

刑事訴訟規則

Rules of Criminal Procedure

(昭和二十三年十二月一日最高裁判所規則第三十二号)
(Rules of the Supreme Court No. 32 of December 1, 1948)

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第一編 総則

Part I General Provisions

(この規則の解釈、運用)

(Construction and Operation of These Rules)

第一条 この規則は、憲法の所期する裁判の迅速と公正とを図るようこれを解釈し、運用しなければならない。

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

2 訴訟上の権利は、誠実にこれを行使し、濫用してはならない。

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

第一章 裁判所の管轄

Chapter I Jurisdiction of the Courts

(管轄の指定、移転の請求の方式)

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

第二条 管轄の指定又は移転の請求をするには、理由を附した請求書を管轄裁判所に差し出さなければならない。

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

(管轄の指定、移転の請求の通知)

(Notice of Request for Designation or Change of Jurisdiction)

第三条 検察官は、裁判所に係属する事件について管轄の指定又は移転の請求をしたときは、速やかにその旨を裁判所に通知しなければならない。

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

(請求書の謄本の交付、意見書の差出)

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

第四条 検察官は、裁判所に係属する事件について刑事訴訟法（昭和二十三年法律第百三十一号。以下法という。）第十七条第一項各号に規定する事由のため管轄移転の請求をした場合には、速やかに請求書の謄本を被告人に交付しなければならない。

Article 4 (1) When a public prosecutor files a request for change of jurisdiction for a case pending before a court based on any of the grounds prescribed in the items of Article 17, paragraph (1) of the Code of Criminal Procedure (Act No. 131 of 1948; hereinafter referred to as the "Code"), the public prosecutor must promptly deliver a transcript of the written request to the accused.

2 被告人は、謄本の交付を受けた日から三日以内に管轄裁判所に意見書を差し出すことができる。

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

(被告人の管轄移転の請求)

(Request for Change of Jurisdiction by the Accused)

第五条 被告人が管轄移転の請求書を差し出すには、事件の係属する裁判所を経由しなければならない。

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

2 前項の裁判所は、請求書を受け取ったときは、速やかにこれをその裁判所に対応する検察庁の検察官に通知しなければならない。

(2) When the court set forth in the preceding paragraph receives a written

request, it must promptly notify the public prosecutor in the public prosecutor's office corresponding to the court to that effect.

(訴訟手続の停止)

(Stay of Court Proceedings)

第六条 裁判所に係属する事件について管轄の指定又は移転の請求があつたときは、決定があるまで訴訟手続を停止しなければならない。但し、急速を要する場合は、この限りでない。

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

(移送の請求の方式)

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

第七条 法第十九条の規定による移送の請求をするには、理由を附した請求書を裁判所に差し出さなければならない。

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

(意見の聴取)

(Hearing of Opinions)

第八条 法第十九条の規定による移送の請求があつたときは、相手方又はその弁護人の意見を聴いて決定をしなければならない。

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

2 職権で法第十九条の規定による移送の決定をするには、検察官及び被告人又は弁護人の意見を聴かななければならない。

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

第二章 裁判所職員の除斥、忌避及び回避

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

(忌避の申立て)

(Motion to Challenge)

第九条 合議体の構成員である裁判官に対する忌避の申立ては、その裁判官所属の裁判所に、受命裁判官、地方裁判所の一人の裁判官又は家庭裁判所若しくは簡易裁判所の裁判官に対する忌避の申立ては、忌避すべき裁判官にこれをしなければならない。

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

2 忌避の申立てをするには、その原因を示さなければならない。

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

3 忌避の原因及び忌避の申立てをした者が事件について請求若しくは陳述をした際に忌避の原因があることを知らなかつたこと又は忌避の原因が事件について請求若しくは陳述をした後に生じたことは、申立てをした日から三日以内に書面でこれを疎明しなければならない。

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

(申立てに対する意見書)

(Written Opinion on the Motion)

第十条 忌避された裁判官は、次に掲げる場合を除いては、忌避の申立てに対し意見書を差し出さなければならない。

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

一 地方裁判所の一人の裁判官又は家庭裁判所若しくは簡易裁判所の裁判官が忌避の申立てを理由があるものとするとき。

(i) where a single judge of a district court or a judge of a family court or summary court admits that there are grounds for the motion to challenge;

二 忌避の申立てが訴訟を遅延させる目的のみでされたことが明らかであるとしてこれを却下するとき。

(ii) where the motion to challenge is dismissed on the basis that it is clear that the motion has been filed merely for the purpose of delaying the court proceedings; or

三 忌避の申立てが法第二十二條の規定に違反し、又は前條第二項若しくは第三項に定める手続に違反してされたものとしてこれを却下するとき。

(iii) where the motion to challenge is dismissed on the basis that the motion has been filed in violation of the provisions of Article 22 of the Code or in violation of proceedings specified in paragraph (2) or (3) of the preceding Article.

(訴訟手続の停止)

(Stay of Court Proceedings)

第十一条 忌避の申立があつたときは、前条第二号及び第三号の場合を除いては、訴訟手続を停止しなければならない。但し、急速を要する場合は、この限りでない。

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

(除斥の裁判)

(Judicial Decision on Disqualification)

第十二条 忌避の申立について決定をすべき裁判所は、法第二十条各号の一に該当する者があると認めるときは、職権で除斥の決定をしなければならない。

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

2 前項の決定をするには、当該裁判官の意見を聴かなければならない。

(2) In rendering the ruling set forth in the preceding paragraph, the court must hear the opinion of the judge.

3 当該裁判官は、第一項の決定に関与することができない。

(3) The judge who has been challenged may not participate in rendering of the ruling set forth in paragraph (1).

4 裁判所が当該裁判官の退去により決定をすることができないときは、直近上級の裁判所が、決定をしなければならない。

(4) When the court is unable to render the ruling because of the withdrawal of the judge who has been challenged, the ruling must be rendered by the immediate upper instance court.

(回避)

(Recusal)

第十三条 裁判官は、忌避されるべき原因があると思料するときは、回避しなければならない。

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

2 回避の申立は、裁判官所属の裁判所に書面でこれをしなければならない。

(2) A motion for recusal must be filed in writing with the court to which the judge is assigned.

3 忌避の申立について決定をすべき裁判所は、回避の申立について決定をしなければならない。

(3) The court that should render a decision on the motion to challenge must render a decision on a motion for recusal.

4 回避については、前条第三項及び第四項の規定を準用する。

(4) The provisions of paragraphs (3) and (4) of the preceding Article apply mutatis mutandis to recusal.

