

Act on the Restriction of Maritime Transportation of Foreign Military Supplies in Armed Attack Situations

(Act No. 116 of June 18, 2004)

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Chapter I General Provisions

(Purpose)

Article 1 The purpose of this Act is to set forth the procedures of a stopped ship inspection and taking ship measure implemented by units of the Maritime Self-Defense Force called out pursuant to the provisions of Article 76, paragraph (1) of the Self-Defense Forces Act (Act No. 165 of 1954), and the procedures of the trial at the Foreign Military Supply Tribunal to be established in the Ministry of Defense in order to restrict the maritime transportation of foreign military supplies in Japan's territorial seas and the high seas surrounding Japan (including the exclusive economic zone prescribed in the United Nations Convention on the Law of the Sea; the same applies hereinafter) in armed attack situations (meaning the armed attack situation prescribed in Article 2, paragraph (2) of the Act on Ensuring Peace and Independence of Japan and Security of the State and People in Armed Attack Situations (Act No. 79 of 2003); the same applies hereinafter), and thereby ensuring the peace and independence of Japan and security of the State and the citizens.

(Definitions)

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

- (i) "foreign military forces" mean armed forces of a foreign state and other similar organizations engaged in armed attack situations (meaning the armed attacks prescribed in Article 2, item (i) of the Act on Ensuring the Peace and Independence of Japan and the Security of the State and People in Armed Attack Situations; the same applies in Article 16);
- (ii) "foreign military supply" means the objects listed in any of sub-items (a) through (h) (limited to those specified by Cabinet Order) whose destination is the area where the foreign military forces are located and the objects listed in any of the sub-items (i) through (l) (limited to those specified by Cabinet Order) whose destination is the area within Japan's territory where the foreign military forces are located or an area in the high seas surrounding Japan;
 - (a) nuclear, chemical, biological or toxic weapons (including missiles used for transporting these weapons and other means), or anti-personnel land mines;
 - (b) firearms;
 - (c) ammunition or military explosives (excluding those listed in (a));
 - (d) military weapons (excluding those listed in (a) through (c));
 - (e) military aircraft, rockets, ships or vehicles (excluding those listed in (a));
 - (f) military communication equipment or electronics;
 - (g) components or accessories of those things listed in (a) through (f);
 - (h) military gunpowder (excluding explosives) or fuel;
 - (i) armor plates, military helmets, body armors and other military equipment (excluding those listed in (a) through (g));
 - (j) devices for the repair or maintenance of aircraft, rockets, ships or vehicles, or their components or accessories;
 - (k) fuel (excluding those listed in (h)), lubricants or operating oil for aircraft, rockets, ships or automobiles;
 - (l) food (limited to that directed at foreign military forces).
- (iii) "foreign military supplies" mean foreign military supply or members of the foreign military forces;
- (iv) "ship" means a ship other than warships (meaning a warship and a ship owned or operated by government of various countries that is used only for non-commercial purposes; the same applies hereinafter);
- (v) "master of ship" means a master of ship or a person who commands a ship on behalf of the master of ship;
- (vi) "commanding officer" means the head of a self-defense ship or other unit of the Maritime Self-Defense Force who is ordered to take measures pursuant

to the provisions of Chapter IV in accordance with the provisions of Article 4, paragraph (1);

(vii) "stopped ship inspection" means stopping a ship and making an on-site inspection or asking members of the crew or passengers (hereinafter referred to as "members of crew, etc.") necessary questions in order to confirm whether they are transporting foreign military supplies;

(viii) "taking ship measure" means ordering the master of ship of the ship for which stopped ship inspection has been carried out to take the ship to a certain port in Japan (limited to those specified by Cabinet Order; the same applies in Article 28, paragraph (1)) and performing the necessary supervision to ensure the performance of such order;

(Compliance with International Laws)

Article 3 When controlled by international laws and customary practices, implementation of the measures pursuant to the provisions of Chapter IV or other procedures based on this Act must comply with those laws and practices.

Chapter II Restriction of Maritime Transportation of Foreign Military Supplies

(Measures by the Maritime Self-Defense Force)

Article 4 (1) The Minister of Defense, if all or part of the Maritime Self-Defense Force is given the defense operation order pursuant to the provisions of Article 76, paragraph (1) of the Self-Defense Forces Act and the Minister finds it necessary to restrict the maritime transportation of foreign military supplies in Japan's territorial seas or the high seas surrounding Japan, may order units of the Maritime Self-Defense Force that were called out pursuant to the provisions of that paragraph to take the measures pursuant to the provisions of Chapter IV by obtaining the approval of the Prime Minister.

(2) The Minister of Defense, when giving an order pursuant to the provisions of the preceding paragraph, must give public notice and determine the area to implement stopped ship inspection (hereinafter referred to as the "implementation area").

