the method of medical treatment by the doctor who provides the medical treatment set forth in said paragraph (hereinafter referred to as "appointed doctor" in this Article), or if deemed necessary to conduct medical treatment in the penal institution afterwards, he/she may have a staff member of the penal institution attend the medical treatment, or ask the appointed doctor questions with regard to the medical treatment, or request the appointed doctor to submit materials on the medical treatment such as a copy of the inmate's case record.
  - (3) An appointed doctor shall, upon the medical treatment, observe any instruction provided for pursuant to a Ministry of Justice Ordinance by the warden of the penal institution.
  - (4) In cases where the warden of the penal institution permits to receive the medical treatment pursuant to the provision of paragraph (1), if the appointed doctor refuses to comply with the measures taken by the warden of the penal institution pursuant to the provision of paragraph (2) or disobeys the rules provided by the warden of the penal institution pursuant to the provision of the preceding paragraph, or if it is inappropriate to continue the medical treatment, then he/she may suspend the medical treatment and thereafter may

continuously refuse to permit the inmate to receive the medical treatment by the appointed doctor.

(Measures for the Prevention of Epidemics)

Article 64 In cases where it is necessary in order to prevent the occurrence of an infectious disease or to prevent its rampancy inside the penal institution, the warden of the penal institution shall conduct the medical examination pursuant to the provision of Article 61 or the medical treatment pursuant to the provision of Article 62 and other medical measures, and conduct a vaccination campaign, isolation of the infectees until the risk of infecting the disease concerned has ceased to exist, and other measures provided for by a Ministry of Justice Ordinance.

(Measures of Protective Care)

Article 65 (1) With regard to the aged, expectant mothers and nursing mothers, those of delicate health, and other inmates who need protective care, the warden of the penal institution shall take measures equivalent to those for invalids in accordance with their respective circumstances which necessitate the protective care.

(2) Upon an inmate giving a birth to a baby, the warden of the penal institution shall, except for unavoidable cases, have the inmate committed to a hospital, a clinic, or a midwifery home outside the penal institution.

(Child Care)

Article 66 (1) In cases where a female inmate requests to nursing her child inside the penal institution, the warden of the penal institution may, if deemed appropriate, permit her to do so until the child becomes one year of age.

(2) In cases where an inmate requests to continue to bring up the child who has been brought up inside the penal institution pursuant to the provision of the preceding paragraph and has become one year of age, if required in the particular case in light of the mental and physical conditions of the inmate or for fostering the child, the warden of the penal institution may permit the inmate to continue to do so for a maximum of six months.

(3) In cases where an inmate has been bringing up a child pursuant to the provisions of the preceding two paragraphs, the articles necessary for fostering the child shall be lent or supplied.

(4) In the case prescribed in the preceding paragraph, if the inmate has requested to use or consume, or to have her child use or consume, self-supplied articles as the articles necessary for fostering the child, then the inmate shall be permitted to do so as long as it does not hinder either the maintenance of discipline and order or the management and administration of the penal

institution.

- (5) With regard to the child being brought up by an inmate pursuant to the provisions of paragraph (1) or (2), necessary measures such as medical examination or medical treatment shall be taken following the same rules as those for inmates.

## **Section 7 Religious Acts**

(Individual Religious Acts)

Article 67 Worship and other religious acts which an inmate performs individually shall not be prohibited nor restricted; provided, however, that this shall not apply where there is a risk of causing a hindrance to either the maintenance of discipline and order or the management and administration of the penal institution.

(Religious Ceremonies and Teachings)

Article 68 (1) The warden of the penal institution shall make efforts to make available the opportunities for inmates to participate in religious ceremonies presided over by religious leaders (limited to nongovernmental volunteers; hereinafter the same shall apply in this paragraph), or to receive religious teachings from religious leaders.

- (2) In cases where there is a risk of causing a hindrance to either the maintenance of discipline and order or the management and administration of the penal institution, the warden of the penal institution may refuse to permit an inmate to participate in the religious ceremonies prescribed in the preceding paragraph and to receive the religious teachings prescribed in said paragraph.

## **Section 8 Access to Books, Etc.**

(Access to Self-supplied Books, Etc.)

Article 69 No access to self-supplied books, etc. by inmates shall be prohibited nor restricted except for such cases as are provided for under the provisions of this Section and Section 12.

Article 70 (1) The warden of the penal institution may prohibit an inmate's access to self-supplied books, etc., if the access leads to any of the cases set out under the following items:

- (i) Cases where there is a risk of causing disruption of discipline and order in the penal institution;
- (ii) Cases where the inmate is a sentenced person, and there is a risk of



causing a hindrance to adequate pursuance of correctional treatment for him/her;

(iii) Cases where the inmate is an unsentenced person, and there is a risk of causing destruction of evidence.

(2) In cases where a translation of self-supplied books, etc. is necessary in order to examine whether or not to prohibit the access pursuant to the preceding paragraph, the warden of the penal institution may, pursuant to a Ministry of Justice Ordinance, charge the expenses to the inmate. In the case of the foregoing, if the inmate has refused to incur the expenses to be incurred by him/her, then the access to the books, etc. shall be prohibited.

(Restrictions on Newspapers)

Article 71 The warden of the penal institution may, pursuant to a Ministry of Justice Ordinance, impose restrictions necessary for the management and administration of the penal institution on both the variety of newspapers which inmates may acquire and the acquisition procedures thereof.

(Provision of Opportunity to Access to News Report on Current Affairs)

Article 72 (1) The warden of the penal institution shall, as much as practicable, make efforts to provide inmates with access to information on the principal current affairs through communication media such as newspapers kept in the penal institution and news report broadcasts.

(2) The warden of the penal institution shall, as a measure of assistance pursuant to the provision of paragraph (2) under Article 39, make available books, etc. in the penal institution. In the case of the foregoing, the warden of the penal institution shall determine the manners of access to the books, etc. he/she so makes available.

## **Section 9 Maintenance of Discipline and Order**

(Discipline and Order in Penal Institutions)

Article 73 (1) The discipline and order in the penal institution shall be maintained appropriately.

(2) Measures taken in order to achieve the purpose set forth in the preceding paragraph shall not exceed the limit necessary for securing the custody of inmates and maintaining both adequate conditions for the treatment of inmates and a safe and peaceful community life thereof.

(Compliance Rules)

Article 74 (1) The warden of the penal institution shall determine the rules to be complied with by inmates (hereinafter referred to as "compliance rules" in this

Chapter).

- (2) The compliance rules shall stipulate in a specific manner such matters as are set out under the following items in accordance with respective status as an inmate:
- (i) Prohibition against criminal acts;
  - (ii) Prohibition against any behavior or statement in a rude or outrageous manner, or any act imposing trouble on the others;
  - (iii) Prohibition against self-injurious activities;
  - (iv) Prohibition against obstructions against the staff members of the penal institution in the performance of their duties;
  - (v) Prohibition against acts likely to hamper the secure custody of him/herself or the other inmates;
  - (vi) Prohibition against the acts which may disrupt the security of the penal institution;
  - (vii) Prohibition against the acts detrimental to hygiene or public morals inside the penal institution;
  - (viii) Prohibition against the wrongful use, possession, transfer, etc. on cash and articles;
  - (ix) Prohibition against the evasion of any work prescribed in Article 92 or 93, or refusal of the guidance prescribed in the items of paragraph (1) of Article 85, 103, or 104 without just cause;
  - (x) In addition to what is listed in the preceding items, matters necessary for the maintenance of discipline and order in the penal institution;
  - (xi) Prohibition against any attempt, incitement, inducement, or aid for the acts against either the compliance rules which stipulate the matters listed in the preceding items, or the special compliance rules prescribed in paragraph (4) of Article 96 (including cases where it is applied *mutatis mutandis* pursuant to paragraph (2) of Article 106).
- (3) In addition to what is provided for in the preceding two paragraphs, the warden of the penal institution or a staff member designated by him/her may, if necessary to maintain discipline and order in the penal institution, give instructions to inmates with regard to their life and behavior.

(Body Search)

- Article 75 (1) Prison officers may, if necessary to maintain discipline and order in the penal institution, search inmate's body, clothes, personal belongings, and room, and deprive of any of the inmate's personal belongings, and temporarily take custody thereof.
- (2) The provision of paragraph (2) of Article 34 shall apply *mutatis mutandis* to the search of body and clothes of a female inmate pursuant to the preceding paragraph.

- (3) A prison officer may, if necessary to maintain discipline and order in the penal institution, search clothes and personal effects, inside the penal institution, of a person other than an inmate (except for defense counsels or prospective defense counsels prescribed in paragraph (1) under Article 39 of the Code of Criminal Procedure; hereinafter referred to as "defense counsel, etc."), and deprive of any of the person's personal effects and temporarily take custody thereof.
- (4) No search set forth in the preceding paragraph shall include the examination of the contents of documents and drawings.

(Isolation of Sentenced Persons)

- Article 76 (1) In cases where a sentenced person falls under any of the cases set out under the following items, the warden of the penal institution may isolate him/her from the other inmates. In the case of the foregoing, the treatment of the sentenced person shall be conducted in an inmate's room throughout day and night except for the cases specified by a Ministry of Justice Ordinance, such as exercise, bathing, or visits:
- (i) Cases where there is a risk of disrupting discipline and order in the penal institution by making contact with other inmates;
  - (ii) Cases where there is a risk of being exposed to harm by other inmates and no other solutions are available to avoid it.
- (2) The period of isolation pursuant to the provision of the preceding paragraph shall be three months. However, if there is a special necessity to continue the isolation, then the warden of the penal institution may renew the period for one month upon expiration thereof, and every month thereafter.
  - (3) If the necessity for isolation has ceased to exist, then the warden of the penal institution shall immediately suspend the isolation even during the period set forth in the preceding paragraph.
  - (4) The warden of the penal institution shall, in cases where he/she has been isolating a sentenced person pursuant to the provision of paragraph (1), obtain the opinion of a medical doctor on the staff of the penal institution about the health condition of the sentenced person periodically at least once in three months.

(Suppression and Other Measures)

- Article 77 (1) In cases where an inmate escapes, inflicts injury on others, commits a self-injurious behavior, obstructs staff members of the penal institution in the performance of their duties, or commits other acts extremely detrimental to discipline and order in the penal institution, or attempts to do so, prison officers may suppress the act, restrain the inmate, or take any other necessary measures in order to deter the inmate from doing so, within the

extent deemed reasonably necessary.

- (2) In cases where a person other than an inmate falls under any of the cases set out under the following items, prison officers may restrain him/her, suppress his/her act, or take any other necessary measures in order to deter the person from doing so, within the extent deemed reasonably necessary:
  - (i) Cases where the person breaks into the penal institution, destroys its facilities, or obstructs staff members of the penal institution in the performance of their duties, or is about to do so;
  - (ii) Cases where the person refuses to leave the penal institution upon demand so to do from a prison officer;
  - (iii) Cases where the person aids, incites, or induces on the spot either escape of an inmate or obstruction to the staff members of the penal institution in the performance of their duties;
  - (iv) Cases where the person exposes an inmate to harm or is about to do so;
- (3) Guarding equipment necessary for the enforcement of the measures prescribed in the preceding two paragraphs shall be provided for by a Ministry of Justice Ordinance.

(Use of Arresting Ropes, Handcuffs, and Restraint Suit)

- Article 78 (1) Prison officers may, pursuant to a Ministry of Justice Ordinance, use arresting ropes or handcuffs in cases where either they escort inmates, or where an inmate is likely to commit any of such acts as are set out under the following items:
- (i) Escaping;
  - (ii) Committing self-injurious behavior or inflicting injury on others;
  - (iii) Damaging facilities, the instruments, or any other property of the penal institution.
- (2) Prison officers may use a restraint suit by order of the warden of the penal institution in cases where an inmate is likely to commit a self-injurious behavior, if no other means are available. However, the restraint suit may not be used in combination with any arresting rope or handcuff.
  - (3) In the case prescribed in the preceding paragraph, if there is no time to wait for the order from the warden of the penal institution, then prison officers may use a restraint suit without the order. In the case of the foregoing, the prison officers shall promptly report to this effect to the warden of the penal institution.
  - (4) The period of use of a restraint suit shall be three hours. However, the warden of the penal institution may, if he/she finds that there is a special necessity to continue the use, renew the period every three hours but not exceeding twelve hours in aggregate.
  - (5) In cases where the necessity of use of a restraint suit has ceased to exist, the

warden of the penal institution shall immediately order to suspend it even during the period set forth in the preceding paragraph.

- (6) The warden of the penal institution shall, in cases where he/she used a restraint suit on an inmate or renewed the period of its use, promptly obtain the opinion of a medical doctor on the staff of the penal institution about the health condition of the inmate.
- (7) The forms of arresting ropes, handcuffs, and restraint suit shall be provided for by a Ministry of Justice Ordinance.

(Confinement in Protection Room)

Article 79 (1) In cases where an inmate falls under any of the cases set out under the following items, prison officers may confine him/her in a protection room by order of the warden of the penal institution:

- (i) Cases where the inmate is likely to commit self-injurious acts;
- (ii) Cases falling under any of the following subitems (a) to (c) inclusive where such confinement is especially necessary in order to maintain discipline and order in the penal institution:
  - (a) Cases where the inmate generates a loud voice or noise, against a prison officer's order to cease doing so;
  - (b) Cases where the inmate is likely to inflict injury on others;
  - (c) Cases where the inmate is likely to damage or defile facilities, equipment, or any other property of the penal institution.
- (2) In the case prescribed in the preceding paragraph, if there is no time to wait for the order from the warden of the penal institution, then prison officers may confine the inmate in a protection room without the order. In the case of the foregoing, the prison officers shall report promptly to this effect to the warden of the penal institution.
- (3) The period of confinement in a protection room shall be seventy-two hours or less. However, the warden of the penal institution may, if there is a special necessity to continue the confinement, renew the period upon expiration thereof, and every forty-eight hours thereafter.
- (4) In cases where the necessity of confinement ceases to exist, the warden of the penal institution shall immediately order to suspend it even during the period set forth in the preceding paragraph.
- (5) The warden of the penal institution shall, in cases where he/she has confined an inmate in a protection room or renewed the period of confinement, promptly obtain the opinion of a medical doctor on the staff of the penal institution concerning the health condition of the inmate.
- (6) The standards for the structure and facilities of the protection room shall be provided for by a Ministry of Justice Ordinance.

(Bearing and Use of Weapons)

Article 80 (1) Prison officers may carry small arms and light weapons but only in the cases specified by a Ministry of Justice Ordinance.

- (2) In cases where an inmate falls under any of the cases set out under the following items, prison officers may use a weapon to such an extent as is considered reasonably necessary in accordance with the situation:
- (i) Cases where the inmate raises a riot jointly with other inmates, or is about to do so;
  - (ii) Cases where the inmate inflicts serious injury to others, or is about to do so;
  - (iii) Cases where the inmate captures the weapon borne by a prison officer or kept in the penal institution, or is about to do so;
  - (iv) Cases where the inmate maintains the possession of a dangerous weapon against a prison officer's order to surrender it;
  - (v) Cases where the inmate escapes, intends to escape, or assists another inmate's escape against a prison officer's order to cease doing so, or through assault or by using group force against the prison officer.
- (3) In cases where a person other than an inmate falls under any of the cases set out under the following items, prison officers may use a weapon to such an extent as is considered reasonably necessary in accordance with the situation:
- (i) Cases where inmates raise a riot or are about to do so, and the person participates or aids in doing so on the spot;
  - (ii) Cases where the person inflicts serious injury on inmates, or is about to do so;
  - (iii) Cases where the person captures a weapon borne by a prison officer or kept in the penal institution, or is about to do so;
  - (iv) Cases where the person, being armed with or using firearms, explosives, or other dangerous weapons, breaks into or damages the facilities of the penal institution, or is about to do so;
  - (v) Cases where the person removes or liberates inmates from the penal institution through assault or intimidation, or is about to do so.
- (4) Upon using a weapon pursuant to the provisions of the preceding two paragraphs, no prison officer shall inflict injury on a person except either the cases falling under the provisions of Article 36 or 37 of the Penal Code (Act No.45 of 1907), or the cases falling under any of the cases set out under the following items:
- (i) Cases where there is such reasonable ground on the part of a prison officer that is sufficient for believing that no other means are available to deter an inmate's act prescribed in the items of paragraph (2);
  - (ii) Cases where there is such reasonable ground on the part of a prison officer that is sufficient for believing that no other means are available to deter the

act of a person other than an inmate prescribed in the items of the preceding paragraph; provided, however, that in cases other than those set out under item (ii) of said paragraph, this shall be limited to the cases where the person commits the said act ignoring a prison officer's order to cease it.

(Taking Back for Custody)

Article 81 Prison officers may bring him/her back for custody in cases where an inmate falls under any of the cases set out under the following items, and only if the prison officers have commenced to do so within forty-eight hours after the points of time prescribed in the respective items:

- (i) Cases where the inmate has escaped: The point of time of the escape;
- (ii) Cases of a work pursuant to the provision of paragraph (1) of Article 96 or a day release or a furlough pursuant to the provision of paragraph (1) of Article 106 where the inmate has failed to return to the penal institution by the date and time specified by the warden of the penal institution: The said date and time.

(Emergency Work in Time of Disaster)

Article 82 (1) In case of earthquake, fire, or any other disaster, the warden of the penal institution may, if deemed necessary for the protection of lives or bodies of those inside the penal institution, assign inmates to fire fighting, lifesaving, or any other emergency work either inside or in the area adjacent to the penal institution.

- (2) The provisions of Articles 100 to 102 inclusive shall apply mutatis mutandis to the case of death, injury, or illness of an inmate incurred by engaging in an emergency work pursuant to the provision of the preceding paragraph.

(Evacuation and Liberation in Time of Disaster)

Article 83 (1) In case of earthquake, fire, or any other disaster and no evacuation means available inside the penal institution, the warden of the penal institution shall escort inmates to an appropriate location.

- (2) In the case prescribed in the preceding paragraph, if the escort of inmates is unfeasible, then the warden of the penal institution may liberate them from the penal institution. The same shall apply in case of earthquake, fire, or any other disaster where the escort of inmates to an appropriate location outside the penal institution for the purpose of evacuation is unfeasible.
- (3) Persons who have been liberated pursuant to the provision of the preceding paragraph shall appear at the penal institution or a location specified by the warden of the penal institution promptly after the conditions which entailed the evacuation have ceased to exist.

**Section 10 Implementation of Correctional Treatment**  
**Subsection 1 Common Provisions**

(Correctional Treatment)

- Article 84 (1) As correctional treatment, the work prescribed in Article 92 or 93 shall be assigned to sentenced persons, and the guidance prescribed in Articles 103 and 104 shall be given to them.
- (2) Correctional treatment shall be conducted on the basis of a treatment guideline (guideline determined for each sentenced person which provides for the objective, the contents, and the methods of correctional treatment; hereinafter the same shall apply in this Article).
- (3) The warden of the penal institution shall, pursuant to a Ministry of Justice Ordinance, determine the treatment guideline on the basis of the investigation results with regard to the personality and circumstances of the sentenced person.
- (4) A treatment guideline shall be determined, where necessary, after taking into consideration the sentenced person's desire. The same shall apply where it is intended to be revised.
- (5) Correctional treatment shall be conducted by applying medical, psychological, pedagogic, sociological, or other expert knowledge and techniques where necessary.

(Guidance at the Commencement of Execution of Sentence, Etc.)

- Article 85 (1) In addition to the implementation of correctional treatment, the guidance as is specified in the following items shall be given to sentenced persons during the period as listed respectively in those items:
- (i) A period following the commencement of the execution of the sentence which is specified by a Ministry of Justice Ordinance: Guidance with regard to both the matters fundamental to the implementation of correctional treatment such as the significance of serving time, or the life and activities in the penal institution;
- (ii) A period preceding his/her release which is specified by a Ministry of Justice Ordinance: Guidance to bestow the knowledge required in social life immediately after release or with regard to the matters concerning returning home and the life after release.
- (2) Treatment of sentenced persons during the period listed in item (ii) of the preceding paragraph shall, as much as practicable, be conducted in a place with appropriate facilities and environment and, if necessary, measures such as day leave or furlough pursuant to the provision of paragraph (1) of Article 106 or other measures necessary for smooth re-entry to the society shall be taken.



(3) The warden of the penal institution shall, in accordance with the standards provided for by a Ministry of Justice Ordinance, decide on the day and time in which he/she conducts the guidance prescribed in the items of paragraph (1).

(Group Treatment)

Article 86 (1) Correctional treatment and the guidance pursuant to the provision of paragraph (1) of the preceding Article (hereinafter referred to as "correctional treatment, etc.") shall, where necessary for its effective implementation, be conducted by organizing sentenced persons into groups.

(2) If it is especially necessary in the case prescribed in the preceding paragraph, notwithstanding the provision of paragraph (1) of Article 4, the separation by the distinction listed in item (i) of said paragraph may be left unexecuted only in the outside of the inmate's room.

(Treatment in the Outside of the Penal Institution)

Article 87 Correctional treatment, etc. may, within the limit necessary for its effective implementation, be conducted in an appropriate location outside the penal institution.

(Alleviation of Restrictions)

Article 88 (1) In order to cultivate self-control and self-reliance of sentenced persons, restrictions on their life and activities for the maintenance of discipline and order of the penal institution shall, pursuant to a Ministry of Justice Ordinance, be alleviated seriatim as the expectation of achieving the purpose prescribed in Article 30 increases.

(2) In the case prescribed in the preceding paragraph, the treatment of sentenced persons with fairly good expectation of achieving the purpose prescribed in Article 30 may, pursuant to a Ministry of Justice Ordinance, be conducted at an open-type institution (i.e. all or a part of a penal institution which does not have some of the facilities or measures normally required to secure the custody, and which is designated as such an institution by the Minister of Justice; the same shall apply hereinafter).

(Privilege Measures)

Article 89 In order to evoke sentenced persons' willingness for reformation and rehabilitation, the warden of the penal institution shall, pursuant to a Ministry of Justice Ordinance, take privilege measures with regard to the treatments set out as follows in accordance with a periodic assessment of their attitudes toward the punishment:

(i) Treatments to lend or supply articles pursuant to the provision of paragraph (2) of Article 40;

- (ii) Treatments to permit to use or consume self-supplied articles pursuant to the provision of paragraph (1) of Article 41;
- (iii) Treatments to decide on the time or the number of visits prescribed in Article 111;
- (iv) Other treatments specified by a Ministry of Justice Ordinance.

(Cooperation with the Society)

Article 90 (1) The warden of the penal institution shall, if deemed necessary for treatment of sentenced persons, request cooperation of their relatives, nongovernmental volunteers, relevant administrative organs, or others.

(2) No person who gave cooperation prescribed in the preceding paragraph shall divulge any secret which may have come to his/her knowledge in the course of the cooperation.

(Inquiry for Public Offices, Etc.)

Article 91 The warden of the penal institution may, if necessary for the investigation of personality and circumstances of a sentenced person, request reports on necessary matters from public offices, or from public or private organizations.

## **Subsection 2 Work**

(Work of Persons Sentenced to Imprisonment with Work)

Article 92 The warden of the penal institution shall assign work to individual persons sentenced to imprisonment with work (limited to those committed to a penal institution; hereinafter the same shall apply in this Section).

(Work of Persons Sentenced to Imprisonment without Work, Etc.)

Article 93 In cases where either persons sentenced to imprisonment without work (and limited to those committed to a penal institution; hereinafter the same shall apply in this Section) or persons sentenced to misdemeanor imprisonment without work (and limited to those committed to a penal institution) request to engage in an assigned work, the warden of the penal institution may, pursuant to a Ministry of Justice Ordinance, permit them to do so.

(Implementation of Work)

Article 94 (1) Work shall, on the best effort basis, be implemented so as to encourage sentenced persons to work and so as to help them acquire vocationally useful knowledge and skills.

(2) In cases where it is necessary in order to help a sentenced person to obtain a

vocational license or a qualification, or to acquire knowledge and skills necessary for an occupation, if deemed appropriate, relevant training shall be assigned to him/her as a work.

(Working Conditions)

- Article 95 (1) The warden of the penal institution shall determine both the working hours per day and the days without work in accordance with the standards provided for by a Ministry of Justice Ordinance.
- (2) The warden of the penal institution shall take necessary measures for ensuring the safety and health of sentenced persons who engage in work.
- (3) Sentenced persons shall observe the necessary matters in accordance with the measures taken by the warden of the penal institution pursuant to the provision of the preceding paragraph.
- (4) The Minister of Justice shall provide the measures to be taken by the warden of the penal institution pursuant to the provision of paragraph (2) and the matters which shall be observed by sentenced persons pursuant to the provision of the preceding paragraph, according to the measures to be taken by business operators and the matters which shall be observed by workers prescribed in the Industrial Safety and Health Act (Act No. 57 of 1972) or other laws and regulations.

(Outside Work with Commute Travels)

- Article 96 (1) In cases where either a person sentenced to imprisonment with work or a person sentenced to imprisonment without work has served the period of time for parole qualification pursuant to the provisions of Article 28 of the Penal Code (including the cases where it is applied by replacing the terms pursuant to Article 21 of the Act on the Transnational Transfer of Sentenced Persons), Article 58 of the Juvenile Code, or Article 22 of the Act on the Transnational Transfer of Sentenced Persons and falls under cases specified by a Ministry of Justice Ordinance, such as being placed in an open-type institution pursuant to the provision under paragraph (2) of Article 88, the warden of the penal institution may, if necessary for smooth re-entry to society, permit him/her to commute to a business establishment outside the penal institution (hereinafter referred to as "outside business establishment" in this Article) without an escort of staff members of the penal institution.
- (2) The work pursuant to the provision of the preceding paragraph (hereinafter referred to as "outside work with commute travels") shall be carried out either by engaging in a work of an outside business establishment or by undergoing a vocational training given by an outside business establishment.
- (3) Upon assigning an outside work with commute travels to a sentenced person, the warden of the penal institution shall, pursuant to a Ministry of Justice

Ordinance, make an arrangement with the business operator of the outside business establishment (hereinafter referred to as "outside business operator") with regard to the kind of work, working hours, necessary measures for ensuring safety and health of the sentenced person, and other matters necessary for the implementation of the outside work with commute travels.