(除斥、回避の裁判の送達)

(Service of a Judicial Decision on Disqualification or Recusal)

第十四条 前二条の決定は、これを送達しない。

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

(準用規定)

(Provisions Applied Mutatis Mutandis)

第十五条 裁判所書記官については、この章の規定を準用する。

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

2 受命裁判官に附属する裁判所書記官に対する忌避の申立は、その附属する裁判官にこれをしなければならない。

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

第三章 訴訟能力

Chapter III Capacity to Sue or be Sued

(被疑者の特別代理人選任の請求)

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

第十六条 被疑者の特別代理人の選任の請求は、当該被疑事件を取り扱う検察官又は司法警察員の所属の官公署の所在地を管轄する地方裁判所又は簡易裁判所にこれをしなければならない。

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

第四章 弁護及び補佐

Chapter IV Counsel and Assistants

(被疑者の弁護人の選任)

(Appointment of Defense Counsel for a Suspect)

第十七条 公訴の提起前にした弁護人の選任は、弁護人と連署した書面を当該被疑事件を取り扱う検察官又は司法警察員に差し出した場合に限り、第一審においてもその効力を有する。

Article 17 The appointment of defense counsel made before the institution of prosecution remains effective in the first instance, only in cases where a

document jointly signed by the suspect and the defense counsel has been submitted to the public prosecutor or judicial police personnel handling the suspect's case.

(被告人の弁護人の選任の方式)

(Method of Appointing Defense Counsel for the Accused)

第十八条 公訴の提起後における弁護人の選任は、弁護人と連署した書面を差し出してこれをしなければならない。

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

(追起訴された事件の弁護人の選任)

(Appointment of Defense Counsel for Subsequently Prosecuted Cases)

第十八条の二 法第三十条に定める者が一の事件についてした弁護人の選任は、その事件の公訴の提起後同一裁判所に公訴が提起され且つこれと併合された他の事件についてもその効力を有する。但し、被告人又は弁護人がこれと異なる申述をしたときは、この限りでない。

Article 18-2 The appointment of defense counsel made to a certain case by a person specified in Article 30 of the Code remains effective in any other case in which prosecution is instituted in the same court after the institution of prosecution of the case and which is consolidated with the case; provided, however, that this does not apply when the accused or the defense counsel states otherwise.

(被告人、被疑者に対する通知)

(Notice to the Accused or to the Suspect)

第十八条の三 刑事収容施設（刑事施設、留置施設及び海上保安留置施設をいう。以下同じ。）に収容され、又は留置されている被告人又は被疑者に対する法第三十一条の二第三項の規定による通知は、刑事施設の長、留置業務管理者（刑事収容施設及び被収容者等の処遇に関する法律（平成十七年法律第五十号）第十六条第一項に規定する留置業務管理者をいう。以下同じ。）又は海上保安留置業務管理者（同法第二十六条第一項に規定する海上保安留置業務管理者をいう。以下同じ。）にする。

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

services manager (meaning a coast guard detention services manager as defined in Article 26, paragraph (1) of the same Act; the same applies hereinafter).

2 刑事施設の長、留置業務管理者又は海上保安留置業務管理者は、前項の通知を受けたときは、直ちに当該被告人又は被疑者にその旨を告げなければならない。

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

(主任弁護人)

(Chief Defense Counsel)

第十九条 被告人に数人の弁護人があるときは、その一人を主任弁護人とする。但し、地方裁判所においては、弁護士でない者を主任弁護人とすることはできない。

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

2 主任弁護人は、被告人が単独で、又は全弁護人の合意でこれを指定する。

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

3 主任弁護人を指定することができる者は、その指定を変更することができる。

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

4 全弁護人のする主任弁護人の指定又はその変更は、被告人の明示した意思に反してこれをすることができない。

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

(主任弁護人の指定、変更の方式)

(Method of Designating or Changing the Chief Defense Counsel)

第二十条 被告人又は全弁護人のする主任弁護人の指定又はその変更は、書面を裁判所に差し出してしなければならない。但し、公判期日において主任弁護人の指定を変更するには、その旨を口頭で申述すれば足りる。

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

(裁判長の指定する主任弁護人)

(Chief Defense Counsel Designated by the Presiding Judge)

第二十一条 被告人に数人の弁護人がある場合に主任弁護人がないときは、裁判長は、主任弁護人を指定しなければならない。

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

2 裁判長は、前項の指定を変更することができる。

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

3 前二項の主任弁護人は、第十九条の主任弁護人ができるまで、その職務を行う。

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

(主任弁護人の指定、変更の通知)

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

第二十二条 主任弁護人の指定又はその変更については、被告人がこれをしたときは、直ちにその旨を検察官及び主任弁護人となつた者に、全弁護人又は裁判長がこれをしたときは、直ちにその旨を検察官及び被告人に通知しなければならない。

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

(副主任弁護人)

(Deputy Chief Defense Counsel)

第二十三条 裁判長は、主任弁護人に事故がある場合には、他の弁護人のうち一人を副主任弁護人に指定することができる。

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

2 主任弁護人があらかじめ裁判所に副主任弁護人となるべき者を届け出た場合には、その者を副主任弁護人に指定しなければならない。

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

3 裁判長は、第一項の指定を取り消すことができる。

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

4 副主任弁護人の指定又はその取消については、前条後段の規定を準用する。

(4) The provisions of the second sentence of the preceding Article apply mutatis

mutandis to the designation or cancellation of the deputy chief defense counsel.

(主任弁護人、副主任弁護人の辞任、解任)

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

第二十四条 主任弁護人又は副主任弁護人の辞任又は解任については、第二十条の規定を準用する。

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

2 主任弁護人又は副主任弁護人の辞任又は解任があつたときは、直ちにこれを訴訟関係人に通知しなければならない。但し、被告人が解任をしたときは、被告人に対しては、通知することを要しない。

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

(主任弁護人、副主任弁護人の権限)

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

第二十五条 主任弁護人又は副主任弁護人は、弁護人に対する通知又は書類の送達について他の弁護人を代表する。

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

2 主任弁護人及び副主任弁護人以外の弁護人は、裁判長又は裁判官の許可及び主任弁護人又は副主任弁護人の同意がなければ、申立、請求、質問、尋問又は陳述をすることができない。但し、証拠物の謄写の許可の請求、裁判書又は裁判を記載した調書の謄本又は抄本の交付の請求及び公判期日において証拠調が終つた後にする意見の陳述については、この限りでない。

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

(被告人の弁護人の数の制限)

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

第二十六条 裁判所は、特別の事情があるときは、弁護人の数を各被告人について三人までに制限することができる。

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

2 前項の制限の決定は、被告人にこれを告知することによつてその効力を生ずる。

(2) The ruling on limitation set forth in the preceding paragraph becomes effective upon notifying the accused to that effect.