(Dissemination of Information to the Relevant Organizations)

Article 5 (1) When the Minister of Defense has given public notice provided for in paragraph (2) of the preceding Article, the Minister is to immediately notify the Minister for Foreign Affairs to that effect.

(2) When the Minister for Foreign Affairs has received the notice prescribed in the preceding paragraph, the Minister must take measures to disseminate the scope of foreign military supplies and the implementation area to the relevant

foreign governments and international organizations without delay.

(Restriction of Transportation of Foreign Military Supplies)

Article 6 (1) In the cases where the cargo referred pursuant to the provisions of Article 27, paragraph (3) or the cargo of the ship involved in the case referred pursuant to the provisions of Article 34 (hereinafter collectively referred to as "cargo" in this Article and Article 52, paragraphs (1) through (3)) is the foreign military supply that falls under Article 2, item (ii), (a), the Foreign Military Supply Tribunal must dispose the cargo in accordance with the procedures prescribed in Chapter V.

(2) In the cases where the cargo is the foreign military supply that falls under one of Article 2, item (ii), sub-items (b) through (h), the Foreign Military Supply Tribunal must suspend transportation of such cargo in accordance with the procedures prescribed in Chapter V.

(3) In the cases where the cargo is the foreign military supply that falls under one of Article 2, item (ii), sub-items (i) through (l), the Foreign Military Supply Tribunal, when it finds it necessary, may suspend transportation of such cargo in accordance with the procedures prescribed in Chapter V.

(4) In the cases where the ship involved in the case that has been referred pursuant to the provisions of Article 34 transports foreign military supplies and falls under any of the following sub-items, the Foreign Military Supply Tribunal, if it finds it necessary for preventing the ship from conducting maritime transportation of foreign military supplies repeatedly, may suspend the navigation of the ship in accordance with the procedures prescribed in Chapter V:

(i) cases where the charterer of the ship is a foreign military force;

(ii) beyond what is set forth in the preceding item, cases where the master of ship of the ship is under the command of a foreign military force;

(iii) cases where a considerable number of passengers of the ship are members of foreign military forces;

(iv) cases where Cabinet Order provides the case as equivalent to those listed in the preceding three items.

Chapter III Foreign Military Supply Tribunal

(Establishment)

Article 7 (1) A Foreign Military Supply Tribunal is established in the Ministry of Defense as a special organ on a temporary basis.

(2) The location and duration of establishment of the Foreign Military Supply Tribunal is prescribed by Cabinet Order.

(Duties)

Article 8 The duties of the Foreign Military Supply Tribunal are to investigate and conduct a trial on the case pertaining to ships for which the commanding officer carried out stopped ship inspection (hereinafter referred to as "the case").

(Affairs under Jurisdiction)

Article 9 For the purpose of achieving the mission referred to in the preceding Article, the Foreign Military Supply Tribunal takes charge of the following affairs:

- (i) affairs related to necessary investigation of the case;
- (ii) affairs related to trials;
- (iii) affairs related to enforcement of trial decisions.

(President of the Foreign Military Supply Tribunal)

Article 10 The head of the Foreign Military Supply Tribunal is to be the President of the Foreign Military Supply Tribunal and is appointed from the administrative judges set forth in Article 12, paragraph (1).

(Branch)

Article 11 (1) A branch may be located at a predetermined region to allow the branch to handle a part of administrative affairs of the Foreign Military Supply Tribunal.

(2) The name, location, jurisdictional district and internal organization of the branch are specified by Cabinet Order.

(Administrative Judges and Administrative Officials)

Article 12 (1) The Foreign Military Supply Tribunal is to have administrative judges and administrative officials.

(2) The Minister of Defense appoints administrative judges among those who have qualification specified by Cabinet Order as experts having knowledge and experience concerning laws (including international laws and regulations), defense or marine matters.

(3) The fixed number of administrative judges is specified by Cabinet Order.

(4) The administrative officials engage in the administrative affairs of the Foreign Military Supply Tribunal based on orders.

(Independent Authority of Administrative Judges)

Article 13 Administrative judges independently exercise their authority.

(Composition)

Article 14 (1) The Foreign Military Supply Tribunal conducts necessary investigation and trial for the case by a panel consisting of five administrative judges.

(2) Decisions of the panel are to be made by a majority vote.

(3) The President of the Foreign Military Supply Tribunal appoints administrative judges to be the members of the panel referred to in paragraph (1) for each case.

(4) The President of the Foreign Military Supply Tribunal appoints one of the judges appointed pursuant to the provisions of the preceding paragraph as the chief administrative judge.

(5) The chief administrative judge presides over necessary investigation and administrative affairs related to the case.

(Secretariat)

Article 15 (1) The secretariat is established at the Foreign Military Supply Tribunal to deal with the administrative affairs of the Foreign Military Supply Tribunal.

