

Act on the Treatment of Prisoners of War and Other Detainees in Armed Attack Situations

(Act No. 117 of June 18, 2004)

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Chapter I General Provisions

(Purposes)

Article 1 The purpose of this Act is, by providing necessary matters concerning treatment of prisoners of war, etc., such as custody and detention in armed attack situations, to enable the Self-Defense Forces (SDF) to implement its operations necessary to eliminate armed attacks smoothly and effectively, and to ensure adequate implementation of international humanitarian laws on the treatment of prisoners, etc. in armed attack situations, such as the Geneva Convention Relative to the Treatment of Prisoners of War of 12 August 1949 (hereinafter referred to as the "Third Convention").

(Fundamental Principles)

Article 2 (1) The government of Japan must, in treating persons put in custody or detained pursuant to the provisions of this Act in armed attack situations (hereinafter referred to as "prisoners of war and other detainees" in this Article), always ensure humanitarian treatment, respect for the lives, bodies, health and honor of prisoners of war and other detainees, and protect the prisoners from aggression and or dangers based on the Third Convention or other international humanitarian laws to be applied in cases of international armed conflict.

(2) The protection to be given to prisoners of war and other detainees pursuant to

the provisions of this Act (including orders under this Act) must not be unjustly discriminatory based on race, nationality, religious or political opinions or any other similar criteria.

- (3) No person must engage in conduct that exposes the prisoners of war and other detainees to any unpleasant or disadvantageous treatment of any kind in retaliation for armed attacks.

(Definitions)

Article 3 In this Act, the meanings of the terms set forth in the following items are as prescribed respectively in those items:

(i) "armed attack" means armed attack as prescribed in item (i) of Article 2 of the Act on the Peace and Independence of Japan and Ensuring of Security of the Nation and People in Armed Attack Situations (Act No. 79 of 2003, referred to as the "Act on Response to Armed Attack Situations" in the following item);

(ii) "armed attack situations" means armed attack situations as prescribed in item (ii) of Article 2 of the Act on Response to Armed Attack Situations;

(iii) "enemy's armed forces, etc." means armed forces of foreign state and other similar organizations engaging in armed attacks in armed attack situations;

(iv) "person subject to detention" means a foreign national who falls under any of the following items (a) through (k):

(a) member of enemy's armed forces, etc. (except for those set forth in (e), (g), (i) and (j));

(b) person who accompanies the enemy's armed forces, etc. (except for the members of the enemy's armed forces, etc.) and has received an authorization to accompany from the relevant enemy's armed forces, etc. (except for those set forth in (f) and (h));

(c) member of a crew (limited to those who have foreign nationality engaging in armed attack) of vessels (except for warships, and ships owned or operated by governments of other states which are used only for non-commercial purposes (hereinafter referred to as "warships, etc.")), which are escorted by warships, etc. of enemy's armed forces, etc., or of ships which transport foreign military supplies, etc. (referred to as "foreign military supplies, etc." in the following (d)) as prescribed in item (iii) of Article 2 of the Act on the Restriction of Maritime Transportation of Foreign Military Supplies in Armed Attack Situations (Act No. 116 of 2004);

(d) member of a crew (limited to operating crew as prescribed in Article 32

(a) of the Convention on International Civil Aviation who has foreign nationality engaging in armed attack) of civil aircraft prescribed in Article 3 of the Convention, which are escorted by enemy's military aircraft

- (meaning aircraft of the enemy's armed forces, etc. and are used for military purposes) or of aircraft that transport foreign military supplies, etc.;
- (e) medical personnel exclusively engaged in the search for, or the collection, transport or treatment of the wounded or sick, or in the prevention of diseases, or staff exclusively engaged in the administration of medical units and medical facilities of the enemy's armed forces, etc. as prescribed in Article 24 of the Geneva Convention for the Amelioration of Condition of the Wounded and Sick in Armed Forces in the Field of 12 August 1949 (hereinafter referred to as the "First Convention");
 - (f) staff of foreign National Red Cross Societies and those of other foreign Voluntary Aid Societies, as prescribed in paragraph (1) of Article 26 of the First Convention, and duly recognized and authorized by their governments engaged in armed attack, who perform the same duties as the personnel or staff set forth in (e);
 - (g) chaplain prescribed in Article 24 of the First Convention, attached to the enemy's armed forces, etc.;
 - (h) staff of foreign National Red Cross Societies and those of other foreign Voluntary Aid Societies, as prescribed in paragraph (1) of Article 26 of the First Convention, and duly recognized and authorized by their governments engaged in armed attack, who perform the same duties as the persons set forth in (g);
 - (i) member of enemy's armed forces, etc. who fails to meet the obligation prescribed in Article 44, paragraph 3 of the Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of International Armed Conflicts (Protocol I) (hereinafter referred to as the "First Additional Protocol") thereby forfeiting the right to be treated as a prisoner of war;
 - (j) member of enemy's armed forces, etc. who may be treated as a spy pursuant to the provisions of Article 46 of the First Additional Protocol;
 - (k) mercenary as prescribed in Article 47, paragraph 2 of the First Additional Protocol;
 - (v) "prisoner of war" means a person to be detained who receives certification of detainee status or administrative determination declaring that the person falls under any of the foreign nationals set forth in the (a) through (d) of the preceding item pursuant to the procedures prescribed in Section 3 of Chapter II or Section 2 of Chapter IV;
 - (vi) "medical personnel" means a person to be detained who receives certification of detainee status or administrative determination declaring that the person falls under any of the foreign nationals set forth in (e) or (f) of item (iv) pursuant to the procedures prescribed in Section 3 of Chapter II

- or Section 2 of Chapter IV;
- (vii) "chaplain" means a person to be detained who receives certification of detainee status or administrative determination declaring that the person falls under any of the foreign nationals set forth in (g) or (h) of item (iv) pursuant to the procedures prescribed in Section 3 of Chapter II or Section 2 of Chapter IV;
 - (viii) "violator of obligations of distinction" means a person to be detained who receives certification of detainee status or administrative determination declaring that the person falls under any of the foreign nationals set forth in (i) of item (iv) pursuant to the procedures prescribed in Section 3 of Chapter II or Section 2 of Chapter IV;
 - (ix) "spy" means a person to be detained who receives certification of detainee status or administrative determination declaring that the person falls under any of the foreign nationals set forth in (j) of item (iv) pursuant to the procedures prescribed in Section 3 of Chapter II or Section 2 of Chapter IV;
 - (x) "mercenary" means a person to be detained who receives certification of detainee status or administrative determination declaring that the person falls under any of the foreign nationals set forth in (k) of item (iv) pursuant to the procedures prescribed in Section 3 of Chapter II or Section 2 of Chapter IV;
 - (xi) a "request for administrative review of the certification of detainee status" means a request for administrative review of a certification of detainee status pursuant to the provisions of the paragraph (1) of Article 14, paragraph (4) of Article 17 and paragraph (1) of Article 106;
 - (xii) a "request for administrative review of disciplinary action" means a request for administrative review of disciplinary action pursuant to the provisions of Article 125;
 - (xiii) "prisoner-of-war camp" means a prisoner-of-war camp prescribed in paragraph (3) of Article 24 of the Self-Defense Forces Act (Act No. 165 of 1954);
 - (xiv) a "superintendent of prisoner-of-war camp" means a superintendent prescribed in paragraph (2) of Article 29-2 of the Self-Defense Forces Act;
 - (xv) "prisoners' representative" means a person who is designated by a superintendent of prisoner-of-war camp as those who perform the duties prescribed in Article 80 of the Third Convention;
 - (xvi) "protecting power" means protecting power as prescribed in Article 2 (c) of the First Additional Protocol;
 - (xvii) a "substitute for the protecting power" means a substitute as prescribed in Article 2 (d) of the First Additional Protocol;
 - (xviii) a "representative of the protecting power" means those who carries out the missions as a protecting power or a substitute for the protecting power,

pursuant to the provisions of the Third Convention or the First Additional Protocol, in the territory of Japan and is duly approved by the government of Japan.

Chapter II Procedures for Custody and Certification of Detainee Status

Section 1 Custody

(Measures for Taking Persons into Custody)

Article 4 In the situations in which armed attack has occurred, a Self-Defense Force personnel who was ordered to engage in defense operations pursuant to the provisions of paragraph (1) of Article 76 of the Self-Defense Forces Act (hereinafter referred to as a "SDF personnel engaged in the operations") may, if the personnel has grounds to suspect that a person falls under those to be detained in light of their clothing, shape of personal belongings, surroundings and other circumstances, detain the person.

(Examination of Dangerous Goods)

Article 5 (1) The SDF personnel engaged in operations may conduct an examination of the personal belongings or the body of the person in custody pursuant to the provisions of the preceding Article (hereinafter referred to as a "person(s) in custody") whether or not the person possesses dangerous goods (meaning firearms, bayonets, bullets, explosives and other military weapons and any object equivalent to the those, which are dangerous to human lives or bodies; the same applies in the following paragraph) or military documents (meaning maps, military rules, written orders, plans and other documents to be used for military purposes; the same applies hereinafter).

(2) The SDF personnel engaged in operations, upon finding dangerous goods or military documents as a result of the examination under the provisions of the preceding paragraph, may deprive of the goods and documents until the time of delivery pursuant to the provision of the paragraph (1) or (2) of the following Article, or may dispose of them immediately.

(Handover of Persons in Custody)

Article 6 (1) The SDF personnel engaged in operations must, in the cases where the personnel takes a person into custody under the provisions of Article 4, hand over the persons in custody promptly to a designated unit commander (meaning a commander of units prescribed in Article 8 of the Self-Defense Forces Act which are provided for in Order of the Ministry of Defense, such as regiment, ships of the SDF; the same applies hereinafter) in the manner set forth by the Minister of Defense.

(2) In the cases where a certification officer for detainee status (meaning

Commanding General, Army, Ground Self-Defense Force, Commander, District; Maritime Self-Defense Force, or Commander of Air Defense Force or, Commander of Composite Air Division, Air Self-Defense Force, and other commanding officers of units as provided for by Cabinet Order; the same applies hereinafter) stays close to a SDF personnel than any designated unit commanders, the SDF personnel engaged in operations may, notwithstanding the provisions of the preceding paragraph, hand over a person in custody to the certifying officer for detainee status in the manner set forth by the Minister of Defense.

- (3) The SDF personnel engaged in operations must, in the cases where the personnel hand over the persons in custody pursuant to the provisions of the preceding two paragraphs, make a report on the date, time and place of custody and other necessary matters to either a designated unit commander or a certifying officer for detainee status as provided for by Order of the Ministry of Defense.

(Special Measures for Persons in Custody)

Article 7 When the SDF personnel have adequate grounds to believe that the persons in custody cannot endure the transfer for handover under the provisions of paragraph 1 or two of the preceding Article in the light of physical and mental conditions of the persons in custody, available means of transport and other circumstances, the SDF personnel engaged in operations may, notwithstanding the provisions of paragraph 1 or 2 of the preceding Article, release the persons in custody immediately, after taking all feasible safety measures depending on the situation of the relevant persons in custody, such as transferring them to nearby places where they can avoid the direct danger from acts of combat, supplying appropriate medicines.

Section 2 Identification by Designated Unit Commanders

(Identification by Designated Unit Commanders)

Article 8 (1) In cases where a person in custody is handed over to the designated unit commander pursuant to the provisions of paragraph (1) of Article 6, the designated unit commander must promptly identify the name, rank or position (hereinafter referred to as "rank, etc."), date of birth, and identification card number, etc. (meaning identification card number, individual number and other similar number, symbol or code given to identify the individual; the same applies hereinafter) of the person in custody.

- (2) The designated unit commander may ask questions to or inspect the identification card and other personal belongings of a person in custody to the extent necessary for identification pursuant to the provisions of the preceding

paragraph.

- (3) The designated unit commander must prepare a record of findings of the results of personal identification under the provisions of paragraph (1).
- (4) The following information must be entered in the record of the findings and the designated unit commander must enter the identification code (meaning the number, symbol or code given to the designated unit commander in order to identify the individual person in the manner set forth by the Minister of Defense) in the record of their findings:
 - (i) name, rank, etc., date of birth and identification card number, etc. of a person in custody;
 - (ii) date, time and place where a person was taken into custody;
 - (iii) date of issue;
 - (iv) other particulars prescribed in Order of the Ministry of Defense.
- (5) The designated unit commanders may, in the manner set forth by the Minister of Defense, have a person appointed from among Self-Defense Forces personnel under their control and supervision implement disposition under the provisions of the paragraph (2).

(Measures Taken after Persons in Custody are Identified)

- Article 9 (1) A designated unit commander must, when the commander determines that a person in custody does not fall under a person subject to detention as a result of the confirmation under the provisions of paragraph 1 of the preceding Article, immediately notify the person in custody to that effect.
- (2) In case of giving the notice set forth in the preceding paragraph, the designated unit commander must notify the person in custody that the person may receive the certification of detainee status by a certification officer for detainee status prescribed in the following Article.
 - (3) In case referred to in paragraph 1, when a person in custody gives consent to the judgment that the person in custody does not fall under a person subject to detention, the designated unit commander must have the person in custody sign a document stating that the person gives consent to the judgment, and must issue a copy of the record of findings under the provisions of paragraph 4 of the preceding Article, and then release the person immediately.
 - (4) Except in the case where a person in custody is released pursuant to the provisions of the preceding paragraph, the designated unit commander must, in the manner set forth by the Minister of Defense, hand over the persons in custody without delay to a competent certification officer for detainee status together with the record of findings.

Section 3 Certification of Detainee Status

(Certification of Detainee Status)

Article 10 The certification officer for detainee status must, when a person in custody is handed over pursuant to the provisions of the paragraph (2) of Article 6 or paragraph (4) of preceding Article, determine promptly whether the person in custody falls under a person subject to detention (including determination, if the person falls under a person subject to detention, as to whether the person comes under any of the cases prescribed in the sub items (a) through (k) of item 4 of Article 3; hereinafter referred to as "certification of detainee status").

(Inquiries for Certification of Detainee Status)

- Article 11 (1) The certification officer for detainee status may interrogate persons in custody when the officer finds it necessary for the certification of detainee status.
- (2) The certification officer for detainee status may request unsworn witnesses to appear and inquire the unsworn witnesses when it is necessary for the certification of detainee status. In this case, when the unsworn witness is held in a detention quarters, etc. (meaning quarters or facilities prescribed in paragraph 1 of Article 172) managed by other certification officers for detainee status or in a prisoner-of-war camp, the certification officer for detainee status may request the other certification officer or the relevant superintendent of the prisoner-of-war camp to inquire the unsworn witness.
- (3) The certification officer for detainee status may inspect the personal belongings or bodies of persons in custody when it is necessary for the certification of detainee status; provided, however, that when conducting the inspection of body of a female person in custody, except for emergency cases, must have female Self-Defense Forces personnel (meaning Self-Defense Forces personnel prescribed in paragraph (5) of Article 2 of the Self-Defense Forces Act; the same applies in paragraph (1) of Article 168) conduct such inspection.
- (4) The certification officer for detainee status may, if it is necessary for the certification of detainee status, make an inquiry to public offices or public or private organizations and request them to report the necessary matters.
- (5) The certification officer for detainee status may, in the manner set forth by the Minister of Defense, have a person appointed from among Self-Defense Forces personnel under their control and supervision (hereinafter referred to as "assistant certification officer" in this Section) conduct the investigation under the provisions of the preceding respective paragraphs.

(Preparation of Records of Inquiries for Certification)

Article 12 (1) The certification officer for detainee status must, when the officer conducts inquiries under the provisions of paragraphs (1) through (4) of the

preceding Article, prepare a record of inquiry for certification based on the results of findings, and sign it in person; provided, however, that in the cases where assistant certification officer has conducted the inquiries pursuant to the provisions of paragraph 5 of the preceding Article, the assistant certification officer is to prepare the record of inquiry for certification and sign it.