3 被告人の弁護人の数を制限した場合において制限した数を超える弁護人があるときは、直ちにその旨を各弁護人及びこれらの弁護人を選任した者に通知しなければならない。この場合には、制限の決定は、前項の規定にかかわらず、その告知のあつた日から七日の期間を経過することによつてその効力を生ずる。

(3) When the court has limited the number of defense counsel for the accused and the number of defense counsel exceeds the limit, the court must immediately notify each defense counsel and the person who has appointed the defense counsel to that effect. In this case, notwithstanding the provisions of the preceding paragraph, the ruling on limitation becomes effective when seven days have elapsed from the day the notification was given.

4 前項の制限の決定が効力を生じた場合になお制限された数を超える弁護人があるときは、弁護人の選任は、その効力を失う。

(4) When the ruling on limitation set forth in the preceding paragraph has become effective and the number of defense counsel still exceeds the limit, the appointment of the defense counsel ceases to be effective.

(被疑者の弁護人の数の制限)

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

第二十七条 被疑者の弁護人の数は、各被疑者について三人を超えることができない。但し、当該被疑事件を取り扱う検察官又は司法警察員の所属の官公署の所在地を管轄する地方裁判所又は簡易裁判所が特別の事情があるものと認めて許可をした場合は、この限りでない。

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

2 前項但書の許可は、弁護人を選任することができる者又はその依頼により弁護人となろうとする者の請求により、これをする。

(2) The permission set forth in the proviso to the preceding paragraph is to be granted upon the request of a person entitled to appoint the defense counsel or a person who seeks to serve as defense counsel in response to the request of the

person.

3 第一項但書の許可は、許可すべき弁護人の数を指定してこれをしなければならない。

(3) The permission set forth in the proviso to paragraph (1) must be granted together with the designation of the number of defense counsel to be permitted.

(国選弁護人選任の請求)

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

第二十八条 法第三十六条、第三十七条の二又は第三百五十条の三第一項の請求をするには、その理由を示さなければならない。

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

(国選弁護人選任の請求先裁判官)

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

第二十八条の二 法第三十七条の二の請求は、勾留の請求を受けた裁判官、その所属する裁判所の所在地を管轄する地方裁判所の裁判官又はその地方裁判所の所在地（その支部の所在地を含む。）に在る簡易裁判所の裁判官にこれをしなければならない。

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

(国選弁護人選任請求書等の提出)

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

第二十八条の三 刑事収容施設に収容され、又は留置されている被疑者が法第三十七条の二又は第三百五十条の三第一項の請求をするには、裁判所書記官の面前で行う場合を除き、刑事施設の長、留置業務管理者若しくは海上保安留置業務管理者又はその代理者を経由して、請求書及び法第三十六条の二に規定する資力申告書を裁判官に提出しなければならない。

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

2 前項の場合において、刑事施設の長、留置業務管理者若しくは海上保安留置業務管

理者又はその代理者は、被疑者から同項の書面を受け取つたときは、直ちにこれを裁判官に送付しなければならない。ただし、法第三百五十条の三第一項の請求をする場合を除き、勾留を請求されていない被疑者から前項の書面を受け取つた場合には、当該被疑者が勾留を請求された後直ちにこれを裁判官に送付しなければならない。

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

3 前項の場合において、刑事施設の長、留置業務管理者若しくは海上保安留置業務管理者又はその代理者は、第一項の書面をファクシミリを利用して送信することにより裁判官に送付することができる。

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

4 前項の規定による送付がされたときは、その時に、第一項の書面の提出があつたものとみなす。

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

5 裁判官は、前項に規定する場合において、必要があると認めるときは、刑事施設の長、留置業務管理者又は海上保安留置業務管理者に対し、送信に使用した書面を提出させることができる。

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

(弁護人の選任に関する処分をすべき裁判官)

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

第二十八条の四 法第三十七条の四の規定による弁護人の選任に関する処分は、勾留の請求を受けた裁判官、その所属する裁判所の所在地を管轄する地方裁判所の裁判官又はその地方裁判所の所在地（その支部の所在地を含む。）に在る簡易裁判所の裁判官がこれをしなければならない。

Article 28-4 The ruling on the appointment of defense counsel under the provisions of Article 37-4 of the Code must be made by the judge who has

received the request for detention, a judge of the district court which has jurisdiction over the location of the court to which the judge is assigned, or a judge of the summary court in the same locality as the district court (including the same locality as a branch of the district court).

第二十八条の五 法第三十七条の二第一項又は第三十七条の四の規定により弁護人が付されている場合における法第三十七条の五の規定による弁護人の選任に関する処分は、最初の弁護人を付した裁判官、その所属する裁判所の所在地を管轄する地方裁判所の裁判官又はその地方裁判所の所在地（その支部の所在地を含む。）に在る簡易裁判所の裁判官がこれをしなければならない。

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

（国選弁護人の選任）

(Appointment of Court-Appointed Defense Counsel)

第二十九条 法の規定に基づいて裁判所又は裁判長が付すべき弁護人は、裁判所の所在地を管轄する地方裁判所の管轄区域内に在る弁護士会に所属する弁護士の中から裁判長がこれを選任しなければならない。ただし、その管轄区域内に選任すべき事件について弁護人としての活動をすることのできる弁護士がないときその他やむを得ない事情があるときは、これに隣接する他の地方裁判所の管轄区域内に在る弁護士会に所属する弁護士その他適当な弁護士の中からこれを選任することができる。

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

2 前項の規定は、法の規定に基づいて裁判官が弁護人を付する場合について準用する。

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

3 第一項の規定にかかわらず、控訴裁判所が弁護人を付する場合であつて、控訴審の

審理のため特に必要があると認めるときは、裁判長は、原審における弁護人（法の規定に基づいて裁判所若しくは裁判長又は裁判官が付したものに限る。）であつた弁護士を弁護人に選任することができる。

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

4 前項の規定は、上告裁判所が弁護人を付する場合について準用する。

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

5 被告人又は被疑者の利害が相反しないときは、同一の弁護人に数人の弁護をさせることができる。

(5) When there is no conflict of interest among the accused or suspects, the court, the presiding judge, or a judge may have the same defense counsel defend several accused or suspects.