(2) The internal organization of the secretariat is specified by Cabinet Order.

Chapter IV Stopped Ship Inspection and Taking Ship Measure

Section 1 Stopped Ship Inspection

(Stopped Ship Inspection)

Article 16 In a situation where an armed attack occurs, if there are sufficient grounds to suspect that a ship navigating the implementation area is transporting foreign military supplies, the commanding officer may carry out stopped ship inspection of the ship in the implementation area pursuant to the provision of this Section; provided, however, that this does not apply to the cases where the ship is escorted by warships.

(Order to Stop)

Article 17 (1) When the commanding officer seeks to carry out stopped ship inspection, the officer is to order the ship to stop using radio communication or other means of communication in advance.

(2) In the cases where the commanding officer has ordered a ship to stop pursuant to the provisions of the preceding paragraph, if the ship does not comply with the order, the commanding officer is to repeatedly order the ship to stop by approaching, tracking or accompanying the ship, or keeping on standby ahead of the route of the ship.

(3) In the cases set forth in the preceding two paragraphs, the commanding officer, in addition to hoisting the ensign of self-defense, make their presence

known by calling, using pyrotechnic signal or illuminating projectile or other appropriate means, as necessary.

(Implementation of On-Board Inspection)

Article 18 When a ship that is ordered to stop pursuant to the provisions of paragraph (1) or (2) of the preceding Article comes to a stop, the commanding officer is to have an Ensign or higher-ranked Maritime Self-Defense Force personnel go on board the ship and carry out inspection pursuant to the provisions of Articles 20 through 22 (hereinafter referred to as "on-board inspection").

(Notification to the Master of Ship)

Article 19 When the Maritime Self-Defense Force personnel referred to in the preceding Article (hereinafter referred to as "on-board inspector") goes on board the ship subject to on-board inspection, the inspector is to notify the master of the ship that an on-board inspection will be carried out and that a complaint regarding the procedures of the on-board inspection may be filed by submitting a document stating the reason for the complaint to the commanding officer when there is a complaint.

(Inspection of Ship's Documents)

Article 20 The on-board inspector may require the master of ship to present the following documents (hereinafter referred to as "ship's document"):

- (i) certificate of a vessel's nationality or other document certifying the nationality of the vessel;
- (ii) list of crew members, etc.;
- (iii) logbook or other documents on navigation record;
- (iv) bill of lading or other documents pertaining to the cargo.

(Question to the Crew Members, etc.)

Article 21 The on-board inspector, when they find it necessary, may ask questions to the crew members, etc.

(Inspection of the Cargo)

Article 22 Even in the cases where the inspection has been carried out pursuant to the provisions of the preceding two Articles, the on-board inspector, when they still suspect that the ship is transporting foreign military supplies, may inspect the cargo in attendance of the master of ship.

(Prohibition of Entry and Exit)

Article 23 During the on-board inspection, the on-board inspector may prohibit

the crew members, etc. (excluding the master of ship) from entering into or exiting from the inspection site without permission.

(Presentation of Identification Card)

Article 24 (1) The on-board inspector, when carrying out on-board inspection, must carry their identification card and present the identification card upon request by the master of ship and other persons concerned.

(2) The authorities provided for in Article 20 through the preceding Article may not be construed as being approved for the purposes of criminal investigation.

(Report to the Commanding Officer)

Article 25 The on-board inspector, when carrying out on-board inspection, must immediately report the result of the on-board inspection to the commanding officer.

(Termination of Stopped Ship Inspection)

Article 26 The commanding officer, when they receive the report set forth in the preceding Article, must promptly terminate the stopped ship inspection except for the cases where they demand delivery of the cargo pursuant to the provisions of paragraph (1) of the following Article or give an order pursuant to the provisions of Article 28, paragraph (1).

Section 2 Taking Ship Measure

(Delivery of Foreign Military Supplies)

Article 27 (1) In the cases where the cargo of the ship for which the report under Article 25 has been received by the commanding officer is found to be foreign military supplies and the cargo can be loaded on the self-defense ship, the commanding officer, if they find that the cargo does not fall under any of the items of Article 6, paragraph (4), may demand delivery of the cargo from the master of ship of that ship.

(2) The commanding officer, when they have received the delivery set forth in the preceding paragraph, must make a written statement and deliver it to the master of ship of that ship.

(3) The commanding officer, when they have received the delivery set forth in paragraph (1), must promptly refer the case to the Foreign Military Supply Tribunal along with documents and the cargo.