- (2) The provisions of preceding paragraph apply to the certification officer for detainee status or a superintendent of prisoner of war camp who has been requested to conduct an interrogation of unsworn witnesses pursuant to the provisions of paragraph (2) of the preceding Article.

(Releases)

Article 13 (1) The certification officer for detainee status must, when the officer certifies that a person in custody does not fall under a person subject to detention as a result of the inquiry, immediately notify the person in custody to that effect as provided for by Order of the Ministry of Defense.

- (2) In case of giving a notice set forth in the preceding paragraph, the certification officer for detainee status must notify the person in custody that the person may file a request for administrative review of the certification of detainee status under the provisions of paragraph 1 of the following Article.

(3) In the case referred to in paragraph 1, if the person in custody gives consent to the certification of detainee status set forth in that paragraph, the certification officer for detainee status must have the person sign a document stating that the person gives the consent to the relevant certification, and must issue a certificate of release pursuant to the provisions of the following paragraph, then release the person in custody promptly. The same applies in cases where the person in custody, who has received the notice set forth in paragraph 1, does not file a request for administrative review of the certification of detainee status under the provisions of paragraph 1 of the following Article.

(4) The following information must be included in the certificate of release issued pursuant to the provisions of the preceding paragraph, and the certification officer for detainee status must affix their name and seal on the certificate:

- (i) name and date of birth of the person in custody;
- (ii) date, time and place where the person was taken into custody;
- (iii) reasons for release;
- (iv) issue date of the certificate of release;
- (v) other particulars provided for in Order of the Ministry of Defense.

(Requests for Administrative Review of the Certification of Detainee Status)

Article 14 (1) Any person in custody who has received the notice set forth in

paragraph (1) of preceding Article may, if the person in custody is dissatisfied with the certification of detainee status set forth in that paragraph, file a request for administrative review of the certification of detainee status with the Review Board for Certification of Status of Prisoner of War, etc. by submitting a written document stating the grounds for complaint (referred to as a "request for administrative review" in the following paragraph) to a certification officer for detainee status, within 24 hours after the notice is received, as provided for by Cabinet Order.

- (2) The certification officer for detainee status must, if a request for administrative review of the certification of detainee status set forth in the preceding paragraph is filed, forward a request for administrative review, record of inquiry for the certification and other relevant documents to the Review Board for Certification of Status of Prisoners of War, etc.

(Provisional Detention)

Article 15 (1) The certification officer for detainee status is to, in cases where the person in custody files a request for administrative review of the certification of detainee status set forth in paragraph (1) of the preceding Article, issue a written provisional detention order under the provisions of the following paragraph and detain the person in custody provisionally.

- (2) The written provisional detention order issued pursuant to the provisions of the preceding paragraph must include the following information and the certification officer for detainee status must affix their name and seal thereto:
 - (i) name and date of birth of the person in custody;
 - (ii) date, time and place where the person was taken into custody;
 - (iii) date of issue;
 - (iv) other particulars provided for in Order of the Ministry of Defense.
- (3) A written provisional detention order is to be enforced by an assistant certification officer.
- (4) In enforcing a written provisional detention order, an assistant certification officer must show the written provisional detention order to the person to be detained provisionally and promptly hand over that person to a superintendent of prisoner-of-war camp.
- (5) In cases where a person is handed over pursuant to the provisions of the preceding paragraph, the superintendent of prisoner-of-war camp commander is to detain the person in the prisoner-of-war camp.

(Disposition pertaining to the Certification of Detainee Status)

Article 16 (1) The certification officer for detainee status must, when the officer certifies that a person in custody falls under a person subject to detention (except for those who set forth in sub item (b), (c), or (d) of item (iv) of Article 3

(hereinafter referred to as a "prisoner of war other than the member of armed forces, etc." in this Article, following Article and paragraph (2) of Article 121)), immediately notify the person of the certification as provided for by Order of the Ministry of Defense.

- (2) The certification officer for detainee status must, when the officer issues the certification stating that the person in custody falls under a person subject to detention (limited to prisoner of war other than the member of armed forces, etc.), also decide the necessity for detaining the person in custody. In this case, the detention of the person in custody is to be limited to the case where it is deemed to be especially necessary to smoothly and effectively carry out Self-Defense Forces activities necessary to repel the armed attacks, and the certification officer for detainee status must obtain the approval of the Minister of Defense for the decision in advance.
- (3) The certification officer for detainee status must, when the officer issues the certification stating that a person in custody falls under a person subject to detention (limited to prisoners of war other than the member of armed forces, etc.), immediately notify the person in custody of the certification and the result of decision set forth in the preceding paragraph as provided for by Order of the Ministry of Defense.
- (4) In case of giving the notice set forth in paragraph (1) or the preceding paragraph, the certification officer for detainee status must notify the person in custody (except for those who have received the certification for detainee status as a prisoner of war other than the member of armed forces, etc. and the decision that there is no need to detain them pursuant to the provisions of paragraph (2)) that the person in custody may file a request for administrative review of certification of the detainee status set forth in paragraph (1) of Article 106.
- (5) After the notice set forth in paragraph (1) or (3) is issued and the announcement set forth in the preceding paragraph is made, the certification officer for detainee status is to issue a written detention order under the provisions of Article 18 promptly to the person in custody prescribed in that paragraph, and then detain the person in custody.

(Releases)

Article 17 (1) The certification officer for detainee status must, in case of giving the notice set forth in the paragraph (3) of preceding Article to the person in custody (limited to whom has received the certification of detainee status as a prisoner of war other than the member of armed forces, etc. and the decision that there is no need to detain them pursuant to the provisions of paragraph (2) of that Article), notify that the person in custody he/she may file a request for administrative review of the certification of detainee status set forth in

paragraph (4).

- (2) In the case referred to in the preceding paragraph, the certification officer for detainee status must, if the person in custody prescribed in that paragraph gives consent to the certification of detainee status as a prisoner of war other than the member of armed forces, etc. and to the decision that there is no need to detain them under the provisions of paragraph (2) of the preceding Article, have the person in custody sign a document stating that the person in custody gives the consent to the certification, and issue a certificate of release under the provisions of the following paragraph and then release the person in custody immediately. The same applies when the person in custody prescribed in the preceding paragraph fails to file a request for administrative review of the certification of detainee status referred to in in paragraph (4).
- (3) In the certificate of release issued pursuant to the provision of the preceding paragraph, the following particulars must be included, and the certification officer for detainee status must affix their name and seal on the certificate:
 - (i) name, rank, etc., date of birth and identification card number, etc. of the person in custody;
 - (ii) date, time and place where the person was taken into custody;
 - (iii) reasons for release;
 - (iv) issue date of the certificate of release;
 - (v) other particulars provided for in Order of the Ministry of Defense.
- (4) The person in custody prescribed in paragraph (1) may, if the person in custody is dissatisfied with the certification of detainee status as a prisoner of war other than the member of armed forces, etc. or with the decision that there is no need to detain them under the provisions of paragraph (2) of the preceding Article, file a request for administrative review of the certification of detainee status with the Review Board for Certification of Status of Prisoner of War, etc. by submitting a written statement containing the grounds for dissatisfaction to a certification officer for detainee status, within 24 hours after the notice set forth in paragraph (3) of that Article is received, as provided for by Cabinet Order.
- (5) The provisions of paragraph (2) of Article 14 and Article 15 apply *mutatis mutandis* to the case in which a request for administrative review of the certification of detainee status set forth in the preceding paragraph is filed.

(Form of Written Detention Order)

Article 18 The following particulars must be included in the written detention order issued pursuant to the provisions of paragraph (5) of Article 16, and the certification officer for detainee status must affix their name and seal:

- (i) name, rank, etc., date of birth, identification card number, etc. of the person in custody;

- (ii) date, time and place where the person was taken into custody;
- (iii) detainee status (meaning the type of detainee status prescribed in Article 3, item (4), sub items (a) through (k) under which the person in custody falls; the same applies hereinafter.);
- (iv) issue date;
- (v) other particulars provided for in Order of the Ministry of Defense.

(Enforcement of Written Detention Order)

Article 19 (1) A written detention order is enforced by an assistant certification officer.

(2) In enforcing a written detention order, the assistant certification officer must show the written detention order to the person subject to detention and promptly hand over the person to a superintendent of a prisoner-of-war camp.

(3) If the person subject to detention is handed over to the superintendent of prisoner-of-war camp pursuant to the provisions of the preceding paragraph, the superintendent is to detain the person in the prisoner-of-war camp.

(Measures for Escaped Detainees)

Article 20 (1) When a person in custody is handed over to the certification officer for detainee status pursuant to the provisions of paragraph (2) of Article 6 or paragraph (4) of Article 9, and if it is found that the person had escaped from the detention under the written detention order, the certification officer for detainee status is to, notwithstanding the provisions of Article 16, inform the person in custody that the person in custody is detained again pursuant to the written detention order, and hand over that person immediately to a superintendent of prisoner of war camp.

(2) When the person in custody is handed over to the superintendent of prisoner of war camp pursuant to the provisions of the preceding paragraph, the superintendent must show the written detention order to the person who is handed over as soon as possible.

(Provisions Governed by Order of the Ministry of Defense)

Article 21 In addition to what is provided for in this Section, the particulars necessary for the procedures for certification of detainee status are provided for by Order of the Ministry of Defense.

Section 4 Relations with Procedures Governed by Other Acts

(Relations with Procedures for Taking Persons into Custody Governed by Other Acts)

Article 22 (1) The certification officer for detainee status may, when the officer

considers that a person prescribed below falls under a person subject to detention, conduct a background check of the person needed for the certification of detainee status as governed by the provisions of Article 11 (except for paragraph (3)) even when the person is not taken into custody pursuant to the provision of Article 4:

- (i) a person who is in custody pursuant to the provisions of laws and regulations on criminal or juvenile protection cases;
 - (ii) a person who has received the written detention order prescribed in Article 40 of the Immigration Control and Refugee Recognition Act (Cabinet Order No. 319 of 1951; hereinafter referred to as "Immigration Control Act") or the written deportation order prescribed in Article 51 of the Immigration Control Act and is detained.
- (2) The certification officer for detainee status may, when the officer finds that a person set forth in item (ii) of the preceding paragraph falls under a person subject to detention as a result of the background check under the provisions of that paragraph, issue a written detention order to that person as governed by the provisions of Article 16 and detain that person after the person is handed over to the certification officer by the immigration control officer (meaning the immigration control officer prescribed in item (xiii) of Article 2 of the Immigration Control Act).

(Transfer from Contracting Parties of the Third Convention)

Article 23 (1) The certification officer for detainee status may, when the officer considers that a foreign national held in custody by the armed forces or other similar organizations of a contracting party of the Third Convention except Japan falls under a person subject to detention, conduct a background check of the person needed for the certification of detainee status as governed by the provisions of Article 11 (except for paragraph (3)) in the manner set forth by the Minister of Defense, even when the foreign national is not taken into custody pursuant to the provisions of Article 4.

- (2) The certification officer for detainee status may, when the officer finds that a foreign national set forth in the preceding paragraph falls under a person subject to detention and it is appropriate to detain the foreign national in Japan as a result of background check pursuant to the provisions of the preceding paragraph, issue a written detention order as governed by the provisions of Article 16 and detain the foreign national after the foreign national is handed over by an official of the contracting party set forth in the preceding paragraph.

Chapter III Detention and Treatment in Prisoner-of-War Camps

Section 1 General Rules

(Principles)

- Article 24 (1) The superintendent of prisoner-of-war camp is to perform appropriate administrative operations of the prisoner-of-war camp, respecting human right of persons in custody, conduct appropriate treatment of the detainees (meaning prisoners of war, medical personnel, chaplains, violators of obligations of distinction, spies and mercenaries who are detained in the prisoner-of-war camp pursuant to a written detention order (hereinafter referred to as "provisional detainee"; the same applies hereinafter), and treat those persons appropriately according to their detainee status, ranks, gender and age, manners, customs and life styles in their countries. in accordance.
- (2) As much freedom as possible must be given to the detainees to the extent it does not hinder the maintenance of discipline and order or the administrative operations of the prisoner-of-war camp.

(Considerations to Protecting Powers)

- Article 25 The superintendent of prisoner-of-war camp must respect the missions carried out by the representatives of protecting powers and the designated international organizations of the Red Cross (meaning the international organization of the Red Cross provided by Cabinet Order; the same applies hereinafter) and designated support organizations (meaning organizations aimed at providing support to the detainees that are designated by Minister of Defense; the same applies hereinafter) pursuant to the provisions of the Third Convention and the First Additional Protocol, and special attention must be paid so that the missions are carried out without hindrance.

(Classification of Ranks)

- Article 26 In order to treat the detainees appropriately according to their ranks, etc. (except for provisional detainees), the superintendent of prisoner-of-war camp must specify the classifications for commissioned officers, warrant officers, noncommissioned officers/petty officers or soldiers/seamen pursuant to the criteria on ranks, etc., provided for by the Minister of Defense.

Section 2 Commencement of Detention

(Notification on Commencement of Detention)

- Article 27 (1) The superintendent of prisoner-of-war camp is to, when the detention of the detainee commences, inform the detainees of the following particulars:
- (i) particulars pertaining to health and sanitation and medical care;

- (ii) particulars pertaining to religious activities;
 - (iii) rules to be observed prescribed in paragraph (1) of Article 44;
 - (iv) particulars pertaining to disciplinary actions;
 - (v) particulars pertaining to lending of goods, etc. and goods of self-supply;
 - (vi) particulars pertaining to inspection of books, etc.;
 - (vii) particulars pertaining to visits and sending and receiving letters;
 - (viii) particulars pertaining to the filling of complaints.
- (2) The notification under the provisions of the preceding paragraph is issued in writing, pursuant to Order of the Ministry of Defense.

(Photography and Collecting Fingerprints)

Article 28 The superintendent of prisoner-of-war camp is to, when the detention of the detainee commences, take measures, such as photography, collecting fingerprints to the extent necessary to identify the detainee, pursuant to Order of the Ministry of Defense. The same applies when the need arises afterwards.

Section 3 Health and Hygiene and Medical Care

(Principles of Health and Hygiene and Medical Care)

Article 29 In the prisoner-of-war camp, efforts are to be made to grasp the physical and mental conditions of the detainees, and appropriate measures for the health and sanitation and medical measures are to be taken in order to maintain the health of the detainees and the hygiene inside the prisoner-of-war camp.

(Detainees' Duty to Maintain Cleanliness)

Article 30 A detainee must maintain cleanliness of their own body, clothes and personal belongings, and their own living quarters (meaning the quarters designated by the superintendent of prisoner-of-war camp as the place where the detainees use mainly for rest and sleep; the same applies in Article 45) and other places the detainees use everyday.

(Medical Inspections)

Article 31 (1) In the prisoner-of-war camp, the medical inspections for the detainees are to be conducted promptly after the detention to the prisoner of war camp commenced and regularly at a frequency of once a month or more. The same applies to medical inspections which are required to maintain the hygiene inside the prisoner-of-war camp.

(2) The detainees must undergo the medical inspections under the provisions of the preceding paragraph. In this case, the detainees may not refuse blood sampling, radiography or otherwise any other medical treatments to the extent

necessary for conducting the medical inspection.

(Medical Care)

- Article 32 (1) In the cases where a detainee is injured or suffering from disease, or is suspected to sustain an injury or to have a disease, the superintendent of prisoner-of-war camp is to promptly have the detainee receive medical care and take other necessary measures pursuant to Order of the Ministry of Defense.
- (2) In cases where the superintendent of prisoner-of-war camp takes measures prescribed in the preceding paragraph, the superintendent must fully respect the will of a detainee who receives the treatment and give consideration so that the detainee may receive medical treatment by medical personnel of their own country.
- (3) If the superintendent of prisoner-of-war camp finds that a detainee falls under items of paragraph (1) of Article 12 of the Act on the Prevention of Infectious Diseases and Medical Care for Patients with Infections Diseases (Act No. 114 of 1998), the superintendent of prisoner-of-war camp is to take necessary measures, such as isolation or hospitalization of the detainee, in the manner set forth by the Minister of Defense.