（弁護人の解任に関する処分をすべき裁判官）

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

第二十九条の二 法第三十八条の三第四項の規定による弁護人の解任に関する処分は、当該弁護人を付した裁判官、その所属する裁判所の所在地を管轄する地方裁判所の裁判官又はその地方裁判所の所在地（その支部の所在地を含む。）に在る簡易裁判所の裁判官がこれをしなければならない。

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

（国選弁護人の選任等の通知）

(Notice of Appointment of Court-Appointed Defense Counsel)

第二十九条の三 法の規定に基づいて裁判長又は裁判官が弁護人を選任したときは、直ちにその旨を検察官及び被告人又は被疑者に通知しなければならない。この場合には、日本司法支援センターにも直ちにその旨を通知しなければならない。

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

2 前項の規定は、法の規定に基づいて裁判所又は裁判官が弁護人を解任した場合について準用する。

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

(裁判所における接見等)

(Interviews at the Court)

第三十条 裁判所は、身体の拘束を受けている被告人又は被疑者が裁判所の構内にいる場合においてこれらの者の逃亡、罪証の隠滅又は戒護に支障のある物の授受を防ぐため必要があるときは、これらの者と弁護人又は弁護人を選任することができる者の依頼により弁護人となろうとする者との接見については、その日時、場所及び時間を指定し、又、書類若しくは物の授受については、これを禁止することができる。

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

(弁護人の書類の閲覧等)

(Inspection of Documents by Defense Counsel)

第三十一条 弁護人は、裁判長の許可を受けて、自己の使用人その他の者に訴訟に関する書類及び証拠物を閲覧又は謄写させることができる。

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

(補佐人の届出の方式)

(Method of Notification for Assistants in Court)

第三十二条 補佐人となるための届出は、書面でこれをしなければならない。

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

第五章 裁判

Chapter V Judicial Decisions

(決定、命令の手續)

(Proceedings for Rendering a Ruling or an Order)

第三十三条 決定は、申立により公判廷でするとき、又は公判廷における申立によりするときは、訴訟関係人の陳述を聴かなければならない。その他の場合には、訴訟関係人の陳述を聴かないでこれを行うことができる。但し、特別の定のある場合は、この限りでない。

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

2 命令は、訴訟関係人の陳述を聴かないでこれを行うことができる。

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

3 決定又は命令をするについて事実の取調をする場合において必要があるときは、法及びこの規則の規定により、証人を尋問し、又は鑑定を命ずることができる。

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

4 前項の場合において必要と認めるときは、検察官、被告人、被疑者又は弁護人を取調又は処分に立ち合わせることができる。

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

(裁判の告知)

(Announcement of a Judicial Decision)

第三十四条 裁判の告知は、公判廷においては、宣告によつてこれをし、その他の場合には、裁判書の謄本を送達してこれをしなければならぬ。但し、特別の定のある場合は、この限りでない。

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

(裁判の宣告)

(Pronouncement of a Judicial Decision)

第三十五条 裁判の宣告は、裁判長が行う。

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

2 判決の宣告をするには、主文及び理由を朗読し、又は主文の朗読と同時に理由の要旨を告げなければならない。

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

3 法第二百九十条の二第一項又は第三項の決定があつたときは、前項の規定による判決の宣告は、被害者特定事項を明らかにしない方法で行うものとする。

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

(謄本、抄本の送付)

(Sending of a Transcript or an Extract)

第三十六条 検察官の執行指揮を要する裁判をしたときは、速やかに裁判書又は裁判を記載した調書の謄本又は抄本を検察官に送付しなければならない。但し、特別の定のある場合は、この限りでない。

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

2 前項の規定により送付した抄本が第五十七条第二項から第四項までの規定による判決書又は判決を記載した調書の抄本で懲役又は禁錮の刑の執行指揮に必要なものであるときは、すみやかに、その判決書又は判決を記載した調書の抄本で罪となるべき事実を記載したものを検察官に追送しなければならない。

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

第六章 書類及び送達

Chapter VI Documents and Service

(訴訟書類の作成者)

(Preparer of Litigation Documents)

第三十七条 訴訟に関する書類は、特別の定のある場合を除いては、裁判所書記官がこれを作らなければならない。

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

(証人等の尋問調書)

(Examination Record of Witnesses)

第三十八条 証人、鑑定人、通訳人又は翻訳人の尋問については、調書を作らなければならない。

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

2 調書には、次に掲げる事項を記載しなければならない。

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

一 尋問に立ち会った者の氏名

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

二 証人が宣誓をしないときは、その事由

(ii) when a witness was not sworn under oath, the grounds therefor;

三 証人、鑑定人、通訳人又は翻訳人の尋問及び供述並びにこれらの者を尋問する機会を尋問に立ち会った者に与えたこと。

(iii) the questions asked during examination of the witness, expert witness, interpreter, or translator, their statements, and the fact that the persons who were present at the examination were given the opportunity to examine the person;

四 法第百五十七条の二第一項に規定する措置を採ったこと並びに証人に付き添った者の氏名及びその者と証人との関係

(iv) the fact that the measures prescribed in Article 157-2, paragraph (1) of the Code have been taken and the name of the person who accompanied the witness, and the relationship between the person and the witness;

五 法第百五十七条の三に規定する措置を採ったこと。

(v) the fact that the measures prescribed in Article 157-3 of the Code have been taken;

六 法第百五十七条の四第一項に規定する方法により証人尋問を行つたこと。

(vi) the fact that the examination of the witness was conducted according to the method prescribed in Article 157-4, paragraph (1) of the Code;

七 法第百五十七条の四第二項の規定により証人の同意を得てその尋問及び供述並びにその状況を記録媒体（映像及び音声を同時に記録することができる物をいう。以下同じ。）に記録したこと並びにその記録媒体の種類及び数量

(vii) the fact that the questions asked during examination and the statement, and the circumstances thereof were recorded on a recording medium (meaning a thing which is able to record images and sounds simultaneously; the same applies hereinafter) pursuant to the provisions of Article 157-4, paragraph (2) of the Code, and the type and quantity of the recording media;

八 法第三百十六条の三十九第一項に規定する措置を採ったこと並びに被害者参加人

(法第三百十六条の三十三第三項に規定する被害者参加人をいう。以下同じ。)に付き添った者の氏名及びその者と被害者参加人との関係

(viii) the fact that the measures prescribed in Article 316-39, paragraph (1) of the Code have been taken, and the name of the person who accompanied the participating victim (meaning a participating victim as defined in Article 316-33, paragraph (3) of the Code; the same applies hereinafter) and the relationship between the person and the participating victim; and

九 法第三百十六条の三十九第四項に規定する措置を採ったこと。

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

3 調書（法第百五十七条の四第二項の規定により証人の尋問及び供述並びにその状況を記録した記録媒体を除く。次項及び第五項において同じ。）は、裁判所書記官をしてこれを供述者に読み聞かせ、又は供述者に閲覧させて、その記載が相違ないかどうかを問わなければならない。

(3) The court must have the declarant verify the content of the record (excluding the recording media onto which the questions asked during the examination of the witness and the statements, and the circumstances thereof were recorded pursuant to the provisions of Article 157-4, paragraph (2) of the Code; the same applies in the following paragraph and paragraph (5)) by having the court clerk read back the content of the record to the declarant, or by having the declarant inspect the content of the record.