(Order to Take the Ship)

Article 28 (1) In the cases that fall under any of the following items, the commanding officer who has received the report set forth in Article 25 may

order the master of ship of the ship for which the report is made to take the ship to a port in Japan:

- (i) when the master of ship does not comply with the request for delivery of foreign military supplies as provided for by paragraph (1) of the preceding Article;
 - (ii) when it is found that the ship is transporting foreign military supplies (except for the cases where delivery of foreign military supplies may be requested pursuant to the provisions of paragraph (1) of the preceding Article); or
 - (iii) when the ship is still suspected of transporting foreign military supplies judging from, in addition to the report, the external appearance of the ship, mode of navigation, abnormal behavior of the crew members, etc. or other surrounding facts, etc.(except for the cases that fall under the preceding two items).
- (2) When the commanding officer seeks to give an order pursuant to the provisions of the preceding paragraph, the officer must give the master of ship an opportunity to submit a document stating an explanation in advance.

(Surveillance Measures)

Article 29 The commanding officer, when they have given an order pursuant to the provisions of paragraph (1) of the preceding Article, may have the on-board inspectors put a seal or establish apparatus necessary for the surveillance of the removal of the document of the ship and foreign military supplies among the cargo of the ship (including those suspected to be foreign military supplies).

(Dispatch of the Taking Ship Supervisor)

Article 30 The commanding officer, when they have given an order pursuant to the provisions of Article 28, paragraph (1), may have an Ensign or higher-ranked Maritime Self-Defense Force personnel go on board the ship for which the order has been given (hereinafter referred to as "taking ship") in order to have the personnel provide necessary supervision to secure performance of the order.

(Notification to the Master of Ship)

Article 31 The Maritime Self-Defense Force personnel referred to in the preceding Article (hereinafter referred to as "taking ship supervisor"), when they go on board the taking ship, is to notify the master of ship that the master may file a complaint regarding the content of the order under the provisions of Article 28, paragraph (1) and the procedures of taking ship measure by submitting a document stating the reason for the complaint to the commanding officer.

(Authority of the Taking Ship Supervisor)

- Article 32 (1) The taking ship inspector, when they find that it is necessary for securing the performance of the order under the provisions of Article 28, paragraph (1) or maintaining safety of navigation or order inside the ship, may direct the master of ship of the taking ship to take necessary measures.
- (2) If the master of ship does not follow the direction under the provisions of the preceding paragraph, the taking ship supervisor, when it is unavoidable, may take measures pertaining to the direction themselves.
- (3) The commanding officer may have the taking ship supervisor take measures provided for under Article 29.

(Hoisting of the Ensign of Self-defense by the Taking Ship)

- Article 33 The taking ship supervisor is to have the taking ship hoist the national flag of the flag state (the state that has the right to fly its flag as prescribed in Article 91 of the United Nations Convention on the Law of the Sea) and the ensign of self-defense.

(Referral to the Foreign Military Supply Tribunal)

- Article 34 When the taking ship arrives at a port in Japan, the commanding officer must promptly refer the case to the Foreign Military Supply Tribunal along with necessary documents.

Section 3 Miscellaneous Provisions

(Report to the Minister of Defense)

- Article 35 (1) The commanding officer, when they have carried out a stopped ship inspection or ordered a taking ship measure, must promptly prepare a written report on the stopped ship inspection or taking ship measure and submit the report to the Minister of Defense.
- (2) The commanding officer, when they have given an order pursuant to the provisions of Article 28, paragraph (1) or a complaint has been filed by the master of ship pursuant to the provisions of Article 19 or Article 31, must immediately report the fact to the Minister of Defense.
- (3) The Minister of Defense, when they have received a report under the provisions of the preceding paragraph, is to notify the relevant organizations and take other measures as necessary.

(Obligation of Consideration by the Commanding Officer)

- Article 36 The commanding officer, the on-board inspector and the taking ship supervisor, when they carry out stopped ship inspection or order taking ship

measure, must give due consideration so that the subject ship does not change the scheduled traffic route more than necessary.

(Use of Weapons)

Article 37 (1) The provisions of Article 7 of The Police Duties Execution Act (Act No. 136 of 1948) apply *mutatis mutandis* to implementation of duties by Maritime Self-Defense Force personnel of the unit that is ordered to take the measures provided for in this Chapter.

(2) In addition to the cases where weapons are used pursuant to the provisions of Article 7 of The Police Duties Execution Act as applied *mutatis mutandis* to the preceding paragraph, if the crew members, etc. of the subject ship do not obey the repeated orders to stop given by the commanding officer under the provisions of Article 17, paragraph (2), and persistently resists the execution of duty or tries to escape, and when there are sufficient grounds to believe that there are no other means to stop the ship, the Maritime Self-Defense Force personnel prescribed in the preceding paragraph may use their weapons within the limits judged to be reasonably necessary in accordance with the circumstances, following the orders of the commanding officer.