(Medical Personnel Equivalent to Physicians)

- Article 33 (1) A person among the prisoners of war and medical personnel who are authorized by the superintendent of prisoner-of-war camp as the one having qualifications comparable to those for a physician in a foreign country (hereinafter referred to as "medical personnel, etc. comparable to those for a physician") may conduct medical practice for the detainees in Self-Defense Forces hospitals, etc. (meaning hospitals prescribed in Article 27 of the Self-Defense Forces Act, and other hospitals or clinics of the Self-Defense Forces provided by Order of the Ministry of Defense; the same applies hereinafter), notwithstanding the provisions of Article 17 of the Medical Practitioners' Act (Act No. 201 of 1948).
- (2) The provisions of Article 19, Article 20 and Article 23 through Article 24-2 of the Medical Practitioners' Act apply mutatis mutandis to medical personnel, etc. comparable to a physician.
- (3) The medical personnel, etc. comparable to a physician, who conduct medical practices pursuant to the provisions of paragraph (1) are deemed to be a physician, and the provisions of Article 6 and Article 37 of the Act on Public Health Nurses, Midwives, and Nurses (Act No. 203 of 1948); Article 13-3 of the Dental Hygienists Act (Act No. 204 of 1948); paragraph (2) of Article 2, Article 24-2, Article 26 and paragraph (1) of Article 28 of the Act on Medical Radiology Technicians (Act No. 226 of 1951); Article 2 and Article 20-2 of the Act on Clinical Laboratory Technicians (Act No.76 of 1958); Article 19 and Article 22

through Article 24 of the Pharmacists Act (Act No. 146 of 1960) and paragraph (2) of Article 2 and Article 38 of the Clinical Engineers Act (Act No. 60 of 1987) apply.

(Medical Personnel Comparable to Dental Practitioners)

Article 34 (1) A person among the prisoners of war and medical personnel who is authorized by the superintendent of prisoner-of-war camp as the one having qualifications comparable to those for a dentist in a foreign country (hereinafter referred to as "medical personnel, etc. comparable to those for a dentist") may conduct dental practices for the detainees in Self-Defense Forces hospitals, etc., notwithstanding the provisions of Article 17 of the Dentists Act (Act No. 202 of 1948).

(2) The provisions of Article 19, Article 20 and Article 22 through Article 23-2 of the Dentists Act apply mutatis mutandis to medical personnel, etc. comparable to dental practitioners.

(3) The medical personnel, etc. comparable to dentist, who conduct dental practice pursuant to the provisions of paragraph (1), s are deemed to be dentists and the provisions of Article 6 and Article 37 of the Act on Public Health Nurses, Midwives, and Nurses; paragraph (1) of Article 2, Article 13-2 and Article 13-3 of the Dental Hygienists Act; paragraph (2) of Article 2, Article 24-2, Article 26 and paragraph (1) of Article 28 of the Act on Medical Radiology Technicians; proviso to paragraph (1) of Article 2 and proviso to Article 18 of the Dental Technicians Act (Act No. 168 of 1955), Act Article 2 and Article 20-2 of the Act on Clinical Laboratory Technicians and Article 19 and Article 22 through Article 24 of the Pharmacists Act.

(Medical Personnel Comparable to Pharmacists)

Article 35 (1) A person among the prisoners of war and medical personnel who is authorized by the superintendent of prisoner-of-war camp as the one having qualifications comparable to those for a pharmacist in a foreign country (hereinafter referred to as "medical personnel, etc. comparable to pharmacists") may prepare medicines for the purpose of dispensing medicines for the detainees in Self-Defense Forces hospitals, etc., notwithstanding the provisions of Article 19 of the Pharmacists Act (Act No.146 of 1960).

(2) The provisions of Article 21 through Article 26 of the Pharmacists Act apply mutatis mutandis to medical personnel, etc. comparable to those of pharmacists. In this case, the term " physicians or dentists" in proviso to Article 22 of that Act is deemed to be replaced with "physicians, dentists, medical personnel, etc. comparable to physicians or medical personnel, etc. comparable to dentists," and the term of "physicians, dentists or veterinarians" in the Act Article 23 and Article 24 is deemed to be replaced with "physicians,

dentists, medical personnel, etc. comparable to physicians or medical personnel, etc. comparable to dentists".

(Medical Personnel Comparable to Nurses)

Article 36 (1) Notwithstanding the provisions of paragraph (1) of Article 31 of the Act on Public Health Nurses, Midwives, and Nurses, a person among the prisoners of war and medical personnel who is authorized by the superintendent of prisoner-of-war camp as the one having qualifications comparable to those for a nurse in a foreign country (hereinafter referred to as "medical personnel, etc. comparable to a nurses") may engage in practices prescribed in Article 5 of that Act for the detainees in Self-Defense Forces hospitals, etc.

(2) The provisions of Article 37 of the Act on Public Health Nurses, Midwives, and Nurses apply mutatis mutandis to medical personnel, etc. comparable to nurses. In this case, the term "attending physician or dentist" in that Article is deemed to be replaced with "attending physician, dentist, medical personnel, etc. comparable to a physician or medical personnel, etc. comparable to an attending dentist".

(3) The medical personnel, etc. comparable to nurses in conducting practices prescribed in Article 5 of the Act on Public Health Nurses, Midwives, and Nurses pursuant to the provisions of paragraph (1) are deemed as nurses and the provisions of Article 6 of that Act apply.

(Medical Personnel, etc. Comparable to Assistant Nurses)

Article 37 (1) Notwithstanding the provisions of Article 32 of the Act on Public Health Nurses, Midwives, and Nurses, a person among the prisoners of war and medical personnel who is authorized by the superintendent of prisoner-of-war camp as the one having qualifications comparable to those for an assistant nurse in a foreign country (hereinafter referred to as "medical personnel, etc. comparable to an assistant nurse") may conduct practices prescribed in Article 6 of that Act, under the direction of physician, dentist, nurse, medical personnel, etc. comparable to a physician, medical personnel, etc. comparable to a dentist, or medical personnel, etc. comparable to a nurse, for the detainees in Self-Defense Forces hospitals, etc.

(2) The provisions of Article 37 of the Act on Public Health Nurses, Midwives, and Nurses apply mutatis mutandis to medical personnel, etc. comparable to an assistant nurse. In this case, "attending physician or dentist" in that Article is deemed to be replaced with an "attending physician, dentist, medical personnel, etc. comparable to an attending physician or attending medical personnel, etc. comparable to a dentist".

(Obligations of Confidentiality)

Article 38 The medical personnel, etc. comparable to a physician, medical personnel, etc. comparable to a dentist, medical personnel, etc. comparable to a pharmacist, medical personnel, etc. comparable to a nurse, and medical personnel, etc. comparable to an assistant nurse must not divulge any personal confidential information they came to know in the course of their practice, unless they have reasonable grounds. The same applies to those who were medical personnel, etc. comparable to a physician, medical personnel, etc. comparable to a dentist, medical personnel, etc. comparable to a pharmacist, medical personnel, etc. comparable to a nurse, or medical personnel, etc. comparable to an assistant nurse even after they left their professions.

(Duties of Directors for Medical Issues)

Article 39 The directors for medical issues of Self-Defense Forces hospitals, etc. must pay attention that is required to make sure that medical personnel, etc. comparable to a physician, medical personnel, etc. comparable to a dentist, medical personnel, etc. comparable to a pharmacist, medical personnel, etc. comparable to a nurse, medical personnel, etc. comparable to an assistant nurse and other medical personnel engaging in the duties pertaining to medical care at the Self-Defense Forces hospitals, etc. and the prisoners of war permitted to engage in the duty prescribed in item(iii) of Article 64 pursuant to the provisions of Article 68 at the Self-Defense Forces hospitals, etc. may fully perform their duties.

Section 4 Religious Practice

(Individual Religious Practice)

Article 40 The worship and other religious practice that a detainee performs individually in the prisoner-of-war camp must not be prohibited nor restricted; provided, however, that this does not apply to the case in which there is a risk of causing a hindrance to either the maintenance of discipline and order or the administrative operations of the prisoner-of-war camp.

(Religious Ceremonies)

Article 41 (1) The superintendent of prisoner-of-war camp must endeavor to create the opportunities for detainees to participate in religious ceremonies, such as sermons and worship, presided over by chaplains and other religious leaders whenever a detainee hopes to do within the prisoners of war camp.
(2) In cases where there is a risk of causing a hindrance to either the maintenance of discipline and order or the administrative operations of the prisoner-of-war camp, the superintendent of prisoner-of-war camp may refuse

to permit a detainee to participate in the religious ceremonies prescribed in the preceding paragraph.

(Actions of Chaplains)

Article 42 In the prisoner-of-war camp, chaplains, etc. (meaning chaplains, and prisoners of war who are permitted to engage in works prescribed in item (iv) of Article 64 pursuant to the provisions of Article 69; the same applies in paragraph (3) of Article 84) may assist the detainees in performing religious practice prescribed in Article 40 and may perform the religious ceremonies prescribed in paragraph (1) of the preceding Article.

Section 5 Maintenance of Discipline and Order

Subsection 1 General Rules

(Discipline and Order in Prisoner-of-War Camps)

Article 43 (1) The discipline and order in the prisoner-of-war camps must be maintained appropriately and rigorously.

(2) Measures taken pursuant to the provisions of this Chapter to achieve the objectives referred to in the preceding paragraph must not exceed the limit necessary for securing the detention of detainees and maintaining both adequate living environment for the treatment of detainees and a safe and peaceful communal life thereof.

(Rules to be Observed)

Article 44 (1) The superintendent of prisoner-of-war camp is to determine the rules to be observed by detainees that are necessary for maintaining discipline and order in the prisoner-of-war camp (hereinafter referred to as "rules to be observed").

(2) In addition to what is provided for by the provisions of the preceding paragraph, the superintendent of prisoner-of-war camp or a staff member designated by the superintendent of prisoner-of-war camp may, if it is necessary to maintain discipline and order in the prisoner-of-war camp, give instructions to a detainee on their life and behavior.

Subsection 2 Suppression and Other Measures

(Body Search)

Article 45 The Self-Defense Forces personnel designated by the superintendent of prisoner-of-war camp may, if it is necessary to maintain discipline and order in the prisoner-of-war camp, search a detainee's body, clothes, personal belongings, and living quarters, and confiscate any of personal belongings of

the detainee, and temporarily keep the belongings; provided, however, that in case of the search of body and clothes of a female detainee, the search must be conducted by the female Self-Defense Forces personnel designated by the superintendent of prisoner-of-war camp.

(Suppression and Other Measures)

Article 46 In cases where a detainee escapes, harm themselves or others, prevent a staff member of the prisoner of war camp from performing their duties, or engages in conduct extremely detrimental to discipline and order in the prisoner-of-war camp, or attempts to engaged in such conduct, Self-Defense Force personnel serve in the prisoner-of-war camp may suppress the act, take the detainee into custody, or take any necessary measures to prevent the detainee from doing so, to the extent deemed reasonably necessary.

(Use of equipment)

Article 47 Self-Defense Forces personnel serving in the prisoner-of-war camp may, in the cases either they take the measures prescribed in the preceding Article or escort detainees, use handcuffs or any other equipment provided for by Order of the Ministry of Defense in the manner set forth by the Minister of Defense.

Subsection 3 Disciplinary Actions

(Disciplinary Actions)

Article 48 In case where a detainee engages in conduct referred to in the following items, the officer having disciplinary authority (meaning a superintendent of prisoner-of-war camp, or Self-Defense Forces personnel (Self-Defense Forces officers prescribed in paragraph (1) of Article 15 of the Act for Establishment of the Ministry of Defense (Act No. 164 of 1954)) serving in prisoner-of-war camps and provided for in Cabinet Order; the same applies hereinafter) may take disciplinary actions against the detainee:

- (i) escaping (except for those who fall under any of (1) through (3) of paragraph 1 of Article 91 of the Third Convention) or attempting an escape;
- (ii) preventing the smooth operations of detention , such as harming themselves or others, or preventing a staff member of the prisoner-of-war camp from performing their operations, and failing to comply with the rules to be observed;
- (iii) engaging in conduct that contributes to the armed attack, such as attempting communication that causes hindrance to the defense of Japan by sending letters or other methods;
- (iv) preparing, conspiring, inciting, inducing or assisting actions set forth in

the preceding three items.

(Types of Disciplinary Actions)

Article 49 (1) The types of disciplinary actions are set forth as follows:

- (i) reduction of up to 50 percent in the amount of benefits for prisoners of war, etc. to be added to the calculated amount of benefits pursuant to the provisions of Article 74;
 - (ii) engagement in work provided for by Order of the Ministry of Defense for up to two hours a day;
 - (iii) confinement isolated from other detainees.
- (2) The period of disciplinary action must not exceed thirty days. The same applies when the disciplinary actions are taken simultaneously for two or more acts falling under those set forth in respective items of the preceding Article (hereinafter referred to as "disciplinary offense").
- (3) More than two types of disciplinary actions must not be taken for the same act.
- (4) The disciplinary action set forth in item (ii) of paragraph (1) must be taken only against the detainees (except for provisional detainees) classified as non-commissioned officers/petty officers or soldiers/seamen amongst the detainees.
- (5) Incentive remuneration for engaging in duties set forth in Article 74 are not paid to any works in which a detainee who has received disciplinary action engages set forth in item (ii) of paragraph (1).
- (6) The detainee subject to the disciplinary action set forth in item (iii) of paragraph (1) is to be confined, as provided for by Order of the Ministry of Defense, in a compartment separated by rank, etc. and sex designated by an officer having disciplinary authority. In this case, a person receiving the disciplinary action must be permitted to conduct the act set forth in the following items when the person requests it:
- (i) to file a complaint and to make a petition;
 - (ii) to communicate with a representative of the protecting power and prisoners' representative;
 - (iii) to exercise outdoors as long as requested within the time frame provided for by Minister of Defense for not less than two hours per day;
 - (iv) to read books, etc.;
 - (v) to receive and send letters pursuant to the provisions of Subsection 2 of Section 10.
- (7) When the disciplinary action set forth in item (iii) of paragraph (1) is taken against a female detainee, the detainee must not be placed under the supervision by only male staffs of the prisoner-of-war camp.

(Standards of Disciplinary Actions)

Article 50 In taking disciplinary actions, the age, mental and physical conditions, and behavior of a detainee who committed the disciplinary offense as well as the nature, gravity, and motives of the disciplinary offense, and the impact on the administrative operations of the prisoner-of-war camp, the attitude of the detainee after engaged in the disciplinary offense, and other circumstances must be taken into consideration.

(Procedures for Disciplinary Actions)

Article 51 (1) If it is suspected that a detainee has committed a disciplinary offense, an officer having disciplinary authority must, as soon as possible, inquire into whether or not the disciplinary offense has been committed, and the circumstances which must be taken into consideration pursuant to the provisions of the preceding Article.

(2) An officer having disciplinary authority may, if it is necessary for the inquiry set forth in the preceding paragraph, isolate the detainee suspected of committing a disciplinary offense as provided for by Order of the Ministry of Defense. In this case, the period of isolation of the detainee must not exceed fourteen days.

(3) In cases of taking disciplinary actions, an officer having disciplinary authority must inform the outline of the facts to the detainees suspected of committing disciplinary offense and provide an opportunity for explanation in advance. In this case, the detainee may request interpretation service by an interpreter.

(4) A detainee who was informed of the facts set forth in the preceding paragraph may request a necessary statement by an unsworn witness.

(5) An officer having disciplinary authority must, when the officer decides to impose a disciplinary action, notify the detainee and prisoners' representative of their decision and the details of the disciplinary action as provided for by Order of the Ministry of Defense.

(6) The superintendent of prisoner-of-war camp must prepare and maintain records pertaining to the disciplinary actions as provided for by Order of the Ministry of Defense.

(7) The superintendent of prisoner-of-war camp must permit the detainees subject to disciplinary action, a representative of protecting power and other persons provided for by Order of the Ministry of Defense to inspect the records set forth in the preceding paragraph upon their request.