4 供述者が増減変更を申し立てたときは、その供述を調書に記載しなければならない。

(4) If the declarant makes a motion for any addition, removal, or alteration, that statement must be entered into the record.

5 尋問に立ち会った検察官、被告人、被疑者又は弁護人が調書の記載の正確性について異議を申し立てたときは、申立の要旨を調書に記載しなければならない。この場合には、裁判長又は尋問をした裁判官は、その申立についての意見を調書に記載させることができる。

(5) If the public prosecutor, the accused, the suspect, or the defense counsel who attended the examination files an objection as to the accuracy of the content of the record, an outline of the objection must be entered into the examination record. In this case, the presiding judge or the judge who conducted the examination may have their opinion on the objection entered into the examination record.

6 調書には、供述者に署名押印させなければならない。

(6) The presiding judge or the judge who conducted the examination must have the declarant sign and seal the record.

7 法第百五十七条の四第三項の規定により記録媒体がその一部とされた調書については、その旨を調書上明らかにしておかななければならない。

(7) For the record that has a recording medium considered to be a part of the record pursuant to the provisions of Article 157-4, paragraph (3) of the Code,

that fact must be clarified in the record.

(被告人、被疑者の陳述の調書)

(Record of Statements by the Accused or the Suspect)

第三十九条 被告人又は被疑者に対し、被告事件又は被疑事件を告げこれに関する陳述を聴く場合には、調書を作らなければならない。

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

2 前項の調書については、前条第二項第三号前段、第三項、第四項及び第六項の規定を準用する。

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

(速記、録音)

(Stenographic Notes and Sound Recordings)

第四十条 証人、鑑定人、通訳人又は翻訳人の尋問及び供述並びに訴訟関係人の申立又は陳述については、裁判所速記官その他の速記者にこれを速記させ、又は録音装置を使用してこれを録取させることができる。

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

(検証、押収の調書)

(Record of Inspection or Seizure)

第四十一条 検証又は差押状を発しないでする押収については、調書を作らなければならない。

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

2 検証調書には、次に掲げる事項を記載しなければならない。

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

一 検証に立ち会った者の氏名

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

二 法第三百十六条の三十九第一項に規定する措置を採ったこと並びに被害者参加人に付き添った者の氏名及びその者と被害者参加人との関係

(ii) the fact that the measures prescribed in Article 316-39, paragraph (1) of the

Code have been taken, and the name of the person who accompanied the participating victim and the relationship between the person and the participating victim; and

三 法第三百十六条の三十九第四項に規定する措置を採つたこと。

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

3 押収をしたときは、その品目を記載した目録を作り、これを調書に添附しなければならない。

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

(調書の記載要件)

(Descriptive Requirements for Record)

第四十二条 第三十八条、第三十九条及び前条の調書には、裁判所書記官が取調又は処分をした年月日及び場所を記載して署名押印し、その取調又は処分をした者が認印しなければならない。但し、裁判所が取調又は処分をしたときは、認印は裁判長がしなければならない。

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

2 前条の調書には、処分をした時をも記載しなければならない。

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

(差押状、搜索状の執行調書、搜索調書)

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

第四十三条 差押状若しくは搜索状の執行又は勾引状若しくは勾留状を執行する場合における被告人若しくは被疑者の搜索については、執行又は搜索をする者が、自ら調書を作らなければならない。

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

2 調書には、次に掲げる事項を記載しなければならない。

(2) The record must state the following matters:

- 一 執行又は捜索をした年月日時及び場所
(i) the date, time, and place that the execution of the warrant or the search was carried out; and
 - 二 執行をすることができなかつたときは、その事由
(ii) if the execution of the warrant could not be carried out, the grounds thereof.
- 3 第一項の調書については、第四十一条第二項第一号及び第三項の規定を準用する。
(3) The provisions of Article 41, paragraph (2), item (i) and Article 41, paragraph (3) apply mutatis mutandis to the record set forth in paragraph (1).

(公判調書の記載要件)

(Descriptive Requirements for Trial Records)

第四十四条 公判調書には、次に掲げる事項を記載しなければならない。

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

- 一 被告事件名及び被告人の氏名
(i) the name of the case charged to the court and the name of the accused;
- 二 公判をした裁判所及び年月日
(ii) the court carrying out the trial and the date of the trial;
- 三 裁判所法第六十九条第二項の規定により他の場所で法廷を開いたときは、その場所
(iii) if the court session has been held at a different place pursuant to the provisions of Article 69, paragraph (2) of the Court Act, the place;
- 四 裁判官及び裁判所書記官の官氏名
(iv) the official titles and names of the judge and the court clerks;
- 五 検察官の官氏名
(v) the official title and name of the public prosecutor;
- 六 出頭した被告人、弁護人、代理人及び補佐人の氏名
(vi) the names of the accused, defense counsel, agent, and assistant in court who appeared;
- 七 裁判長が第百八十七条の四の規定による告知をしたこと。
(vii) the fact that the presiding judge made an announcement under the provisions of Article 187-4;
- 八 出席した被害者参加人及びその委託を受けた弁護士の名
(viii) the names of the participating victims and the entrusted attorney at law who appeared;
- 九 法第三百十六条の三十九第一項に規定する措置を採つたこと並びに被害者参加人に付き添つた者の氏名及びその者と被害者参加人との関係
(ix) the fact that the measures prescribed in Article 316-39, paragraph (1) of the Code have been taken, and the name of the person who accompanied the participating victim and the relationship between the person and the participating victim;
- 十 法第三百十六条の三十九第四項又は第五項に規定する措置を採つたこと。