(Treatment of the Person Subject to Detention)

Article 38 If there is any person subject to detention (meaning the person subject to detention prescribed in Article 3, item (iv) of the Act on the Treatment of Prisoners of War and Other Detainees in Armed Attack Situations (Act No. 117 of 2004)) on board the ship subject to stopped ship inspection or the taking ship, the person is to be treated pursuant to the provisions of that Act.

Chapter V Trial Proceedings

(Investigation of Referred Cases)

Article 39 The Foreign Military Supply Tribunal, when it has received referral of a case pursuant to the provisions of Article 27, paragraph (3) or Article 34, must conduct necessary investigation of the case.

(Compulsory Dispositions for Investigation)

Article 40 (1) The Foreign Military Supply Tribunal, when it has received referral of the case pursuant to the provisions of Article 34, may prohibit the master of the ship involved in the case from making the ship depart.

(2) The period of prohibition of departure pursuant to the provisions of the preceding paragraph is to be one month from the date counted from the day of the referral of the case; provided, however that the Foreign Military Supply Tribunal may extend the period within the total period that does not exceed

one month.

- (3) When the Foreign Military Supply Tribunal has made a decision pursuant to the provisions of Article 45, paragraph (1) or (2), or otherwise the prohibition of departure of the ship set forth in paragraph (1) has become unnecessary, the Foreign Military Supply Tribunal, even during the period prescribed in the preceding paragraph, must revoke the order provided for in paragraph (1).

Article 41 (1) The Foreign Military Supply Tribunal may render the following dispositions in order to conduct necessary investigation of the case:

- (i) affairs pertaining to ordering the crew member of the ship involved in the case and other persons concerned or witnesses to appear and conducting a hearing, or to obtaining their opinions or reports;
 - (ii) affairs pertaining to ordering an expert witness to appear and making an expert examination;
 - (iii) affairs pertaining to ordering submission of the ship's documents and the cargo of the ship involved in the case to the holder thereof, or retaining the submitted objects or the cargo turned over pursuant to the provisions of Article 27, paragraph (3); and
 - (iv) affairs pertaining to inspecting the objects prescribed in the preceding item by entering into the ship involved in the case or other necessary places.
- (2) The Foreign Military Supply Tribunal may appoint administrative officials of the Foreign Military Supply Tribunal as investigators and have them render the dispositions set forth in the preceding paragraph, when the Tribunal finds this to be appropriate.
- (3) The investigator who carries out on-site inspection pursuant to the provisions of the preceding paragraph must carry their identification card with them and produce it upon request by the person concerned.
- (4) The authority to conduct on-site inspection pursuant to the provisions of paragraph (1) or (2) may not be construed as being approved for the purposes of criminal investigation.

(Custody of Retained Objects)

- Article 42 (1) The Foreign Military Supply Tribunal may post a guard for the objects among those retained pursuant to the provisions of paragraph (1), item (iii) of the preceding Article (hereinafter referred to as "retained objects") that involve inconvenience in transportation or retention, or have a person who is found appropriate to retain them with the consent of the person.
- (2) The Foreign Military Supply Tribunal may dispose of the objects among the retained objects that are likely to cause imminent danger that harms human lives or property.

(Return of Retained Objects)

- Article 43 (1) When the retained objects no longer requires retention, the Foreign Military Supply Tribunal must return them to the person who should receive the return thereof.
- (2) In the cases where the Foreign Military Supply Tribunal is unable to return the retained objects because the domicile or residence of the person who should receive the return of the objects under the preceding paragraph is unknown or for any other reason, it must issue public notice to that effect as provided for by Cabinet Order.
- (3) The retained objects for which public notice under the preceding paragraph has been issued are to vest in the national treasury when six months have passed from the date of public notice and no request for return has been made.
- (4) Even during the period set forth in the preceding paragraph, the Foreign Military Supply Tribunal may dispose of retained objects that have no value and sell those that are inconvenient for retention and retain the proceeds as provided for by Cabinet Order.

(Preparation of Written Statement)

Article 44 The Foreign Military Supply Tribunal, when it has conducted necessary investigation of the case, must prepare a written statement that contains an outline of the investigation and, when a disposition pursuant to the provisions of Article 40, paragraph (1) or Article 41, paragraph (1) was rendered, clarify the result thereof.