(Enforcement of Disciplinary Actions)

Article 52 (1) The disciplinary actions must be enforced within the prisoner-of-war camps.

(2) The enforcement of disciplinary actions must not be commenced when one

month have elapsed from the date of the notification pursuant to the provisions of paragraph (5) of the preceding Article.

- (3) The disciplinary actions may not be enforced within three days from the date on which the most recent enforcement of disciplinary action ends; provided, however, that this does not apply if the period for the disciplinary action and the most recent disciplinary action are both less than 10 days.

(Non-enforcement of Disciplinary Actions)

Article 53 An officer having disciplinary authority may when the officer finds that there are reasonable grounds to do so by taking into consideration the attitude of the detainee after having received the notice of disciplinary action and other circumstances, suspend the enforcement of the disciplinary actions in whole or in part against a detainee who received the notice of disciplinary actions,,

(Surveillance after Enforcement of Disciplinary Actions)

Article 54 The superintendent of prisoner-of-war camp may place the detainees, who received the disciplinary action for the reason that the detainee engaged in conduct set forth in item (i) of Article 48, under surveillance as provided for by Order of the Ministry of Defense after the enforcement of the disciplinary action ends.

(Provisions Governed by Order of the Ministry of Defense)

Article 55 In addition to what is provided for in this Subsection, particulars necessary for procedures for disciplinary actions are prescribed by Order of the Ministry of Defense.

Section 6 Prisoners' Representatives and Assistants to the Prisoners' Representatives

(Designation of Prisoners' Representatives and Assistants to the Prisoners' Representatives)

Article 56 The superintendent of prisoner-of-war camp is to designate a prisoners' representative and those who assist prisoners' representative (hereinafter referred to as "assistants to prisoners' representative") in the manner set forth by the Minister of Defense.

(Offering of Facilities)

Article 57 The superintendent of prisoner-of-war camp must, to the extent that they are not prevented from performing their operations of detention smoothly, accord facilities necessary for the prisoners' representatives and assistants to

the prisoners' representatives to accomplish their duties.

Section 7 Treatment of Detainees

(Principles on Lending Articles)

Article 58 (1) The clothing and beddings required for daily life in the prisoner-of-war camp are lent to detainees , and meals and drinking water or tea are provided to the detainees.

(2) In addition to what is provided for in the preceding paragraph, the articles required for daily life in the prisoner-of-war camp such as daily necessities, and writing utensils may be lent to or provided to detainees.

(3) The articles lent to or provided to pursuant to the provisions of the preceding two paragraphs must be enough for the detainees to maintain their health and appropriate in light of the status of detainees, taking into consideration of the actual situation of lives of the Japanese citizens.

(Use of Self-supplied Articles)

Article 59 In cases where a detainee requests to use or intake self-supplied articles which are prescribed in the following items and provided for by Order of the Ministry of Defense, the superintendent of prisoner-of-war camp is to permit the detainee to do so as long as it does not cause hindrance for the maintenance of discipline and order, and other administrative operations of the prisoner-of-war camp.

(i) clothing and bedding;

(ii) foods and drinks;

(iii) daily necessities, stationery, and other goods used in the daily life in the prisoner-of-war camp;

(iv) luxury articles;

(v) other articles provided for by Order of the Ministry of Defense.

(Opportunity to read books and opportunity to have access to reports on current affairs)

Article 60 The superintendent of prisoner-of-war camp must endeavor to provide the detainees with the opportunity to read books and opportunity to have access to reports on current affairs as long as it does not cause hindrance to the maintenance of discipline and order, and other administrative operations of the prisoner-of-war camp.

(Daily routine)

Article 61 The superintendent of prisoner-of-war camp is to determine the daily routine for detainees in the prisoner-of-war camp pursuant to the criteria

provided by Order of the Ministry of Defense, and notify the routine to the detainees.

(Support for Activities)

Article 62 (1) The superintendent of prisoner-of-war camp is to, pursuant to Order of the Ministry of Defense, provide the detainees with support regarding intellectual, educational and recreational activities, sports and games, and other activities.

(2) The superintendent of prisoner-of-war camp is to, pursuant to Order of the Ministry of Defense, provide the detainees classified as commissioned officers, warrant officers and non-commissioned officers/petty officers with support on self-contracted work (meaning manufacturing of goods in which a detainee engages and other work under contract with a person outside the prisoner-of-war camp).

(Provisions Governed by Order of the Ministry of Defense)

Article 63 In addition to what is provided for in this Section, particulars necessary for the treatment of detainees are prescribed by Order of the Ministry of Defense.

Section 8 Work of Prisoners of War

(Classes of work)

Article 64 The superintendent of prisoner-of-war camp may have prisoners of war engage in the following work:

- (i) work pertaining to maintenance and operations of the prisoner-of-war camp;
- (ii) interpretation or translation work;
- (iii) work pertaining to medical care for the detainees;
- (iv) work pertaining to religious activities such as assisting the detainees to perform religious practice.

(Work of Commissioned Officers and Warrant Officers)

Article 65 The superintendent of prisoner-of-war camp may permit prisoners of war designated as a commissioned officer and warrant officer to engage in the work set forth in item (i) or item (ii) of the preceding Article, upon their request.

(Work of Non-commissioned Officers/Petty Officers)

Article 66 (1) The superintendent of prisoner-of-war camp may have prisoners of war designated as a non-commissioned officer/petty officer engaged in the work set forth in item (i) of Article 64 (limited to the works in which a prisoner of

war engages as a supervisor).

- (2) The superintendent of prisoner-of-war camp may permit prisoners of war designated as a non-commissioned officer/petty officer engage in the work set forth in item (i) or item (ii) of Article 64, upon their request.

(Work of Soldiers/Seamen)

Article 67 (1) The superintendent of prisoner-of-war camp may have prisoners of war designated as a soldier/seaman engage in the works set forth in item (i) of Article 64.

- (2) The superintendent of prisoner-of-war camp may permit prisoners of war designated as a soldier/seaman to engage in the work set forth in item (ii) of Article 64, upon their request.

(Works Pertaining to Medical Care)

Article 68 The superintendent of prisoner-of-war camp may permit prisoners of war to engage in the work set forth in item (iii) of Article 64, upon their request.

(Work Pertaining to Support for Religious Practice)

Article 69 The superintendent of prisoner-of-war camp may permit prisoner of war who engaged in a religious occupation in the past to engage in the work set forth in item (iv) of Article 64, upon their request.

(Implementation of Work)

Article 70 The work of the prisoners of war are to be implemented taking into account the age, sex, rank, etc., physical aptitude, condition of health and other circumstances as much as possible.

(Working Conditions)

Article 71 (1) The superintendent of prisoner-of-war camp must take necessary measures to ensure the safety and health of prisoners of war who engage in the work.

- (2) The prisoners of war must observe the necessary rules in accordance with the measures taken by the superintendent of prisoner-of-war camp pursuant to the provisions of the preceding paragraph.

- (3) The Minister of Defense determines the measures to be taken by the superintendent of prisoner-of-war camp pursuant to the provisions of paragraph (1) and the rules to be observed by prisoners of war pursuant to the provisions of the preceding paragraph, pursuant to the measures to be taken by employers to ensure the safety and health of workers prescribed in the Industrial Safety and Health Act (Act No. 57 of 1972) and other laws and

regulations and the rules to be observed by workers.

(Provisions Governed by Order of the Ministry of Defense)

Article 72 In addition to what is provided for in this Section, the methods to perform the work and other necessary matters for the implementation are provided by Order of the Ministry of Defense.

Section 9 Benefits for Prisoners of War

(Benefits for Prisoners of War)

Article 73 (1) Prisoners of war, medical personnel and chaplains detained in a prisoner-of-war camp (hereinafter referred to as "prisoners of war, etc. eligible for benefits" in this Section) is to be paid, as provided for in this Section, the basic benefits (meaning benefits equivalent to an advance payment of salary prescribed in Article 60 of the Third Convention; the same applies hereinafter) and incentive remuneration for performing their work (meaning benefits for the works in which a detainee engaged pursuant to the provisions of the preceding Section; the same applies hereinafter) as benefits for prisoners of war.

(2) The superintendent of prisoner-of-war camp must, pursuant to Order of the Ministry of Defense, prepare a ledger of benefits and manage the ledger by entering the calculated amount of benefits for the respective prisoners of war eligible for benefits (hereinafter referred to as "calculated amount of benefits" in this Section) to the ledger.

(Amount of Benefits for Prisoners of War and Amount Added to It)

Article 74 (1) The amount of benefits for prisoners of war, etc. to be added to the calculated amount of benefits is the amount set forth in the following items, according to the types set forth the respective items:

- (i) basic benefits: amount of monthly benefits provided by Order of the Ministry of Defense for each rank, etc. of prisoners of war, etc. eligible for benefits;
- (ii) incentive remuneration for the performance of work: the amount of money calculated for the works performed by the prisoner of war for the month; the day of the month they performed their work, in accordance with the standards provided for by the Defense Minister, pursuant to Order of Ministry of Defense, by taking into consideration a type and description of their works and knowledge and skill levels required for their works.

(2) The amount of the benefits for prisoners of war, etc. is calculated, once a month on a day provided for by the Minister of Defense, by adding the monthly amount of basic benefits and the monthly amount of the incentive remuneration for the previous month to the calculated amount of benefits.

(Payment of Benefits for Prisoners of War)

Article 75 (1) In the cases where a prisoner of war, etc. eligible for benefits requests to receive the benefits for prisoners of war, etc. to purchase articles permitted to use or intake pursuant to the provisions of Article 59 (referred to as "purchase of self-supplied articles" in the following paragraph), the superintendent of prisoner-of-war camp is to pay the prisoner of war money within the monthly amount of the basic benefits for the month; the day of the month the prisoner of war made a request, and within the monthly amount of the incentive remuneration for the performance of their work for the month before last month; the day of the month they made a request.

(2) In case where a prisoners of war, etc. eligible for benefits requests to receive the benefits for prisoners of war, etc. for the purpose other than the purchase of self-supplied articles or receive the amount greater than the amount prescribed in the preceding paragraph, if the superintendent of prisoner-of-war finds that the payment does not causes hindrance to the efficient and smooth operations of operations of detention, the superintendent of prisoner-of-war camp may pay the relevant prisoner of war the requested amount in whole or in part within the calculated amount of benefits to the prisoners of war, etc. eligible for benefits.

(3) In case where the benefits for prisoners of war, etc. are paid pursuant to the provisions of the preceding two paragraphs, the amount thereof is deducted from the calculated amount of benefits.

(Restrictions on Amount Added to Benefits for Prisoners of War)

Article 76 In case where articles are lent to or provided to prisoner of war, etc. eligible for benefits pursuant to the provisions of the paragraph (2) of Article 58, the amount of basic benefits in whole or in part for the month; day of the month when the articles are lent to or provided to, may be refrained from being added to the calculated amount of benefits.

(Payment of Benefits for Prisoners of War, etc. Upon Termination of Detention)

Article 77 In case where a prisoners of war, etc. eligible for benefits falls under any of the following items, the superintendent of prisoner-of-war camp is to issue a written document certifying the calculated amount of their basic benefits, and pay the calculated amount of benefits of the incentive remuneration for the performance of their work to the prisoners of war, etc. eligible for benefits.

(i) cases where a prisoner of war, etc. eligible for benefits is deported pursuant to the provisions of Article 144;

(ii) cases where a prisoner of war, etc. eligible for benefits is permitted to

- deport pursuant to the provisions of Article 146;
- (iii) cases where a prisoner of war, etc. eligible for benefits is transferred pursuant to the provisions of Article 147;
- (iv) cases where a prisoner of war, etc. eligible for benefits is released pursuant to the provisions of Article 149.

(Inspection of Ledgers for Benefits)

Article 78 The prisoners of war, etc. eligible for benefits, prisoners' representatives, or representatives of protecting powers may inspect the ledgers of benefits prescribed in paragraph (2) of Article 73, as provided for by Order of the Ministry of Defense.

(Provisions Governed by Order of the Ministry of Defense)

Article 79 In addition to what is provided for in this Section, particulars necessary for the payment of benefits for prisoners of war, etc., management of and entries to ledgers for benefits, and the handling of benefits for prisoners of war, etc. are provided for by Order of the Ministry of Defense.

**Section 10 Contact with Persons from Outside the Prisoner-of-War
Camps**

Subsection 1 Visits

(Visits by Representatives of Protecting Powers)

- Article 80 (1) The superintendent of prisoner-of-war camp is to, in cases where any of the persons listed in the following items request to visit detainees, permit detainees to receive the visit. In this case, no staff member of the prisoner-of-war camp attends a visit for a detainee:
- (i) representatives of protecting powers;
 - (ii) representatives of designated international organizations of the Red Cross;
 - (iii) defense counsels in criminal cases of the detainee.
- (2) If the superintendent of prisoner-of-war camp permits a visit pursuant to the provisions of the preceding paragraph, the superintendent may specify the minimum conditions for the visit, such as the date and time, and visiting site, only to the extent not precluding the purpose of the visit, as provided for by an Order of the Ministry of Defense, so as not to cause a significant hindrance to the management and administration of the prisoner-of-war camp,.

(Other Visitors)

Article 81 (1) In cases where a person other than those listed in all items of the paragraph (1) of the preceding Article requests to visit a detainee, if it is deemed that there is a special circumstance where the visit is necessary, and if

it is deemed that there is no risk of causing hindrance to the management and operations of the prisoner-of-war camp by permitting such visit, then the superintendent of prisoner-of-war camp may, in the manner set forth by the Minister of Defense, permit the detainee to receive the visit.

- (2) The staff member of the prisoner-of-war camp is to attend the visit set forth in the preceding paragraph to the extent the attendance is not inconsistent with the business purposes of the visitors.
- (3) In the cases where the detainee or the visitor commits any act or makes any oral statement that clearly deviates from what is necessary to carry out the business to which the visit has permitted, a staff member attending a visit at a prisoners-of-war camp may either restrain the conducts or refrain them from speaking up, 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.
- (4) In cases where a visit is suspended pursuant to the provisions of the preceding paragraph, if it is deemed inappropriate to continue the visit, then the superintendent of prisoner-of-war camp may terminate the visit.

(Restriction and Suspension of Visits)

Article 82 (1) The Minister of Defense may order the superintendent of prisoner-of-war camp, with a designation of the period and facilities of the prisoner-of-war camp, to restrict or suspend the visits prescribed in the provisions of the preceding two Articles, when the Minister of Defense finds it extremely necessary to do so for the defense of Japan, in light of circumstance of the necessary use of force engaged by the Self-Defense Forces to repel Armed Attacks, deployment of Self-Defense Forces Units, etc., and other situations with regard to the measures taking against armed attack situations.

- (2) The Minister of Defense must, when they find the restriction or suspension of visits set forth in the preceding paragraph has become unnecessary, order immediately the superintendent of prisoner-of-war camp to cancel such rescission or suspension of the visits.

Subsection 2 Sending and Receiving Letters and Telegrams

(Correspondence)

Article 83 Correspondence with detainees may not be prohibited or restricted other than what is provided for in this Section.

(Restrictions on Letters)

Article 84 (1) The superintendent of prisoner-of-war camp may, pursuant to an Order of the Ministry of Defense, impose restrictions necessary for the

adequate operations of detention upon the manner in preparing letters, the number of letters, and the procedures for sending or receiving letters of detainees; provided, however, that this does not apply to letters that the prisoners' representatives or the assistants to the prisoners' representatives send to national or local government agency, protecting powers, designated international organizations of the Red Cross, or designated assisting organizations and that contain particulars under the authority of the prisoners' representatives or the assistants to the prisoners' representatives pursuant to the provisions of Article 80 and other provisions of the Third Convention.