- (4) The warden of the penal institution shall, prior to assigning an outside work with commute travels to a sentenced person, determine the rules which the sentenced person shall comply with concerning the outside work with commute travels (hereinafter referred to as "special compliance rules") and notify him/her of them.
- (5) Special compliance rules shall stipulate in a specific manner such matters as are set out under the following items:
  - (i) The sentenced person shall travel by a specified route and transportation means;
  - (ii) The sentenced person shall return to the penal institution by a specified time;
  - (iii) No sentenced person shall, without just cause, enter a place other than the place where he/she engages in the outside work with commute travels;
  - (iv) The sentenced person shall obey work-related instructions from the outside business operator;
  - (v) No sentenced person shall, without just cause, come in contact with a person of criminal tendencies, or those who would hinder adequate pursuance of correctional treatment.
- (6) In cases where a sentenced person on an outside work with commute travels has failed to obey either the compliance rules or the special compliance rules, or where it is deemed that there is a reason for judging that he/she is inappropriate for the outside work with commute travels, the warden of the penal institution may suspend it.

(Receipts from Work)

Article 97 The receipts from work shall vest in the national treasury.

(Incentive Remuneration)

Article 98 (1) The warden of the penal institution shall pay sentenced persons who have ever been engaged in work the incentive remuneration equivalent to the calculated amount of incentive remuneration as at the time of their respective releases on the occasion of the respective releases (or on the occasion where a sentenced person has become an inmate other than a sentenced person, in the case where he/she has so become).

- (2) The warden of the penal institution shall, pursuant to a Ministry of Justice Ordinance, add each month the amount of money calculated by taking into

consideration a sentenced person's achievements in the work and other factors related to the work in accordance with the standards provided for by the Minister of Justice as the amount of money corresponding to the work which the sentenced person accomplished in the previous month to the calculated amount of the incentive remuneration. However, with regard to the addition concerning the work in the month where the day of release belongs, the warden of the penal institution shall do it at the time of release.

- (3) The standards prescribed in the preceding paragraph shall be determined by taking into consideration relevant factors such as the kind and contents of the work or the knowledge and skills required for it.
- (4) Notwithstanding the provision of paragraph (1), in cases where a sentenced person requests to receive the incentive remuneration before his/her release, if it is deemed that the intended use of the incentive remuneration is reasonable, such as purchase of self-supplied articles, etc., support for his/her relatives, or appropriation for victim compensation, then the warden of the penal institution may, pursuant to a Ministry of Justice Ordinance, pay him/her all or a part of the amount in the request within the limit of the amount equivalent to the estimated amount of incentive remuneration at the time of the payment. In this case, the warden of the penal institution shall deduct the amount equivalent to the payment from the estimated amount of incentive remuneration due.
- (5) In cases where a sentenced person falls under any of the cases set out under the following items, if the sentenced person has not been committed to the penal institution until the day on which expires the period of six months starting from the day respectively stipulated in the items, then the calculated amount of incentive remuneration for him/her shall be nil:
  - (i) Cases where the sentenced person has escaped: The day of the escape;
  - (ii) Cases where the inmate has been liberated pursuant to the provision of paragraph (2) of Article 83 but failed to appear at the location prescribed in paragraph (3) of said Article promptly after the conditions which entailed the evacuation have ceased to exist: The day the conditions which entailed the evacuation have ceased to exist;
  - (iii) Cases of an outside work with commute travels, or a day leave or a furlough pursuant to the provision of paragraph (1) of Article 106 where the inmate has failed to return to the penal institution by the date and time specified by the warden of the penal institution: The said date.

(Payment to the Bereaved Family, Etc.)

Article 99 In cases where a sentenced person has deceased, the warden of the penal institution shall, pursuant to a Ministry of Justice Ordinance, pay to the bereaved family, etc. the amount equivalent to the incentive remuneration

which should have been paid to the sentenced person supposing that he/she had been released at the time of death.

(Compensations)

Article 100 (1) In cases where a sentenced person has deceased in the course of work (including the cases where a sentenced person who had suffered an injury or illness in the course of work became an inmate other than a sentenced person and then has deceased due to the injury or illness), the warden of the penal institution shall, pursuant to a Ministry of Justice Ordinance, pay the compensation for death to the bereaved family, etc.

(2) In cases where a sentenced person who suffered an injury or illness in the course of work still remains physically disabled after recovery (including the cases where a sentenced person who had suffered an injury or illness in the course of work became an inmate other than a sentenced person still remains physically disabled after recovery), the warden of the penal institution shall, pursuant to a Ministry of Justice Ordinance, pay the compensation for disabilities to the sentenced person, provided, however, that where the sentenced person has suffered an injury or illness intentionally or through gross negligence, the warden of the penal institution may opt not to pay at all or in part.

(3) The amount of compensations paid pursuant to the preceding two paragraphs shall be the amount calculated in accordance with the standards a Ministry of Justice Ordinance provides for by taking into consideration the standards on the amount of accident compensation pursuant to the Labor Standards Act (Act No. 49 of 1947).

(4) In cases where a sentenced person who suffered an injury or illness in the course of work is yet to be recovered from said injury or illness at the time of release (including the cases where a sentenced person who suffered an injury or illness in the course of work and then became an inmate other than a sentenced person and is yet to be recovered from said injury or illness at the time of release), if it is deemed reasonable by taking into consideration the nature, degree and other aspects of the injury or illness, then the warden of the penal institution shall, pursuant to a Ministry of Justice Ordinance, pay the special compensation to the sentenced person.

(Relation of Compensation to Indemnity for Damages)

Article 101 (1) In cases where the State is responsible for the damages pursuant to the State Redress Act (Act No. 125 of 1947), the Civil Code (Act No. 89 of 1896), or other laws, if compensations prescribed in the preceding Article has been paid, then the State shall be exempt, up to the amount of such payments, from the responsibility for the damages based on the same grounds.

(2) In the case prescribed in the preceding paragraph, if a sentenced person to whom compensations prescribed in the preceding Article shall be paid received the compensation for the damage pursuant to the State Redress Act, the Civil Code, or other laws, based on the same grounds, then the State shall be exempt, up to the amount of such payments, from the obligation to pay the compensations prescribed in said Article.

(Protection of the Right to Receive Compensation)

Article 102 (1) The right to receive the compensations prescribed in Article 100 shall not be transferred, mortgaged, or seized.

(2) The amount of money received as the compensations prescribed in Article 100 shall be free of taxes or other types of public imposts.

### **Subsection 3 Miscellaneous Guidance**

(Guidance for Reform)

Article 103 (1) The warden of the penal institution shall provide with necessary guidance to sentenced persons in order to awaken them to the responsibility for the crime, cultivate healthy mind and body, and acquire knowledge and lifestyle necessary for adapting themselves to life in society.

(2) Upon providing the guidance prescribed in the preceding paragraph to a sentenced person who has been deemed hindered from reformation and rehabilitation or from smooth re-entry into society due to such circumstances as are set out under the following items, the warden of the penal institution shall pay special attention to helping him/her to improve the circumstances:

- (i) Being dependent on drugs such as narcotics or stimulants;
- (ii) Being a gangster prescribed in item (vi) under Article 2 of the Act on Prevention of Unjust Acts by Organized Crime Groups (Act No. 77 of 1991);
- (iii) Other circumstances specified by a Ministry of Justice Ordinance.

(Guidance in School Courses)

Article 104 (1) The warden of the penal institution shall provide with guidance in school courses (i.e. guidance in such contents as are equivalent to those of school curriculum based on the School Education Act (Act No.26 of 1947); the same shall apply in the following paragraph) for the sentenced person who has been deemed hindered from reformation and rehabilitation or from smooth re-entry into society due to a lack of academic background fundamental to social life.

(2) In addition to what is prescribed in the preceding paragraph, the warden of the penal institution may provide a sentenced person for whom an improvement in academic ability is especially conducive for smooth re-entry

into society with the guidance in school courses suited to his/her academic ability.

(Date and Time of Guidance)

Article 105 The warden of the penal institution shall determine the date and time of the guidance prescribed in the preceding two articles in accordance with the standards provided for by a Ministry of Justice Ordinance.

#### **Subsection 4 Day Leave and Furlough**

(Day Leave and Furlough)

Article 106 (1) In cases where either a person sentenced to imprisonment with work or a person sentenced to imprisonment without work has served the period of time for parole qualification pursuant to the provisions of Article 28 of the Penal Code (including the cases where it is applied by replacing the terms pursuant to Article 21 of the Act on the Transnational Transfer of Sentenced Persons), Article 58 of the Juvenile Code, or Article 22 of the Act on the Transnational Transfer of Sentenced Persons, and falls under cases specified by a Ministry of Justice Ordinance, such as being placed in an open-type institution pursuant to the provision of paragraph (2) of Article 88, if it is deemed necessary that the sentenced person, for smooth re-entry to society, go outside the penal institution to settle important personal matters such as securement of his/her residence and employer following release, visit people relevant to his/her rehabilitation and to the guardianship thereof, or acquire other useful experience for life in society following his/her release, then the warden of the penal institution may permit him/her a day leave or a furlough for a definite period within seven days without an escort of staff members of the penal institution. However, the furlough shall be limited to the cases where a sentenced person has been serving for not less than six months.

(2) The provisions of paragraphs (4), (5) (except for item (iv)), and (6) of Article 96 shall apply mutatis mutandis to the day leave and furlough pursuant to the preceding paragraph.

(Exclusion from the Term of Punishment)

Article 107 In cases where a sentenced person on the furlough under the provision of the preceding Article has failed to return to the penal institution by the date and time the warden of the penal institution specified, the days of furlough shall not be included into the term of punishment; provided, however, that this shall not apply where the failure of his/her return was not attributable to his/her own negligence.



(Expenses for Day Leave and Furlough)

Article 108 With regard to the expenses required for a day leave or a furlough pursuant to the provision of paragraph (1) of Article 106, if a sentenced person is unable to bear them, or if the warden of the penal institution finds it appropriate, then all or a part of them shall be borne by the national treasury.

### **Subsection 5 Sentenced Persons Having the Status as an Unsentenced Person**

Article 109 (1) Upon applying the provisions of paragraph (1) of Article 84 and Article 89 to sentenced persons who have the status as an unsentenced person, the phrase "As correctional treatment," in paragraph (1) of Article 84 shall be read as "Within limits that do not harm the status as an unsentenced person and in so far as it is practicable in accordance with the term of detention, and as correctional treatment," and the term "Article 111" in item (iii) of Article 89 shall be read as "Article 111 as applied mutatis mutandis pursuant to Article 119."

(2) The provisions of Articles 86 to 88 inclusive and Article 96, and the provisions of the preceding Subsection shall not apply to sentenced persons having the status as an unsentenced person.

## **Section 11 Contact with the Outside World**

### **Subsection 1 Attention with Regard to Sentenced Persons**

Article 110 In permitting, prohibiting, suppressing, or imposing restrictions on a sentenced person's contact with the outside world (i.e. visits, correspondence, and the communications prescribed in paragraph (1) of Article 146; hereinafter the same shall apply in this Article), attention shall be paid that appropriate contact with the outside world is instrumental to his/her reformation and rehabilitation, and to his/her smooth re-entry into society.

### **Subsection 2 Visits**

#### **Division 1 Sentenced Persons**

(Visitors)

Article 111 (1) In cases where any of the persons listed in the following items requests to visit a sentenced person (except those having the status as an unsentenced person; hereinafter the same shall apply in this Division), the warden of the penal institution shall permit the sentenced person to receive the visit except the cases where it is prohibited pursuant to the provision of paragraph (3) of Article 148 or the provisions of the next Section:

- (i) Person who is a relative of the sentenced person;
  - (ii) Person with the necessity to have a visit in order to carry out a business pertaining to personally, legally, or occupationally important concern of the sentenced person, such as reconciliation of marital relations, pursuance of a lawsuit, or maintenance of a business;
  - (iii) Person whose visit is deemed instrumental to the reformation and rehabilitation of the sentenced person, such as a person pertaining to the rehabilitation service to and guardianship of the sentenced person or a person who has the intention to employ the sentenced person after release.
- (2) In cases where a person other than those listed in the items of the preceding paragraph requests to visit a sentenced person, if it is deemed that there is a circumstance where the visit is necessary for the maintenance of good relationship with the person or for any other reasons, and if it is deemed that there is no risk of causing either disruption of discipline and order in the penal institution or hindrance to the adequate pursuance of correctional treatment for the sentenced person, then the warden of the penal institution may permit the sentenced person to receive the visit.

(Attendance and Recording during Visits)

Article 112 In cases where it is deemed necessary for the maintenance of discipline and order in the penal institution or adequate pursuance of correctional treatment of a sentenced person, or for any other reasons, the warden of the penal institution may have a designated staff member attend a visit for the sentenced person or make a sound or video recording of it; provided, however, that this shall not apply where the sentenced person receives a visit from any of such persons as are listed in the following items, if there is a special circumstance where it is deemed likely to cause disruption of discipline and order in the penal institution:

- (i) National or local government official who conducts an inquiry into the measures taken by the warden of the penal institution toward the sentenced person, or any other treatment the sentenced person received;
- (ii) An attorney who discharges the duty prescribed in paragraph (1) under Article 3 of the Attorney Act (Act No.205 of 1949) with regard to the measures taken by the warden of the penal institution toward the sentenced person, or any other treatment the sentenced person received.

(Suspension and Termination on Visits)

Article 113 (1) In cases falling under any of the cases set out under the following items, a staff member of the penal institution may either restrain the conducts or oral statements, or suspend the visit. In this case, the staff member may order the sentenced person or the visitor to withdraw from the visiting site, or

may take any other necessary measures to suspend the visit:

- (i) Cases where the sentenced person or the visitor commits any act falling under either of acts set out under the following subitems (a) or (b):
  - (a) An act breaching the restrictions stipulated pursuant to the provision of paragraph (1) of the following Article;
  - (b) An act detrimental to discipline and order in the penal institution;
- (ii) If the sentenced person or the visitor makes any oral statement whose contents fall under any of the following subitems (a) to (e) inclusive:
  - (a) Contents which a staff member of the penal institution is unable to apprehend due to a use of specific kinds of communication such as a code;
  - (b) Contents which conspire, incite, or induce a commission of crime;
  - (c) Contents likely to cause disruption of discipline and order in the penal institution;
  - (d) Contents likely to hinder adequate pursuance of correctional treatment for the sentenced person;
  - (e) In cases of a visit permitted by reason that the visit is necessary in order to carry out a specific business, contents clearly deviates from what is required to carry out the business.
- (2) In cases where a visit is suspended pursuant to the provision of the preceding paragraph, if it is deemed inappropriate to continue the visit, then the warden of the penal institution may terminate the visit.

(Restrictions on Visits)

Article 114 (1) With regard to the visits a sentenced person receives, the warden of the penal institution may, pursuant to a Ministry of Justice Ordinance, impose such restrictions necessary for either the maintenance of discipline and order or the management and administration of the penal institution as to the number of visitors, the visiting site, date and time, duration and frequency of visits, and other conditions of visits.

- (2) In cases where the warden of the penal institution imposes restriction on frequency of visits pursuant to the provision of the preceding paragraph, the frequency shall be not less than twice per month.

## **Division 2 Unsentenced Persons**

(Visitors)

Article 115 In cases where a person requests to visit an unsentenced person (except those having the status as either a sentenced person or an inmate sentenced to death; hereinafter the same shall apply in this Division), the warden of the penal institution shall permit the unsentenced person to receive the visit except the cases where it is prohibited pursuant to the provision of

paragraph (3) under Article 148 or the provisions of the next Section; provided, however, that the foregoing shall not apply where receiving visit is not permitted by the provisions of the Code of Criminal Procedure.

(Attendance and Recording during Visits Other than Those from Defense Counsels, Etc.)

Article 116 (1) The warden of the penal institution shall have a designated staff member attend at any of the visits to unsentenced persons, other than those visits by a defense counsel, etc., or have the staff member make a sound or video recording of it; provided, however, that in cases where it is deemed that there is risk of causing neither disruption of discipline and order in the penal institution nor destruction of evidence, the warden of the penal institution may opt not to command the attendance or sound and video recording (referred to as "attendance, etc." in the following paragraph).

(2) Notwithstanding the provision of the preceding paragraph, the warden of the penal institution shall not command the attendance, etc. at a visit to an unsentenced person by any of the persons listed in Article 112, except where there is a special circumstance in which it is deemed likely to cause either disruption of discipline and order in the penal institution or destruction of evidence.

(Suspension and Termination on Visits)

Article 117 The provision of Article 113 (except for (e) under item (ii) of paragraph (1)) shall apply mutatis mutandis to the visits an unsentenced inmate receives. In this case, the phrase "under the following items" in said paragraph shall be read as "under the following items (limited to (b) under item (i) in the case of a visit by a defense counsel, etc.)", the phrase "hinder adequate pursuance of correctional treatment for the sentenced person" in (d) under item (ii) of said paragraph shall be read as "cause destruction of evidence."

(Restrictions on Visits)

Article 118 (1) The date and time of visits to an unsentenced person by the defense counsel, etc. shall be during working hours of the penal institution for the day except Sunday and other days specified by a Cabinet Order.

(2) The number of visitors in a visit prescribed in the preceding paragraph shall be three or less.

(3) Even in the cases where a defense counsel, etc. requests to visit an unsentenced person not on the basis of the preceding two paragraphs, the warden of the penal institution shall permit the unsentenced person to receive the visit except the cases where it does hinder the management and

administration of the penal institution.

- (4) The warden of the penal institution may, pursuant to a Ministry of Justice Ordinance, impose such restrictions on the visiting site that are necessary for either the maintenance of discipline and order or the management and administration of the penal institution as to the visit prescribed in paragraph (1).
- (5) The provision of Article 114 shall apply mutatis mutandis to the visit to an unsentenced person by a person other than a defense counsels, etc. In this case, the phrase "twice per month" in paragraph (2) of said Article shall be read as "once per day."

### **Division 3 Sentenced Persons Having the Status as an Unsentenced Person**

Article 119 The provisions of Articles 111, 113, 114, and 116, and paragraphs (1) to (4) inclusive under the preceding Article shall apply mutatis mutandis to the visits received by a sentenced person having the status as an unsentenced person. In this case, the phrase "the next Section" in paragraph (1) of Article 111 shall be read as "the next Section and where receiving visit is not permitted by the provisions of the Code of Criminal Procedure" ; the phrase "receive the visit" in paragraph (2) of said Article shall be read as "receive the visit except where it is not permitted by the provisions of the Code of Criminal Procedure" ; the phrase "under the following items" in paragraph (1) of Article 113 shall be read as "under the following items (limited to (b) under item (i) in the case of a visit by a defense counsel, etc.)" ; the term "hinder" in (d) under item (ii) of said paragraph shall be read as "cause destruction of evidence or hinder" ; and the term "receives" in paragraph (1) of Article 114 shall be read as "receives (except for visits by a defense counsel, etc.)."

### **Division 4 Inmates Sentenced to Death**

(Visitors)

Article 120 (1) In cases where any of the persons listed in the following items requests to visit an inmate sentenced to death (except those having the status as an unsentenced person; hereinafter the same shall apply in this Division), the warden of the penal institution shall permit the inmate sentenced to death to receive the visit except the cases where it is prohibited pursuant to the provision of paragraph (3) under Article 148 or the provisions of the next Section:

- (i) A person who is a relative of the inmate sentenced to death;
- (ii) A person with the necessity to have a visit in order to carry out a business

pertaining to personally, legally, or occupationally important concern of the inmate sentenced to death, such as reconciliation of marital relations, pursuance of a lawsuit, or maintenance of a business;

(iii) A person whose visit is deemed instrumental to help the inmate sentenced to death maintain peace of mind.

(2) In cases where a person other than those listed in the items of the preceding paragraph requests to visit an inmate sentenced to death, if it is deemed that there is a circumstance where the visit is necessary for the maintenance of good relationship with the person or for any other reasons, and if it is deemed that there is no risk of causing disruption of discipline and order in the penal institution, then the warden of the penal institution may permit the inmate sentenced to death to receive the visit.

(Attendance and Recording during Visits)

Article 121 The warden of the penal institution shall have a designated staff member attend at a visit to an inmate sentenced to death, or make a sound or video recording of it; provided, however, that this shall not apply in cases where there is a circumstance to be concluded that not having the attendance or the sound or video recording is appropriate in order to protect such legitimate interest of the inmate sentenced to death as arrangements for a lawsuit, and if such conclusion is deemed appropriate.

(Suspension and Termination on Visits)

Article 122 The provisions of Article 113 (except for (d) under item (ii) of paragraph (1)) and Article 114 shall apply mutatis mutandis to the visits received by an inmate sentenced to death. In this case, the phrase "twice per month" in paragraph (2) of said Article shall be read as "once per day."

#### **Division 5 Inmates Sentenced to Death Having the Status as an Unsentenced Person**

Article 123 The provisions of Articles 113, 118, 120, and 121 shall apply mutatis mutandis to the visits received by an inmate sentenced to death having the status as an unsentenced person. In this case, the phrase "under the following items" in paragraph (1) of Article 113 shall be read as "under the following items (limited to (b) under item (i) in the case of a visit by a defense counsel., etc.)"; the phrase "hinder adequate pursuance of correctional treatment for the sentenced person" in (d) under item (ii) of said paragraph shall be read as "cause destruction of evidence"; the phrase "the next Section" in paragraph (1) of Article 120 shall be read as "the next Section and where receiving visit is not permitted by the provisions of the Code of Criminal Procedure"; the phrase

"receive the visit" in paragraph (2) of said Article shall be read as "receive the visit except the cases where it is not permitted by the provisions of the Code of Criminal Procedure" ; and the term "visit" in Article 121 shall be read as "visit (except those by a defense counsel, etc.)."

### **Division 6 Miscellaneous Inmates**

(Visitors)

Article 124 In cases where a person requests to visit a miscellaneous inmate, the warden of the penal institution shall permit the miscellaneous inmate to receive the visit except the cases where it is prohibited pursuant to the provision of paragraph (3) under Article 148 or the provisions of the next Section.

(Attendance, Etc. during Visits to Miscellaneous Inmates)

Article 125 The provisions of Articles 112, 113 (except (d) and (e) under item (ii) of paragraph (1) thereunder), and 114 shall apply mutatis mutandis to the visits a miscellaneous inmate receives. In this case, the phrase "adequate pursuance of correctional treatment of a sentenced person, or for any other" in paragraph (1) of Article 112 shall be read as "for any other" ; the phrase "twice per month" in paragraph (2) of Article 114 shall be read as "once per day."

### **Subsection 3 Correspondence**

#### **Division 1 Sentenced Persons**

(Letters Permitted to Send or Receive)

Article 126 The warden of the penal institution shall permit a sentenced person (except those having the status as an unsentenced person; hereinafter the same shall apply in this Division) to send and receive letters to and from another person, except the cases where it is prohibited to do so by the provisions of this Division, paragraph (3) of Article 148, and the next Section.

(Examination of Letters)

Article 127 (1) In cases where it is deemed necessary for the maintenance of discipline and order in the penal institution or for adequate pursuance of correctional treatment for a sentenced person, or for any other reasons, the warden of the penal institution may have a designated staff member examine the letters the sentenced person sends and receives.

(2) With regard to the letters set out under the following items, the designated staff member shall examine them within the limit necessary for ascertaining that the letters fall under any of the following items; provided, however,

concerning the letters listed in item (iii), this shall not apply where there is a special circumstance in which it is deemed likely to cause disruption of discipline and order in the penal institution:

- (i) Letters a sentenced person receives from a national or local government agency;
- (ii) Letters a sentenced person sends to a national or local government agency which conducts an inquiry into the measures taken by the warden of the penal institution toward the sentenced person, or any other treatment the sentenced person received;
- (iii) Letters a sentenced person sends to or receives from an attorney (including a legal professional corporation, hereinafter the same shall apply in this Subsection) who discharges the duty prescribed in paragraph (1) of Article 3 of the Attorney Act with regard to the measures taken by the warden of the penal institution toward the sentenced person, or any other treatment the sentenced person received.

(Prohibition of Correspondence)

Article 128 With regard to the persons (except for relatives of the sentenced person) who have criminal tendencies or are likely to either disrupt discipline and order in the penal institution or hinder the adequate pursuance of correctional treatment for a sentenced person by receiving from or sending to the sentenced person, the warden of the penal institution may prohibit the sentenced person from sending to or receiving from them; provided, however, that this shall not apply where the sentenced person sends to or receives from the persons in order to carry out a business pertaining to personally, legally, or occupationally important concern of the sentenced person, such as reconciliation of marital relations, pursuance of a lawsuit, or maintenance of a business.