(Commencement of Trial)

- Article 45 (1) When the Foreign Military Supply Tribunal finds that, as a result of necessary investigation of the case, the case falls under the provisions of any paragraph of Article 6, must make a decision to commence a trial.
- (2) The Foreign Military Supply Tribunal, except for the cases prescribed in the preceding paragraph, must make a decision not to commence a trial.
- (3) The provisions of Article 40 apply mutatis mutandis to the cases where the Foreign Military Supply Tribunal has found that, as a result of necessary investigation of the case, the case falls under the provisions of Article 6, paragraph (4) and made a decision to commence a trial pursuant to the provisions of paragraph (1). In this case, the term "the date of referral of the case" in the main clause of Article 40, paragraph (2) is deemed to be replaced with "the date of the decision to commence a trial pursuant to the provisions of Article 45, paragraph (1)"; the term "one month" is deemed to be replaced with "three months"; the phrase "extend the period for periods not exceeding one month in total" in the proviso of the same paragraph is deemed to be replaced with "renew the period on a monthly basis if it finds this specifically

necessary"; and the phrase "decision pursuant to the provisions of Article 45, paragraph (1) or (2)" in paragraph (3) of the that Article is deemed to be replaced with "trial decision under Article 52, paragraph (4) or (5)."

Article 46 (1) The Foreign Military Supply Tribunal, when it has made a decision to commence a trial pursuant to the provisions of paragraph (1) of the preceding Article, must issue public notice to that effect as provided for by Cabinet Order.

(2) When public notice under the preceding paragraph has been issued, an interested person may submit a written opinion to the Foreign Military Supply Tribunal within thirty days of the date of the public notice.

(3) The Foreign Military Supply Tribunal, when the period set forth in the preceding paragraph has passed, is to commence the trial.

(4) Notwithstanding the provisions of paragraph (2), when the Foreign Military Supply Tribunal finds that there are unavoidable circumstances, an interested person may submit a written opinion even after the period set forth in that paragraph has passed.

(Authority of the Investigator)

Article 47 The investigator appointed pursuant to the provisions of Article 41, paragraph (2) may attend the hearing and perform necessary acts such as offer of evidence.

(Opening the Trial to the Public)

Article 48 All trials must be opened to the public; provided, however, that when it is found likely to do harm to national security or to have disadvantages in negotiations with foreign government, trials may not be opened to the public.

(Authority of the Chief Administrative Judge)

Article 49 (1) The chief administrative judge presides over the trial in session and maintain the order at the tribunal.

(2) The chief administrative judge may order a person who disturbs the trial to leave the tribunal and take any necessary measures to maintain the order at the tribunal.

(Examination of Evidence)

Article 50 (1) The Foreign Military Supply Tribunal may examine necessary evidence either upon request or by its own authority.

(2) The provisions of Articles 143 through 147, Article 149, Articles 154 through 156, Article 165 and Article 166 of the Code of Criminal Procedure (Act No. 131 of 1948) apply mutatis mutandis to the procedures for the Foreign Military

Supply Tribunal to interrogate witnesses or order expert witnesses to conduct expert examination at the trial. In this case, the term "the court" in Article 143 and Article 165 of the said Code is deemed to be replaced with "the Foreign Military Supply Tribunal"; the term "witness" in Article 143, Article 144, Article 145 paragraph (1), Article 154 and Article 156, paragraph (1) of the Code is deemed to be replaced with "witness"; the term "examine" in Article 143, Article 144 and Article 145, paragraph (1) of the Code is deemed to be replaced with "interrogate"; the phrase "when the refusal is found to be an abuse of rights wholly for the interests of the accused (unless the person is the accused), or where there exists other circumstances provided for by the rules of Court" in the proviso of Article 149 of the Code is deemed to be replaced with "or where there exists other circumstances set forth by the Foreign Military Supply Tribunal"; and the term "examine" in Article 155, paragraph (1) of the Code is deemed to be replaced with "interrogate."

(Statement of Opinion by Interested Persons)

Article 51 (1) The interested person or their representative who has submitted a written opinion pursuant to the provisions of Article 46, paragraph (2) or (4) may request to state its opinions in the tribunal or submit evidence to the Foreign Military Supply Tribunal.

(2) If a request has been made pursuant to the preceding paragraph, the Foreign Military Supply Tribunal is to have the person state their opinions on the date of the trial; provided, however, when it finds it inappropriate in consideration of the situation of the trial and other circumstances, it may have the person submit written opinions in lieu of the statement of opinions, or may not have the person state their opinions.

(Trial Decision)

Article 52 (1) When the Foreign Military Supply Tribunal, after going through the trial proceedings, finds that the cargo is foreign military supply that falls under Article 2, item (ii), (a), it must make a trial decision to dispose of the cargo.

(2) When the Foreign Military Supply Tribunal, after going through trial proceedings, finds that the cargo is foreign military supply that falls under any of Article 2, item (ii), sub-items (b) to (h), it must make a trial decision to suspend transportation of the cargo.

(3) If the Foreign Military Supply Tribunal, after going through trial proceedings, finds that the cargo is foreign military supply that falls under any of Article 2, item (ii), sub-items (i) to (l), when it finds it necessary, must make a trial decision to suspend transportation of the cargo.