- (2) In the cases referred to in the preceding paragraph, when the superintendent of prisoner-of-war camp imposes restriction on the number of letters a detainee sends, the number may be not less than two per month with regards to what is provided for by an Order of the Ministry of Defense as corresponding to the letters prescribed in paragraph (1) of Article 71 of the Third Convention, and four per month for with regards to what is provided for by an Order of the Ministry of Defense as corresponding to the postcards prescribed in that paragraph.
- (3) Notwithstanding the provisions in the paragraph (1), the number of letters that chaplains, etc. send to religious organizations necessary to assist the religious actions of the detainees or to perform religious ceremonies pursuant to the provisions of Article 42, may not be restricted, except in the case that there is a risk to cause extraordinary hindrance in the adequate operations of detention.

(Examination of Letters)

Article 85 (1) The superintendent of prisoner-of-war camp is to promptly conduct the examination of the contents of letters that the detainees send and receive.

- (2) Notwithstanding the provisions in the preceding paragraph, the superintendent of prisoner-of-war camp is to examine the letters that detainees receive from national or local government agency within the limits necessary for ascertaining the contents thereof.

(Suppression of Letters by Contents)

Article 86 (1) In cases where it is found, as the result of the examination pursuant to the provisions of paragraph (1) of preceding Article, that all or a part of a letter a detainee sends or receives falls under the cases set out under the following items, the superintendent of prisoner-of-war camp may suppress the sending or receiving, or remove or erase the relevant parts of the letter:

- (i) cases where all or part of the contents of the letter are the kind unable to be understood due to a use of specific kind of communication such as in code;
- (ii) cases where there is a risk of causing hindrance to the defense of Japan by

- sending or receiving the letter;
- (iii) 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;
 - (iv) cases where there is a risk of causing escape and other disruption of discipline and order with regards to the treatment of the detainees by sending or receiving a letter;
 - (v) cases where there are clearly false descriptions of the treatment of the detainees and other conditions with regards to the treatment of the detainees.
- (2) Notwithstanding the provisions in the preceding paragraph, with regard to either letters a detainee sends to or receives from the protecting powers or designated Red Cross International Organizations and whose contents include the matters under the authorities of those organizations prescribed in the provisions of the Third Convention or the First Additional Protocol, the superintendent of prisoners-of-war camp may not suppress their sending or receiving, or remove or erase the concerned part of the letter to authorities of those organizations for the reason that all or a part of letter pertaining to matters concerned fall under item (v) of the preceding paragraph.
- (3) Notwithstanding the provisions of the paragraph (1), 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 and letters a detainee sends to or receives from an attorney who discharges the duty prescribed in paragraph (1) of Article 3 of the Attorney Act (Act No. 205 of 1949) with regard to the detainee, the superintendent of prisoners-of-war camp may not suppress their sending or receiving, or remove or erase the concerned part of them for the reasons that all or a part of letter pertaining to matters concerned fall under item (v) of paragraph (1).
- (4) Notwithstanding the provisions of the paragraph (1), with regard to either letters prisoners' representatives or assistants to the prisoners' representatives send to or receive from a national or local government agency and that contain matters under the authority of the agency, and with regard to either letters prisoners' representatives or assistants to the prisoners' representatives send to or receive from protecting powers, designated international organizations of the Red Cross or designated assisting organizations and that contain matters under the authority of the prisoners' representatives, the assistants to the prisoners' representatives, protecting powers, designated international organizations of the Red Cross or designated assisting organizations prescribed in the Third Convention or the First Additional Protocol, the superintendent of prisoners-of-war camp may not suppress their sending or receiving.
- (5) Notwithstanding the provisions of the paragraph (1), with regard to letters prisoners' representatives or assistants to the prisoners' representatives send

to a national or local government agency and that contain matters under the authority of the agency, and with regard to letters either prisoners' representatives or assistants to the prisoners' representatives send to or receive from protecting powers, designated international organizations of the Red Cross or designated assisting organizations and that contain matters under the authority of the prisoners' representatives, the assistants to the prisoners' representatives, protecting powers, designated international organizations of the Red Cross or designated assisting organizations prescribed in the Third Convention or the First Additional Protocol, the superintendent of prisoners-of-war camp may not remove or erase the concerned part of letters for the reasons that all or a part of letter pertaining to matters concerned fall under item (v) of paragraph (1).

(Sending Telegram by Detainees)

- Article 87 (1) In case where detainees may not have correspond with their spouse or relatives within the third degree of kinship by letters and in other cases as provided for by an Order of the Ministry of Defense, the superintendent of prisoner-of-war camp may permit the detainee to send telegrams and to engage in communication by other telecommunications services provided for by an Order of the Ministry of Defense (hereinafter referred to as "telegrams etc.").
- (2) The superintendent of prisoner-of-war camp may, pursuant to an Order of the Ministry of Defense, impose restrictions necessary for the adequate operations of detention upon the manner in preparing and the number of sending or engaging of the telegrams, etc., and the procedures for sending or engaging telegrams, etc. of detainees.
- (3) The provisions of the paragraph (1) of Article 85 and paragraph (1) of Article 86 apply mutatis mutandis to telegrams, etc. that detainees send or engage.
- (4) Notwithstanding the provisions of the preceding three paragraphs, with regard to the telegrams, etc. that prisoners' representatives or assistants to the prisoners' representatives send or to a national or local government agency, protecting powers, designated international organizations of the Red Cross or designated assisting organizations and that contain matters under the authority of the prisoner' representatives or the assistants to the prisoners' representatives pursuant to the provisions of Article 80 and other articles of the Third Convention are deemed as letters, and the provisions of Article 83 through the preceding Article apply.

(Receiving Telegrams of Detainees)

Article 88 The telegrams, etc. that the detainees receive or engage in are deemed to be letters that the detainees receive and the provisions of Article 83,

paragraph (1) of Article 84, Article 85 and Article 86 apply thereof.

(Delegation to Order of the Ministry of Defense)

Article 89 In addition to matters provided for in this Section, the particulars necessary for the sending and receiving letters and telegrams, etc., are provided by an Order of the Ministry of Defense.

Section 11 Filing of Complaints

(Filing of Complaints with a Superintendent of Prisoner of-War-Camp)

Article 90 A detainee may, either orally or in writing, file a complaint with regard to the measures taken by the superintendent of prisoner-of-war camp against them or any other treatment they received.

(Filing Complaints with the Minister of Defense or the Chief of Staff)

Article 91 (1) A detainee may, in writing, file a complaint with the Minister of Defense or the Chief of Staff (meaning Chief of Staff prescribed in Article 9 of Self-Defense Forces Act) designated by the Minister of Defense with regard to measures taken by the superintendent of prisoner-of-war camp against their or any other treatment that they have received.

(2) Filing complaint set forth in the preceding paragraph is made by submitting the document, prepared and sealed by the detainee themselves, via the superintendent of prisoner-of-war camp.

(3) The superintendent of prisoner-of-war camp must not examine the document set forth in the preceding paragraph.

(4) The superintendent of prisoner-of-war camp must not preclude a detainee to communicate with prisoners' representatives or representatives of protecting powers with regard to measures taken by superintendent of prisoner-of-war camp against the detainee that they received.

(Delegation to Order of the Ministry of Defense)

Article 92 In addition to what is provided for in this Section, the necessary matters procedures for filling complaints and of their treatments are prescribed by an Order of the Ministry of Defense.

Chapter IV Request for Administrative Review

Section 1 Organization of a Review Board for Certification of Status of Prisoner of War

(Review Board for Certification of Status of Prisoner of War)

Article 93 Review Board for Certification of Status of Prisoners of War

(hereinafter referred to as "Review Board") is established temporarily at the Ministry of Defense to deal with the cases of request for administrative review of the certification of detainee status and of request for administrative review of disciplinary actions.

(Organization)

Article 94 (1) The Review Board comprises no more than 15 members.
(2) The board members are part-time.

(Appointment of Board Members)

Article 95 The Minister of Defense appoints board members from among those who have an honorable personality, knowledge about national security, and academic experience with the Third Convention and other international humanitarian laws to be applied in case of international armed conflict or laws and regulations on national defense.

(Exercise of Authority)

Article 96 The board members exercise their authority independently.

(Term of Office)

Article 97 (1) The term of office for a board member is three years; provided, however, that the term of office of a substitute board member is the period remaining of the predecessor's term.
(2) Board members may be reappointed.
(3) Even after the expiration of the term of office of a board member, the relevant board member is to continue to perform their official duties until their successor is appointed.
(4) In the event of the abolishment of the Review Board, the term of office of the board members terminates at the time of its abolishment, notwithstanding the provisions in the preceding paragraph (1).

(Guarantee of Status)

Article 98 Board members are not dismissed against their will while in office, with the exception of the following items:
(i) in the event that a board member is declared bankrupt;
(ii) in the event that a board member is sentenced to imprisonment without work or heavier;
(iii) in the event that the Review Board determines that a board member is unable to perform official duties due to mental and/or physical disorders, or has breach their official obligation in the course of duties or is guilty of such malfeasance as to render themselves unfitting to be a board member.

(Dismissal)

Article 99 The Minister of Defense must dismiss a board member who falls under any item of the preceding Article.

(Chairperson)

Article 100 (1) A chairperson is selected for the Review Board; the selection is made by mutual vote from among the board members.

(2) The chairperson presides over affairs of the Review Board and represent the Review Board.

(3) The Review Board must select in advance a board member in advance who will act for the chairperson in the event that the chairperson is unable to perform their official duties.

(Panel)

Article 101 (1) The Review Board deals with the cases of request for administrative review of the certification of detainee status for detainee and of request for administrative review of disciplinary actions (hereinafter referred to as "case on request for administrative review") by a panel comprised of three persons nominated from the board members.

(2) The Review Board deals with cases on request for administrative review by the panel comprised of all board members in case that the Review Board so determines, notwithstanding the provisions of the preceding paragraph.

Article 102 (1) The board members comprising a panel prescribed in paragraph (1) or (2) of the preceding Article become reviewers, among whom one member is nominated as a chief reviewer.

(2) Amongst the panels set forth in the paragraph (1) of the preceding Article, the chairperson becomes the chief reviewer in the panel in which they are involved; however, in the other panels, a board member nominated by the Review Board becomes the chief reviewer.

(3) In the panel set forth in the paragraph (2) of the preceding Article, the chairperson becomes the chief reviewer; however, in the event that they are unable to perform their official duties, the committee member who acts for the chairperson pursuant to the provisions of the paragraph (3) of Article 100 becomes the chief reviewer.

Article 103 (1) The panels set forth in the paragraph (1) of Article 101 may not hold meetings or make any determination without the attendance of all the reviewers, and the panels set forth in the paragraph (2) of Article 101 may not do either without the attendance of a majority of two-thirds or more of all the

reviewers.

- (2) All decisions of the panels set forth in the paragraph (1) of Article 101 are made by a majority of the reviewers comprising the panel; all decisions of the panels set forth in the paragraph (2) of Article 101 are made by a majority of all the reviewers.

(Board Meeting)

Article 104 (1) Review Board is to administrate its affairs (except for cases on request for administrative review) by decision of a meeting of all the board members (hereinafter in this Article referred to as "board meeting").

- (2) The board meeting may not be held or make a decision without the attendance of a majority of the board members, including the chairperson.
- (3) All decisions of the board meeting are made by a majority of the attendees.
- (4) The decision of the Review Board pursuant to the provisions of the item (iii) of Article 98 must, notwithstanding the provisions set forth in the preceding paragraph, be made with the unanimous consent of all attendees except for the member concerned.

(Prohibition of Specified Acts)

Article 105 No board member may not be a candidate for the Diet, the local assembly of a local public entity or any other elective public office, or actively conduct political activities while in office.

Section 2 Procedures for Request for Administrative Review of the Certification of Detainee Status

(Request for Administrative Review of the Certification of Detainee Status by Interned Persons)

- Article 106 (1) A person who has issued a written detention order pursuant to the provisions of Article 18 may, when they are dissatisfied with the certification of detainee status prescribed in paragraph (1) or (3) of Article 16 (meaning the certification of detainee status prescribed in the relevant two paragraphs entails a judgment on the necessity for detention pursuant to paragraph (2) of Article 16. The same applies hereinafter, except for paragraphs (2) and (3) of Article 121.), request an administrative review of the certification of detainee status in writing or orally, pursuant to Cabinet Order, to the Review Board for request.
- (2) The request for an administrative review of the certification of detainee status prescribed in the preceding paragraph must be made within 60 days from the day immediately following the day on which the written detention order was shown pursuant to the provisions of paragraph (2) of Article 19;

provided, however, that this does not apply when the applicant has made a prima facie showing to the effect that they have reasonable grounds for having been unable to make an request for administrative review on the certification of detainee status within the relevant period of time.

- (3) The request for administrative review of the certification of detainee status prescribed in the paragraph (1) may be made through a certification officer for detainee status or a superintendent of prisoner-of-war camp.
- (4) With regard to the computation of period of time for the request for administrative review on the certification of detainee status provided in the preceding paragraph, the request for administrative review of the certification of detainee status is deemed to have been made at the time of submission of a written application for review on the certification of detainee status to, or of the statement to the relevant organizations through which the appeal was made.

(Dismissal of Appeal)

Article 107 In case where a request for administrative review of the certification of detainee status is unlawful and is not correctable, the Review Board must dismiss the appeal by determination.

(Correction)

Article 108 (1) In case where an request for administrative review of the certification of detainee status is unlawful but correctable, the Review Board must specify a reasonable period and order that such defect should be corrected within that period.

- (2) In the case that a person who has requested for an administrative review of the certification of detainee status (hereinafter referred to as "the applicant of the request for administrative review of the certification of detainee status") fails to correct the defect within the period set forth in the preceding paragraph, the Review Board may dismiss the request for administrative review of the certification of detainee status by determination; provided, however, that this does not apply when such defect is minor.

(Date and Place for Proceeding)

Article 109 (1) The Review Board must designate a date and place for proceeding and notify them in advance to the applicant of the request for administrative review of the certification of detainee status and the superintendent of prisoner-of-war camp.

- (2) The superintendent of prisoner-of-war camp must summon the applicant of the request for administrative review of the certification of detainee status to the place on the date for proceeding they were notified pursuant to the

provisions of the preceding paragraph.

- (3) The applicant of the request for administrative review of the certification of detainee status may, in the case referred to in the preceding paragraph, appear together with an interpreter or other assistants with the permission of the Review Board.

(Request for an Interpreter)

Article 110 The applicant of the request for administrative review of the certification of detainee status may, when they need the attendance of an interpreter, request it to the Review Board.

(Proceeding Open to the Public)

Article 111 All proceedings must be open to the public; provided, however, that the proceedings may not be open to the public upon petition of the applicant of the request for administrative review of the certification of detainee status or a witness prescribed in item (i) of the paragraph (2) of Article 114.

(Direction of the Proceedings)

Article 112 Proceedings at the date of relevant proceeding are directed by the chief reviewer.

(Statement of Opinion)

Article 113 (1) The Review Board must grant the applicant of the request for administrative review of the certification of detainee status an opportunity to state their opinions on the date of the proceedings.

- (2) The applicant of the request for administrative review of the certification of detainee status may submit to the Review Board a written opinion at any time until the determination with regard to the request is rendered.

(Disposition for Proceedings)

Article 114 (1) The Review Board may, if necessary to conduct the proceedings, conduct hearing the applicant of the request for administrative review of the certification of detainee status.

- (2) The Review Board may, if necessary to conduct the proceedings, render the dispositions listed the following items, upon a petition made by the applicant of the request for administrative review of the certification of detainee status or by its own authority:
 - (i) requesting a witness to appear to be conducted hearing, or obtaining their opinions or reports;
 - (ii) requesting the submission of documents or other objects to the owner, holder, or custodian of the relevant subjects, or retaining the relevant

objects;

(iii) ordering expert testimony.

(3) The Review Board may cause a reviewer to render the disposition listed in item (i) of the preceding paragraph.

(Record of the Proceedings)

Article 115 (1) The Review Board must prepare a record of the proceedings on the date of review.

(2) An applicant of the request for administrative review of the certification of detainee status may inspect the records set forth in the preceding paragraph with the permission of the Review Board.

(Meetings)

Article 116 Meetings of the Review Board are not open to public.