(Suppression, Etc. of Letters by Contents)

Article 129 (1) In cases where it is found, as the result of the examination pursuant to the provision of Article 127, that all or a part of a letter a sentenced person sends or receives falls under the cases set out under the following items, the warden of the penal institution may suppress the sending or receiving, or remove or erase the said part of the letter. The same shall apply where all or a part of the letter listed in paragraph (2) of said Article is found, in the course of ascertaining that the letter falls under the cases set out under the items thereunder, to fall under the cases set out under the following items:

- (i) Cases where the contents of the letter or a part thereof are the kind that a staff member of the penal institution is unable to understand due to a use of



- specific kinds of communication such as a code;
- (ii) Cases where there is a risk of either infringing penal laws and regulations or causing infringement of penal laws and regulations by sending or receiving the letter or a part thereof;
  - (iii) Cases where there is a risk of causing disruption of discipline and order in the penal institution by sending or receiving the letter or a part thereof;
  - (iv) Cases where there is a risk of either causing the addressee considerable uneasiness or inflicting a loss to the addressee because the contents of the letter or a part thereof include intimidating descriptions or clearly false descriptions;
  - (v) Cases where the contents of the letter or a part thereof include insulting descriptions of the addressee;
  - (vi) Cases where there is a risk of hindering adequate pursuance of correctional treatment for the sentenced person by sending or receiving the letter or a part thereof.
- (2) Notwithstanding the provision of the preceding paragraph, with regard to either letters a sentenced person sends to or receives from a national or local government agency and whose contents include the matters under the authority of the agency, or letters a sentenced person sends to or receives from an attorney who discharges the duty prescribed in paragraph (1) of Article 3 of the Attorney Act with regard to the sentenced person, the warden of the penal institution may suppress their sending or receiving, or remove or erase the concerned part of them only when all or a part of the letter falls under any of items (i) to (iii) inclusive under the preceding paragraph.

(Restrictions on Letters)

Article 130 (1) The warden of the penal institution may, pursuant to a Ministry of Justice Ordinance, impose restrictions necessary for the management and administration of the penal institution upon the manner in preparing letters, the date and time to claim to send letters, the number of letters a sentenced person may claim to send, and the procedures for sending or receiving letters of the sentenced person.

- (2) In cases where the warden of the penal institution imposes restriction on the number of letters a sentenced person may claim to send pursuant to the provision of the preceding paragraph, the number shall be not less than four per month.

(Expenses of Sending)

Article 131 With regard to the expenses required for sending letters, in cases where a sentenced person is unable to bear them, if the warden of the penal institution finds it appropriate in light of the purpose of the sending, then all

or a part of them shall be borne by the national treasury.

(Handling of Prohibited Letter, Etc.)

Article 132 (1) The warden of the penal institution shall retain the letter in case he/she prohibits or suppresses sending or receiving of it pursuant to the provisions of Article 128 or 129 or paragraph (3) of Article 148, or shall retain the removed part of a letter in case he/she removes a part of a letter pursuant to the provision of Article 129.

(2) In cases where the warden of the penal institution erases a part of descriptions in a letter pursuant to the provision of Article 129, he/she shall make a copy of the part and retain it.

(3) The warden of the penal institution shall deliver all or a part of the letter or the copy (hereinafter referred to as "prohibited letter, etc." in this Chapter) he/she retains pursuant to the provisions of the preceding two paragraphs to the sentenced person upon his/her release.

(4) In cases where a sentenced person has deceased, the warden of the penal institution shall, pursuant to a Ministry of Justice Ordinance, deliver the prohibited letter, etc. to the bereaved family, etc. upon claim thereof.

(5) Notwithstanding the provisions of the preceding two paragraphs, in cases where there is a risk of causing hindrance to the maintenance of discipline and order in the penal institution by the delivery of the prohibited letter, etc., the warden of the penal institution shall not deliver them. The same shall apply to the following cases where there is a risk of causing hindrance to the maintenance of discipline and order in the penal institution by the delivery thereof:

(i) Cases where a released sentenced person requests to deliver the prohibited letter, etc. after release;

(ii) Cases where a sentenced person who falls under any of the items of paragraph (1) under Article 54 requests to deliver the prohibited letter, etc.

(6) The provisions of paragraph (1) of Article 53, paragraph (1) of Article 54, paragraphs (2) and (3) of Article 55 shall apply mutatis mutandis to the prohibited letter, etc. (except those not being delivered pursuant to the provision of the preceding paragraph) pertaining to a sentenced person. In this case, the phrase "claim set forth in paragraph (1)" in paragraph (3) of said Article shall be read as "claim set forth in paragraph (4) of Article 132."

(7) The prohibited letter, etc. not being delivered pursuant to the provision of paragraph (5) shall vest in the national treasury on the day on which expires the period of three years starting either from the day of the release or the death of the sentenced person, or from the day on which the sentenced person has fallen under any of the items of paragraph (1) under Article 54.

(Documents and Drawings Prepared by Sentenced Persons)

Article 133 In cases where a sentenced person claims to deliver a document or a drawing (except for letters) prepared by him/herself to another person, the warden of the penal institution may implement examination or any other measures according to those for the letter a sentenced person sends.

## **Division 2 Unsentenced Persons**

(Letters Permitted to Send or Receive)

Article 134 The warden of the penal institution shall permit an unsentenced person (except those having the status as either a sentenced person or an inmate sentenced to death; hereinafter the same shall apply in this Division) to send and receive letters to and from another person, except where it is prohibited pursuant to the provisions of this Division, paragraph (3) of Article 148, or the next Section; provided, however, that this shall not apply where sending or receiving letters is not permitted by the provisions of the Code of Criminal Procedure.

(Examination of Letters)

Article 135 (1) The warden of the penal institution shall have a designated staff member examine the letters an unsentenced person sends and receives.

(2) With regard to the letters set out under the following items, the designated staff member shall examine them within the limit necessary for ascertaining that the letters fall under any of the following items; provided, however, concerning the letters listed in item (iii), this shall not apply where there is a special circumstance in which it is deemed likely to cause either disruption of discipline and order in the penal institution or destruction of evidence:

(i) Letters an unsentenced person receives from a defense counsel, etc.;

(ii) Letters an unsentenced person receives from a national or local government agency;

(iii) Letters an unsentenced person receives from an attorney who discharges the duty prescribed in paragraph (1) of Article 3 of the Attorney Act with regard to the measure taken by the warden of the penal institution toward the unsentenced person, or any other treatment the unsentenced person received.

(3) In cases where it is deemed that there is no risk of causing either disruption of discipline and order in the penal institution or destruction of evidence, the warden of the penal institution may, notwithstanding the provisions of the preceding two paragraphs, not opt to command the examination set forth in paragraph (1).

(Suppression, Etc. of Letters by Contents)

Article 136 The provisions of Articles 129 to 133 inclusive shall apply mutatis mutandis to the letters an unsentenced person sends or receives. In this case, the term "Article 127" in paragraph (1) of Article 129 shall be read as "Article 135" ; the phrase "hindering adequate pursuance of correctional treatment for the sentenced person" in item (vi) of said paragraph shall be read as "causing destruction of evidence" ; the phrase "inclusive" in paragraph (2) of said Article shall be read as "inclusive or item (vi)" ; the phrase "the number of letters" in paragraph (1) of Article 130 shall be read as "the number of letters (except those for a defense counsel, etc.)" ; the phrase "four per month" in paragraph (2) of said Article shall be read as "one per day" ; the phrase "Article 128 or 129" in paragraph (1) of Article 132 shall be read as "Article 129" ; the phrase "any of the items of paragraph (1) under Article 54" in item (ii) of paragraph (5) and paragraph (7) of said Article shall be read as "item (i) or (ii) of paragraph (1) under Article 54" ; and the phrase "paragraph (1) of Article 54" in paragraph (6) of said Article shall be read as "paragraph (1) (except for item (iii)) of Article 54."

### **Division 3 Sentenced Persons Having the Status as an Unsentenced Person**

(Letters Permitted to Send or Receive)

Article 137 The warden of the penal institution shall permit a sentenced person having the status as an unsentenced person to send and receive letters to and from another person, except where it is prohibited pursuant to the provisions of this Division, paragraph (3) of Article 148, or the next Section; provided, however, that this shall not apply where sending or receiving letters is not permitted by the provisions of the Code of Criminal Procedure.

(Prohibition of Correspondence)

Article 138 The provisions of Articles 128 to 133 inclusive and Article 135 shall apply mutatis mutandis to the letters which a sentenced person having the status as an unsentenced person sends or receives. In this case, the term "Article 127" in paragraph (1) of Article 129 shall be read as "Article 135 as applied mutatis mutandis pursuant to Article 138" ; the term "hindering" in item (vi) of said paragraph shall be read as "causing destruction of evidence or hindering" ; the phrase "inclusive under the preceding paragraph" in paragraph (2) of said Article shall be read as "inclusive under the preceding paragraph or is likely to cause destruction of evidence" ; the phrase "the number of letters" in paragraph (1) of Article 130 shall be read as "the number of letters (except those for a defense counsel, etc.)" ; the phrase "any of the

items of paragraph (1) under Article 54" in item (ii) of paragraph (5) and paragraph (7) under Article 132 shall be read as "item (i) or (ii) of paragraph (1) under Article 54" ; and the phrase "paragraph (1) of Article 54" in paragraph (6) of said Article shall be read as "paragraph (1) (except for item (iii)) of Article 54."

#### **Division 4 Inmates Sentenced to Death**

(Letters Permitted to Send or Receive)

Article 139 (1) The warden of the penal institution shall permit an inmate sentenced to death (except those having the status as an unsentenced person; hereinafter the same shall apply in this Division) to send or receive the letters under the following items except where it is prohibited by the provisions of this Division, paragraph (3) of Article 148, and the next Section.

- (i) Letters the inmate sentenced to death sends to or receives from his/her relative;
- (ii) Letters which the inmate sentenced to death sends and receives in order to carry out a business pertaining to personally, legally, or occupationally important concern of the inmate sentenced to death, such as reconciliation of marital relations, pursuance of a lawsuit, or maintenance of a business;
- (iii) Letters deemed to be instrumental to help the inmate sentenced to death maintain peace of mind.

(2) The warden of the penal institution may permit an inmate sentenced to death to send or receive letters other than those listed in the preceding paragraph in cases where it is deemed that there is a circumstance where the sending or receiving is necessary for the maintenance of good relationship with the addressee, or for any other reasons, and if it is deemed that there is no risk of causing disruption of discipline and order in the penal institution.

(Examination of Letters)

Article 140 (1) The warden of the penal institution shall have a designated staff member examine the letters which an inmate sentenced to death sends or receives.

(2) The provision of paragraph (2) of Article 127 shall apply mutatis mutandis to the examination set forth in the preceding paragraph.

(Suppression, Etc. of Letters by Contents)

Article 141 The provisions of Article 129 (except for item (vi) of paragraph (1)) and Articles 130 to 133 inclusive shall apply mutatis mutandis to the letters an inmate sentenced to death sends or receives. In this case, the term "Article 127" in paragraph (1) of Article 129 shall be read as "Article 140" ; the phrase

"four per month" in paragraph (2) of Article 130 shall be read as "one per day" ; the phrase "Article 128 or 129" in paragraph (1) of Article 132 shall be read as "Article 129" ; the phrase "any of the items of paragraph (1) under Article 54" in item (ii) of paragraph (5) and paragraph (7) under said Article shall be read as "item (i) or (ii) of paragraph (1) under Article 54" ; and the term "paragraph (1) of Article 54" in paragraph (6) of said Article shall be read as "paragraph (1) (except for item (iii)) of Article 54."

### **Division 5 Inmates Sentenced to Death Having the Status as an Unsentenced Person**

Article 142 The provisions of Articles 129 to 133 inclusive, paragraphs (1) and (2) of Article 135, and Article 139 shall apply mutatis mutandis to the letters which an inmate sentenced to death having the status as an unsentenced person sends or receives. In this case, the term "Article 127" in paragraph (1) of Article 129 shall be read as "paragraphs (1) and (2) of Article 135 as applied mutatis mutandis pursuant to Article 142" ; the phrase "hindering adequate pursuance of correctional treatment for the sentenced person" in item (vi) of said paragraph shall be read as "causing destruction of evidence" ; the phrase "inclusive" in paragraph (2) of said Article shall be read as "inclusive or item (vi)" ; the phrase "the number of letters" in paragraph (1) of Article 130 shall be read as "the number of letters (except those for a defense counsel, etc.)" ; the phrase "four per month" in paragraph (2) of said Article shall be read as "one per day" ; the phrase "Article 128 or 129" in paragraph (1) of Article 132 shall be read as "Article 129" ; the phrase "any of the items of paragraph (1) under Article 54" in item (ii) of paragraph (5) and paragraph (7) of said Article shall be read as "item (i) or (ii) of paragraph (1) under Article 54" ; and the phrase "paragraph (1) of Article 54" in paragraph (6) of said Article shall be read as "paragraph (1) (except for item (iii)) of Article 54" ; the phrase "in this Division" in paragraph (1) of Article 139 shall be read as "in the next Division," the phrase "the next Section" shall be read as "the next Section and where it is not permitted by the provisions of the Code of Criminal Procedure," and the phrase "may permit" in paragraph (2) of said Article shall be read as "may, except where it is not permitted by the provisions of the Code of Criminal Procedure, permit."

### **Division 6 Miscellaneous Inmates**

(Letters Permitted to Send or Receive)

Article 143 The warden of the penal institution shall permit a miscellaneous inmate to send and receive letters to and from another person, except where it

is prohibited pursuant to the provisions of this Division, paragraph (3) of Article 148, or the next Section.

(Examination of Letters, Etc.)

Article 144 The provisions of Article 127, Article 129 (except for item (vi) of paragraph (1)), and Articles 130 to 133 inclusive shall apply mutatis mutandis to the letters a miscellaneous inmate sends or receives. In this case, the phrase "adequate pursuance of correctional treatment for a sentenced person, or for any other" in paragraph (1) of Article 127 shall be read as "any other" ; the phrase "four per month" in paragraph (2) of Article 130 shall be read as "one per day" ; the phrase "Article 128 or 129" in paragraph (1) of Article 132 shall be read as "Article 129" ; the phrase "any of the items of paragraph (1) under Article 54" in item (ii) of paragraph (5) and paragraph (7) of said Article shall be read as "item (i) or (ii) of paragraph (1) under Article 54" ; and the phrase "paragraph (1) of Article 54" in paragraph (6) of said Article shall be read as "paragraph (1) (except for item (iii)) of Article 54."

#### **Subsection 4 Visits and Correspondence Regarding Inmates of Defendant or Suspect**

Article 145 Visits to an inmate who is a defendant or a suspect (except those having the status as an unsentenced person) by a defense counsel, etc. and correspondence between the inmate and the defense counsel, etc. shall be governed by the same rules as the provisions (except for item (vi) of paragraph (1) under Article 129 as applied mutatis mutandis pursuant to Article 136) with regard to the visits to an unsentenced person by a defense counsel, etc. and correspondence between the unsentenced person and the defense counsel, etc. prescribed in the Division 2 of Subsection 2 or Division 2 of the preceding Subsection.

#### **Subsection 5 Communications by Telephone and Other Means of Telecommunication**

(Communications by Telephone, Etc.)

Article 146 (1) In cases where a sentenced person (except those having the status as an unsentenced person; hereinafter the same shall apply in this Subsection) falls under the cases specified by a Ministry of Justice Ordinance, such as being placed in an open-type institution pursuant to the provision of paragraph (2) under Article 88, if it is deemed instrumental either for his/her reformation and rehabilitation or for his/her smooth re-entry to society, or if it is deemed appropriate, then the warden of the penal institution may permit

him/her to engage in communication by telephone or by other means of telecommunication provided for by a Cabinet Order.

(2) The provision of Article 131 shall apply mutatis mutandis to the communication set forth in the preceding paragraph.

(Examination of Communication)

Article 147 (1) In cases where it is deemed necessary for the maintenance of discipline and order in the penal institution or for adequate pursuance of correctional treatment for the sentenced person, or for any other reasons, the warden of the penal institution may have a designated staff member monitor the communication set forth in paragraph (1) of the preceding Article or make a record of the contents of the communication in order to examine it.

(2) The provisions of paragraph (1) (except for (a), item (i)) and paragraph (2) of Article 113 shall apply mutatis mutandis to the communication set forth in paragraph (1) of the preceding Article.

### **Subsection 6 Visits, Etc. in Foreign Languages**

Article 148 (1) In cases where an inmate or the other party of visits, etc. (i.e. visits and the communication prescribed in paragraph (1) of Article 146; hereinafter the same shall apply in this Article) does not have a sufficient command of the national language, the warden of the penal institution shall permit a visit, etc. in a foreign language. In this case, if interpretation or translation is necessary in order to examine the oral statements or the communication, then the warden of the penal institution may, pursuant to a Ministry of Justice Ordinance, charge the expenses thereby incurred to the inmate.

(2) In cases where an inmate or the other party of correspondence does not have a sufficient command of the national language, or where deemed appropriate, the warden shall permit to send or receive a letter in a foreign language. In this case, if translation is necessary in order to examine the contents of the letter, then the warden of the penal institution may, pursuant to a Ministry of Justice Ordinance, charge the expenses thereby incurred to the inmate.

(3) In cases where the inmate does not bear the expenses prescribed in the preceding two paragraphs, the visits, etc. or the correspondence shall not be permitted.

### **Section 12 Rewards and Disciplinary Punishments**

(Rewards)

Article 149 In cases where an inmate falls under any of the cases set out under



the following items, the warden of the penal institution may, pursuant to a Ministry of Justice Ordinance, reward him/her by giving reward money or reward articles, or by other means:

- (i) Cases where the inmate has saved the life of a person;
- (ii) Cases where the inmate has engaged in an emergency work prescribed in paragraph (1) of Article 82 and has performed a distinguished service;
- (iii) Cases where the inmate has achieved worthy of commendation in addition to what is listed in the preceding two items.

#### (Conditions of Disciplinary Punishments)

Article 150 (1) In cases where an inmate refused to comply with either the compliance rules or the special compliance rules prescribed in paragraph (4) of Article 96 (including the cases where it is applied *mutatis mutandis* pursuant to paragraph (2) of Article 106), or disobeyed the instruction of a staff member of the penal institution based on paragraph (3) of Article 74, the warden of the penal institution may impose disciplinary punishments to the inmate.

(2) In imposing disciplinary punishments, the warden of the penal institution shall take into consideration such conditions with regard to the inmate who committed the act based on which disciplinary punishments are to be imposed (hereinafter referred to as "disciplinary offense") as the age, mental and physical conditions, and behavior of the inmate, as well as the nature, gravity, and motive of the disciplinary offense, and the impact which the disciplinary offense has imposed on the administration of the penal institution, the inmate's attitude after the disciplinary offense, and, in cases of a sentenced person, the impact which the disciplinary punishments imposes on his/her prospective reformation and rehabilitation.

(3) Disciplinary punishments shall not exceed the limit necessary to deter the disciplinary offense.

#### (Categories of Disciplinary Punishments)

Article 151 (1) The categories of disciplinary punishments which may be imposed on sentenced persons shall be as are set out under the following items:

- (i) Admonition;
- (ii) Suspension from the work pursuant to the provision of Article 93 for a period not exceeding ten days;
- (iii) Complete or partial suspension from the use or consumption of self-supplied articles pursuant to paragraph (1) of Article 41 for a period not exceeding fifteen days;
- (iv) Complete or partial suspension of access to books, etc. (except those deemed necessary for the protection of the rights of defendant or suspect, or for the protection of rights such as to make arrangements for a lawsuit; the

- same shall apply in item (iii) of paragraph (3) and item (iii) of paragraph (1) under the following Article) for a period not exceeding thirty days;
- (v) Reduction of up to one-third of calculated amount of incentive remuneration;
  - (vi) Confinement for a period not exceeding thirty days (for a person not less than twenty years of age at the time of imposing a disciplinary punishment, if the circumstances are especially serious, for a period not exceeding sixty days).
- (2) Disciplinary punishments listed in items (ii) to (v) inclusive under the preceding paragraph may be imposed cumulatively; and the disciplinary punishment listed in item (vi) of said paragraph (hereinafter referred to as "disciplinary confinement" in this Section) and the disciplinary punishment listed in item (v) of said paragraph may be imposed cumulatively.
- (3) The categories of disciplinary punishments which may be imposed on inmates other than sentenced persons shall be as are set out under the following items:
- (i) Admonition;
  - (ii) Complete or partial suspension from the use or consumption of self-supplied articles pursuant to paragraph (2) of Article 41 for a period not exceeding fifteen days;
  - (iii) Complete or partial suspension of access to books, etc. for a period not exceeding thirty days;
  - (iv) Disciplinary confinement.
- (4) Disciplinary punishments listed in item (ii) and item (iii) of the preceding paragraph may be imposed cumulatively.

(Contents of Disciplinary Confinement)

Article 152 (1) Disciplinary confinement shall be comprised of the suspension of such acts as are set out in the following items and, pursuant to a Ministry of Justice, of confinement to an inmate's room:

- (i) To use or consume self-supplied articles (except those specified by the warden of the penal institution) pursuant to Article 41;
- (ii) To participate in religious ceremonies or receive religious teachings with other inmates;
- (iii) To access to books, etc.;
- (iv) To engage in self-contracted works;
- (v) To receive visits (except cases where he/she receives a visit from a defense counsel, etc., and where it is deemed necessary for the protection of the rights of defendant or suspect, or for the protection of rights such as to make arrangements for a lawsuit);
- (vi) To send or receive letters (except cases where the sending or receiving is to or from a defense counsel, etc., and where it is deemed necessary for the

protection of the rights of defendant or suspect, or for the protection of rights such as to make arrangements for a lawsuit).

- (2) Notwithstanding the provision of Article 57, an inmate serving a disciplinary confinement shall, in accordance with the standards provided for by a Ministry of Justice Ordinance, be restricted from exercise so far as it does not hinder the maintenance of his/her good health.
- (3) A sentenced person serving a disciplinary confinement shall be given correctional treatment, etc. to the extent the treatment is not inconsistent with the purpose of the confinement.

(Vesting of Objects Related to Disciplinary Offenses in the National Treasury)

Article 153 Upon imposing disciplinary punishments, the warden of the penal institution may, if it is necessary for the maintenance of discipline and order in the penal institution, vest the objects set out under the following items in the national treasury; provided, however, that this shall not apply to the objects which belong to a person other than the inmate committed the disciplinary offense:

- (i) Object which is a component of a disciplinary offense;
- (ii) Object used or intended for use in the commission of a disciplinary offense;
- (iii) Object produced or acquired by means of a disciplinary offense or an object acquired as reward for a disciplinary offense;
- (iv) Object received in exchange for the object set forth in the preceding item.

(Inquiry of Disciplinary Offense)

Article 154 (1) In cases where it is suspected that an inmate has committed a disciplinary offense, the warden of the penal institution shall, as promptly as practicable, inquire into whether or not the disciplinary offense has been committed, and the circumstances which shall be taken into consideration pursuant to the provision of paragraph (2) of Article 150, and whether or not the conditions for the disposition pursuant to the provision of the preceding Article exist.

- (2) The warden of the penal institution may, if necessary to carry out the inquiry prescribed in the preceding paragraph, have prison officers search inmate's body, clothes, personal belongings, and room, and deprive of the inmate's personal belongings and temporarily take custody thereof.
- (3) The provision of paragraph (2) of Article 34 shall apply mutatis mutandis to the search of the body and clothes of female inmates pursuant to the provision of the preceding paragraph.
- (4) In cases where it is suspected that a sentenced person has committed a disciplinary offense, the warden of the penal institution may, if necessary, isolate him/her from the other inmates. In the case of the foregoing, the

treatment of the sentenced person shall be conducted in an inmate's room throughout day and night except for the cases specified by a Ministry of Justice Ordinance, such as the case of exercise, bathing, or visits.

- (5) The period of isolation pursuant to the provision of the preceding paragraph shall be two weeks. However, if a compelling reason is deemed to exist, then the warden of the penal institution may extend the period for no more than two weeks.
- (6) If the necessity for isolation has ceased to exist, then the warden of the penal institution shall immediately suspend the isolation even during the period set forth in the preceding paragraph.

#### (Procedures for Imposing Disciplinary Punishments)

Article 155 (1) In cases where the warden of the penal institution intends to impose disciplinary punishments on an inmate, the warden shall, pursuant to a Ministry of Justice Ordinance, designate three or more staff members to conduct a hearing of the inmate, and shall furnish the inmate with an opportunity for explanation. In this case, the warden of the penal institution shall notify the inmate in writing of the date and time of, or the deadline for, the explanation to be given, as well as the summary of the facts being the basis of the disciplinary punishments (including the disposition pursuant to the provision of Article 153; hereinafter the same shall apply in the following paragraph and the following Article), and at the same time designate a person in charge of the inmate's assistance from among the staff of the penal institution.

- (2) The staff members designated pursuant to the first sentence of the preceding paragraph shall confer on both the propriety of imposing the disciplinary punishments and the contents of disciplinary punishments to be imposed, and then submit a written report which describes both the opinions on the matters so conferred and the contents of the inmate's explanations, to the warden of the penal institution.

#### (Execution of Disciplinary Punishments)

Article 156 (1) In imposing a disciplinary punishment, the warden of the penal institution shall notify the inmate of the contents of the disciplinary punishment and the summary of the facts found as the cause of the disciplinary punishment, and then execute it immediately; provided, however, that in cases where the signs of repentance is evident or there is other reasonable grounds, the warden of the penal institution may postpone the execution or remit all or a part of the disciplinary punishment.

- (2) In executing a disciplinary confinement, the warden of the penal institution shall obtain the opinion of a medical doctor on the staff of the penal institution

about the health condition of the inmate concerned.