- (x) the fact that the measures prescribed in Article 316-39, paragraph (4) or paragraph (5) of the Code have been taken;
- 十一 公開を禁じたこと及びその理由
- (xi) the fact that the trial has been prohibited from opening to the public, and the grounds therefor;
- 十二 裁判長が被告人を退廷させる等法廷における秩序維持のための処分をしたこと。
- (xii) the fact that the presiding judge made a ruling to maintain order in court, such as having the accused leave the courtroom;
- 十三 法第二百九十一条第三項の機会にした被告人及び弁護人の被告事件についての陳述
- (xiii) statements which the accused and the defense counsel made with regard to the case charged to the court upon the opportunity set forth in Article 291, paragraph (3) of the Code;
- 十四 証拠調べの請求その他の申立て
- (xiv) a request for examination of evidence or other motions;
- 十五 証拠と証明すべき事実との関係（証拠の標目自体によつて明らかである場合を除く。）
- (xv) the relationship between the evidence and the facts to be proved (excluding cases where the relationship is clear from the list of the evidence);
- 十六 取調べを請求する証拠が法第三百二十八条の証拠であるときはその旨
- (xvi) when the evidence for which examination is requested is evidence set forth in Article 328 of the Code, that fact;
- 十七 法第三百九条の異議の申立て及びその理由
- (xvii) the filing of any objections set forth in Article 309 of the Code and the grounds therefor;
- 十八 主任弁護人の指定を変更する旨の申述
- (xviii) a statement indicating a change to the designation of the chief defense counsel;
- 十九 被告人に対する質問及びその供述
- (xix) questions asked to the accused and their statement;
- 二十 出頭した証人、鑑定人、通訳人及び翻訳人の氏名
- (xx) the names of the witness, expert witness, interpreter, and translator who appeared;
- 二十一 証人に宣誓をさせなかつたこと及びその事由
- (xxi) the fact that the witness was exempted from swearing under oath, and the grounds thereof;
- 二十二 証人、鑑定人、通訳人又は翻訳人の尋問及び供述
- (xxii) questions asked during examination of the witness, expert witness, interpreter, or translator and their statement;
- 二十三 証人その他の者が宣誓、証言等を拒んだこと及びその事由
- (xxiii) the fact that a witness or any other person refused to swear under oath,

- to testify, or to carry out any other act, and the grounds thereof;
- 二十四 法第百五十七条の二第一項に規定する措置を採つたこと並びに証人に付き添つた者の氏名及びその者と証人との関係
- (xxiv) the fact that the measures prescribed in Article 157-2, paragraph (1) of the Code have been taken, and the name of the person who accompanied the witness and the relationship between the person and the witness;
- 二十五 法第百五十七条の三に規定する措置を採つたこと。
- (xxv) the fact that the measures prescribed in Article 157-3 of the Code have been taken;
- 二十六 法第百五十七条の四第一項に規定する方法により証人尋問を行つたこと。
- (xxvi) the fact that examination of the witness was conducted according to the method prescribed in Article 157-4, paragraph (1) of the Code;
- 二十七 法第百五十七条の四第二項の規定により証人の同意を得てその尋問及び供述並びにその状況を記録媒体に記録したこと並びにその記録媒体の種類及び数量
- (xxvii) the fact that the questions asked during the examination, the statements, and the circumstances thereof have been recorded on recording media with the consent of the witness pursuant to the provisions of Article 157-4, paragraph (2) of the Code, and the type and quantity of the recording media;
- 二十八 裁判長が第二百二条の処置をしたこと。
- (xxviii) the fact that the presiding judge has taken the measures set forth in Article 202;
- 二十九 法第三百二十六条の同意
- (xxix) a consent set forth in Article 326 of the Code;
- 三十 取り調べた証拠の標目及びその取調べの順序
- (xxx) a list of evidence examined and the order of examination;
- 三十一 公判廷においてした検証及び押収
- (xxxii) an inspection or a seizure carried out in an open court;
- 三十二 法第三百十六条の三十一の手續をしたこと。
- (xxxiii) the fact that the proceeding set forth in Article 316-31 of the Code has been carried out;
- 三十三 法第三百三十五条第二項の主張
- (xxxiiii) an argument set forth in Article 335, paragraph (2) of the Code;
- 三十四 訴因又は罰条の追加、撤回又は変更に関する事項（起訴状の訂正に関する事項を含む。）
- (xxxv) matters concerning the addition, withdrawal, or alteration of the count against the accused or applicable penal statutes (including matters concerning correction of the charging instrument);
- 三十五 法第二百九十二条の二第一項の規定により意見を陳述した者の氏名
- (xxxvi) the name of the person who stated their opinion pursuant to the provisions of Article 292-2, paragraph (1) of the Code;

三十六 前号に規定する者が陳述した意見の要旨

(xxxvi) an outline of the opinion stated by the person prescribed in the preceding item;

三十七 法第二百九十二条の二第六項において準用する法第一百五十七条の二第一項に規定する措置を採ったこと並びに第三十五号に規定する者に付き添った者の氏名及びその者と同号に規定する者との関係

(xxxvii) the fact that the measures prescribed in Article 157-2, paragraph (1) of the Code as applied mutatis mutandis pursuant to Article 292-2, paragraph (6) of the Code have been taken, and the name of the person who accompanied the person prescribed in item (xxxv) and the relationship between the person and the person prescribed in that item;

三十八 法第二百九十二条の二第六項において準用する法第一百五十七条の三に規定する措置を採ったこと。

(xxxviii) the fact that the measures prescribed in Article 157-3 of the Code as applied mutatis mutandis pursuant to Article 292-2, paragraph (6) of the Code have been taken;

三十九 法第二百九十二条の二第六項において準用する法第一百五十七条の四第一項に規定する方法により法第二百九十二条の二第一項の規定による意見の陳述をさせたこと。

(xxxix) the fact that the court has had opinions under the provisions of Article 292-2, paragraph (1) of the Code to be stated by the method prescribed in Article 157-4, paragraph (1) of the Code as applied mutatis mutandis pursuant to Article 292-2, paragraph (6) of the Code;

四十 法第二百九十二条の二第八項の規定による手続をしたこと。

(xl) the fact that the proceeding under the provisions of Article 292-2, paragraph (8) of the Code has been carried out;

四十一 証拠調べが終わった後に陳述した検察官、被告人及び弁護人の意見の要旨

(xli) an outline of the opinions stated by the public prosecutor, the accused, and the defense counsel after finishing the examination of evidence;

四十二 法第三百十六条の三十八第一項の規定により陳述した被害者参加人又はその委託を受けた弁護士の意見の要旨

(xlii) an outline of the opinions stated by a participating victim or entrusted attorney at law pursuant to the provisions of Article 316-38, paragraph (1) of the Code ;

四十三 被告人又は弁護人の最終陳述の要旨

(xliii) an outline of the closing statement of the accused or the defense counsel;