(4) If the Foreign Military Supply Tribunal, after going through trial proceedings,

finds that the ship involved in the case that has been referred pursuant to the provisions of Article 34 transports foreign military supplies and falls under any item of Article 6, paragraph (4), if it finds it necessary for preventing the ship from conducting maritime transportation of foreign military supplies repeatedly, must make a trial decision to suspend the navigation of the ship.

(5) When the Foreign Military Supply Tribunal, after going through trial proceedings, finds that the case does not fall under the provisions of any paragraph of Article 6, must render a trial decision that clarifies the fact.

(Fact Finding by Evidence)

Article 53 In the trial decision under the preceding Article, the fact must be found on the basis of the evidence examined in the trial proceedings except for publicly known facts.

(Form of Trial Decision)

Article 54 The trial decision under Article 52 must indicate the fact found, the inventory of evidence, and the application of laws and regulations.

(Time Trial Decision becomes Effective)

Article 55 A trial decision becomes effective when rendered at the tribunal.

(Public Notice of Trial Decision)

Article 56 The Foreign Military Supply Tribunal, when it has made a trial decision pursuant to Article 52, must issue public notice to that effect as specified by Cabinet Order.

(Rescission of Trial Decision)

Article 57 After the Foreign Military Supply Tribunal has made a trial decision prescribed in Article 52, paragraphs (2) through (4), when it finds that the fact required for the decision has ceased to exist or has changed due to transfer of ownership of the cargo or the ship subject to that decision, or to change in the destination or any other reason, it may rescind the decision by making a trial decision.

Article 58 When the armed attack situation ends after the Foreign Military Supply Tribunal makes a trial decision prescribed in Article 52, paragraphs (2) through (4), the Foreign Military Supply Tribunal must rescind the decision by making a trial decision without delay.

(Inspection of Case Records and Delivery of Transcript of the Written Decision,)

Article 59 An interested person, after the decision to commence the trial has been made, may request the Foreign Military Supply Tribunal to permit inspection or transcription of case records or deliver a transcript or an extract of the written decision.

(Delegation to Order of the Ministry of Defense)

Article 60 Beyond what is provided for in this Act, necessary matters concerning the procedures of trial by the Foreign Military Supply Tribunal are prescribed in Order of the Ministry of Defense.

Chapter VI Execution of Trial Decision

(Court Execution Officer of Trial Decision)

Article 61 A trial decision is executed by an administrative official of the Foreign Military Supply Tribunal designated by the President of the Foreign Military Supply Tribunal (hereinafter referred to as "court execution officer of trial decision").

(Execution of Trial Decision of Disposal)

Article 62 When a trial decision is made as provided for in Article 52, paragraph (1), the court execution officer of trial decision must dispose of the cargo subject to the decision after taking measures to make the cargo harmless.

(Execution of Trial Decision of Suspension of Transportation)

Article 63 (1) When a trial decision provided for in Article 52, paragraph (2) or (3) has been made, the court execution officer of trial decision must take possession of and retain the cargo subject to the decision.

(2) If the cargo referred to in the preceding paragraph has decomposed or deteriorated, or is likely to be decomposed or deteriorated, the court execution officer of trial decision may sell the cargo and retain the proceeds as prescribed by Cabinet Order.

(3) The court execution officer of trial decision may dispose of the cargo referred to in paragraph (1) that is likely to cause imminent danger that harms human lives or property or that has substantially decreased in value due to decomposition, deterioration or any other unavoidable reason and no purchaser are found.

(Execution of Trial Decision of Suspension of Navigation)

Article 64 When a trial decision provided for in Article 52, paragraph (4) has been made, the court execution officer of trial decision must confiscate and retain the documents listed in Article 20, item (i) and any other documents

necessary for the navigation of the ship subject to the decision and prohibit departure of the ship.

(Execution of Revocation of Trial Decision of Rescission)

Article 65 (1) When a trial decision is made to rescind the trial decision provided for in Article 52, paragraph (2) or (3) pursuant to the provisions of Article 57 or Article 58, the court execution officer of trial decision must return the cargo or the sales proceeds of the cargo subject to the decision that has been retained pursuant to the provisions of Article 63, paragraph (1) or (2) to the person who should receive the return thereof.

(2) The provisions of Article 43, paragraph (2) through (4) apply *mutatis mutandis* to the case provided for in the preceding paragraph.

(3) When a trial decision is made to rescind the trial decision provided for in Article 52, paragraph (4) pursuant to the provisions of Article 57 or Article 58, the court execution officer must return the documents that have been retained pursuant to the provisions of the preceding Article to the master of ship of the ship subject to the rescinded decision and give permission for departure of the ship.