### **Section 13 Appeal**

#### **Subsection 1 Claim for Review and Reclaim for Review**

(Claim for Review)

Article 157 (1) Any person who is dissatisfied with such measures as are set out in the following items and taken by the warden of the penal institution may, in writing, file a claim for review with the Superintendent of the Regional Correction Headquarters who has jurisdiction over the location of the penal institution:

- (i) Prohibition of use or consumption of self-supplied articles pursuant to the provision of paragraph (2) of Article 41;
- (ii) Prohibition of use of retained cash pursuant to the provision of Article 49, or prohibition of delivery of self-retained articles, or retained cash and articles pursuant to the provision of Article 50;
- (iii) Prohibition of receiving a medical treatment pursuant to the provision of paragraph (1) of Article 63, or suspension of medical treatment pursuant to the provision of paragraph (4) of said Article;
- (iv) Prohibition of or restriction on religious acts prescribed in Article 67;
- (v) Prohibition of or restriction on access to books, etc. pursuant to the provision of paragraph (1) of Article 70 or Article 71;
- (vi) Disposition of charging expenses pursuant to the provision of paragraph (2) of Article 70;
- (vii) Isolation pursuant to the provision of paragraph (1) of Article 76
- (viii) Disposition with regard to the payment of incentive remuneration pursuant to the provision of paragraph (1) of Article 98;
- (ix) Disposition with regard to the payment of compensation for disabilities pursuant to the provision of paragraph (2) of Article 100 (including the cases where it is applied mutatis mutandis pursuant to paragraph (2) of Article 82);
- (x) Disposition with regard to the payment of special compensation pursuant to the provision of paragraph (4) of Article 100 (including the cases where it is applied mutatis mutandis pursuant to paragraph (2) of Article 82);
- (xi) Any prohibition or suppression of, or restriction on correspondence or delivery of documents and drawings pursuant to the provision of Article 128 (including the cases where it is applied mutatis mutandis pursuant to Article 138), or the provisions of Article 129, paragraph (1) of Article 130, or Article 133 (including the cases where these provisions are applied mutatis mutandis pursuant to Articles 136 (including the cases where it is governed by the same rule pursuant to Article 145; the same shall apply in the

- following item), 138, 141, 142, and 144));
- (xii) Prohibition on the delivery of prohibited letters, etc. (limited to the delivery pursuant to provision of paragraph (3) of Article 132 (including the cases where it is applied mutatis mutandis pursuant to Articles 136, 138, 141, 142, and 144) pursuant to the provisions of the first sentence of paragraph (5) of Article 132 (including the cases where it is applied mutatis mutandis pursuant to Articles 136, 138, 141, 142, and 144));
  - (xiii) Disposition of charging expenses pursuant to the provision of paragraph (1) or paragraph (2) of Article 148;
  - (xiv) Disciplinary punishments pursuant to the provision of paragraph (1) of Article 150;
  - (xv) Disposition of vesting objects in the national treasury pursuant to the provision of Article 153;
  - (xvi) Isolation pursuant to the provision of paragraph (4) of Article 154.
- (2) The person who files a claim for review pursuant to the preceding paragraph (hereinafter referred to simply as "claim for review" in this Section) shall act as his/her own agent in filing the claim.

(Filing Period of Claim for Review)

- Article 158 (1) A claim for review shall be filed within thirty days from the day immediately following the day on which the notification of a disposition was made.
- (2) In cases where there are compelling reasons such as natural disaster for not having filed a claim for review within the deadline prescribed in the preceding paragraph, notwithstanding the provision of said paragraph, a claim for review may be filed within one week from the day immediately following the day on which the said reasons have ceased to exist.
- (3) The provision of paragraph (4) of Article 14 under the Administrative Appeal Act (Act No. 160 of 1962) shall apply mutatis mutandis to the calculation of the filing period for the claim for review.

(Mutatis-Mutandis Application of Provisions of the Administrative Appeal Act)

Article 159 The provisions of paragraphs (1), (2), and (4) of Article 15, paragraphs (1) and (4) of Article 18, Articles 19 and 21, paragraphs (1), (2), and (6) of Article 34, Articles 35 to 37 inclusive, and Article 39 of the Administrative Appeal Act shall apply mutatis mutandis to the claim for review. In this case, the phrase "the original copy and a duplicate copy of the written request for review to either the disposition agency or the review agency" in paragraph (1) of Article 18 under said Act shall be read as "the original copy to the review agency" ; the phrase "upon request of the applicant of the request for review or ex officio" in paragraph (2) of Article 34 under said

Act shall be read as "ex officio," and additional technicalities requiring alternative readings shall be provided for by a Cabinet Order.

(Inquiry)

Article 160 (1) The Superintendent of the Regional Correction Headquarters shall, ex officio, conduct necessary inquiry into the matters regarding the claim for review.

(2) The Superintendent of the Regional Correction Headquarters may, if necessary to conduct the inquiry prescribed in the preceding paragraph, order the warden of the penal institution to make a report or submit materials and other objects, or have a designated staff member ask questions or request submission of objects for the claimant or other persons concerned, or keep the objects those persons submitted as has been submitted and inspect the same.

(Determination)

Article 161 (1) The Superintendent of the Regional Correction Headquarters shall, upon receiving a claim for review, endeavor to make a determination within ninety days as much as practicable.

(2) The provisions of paragraphs (1) to (5) inclusive under Article 40, Articles 41 and 42, and paragraphs (1) and (2) of Article 43 of the Administrative Appeal Act shall apply mutatis mutandis to the determination of the claim for review. In this case, the phrase "by both posting the notice on a bulletin board and publishing in the official gazette or other official bulletin or in a newspaper at least once" in paragraph (3) of Article 42 of said Act shall be read as "by posting the notice on a bulletin board," and additional technicalities requiring alternative readings shall be provided for by a Cabinet Order.

(Reclaim for Review)

Article 162 (1) Any person who is dissatisfied with the determination on a claim for review may, in writing, file a reclaim for review with the Minister of Justice.

(2) A reclaim for review pursuant to the provision of the preceding paragraph shall be filed within thirty days from the day immediately following the day on which the notification of the determination on a claim for review has been made.

(3) The provisions of paragraph (2) of Article 157, paragraph (2) of Article 158, Article 160, and paragraph (1) of the preceding Article of this Act, and the provisions of paragraphs (3) and (4) of Article 14, paragraphs (1), (2), and (4) of Article 15, Article 21, paragraphs (1), (2), and (6) of Article 34, Articles 35 to 37 inclusive, Article 39, paragraphs (1) to (5) inclusive under Article 40, paragraph (1) of Article 41, Article 42, paragraphs (1) and (2) of Article 43, and Article 55 of the Administrative Appeal Act shall apply mutatis mutandis to

the reclaim for review. In this case, the phrase "upon request of the applicant of the request for review or ex officio" in paragraph (2) of Article 34 under said Act shall be read as "ex officio" ; the phrase "by both posting the notice on a bulletin board and publishing in the official gazette or other official bulletin or in a newspaper at least once" in paragraph (3) of Article 42 under said Act shall be read as "by posting the notice on a bulletin board," and additional technicalities requiring alternative readings shall be provided for by a Cabinet Order.

### **Subsection 2 Report of Cases**

(Report of Cases to the Superintendent of the Regional Correction Headquarters)

Article 163 (1) An inmate may, if the acts of a staff member of the penal institution taken against him/her fall under any such acts as are set out under the following items, pursuant to a Cabinet Order, report the case in writing to the Superintendent of the Regional Correction Headquarters who has jurisdiction over the location of the penal institution:

- (i) Illegal use of physical force against body;
- (ii) Illegal or unjust use of arresting ropes, handcuffs, or restraint suit;
- (iii) Illegal or unjust confinement in a protection room.

(2) A report pursuant to the provision of the preceding paragraph shall be filed within thirty days from the day immediately following the day on which the case with regard to the report has occurred.

(3) The provisions of paragraph (2) of Article 157, paragraph (2) of Article 158, and Article 160 of this Act, and the provisions of paragraph (4) of Article 14, paragraphs (1) and (4) of Article 18, Articles 19, 21, 36, and 39 of the Administrative Appeal Act shall apply mutatis mutandis to the report pursuant to the provision of paragraph (1). In this case, the phrase "the original copy and a duplicate copy of the written request for review to either the disposition agency or the review agency" in paragraph (1) of Article 18 under said Act shall be read as "the original copy to the review agency," and additional technicalities requiring alternative readings shall be provided for by a Cabinet Order.

(Notification)

Article 164 (1) In cases where a report pursuant to the provision of paragraph (1) under the preceding Article is lawful, the Superintendent of the Regional Correction Headquarters shall confirm whether or not the case has happened and notify the person by whom the report was filed of the findings; provided, however, that this shall not apply where the person has been released.



- (2) In cases where a report pursuant to the provision of paragraph (1) under the preceding Article has been filed after the statutory period or is unlawful, the Superintendent of the Regional Correction Headquarters shall notify to this effect to the person who filed the report. In this case, the provision of the proviso of the preceding paragraph shall apply *mutatis mutandis*.
- (3) The provision of paragraph (1) of Article 161 under this Act and the provision of Article 41 under the Administrative Appeal Act shall apply *mutatis mutandis* to the notification pursuant to the provisions of the preceding two paragraphs. In this case, technicalities requiring alternative readings shall be provided for by a Cabinet Order.
- (4) The Superintendent of the Regional Correction Headquarters shall, in cases where he/she has found the existence of the case prescribed in paragraph (1) of the preceding Article, if deemed necessary, take measures to prevent the recrudescence of similar acts.

(Report of Cases to the Minister of Justice)

- Article 165 (1) Upon receiving a notification pursuant to the provision of paragraph (1) or (2) of the preceding Article, if dissatisfied with its contents, the inmate may, pursuant to a Cabinet Order, report the case in writing prescribed in paragraph (1) of Article 163 to the Minister of Justice.
- (2) A report pursuant to the provision of the preceding paragraph shall be filed within thirty days from the day immediately following the day on which the inmate has received the notification pursuant to the provision of paragraph (1) or (2) of the preceding Article has received.
  - (3) The provisions of paragraph (2) of Article 157, paragraph (2) of Article 158, Article 160, paragraph (1) of Article 161, and paragraphs (1), (2), and (4) of the preceding Article of this Act, and the provisions of paragraph (4) of Article 14, Articles 21, 36, and 39, and paragraph (1) of Article 41 under the Administrative Appeal Act shall apply *mutatis mutandis* to the report pursuant to the provision of paragraph (1). In this case, technicalities requiring alternative readings shall be provided for by a Cabinet Order.

### **Subsection 3 Filing of Complaints**

(Filing of Complaints with the Minister of Justice)

- Article 166 (1) An inmate may, in writing, file a complaint with the Minister of Justice with regard to the measures taken by the warden of the penal institution against him/her or any other treatment he/she has received.
- (2) The provision of paragraph (2) of Article 157 shall apply *mutatis mutandis* to the filing of complaint set forth in the preceding paragraph.
  - (3) The Minister of Justice shall, upon receiving a filing of complaint, handle it in

good faith and notify the complainant of the results of such handling; provided, however, this shall not apply where the person has been released.

(Filing of Complaints with the Inspector)

- Article 167 (1) An inmate may, either orally or in writing, file a complaint with the inspector conducting the on-the-spot inspection pursuant to the provision of Article 5 (hereinafter referred to simply as "inspector" in this Section) with regard to the measures taken by the warden of the penal institution against him/her or any other treatment he/she received.
- (2) The provision of paragraph (2) of Article 157 shall apply mutatis mutandis to the filing of complaint set forth in the preceding paragraph.
- (3) Upon receiving an oral filing of complaint, the inspector shall not allow the staff members of the penal institution to attend the filing.
- (4) The provision of paragraph (3) of the preceding Article shall apply mutatis mutandis to the case where the inspector has received a complaint.

(Filing of Complaints with the Warden of the Penal Institution)

- Article 168 (1) An inmate may, either orally or in writing, file a complaint with regard to the measures taken by the warden of the penal institution against him/her or any other treatment he/she received.
- (2) The provision of paragraph (2) of Article 157 shall apply mutatis mutandis to the filing of complaints set forth in the preceding paragraph.
- (3) In cases where an inmate is intended to file a complaint set forth in paragraph (1) orally, the warden of the penal institution may have a designated staff member hear its contents.
- (4) The provision of paragraph (3) of Article 166 shall apply mutatis mutandis to the case where the warden of the penal institution has received a filing of complaint.

#### **Subsection 4 Miscellaneous Provisions**

(Secrecy of Filing)

- Article 169 (1) The warden of the penal institution shall take necessary measures so that inmates may, upon filing claim for review, etc. (i.e. claim for review, reclaim for review, or the report pursuant to the provision of paragraph (1) under Article 163 or paragraph (1) under Article 165; hereinafter the same shall apply in the following paragraph and the following Article) or a complaint with the Minister of Justice or the inspector, keep their contents secret to the staff members of the penal institution.
- (2) Notwithstanding the provisions of Article 127 (including the cases where it is applied mutatis mutandis pursuant to Article 144), 135 (including the cases

where it is applied mutatis mutandis pursuant to Articles 138 and 142), and 140, no document for filing claim for review, etc. or for filing complaints shall be examined.

(Prohibition of Adverse Treatment)

Article 170 No staff member of the penal institution shall treat inmates adversely for the reason of filing claim for review, etc. or complaints.

### **Section 14 Release**

(Release of Sentenced Persons)

Article 171 Sentenced persons shall be released according as the cases listed in the following items at the earliest time possible within the period prescribed respectively in those items:

- (i) Cases where the day of release is determined in advance: The morning of the day;
- (ii) Cases of termination of indeterminate sentence: The morning of the day following the day on which a notification prescribed in paragraph (3) of Article 48 under the Offenders prevention and Rehabilitation Act (Act No.142 of 1949) has arrived at the penal institution;
- (iii) Cases of pardon by a Cabinet Order, where the day of release corresponds to the day of proclamation of the Cabinet Order: The day of release;
- (iv) Cases other than those listed in the preceding three items: Ten hours starting at the time when the document which forms the basis for release has arrived at the penal institution.

(Release of Persons under Detention)

Article 172 Persons under detention (limited to those committed to a penal institution; hereinafter the same shall apply in this Article) shall be released immediately after such circumstances as are set out in the following items have emerged:

- (i) The term of detention of a defendant has expired;
- (ii) The warrant of detention has become ineffective pursuant to the provision of Article 345 under the Code of Criminal Procedure (limited to the cases where a person under detention is at the court);
- (iii) The direction or notification from the public prosecutor has been received.

(Release of Other Inmates)

Article 173 In addition to what is provided for in the preceding two Articles, inmates shall, be released immediately after such circumstances have emerged that are specified by a Cabinet Order as well as other laws and regulations.

(Stay in Penal Institution due to Injury or Illness)

Article 174 (1) In cases where an inmate to be released has been under medical treatment, the warden of the penal institution may, if the inmate is likely to endanger his/her life or receive a serious disorder beyond hope of recovery as a result of the release, permit him/her to stay in the penal institution temporarily.

(2) The provisions with regard to miscellaneous inmates shall be applied mutatis mutandis to the treatment of persons staying in the penal institution as prescribed in the preceding paragraph to the extent this is not inconsistent with the nature thereof.

(Payment of Travel Expenses and Supplying of Clothing)

Article 175 The warden of the penal institution shall provide an inmate to be released with clothing or travel expenses necessary for returning home.

### **Section 15 Death**

(Notification of Death)

Article 176 In cases where an inmate has died, the warden of the penal institution shall, pursuant to a Ministry of Justice Ordinance, promptly inform the bereaved family about the cause, the time and date of the inmate's death, and about the property left, the money equivalent to the incentive remuneration, the compensation for death to be paid, or prohibited letters, etc. to be delivered to the same, if any.

(Measures Taken for Corpse)

Article 177 (1) In cases where an inmate has died, if there is nobody who cremate and inter the corpse, then the warden of the penal institution shall, notwithstanding the provision of Article 9 of the Act on Cemetery and Interment, Etc. (Act No.48 of 1948), conduct such cremation and interment.

(2) In addition to what is provided for in the preceding paragraph, the measures taken for the corpses of inmates shall be provided for by a Ministry of Justice Ordinance.

### **Section 16 Execution of Death Penalty**

(Execution of Death Penalty)

Article 178 (1) The death penalty shall be executed at an execution site inside a penal institution.

(2) The death penalty shall not be executed on Sunday, Saturday, holidays

prescribed in the Act on National Holiday (Act No.178 of 1948), January 2nd, January 3rd, and from December 29th to December 31st inclusive.

(Unfastening of Halter)

Article 179 On the execution of the death penalty, the halter shall be unfastened after five minutes has elapsed from the time when the death of the hanged person was confirmed.

### **Chapter III Treatment of Detainees in Detention Facilities**

#### **Section 1 Commencement of Detention**

(Notification upon Commencing Detention)

Article 180 (1) The detention services manager shall, at the commencement of detention in the detention facility, notify detainees of the following matters in accordance with their status as a detainee. The same shall apply where the status of a detainee who has been detained in the detention facility changes subsequently.

(i) Matters pertaining to lending, supplying, and self-supplying of articles;

(ii) Matters pertaining to the handling of money and other goods, such as self-retained articles prescribed in paragraph (1) of Article 195;

(iii) Matters pertaining to hygiene and medical care;

(iv) Matters pertaining to religious acts;

(v) Matters pertaining to access to books, etc.;

(vi) Matters pertaining to the compliance rules prescribed in paragraph (1) of Article 211;

(vii) Matters pertaining to visits and correspondence;

(viii) Matters pertaining to the claim for review, such as the measures against which a claim for review may be filed, the reviewing agency, and the filing period of the claim for review;

(ix) Matters pertaining to the report pursuant to the provision of paragraph (1) of Article 231, such as the acts against which a report may be filed pursuant to the provision of said paragraph, the destination of the report, and the reporting period;

(x) Matters pertaining to the filing of complaints.

(2) The notification pursuant to the preceding paragraph shall be made in writing, pursuant to a Cabinet Office Ordinance.

(Examination for Physical Identification)

Article 181 (1) Detention officers may, upon commencement of the detention in the detention facility, examine the detainee's body within the limit necessary for identification. The same shall apply to subsequent cases of the necessity so

to do.

- (2) The examination of female detainees pursuant to the provision of the preceding paragraph shall be conducted by female detention officers. However, in cases where female detention officers are unable to conduct the examination, a male detention officer may conduct it by directing female staff members whom the detention services manager designates.

## **Section 2 Modes of Treatment**

(Modes of Treatment)

Article 182 (1) Treatment of detainees (except for the cases specified by a Cabinet Office Ordinance, such as the case of exercise, bathing, or visits) shall be conducted in a detainee's room (i.e. a room which the detention services manager assigns as a place used by detainees mainly for rest and sleep; the same shall apply in this Article and Article 212) throughout day and night, except where it is deemed appropriate to conduct it in the outside of the detainee's room.

- (2) A detention method without the detainee's room for singular accommodation may be opted for to detain unsentenced persons (limited to those detained in the detention facilities; hereinafter the same shall apply in this Chapter) only in the cases where it is deemed that there is no risk of causing a hindrance to the prevention of destruction of evidence.

- (3) No unsentenced persons shall be permitted to make mutual contacts even in the outside of the detainee's room except for the case prescribed in the preceding paragraph.

(Correctional Treatment in Detention Facilities)

Article 183 No detainee with the status as a sentenced person (hereinafter referred to as "sentenced person under detention" in this Chapter) shall be provided with correctional treatment.

## **Section 3 Schedules of Daily Activities**

(Schedules of Daily Activities)

Article 184 The detention services manager shall, pursuant to a Cabinet Office Ordinance, establish the daily schedule of meals, sleeping, and other daily routine activities and notify the detainees thereof.

(Assistance for Activities)

Article 185 The detention services manager shall, pursuant to a Cabinet Office Ordinance, endeavor to furnish detainees with assistance in intellectual,

educational, and recreational activities of the detainees.

#### **Section 4 Lending, Supplying, and Self-Supplying of Articles**

(Lending and Supplying of Articles)

Article 186 (1) Detainees shall be lent, or supplied with, the articles listed in the following items (except for books, etc.; hereinafter the same shall apply in this Section) and required for the daily life in the detention facility (except for the articles listed in the items of paragraph (1) of Article 188):

- (i) Clothing and bedding;
- (ii) Meals and drinking water or tea;
- (iii) Articles such as daily necessities, pens and erasers.

(2) In addition to what is provided for in the preceding paragraph, detainee may, pursuant to a Cabinet Office Ordinance, and as occasion demands, be lent articles used for the daily life in the detention facility (except the articles listed in the items of paragraph (1) of Article 188), or supplied with sweets and favorite articles.

(Use and Consumption of Self-Supplied Articles)

Article 187 In cases where a detainee requests to use or consume such self-supplied articles as the following articles (except the articles listed in the items under paragraph (1) of the following Article), the detention services manager may, pursuant to a Cabinet Office Ordinance, permit him/her to do so, except cases where there is a risk of causing a hindrance to either the maintenance of discipline and order or the management and administration of the detention facility, cases where such permission is prohibited pursuant to the provision of Article 190, and the cases of the sentenced person under detention where such permission is likely to impose hindrance to the correction and rehabilitation on him/her:

- (i) Clothing;
- (ii) Foods and bottled water;
- (iii) Sweets and favorite articles;
- (iv) Daily necessities, stationery, and other articles used in the daily life in the detention facility.

(Self-supplying of Corrective Instruments, Etc.)

Article 188 (1) Detainees shall be permitted to use such self-supplied articles as the following articles except where there is a risk of causing a hindrance to either the maintenance of discipline and order or the management and administration of the detention facility:

- (i) Corrective instruments such as eyeglasses;

- (ii) Articles necessary for sending letters, such as envelopes;
  - (iii) Other articles provided for by a Cabinet Office Ordinance.
- (2) In cases where a detainee is unable to use self-supplied articles as to the articles listed in the items of the preceding paragraph, if deemed necessary, he/she shall be lent, or supplied with, those articles.

(Standard of Lending and Supplying of Articles)

Article 189 The articles lent or supplied pursuant to the provision of Article 186 or paragraph (2) of the preceding Article shall be both suffice for the maintenance of detainees' health and appropriate in light of the status as a detainee, taking into consideration the actual situation of national life.

(Measures on Self-Supplied Articles upon Disciplinary Offenses)

Article 190 (1) Upon such acts of a detainee that are set forth under the following items (referred to as "disciplinary offence" in paragraph (1) of Article 208), the detention services manager may, if it is necessary for the maintenance of discipline and order in the detention facility may opt not to allow the consumption of the objects set out under paragraph (3) of Article 187 for the period not exceeding three days.

(i) Criminal Acts

(ii) Behavior or statement in a rude or outrageous manner, or any act imposing trouble on the others;

(iii) Obstructions against the staff members who engage in the affairs of the detention in the performance of their duties;

(iv) Acts which may disrupt the security of the detention facility;

(v) Acts which disrupt the hygiene of the detention facility.

(2) The provisions of paragraphs (2) and (3) under Article 150, Article 153, paragraphs (1) to (3) inclusive under Article 154, Article 155, and paragraph (1) of Article 156 shall apply mutatis mutandis to the measures set out under the preceding paragraph taken for detainees by the detention services manager. In this case, the term "the administration of the penal institution" in paragraph (2) of Article 150 shall be read as "the administration of the detention facility" ; the phrases "discipline and order in the penal institution" and "national treasury" in Article 153 shall be read as "discipline and order in the detention facility" and "prefecture to which the detention facility belongs" respectively; the term "prison officers" in paragraph (2) of Article 154 shall be read as "detention officers" ; the phrase "paragraph (2) of Article 34" in paragraph (3) of Article 154 shall be read as "paragraph (2) of Article 181" ; the term "Ministry of Justice Ordinance" and "staff of the penal institution" in paragraph (1) of Article 155 shall be read as "Cabinet Office Ordinance" and "staff members who engage in the affairs of the detention " respectively.



- (3) The measures set forth in paragraph (1) of this Article shall by no means be taken for the purpose of the investigation conducted by the prefectural police.

### **Section 5 Handling of Cash and Other Articles**

#### (Examination of Cash and Other Articles)

Article 191 The staff members who engage in the affairs of the detention may examine the following cash and other articles:

- (i) Cash and articles a detainee carries at the time of detention;
- (ii) Cash and articles a detainee obtained while in custody (except for such articles as letters; the same shall apply in the following item) but not the cash and the articles listed in the following item (except for the articles supplied by the detention services manager);
- (iii) Cash and articles a person other than the detainee concerned brought or sent to the detention facility in order to deliver to the detainee.

#### (Disposition of Articles Brought at the Time of Detention)

Article 192 (1) In cases where any of the articles listed in item (i) or (ii) of the preceding Article falls under any of the cases set out under the following items, the detention services manager shall request the detainee to deliver the article to the detainee's relative or other persons deemed appropriate, or to make other appropriate dispositions:

- (i) Cases where the article involves inconvenience in keeping in custody;
  - (ii) Cases where the article is likely to be decomposed or perish;
  - (iii) Cases where the article is likely to cause danger.
- (2) The provision of paragraph (2) of Article 45 shall apply mutatis mutandis to the cases where the detention services manager requests the disposition of articles to the detainee pursuant to the preceding paragraph.