四十四 判決の宣告をしたこと。

(xliv) the fact that judgment has been pronounced;

四十五 決定及び命令。ただし、次に掲げるものを除く。

(xlv) a ruling or an order rendered; provided, however, that those set forth in the following sub-items are excluded:

- イ 被告人又は弁護人の冒頭陳述の許可（第百九十八条）
 - (a) permission for the accused or the defense counsel to make an opening statement (Article 198);
 - ロ 証拠調べの範囲、順序及び方法を定め、又は変更する決定（法第二百九十七条）
 - (b) a ruling to establish or change the scope, order, or method of the examination of evidence (Article 297 of the Code);
 - ハ 被告人の退廷の許可（法第二百八十八条）
 - (c) permission for the accused to leave the court (Article 288 of the Code);
 - ニ 主任弁護人及び副主任弁護人以外の弁護人の申立て、請求、質問等の許可（第二十五条）
 - (d) permission for the defense counsel other than the chief defense counsel or deputy chief defense counsel to carry out an act such as filing a motion, filing a request, or asking a question (Article 25);
 - ホ 証拠決定についての提示命令（第百九十二条）
 - (e) an order to present evidence for rendering a ruling on the examination of evidence (Article 192);
 - ヘ 速記、録音、撮影等の許可（第四十七条及び第二百十五条）
 - (f) permission to take stenographic notes, make sound recordings, take videos or photographs, etc. (Article 47 and Article 215);
 - ト 証人の尋問及び供述並びにその状況を記録媒体に記録する旨の決定（法第一百五十七条の四第二項）
 - (g) a ruling to the effect that the questions asked during examination of the witness, the statements, and the circumstances thereof are to be recorded on a recording medium (Article 157-4, paragraph (2) of the Code); and
 - チ 証拠書類又は証拠物の謄本の提出の許可（法第三百十条）
 - (h) permission to submit a transcript of documentary evidence or articles of evidence (Article 310 of the Code); and
- 四十六 公判手続の更新をしたときは、その旨及び次に掲げる事項
- (xlvi) if the trial procedure has been renewed, an entry to that effect and the following matters:
- イ 被告事件について被告人及び弁護人が前と異なる陳述をしたときは、その陳述
 - (a) if the accused or the defense counsel has made a statement that differs from a previous statement with regard to the case charged to the court, that statement; and
 - ロ 取り調べない旨の決定をした書面及び物
 - (b) document or article for which a ruling not to conduct an examination has been rendered.
- 2 前項に掲げる事項以外の事項であつても、公判期日における訴訟手続中裁判長が訴訟関係人の請求により又は職権で記載を命じた事項は、これを公判調書に記載しなければならない。

(2) A matter during the court proceedings on the trial date other than those listed in the preceding paragraph, which the presiding judge orders to be entered, ex officio or upon the request of a person concerned in the case, must also be entered into the trial record.

(公判調書の供述の記載の簡易化)

(Simplified Entry of Statements in the Trial Record)

第四十四条の二 訴訟関係人が同意し、且つ裁判長が相当と認めるときは、公判調書には、被告人に対する質問及びその供述並びに証人、鑑定人、通訳人又は翻訳人の尋問及び供述の記載に代えて、これらの者の供述の要旨のみを記載することができる。この場合には、その公判調書に訴訟関係人が同意した旨を記載しなければならない。

Article 44-2 If the persons concerned in the case give their consent and the presiding judge finds it appropriate, in lieu of entering the questions asked to the accused, their statements, and the questions asked during examination of a witness, an expert witness, an interpreter or a translator and their statements, it is possible to enter an outline of those persons' statements into the trial record. In this case, an entry to the effect that the persons concerned in the case have given their consent must be contained in the trial record.

(公判調書の作成の手続)

(Procedure for Creating a Trial Record)

第四十五条 公判調書については、第三十八条第三項、第四項及び第六項の規定による手続をすることを要しない。

Article 45 (1) Proceedings under the provisions of Article 38, paragraph (3), paragraph (4), and paragraph (6) are not required with regard to a trial record.
2 供述者の請求があるときは、裁判所書記官にその供述に関する部分を読み聞かせなければならない。尋問された者が増減変更の申立をしたときは、その供述を記載させなければならない。

(2) If there is a request by the declarant, the court must have the court clerk read back to the person the parts of the trial record relating to their statement. If the person examined makes a motion for an addition to or removal or alteration of their statement, the court must have the statement entered into the trial record.

(公判調書の署名押印、認印)

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

第四十六条 公判調書には、裁判所書記官が署名押印し、裁判長が認印しなければならない。

Article 46 (1) A court clerk must sign and seal the trial record, and the presiding judge must affix their seal of approval thereto.
2 裁判長に差し支えがあるときは、他の裁判官の一人が、その事由を付記して認印し

なければならない。

(2) If the presiding judge is unable to affix their seal of approval to the trial record, one of the other judges must affix the seal of approval and indicate the grounds therefor in a supplementary note.

3 地方裁判所の一人の裁判官又は簡易裁判所の裁判官に差し支えがあるときは、裁判所書記官が、その事由を付記して署名押印しなければならない。

(3) If a single judge of a district court or a judge of a summary court is unable to affix their seal of approval to the trial record, a court clerk must sign and seal the trial record, and indicate the grounds therefor in a supplementary note.

4 裁判所書記官に差し支えがあるときは、裁判長が、その事由を付記して認印しなければならない。

(4) If the court clerk is unable to sign and seal the trial record, the presiding judge must affix their seal of approval to the trial record and indicate the grounds therefor in a supplementary note.

(公判廷の速記、録音)

(Stenographic Notes and Sound Recording in Open Court)

第四十七条 公判廷における証人、鑑定人、通訳人又は翻訳人の尋問及び供述、被告人に対する質問及び供述並びに訴訟関係人の申立又は陳述については、第四十条の規定を準用する。

Article 47 (1) The provisions of Article 40 apply mutatis mutandis to the questions asked during examination of a witness, an expert witness, an interpreter or a translator, their statements, the questions asked to and the statement given by the accused, and the motions or statements made by a person concerned in the case in an open court.

2 検察官、被告人又は弁護人は、裁判長の許可を受けて、前項の規定による処置をとることができる。

(2) The public prosecutor, the accused, or the defense counsel may take the measures under the provisions of the preceding paragraph with the permission of the presiding judge.