(Withdrawal of a Request for Administrative Review of the Certification of Detainee Status)

Article 117 (1) The applicant of the request for administrative review of the certification of detainee status may withdraw their request for administrative review of the certification of detainee status at any time until the determination with regard to the appeal is rendered.

(2) The withdrawal of a request for administrative review of the certification of detainee status must be made in writing.

(Determination on the Merits)

Article 118 The Review Board must, when all proceedings have been completed, make a determination on merits which dismiss the request for administrative review of the certification of detainee status, or either rescinds or modifies the certification of detainee status; provided, however, that the relevant certification may not be modified in a way detrimental to the applicant of the request for administrative review of the certification of detainee status.

(Method of Determination)

Article 119 A determination must be rendered in writing and include the relevant reasons, and the reviewer participating the meeting must sign and seal it. When a reviewer participating the meeting cannot sign and seal on the writing determination, the other reviewers participating the meeting must make a note explaining that fact, then signing and sealing it.

(Becoming Effective of a Resolution)

Article 120 (1) A determination becomes effective when it is served upon the

applicant of the request for administrative review of the certification of detainee status.

- (2) A service of a determination is made by sending a certified copy of the written determination; provided, however, that the delivery may be made by public notice when the location of the person who is to be served it is unknown.
- (3) service by means of public posting is to be made by posting a notice, at the posting area of the of the Review Board office, with the Review Board retaining a certified copy of the written determination to be served and will deliver it to the person that is to be serviced at any time, and by publishing it at least once in the Official Gazette or other bulletin. In this case, the certified copy of the written determination is deemed to have been delivered after two weeks have passed since the day immediately following that of the initial posting.

(Actions by the Superintendent of Prisoner-of-War Camp)

- Article 121 (1) In the cases where a request for administrative review of the certification of detainee status set forth of in Article 14, paragraph (1) or paragraph (4) of Article 17 is dismissed by a determination pursuant to the provisions of Article 107 or Article 108, paragraph (2) , is withdrawn as provided for by the provisions of the paragraph (1) of Article 117, or is denied pursuant to the provisions of Article 118, the superintendent of prisoner-of-war camp must immediately release the relevant applicant of the request for administrative review of the certification of detainee status.
- (2) With regard to the request for administrative review of the certification of detainee status set forth of in Article 14, paragraph (1) of, when the certification of the detainee status is modified and a detainee status (if a detainee status falls under a category of prisoner of war other than the member of armed forces, etc., the detainee status is limited to that is with the necessity for an detention prescribed in the paragraph (2) of Article 16; the same applies to the following paragraph, the paragraph (5) and the following Article.) is recognized by a determination pursuant to the provisions of Article 118, the superintendent of prisoner-of-war camp must immediately issue a written detention order pursuant to the provisions in the paragraph (4) to the relevant applicant of the request for administrative review of the certification of detainee status.
 - (3) With regards the appeal for review on the certification of detainee status set forth in the paragraph (4) of Article 17, when the certification of detainee status or the judgment that detention is unnecessary pursuant to the provisions of the paragraph (2) of Article 16 is modified, and a detainee status is recognized by a determination pursuant to the provisions of Article 118, the superintendent of prisoner-of-war camp does in the same manner set forth in the preceding paragraph.

- (4) In the enforcement of the written detention order set forth in the preceding two paragraphs, the written detention order is shown to, by Self-Defense Forces personnel designated by the superintendent of prisoner-of-war camp, to the relevant applicant of the request for administrative review of the certification of detainee status.
- (5) In the written detention order issued pursuant to the provisions of paragraph (2) or paragraph (3), the following information must be entered, and the superintendent of prisoner-of-war camp must affix their name and seal thereon:
- (i) date, time and place of the custody;
 - (ii) name, rank, etc., date of birth, identification card number, etc., of the applicant of the request for administrative review of the certification of detainee status;
 - (iii) detention status;
 - (iv) date of issuance;
 - (v) other particulars provided for in an Order of the Ministry of Defense.

Article 122 (1) With regard to the request for administrative review of the certification of detainee status set forth of in the paragraph (1) of Article 106, when a recognition of a detainee status has been dismissed and the detainee status has not been recognized by a determination pursuant to the provisions of Article 118, the superintendent of prisoner-of-war camp must immediately release the relevant applicant of the request for administrative review of the certification of detainee status.

- (2) With regard to the request for administrative review of the certification of detainee status set forth in the paragraph (1) of Article 106, when the certification of detainee status has been corrected and the other detainee status has been recognized than that pertaining to the relevant certification by an administrative determination pursuant to the provisions of Article 118, the superintendent of prisoner-of-war camp must promptly correct the written detention order issued to the relevant applicant of the request for administrative review of the certification of detainee status.
- (3) The correction to the written detention order pursuant to the provisions of the preceding paragraph must be made by attaching a copy of the written determination to the relevant written detention order. In this case, Self-Defense Forces personnel designated by the superintendent of prisoner-of-war camp must show the corrected written detention order to the relevant applicant of the request for administrative review on the certification of detainee status.

(Return of Documents and Other Objects)

Article 123 The Review Board must, when it makes an administrative determination, promptly return all documents and other objects submitted with regard to a case of a request to the persons who submit such objects.

(Correction of a Written Determination)

Article 124 (1) In the cases when there is a clerical error or any other clear error similar thereto in a written determination, the Review Board may make corrections at any time upon a petition of the applicant of the request for administrative review on the certification of detainee status or by its own authority.

(2) The Review Board must, in the case it has made the corrections to the written determination pursuant to the provisions of the preceding paragraph, supplementary note to such effect in the original written determination and notify such effect to the applicant of the request for administrative review on the certification of detainee status of the corrections.

Section 3 Procedures for Request for Administrative Review of Disciplinary Actions

(Request for Administrative Review of Disciplinary Actions)

Article 125 A detainee may, when they are dissatisfied with the disciplinary action pursuant to the provisions of Article 48, request in writing, as provided for by an Order of the Ministry of Defense, to the Review Board for request for administrative review of disciplinary actions.

(Suspension of Disciplinary Action)

Article 126 (1) A request for administrative review of disciplinary actions does not suspend the execution of the disciplinary action; provided, however, that the Review Board may, when it finds necessity for the proceedings, suspend the execution by its own authority.

(2) The Review Board may rescind the suspension of execution referred to in the preceding paragraph at any time.

(3) The suspension of execution and the rescission of the suspension of execution are made by notifying the disciplinary authority of the effect in writing including the relevant reasons.

(Method of Proceedings)

Article 127 The proceedings of a request for administrative review of disciplinary actions are to be conducted through examining documents; provided, however, that when the person who has made a request for administrative review of disciplinary actions (hereinafter referred to as

"applicant of the request for administrative review of disciplinary actions") makes a petition, the Review Board must give the person an opportunity to state their opinions.

(Date and Place of the Proceedings)

Article 128 (1) The Review Board is to, when it has the applicant of the request for administrative review of disciplinary actions state their opinions pursuant to the proviso prescribed in the preceding Article, or is to designate a date and place for the proceedings in which they or a witness is to be questioned as provided for by the provisions of paragraph (1) of Article 130.

(2) The Review Board must, when it designates the date and place for a proceedings set forth in the preceding paragraph (limited to the proceedings with regard to the applicant of the appeal for application for review on disciplinary actions), notify them in advance to the applicant of the request for administrative review of disciplinary actions and the superintendent of prisoner-of-war camp.

(3) The superintendent of prisoner-of-war camp must summon the applicant of the request for administrative review of disciplinary actions to the place on the date for proceedings they were notified as provided for by the provisions of the preceding paragraph.

(4) The applicant of the request for administrative review of disciplinary actions may, in the case referred to in the preceding paragraph, appear together with an interpreter or other assistants with the permission of the Review Board.

(5) A proceedings referred to in the paragraph (1) are not open to public.

(Joint or Separation of Proceedings)

Article 129 The Review Board may, when it finds necessary, merge request for administrative review of disciplinary actions, or separate merged request for administrative review of disciplinary actions.

(Dispositions for Proceedings)

Article 130 (1) The Review Board may, if necessary to conduct the proceedings, render the following dispositions upon a petition made by the applicant of the request for administrative review of disciplinary actions or by its own authority:

- (i) requesting the applicant of the request for administrative review of disciplinary actions or witness to appear to be examined, or obtaining their opinions or reports;
- (ii) requesting the submission of documents or other objects to the owner, holder, or custodian of the relevant subjects, or retaining submitted objects;
- (iii) ordering expert testimony.

(2) The Review Board may cause a reviewer to render any disposition listed in item (i) of the preceding paragraph.

(Determination on the Merits)

Article 131 The Review Board must, when all proceedings have been completed, make a determination on merits which dismiss the request for administrative review of disciplinary actions, or either rescinds or modifies the entirety or a part of the disciplinary actions; provided, however, that the relevant disciplinary actions may not be modified in a way detrimental to the applicant of the request for administrative review of disciplinary actions.

(Measures to be Taken as a Result of the Resolution)

Article 132 When a determination which either rescinds or modifies the entirety or a part of disciplinary actions listed in any item of the paragraph (1) of Article 49 has been made, the superintendent of prisoner-of-war camp must, in the manner set forth by the Minister of Defense, add the amount of the benefits for prisoners of war reduced pursuant to these disciplinary actions or take other measures in order to rectify the unjust result that the applicant of the request for administrative review of disciplinary actions has suffered.

(Application, Mutatis Mutandis, of Procedures for a Request for Administrative Review of Disciplinary Actions)

Article 133 The provisions of paragraphs (2) through (4) of Article 106, Article 107, Article 108, Article 110 and Article 112, paragraph (2) of Article 113, Articles 115 through 117, and Article 119, Article 120, Article 123 and Article 124 apply mutatis mutandis to a request for administrative review of disciplinary actions. In these cases, the term "the day on which the written detention order is shown as provided for by the provisions of paragraph (2) of Article 19" in paragraph (2) of Article 106 is deemed to be replaced with "the day on which the disciplinary action is noticed as provided for by the provisions of paragraph (5) of Article 51"; the term "the certification officer for detainee status or a superintendent of prisoner-of-war camp ", in paragraph (3) of Article 106 is deemed to be replaced with "the discipliner"; and the term "submitted to, or orally stated " in paragraph (4) of Article 106 is deemed to be replaced with "submitted ".

Section 4 Miscellaneous Provisions

(Relationship between a Request for Administrative Review on the Certification of Detainee Status and Disciplinary Actions, and Litigation)

Article 134 An action for revocation the certification of detainee status or

disciplinary action pursuant to the provisions of this Act may not be filed only after a request for administrative review of the certification of detainee status or a request for administrative review of the disciplinary actions has been determined by the Review Board for Certification of Status of Prisoner of War.

(Delegation to Order of the Ministry of Defense)

Article 135 In addition to what is provided for in this Chapter, Procedures for a request for administrative review of the certification of detainee status and an request for administrative review of the disciplinary actions are as prescribed by an Order of the Ministry of Defense.

Chapter V Termination of Detention

Section 1 General Rules

(Reasons for the Termination of Detention)

Article 136 Internment of a detainee is terminated pursuant to the provisions set out in this Chapter in addition to their death or release pursuant to the paragraph (1) of Article 122.

Section 2 Deportation Criteria

(Preparation of Criteria)

Article 137 (1) Upon armed attack situations, the Minister of Defense is to prepare the following criteria for the deportation of prisoners of war, medical personnel, and chaplains in armed attack situations without delay:

- (i) criteria for the recognition of serious wounds or sickness (meaning criteria for recognizing whether prisoners of war, medical personnel, or chaplains in captivity are seriously wounded or sick persons subject to deportation (who fall under any of items (1) through (3) of paragraph (1) of Article 110 of the Third Convention and are fit to transfer; the same applies hereinafter));
- (ii) criteria for the deportation of medical personnel (meaning criteria for the maximum quantity of medical personnel who may be retained in accordance with the number of detainees and the maximum quantity of those who may be retained in accordance with the classification of their duties, and, in cases where the maximum quantity is exceeded, the deportation of medical personnel as well as the criteria for the deportation that follows the of retained medical personnel; the same applies hereinafter);
- (iii) criteria for the deportation of chaplains (meaning criteria for the maximum quantity of chaplains who may be retained in accordance with the number of detainees and for the maximum quantity of those who may be retained in accordance with the classification of their duties, and for the deportation of

- chaplains in cases where that quantity exceeded; the same applies hereinafter).
- (2) After the end of armed attack situations, the Minister of Defense is to promptly prepare the order of detainees who are to be issued the writ order of return, places where detainees are to be delivered to (hereinafter referred to as "place of deportation"), means of transportation to the place of deportation, contents of personal effects to be carried with them at the time of deportation and other criteria necessary for the implementation of deportation (hereinafter referred to as "criteria for deportation at the end of armed attack").
- (3) In addition to what is provided in the preceding two paragraphs, the Minister of Defense may prepare the following criteria for the deportation of prisoners of war in armed attack situations:
- (i) criteria for deportation for release on parole (meaning criteria for deportation for the purpose of release on parole or promise prescribed in paragraph (2) of Article 21 of the Third Convention; the same applies hereinafter);
 - (ii) criteria for deportation for the exchange, etc. of prisoners of war (meaning criteria for the deportation for exchanging prisoners of war with foreign governments and others equivalent thereto to which the enemy armed forces belong, and for the deportation of prisoners of war who are considered no longer need to be interned in consideration of the defense of Japan; the same applies hereinafter).
- (4) In addition to what is provided in the preceding three paragraphs, the Minister of Defense may, upon armed attack situations, prepare criteria (hereinafter referred to as "criteria for the outgoing transfer") for the transfer of prisoners of war to a contracting party of the Third Convention not engaged in the armed attack (hereinafter referred to as "outgoing transfer") in order to take any of the measures set out under the following item:
- (i) outgoing transfer to such contracting party pursuant to paragraph (2) of Article 12 of the Third Convention;
 - (ii) hospitalization or detention in such country which is a contracting party, pursuant to paragraph (2) of Article 109 of the Third Convention.
- (5) When the Minister of Defense has prepared criteria for the recognition of a serious wound or sickness, deportation of medical personnel, deportation of chaplains, deportation at the end of armed attack, deportation for release on parole, deportation in conjunction with an exchange, etc. of prisoners of war or the outgoing transfer (hereinafter referred to as "criteria for deportation, etc."), they are to promptly notify the superintendent of prisoner-of-war camp of the criteria for deportation, etc.
- (6) The criteria for deportation, etc. must be compliance with the contents of the Third Convention and other international agreements.

(Exchange of Documents)

Article 138 The Minister of Foreign Affairs is to forward and receive documents and notices between Japan and a foreign government or its equivalent required for preparation of the criteria for deportation, etc.; provided, however, the Minister of Defense is to forward and receive the above-mentioned documents if the Minister of Foreign Affairs agrees in cases of emergency or other extraordinary circumstances.

(Deportation of Seriously Wounded or Sick Prisoners of War)

Article 139 (1) In armed attack situations, the superintendent of prisoner-of-war camp must, when they find any of prisoners of war, medical personnel or chaplains interned in the prisoner-of-war camp fall to a seriously wounded or sick person subject to deportation, promptly notify the relevant person of that effect and of that they are to be deported their consent to the deportation.

(2) When the person receiving the notice set forth in the preceding paragraph consents to their deportation as provided for by an Order of the Ministry of Defense, the superintendent of prisoner-of-war camp is to promptly issue the writ order of return pursuant to the provisions of Article 143.

(3) The Minister of Defense must promptly specify the necessary particulars, for the person to whom the writ order of return is to be issued as provided for by the provisions of the preceding paragraph, such as the place of deportation, means of transportation to the place of deportation, and a breakdown of personal effects the person is permitted to carry with them at the time of deportation.

(4) In the cases referred to in paragraph (1), the recognition of whether or not a detainee falls a seriously wounded or sick person subject to deportation must be subject to diagnosis by members of mixed medical commissions as prescribed in Article 168.