#### (Request to Accept Articles from Outside)

Article 193 (1) In cases where any of the cash or the articles listed in item (iii) of Article 191 falls under any of the cases set out under the following items, the detention services manager shall request the outside supplier to retrieve the article:

- (i) Cases where the delivery of the article to the detainee is likely to disrupt discipline and order in the detention facility;
- (ii) Cases where the recipient is an unsentenced person, and the acceptance of the article is not permitted pursuant to the provisions of the Code of Criminal Procedure;
- (iii) Cases where the recipient of the article is a sentenced person under detention, and the outside supplier is not his/her relative, and the delivery of

- the article to him/her is likely to cause a hindrance to adequate pursuance of correctional treatment;
- (iv) Cases where the article is from an outside supplier whose name is anonymous;
  - (v) Cases of the articles other than self-supplied articles, etc.
  - (vi) Cases where the article falls under any of the cases set out under the items of paragraph (1) under the preceding Article.
- (2) In cases where any of the cash or the articles prescribed in item (iii) of Article 191 fall under any of items (i) to (iv) inclusive under the preceding paragraph, if it is unfeasible to make a request pursuant to the provision of said paragraph because the outside supplier's whereabouts are unknown, the detention services manager shall make a public notice to this effect by the methods prescribed by a Cabinet Order.
- (3) In cases where the outside supplier does not retrieve the cash or the article prescribed in the preceding paragraph until the day on which expires the period of six months starting from the day on which the request pursuant to the provision of paragraph (1) was made, or from the day on which the public notice was made pursuant to the provision of the preceding paragraph, the cash or the article shall vest in the prefecture to which the detention facility belongs.
- (4) The detention services manager may dispose of the article prescribed in paragraph (2) which falls under item (vi) of paragraph (1) by sale and retain the proceeds even within the period set forth in the preceding paragraph. However, he/she may destroy the article if it is unsalable.
- (5) In cases where any of the cash or the articles prescribed in item (iii) of Article 191 falls under item (v) or (vi) of paragraph (1) (except such articles that falls under any of items (i) to (iv) inclusive under said paragraph), if it is unfeasible to make a request pursuant to the provision of said paragraph because the outside supplier's whereabouts are unknown, or if it is inappropriate to make the request, or if the outside supplier has refused to retrieve the cash or the article, then the detention services manager shall request the detainee to deliver the cash or the article to the detainee's relative or other appropriate persons, or to make other appropriate dispositions.
- (6) The provision of paragraph (2) of Article 45 shall apply mutatis mutandis to the cases where the detention services manager requests the disposition of articles to the detainee pursuant to the preceding paragraph.
- (7) In cases where a detainee refuses to receive any of the cash or the articles prescribed in item (iii) of Article 191 which does not fall under any of the items of paragraph (1), the detention services manager shall request the outside supplier to retrieve the cash or the article. The provisions of paragraphs (2) and (3) shall apply mutatis mutandis to the cases set out in the foregoing.

(Delivery and Retention of Articles)

Article 194 (1) Such articles set forth hereunder that are permitted for a detainee to use or consume pursuant to the provisions of this Act shall be delivered to the detainee:

- (i) Articles listed in item (i) or (ii) of Article 191 which do not fall under any of the items under paragraph (1) of Article 192;
- (ii) Articles listed in item (iii) of Article 191 which do not fall under any of the items under paragraph (1) of the preceding paragraph (except those the detainee refused to receive).

(2) The detention services manager shall retain the following cash or articles:

- (i) Articles listed in the items of the preceding paragraph and are other than those permitted for the detainee to use or consume pursuant to the provisions of this Act;
- (ii) The cash listed in the items under Article 191 and does not fall under item (i), (iii), or (iv) under paragraph (1) of the preceding Article.

(Self-retained Articles)

Article 195 (1) The detention services manager may, pursuant to a Cabinet Office Ordinance, impose restrictions necessary for the management and administration of the detention facility on the method of retention of self-retained articles (articles retained by a detainee following the receipt thereof pursuant to the provision of paragraph (1) under the preceding Article (including the articles retained following the receipt thereof pursuant to the provision of paragraph (5) under Article 48 as applied mutatis mutandis pursuant to paragraph (3)) and letters received and retained by the detainee; hereinafter the same shall apply in this Chapter).

(2) In cases where the total volume of self-retained articles (except those specified by a Cabinet Office Ordinance) of a detainee (hereinafter referred to as "total self-retention volume" in the following Article) exceeds the maximum self-retention volume (i.e. a volume determined by the detention services manager according to the respective status as a detainee as the volume of articles which may be self-retained by each detainee; hereinafter the same shall apply in the following Article), or where the total volume of articles (except those specified by a Cabinet Office Ordinance) retained for a detainee (hereinafter referred to as "total retention volume" in the following Article) exceeds the maximum retention volume (i.e. a volume determined by the detention services manager according to the respective status as a detainee as the volume of articles which may be retained; hereinafter the same shall apply in the following Article), the detention services manager may request the detainee to render such portion of the articles that is equivalent to the volume

in excess to the detainee's relative or other persons considered to be appropriate, or to make other appropriate dispositions. The same shall apply to the articles which have come to be decomposed or perish.

- (3) The provision of paragraph (2) of Article 45, the provision of paragraph (4) of Article 48, and the provision of paragraph (5) of said Article shall apply *mutatis mutandis* to the cases where the detention services manager requests the disposition of articles to the detainee pursuant to the preceding paragraph, to the self-retained articles of detainees, and to the retained articles of detainees. In this case, the term "warden of the penal institution" in the respective provisions shall be read as "detention services manager."

#### (Use of Retained Cash)

Article 196 In cases where a detainee claims to expend the cash being retained in order to either purchase self-supplied articles, etc. or to apply it to the expenses to be incurred by him/her in the course of his/her daily life in the detention facility, the detention services manager shall permit him/her to expend the necessary amount of cash; provided, however, that this shall not apply to the cases where the expenditure of cash for the purchase of self-supplied articles, etc. falls under any of the cases set out under the following items:

- (i) Cases where the consequent total self-retention volume is estimated to exceed the maximum self-retention volume or the consequent total retention volume is estimated to exceed the maximum retention volume after the purchase with the expenditure;
- (ii) Cases where the detainee is an unsentenced person and he/she is not permitted to receive the self-supplied articles he/she purchases with the expenditure under the provisions of the Code of Criminal Procedure.

#### (Delivery of Self-retained Articles, and Retained Cash or Articles)

Article 197 In cases where a detainee claims to deliver either the self-retained articles or the cash and articles being retained (except such articles that fall under the documents and drawings prescribed in Article 133 (as applied *mutatis mutandis* pursuant to Article 227) to another person (except those being detained in the detention facility concerned) (except such delivery that falls under the delivery of a letter), the detention services manager shall permit the detainee to do so except cases falling under any of the cases set out under the following items:

- (i) Cases where there is a risk of disrupting the maintenance of discipline and order in the detention facility accrued by such delivery to the detainee (except the cases where the recipient of such delivery is the detainee's relative; the same shall apply in item (iii));

- (ii) Cases where the detainee is an unsentenced person and such delivery of the article is not permitted pursuant to the provisions of the Code of Criminal Procedure.
- (iii) Cases where the detainee is a sentenced person and there is a risk of causing a hindrance to the adequate pursuance of reformation and rehabilitation of the detainee because of such delivery to the detainee;

(Mutatis-Mutandis Application of Provisions on Penal Institutions)

Article 198 The provision of Article 51 shall apply mutatis mutandis to the restrictions on the delivery and the purchase of articles by the detention services manager, and the provision of Article 52 shall apply mutatis mutandis to the delivery of retained cash and articles by the detention services manager, and the provisions of Articles 53, 54 (except for item (iii) of paragraph (1)), and 55 shall apply mutatis mutandis to the property left by detainees (i.e. cash and articles left in the detention facility; the same shall apply in Article 239). In this case, the phrase "this Section" in Article 51 shall be read as "Section 5 of the next Chapter" ; the term "Ministry of Justice Ordinance" in said Article and paragraph (1) of Article 55 shall be read as "Cabinet Office Ordinance" ; the terms "inmates" and "inmate" in Articles 51 and 52 shall be read as "detainees" and "detainee" respectively; the phrase "management and administration of the penal institution" in Article 51 shall be read as "management and administration of the detention facility" ; the term "national treasury" in paragraph (1) of Article 53, paragraph (1) of Article 54, and paragraph (3) of Article 55 shall be read as "prefecture to which the detention facility belongs" ; the term "warden of the penal institution" in paragraph (2) of Article 53, and paragraph (2) of Article 55 shall be read as "detention services manager" ; the phrase "paragraph (2) of Article 83" in item (ii) of paragraph (1) under Article 54 shall be read as "paragraph (2) of Article 215" ; and the term "Article 176" in paragraphs (2) and (3) of Article 55 shall be read as "Article 239."

## **Section 6 Hygiene and Medical Care**

(Principle of Hygiene and Medical Care)

Article 199 At detention facilities, efforts shall be made to grasp the physical and mental conditions of the detainees thereof, and hygienic and medical measures adequate in light of the public standards of hygiene and medical care shall be taken in order to maintain the health of the detainees and the hygiene inside the detention facilities.

(Medical Examination)

Article 200 (1) The detention services manager shall, at the commencement of detention in the detention facility, order detention officers to hear such circumstances as to whether or not the detainee suffers an injury or illness or other health conditions.

(2) Pursuant to a Cabinet Office Ordinance, the detention services manager shall conduct health examinations for detainees implemented by the doctor who is commissioned by him/her at about the frequency of twice a month. The detention services manager shall conduct the same if there exists necessity so to do in terms of the hygiene inside the detention facility.

(3) Detainees shall undergo the medical examination prescribed in the preceding paragraph. In the case of the foregoing, detainees shall not be able to refuse blood sampling, radiography, or otherwise any other medical treatment within the limit necessary for conducting the health examination.

#### (Medical Treatment)

Article 201 (1) In cases where a detainee falls under any of the cases set out under the following items, the detention services manager shall promptly give him/her medical treatment by a doctor commissioned by the detention services manager and other necessary medical measures. However, in cases falling under item (i), if there is no risk of either endangering the detainee's life or infecting his/her disease to others, then the foregoing is limited to the cases where the treatment is not given against the detainee's will:

(i) Cases where the detainee is injured or suffering from disease, or is suspected to sustain an injury or to have a disease;

(ii) Cases where the detainee refuses to ingest food and drink, and may endanger his/her own life.

(2) In cases where the detention services manager provides the opportunity of medical treatment pursuant to the provision of the preceding paragraph, he/she may have the detainee visit a hospital or a clinic outside the detention facility, or, may commit the detainee to a hospital or a clinic outside the detention facility if it is unavoidable so to do.

#### (Medical Treatment by Appointed Doctor)

Article 202 (1) In cases where a detainee sustaining an injury or suffering from a disease claims to designate a doctor who is not commissioned by the detention services manager to receive a medical treatment, if such claim is deemed appropriate for the detainee's medical care in light of such circumstances as the type and degree of the injury or disease, and as the fact that the detainee had been visiting said doctor on the regular basis for medical treatments prior to the detention in the detention facility, then the detention services manager may, pursuant to a Cabinet Office Ordinance, permit the detainee to receive

the medical treatment inside the detention facility or in a hospital or a clinic which the detention services manager recognizes as to be appropriate at his/her own expenses.

- (2) In cases where the detention services manager permits to receive the medical treatment prescribed in the preceding paragraph, if deemed necessary in order for him/her to examine the method of medical treatment by the doctor who provides the medical treatment set forth in said paragraph (hereinafter referred to as "appointed doctor" in this Article), or if deemed necessary to conduct medical treatment afterwards, he/she may have a staff member who engages in the affairs of the detention attend the medical treatment, or ask the appointed doctor questions with regard to the medical treatment, or request the appointed doctor to submit materials on the medical treatment such as a copy of the detainee's case record.
- (3) An appointed doctor shall, upon the medical treatment, observe any instruction provided for pursuant to a Cabinet Office Ordinance by the detention services manager.
- (4) In cases where the detention services manager permits to receive the medical treatment pursuant to the provision of paragraph (1), if the appointed doctor refuses to comply with the measures taken by the detention services manager pursuant to the provision of paragraph (2) or disobeys the rules provided by the detention services manager pursuant to the provision of the preceding paragraph, or if it is inappropriate to continue the medical treatment, then he/she may suspend the medical treatment and thereafter may continuously refuse to permit the detainee to receive the medical treatment by the appointed doctor.

(Haircuts and Shaves)

Article 203 In cases where a detainee requests to have a haircut or a shave, the detention services manager shall, pursuant to a Cabinet Office Ordinance, permit him/her to do so.

(Mutatis-Mutandis Application of Provisions on Penal Institutions)

Article 204 The provisions of Articles 57 to 59 inclusive and the provisions of Articles 64 and 65 shall apply mutatis mutandis to the detainees and the measures toward the detainees by the detention services manager respectively. In this case, the term "Ministry of Justice Ordinance" in Articles 57, 59, and 64 shall be read as "Cabinet Office Ordinance" ; the term "penal institution" in the proviso of Article 57 and Article 59 shall be read as "detention facility" ; the phrase "inside the penal institution," the term "Article 61," and the term "Article 62" in Article 64 shall be read as "inside the detention facility," "paragraphs (2) and (3) of Article 200," and "Article 201" respectively; and the

phrase "outside the penal institution" in paragraph (2) of Article 65 shall be read as "outside the detention facility."

### **Section 7 Religious Acts**

Article 205 Worship and other religious acts which a detainee performs individually shall not be prohibited nor restricted; provided, however, that this shall not apply where there is a risk of causing a hindrance to either the maintenance of discipline and order or the management and administration of the detention facility.

### **Section 8 Access to Books, Etc.**

(Access to Self-supplied Books, Etc.)

Article 206 No access to self-supplied books, etc. by detainees shall be prohibited nor restricted except for such cases as are provided for under the provisions of this Section.

Article 207 (1) The detention services manager may prohibit a detainee's access to self-supplied books, etc., if the access leads to any of the cases set out under the following items:

- (i) Cases where there is a risk of causing disruption of discipline and order in the detention facility;
- (ii) Cases where the detainee is an unsentenced person, and there is a risk of causing destruction of evidence.
- (iii) Cases where the detainee is a sentenced person and there is a risk of causing a hindrance to the reformation and rehabilitation of the detainee by such delivery thereto.

(2) In cases where a translation of self-supplied books, etc. is necessary in order to examine whether or not to prohibit the access pursuant to the preceding paragraph, the detention services manager may, pursuant to a Cabinet Office Ordinance, charge the expenses to the detainee. In the case of the foregoing, if the detainee has refused to incur the expenses to be incurred by him/her, then the access to the books, etc. shall be prohibited.

(Measures on Self-Supplied Books upon Disciplinary Offenses)

Article 208 (1) Upon disciplinary offence of a detainee, the detention services manager may, if it is necessary for the maintenance of discipline and order in the detention facility, may opt not to allow the access to the self-supplied books, etc. set out under a Cabinet Office Ordinance (except those deemed necessary for the protection of the rights of defendant or suspect, or for the protection of



rights such as to make arrangements for a lawsuit) for the period not exceeding three days.

(2) The provisions of paragraphs (2) and (3) under Article 190 shall apply mutatis mutandis to the measures taken for detainees under the preceding paragraph.

(Mutatis-Mutandis Application of Provisions on Penal Institutions)

Article 209 The provision of Article 71 and the provision of Article 72 shall apply mutatis mutandis to the restrictions on the newspapers by the detention services manager and the measures such as the provision of opportunity to access to news report on current affairs by the detention services manager respectively. In this case, the term "Ministry of Justice Ordinance" in Article 71 shall be read as "Cabinet Office Ordinance" ; the term "inmates" in said Article and paragraph (1) of Article 72 shall be read as "detainees" ; the phrase "management and administration of the penal institution" in Article 71 shall be read as "management and administration of the detention facility" ; and the phrases "paragraph (2) of Article 39" and "in the penal institution" in paragraph (2) of Article 72 shall be read as "Article 185" and "in the detention facility" respectively.

## **Section 9 Maintenance of Discipline and Order**

(Discipline and Order in Detention Facilities)

Article 210 (1) The discipline and order in the detention facility shall be maintained appropriately.

(2) Measures taken in order to achieve the purpose set forth in the preceding paragraph shall not exceed the limit necessary for securing the custody of detainees and maintaining both adequate conditions for the treatment of detainees and a safe and peaceful community life thereof.

(Compliance Rules)

Article 211 (1) The detention services manager shall determine the rules to be complied with by detainees (hereinafter referred to as "compliance rules" in this Chapter).

(2) The compliance rules shall stipulate in a specific manner such matters as are set out under the following items in accordance with respective status as a detainee:

(i) Prohibition against criminal acts;

(ii) Prohibition against any behavior or statement in a rude or outrageous manner, or any act imposing trouble on the others;

(iii) Prohibition against self-injurious activities;

(iv) Prohibition against obstructions against the staff members who engage in

- the affairs of the detention in the performance of their duties
- (v) Prohibition against acts likely to hamper the secure custody of him/herself or the other detainees;
  - (vi) Prohibition against the acts which may disrupt the security of the detention facility;
  - (vii) Prohibition against the acts detrimental to hygiene or public morals inside the detention facility;
  - (viii) Prohibition against the wrongful use, possession, transfer, etc. on cash and articles;
  - (ix) In addition to what is listed in the preceding items, matters necessary for the maintenance of discipline and order in the detention facility;
  - (x) Prohibition against any attempt, incitement, inducement, or aid for the acts against the compliance rules which stipulate the matters listed in the preceding items.
- (3) In addition to what is provided for in the preceding two paragraphs, the detention services manager or a staff member designated by him/her may, if necessary to maintain discipline and order in the detention facility, give instructions to detainees with regard to their life and behavior.

(Body Search)

- Article 212 (1) Detention officers may, if necessary to maintain discipline and order in the detention facility, search detainee's body, clothes, personal belongings, and room, and deprive of any of the detainee's personal belongings, and temporarily take custody thereof.
- (2) The provision of paragraph (2) of Article 181 shall apply mutatis mutandis to the search of body and clothes of a female detainee pursuant to the preceding paragraph.
- (3) A detention officer may, if necessary to maintain discipline and order in the detention facility, search clothes and personal effects, inside the detention facility, of a person other than a detainee (except for defense counsel, etc.), and deprive of any of the person's personal effects and temporarily take custody thereof.
- (4) No search set forth in the preceding paragraph shall include the examination of the contents of documents and drawings.

(Use of Arresting Ropes, Handcuffs, Restraint Suit, and Gags)

- Article 213 (1) Detention officers may, pursuant to a Cabinet Office Ordinance, use arresting ropes or handcuffs in cases where either they escort detainees, or where a detainee is likely to commit any of such acts as set out in the following items:
- (i) Escaping;

- (ii) Committing self-injurious behavior or inflicting injury on others;
  - (iii) Damaging facilities, the instruments, or any other property of the detention facility.
- (2) Detention officers may use a restraint suit by order of the detention services manager in cases where a detainee is likely to commit a self-injurious behavior, if no other means are available. However, the restraint suit may not be used in combination with any arresting rope, handcuff, or gag.
- (3) In cases of the detention facility without any protection room, if a detainee persistently generates a loud voice against a detention officer's order to cease doing so, thereby disturbing peaceful community life thereof, detention officers may use a gag by order of the detention services manager, if no other means are available. In this case, if there exists necessity to prevent the detainee from detaching or destructing the gag, arresting ropes and handcuffs may be used in combination therewith.
- (4) In the case prescribed in the preceding paragraph, if there is no time to wait for the order from the detention services manager, then detention officers may use a restraint suit or gag (including the use of arresting ropes and handcuffs pursuant to the provision of the latter part in the preceding paragraph) without the order. In the case of the foregoing, the detention officers shall report promptly to this effect to the detention services manager.
- (5) The respective periods of use of a restraint suit and gag shall be three hours. However, with respect to the use of the restraint suit, the detention services manager may, if he/she finds that there is a special necessity to continue the use, renew the period every three hours but not exceeding twelve hours in aggregate.
- (6) In cases where the necessity of use of a restraint suit or gag has ceased to exist, the detention services manager shall immediately order to suspend it even during the period set forth in the preceding paragraph.
- (7) The detention services manager shall, in cases where he/she used a restraint suit or gag on a detainee, or renewed the period of the use of the restrain suit, promptly obtain the opinion of a doctor commissioned by him/her about the health condition of the detainee.
- (8) The forms of arresting ropes, handcuffs, restraint suit, and gag shall be provided for by a Cabinet Office Ordinance.

(Confinement in Protection Room)

Article 214 (1) In cases where a detainee falls under any of the cases set out under the following items, detention officers may confine him/her in a protection room by order of the detention services manager:

- (i) Cases where the detainee is likely to commit self-injurious acts;
- (ii) Cases falling under any of the following subitems (a) to (c) inclusive where

such confinement is especially necessary in order to maintain discipline and order in the detention facility:

- (a) Cases where the detainee generates a loud voice or noise, against a detention officer's order to cease doing so;
  - (b) Cases where the detainee is likely to inflict injury on others;
  - (c) Cases where the detainee is likely to damage or defile facilities, equipment, or any other property of the detention facility.
- (2) The provisions of paragraphs (2) to (6) inclusive of Article 79 shall apply mutatis mutandis to the confinement of a detainee in a protection room. In this case, the term "warden of the penal institution" in the respective provisions of paragraphs (2) to (5) inclusive under said Article shall be read as "detention services manager," ; the term "prison officers" in paragraph (2) of said Article shall be read as "detention officers," ; the phrase "a medical doctor on the staff of the penal institution" in paragraph (5) of said Article shall be read as "a medical doctor commissioned by the detention services manager" ; and the term "Ministry of Justice Ordinance" in paragraph (6) of said Article shall be read as "Cabinet Office Ordinance".

(Evacuation and Liberation in Time of Disaster)

Article 215 (1) In case of earthquake, fire, or any other disaster and no evacuation means available inside the detention facility, the detention services manager shall escort detainees to an appropriate location.

(2) In the case prescribed in the preceding paragraph, if the escort of detainees is unfeasible, then the detention services manager may liberate them from the detention facility. The same shall apply in case of earthquake, fire, or any other disaster where the escort of detainees to an appropriate location outside the detention facility for the purpose of evacuation is unfeasible.

(3) Persons who have been liberated pursuant to the provision of the preceding paragraph shall appear at the detention facility or a location specified by the detention services manager promptly after the conditions which entailed the evacuation have ceased to exist.

## **Section 10 Contact with the Outside World**

### **Subsection 1 Visits**

(Visitors)

Article 216 In cases where a person requests to visit any detainee other than the sentenced persons under detention, the detention services manager shall permit the detainee to receive the visit, except the cases where it is prohibited pursuant to the provision of paragraph (3) under Article 228; provided, however, that the foregoing shall not apply where the detainee is an

unsentenced person and such visit is not permitted by the provisions of the Code of Criminal Procedure.

(Visitors of the Sentenced Person under Detention)

Article 217 (1) In cases where any of the persons listed in the following items requests to visit a sentenced person under detention, the detention services manager shall permit the sentenced person under detention to receive the visit, except the cases where it is prohibited pursuant to the provision of paragraph (3) under Article 228. In this case, the provision set forth in the proviso of the preceding paragraph shall apply *mutatis mutandis*.

(i) Person who is a relative of the sentenced person under detention;

(ii) Person with the necessity to have a visit in order to carry out a business pertaining to personally, legally, or occupationally important concern of the sentenced person under detention, such as reconciliation of marital relations, pursuance of a lawsuit, or maintenance of a business;

(iii) Person whose visit is deemed instrumental to the reformation and rehabilitation of the sentenced person under detention, such as a person pertaining to the rehabilitation to and guardianship of the sentenced person under detention or a person who has the intention to employ the sentenced person under detention after release.

(2) In cases where a person other than those listed in the items of the preceding paragraph requests to visit a sentenced person under detention, if it is deemed that there is a circumstance where the visit is necessary for the maintenance of good relationship with the person or for any other reasons, and if it is deemed that there is no risk of causing either disruption of discipline and order in the detention facility or hindrance to the adequate pursuance of reformation and rehabilitation for the sentenced person under detention, then the detention services manager may permit the sentenced person under detention to receive the visit. In this case, the provision set forth in the proviso of the preceding paragraph shall apply *mutatis mutandis*.

(Attendance and Recording during Visits Other than Those from Defense Counsels, Etc.)

Article 218 (1) The detention services manager shall have a designated staff member attend at any of the visits to unsentenced persons (other than those visits by a defense counsel, etc.), or have the staff member make a sound or video recording of it.

(2) In cases where it is deemed necessary for the maintenance of discipline and order in the detention facility or for any other reasons, the detention services manager may have a designated staff member attend a visit (other than those visits by a defense counsel, etc.) for the detainees other than unsentenced

person, or make a sound or video recording of it.

(3) Notwithstanding the provisions of the preceding two paragraphs, and except the cases where there is a special circumstance in which it is deemed likely to cause disruption of discipline and order in the detention facility and the cases of an unsentenced person where there is a special circumstance in which it is deemed likely to cause destruction of evidence, the detention services manager shall not command the attendance, and sound or video recording of it with respect to the visits to a detainee by any of such persons as are set out under the following items:

- (i) National or local government official who conducts an inquiry into the measures taken by the detention services manager toward the detainee, or any other treatment the detainee received;
- (ii) Attorney who discharges the duty prescribed in paragraph (1) under Article 3 of the Attorney Act with regard to the measures taken by the detention services manager toward the unsentenced person, or any other treatment the detainee received.

(Suspension and Termination on Visits)

Article 219 (1) In cases falling under any of the cases set out under the following items (limited to (b) of item (i) in cases of visits by a defense counsel, etc.), a staff member who engages in the affairs of the detention may either restrain the conducts or oral statements, or suspend the visit. In this case, the staff member may order the detainee or the visitor to withdraw from the visiting site, or may take any other necessary measures to suspend the visit:

- (i) Cases where the detainee or the visitor commits any act falling under either of acts set out under the following subitems (a) or (b):
  - (a) An act breaching the restrictions stipulated pursuant to the provision of paragraph (5) of the following Article;
  - (b) An act detrimental to discipline and order in the detention facility;
- (ii) If the detainee or the visitor makes any oral statement whose contents fall under any of the following subitems (a) to (c) inclusive:
  - (a) Contents which a staff member who engages in the affairs of the detention is unable to apprehend due to a use of specific kinds of communication such as a code;
  - (b) Contents which conspire, incite, or induce a commission of crime;
  - (c) Contents likely to cause disruption of discipline and order in the detention facility;
- (iii) If the unsentenced person or the visitor makes any oral statement that is likely to result in the destruction of evidence;
- (iv) Cases where the sentenced person under detention or the visitor makes any oral statement whose contents fall under either of the following subitems

- (a) or (b):
- (a) Contents likely to hinder the reformation and rehabilitation for the sentenced person under detention;
  - (b) In cases of a visit permitted by reason that the visit is necessary in order to carry out a specific business, contents clearly deviates from what is required to carry out the business.
- (2) In cases where a visit is suspended pursuant to the provision of the preceding paragraph, if it is deemed inappropriate to continue the visit, then the detention services manager may terminate the visit.