Chapter VII Compensation

Article 66 When the Foreign Military Supply Tribunal makes a decision not to commence a trial pursuant to the provisions of Article 45, paragraph (2) or makes a trial decision provided for in Article 52, paragraph (5), or the judgment to rescind a trial decision by the Foreign Military Supply Tribunal becomes final and binding, the owner, hirer or charterer of the ship subject to the decision or the trial decision may request compensation for the loss caused by the taking ship measure of the ship (including, in the cases where Foreign Military Supply Tribunal has made an order pursuant to the provisions of Article 40, paragraph (1) (including as applied *mutatis mutandis* pursuant to Article 45, paragraph (3); the same applies in Article 69), the loss caused by the order) from the government of Japan.

Article 67 When the government of Japan makes compensation provided for in the preceding Article, it will be exempted from the liability for compensation of damages under the State Redress Act (Act No. 125 of 1947) or the Civil Code (Act No. 89 of 1896) for the same grounds, up to the amount of the payment.

Chapter VIII Miscellaneous Provisions

(Request of Expenses by Witnesses)

Article 68 The witness or expert witness who is ordered to appear or conduct expert examination pursuant to the provisions of Article 41, paragraph (1), item (i) or (ii), or paragraph (2) may request for travel expenses, daily allowance and other expenses as provided for by Cabinet Order.

(Provision of Facilities to Crew Members, etc.)

Article 69 When the crew members, etc. of the ship that is prohibited from departing pursuant to the provisions of Article 40, paragraph (1) or Article 64 land in or depart from Japan, the Foreign Military Supply Tribunal is to provide necessary facilities to enable them to smoothly conduct procedures under the Immigration Control and Refugee Recognition Act (Cabinet Order No. 319 of 1951) and other laws and regulations in taking those procedures.

(Exclusion from Application of the Administrative Procedure Act)

Article 70 The provisions of Chapter III of the Administrative Procedure Act (Act No. 88 of 1993) do not apply to dispositions to be taken based on this Act.

(Petition Filed Pursuant to the Administrative Appeal Act)

Article 71 No petition related to the dispositions to be taken based on this Act may be filed pursuant to the Administrative Complaint Review Act (Act No. 160 of 1962).

(Delegation to Cabinet Order)

Article 72 Beyond what is specifically provided for in this Act, the matters necessary for the enforcement of this Act are prescribed by Cabinet Order.

Chapter IX Penal Provisions

Article 73 (1) A witness or an expert witness under oath pursuant to the provisions of Article 50, paragraph (2) who has made a false statement or expert examination is punished by imprisonment with work for not less than three months but not more than ten years.

(2) Where a person having committed a crime set forth in the preceding paragraph confesses their crime prior to the completion of the trial proceedings and before the revelation of the crime, the punishment for the crime may be commuted or exempted.

Article 74 A person who has refused, obstructed, or evaded the inspection pursuant to the provisions of Article 41, paragraph (1), item (iv) is punished by imprisonment with work for not more than one year or by a fine of not more than five hundred thousand yen.

Article 75 A person who violates the disposition pursuant to the provisions of Article 40, paragraph (1) (including as applied mutatis mutandis pursuant to Article 45, paragraph (3)) is punished by imprisonment with work for not more than six months or by a fine of not more than three hundred thousand yen.

Article 76 A person who falls under any of the following items is punished by a fine of not more than three hundred thousand yen:

- (i) a person concerned with the ship or a witness, in violation of dispositions made against them pursuant to the provisions of Article 41, paragraph (1), item (i), or paragraph (2), who has failed to appear or to make a statement, or made a false statement, or failed to report, or submitted a false report;
- (ii) an expert witness, in violation of the disposition made against them pursuant to the provision of Article 41, paragraph (1), item (i), or paragraph (2), who has failed to appear or to make an expert examination, or made a false expert examination;
- (iii) a holder of the objects, in violation of the disposition made against them pursuant to the provisions Article 41, paragraph (1), item (iii), or paragraph (2), who has failed to submit the objects; or
- (iv) a witness or an expert witness, in violation of the order issued to them pursuant to the provisions of Article 154 or Article 166 of the Code of Criminal Procedure as applied mutatis mutandis pursuant to Article 50, paragraph (2) of this Act, who has failed to take the oath.

Article 77 A person who has failed to comply with the order given by the chief administrative judge pursuant to the provisions of Article 49, paragraph (2) is punished by a civil fine of not more than fifty thousand yen.

Supplementary Provisions [Extract]

(Effective Date)

Article 1 This Act comes into effect as of the day specified by Cabinet Order within a period not exceeding six months from the date of promulgation.

Supplementary Provisions [Act No. 118 of December 22, 2006] [Extract]

(Effective Date)

Article 1 This Act comes into effect as of the day specified by Cabinet Order within a period not exceeding three months from the date of promulgation; provided, however, that the provisions of Article 32, paragraph (2) of the Supplementary Provisions come into effect as of the date of promulgation.