(5) The prisoners' representatives may, when they find that any prisoners of war, medical personnel or chaplains among those whose interests they represent is considered a seriously wounded or sick person subject to deportation, request the superintendent of prisoner-of-war camp to have members of mixed medical commissions to diagnose such persons.

(6) When a request is made pursuant to the provisions of the preceding paragraph, the superintendent of prisoner-of-war camp must request members of mixed medical commissions for a diagnosis of the person prescribed in the preceding paragraph.

(Deportation of Medical Personnel and Chaplains in Armed Attack Situations)

Article 140 (1) When they find that the number of retained medical personnel

exceeds the ceiling set by the criteria for the deportation of medical personnel, in armed attack situations, the superintendent of prisoner-of-war camp is to promptly issue a writ order of return pursuant the provisions of Article 143 for the excess number of medical personnel in accordance with the relevant criteria for the deportation of medical personnel.

- (2) When the written detention order are issued to the persons entering Japan to perform their duties as relief of the retained medical personnel (referred to as "relief personnel" in the following paragraph) pursuant to the provisions of the same paragraph, in armed attack situations, the superintendent of prisoner-of-war camp is to promptly issue the written deportation order pursuant to the provisions of Article 143, in accordance with the criteria for deportation of medical personnel, to the same number of retained medical personnel as the number of those receiving the writ order of return.
- (3) When they find that relief personnel set forth in the preceding paragraph fall to persons subject to detention (limited to persons prescribed in item (v) of paragraph (4) of Article 3) in the manner set forth by the Minister of Defense, the certification officer for detainee status may issue the written detention order as governed by the provisions of Article 16 even without taking them in custody pursuant to the provisions of Article 4.
- (4) The provisions of paragraph (1) apply mutatis mutandis to chaplains.

(Deportation after the End of Armed Attack Situations)

Article 141 (1) The superintendent of prisoner-of-war camp is to prepare a draft of a plan concerning the implementation of deportation (hereinafter referred to as "implementing plan of deportation ") and obtain approval from the Minister of Defense without delay when they receive notification of the criteria for deportation at the end of armed attack pursuant to the provisions of paragraph (5) of Article 137. The same applies to the cases of changing the implementing plan of deportation.

- (2) The superintendent of prisoner-of-war camp must promptly issue the writ order of return pursuant to the provisions of Article 143 to the detainees falling to the requirements to be provided for by implementing plan of deportation set forth in the preceding paragraph.

(Deportation for Release on Parole and Deportation in Conjunction with the Exchange of Prisoners of War)

Article 142 When they receive the notification of the criteria for deportation for release on parole or criteria for deportation in conjunction with the exchange, etc. of prisoners of war pursuant to the provisions of paragraph (5) of Article 137, the superintendent of prisoner-of-war camp is to promptly issue the writ order of return pursuant to the provisions of the following Article to prisoners

of war falling to the requirements to be deported in accordance with these criteria.

Section 3 Implementation of Deportation

(Form of Writ Order of Return)

Article 143 In the writ order of return issued pursuant to the provisions of paragraph (2) of Article 139, paragraph (1) (including the cases where applied mutatis mutandis pursuant to paragraph (4)) or paragraph (2) of Article 140, paragraph (2) of Article 141, or the preceding Article, the following information are to be entered and the superintendent of prisoner-of-war camp is to affix their name and seal thereon:

- (i) name, rank, etc., date of birth, identification card number, etc., of the detainee to be deported;
- (ii) nationality;
- (iii) reasons for deportation;
- (iv) the place of deportation;
- (v) means of transportation to the place of deportation and other methods of execution;
- (vi) date of issuance;
- (vii) other particulars provided for by an Order of the Ministry of Defense.

(Execution of Writ Order of Return)

Article 144 (1) A Self-Defense Forces personnel working at the prisoner-of-war camp or other Self-Defense Forces personnel are to execute writ order of return in the manner set forth by the Minister of Defense.

(2) In executing the written deportation orders pursuant to the provisions of the preceding paragraph, Self-Defense Forces personnel set forth in the preceding paragraph are to show the written deportation order or copy of it to a detainee to be deported and promptly delivery the detainee to the representative of the foreign government or its equivalent to which the enemy armed forces belong (when an organization other than a foreign government or its equivalent is designated as the method of execution prescribed in item (v) of the same Article, the relevant organization) at the place of deportation prescribed in item (iv) of the preceding Article.

(Change of the Method of Deportation)

Article 145 (1) In the cases of changes of condition of the detainees to whom the writ order of return is issued, suspension of transportation available to the place of deportation or any other circumstance, which make it difficult to deport them in accordance with the method of deportation described in the writ

order of return, the Self-Defense Forces personnel in executing the writ order of return must immediately report to the superintendent of that prisoner-of-war camp .

- (2) The superintendent of prisoner-of-war camp receiving the report set forth in the preceding paragraph is to promptly change the place of deportation or means of transportation means or take any other necessary measures. In this case, the superintendent of prisoners-of-war camp is to, if necessary, modify the contents of the writ order of return.

(Special Provisions for Deportation)

Article 146 (1) When a detainee to whom the writ order of return has been issued falls a person listed in item (ii), (vi), or (viii) of paragraph (4) of Article 3 and has a nationality of a foreign state other than the states to which the enemy armed forces belong, the Minister of Defense may, upon their request, permit the person to leave Japan for the state of their nationality or citizenship.

- (2) With regards to the person permitted to leave Japan pursuant to the provisions of the preceding paragraph, the writ order of return is deemed to have been executed at the time of their leaving Japan as provided for by an Order of the Ministry of Defense.

(Outgoing Transfer)

Article 147 (1) The superintendent of prisoner-of-war camp may, in the cases of receiving the notification of criteria for the outgoing transfer pursuant to the provisions of paragraph (5) of Article 137, conduct outgoing transfer of the person found to fall to a prisoner of war to be subject of outgoing transfer in accordance with the relevant criteria for the outgoing transfer.

- (2) When a prisoner of war is delivered as outgoing transfer to the authority of a contracting party of the Third Convention specified by the criteria for outgoing transfer pursuant to the provisions of the preceding paragraph, the written detention order for the person is to cease to have effect at the time of the delivery.

Section 4 Miscellaneous Provisions

(Notification to Prisoners' Representatives)

Article 148 (1) In cases where receiving a notice about the criteria for deportation, etc. pursuant to the provisions of paragraph (5) of Article 137, the superintendent of prisoner-of-war camp is to promptly notify this to the prisoners' representative.

- (2) In cases that the superintendent prisoner-of-war camp prepares or changes

the implementing plan of deportation pursuant to the provisions of paragraph (1) of Article 141, they are to notify this to prisoners' representatives.

- (3) The superintendent of prisoner-of-war camp is to notify prisoners' representatives of the results of deportation and outgoing transfers as provided for by an Order of the Ministry of Defense.
- (4) The superintendent of prisoner-of-war camp is to take necessary measures to bring the implementing plan of deportation and the results of deportation to the knowledge of detainees, as provided for by an Order of the Ministry of Defense.

(Release by Order of the Minister of Defense)

Article 149 (1) The Minister of Defense may, when they find that there are some extraordinary circumstance under which it would be extremely detrimental for a detainee, who was issued a writ order of return, to be deported pursuant to the implementing plan of deportation, order the superintendent of prisoner-of-war camp to release the detainee.

- (2) In the case where a detainee is released pursuant to the provisions of the preceding paragraph, the writ order of return for the relevant detainee is to expire on the day of that release.

(Rescission of Detention)

Article 150 In the cases where the deportation, etc. (meaning. termination of detention pursuant to the deportation and other reasons; the same applies in the following Article) of all detainees except those who are in custody pursuant to the provisions of laws and regulations relating to criminal or juvenile cases (hereinafter in this Article referred to as "persons in custody for criminal offense, etc."), the Minister of Defense may order the superintendent of prisoner-of-war camp to rescind the detention pursuant to the written detention order which has been issued to the relevant detained persons for criminal cases, etc.

(Treatment of Escaped Detainees)

Article 151 When a detainee who has escaped from a prisoner-of-war camp is yet to be re-captured as provided for by the provisions of Article 161 at the time of completion of deportation, etc. set forth in the preceding Article, the written detention order issued to the relevant detainee expires on the day of completion of deportation, etc.

Chapter VI Auxiliary Provisions

Section 1 Use of Weapons

Article 152 (1) A SDF personnel engaged in operations may, in cases of the capture pursuant to the provisions of the Article 4, use their weapons within the limits judged to be reasonably necessary according to the circumstances; provided, however, that they must not injure a person except in any of the following cases:

(i) the case falls under Article 36 or 37 of the Penal Code (Act No.45 of 1907) applies;

(ii) the person themselves attempts to resist the SDF personnel under operations executing their duties with respect to such person, or to intend to escape, or a third person resists the SDF personnel engaged in operations in an attempt to let the relevant person escape, and the SDF personnel engaged in operations has reasonable grounds to believe that there are no alternative means to prevent such resistance or escape.

(2) A Self-Defense Forces Personnel engaging in the duties to enforce written detention orders, written provisional detention orders or writ orders to return, to re-capture pursuant to a written detention order or a writ order to return, to custody, detain, escort or deport the persons in custody or the detainees, or to guard the facilities for internment or detention of such persons, (hereinafter referred to as "Self-Defense Forces Personnel guarding prisoners of war, etc."), may use their weapons with respect to execution of their duties within the limits judged to be reasonably necessary according to the circumstances; provided, however, that they must not injure a person except in any of the following cases.

(i) the case falls under Article 36 or 37 of the Penal Code.

(ii) the person themselves attempts to resist the Self-Defense Forces Personnel guarding prisoners of war, etc. executing their duties with respect to such person, or to intend to escape, or a third person resists the Self-Defense Forces Personnel guarding prisoners of war, etc. in an attempt to let the relevant person escape, and the Self-Defense Forces Personnel guarding prisoners of war, etc. has reasonable grounds to believe that there are no alternative means to prevent such resistance or escape.

Section 2 Retention

(Retention on Self-Defense Forces Units)

Article 153 (1) In the cases where a designated unit commander or a certification officer for detainee status has taken delivery of a person in custody pursuant to paragraph (1) or (2) of Article 6 or paragraph (4) of Article 9, the relevant commander or the relevant officer may retain the money and articles (hereinafter referred to as "money and articles")the person in custody carries at the time of their delivery; provided, however, that such articles set forth

hereunder must not be retained:

- (i) articles exclusively for the personal protection, such as metal helmets and gas masks;
 - (ii) uniforms, identification cards, rank badges and other badges of status or position, decorations and other badges indicative of achievements;
 - (iii) personal articles provided by an Order of the Ministry of Defense in addition to what is listed in the preceding two items.
- (2) In cases of retaining the money and articles pursuant to the provisions of the preceding paragraph, a receipt must be issued to the person who has taken delivered as prescribed in the preceding paragraph; provided, however, that this does not apply to retained arms, etc. (meaning arms and other equipment (except for articles listed in item (i) of the same paragraph), and military documents; the same applies hereinafter) among articles which have been retained.
- (3) The designated unit commanders or the certification officers for detainee status may dispose detained arms, etc., retained pursuant to the provisions of paragraph (1) at any time during their retention.
- (4) In cases of releasing a person in custody pursuant to the provisions of paragraph (3) of Article 9, paragraph (3) of Article 13, or paragraph (2) of Article 17, the designated unit commanders or the certification officers for detainee status must return the money and goods under retention to the relevant person in custody.

(Retention at a Prisoner-of-War Camp)

Article 154 (1) The superintendent of prisoner-of-war camp retains the money and goods that a detainee carries at the time of detention, that are provided to the detainee with the permission pursuant to the provisions of the following Article (excluding those listed in item (2) or (3) of paragraph (1) of the preceding Article) and other obtained while in a detention; provided, however, that in cases where the article fall under any of the cases set out under the following items, the superintendent of prisoner-of-war camp does not have to retain it:

- (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;
 - (iv) cases where the article has no value.
- (2) The provisions of paragraph (2) of the preceding Article apply mutatis mutandis to the cases where the money and goods are retained as provided for by the provisions of the preceding paragraph.
- (3) The superintendent of prisoner-of-war camp must prepare and keep a copy of the receipt issued pursuant to the provisions of paragraph (2) of the preceding

Article as applied mutatis mutandis pursuant to the preceding paragraph.

- (4) A detainee may consult, or the representative of the protecting power may inspect, pursuant to an Order of the Ministry of Defense, the copy of the receipt prescribed in the preceding paragraph.
- (5) The superintendent of prisoner-of-war camp may dispose retained arms, etc., pursuant to the provisions of paragraph (1) at any time during their retention.
- (6) In the cases where a detainee does not make any appropriate dispositions on any of the articles that fall under any item of the paragraph (1) such as delivery of the article to a person other than the detainee, the superintendent of prisoner-of-war camp disposes of it by sale and retain the proceeds; provided, however, the superintendent of prisoner-of-war camp may dispose the articles if it is unsaleable.
- (7) In the cases where the articles are retained as provided for by the provisions of paragraph (1), if there is a risk of causing a hindrance, due to extraordinary quantity of the detainee's articles, to the proper management of the other detainees' articles at the prisoner-of-war camp, the superintendent of prisoner-of-war camp may decide not to retain them in whole or in part, notwithstanding the provisions of the same paragraph.
- (8) The provisions of paragraph (6) apply mutatis mutandis to an article which is not to be retained as provided for by the provisions of the preceding paragraph.

(Handling of Articles from Outside)

- Article 155 (1) The superintendent of prisoner-of-war camp or staff member of the prisoner-of-war camp designated by the commander may, pursuant to an Order of the Ministry of Defense, examine the money and goods that a person other than the detainee brought or sent to the prisoner-of-war camp in order to deliver to the detainee.
- (2) In the cases that the money and goods examined pursuant to the provisions of the preceding paragraph falls under any of the articles set out of the items of Article 59 or cash, the superintendent of prisoner-of-war camp must permit the detainee to be delivered them; provided, however, that this does not apply in cases where any of the articles or cash falls under any of the cases set out of the following items:
 - (i) cases where the articles are not retained as provided for by the provisions of proviso of paragraph (1), or paragraph (7) of the preceding Article;
 - (ii) cases where the permission to deliver the money and goods are likely to disrupt discipline and order in the prisoners-of-war camp.
 - (3) The person who brought or sent the money and goods are notified and is requested to retrieve the article which the detainee is not permitted, pursuant to the provisions of the preceding paragraph, or refuses, to be delivered.
 - (4) In cases where it is unfeasible to make a person, who should retrieve the

money and goods set forth in the preceding paragraph, to do so because their whereabouts are known or any other reasons, the superintendent of prisoner-of-war camp may dispose the money and goods except for cash.

(5) Provisions of paragraphs (1) and (2) of Article 499 of the Code of Criminal Procedure (Act No.131 of 1948) apply mutatis mutandis to a case where it is unfeasible to make a person retrieve cash as prescribed in the preceding paragraph. In this case, the term "public prosecutor," in paragraph (1) of that Article of that Act, is deemed to be replaced with the term "a superintendent of prisoner-of-war camp" throughout this Article.

(Use of Retained Cash)

Article 156 In cases where a detainee claims to expend cash being retained in order to purchase articles that the detainee has been permitted to use or consume as provided for by the provisions of Article 59, the superintendent of prisoner-of-war camp is to release, and permit them to expend, the necessary amount of cash being retained to purchase the articles.

(Delivery of Retained Articles)

Article 157 The superintendent of prisoner-of-war camp must return the money and goods under retention (except for arms, etc. being retained; the same applies to the following Article) to the detainee in cases when a detainee falls under any cases set out of the following items:

- (i) cases where a detainee is deported as provided for by the provisions of Article 144;
- (ii) cases where a detainee leaves with permission as provided for by the provisions of Article 146;
- (iii) cases where a detainee is transferred as provided for by the provisions of Article 147;
- (iv) cases where a detainee is released as provided for by the provisions of Article 149.