(Restrictions on Visits)

- Article 220 (1) The date and time of visits to a detainee by the defense counsel, etc. shall be during working hours of the detention facility for the day except Sunday and other days specified by a Cabinet Order.
- (2) The number of visitors in a visit prescribed in the preceding paragraph shall be three or less.
- (3) Even in the cases where a defense counsel, etc. requests to visit a detainee not on the basis of the preceding two paragraphs, the detention services manager shall permit the detainee to receive the visit except the cases where it does hinder the management and administration of the detention facility.
- (4) The detention services manager may, pursuant to a Cabinet Office Ordinance, impose such restrictions on the visiting site that are necessary for either the maintenance of discipline and order or the management and administration of the detention facility as to the visit prescribed in paragraph (1).
- (5) With respect to the visit to a detainee by a person other than a defense counsels, etc., the detention services manager may, pursuant to a Cabinet Office Ordinance, impose such restrictions necessary for either the maintenance of discipline and order or the management and administration of the detention facility as to the number of visitors, the visiting site, date and time, duration and frequency of visits, and other conditions of visits.
- (6) In cases where the detention services manager imposes restriction on frequency of visits pursuant to the provision of the preceding paragraph, the frequency shall be not less than once per day.

**Subsection 2 Correspondence**

(Letters Permitted to Send and Receive)

Article 221 The detention services manager shall permit a detainee to send and receive letters to and from another person, except where it is prohibited pursuant to the provisions of this Subsection or paragraph (3) of Article 228; provided, however, that this shall not apply in the cases of the detainee being

an unsentenced person where sending or receiving letters is not permitted by the provisions of the Code of Criminal Procedure.

(Examination of Letters)

- Article 222 (1) The detention services manager shall have a designated staff member examine the letters an unsentenced person sends and receives.
- (2) In cases where it is deemed necessary for the maintenance of discipline and order in the detention facility or for any other reasons, the detention services manager may have a designated staff member examine the letters the detainee who is not an unsentenced person sends and receives.
- (3) With regard to the letters set out under the following items, the designated staff member shall examine them within the limit necessary for ascertaining that the letters fall under any of the following items; provided, however, concerning the letters listed in (c) under item (i) and (b) under item (ii), this shall not apply to the cases where there is a special circumstance in which it is deemed likely to cause disruption of discipline and order in the detention facility and the cases of an unsentenced person where there is a special circumstance in which it is deemed likely to cause destruction of evidence,:
- (i) Letters received by the detainee from any of the persons set out in the following subitems (a) to (c) inclusive;
    - (a) Defense counsel, etc.;
    - (b) National or local government agency;
    - (c) Attorney (including a legal professional corporation, hereinafter the same shall apply in this Subsection) who discharges the duty prescribed in paragraph (1) of Article 3 of the Attorney Act with regard to the measures taken by the detention services manager toward the unsentenced person, or any other treatment the detainee received;
  - (ii) Letters the detainee other than an unsentenced person sends to any of the persons set out in the following subitems (a) and (b);
    - (a) National or local government agency which conducts an inquiry into the measures taken by the detention services manager toward the detainee, or any other treatment the detainee received;
    - (b) Attorney who discharges the duty prescribed in paragraph (1) of Article 3 of the Attorney Act with regard to the measures taken by the detention services manager toward the detainee, or any other treatment the detainee received.

(Prohibition of Correspondence)

Article 223 With regard to the persons (except for relatives of the sentenced person under detention) who have criminal tendencies or are likely to either disrupt discipline and order in the detention facility or hinder the reformation



and rehabilitation for a sentenced person under detention by receiving from or sending to the sentenced person under detention, the detention services manager may prohibit the sentenced person under detention from sending to or receiving from them; provided, however, that this shall not apply where the sentenced person sends to or receives from the persons in order to carry out a business pertaining to personally, legally, or occupationally important concern of the sentenced person under detention, such as reconciliation of marital relations, pursuance of a lawsuit, or maintenance of a business.

(Suppression, Etc. of Letters by Contents)

Article 224 (1) In cases where it is found, as the result of the examination pursuant to the provision of Article 222, that all or a part of a letter a detainee sends or receives falls under the cases set out under the following items, the detention services manager may suppress the sending or receiving, or remove or erase the said part of the letter. The same shall apply where all or a part of the letter listed in the items under paragraph (3) of said Article is found, in the course of ascertaining that the letter falls under the cases set out under the items thereunder, to fall under the cases set out under the following items:

- (i) Cases where the contents of the letter or a part thereof are the kind that a staff member who engages in the affairs of the detention is unable to understand due to a use of specific kinds of communication such as a code;
- (ii) Cases where there is a risk of either infringing penal laws and regulations or causing infringement of penal laws and regulations by sending or receiving the letter or a part thereof;
- (iii) Cases where there is a risk of causing disruption of discipline and order in the detention facility by sending or receiving the letter or a part thereof;
- (iv) Cases where there is a risk of either causing the addressee considerable uneasiness or inflicting a loss to the addressee because the contents of the letter or a part thereof include intimidating descriptions or clearly false descriptions;
- (v) Cases where the contents of the letter or a part thereof include insulting descriptions of the addressee;
- (vi) Cases of the letters sent or received by unsentenced person where there is a risk of causing destruction of evidence;
- (vii) Cases of the letters sent or received by a sentenced person under detention where there is a risk of hindering of reformation and rehabilitation for the sentenced person under detention.

(2) Notwithstanding the provision of the preceding paragraph, with regard to either letters a detainee sends to or receives from a national or local government agency and whose contents include the matters under the authority of the agency, or letters a detainee sends to or receives from an

attorney and whose contents include the matters under the duty prescribed in paragraph (1) of Article 3 of the Attorney Act with regard to the detainee, the detention services manager may suppress their sending or receiving, or remove or erase the concerned part of them only when all or a part of the letter falls under any of items (i) to (iii) inclusive or item (vi) under the preceding paragraph.

(Restrictions on Letters)

- Article 225 (1) The detention services manager may, pursuant to a Cabinet Office Ordinance, impose restrictions necessary for the management and administration of the detention facility upon the manner in preparing letters, the date and time to claim to send letters, the number of letters (except those claimed to send to a defense counsel, etc.) a detainee may claim to send, and the procedures for sending or receiving letters of the detainee.
- (2) In cases where the detention services manager imposes restriction on the number of letters a detainee may claim to send pursuant to the provision of the preceding paragraph, the number shall be not less than one per day.

(Handling of Prohibited Letter, Etc.)

- Article 226 (1) The detention services manager shall retain the letter in case he/she prohibits or suppresses sending or receiving of it pursuant to the provisions of Article 223 or 224 or paragraph (3) of Article 228, or shall retain the removed part of a letter in case he/she removes a part of a letter pursuant to the provision of Article 224.
- (2) In cases where the detention services manager erases a part of descriptions in a letter pursuant to the provision of Article 224, he/she shall make a copy of the part and retain it.
- (3) The detention services manager shall deliver all or a part of the letter or the copy (hereinafter referred to as "prohibited letter, etc." in this Chapter) he/she retains pursuant to the provisions of the preceding two paragraphs to the detainee upon his/her release.
- (4) In cases where a detainee has deceased, the detention services manager shall, pursuant to a Cabinet Office Ordinance, deliver the prohibited letter, etc. to the bereaved family, etc. (i.e. persons such as the relatives of the deceased that are specified by a Cabinet Office Ordinance; the same shall apply in Article 239) upon claim thereof.
- (5) Notwithstanding the provisions of the preceding two paragraphs, in cases where there is a risk of causing hindrance to the maintenance of discipline and order in the detention facility by the delivery of the prohibited letter, etc., the detention services manager shall not deliver them. The same shall apply to the following cases where there is a risk of causing hindrance to the maintenance

of discipline and order in the detention facility by the delivery thereof:

- (i) Cases where a released detainee requests to deliver the prohibited letter, etc. after release;
  - (ii) Cases where a detainee who falls under either item (i) or (ii) of paragraph (1) under Article 54 as applied mutatis mutandis pursuant to Article 198 requests to deliver the prohibited letter, etc.
- (6) The provisions of paragraph (1) of Article 53, paragraph (1) of Article 54 (except for item (iii)), and paragraphs (2) and (3) of Article 55 shall apply mutatis mutandis to the prohibited letter, etc. (except those not delivered pursuant to the provision of the preceding paragraph) pertaining to a detainee. In this case, the term "national treasury" in paragraph (1) of Article 53, paragraph (1) of Article 54, and paragraph (3) of Article 55 shall be read as "prefecture to which the detention facility belongs" ; the phrase "paragraph (2) of Article 83" in item (ii) of paragraph (1) under Article 54 shall be read as "paragraph (2) of Article 215" ; the term "Article 176" in paragraphs (2) and (3) under Article 55 shall be read as "Article 239" ; the term "warden of the penal institution" in paragraph (2) of Article 55 shall be read as "detention services manager" ; and the phrase "claim set forth in paragraph (1)" in paragraph (3) of said Article shall be read as "claim set forth in paragraph (4) of Article 226".
- (7) The prohibited letter, etc. not being delivered pursuant to the provision of paragraph (5) shall vest in the prefecture to which the detention facility belongs on the day on which expires the period of three years starting either from the day of the release or the death of the detainee, or from the day on which the detainee has fallen under item (i) or (ii) of paragraph (1) under Article 54 as applied mutatis mutandis pursuant to the preceding paragraph.

(Mutatis-Mutandis Application of Provisions on Penal Institutions)

Article 227 The provisions of Article 131 and the provisions of Article 133 shall apply mutatis mutandis to the letters of a detainee and the documents and drawings of a detainee respectively. In this case, the term "warden of the penal institution" in the respective provisions shall be read as "detention services manager," and "national treasury" in Article 131 shall be read as "prefecture to which the detention facility belongs" respectively.

### **Subsection 3 Visits and Correspondence in Foreign Languages**

Article 228 (1) In cases where a detainee or the other party of a visit does not have a sufficient command of the national language, the detention services manager shall permit the visit in a foreign language. In this case, if translation is necessary in order to examine the oral statements, then the detention services manager may, pursuant to a Cabinet Office Ordinance, charge the

expenses thereby incurred to the detainee.

- (2) In cases where a detainee or the other party of correspondence does not have a sufficient command of the national language, or where deemed appropriate, the detention services manager shall permit to send or receive a letter in a foreign language. In this case, if translation is necessary in order to examine the contents of the letter, then the detention services manager may, pursuant to a Cabinet Office Ordinance, charge the expenses thereby incurred to the detainee.
- (3) In cases where the detainee does not bear the expenses prescribed in the preceding two paragraphs, the visit or the correspondence shall not be permitted.

## **Section 11 Appeal**

### **Subsection 1 Claim for Review and Reclaim for Review**

(Claim for Review)

Article 229 (1) Any person who is dissatisfied with such measures as are set out in the following items and taken by the detention services manager may, in writing, file a claim for review with the Chief of Police:

- (i) Prohibition of use or consumption of self-supplied articles pursuant to the provision of Article 187 or paragraph (1) of Article 190;
- (ii) Disposition of vesting objects in the prefecture pursuant to the provision of Article 153 as applied mutatis mutandis pursuant to paragraph (2) of Article 190 (including the cases where it is applied mutatis mutandis pursuant to paragraph (2) of Article 208.)
- (iii) Prohibition of use of retained cash pursuant to the provision of Article 196, or prohibition of delivery of self-retained articles, or retained cash and articles pursuant to the provision of Article 197;
- (iv) Prohibition of receiving a medical treatment pursuant to the provision of paragraph (1) of Article 202, or suspension of medical treatment pursuant to the provision of paragraph (4) of said Article;
- (v) Prohibition of or restriction on religious acts prescribed in Article 205;
- (vi) Prohibition of or restriction on access to books, etc. pursuant to the provisions of paragraph (1) under Article 207 or paragraph (1) of Article 208, or Article 71 as applied mutatis mutandis pursuant to Article 209;
- (vii) Disposition of charging expenses pursuant to the provision of paragraph (2) of Article 207;
- (viii) Prohibition or suppression of, or restriction on correspondence or delivery of documents and drawings pursuant to the provisions of Article 223 or 224, or paragraph (1) of Article 225, or Article 133 as applied mutatis mutandis pursuant to Article 227;

- (ix) Prohibition on the delivery of prohibited letters, etc. (limited to the delivery pursuant to provision of paragraph (3) of said Article) pursuant to the provision of the first sentence of paragraph (5) of Article 226.
- (x) Disposition of charging expenses pursuant to the provision of paragraph (1) or (2) under the preceding Article;
- (2) A claim for review pursuant to the preceding paragraph (hereinafter referred to simply as "claim for review" in this Section) shall be filed within thirty days from the day immediately following the day on which the notification of a disposition has been made.
- (3) The provisions of paragraph (2) of Article 157, paragraph (2) of Article 158, Article 160, and paragraph (1) of Article 161 of this Act, and the provisions of paragraph (4) of Article 14, paragraphs (1), (2), and 4 of Article 15, paragraphs (1) and (4) of Article 18, Articles 19 and 21, paragraphs (1), (2), and (6) of Article 34, Articles 35 to 37 inclusive, and Article 39, paragraphs (1) to (5) inclusive of Article 40, Articles 41 and 42, and paragraphs (1) and (2) of Article 43 under the Administrative Appeal Act shall apply mutatis mutandis to the claim for review. In this case, the phrase "Superintendent of the Regional Correction Headquarters" in Article 160 and paragraph (1) of Article 161 shall be read as "Chief of Police" ; the term "warden of the penal institution" in paragraph (2) of Article 160 shall be read as "detention services manager" ; the phrase "the original copy and a duplicate copy of the written request for review to either the disposition agency or the review agency" in paragraph (1) of Article 18 of said Act shall be read as "the original copy to the review agency" ; the phrase "upon request of the applicant of the request for review or ex officio" in paragraph (2) of Article 34 under said Act shall be read as "ex officio" ; and the phrase "by both posting the notice on a bulletin board and publishing in the official gazette or other official bulletin or in a newspaper at least once" in paragraph (3) of Article 42 of said Act shall be read as "by posting the notice on a bulletin board," and additional technicalities requiring alternative readings shall be provided for by a Cabinet Order.

(Reclaim for Review)

- Article 230 (1) Any person who is dissatisfied with the determination on a claim for review may, in writing, file a reclaim for review with the public safety commission.
- (2) A reclaim for review pursuant to the provision of the preceding paragraph (hereinafter referred to simply as "reclaim for review" in this Section) shall be filed within thirty days from the day immediately following the day on which the notification of the determination on a claim for review has been made.
  - (3) The provisions of paragraph (2) of Article 157, paragraph (2) of Article 158, Article 160, and paragraph (1) of Article 161 of this Act, and the provisions of

paragraphs (3) and (4) of Article 14, paragraphs (1), (2), and (4) of Article 15, Article 21, paragraphs (1), (2), and 6 of Article 34, Articles 35 to 37 inclusive, Article 39, paragraphs (1) to (5) inclusive of Article 40, paragraph (1) of Article 41, Article 42, paragraphs (1) and (2) of Article 43, and Article 55 of the Administrative Appeal Act shall apply mutatis mutandis to the reclaim for review. In this case, the term "Superintendent of the Regional Correction Headquarters" in Article 160 and paragraph (1) of Article 161 shall be read as "public safety commission" ; the term "warden of the penal institution" in paragraph (2) of Article 160 shall be read as "detention services manager" ; the phrase "upon request of the applicant of the request for review or ex officio" in paragraph (2) of Article 34 under said Act shall be read as "ex officio" ; and the phrase "by both posting the notice on a bulletin board and publishing in the official gazette or other official bulletin or in a newspaper at least once" in paragraph (3) of Article 42 of said Act shall be read as "by posting the notice on a bulletin board," and additional technicalities requiring alternative readings shall be provided for by a Cabinet Order.

### **Subsection 2 Report of Cases**

(Report of Cases to the Chief of Police)

Article 231 (1) A detainee may, if the acts of a staff member who engages in the affairs of the detention taken against him/her fall under any such acts as are set out under the following items, pursuant to a Cabinet Order, report the case in writing to the Chief of Police:

- (i) Illegal use of physical force against body;
- (ii) Illegal or unjust use of arresting ropes, handcuffs, restraint suit, or gag;
- (iii) Illegal or unjust confinement in a protection room.

(2) A report pursuant to the provision of the preceding paragraph shall be filed within thirty days from the day immediately following the day on which the case with regard to the report has occurred.

(3) The provisions of paragraph (2) of Article 157, paragraph (2) of Article 158, Article 160, paragraph (1) of Article 161, and paragraphs (1), (2), and (4) of Article 164 of this Act, and the provisions of paragraph (4) of Article 14, paragraphs (1) and (4) of Article 18, Articles 19, 21, 36, 39, and 41 of the Administrative Appeal Act shall apply mutatis mutandis to the report pursuant to the provision of paragraph (1). In this case, the term "Superintendent of the Regional Correction Headquarters" in Article 160, paragraph (1) of Article 161, and paragraphs (1), (2), and (4) of Article 164 shall be read as "Chief of Police" ; the term "warden of the penal institution" in paragraph (2) of Article 160 shall be read as "detention services manager" ; the phrase "paragraph (1) of the preceding Article" in paragraph (4) of Article 164

shall be read as "paragraph (1) of Article 231" ; the phrase "the original copy and a duplicate copy of the written request for review to either the disposition agency or the review agency" in paragraph (1) of Article 18 of said Act shall be read as "the original copy to the review agency," and additional technicalities requiring alternative readings shall be provided for by a Cabinet Order.

(Report of Cases to the Public Safety Commission)

- Article 232 (1) Upon receiving a notification pursuant to the provision of paragraph (1) or (2) of Article 164 as applied mutatis mutandis pursuant to paragraph (3) of the preceding Article, if dissatisfied with its contents, the detainee may, pursuant to a Cabinet Order, report the case prescribed in paragraph (1) of said Article in writing to the public safety commission.
- (2) A report pursuant to the provision of the preceding paragraph shall be filed within thirty days from the day immediately following the day on which the notification pursuant to the provision of said paragraph has received.
- (3) The provisions of paragraph (2) of Article 157, paragraph (2) of Article 158, Article 160, paragraph (1) of Article 161, and paragraphs (1), (2), and (4) of Article 164 of this Act, and the provisions of paragraph (4) of Article 14, Articles 21, 36, and 39, and paragraph (1) of Article 41 of the Administrative Appeal Act shall apply mutatis mutandis to the report pursuant to the provision of paragraph (1). In this case, the term "Superintendent of the Regional Correction Headquarters" in Article 160, paragraph (1) of Article 161, and paragraphs (1), (2), and (4) of Article 164 shall be read as "public safety commission" ; the term "warden of the penal institution" in paragraph (2) of Article 160 shall be read as "detention services manager" ; the phrase "paragraph (1) of the preceding Article" in paragraph (4) of Article 164 shall be read as "paragraph (1) of Article 231," and additional technicalities requiring alternative readings shall be provided for by a Cabinet Order.

### **Subsection 3 Filing of Complaints**

(Filing of Complaints with the Chief of Police)

- Article 233 (1) A detainee may, in writing, file a complaint with the Chief of Police with regard to the measures taken by the detention services manager against him/her or any other treatment he/she received.
- (2) The provisions of paragraph (2) of Article 157 and paragraph (3) of Article 166 shall apply mutatis mutandis to the filing of complaints with the Chief of Police set forth in the preceding paragraph.

(Filing of Complaints with the Inspector)

- Article 234 (1) A detainee may, either orally or in writing, file a complaint with

the inspector conducting the on-the-spot inspection pursuant to the provision of Article 18 (hereinafter referred to simply as "inspector" in this Section) with regard to the measures taken by the detention services manager against him/her or any other treatment he/she received.

- (2) The provisions of paragraph (2) of Article 157, paragraph (3) of Article 166, and paragraph (3) of Article 167 shall apply mutatis mutandis to the filing of complaints with the inspector set forth in the preceding paragraph. In this case, the term "staff members of the penal institution" in paragraph (3) of said Article shall be read as "staff members who engage in the affairs of the detention"

(Filing of Complaints with the Detention Services Manager)

Article 235 (1) A detainee may, either orally or in writing, file a complaint with the detention services manager with regard to the measures taken by the detention services manager against him/her or any other treatment he/she received.

- (2) The provisions of paragraph (2) of Article 157, paragraph (3) of Article 166, and paragraph (3) of Article 168 shall apply mutatis mutandis to the filing of complaints with the detention services manager set forth in the preceding paragraph.

#### **Subsection 4 Miscellaneous Provisions**

(Secrecy of Filing)

Article 236 (1) The detention services manager shall take necessary measures so that detainees may, upon filing claim for review, etc. (i.e. claim for review, reclaim for review, or the report pursuant to the provision of paragraph (1) under Article 231 or paragraph (1) under Article 232; hereinafter the same shall apply in the following paragraph and the following Article) or a complaint with the Chief of Police or the inspector, keep their contents secret to the staff members who engage in the affairs of the detention.

- (2) Notwithstanding the provisions of Article 222, no document for filing claim for review, etc. or for filing of complaints shall be examined.

(Prohibition of Adverse Treatment)

Article 237 A staff member who engages in the affairs of the detention shall not treat detainees adversely for the reason of filing claim for review, etc. or complaints.

#### **Section 12 Release**



Article 238 The provisions of Articles 171 to 173 inclusive and the provision of Article 175 shall apply mutatis mutandis to the release of detainees and the detainees to be released respectively. In this case, the term "penal institution" in items (ii) and (iv) under Article 171 shall be read as "detention facility."

### **Section 13 Death**

Article 239 In cases where a detainee has died, the detention services manager shall, pursuant to a Cabinet Office Ordinance, promptly inform the bereaved family about the cause, the time and date of the detainee's death, and about the property left or prohibited letters, etc. to be delivered to the same, if any.

### **Section 14 Consultation with the Minister of Justice**

Article 240 In the interests of the uniform treatment of both sentenced persons and persons under detention, the Prime Minister shall consult with the Minister of Justice upon establishing, revising, or repealing Cabinet Office Ordinances on the treatment of detainees who are the persons under detention and the sentenced persons under detention.

## **Chapter IV Treatment of Coast Guard Detainees in Coast Guard Detention Facilities**

### **Section 1 Commencement of Detention**

(Notification upon Commencing Detention)

Article 241 (1) The coast guard detention services manager shall, at the commencement of detention in the coast guard detention facility, notify coast guard detainees of the following matters in accordance with their status as a coast guard detainee.

- (i) Matters pertaining to lending, supplying, and self-supplying of articles;
- (ii) Matters pertaining to the handling of money and other goods, such as self-retained articles prescribed in paragraph (1) of Article 250;
- (iii) Matters pertaining to hygiene and medical care;
- (iv) Matters pertaining to religious acts;
- (v) Matters pertaining to access to books, etc.;
- (vi) Matters pertaining to the compliance rules prescribed in paragraph (1) of Article 262;
- (vii) Matters pertaining to visits and correspondence;
- (viii) Matters pertaining to the claim for review, such as the measures against which a claim for review may be filed, the reviewing agency, and the filing period of the claim for review;

- (ix) Matters pertaining to the report pursuant to the provision of paragraph (1) of Article 277, such as the acts against which a report may be filed pursuant to the provision of said paragraph, the destination of the report, and the reporting period;
  - (x) Matters pertaining to the filing of complaints.
- (2) The notification pursuant to the preceding paragraph shall be made in writing, pursuant to an Ordinance of the Ministry of Land, Infrastructure, Transport, and Tourism.

(Examination for Physical Identification)

Article 242 (1) Coast guard detention officers may, upon commencement of the detention in the coast guard detention facility, examine the coast guard detainee's body within the limit necessary for identification. The same shall apply to subsequent cases of the necessity so to do.

- (2) The examination of female coast guard detainees pursuant to the provision of the preceding paragraph shall be conducted by female coast guard detention officers. However, in cases where female coast guard detention officers are unable to conduct the examination, a male coast guard detention officer may conduct it by directing female staff members whom the coast guard detention services manager designates.

## **Section 2 Modes of Treatment**

Article 243 (1) Treatment of coast guard detainees (except for the cases specified by an Ordinance of the Ministry of Land, Infrastructure, Transport, and Tourism, such as the case of exercise, bathing, or visits) shall be conducted in a coast guard detainee's room (i.e. a room which the coast guard detention services manager assigns as a place used by coast guard detainees mainly for rest and sleep; the same shall apply in this Article and Article 264) throughout day and night, except where it is deemed appropriate to conduct it in the outside of the coast guard detainee's room.

- (2) A detention method without the coast guard detainee's room for singular accommodation may be opted for to detain unsentenced persons (limited to those detained in the coast guard detention facilities; hereinafter the same shall apply in this Chapter) only in the cases where it is deemed that there is no risk of causing a hindrance to the prevention of destruction of evidence.
- (3) No unsentenced persons shall be permitted to make mutual contact even in the outside of the coast guard detainee's room except for the case prescribed in the preceding paragraph.

## **Section 3 Schedules of Daily Activities**

Article 244 The coast guard detention services manager shall, pursuant to an Ordinance of the Ministry of Land, Infrastructure, Transport, and Tourism, establish the daily schedule of meals, sleeping, and other daily routine activities and notify the coast guard detainees thereof.