(Property left by the Deceased Persons)

Article 158 In the cases of decease of a person in custody or a detainee, or in other cases prescribed by an Order of the Ministry of Defense, if cash or the articles under retention have been left by the captive person or the detainee, they must be returned pursuant to the relevant Order; provided, however, that when the article is likely to be decomposed or perish, or have no value, they may be disposed of.

(Attribution of Retained Arms)

Article 159 In cases that arms, etc. being retained have not been disposed by the

end of armed attack situations, they vest in the national treasury on the same day.

(Delegation to Order of the Ministry of Defense)

Article 160 In addition to what is provided for in this Section, the particulars necessary for retention are prescribed by an Order of the Ministry of Defense.

Section 3 Measures in case of Escape

(Re-capture of Prisoners of War at Large)

Article 161 In the cases where a detained person pursuant to a writ order of return or a deportation order (hereafter referred to as "the written orders" in this section) has escaped, Self-Defense Forces personnel guarding prisoners of war, etc. may re-capture the person at large (hereinafter referred to as "prisoners of war, etc. at large" in this Section) pursuant to the written Orders.

(Procedures for Re-capture)

Article 162 (1) A Self-Defense Forces personnel guarding prisoners of war, etc. must, in the cases where they re-capture as provided for by the provisions of the preceding Article, show the written orders to the prisoners of war, etc. at large.

(2) In the cases of emergency, a Self-Defense Forces personnel guarding prisoner of war, etc. may, even when the written orders cannot be shown to the prisoner of war, etc. at large because they are not in possession of the written orders, re-capture such prisoner of war, etc. at large, notwithstanding the provisions of the preceding paragraph, by informing such a prisoner of war, etc. at large that they re-captured such a prisoner of war, etc. at large pursuant to the written orders; provided, however, that the written orders must be shown to such person as soon as possible.

(Request for Investigation and Reporting Necessary for Re-capture)

Article 163 (1) A Self-Defense Forces personnel guarding prisoners of war, etc. may conduct necessary investigations necessary in order to accomplish the re-capture of prisoners of war, etc. at large.

(2) A Self-Defense Forces personnel guarding prisoners of war, etc. may make requests to public offices or public or private organizations for information on necessary particulars relating to the re-capture of prisoners of war, etc. at large.

(Entrance to a Land)

Article 164 (1) A Self-Defense Forces personnel guarding prisoners of war, etc.

- may, if they find that there are reasonable grounds to suspect that prisoners of war, etc. at large are on a parcel of land or in a building (hereinafter referred to as "premises"), enter such premises, or ask some questions to the owner, possessor or administrator of the premises or request such person to present documents with regard to the re-capture of such prisoners of war, etc. at large.
- (2) In cases of entrance into a building, a cartilage, or a piece of land confined by an enclosure or fences pursuant to the provisions of the preceding paragraph, its owner, possessor, or administrator must be notified of the entry in advance.
- (3) A Self-Defense Forces personnel guarding prisoners of war, etc. may, in cases when a prisoners of war, etc. at large, to whom such Self-Defense Forces personnel guarding prisoners of war, etc. is pursuit, has entered premises, enter the site (except for residences) within the extent deemed reasonably necessary if they find that inevitable in order to re-capture such prisoners of war, etc. at large.
- (4) No one must refuse the entry prescribed in the provisions of the paragraph (1) or the preceding paragraph without justifiable grounds.

(Carrying an Identification Card)

Article 165 A Self-Defense Forces personnel guarding prisoners of war, etc. must carry their certificate of identification with their and produce it upon request to the person concerned when they enters a premises, etc., asks some questions, or requests to present the documents pursuant to the provisions of paragraph (1) of the preceding Article, or enters a premises, etc. pursuant to the provisions of paragraph (3) of the same Article.

(Interpretation of Authority)

Article 166 The authority of the Self-Defense Forces personnel guarding prisoners of war, etc. pursuant to the provisions of paragraphs (1) and (3) of Article 164 must not be construed as approved for the purposes of the criminal investigation.

Section 4 Handling of Information on Prisoners of War and other Detainees

- Article 167 (1) The certification officer for detainee status must, in the manner set forth by the Minister of Defense, periodically report to the Minister of Defense on captive persons in their custody.
- (2) The superintendent of prisoner-of-war camp must, as provided for by the Minister of Defense, periodically report to the Minister of Defense on the situation and state of the detainees at the prisoner-of-war camp.
- (3) In addition to what is provided for in the preceding paragraph, the handling

of information with regards to detainees at a prisoner-of-war camp is provided for by an Order of the Ministry of Defense.

Section 5 Member of Mixed Medical Commissions

(Designation of Member of Mixed Medical Commissions)

Article 168 (1) In armed attack situation, the Minister of Defense is to designate one Self-Defense Forces personnel who is a physician, and two foreigners who correspond the medical practitioner in foreign country and are recommended by the designated international organizations of the Red Cross (hereinafter referred to as "foreign member of mixed medical commissions") as those who (hereinafter referred to as "member of mixed medical commissions") make necessary recommendations and take other necessary measures over the medical treatment of interned persons, and make diagnoses pertaining to recognition of seriously wounded or sick persons subject to deportation prescribed in item (i) of paragraph (1) of Article 137.

(2) In cases of being impossible to designate foreign member of mixed medical commissions due to compelling reasons, the Minister of Defense is to instead designate medical practitioner recommended by the Japanese Red Cross as the member of mixed medical commissions.

(Medical Practices of the Foreign Member of Mixed Medical Commissions)

Article 169 (1) The foreign member of mixed medical commissions may conduct medical practices for detainees notwithstanding the provisions of Article 17 of the Medical Practitioners' Act.

(2) The provisions of Articles 20 and 24 of the Medical Practitioners' Act apply mutatis mutandis to the foreign member of mixed medical commissions.

(Obligation of Confidentiality)

Article 170 The foreign member of mixed medical commissions must not disclose any confidential information of any person they come to know in the course of practice, unless they have justifiable grounds. The same applies after the foreign member of mixed medical commissions leaves their profession.

Section 6 Measures in case of Death

Article 171 (1) In the cases where a captive person has died in their custody (except for the cases when they have died at a prisoner-of-war camp), the provisions of Article 4 and paragraph (1) of Article 5 of the Act on Graveyards, Burial Services (Act No.48 of 1948) do not apply to the burial and cremation of the corpses of such persons.

- (2) In addition to what is provided in the preceding paragraph, the measures to be taken in the cases where a captive person or detainee has died are provided by an Order of the Ministry of Defense.

Section 7 Standards for Facilities

- Article 172 (1) The Minister of Defense is to formulate guidelines to set up the partitions or to establish facilities necessary to detain the captive persons during the implementation of procedures prescribed in Section 2, requirements for the measures taken to secure safety at such partitions or facilities, and other standards with regard to the necessary particulars for the control over the captive persons.
- (2) The Minister of Defense is to formulate standards for the establishment of facilities of a prisoner-of-war camp to accommodate detainees.

Section 8 Special Provisions

(Provision of Food for Captive Persons)

- Article 173 (1) The commanding officers in Self-Defense Forces units may provide meals free of charge for captive persons pursuant to the example of SDF personnel engaged in operation.
- (2) Captive persons may receive necessary medical treatment in accordance with their physical or mental condition, pursuant to the example of SDF personnel engaged in operation, at Self-Defense Forces hospitals (meaning hospitals prescribed in Article 27 of the Self-Defense Forces Act) designated by the certification officer for detainee status controlling the relevant captive persons or at Self-Defense Forces units conducting medical treatment or care operations prescribed by an Order of the Ministry of Defense are performed.

(Special Measures for Handling Narcotics)

- Article 174 (1) Notwithstanding the provisions of paragraph (1) of Article 24 of the Narcotics and Psychotropics Control Act (Act No.14 of 1953), prisoners of war, medical personnel, and chaplains may assign narcotics (except narcotics prescribed in paragraphs (1) and (2) of Article 12 of the Act among the narcotics prescribed in paragraph (1) of Article 2 of the Act; the same applies hereinafter) to the establisher of a medical facility at which narcotics are administered (hereinafter referred to as "Self-Defense Forces narcotics treatment facility") prescribed in item (xxii) of Article 2 of the Act among Self-Defense Forces hospitals, etc.
- (2) Notwithstanding the provisions of paragraph (3) of Article 26 under the Narcotics and Psychotropics Control Act, the establisher of the Self-Defense

Forces narcotics treatment facility may transfer narcotics from prisoners of war, medical personnel and chaplains.

- (3) In conducting medical or dental services at a Self-Defense Forces narcotics treatment facility, the medical personnel, etc. comparable to physicians or medical personnel, etc. comparable to dental practitioners are deemed to be narcotics dispensers prescribed in items (ii) and (iii) of paragraph (1) of Article 24, item (i) of paragraph (1) and paragraph (2) of Article 26, paragraphs (1) through (3) of Article 27, paragraphs (4) (exclusive of the proviso) and (6) of Article 27, paragraphs (1) through (2) of Article 28, paragraph (3) of Article 33 and Article 41 of the Narcotics and Psychotropics Control Act and they are deemed to be narcotics handlers prescribed in paragraph (1) of Article 28 and paragraph (1) of Article 50-38 of the Act when these provisions are applied in conducting medical or dental services at a Self-Defense Forces narcotics treatment facility. In this case, the term "license number" in paragraph (6) of Article 27 of the Narcotics and Psychotropics Control Act is replaced with the term "identification card number".
- (4) Notwithstanding the provisions of paragraph (1) of Article 50-16 of the Narcotics and Psychotropics Control Act, prisoners of war, medical personnel and chaplains may transfer psychotropic substances (meaning the psychotropic substances prescribed in paragraph (6) of Article 2 of the same Act. The same applies in paragraph (1) of Article 176.) to the establisher of Self-Defense Forces hospitals, etc.

Article 175 (1) Notwithstanding the provisions of paragraph (3) of Article 17 of the Stimulants Control Act (Act No.252 of 1951), prisoners of war, medical personnel and chaplains may transfer stimulants to the stimulant dispensing organization (referred to as "Self-Defense Forces stimulant dispensing organization") designated among Self-Defense Forces hospitals, etc. pursuant to the provisions of paragraph (1) of Article 3 of the Act.

- (2) Notwithstanding the provisions of paragraph (2) of Article 17 of the Stimulants Control Act, the Self-Defense Forces stimulant dispensing organization may transfer stimulants from prisoners of war, medical personnel and chaplains.
- (3) In case of the preceding two paragraphs, the provisions of paragraph (1) of Article 18 of the Stimulants Control Act do not apply.
- (4) Notwithstanding the provisions of Article 30-9 of the Stimulants Control Act, prisoners of war, medical personnel and chaplains may transfer raw materials for stimulants used for medical purposes to the establisher of Self-Defense Forces hospitals, etc.
- (5) Notwithstanding the provisions of Article 30-9 of the Stimulants Control Act, the establisher of Self-Defense Forces hospitals, etc. may transfer raw

materials for stimulants used for medical purposes from prisoners of war, medical personnel and chaplains.

- (6) In case of the preceding two paragraphs, the provisions of paragraph (1) of Article 30-10 of the Stimulants Control Act do not apply.
- (7) When the medical personnel, etc. comparable to physicians or the medical personnel, etc. comparable to dental practitioners, or the medical personnel, etc. comparable to pharmacists are conducting medical services or dental services, or pharmaceutical services at the Self-Defense Forces hospitals, etc., the relevant medical personnel, etc. comparable to physicians are deemed to be physicians prescribed in paragraph (1) and item (i) and item (iii) of paragraph (2) of Article 14, paragraph (3) of Article 17, item (ii) and item (iv) of Article 19, paragraphs (1) through (4) of Article 20, item (viii), item (xi) and (xii) of Article 30-7, item (iii) of Article 30-9, item (iii) of Article 30-11 and paragraph (1) of Article 32 of the Stimulants Control Act and the relevant medical personnel, etc. comparable to dental practitioners are deemed to be dentists prescribed in item (viii), item (xi) and (xii) of Article 30-7, item (iii) of Article 30-9 and item (iii) of Article 30-7 of the Act and the relevant medical personnel, etc. comparable to pharmacists are deemed to be pharmacists prescribed in item (viii) and item (xii) of Article 30-7, item (iii) of Article 30-9 and item (iii) of Article 30-11 of the Act.

Article 176 (1) Notwithstanding the provisions of paragraph (1) of Article 13 or Article 50-8 of the Narcotics and Psychotropics Control Act, or Article 13 or paragraph (1) of Article 30-6 of the Stimulants Control Act, the person designated by the Minister of Defense among the medical personnel given the written detention orders pursuant to the provisions of paragraph (3) of Article 140 (hereinafter referred to as "designated medical personnel") may import narcotics, psychotropic substances, stimulants or raw materials for stimulants used for medical purposes, pursuant to what is designated based on consultation on the following particulars between the Minister of Defense and the Minister of Health, Labor and Welfare.

- (i) names of imported products and their quantity;
 - (ii) name, rank, etc., identification card number, etc. of the designated medical personnel;
 - (iii) day of import;
 - (iv) transportation method;
 - (v) name of the import harbor.
- (2) In case of designating pursuant to the provisions of the preceding paragraph, the Minister of Defense is to immediately notify the particulars pertaining to the designation to the Minister of Finance.

(Special Provisions within the Customs Act)

Article 177 The Directors-General of Custom-Houses exempt the fee to be paid, by a person who has obtained permission of paragraph (2) of Article 69 of the Customs Act (Act No.61 of 1954) pursuant to the provisions of item (iii) of Article 100 of the same Act, for the freight deemed to be a donation for relief prescribed in item (iii) of paragraph (1) of Article 15 of the Appendix of the Customs Tariff Act (Act No.54 of 1910) that is sent to a detainee.

(Special Provisions within the Immigration Act)

Article 178 (1) The provisions of paragraph (1) of Article 63 of the Immigration Act are applied mutatis mutandis to a case where the proceedings for the detention of a foreigner who falls under any of the items of Article 24 of the Immigration Act (exclusive of items (i) and (ii)) is conducted based on the written detention order at a prisoner-of-war camp.

(2) When a written deportation order prescribed in Article 51 of the Immigration Act has been already issued to a detainee who had been deported pursuant to the provisions of Article 144 or who had been permitted to leave Japan pursuant to the provisions of Article 146, or who had been transferred out of Japan pursuant to the provisions of Article 147, the relevant detainees is deemed to have been deported from Japan through the written deportation order on the application of items (v)-(b), (ix), and (x) of paragraph (1) of Article 5 of the Act.

(Exclusion from the Application of the Administrative Procedure Act)

Article 179 The provisions from Chapter II to Chapter IV of the Administrative Procedure Act (Act No. 88 of 1993) do not apply to dispositions to be taken pursuant to this Act.

(Limitation of Appeal to be filed Pursuant to the Administrative Complaint Review Act)

Article 180 No appeal relating to the dispositions to be taken pursuant to the provisions of this Act may be filed pursuant to the Administrative Complaint Review Act (Act No.160 of 1962).

(Relationship with Criminal Cases)

Article 181 (1) Persons in custody or detainees are not prevented from being detained pursuant to the provisions of the laws and regulations on criminal cases or cases of juvenile protection.

(2) The superintendent of prisoner-of-war camp is to cooperate in case a detainee attends court proceedings for a criminal case if necessary.

(Contact and Cooperation with the Relevant Organizations)

Article 182 In a case where Self-Defense Forces personnel takes actions of detention and deportation of a detainee or person in custody and other measures pursuant to the provisions of this Act, police organizations, immigration organizations and other national or local public organizations which have a relationship with Self-Defense Forces personnel are to keep in close contact and cooperate with them.

Chapter VII Penal Provisions

Article 183 (1) A person who has violated the provisions of Article 38 and Article 170 and discloses any confidential information of any person they come to know in the course of practice is punished by imprisonment with work for not more than six months or a fine of not more than 100,000 yen.

(2) The offenses prescribed in the preceding paragraph may not be prosecuted without a criminal complaint.

Supplementary Provisions [Extract]

(Effective date)

Article 1 This Act comes into effect as from the day on which the First Additional Protocol comes into effect in Japan.