#### **Section 4 Lending, Supplying, and Self-Supplying of Articles**

Article 245 The provisions of Articles 186 to 189 inclusive shall apply mutatis mutandis to the matters pertaining to lending, supplying, and self-supplying of articles concerning the coast guard detainees detained at a coast guard detention facility. In this case, the term "a Cabinet Office Ordinance" in paragraph (2) of Article 186, Article 187, and item (iii) of paragraph (1) under Article 188 shall be read as "an Ordinance of the Ministry of Land, Infrastructure, Transport, and Tourism" ; the term "detention services manager" in Article 187 shall be read as "coast guard detention services manager" ; and the phrase ", cases where such permission is prohibited pursuant to the provision of Article 190, and the cases of the sentenced person under detention where such permission is likely to impose hindrance to the correction and rehabilitation on him/her" in Article 187 shall be deleted.

#### **Section 5 Handling of Cash and Other Articles**

(Examination of Cash and Other Articles)

Article 246 The coast guard detention officers may examine the following cash and other articles:

- (i) Cash and articles a coast guard detainee carries at the time of detention;
- (ii) Cash and articles a coast guard detainee obtained while in custody (except for such articles as letters; the same shall apply in the following item) but not the cash and the articles listed in the following item (except for the articles supplied by the coast guard detention services manager);
- (iii) Cash and articles a person other than the coast guard detainee concerned brought or sent to the coast guard detention facility in order to deliver to the coast guard detainee.

(Disposition of Articles Brought at the Time of Detention)

Article 247 (1) In cases where any of the articles listed in item (i) or (ii) of the preceding Article falls under any of the cases set out under the following items, the coast guard detention services manager shall request the coast guard detainee to deliver the article to the coast guard detainee's relative or other persons deemed appropriate, or to make other appropriate dispositions:

- (i) Cases where the article involves inconvenience in keeping in custody;
  - (ii) Cases where the article is likely to be decomposed or perish;
  - (iii) Cases where the article is likely to cause danger.
- (2) The provision of paragraph (2) of Article 45 shall apply mutatis mutandis to the cases where the coast guard detention services manager requests the disposition of articles to the coast guard detainee pursuant to the preceding paragraph.

(Request to Accept Articles from Outside)

Article 248 (1) In cases where any of the cash or the articles listed in item (iii) of Article 246 falls under any of the cases set out under the following items, the coast guard detention services manager shall request the outside supplier to retrieve the article:

- (i) Cases where the delivery of the article to the coast guard detainee is likely to disrupt discipline and order in the coast guard detention facility;
  - (ii) Cases where the recipient is an unsentenced person, and the acceptance of the article is not permitted pursuant to the provisions of the Code of Criminal Procedure;
  - (iii) Cases where the article is from an outside supplier whose name is anonymous;
  - (iv) Cases of the articles other than self-supplied articles, etc.
  - (v) Cases where the article falls under any of the cases set out under the items of paragraph (1) under the preceding Article.
- (2) In cases where any of the cash or the articles prescribed in item (iii) of Article 246 falls under any of items (i) to (iii) inclusive under the preceding paragraph, if it is unfeasible to make a request pursuant to the provision of said paragraph because the outside supplier's whereabouts are unknown, the coast guard detention services manager shall make a public notice to this effect by the methods prescribed by a Cabinet Order.
- (3) In cases where the outside supplier does not retrieve the cash or the article prescribed in the preceding paragraph until the day on which expires the period of six months starting from the day on which the request pursuant to the provision of paragraph (1) was made, or from the day on which the public notice was made pursuant to the provision of the preceding paragraph, the cash or the article shall vest in the national treasury.
- (4) The coast guard detention services manager may dispose of the article prescribed in paragraph (2) which falls under item (v) of paragraph (1) by sale and retain the proceeds even within the period set forth in the preceding paragraph. However, he/she may destroy the article if it is unsalable.
- (5) In cases where any of the cash or the articles prescribed in item (iii) of Article 246 falls under item (iv) or (v) of paragraph (1) (except such articles that falls

- under any of items (i) to (iii) inclusive under said paragraph), if it is unfeasible to make a request pursuant to the provision of said paragraph because the outside supplier's whereabouts are unknown, or if it is inappropriate to make the request, or if the outside supplier has refused to retrieve the cash or the article, then the coast guard detention services manager shall request the coast guard detainee to deliver the cash or the article to the coast guard detainee's relative or other appropriate persons, or to make other appropriate dispositions.
- (6) The provision of paragraph (2) of Article 45 shall apply mutatis mutandis to the cases where the coast guard detention services manager requests the disposition of articles to the coast guard detainee pursuant to the preceding paragraph.
- (7) In cases where a coast guard detainee refuses to receive any of the cash or the articles prescribed in item (iii) of Article 246 which does not fall under any of the items of paragraph (1), the coast guard detention services manager shall request the outside supplier to retrieve the cash or the article. The provisions of paragraphs (2) and (3) shall apply mutatis mutandis to the cases set out in the foregoing.

(Delivery and Retention of Articles)

- Article 249 (1) Such articles set forth hereunder that are permitted for a coast guard detainee to use or consume pursuant to the provisions of this Act shall be delivered to the coast guard detainee:
- (i) Articles listed in item (i) or (ii) of Article 246 which do not fall under any of the items under paragraph (1) of Article 247;
  - (ii) Articles listed in item (iii) of Article 246 which do not fall under any of the items under paragraph (1) of the preceding paragraph (except those the coast guard detainee refused to receive).
- (2) The coast guard detention services manager shall retain the following cash or articles:
- (i) Article listed in the items of the preceding paragraph and are other than those permitted for the coast guard detainee to use or consume pursuant to the provisions of this Act;
  - (ii) The cash listed in the items under Article 246 and does not fall under item (i) or (iii) under paragraph (1) of the preceding Article.

(Self-retained Articles)

- Article 250 (1) The coast guard detention services manager may, pursuant to an Ordinance of the Ministry of Land, Infrastructure, Transport, and Tourism, impose restrictions necessary for the management and administration of the coast guard detention facility on the method of retention of self-retained articles (articles retained by a coast guard detainee following the receipt

thereof pursuant to the provision of paragraph (1) under the preceding Article (including the articles retained following the receipt thereof pursuant to the provision of paragraph (5) under Article 48 as applied mutatis mutandis pursuant to paragraph (3)) and letters received and retained by the coast guard detainee; hereinafter the same shall apply in this Chapter).

(2) In cases where the total volume of self-retained articles (except those specified by an Ordinance of the Ministry of Land, Infrastructure, Transport, and Tourism) of a coast guard detainee (hereinafter referred to as "total self-retention volume" in the following Article) exceeds the maximum self-retention volume (i.e. a volume determined by the coast guard detention services manager according to the respective status as a coast guard detainee as the volume of articles which may be self-retained by each coast guard detainee; hereinafter the same shall apply in the following Article), or where the total volume of articles (except those specified by an Ordinance of the Ministry of Land, Infrastructure, Transport, and Tourism) retained for a coast guard detainee (hereinafter referred to as "total retention volume" in the following Article) exceeds the maximum retention volume (i.e. a volume determined by the coast guard detention services manager according to the respective status as a coast guard detainee as the volume of articles which may be retained; hereinafter the same shall apply in the following Article), the coast guard detention services manager may request the coast guard detainee to render such portion of the articles that is equivalent to the volume in excess to the coast guard detainee's relative or other persons considered to be appropriate, or to make other appropriate dispositions. The same shall apply to the articles which have come to be decomposed or perish.

(3) The provision of paragraph (2) of Article 45, the provision of paragraph (4) of Article 48, and the provision of paragraph (5) of said Article shall apply mutatis mutandis to the cases where the coast guard detention services manager requests the disposition of articles to the coast guard detainee pursuant to the preceding paragraph, to the self-retained articles of coast guard detainees, and to the retained articles of coast guard detainees respectively. In this case, the term "warden of the penal institution" in the respective provisions shall be read as "coast guard detention services manager."

#### (Use of Retained Cash)

Article 251 In cases where a coast guard detainee claims to expend the cash being retained in order to either purchase self-supplied articles, etc. or to apply it to the expenses to be incurred by him/her in the course of his/her daily life in the coast guard detention facility, the coast guard detention services manager shall permit him/her to expend the necessary amount of cash; provided,

however, that this shall not apply to the cases where the expenditure of cash for the purchase of self-supplied articles, etc. falls under any of the cases set out under the following items:

- (i) Cases where the consequent total self-retention volume is estimated to exceed the maximum self-retention volume or the consequent total retention volume is estimated to exceed the maximum retention volume after the purchase with the expenditure;
- (ii) Cases where the coast guard detainee is an unsentenced person and he/she is not permitted to receive the self-supplied articles he/she purchases with the expenditure under the provisions of the Code of Criminal Procedure.

(Delivery of Self-retained Articles, and Retained Cash or Articles)

Article 252 In cases where a coast guard detainee claims to deliver either the self-retained articles or the cash and articles being retained (except such articles that fall under the documents and drawings prescribed in Article 133 as applied mutatis mutandis pursuant to Article 273) to another person (except those being detained in the coast guard detention facility concerned) (except such delivery that falls under the delivery of a letter), the coast guard detention services manager shall permit the coast guard detainee to do so except cases falling under any of the cases set out under the following items:

- (i) Cases where there is a risk of disrupting the maintenance of discipline and order in the coast guard detention facility accrued by such delivery to the coast guard detainee (except the cases where the recipient of such delivery is the coast guard detainee's relative);
- (ii) Cases where the coast guard detainee is an unsentenced person and such delivery of the article is not permitted pursuant to the provisions of the Code of Criminal Procedure.

(Mutatis-Mutandis Application of Provisions on Penal Institutions)

Article 253 The provision of Article 51 shall apply mutatis mutandis to the restrictions on the delivery and the purchase of articles by the coast guard detention services manager, and the provision of Article 52 shall apply mutatis mutandis to the delivery of retained cash and articles by the coast guard detention services manager, and the provisions of Articles 53, 54 (except for item (iii) of paragraph (1)), and 55 shall apply mutatis mutandis to the property left by coast guard detainees (i.e. cash and articles left in the coast guard detention facility; the same shall apply in Article 285). In this case, the phrase "this Section" in Article 51 shall be read as "Section 5 of Chapter IV" ; the term "a Ministry of Justice Ordinance" in said Article and paragraph (1) of Article 55 shall be read as "an Ordinance of the Ministry of Land, Infrastructure, Transport, and Tourism" ; the terms "inmates" and "inmate" in

Articles 51 and 52 shall be read as "coast guard detainees" and "coast guard detainee" respectively; the phrase "management and administration of the penal institution" in Article 51 shall be read as "management and administration of the coast guard detention facility" ; the term "warden of the penal institution" in paragraph (2) of Article 53, and paragraph (2) of Article 55 shall be read as "coast guard detention services manager" ; the phrase "paragraph (2) of Article 83" in item (ii) of paragraph (1) under Article 54 shall be read as "paragraph (2) of Article 263" ; and the term "Article 176" in paragraphs (2) and (3) of Article 55 shall be read as "Article 285."

## **Section 6 Hygiene and Medical Care**

(Principle of Hygiene and Medical Care)

Article 254 At coast guard detention facilities, efforts shall be made to grasp the physical and mental conditions of the coast guard detainees thereof, and hygienic and medical measures adequate in light of the public standards of hygiene and medical care shall be taken in order to maintain the health of the coast guard detainees and the hygiene inside the coast guard detention facilities.

(Physical Exercise)

Article 255 Coast guard detainees shall, pursuant to an Ordinance of the Ministry of Land, Infrastructure, Transport, and Tourism, be provided with the opportunity to take adequate exercise in order to maintain their health.

(Mutatis-Mutandis Application of Provisions on Penal Institutions and Detention Facilities)

Article 256 The provisions of Articles 58 and 59, paragraph (1) of Article 200, and Articles 201 to 203 inclusive, and the provisions of Articles 64 and 65 shall apply mutatis mutandis to the coast guard detainees and the measures toward the coast guard detainees by the coast guard detention services managers respectively. In this case, the terms "a Ministry of Justice Ordinance" in Articles 59 and 64, and "a Cabinet Office Ordinance" in paragraphs (1) and (3) of Article 202 and Article 203 shall be both read as "an Ordinance of the Ministry of Land, Infrastructure, Transport, and Tourism" ; The terms "penal institution" in Article 59 and "detention facility" in paragraph (1) of Article 200 and paragraph (1) of Article 202 shall be both read as "coast guard detention facility" ; the phrases "inside the penal institution" and "medical examination pursuant to the provision of Article 61 or the medical treatment pursuant to the provision of Article 62" in Article 64 shall be read as "inside the coast guard detention facility" and "medical treatment pursuant to the provision of



Article 201 as applied mutatis mutandis pursuant to Article 256" respectively; the phrase "outside the penal institution" in paragraph (2) of Article 65 shall be read as "outside the coast guard detention facility" ; the term "detention services manager" in paragraph (1) of Article 200 and Articles 201 to 203 inclusive shall be read as "coast guard detention services manager" ; and the term "detention officers" in paragraph (1) of Article 200 and the term "a staff member who engages in the affairs of the detention " in paragraph (2) under Article 202 shall be read as "coast guard detention officer" respectively.

### **Section 7 Religious Acts**

Article 257 Worship and other religious acts which a coast guard detainee performs individually shall not be prohibited nor restricted; provided, however, that this shall not apply where there is a risk of causing a hindrance to either the maintenance of discipline and order or the management and administration of the coast guard detention facility.

### **Section 8 Access to Books, Etc.**

(Access to Self-supplied Books, Etc.)

Article 258 No access to self-supplied books, etc. by coast guard detainees shall be prohibited nor restricted except for such cases as are provided for under the provisions of this Section.

Article 259 (1) The coast guard detention services manager may prohibit a coast guard detainee's access to self-supplied books, etc., if the access leads to any of the cases set out under the following items:

- (i) Cases where there is a risk of causing disruption of discipline and order in the coast guard detention facility;
- (ii) Cases where the coast guard detainee is an unsentenced person, and there is a risk of causing destruction of evidence.

(2) In cases where a translation of self-supplied books, etc. is necessary in order to examine whether or not to prohibit the access pursuant to the preceding paragraph, the coast guard detention services manager may, pursuant to an Ordinance of the Ministry of Land, Infrastructure, Transport, and Tourism, charge the expenses to the coast guard detainee. In the case of the foregoing, if the coast guard detainee has refused to incur the expenses to be incurred by him/her, then the access to the books, etc. shall be prohibited.

(Mutatis-Mutandis Application of Provisions on Penal Institutions)

Article 260 The provision of Article 71 and the provision of paragraph (1) of

Article 72 shall apply mutatis mutandis to the restrictions on the newspapers by the coast guard detention services manager and the measures such as the provision of opportunity to access to news report on current affairs by the coast guard detention services manager respectively. In this case, the term "Ministry of Justice Ordinance" in Article 71 shall be read as "Ordinance of the Ministry of Land, Infrastructure, Transport, and Tourism" ; the term "inmates" in said Article and paragraph (1) of Article 72 shall be read as "coast guard detainees" ; and the phrase "management and administration of the penal institution" in Article 71 shall be read as "management and administration of the coast guard detention facility".

### **Section 9 Maintenance of Discipline and Order**

(Discipline and Order in Coast Guard Detention Facilities)

Article 261 (1) The discipline and order in the coast guard detention facility shall be maintained appropriately.

(2) Measures taken in order to achieve the purpose set forth in the preceding paragraph shall not exceed the limit necessary for securing the custody of coast guard detainees and maintaining both adequate conditions for the treatment of coast guard detainees and a safe and peaceful community life thereof.

(Compliance Rules)

Article 262 (1) The coast guard detention services manager shall determine the rules to be complied with by coast guard detainees (hereinafter referred to as "compliance rules" in this Chapter).

(2) The compliance rules shall stipulate in a specific manner such matters as are set out under the following items in accordance with respective status as a coast guard detainee:

(i) Prohibition against criminal acts;

(ii) Prohibition against any behavior or statement in a rude or outrageous manner, or any act imposing trouble on the others;

(iii) Prohibition against self-injurious activities;

(iv) Prohibition against obstructions against the coast guard detention officers in the performance of their duties;

(v) Prohibition against acts likely to hamper the secure custody of him/herself or the other coast guard detainees;

(vi) Prohibition against the acts which may disrupt the security of the coast guard detention facility;

(vii) Prohibition against the acts detrimental to hygiene or public morals inside the coast guard detention facility;

(viii) Prohibition against the wrongful use, possession, transfer, etc. on cash

and articles;

- (ix) In addition to what is listed in the preceding items, matters necessary for the maintenance of discipline and order in the coast guard detention facility;
  - (x) Prohibition against any attempt, incitement, inducement, or aid for the acts against the compliance rules which stipulate the matters listed in the preceding items.
- (3) In addition to what is provided for in the preceding two paragraphs, the coast guard detention services manager or a coast guard detention officer may, if necessary to maintain discipline and order in the coast guard detention facility, give instructions to coast guard detainees with regard to their life and behavior.

(Evacuation and Liberation in Time of Disaster)

Article 263 (1) In case of earthquake, fire, or any other disaster and no evacuation means available inside the coast guard detention facility, the coast guard detention services manager shall escort coast guard detainees to an appropriate location.

(2) In the case prescribed in the preceding paragraph, if the escort of coast guard detainees is unfeasible, then the coast guard detention services manager may liberate them from the coast guard detention facility. The same shall apply in case of earthquake, fire, or any other disaster where the escort of coast guard detainees to an appropriate location outside the coast guard detention facility for the purpose of evacuation is unfeasible.

(3) Persons who have been liberated pursuant to the provision of the preceding paragraph shall appear at the coast guard detention facility or a location specified by the coast guard detention services manager promptly after the conditions which entailed the evacuation have ceased to exist.

(Mutatis-Mutandis Application of Provisions on Penal Institutions)

Article 264 The provision of Article 75 shall apply mutatis mutandis to the search into the body, clothes, personal belongings, and room as well as the keeping in custody of the personal belongings of the coast guard detainees, and the search into the clothes and personal belongings as well as the keeping in custody of the personal belongings of persons other than the coast guard detainees, and the provision of Article 78 shall apply mutatis mutandis to the use of the arresting ropes, handcuffs, and restraint suit by the coast guard detention officers respectively. In this case, the term "penal institution" in paragraphs (1) and (3) of Article 75 and item (iii) of paragraph (1) under Article 78 shall be read as "coast guard detention facility" ; the phrase "paragraph (2) of Article 34" in paragraph (2) of Article 75 shall be read as "paragraph (2) of Article 242" ; the terms "inmate" and "inmates" in paragraphs (1), (2), and 6 under Article 78 shall be read as "coast guard

detainee" and "coast guard detainees" ; the term "a Ministry of Justice Ordinance" in paragraphs (1) and (7) under said Article shall be read as "an Ordinance of the Ministry of Land, Infrastructure, Transport, and Tourism" ; the term "warden of the penal institution" in paragraphs (2) to (6) inclusive under said Article shall be read as "coast guard detention services manager" ; and the term "a medical doctor on the staff of the penal institution" in said paragraph shall be read as "a medical doctor commissioned by the coast guard detention services manager".

## **Section 10 Contact with the Outside World**

### **Subsection 1 Visits**

(Visitors)

Article 265 In cases where a person requests to visit a coast guard detainee, the coast guard detention services manager shall permit the coast guard detainee to receive the visit, except the cases where it is prohibited pursuant to the provision of paragraph (3) under Article 274; provided, however, that the foregoing shall not apply where the coast guard detainee is an unsentenced person and such visit is not permitted by the provisions of the Code of Criminal Procedure.

(Attendance and Recording during Visits Other than Those from Defense Counsels, Etc.)

Article 266 (1) The coast guard detention services manager shall have a coast guard detention officer attend at any of the visits to unsentenced persons (other than those visits by a defense counsel, etc.), or have the officer make a sound or video recording of it.

(2) In cases where it is deemed necessary for the maintenance of discipline and order in the coast guard detention facility or for any other reasons, the coast guard detention services manager may have a coast guard detention officer attend a visit (other than those visits by a defense counsel, etc.) for the coast guard detainees other than unsentenced person, or make a sound or video recording of it.

(3) Notwithstanding the provisions of the preceding two paragraphs, and except the cases where there is a special circumstance in which it is deemed likely to cause disruption of discipline and order in the coast guard detention facility and the cases of an unsentenced person under detention where there is a special circumstance in which it is deemed likely to cause destruction of evidence, the coast guard detention services manager shall not command the attendance, and the sound or video recording of it with respect to the visits to a coast guard detainee by any of such persons as are set out under the following

items:

- (i) National or local government official who conducts an inquiry into the measures taken by the coast guard detention services manager toward the coast guard detainee, or any other treatment the coast guard detainee received;
- (ii) Attorney who discharges the duty prescribed in paragraph (1) under Article 3 of the Attorney Act with regard to the measures taken by the coast guard detention services manager toward the coast guard detainee, or any other treatment the coast guard detainee received.

(Suspension and Termination on Visits)

Article 267 (1) In cases falling under any of the cases set out under the following items (limited to (b) of item (i) in cases of visits by a defense counsel, etc.), a coast guard detention officer may either restrain the conducts or oral statements, or suspend the visit. In this case, the coast guard detention officer may order the coast guard detainee or the visitor to withdraw from the visiting site, or may take any other necessary measures to suspend the visit:

- (i) Cases where the coast guard detainee or the visitor commits any act falling under either of acts set out under the following subitems (a) or (b):
    - (a) An act breaching the restrictions stipulated under paragraph (5) of Article 220 as applied *mutatis mutandis* pursuant to the provision of the following Article;
    - (b) An act detrimental to discipline and order in the coast guard detention facility;
  - (ii) If the coast guard detainee or the visitor makes any oral statement whose contents fall under any of the following subitems (a) to (c) inclusive:
    - (a) Contents which the coast guard detention officer is unable to apprehend due to a use of specific kinds of communication such as a code;
    - (b) Contents which conspire, incite, or induce a commission of crime;
    - (c) Contents likely to cause disruption of discipline and order in the coast guard detention facility;
  - (iii) If the unsentenced person or the visitor makes any oral statement that is likely to result in the destruction of evidence.
- (2) In cases where a visit is suspended pursuant to the provision of the preceding paragraph, if it is deemed inappropriate to continue the visit, then the coast guard detention services manager may terminate the visit.

(Mutatis-Mutandis Application of Provisions on Detention Facilities)

Article 268 The provision of Article 220 shall apply *mutatis mutandis* to the visits received by the coast guard detainees. In this case, the term "detention facility" in paragraph (1) and paragraphs (3) to (5) inclusive under the said

Article shall be read as "coast guard detention facility" the term "detention services manager" in paragraphs (3) to (5) inclusive under the said Article shall be read as "coast guard detention services manager" ; and the term "a Cabinet Office Ordinance" in paragraphs (4) and (5) under the said Article shall be read as "an Ordinance of the Ministry of Land, Infrastructure, Transport, and Tourism."

### **Subsection 2 Correspondence**

(Letters Permitted to Send and Receive)

Article 269 The coast guard detention services manager shall permit a coast guard detainee to send and receive letters to and from another person, except where it is prohibited pursuant to the provisions of this Subsection or paragraph (3) of Article 274; provided, however, that this shall not apply in the cases of the coast guard detainee being an unsentenced person where sending or receiving letters is not permitted by the provisions of the Code of Criminal Procedure.

(Examination of Letters)

- Article 270 (1) The coast guard detention services manager shall have a coast guard detention officer examine the letters an unsentenced person sends and receives.
- (2) In cases where it is deemed necessary for the maintenance of discipline and order in the coast guard detention facility or for any other reasons, the coast guard detention services manager may have a coast guard detention officer examine the letters the coast guard detainee who is not an unsentenced person sends and receives.
- (3) With regard to the letters set out under the following items, the coast guard detention officer shall examine them within the limit necessary for ascertaining that the letters fall under any of the following items; provided, however, concerning the letters listed in (c) under item (i) and (b) under item (ii), this shall not apply to the cases where there is a special circumstance in which it is deemed likely to cause disruption of discipline and order in the coast guard detention facility and the cases of an unsentenced person where there is a special circumstance in which it is deemed likely to cause destruction of evidence:
- (i) Letters received by the coast guard detainee from any of the persons set out in the following subitems (a) to (c) inclusive;
    - (a) Defense counsel, etc.;
    - (b) National or local government agency;
    - (c) Attorney (including a legal professional corporation, hereinafter the same

- shall apply in this Subsection) who discharges the duty prescribed in paragraph (1) of Article 3 of the Attorney Act with regard to the measures taken by the coast guard detention services manager toward the coast guard detainee, or any other treatment the coast guard detainee received;
- (ii) Letters the coast guard detainee other than an unsentenced person sends to any of the persons set out in the following subitems (a) and (b);
    - (a) National or local government agency which conducts an inquiry into the measures taken by the coast guard detention services manager toward the coast guard detainee, or any other treatment received by the coast guard detainee who is not an unsentenced person;
    - (b) Attorney who discharges the duty prescribed in paragraph (1) of Article 3 of the Attorney Act with regard to the measures taken by the coast guard detention services manager toward the coast guard detainee, or any other treatment the coast guard detainee received.

(Suppression, Etc. of Letters by Contents)

Article 271 (1) In cases where it is found, as the result of the examination pursuant to the provision of the preceding Article, that all or a part of a letter a coast guard detainee sends or receives falls under the cases set out under the following items, the coast guard detention services manager may suppress the sending or receiving, or remove or erase the said part of the letter. The same shall apply where all or a part of the letter listed in the items under paragraph (3) of said Article is found, in the course of ascertaining that the letter falls under the cases set out under the items thereunder, to fall under the cases set out under the following items:

- (i) Cases where the contents of the letter or a part thereof are the kind that the coast guard detention officer is unable to understand due to a use of specific kinds of communication such as a code;
- (ii) Cases where there is a risk of either infringing penal laws and regulations or causing infringement of penal laws and regulations by sending or receiving the letter or a part thereof;
- (iii) Cases where there is a risk of causing disruption of discipline and order in the coast guard detention facility by sending or receiving the letter or a part thereof;
- (iv) Cases where there is a risk of either causing the addressee considerable uneasiness or inflicting a loss to the addressee because the contents of the letter or a part thereof include intimidating descriptions or clearly false descriptions;
- (v) Cases where the contents of the letter or a part thereof include insulting descriptions to the addressee;
- (vi) Cases of the letters sent or received by unsentenced person where there is

a risk of causing destruction of evidence.

- (2) Notwithstanding the provision of the preceding paragraph, with regard to either letters a coast guard detainee sends to or receives from a national or local government agency and whose contents include the matters under the authority of the agency, or letters a coast guard detainee sends to or receives from an attorney and whose contents include the matters under the duty prescribed in paragraph (1) of Article 3 of the Attorney Act with regard to the coast guard detainee, the coast guard detention services manager may suppress their sending or receiving, or remove or erase the concerned part of them only when all or a part of the letter falls under any of items (i) to (iii) inclusive or item (vi) under the preceding paragraph.

(Handling of Prohibited Letter, Etc.)

Article 272 (1) The coast guard detention services manager shall retain the letter in case he/she prohibits or suppresses sending or receiving of it pursuant to the provisions of the preceding Article or paragraph (3) of Article 274, or shall retain the removed part of the letter in case he/she removes a part of a letter pursuant to the provision of the preceding Article.

- (2) In cases where the coast guard detention services manager erases a part of descriptions in a letter pursuant to the provision of the preceding Article, he/she shall make a copy of the part and retain it.
- (3) The coast guard detention services manager shall deliver all or a part of the letter or the copy (hereinafter referred to as "prohibited letter, etc." in this Chapter) he/she retains pursuant to the provisions of the preceding two paragraphs to the coast guard detainee upon his/her release.
- (4) In cases where a coast guard detainee has deceased, the coast guard detention services manager shall, pursuant to an Ordinance of the Ministry of Land, Infrastructure, Transport, and Tourism, deliver the prohibited letter, etc. to the bereaved family, etc. (i.e. persons such as the relatives of the deceased that are specified by an Ordinance of the Ministry of Land, Infrastructure, Transport, and Tourism; the same shall apply in Article 285) upon claim thereof.
- (5) Notwithstanding the provisions of the preceding two paragraphs, in cases where there is a risk of causing hindrance to the maintenance of discipline and order in the coast guard detention facility by the delivery of the prohibited letter, etc., the coast guard detention services manager shall not deliver them. The same shall apply to the following cases where there is a risk of causing hindrance to the maintenance of discipline and order in the coast guard detention facility by the delivery thereof:
- (i) Cases where a released coast guard detainee requests to deliver the prohibited letter, etc. after release;



- (ii) Cases where a coast guard detainee who falls under either item (i) or (ii) of paragraph (1) under Article 54 as applied mutatis mutandis pursuant to Article 253 requests to deliver the prohibited letter, etc.
- (6) The provisions of paragraph (1) of Article 53, paragraph (1) of Article 54 (except for item (iii)), and paragraphs (2) and (3) of Article 55 shall apply mutatis mutandis to the prohibited letter, etc. (except those not delivered pursuant to the provision of the preceding paragraph) pertaining to a coast guard detainee. In this case, the phrase "paragraph (2) of Article 83" in item (ii) of paragraph (1) under Article 54 shall be read as "paragraph (2) of Article 263" ; the term "Article 176" in paragraphs (2) and (3) under Article 55 shall be read as "Article 285" ; the term "warden of the penal institution" in paragraph (2) of Article 55 shall be read as "coast guard detention services manager" ; and the phrase "claim set forth in paragraph (1)" in paragraph (3) of said Article shall be read as "claim set forth in paragraph (4) of Article 272".
- (7) The prohibited letter, etc. not being delivered pursuant to the provision of paragraph (5) shall vest in the national treasury on the day on which expires the period of three years starting either from the day of the release or the death of the coast guard detainee, or from the day on which the coast guard detainee has fallen under item (i) or (ii) of paragraph (1) under Article 54 as applied mutatis mutandis pursuant to the preceding paragraph.

(Mutatis-Mutandis Application of Provisions on Penal Institutions and Detention Facilities)

Article 273 The provision of Article 131, the provision of Article 133, and the provision of Article 225 shall apply mutatis mutandis to the letters of a coast guard detainee and the documents and drawings of a coast guard detainee, and the restrictions on the letters of a coast guard detainee by the coast guard detention services manager, respectively. In this case, the term "warden of the penal institution" in Articles 131 and 133 shall read as "coast guard detention services manager" ; and the terms "a Cabinet Office Ordinance" and "detention facility" in paragraph (1) of Article 225 shall be read as "an Ordinance of the Ministry of Land, Infrastructure, Transport, and Tourism" and "coast guard detention facility" respectively.

**Subsection 3 Visits and Correspondence in Foreign Languages**

Article 274 (1) In cases where a coast guard detainee or the other party of a visit does not have a sufficient command of the national language, the coast guard detention services manager shall permit the visit in a foreign language. In this case, if translation is necessary in order to examine the oral statements, then the coast guard detention services manager may, pursuant to an Ordinance of

the Ministry of Land, Infrastructure, Transport, and Tourism, charge the expenses thereby incurred to the coast guard detainee.

- (2) In cases where a coast guard detainee or the other party of correspondence does not have a sufficient command of the national language, or where deemed appropriate, the coast guard detention services manager shall permit to send or receive a letter in a foreign language. In this case, if translation is necessary in order to examine the contents of the letter, then the coast guard detention services manager may, pursuant to an Ordinance of the Ministry of Land, Infrastructure, Transport, and Tourism, charge the expenses thereby incurred to the coast guard detainee.
- (3) In cases where the coast guard detainee does not bear the expenses prescribed in the preceding two paragraphs, the visit or the correspondence shall not be permitted.

## **Section 11 Appeal**

### **Subsection 1 Claim for Review and Reclaim for Review**

(Claim for Review)

Article 275 (1) Any person who is dissatisfied with such measures as are set out in the following items and taken by the coast guard detention services manager may, in writing, file a claim for review with the commander of a regional coast guard headquarters the jurisdiction of which covers the address of the coast guard detention facility (or, in cases of such coast guard detention facilities established onboard a vessel, the address of the regional coast guard headquarters or the office of the regional coast guard headquarters where the vessel belongs to.):

- (i) Prohibition of use or consumption of self-supplied articles pursuant to the provision of Article 187 as applied mutatis mutandis pursuant to Article 245;
- (ii) Prohibition of use of retained cash pursuant to the provision of Article 251, or prohibition of delivery of self-retained articles, or retained cash and articles pursuant to the provision of Article 252;
- (iii) Prohibition of receiving a medical treatment pursuant to the provision of paragraph (1) of Article 202 as applied mutatis mutandis pursuant to Article 256, or suspension of medical treatment pursuant to the provision of paragraph (4) under Article 202 as applied mutatis mutandis pursuant to Article 256;
- (iv) Prohibition of or restriction on religious acts prescribed in Article 257;
- (v) Prohibition of or restriction on access to books, etc. pursuant to the provisions of paragraph (1) under Article 259, or Article 71 as applied mutatis mutandis pursuant to Article 260;
- (vi) Disposition of charging expenses pursuant to the provision of paragraph (2)

- of Article 259;
- (vii) Prohibition or suppression of, or restriction on correspondence or delivery of documents and drawings pursuant to the provisions of Article 271, or Article 133 or 225 as applied mutatis mutandis pursuant to Article 273;
  - (viii) Prohibition on the delivery of prohibited letters, etc. (limited to the delivery pursuant to provision of paragraph (3) of said Article) pursuant to the provisions of the first sentence of paragraph (5) of Article 272.
  - (ix) Disposition of charging expenses pursuant to the provision of paragraph (1) or (2) of the preceding Article;
- (2) A claim for review pursuant to the preceding paragraph (hereinafter referred to simply as "claim for review" in this Section) shall be filed within thirty days from the day immediately following the day on which the notification of a disposition has been made.
- (3) The provisions of paragraph (2) of Article 157, paragraph (2) of Article 158, Article 160, and paragraph (1) of Article 161 of this Act, and the provisions of paragraph (4) of Article 14, paragraphs (1), (2), and (4) of Article 15, paragraphs (1) and (4) of Article 18, Articles 19 and 21, paragraphs (1), (2), and (6) of Article 34, Articles 35 to 37 inclusive, and Article 39, paragraphs (1) to (5) inclusive of Article 40, Articles 41 and 42, and paragraphs (1) and (2) of Article 43 under the Administrative Appeal Act shall apply mutatis mutandis to the claim for review. In this case, the term "Superintendent of the Regional Correction Headquarters" in Article 160 and paragraph (1) of Article 161 shall be read as "Commander of the Regional Coast Guard Headquarters" ; the term "warden of the penal institution" in paragraph (2) of Article 160 shall be read as "coast guard detention services manager" ; the phrase "the original copy and a duplicate copy of the written request for review to either the disposition agency or the review agency" in paragraph (1) of Article 18 of said Act shall be read as "the original copy to the review agency" ; the phrase "upon request of the applicant of the request for review or ex officio" in paragraph (2) of Article 34 under said Act shall be read as "ex officio" ; and the phrase "by both posting the notice on a bulletin board and publishing in the official gazette or other official bulletin or in a newspaper at least once" in paragraph (3) of Article 42 of said Act shall be read as "by posting the notice on a bulletin board," and additional technicalities requiring alternative readings shall be provided for by a Cabinet Order.

(Reclaim for Review)

- Article 276 (1) Any person who is dissatisfied with the determination on a claim for review may, in writing, file a reclaim for review with the Commandant, Japan Coast Guard.
- (2) A reclaim for review pursuant to the provision of the preceding paragraph

(hereinafter referred to simply as "reclaim for review" in this Section) shall be filed within thirty days from the day immediately following the day on which the notification of the determination on a claim for review has been made.

- (3) The provisions of paragraph (2) of Article 157, paragraph (2) of Article 158, Article 160, and paragraph (1) of Article 161 of this Act, and the provisions of paragraphs (3) and (4) of Article 14, paragraphs (1), (2), and (4) of Article 15, Article 21, paragraphs (1), (2), and (6) of Article 34, Articles 35 to 37 inclusive, Article 39, paragraphs (1) to (5) inclusive of Article 40, paragraph (1) of Article 41, Article 42, paragraphs (1) and (2) of Article 43, and Article 55 under the Administrative Appeal Act shall apply mutatis mutandis to the reclaim for review. In this case, the term "Superintendent of the Regional Correction Headquarters" in Article 160 and paragraph (1) of Article 161 shall be read as "The commandant, Japan Coast Guard" ; the term "warden of the penal institution" in paragraph (2) of Article 160 shall be read as "coast guard detention services manager" ; the phrase "upon request of the applicant of the request for review or ex officio" in paragraph (2) of Article 34 under said Act shall be read as "ex officio" ; and the phrase "by both posting the notice on a bulletin board and publishing in the official gazette or other official bulletin or in a newspaper at least once" in paragraph (3) of Article 42 of said Act shall be read as "by posting the notice on a bulletin board," and additional technicalities requiring alternative readings shall be provided for by a Cabinet Order.

### **Subsection 2 Report of Cases**

(Report of Cases to the Commander of the Regional Coast Guard Headquarters)  
Article 277 (1) A coast guard detainee may, if the acts of a coast guard detention officer taken against him/her fall under any such acts as are set out under the following items, pursuant to a Cabinet Order, report the case in writing to the commander of a regional coast guard headquarters the jurisdiction of which covers the address of the coast guard detention facility (or, in cases of such coast guard detention facilities established onboard a vessel, the address of the regional coast guard headquarters or the office of the regional coast guard headquarters where the vessel belongs to.)

- (i) Illegal use of physical force against body;
  - (ii) Illegal or unjust use of arresting ropes, handcuffs, or restraint suit.
- (2) A report pursuant to the provision of the preceding paragraph shall be filed within thirty days from the day immediately following the day on which the case with regard to the report has occurred.
- (3) The provisions of paragraph (2) of Article 157, paragraph (2) of Article 158, Article 160, paragraph (1) of Article 161, and paragraphs (1), (2), and (4) of

Article 164 of this Act, and the provisions of paragraph (4) of Article 14, paragraphs (1) and (4) of Article 18, Articles 19, 21, 36, 39, and 41 of the Administrative Appeal Act shall apply mutatis mutandis to the report pursuant to the provision of paragraph (1). In this case, the term "Superintendent of the Regional Correction Headquarters" in Article 160, paragraph (1) of Article 161, and paragraphs (1), (2), and (4) of Article 164 shall be read as "Commander of the Regional Coast Guard Headquarters" ; the term "warden of the penal institution" in paragraph (2) of Article 160 shall be read as "coast guard detention services manager" ; the phrase "paragraph (1) of the preceding Article" in paragraph (4) of Article 164 shall be read as "paragraph (1) of Article 277" ; the phrase "the original copy and a duplicate copy of the written request for review to either the disposition agency or the review agency" in paragraph (1) of Article 18 of said Act shall be read as "the original copy to the review agency," and additional technicalities requiring alternative readings shall be provided for by a Cabinet Order.

(Report of Cases to the Commandant, Japan Coast Guard)

Article 278 (1) Upon receiving a notification pursuant to the provision of paragraph (1) or (2) of Article 164 as applied mutatis mutandis pursuant to paragraph (3) of the preceding Article, if dissatisfied with its contents, the coast guard detainee may, pursuant to a Cabinet Order, report the case in writing prescribed in paragraph (1) of said Article to the Commandant, Japan Coast Guard.

(2) A report pursuant to the provision of the preceding paragraph shall be filed within thirty days from the day immediately following the day on which the notification pursuant to the provision of said paragraph has received.

(3) The provisions of paragraph (2) of Article 157, paragraph (2) of Article 158, Article 160, paragraph (1) of Article 161, and paragraphs (1), (2) and (4) of Article 164 of this act, and the provisions of paragraph (4) of Article 14, Articles 21, 36, and 39, and paragraph (1) of Article 41 of the Administrative Appeal Act shall apply mutatis mutandis to the report pursuant to the provision of paragraph (1). In this case, the term "Superintendent of the Regional Correction Headquarters" in Article 160, paragraph (1) of Article 161, and paragraphs (1), (2) and (4) of Article 164 shall be read as "Commandant, Japan Coast Guard" ; the term "warden of the penal institution" in paragraph (2) of Article 160 shall be read as "coast guard detention services manager" ; the phrase "paragraph (1) of the preceding Article" in paragraph (4) of Article 164 shall be read as "paragraph (1) of Article 277," and additional technicalities requiring alternative readings shall be provided for by a Cabinet Order.

### **Subsection 3 Filing of Complaints**

(Filing of Complaints with the Commandant, Japan Coast Guard)

Article 279 (1) A coast guard detainee may, in writing, file a complaint with the Commandant, Japan Coast Guard with regard to the measures taken by the coast guard detention services manager against him/her or any other treatment he/she received.

(2) The provisions of paragraph (2) of Article 157 and paragraph (3) of Article 166 shall apply mutatis mutandis to the filing of complaints with the Commandant, Japan Coast Guard set forth in the preceding paragraph.

(Filing of Complaints with the Inspector)

Article 280 (1) A coast guard detainee may, either orally or in writing, file a complaint with the inspector conducting the on-the-spot inspection pursuant to the provision of Article 28 (hereinafter referred to simply as "inspector" in this Section) with regard to the measures taken by the coast guard detention services manager against him/her or any other treatment he/she received.

(2) The provisions of paragraph (2) of Article 157, paragraph (3) of Article 166, and paragraph (3) of Article 167 shall apply mutatis mutandis to the filing of complaints with the inspector set forth in the preceding paragraph. In this case, the term "staff members of the penal institution" in paragraph (3) of said Article shall be read as "coast guard detention officers."

(Filing of Complaints with the Detention Services Manager)

Article 281 (1) A coast guard detainee may, either orally or in writing, file a complaint with the coast guard detention services manager with regard to the measures taken by the coast guard detention services manager against him/her or any other treatment he/she received.

(2) The provisions of paragraph (2) of Article 157 and paragraph (3) of Article 166, and paragraph (3) of Article 168 shall apply mutatis mutandis to the filing of complaints with the coast guard detention services manager set forth in the preceding paragraph.

### **Subsection 4 Miscellaneous Provisions**

(Secrecy of Filing)

Article 282 (1) The coast guard detention services manager shall take necessary measures so that coast guard detainees may, upon filing claim for review, etc. (i.e. claim for review, reclaim for review, or the report pursuant to the provision of paragraph (1) under Article 277 or paragraph (1) under Article 278; hereinafter the same shall apply in the following paragraph and the

following Article) or a complaint with the Commandant, Japan Coast Guard or the inspector, keep their contents secret to the coast guard detention officers.  
(2) Notwithstanding the provisions of Article 270, no document for filing claim for review, etc. or for filing of complaints shall be examined.

(Prohibition of Adverse Treatment)

Article 283 No coast guard detention officer shall treat coast guard detainees adversely for the reason of filing claim for review, etc. or complaints.

**Section 12 Release**

Article 284 (1) Coast guard detainees shall be released immediately after such circumstances have emerged that are specified by a Cabinet Order as well as other laws and regulations.  
(2) The provision of Article 175 shall apply mutatis mutandis to the coast guard detainees to be released.

**Section 13 Death**

Article 285 In cases where a coast guard detainee has died, the coast guard detention services manager shall, pursuant to an Ordinance of the Ministry of Land, Infrastructure, Transport, and Tourism, promptly inform the bereaved family about the cause, the time and date of the coast guard detainee's death, and about the property left or prohibited letters, etc. to be delivered to the same, if any.

**Part III Auxiliary Provision**

**Chapter I Application of Code of Criminal Procedure upon Substitutive Detention**

Article 286 In cases of the person detained in a detention facility pursuant to the provision of paragraph (1) under Article 15, the detention facility, detention services manager, and detention officer shall be respectively deemed as the penal institution, warden of the penal institution, and staff member of the penal institution, and the provisions of paragraph (1) of Article 64, paragraph (3) of Article 65, paragraph (2) of Article 70, paragraph (2) of Article 73, Article 78, the second sentence of Article 80, paragraphs (1) and (2) of Article 98, Article 286-2, Articles 366 and 367, and paragraph (2) of Article 481 of the Code of Criminal Procedure, and the provisions of the first sentence of Article 28, Articles 29 to 32 inclusive, paragraphs (2) to (4) inclusive of Article 48, paragraphs (2) and (3) of Article 48-3, Articles 50 and 52, paragraph (2) of

Article 54, paragraph (3) of Article 55-2, and paragraph (2) of Article 57 of the Offenders Prevention and Rehabilitation Act, and the provision of paragraph (3) of Article 102 of the Code of Civil Procedure (Act No. 109 of 1996) shall apply thereto.

## **Chapter II Workhouse and Court-Ordered Confinement Workhouse**

(Establishment, Etc. of Workhouse and Court-Ordered Confinement House)

Article 287 (1) The workhouse and the court-ordered confinement house shall respectively be attached to the penal institutions which the Minister of Justice designates.

(2) In cases where there is no court-ordered confinement house nearby, or where nearby court-ordered confinement houses have no room for accommodation, a person upon whom a judicial decision of court-ordered confinement is to be executed may be detained in a specially divided place inside a penal institution.

(3) The provisions of Articles 5, 6, 11, and 12 shall apply mutatis mutandis to the workhouse and the court-ordered confinement house.

(4) The Penal Institution Visiting Committee shall take charge of the affairs prescribed in paragraph (2) of Article 7 with regard to the administration of the work house and the court-ordered confinement house. In this case, the provisions of Articles 9 and 10 shall apply mutatis mutandis.

(Treatment of Workhouse Detainees)

Article 288 The provisions with regard to the persons sentenced to imprisonment with work in Chapter II of the preceding Part shall apply mutatis mutandis to the treatment of persons detained in the workhouse (hereinafter referred to as "workhouse detainee") to the extent the provisions are not inconsistent with the nature thereof.

(Treatment of Court-Ordered Confinement House Detainees)

Article 289 (1) The provisions with regard to the miscellaneous inmates in Chapter II of the preceding Part (except paragraph (2) of Article 41, Division 6 of Subsection 2 and Division 6 of Subsection 3 under Section 11 shall apply mutatis mutandis to the treatment of persons detained in the court-ordered confinement house (hereinafter referred to as "court-ordered confinement house detainee").

(2) The provision of Article 41 shall apply mutatis mutandis to the use and consumption of self-supplied articles by court-ordered confinement house detainees. In this case, the phrase "(except the articles listed in the items under paragraph (1) of the following Article; the same shall apply in the following paragraph)" in paragraph (1) of said Article shall be read as "(except



clothing, daily necessities, stationeries, and the articles listed in the items of paragraph (1) under the following Article)" ; and the phrase "the articles listed in the items of the preceding paragraph and beddings" in paragraph (2) of said Article shall be read as "clothing, daily necessities, and stationeries (except the articles listed in the items of paragraph (1) under the following Article)."

- (3) The provisions of Division 1 of Subsection 2 and Division 1 of Subsection 3 under Section 11 of Chapter II under the preceding Part shall apply mutatis mutandis to the visits and correspondence of court-ordered confinement house detainees (except those prescribed in the following paragraph) to the extent the provisions are not inconsistent with the nature thereof.
- (4) The provisions of Division 3 of Subsection 2 and Division 3 of Subsection 3 under Section 1 of Chapter II under the preceding Part shall apply mutatis mutandis to the visits and correspondence of court-ordered confinement house detainees (limited to those having been executed the judicial decision of the court-ordered confinement in the course of being under detention pursuant to the provisions of the Code of Criminal Procedure) to the extent the provisions are not inconsistent with the nature thereof.
- (5) The provisions of the preceding three paragraphs shall, notwithstanding the provisions of paragraph (2) of Article 41 under Division 6 of Subsection 2 and Division 6 of Subsection 3 under Section 11 of Chapter II under the preceding Part, apply mutatis mutandis to the persons detained in the execution of the court-ordered confinement in a penal institution pursuant to the provision of paragraph (2) of Article 287.
- (6) Notwithstanding the provisions of Section 10 under Chapter III of the preceding Part, the provisions with regard to the sentenced persons under detention in said Section shall apply mutatis mutandis to the visits and correspondence of the persons detained in the execution of the court-ordered confinement in a detention facility pursuant to the provisions of paragraph (1) under Article 15 and paragraph (2) under Article 287 to the extent the provisions are not inconsistent with the nature thereof.
- (7) Notwithstanding the provisions of Section 10 under Chapter III of the preceding Part, the provisions with regard to the sentenced persons under detention having the status as an unsentenced person in said Section shall apply mutatis mutandis to the visits and correspondence of the persons (limited to those having been executed the judicial decision of the court-ordered confinement during under detention pursuant to the provisions of the Code of Criminal Procedure) detained in the execution of the court-ordered confinement in a detention facility pursuant to the provisions of paragraph (1) under Article 15 and paragraph (2) under Article 287 to the extent the provisions are not inconsistent with the nature thereof.

### **Chapter III Judicial Police Officials**

Article 290 (1) The warden of the penal institution shall execute the duty of the judicial police officer pursuant to the provisions of the Code of Criminal Procedure with regard to the crime occurred in the penal institution (including the crime occurred in the workhouse and court-ordered confinement house; the same shall apply in the following paragraph).

(2) The staff member of the penal institution (except for the warden of the penal institution) who has been designated by the warden of the penal institution after consulting with the Chief Prosecutor of the District Public Prosecutors Office corresponding to the District Court which has jurisdiction over the location of the penal institution shall execute the duty of the judicial police official pursuant to the provisions of the Code of Criminal Procedure.

### **Chapter IV Effect of Treaty**

Article 291 In cases where there are specific regulations in a convention with regard to the visits and correspondence prescribed in this Act, those regulations shall govern.

### **Chapter V Penal Provisions**

Article 292 A person who has divulged secrets in violation of paragraph (5) under Article 21 shall be punished by imprisonment with work for not more than one year or a fine of not more than 1,000,000 yen.

Article 293 (1) When an inmate (limited to those corresponds to the person prescribed in Article 97 of the Penal Code), a workhouse detainee or a court-ordered confinement house detainee has been liberated pursuant to the provision of paragraph (2) under Article 83 (including the cases where it is applied mutatis mutandis pursuant to Article 288 and paragraph (1) of Article 289) but failed to appear at the penal institution or the specified location violating the provision of paragraph (3) under Article 83 (including the cases where it is applied mutatis mutandis pursuant to Article 288 and paragraph (1) of Article 289), imprisonment with work for not more than one year shall be imposed.

(2) The provision of the preceding paragraph shall also apply when a sentenced person committed to a penal institution falls under any of the cases set out in the following items:

(i) Cases of an outside work by commutation where the sentenced person has not returned to the penal institution after the expiration of the day of the

- commute travel;
- (ii) Cases of a day leave or a furlough pursuant to the provision of paragraph (1) under Article 106 where the sentenced person has not returned to the penal institution after the expiration of the day of the day leave or after the day of the expiration of the furlough period;
  - (3) The provision of paragraph (1) shall also apply in cases where a detainee (limited to those corresponds to the person prescribed in Article 97 of the Penal Code) has been liberated pursuant to the provision of paragraph (2) under Article 215, and subsequently has failed to appear at the detention facility or the specified location violating the provision of paragraph (3) under Article 215.