(異議の申立の記載)

(Entry of Objections Filed)

第四十八条 公判期日における証人の供述の要旨の正確性又は公判調書の記載の正確性についての異議の申立があつたときは、申立の年月日及びその要旨を調書に記載しなければならない。この場合には、裁判所書記官がその申立についての裁判長の意見を調書に記載して署名押印し、裁判長が認印しなければならない。

Article 48 If an objection is filed as to the accuracy of the outline of the statement given by a witness on a trial date or as to the accuracy of the content of the trial record, the date on which the objection is filed and its outline must be entered into the record. In this case, a court clerk must enter the opinion of

the presiding judge regarding the objection into the record and sign and seal the record, and the presiding judge must affix their seal of approval thereto.

(調書への引用)

(Quotation in a Record)

第四十九条 調書には、書面、写真その他裁判所又は裁判官が適当と認めるものを引用し、訴訟記録に添附して、これを調書の一部とすることができる。

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

(調書の記載事項別編てつ)

(Binding the Record by the Matters Stated)

第四十九条の二 調書は、記載事項により区分して訴訟記録に編てつすることができる。この場合には、調書が一体となるものであることを当該調書上明らかにしておかなければならない。

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

(被告人の公判調書の閲覧)

(Inspection of the Trial Record by the Accused)

第五十条 弁護人のない被告人の公判調書の閲覧は、裁判所においてこれをしなければならない。

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

2 前項の被告人が読むことができないとき又は目の見えないときにすべき公判調書の朗読は、裁判長の命により、裁判所書記官がこれをしなければならない。

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

(証人の供述の要旨等の告知)

(Announcement of Outline of Witness Statements)

第五十一条 裁判所書記官が公判期日外において前回の公判期日における証人の供述の要旨又は審理に関する重要な事項を告げるときは、裁判長の面前でこれをしなければならない。

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

presiding judge.

(公判調書の整理)

(Completion of the Trial Record)

第五十二条 法第四十八条第三項ただし書の規定により公判調書を整理した場合には、その公判調書の記載の正確性についての異議の申立期間との関係においては、その公判調書を整理すべき最終日にこれを整理したものとみなす。

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

(公判準備における証人等の尋問調書)

(Witness Examination Record in Trial Preparation)

第五十二条の二 公判準備において裁判所、受命裁判官又は受託裁判官が証人、鑑定人、通訳人又は翻訳人を尋問する場合の調書については、被告人又は弁護人が尋問に立ち会い、且つ立ち会った訴訟関係人及び供述者が同意したときは、次の例によることができる。

Article 52-2 (1) In cases where the court, an authorized judge, or a commissioned judge examines a witness, an expert witness, an interpreter, or a translator during trial preparation, an record may be made in accordance with the following rules, if the accused or the defense counsel is present at the examination and the persons concerned in the case who are present and the declarant give their consent:

一 証人その他の者の尋問及び供述の記載に代えて、これらの者の供述の要旨のみを記載すること。

(i) only the outline of the statement given by the witness or other persons is to be entered into the record in lieu of entering the questions asked during examination and their statements; and

二 第三十八条第三項から第六項までの規定による手続をしないこと。

(ii) the proceedings under the provisions of Article 38, paragraphs (3) through (6) are not to be carried out.

2 前項各号の例によつた場合には、その調書に訴訟関係人及び供述者が同意した旨を記載しなければならない。

(2) In cases where an record is made in accordance with the rules set forth in the items of the preceding paragraph, the fact that the persons concerned in the case and the declarant have given their consent must be stated in the record.

3 第一項第二号の例による調書が整理されていない場合において、検察官、被告人又は弁護人の請求があるときは、裁判所書記官は、裁判長、受命裁判官又は受託裁判官の面前で、証人その他の者の供述の要旨を告げなければならない。

(3) In cases where the record made in accordance with the rule set forth in paragraph (1), item (ii) is not completed, if there is a request from the public prosecutor, the accused, or the defense counsel, a court clerk must give an outline of the statements given by witnesses and other persons in the presence of the presiding judge, the authorized judge, or the commissioned judge.

4 前項の場合において、検察官、被告人又は弁護人が供述の要旨の正確性について異議を申し立てたときは、申立の年月日及びその要旨を調書に記載しなければならない。この場合には、裁判所書記官がその申立についての裁判長、受命裁判官又は受託裁判官の意見を調書に記載して署名押印し、裁判長、受命裁判官又は受託裁判官が認印しなければならない。

(4) In the case referred to in the preceding paragraph, if the public prosecutor, the accused, or the defense counsel files an objection as to the accuracy of the outline of a statement, the date on which the objection is filed and an outline thereof must be entered into the record. In this case, a court clerk must enter the opinion of the presiding judge, the authorized judge, or the commissioned judge regarding the objection into the record and sign and seal the record, and the presiding judge, the authorized judge, or the commissioned judge must affix their seal of approval thereto.

5 第一項第二号の例による調書を公判期日において取り調べた場合において、検察官、被告人又は弁護人が調書の記載の正確性について異議を申し立てたときは、前項の規定を準用する。

(5) In cases where an record made in accordance with the rule set forth in paragraph (1), item (ii) is examined on the trial date, if the public prosecutor, the accused, or the defense counsel files an objection as to the accuracy of the content of the record, the provisions of the preceding paragraph apply *mutatis mutandis*.

(速記録の作成)

(Creation of a Stenographic Record)

第五十二条の三 裁判所速記官は、速記をしたときは、すみやかに速記原本を反訳して速記録を作らなければならない。ただし、第五十二条の四ただし書又は第五十二条の七ただし書の規定により速記録の引用が相当でないときとされる場合及び第五十二条の八の規定により速記原本が公判調書の一部とされる場合は、この限りでない。

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

(証人の尋問調書等における速記録の引用)

(Quotation from the Stenographic Record in Witness Examination Records)

第五十二条の四 証人、鑑定人、通訳人又は翻訳人の尋問及び供述並びに訴訟関係人の申立又は陳述を裁判所速記官に速記させた場合には、速記録を調書に引用し、訴訟記録に添附して調書の一部とするものとする。ただし、裁判所又は裁判官が、尋問又は手続に立ち会った検察官及び被告人、被疑者又は弁護人の意見を聴き、速記録の引用を相当でないと認めるときは、この限りでない。

Article 52-4 In the case of having a court stenographer take stenographic notes of the questions asked during examination of a witness, an expert witness, an interpreter, or a translator, their statements, and the motions and statements made by persons concerned in the case, the stenographic record is deemed to constitute a part of the record by quoting the stenographic record in the record and attaching it to the case record; provided, however, that this does not apply when the court or the judge finds it inappropriate to quote the stenographic record after hearing the opinions of the public prosecutor and the accused, the suspect, or the defense counsel who was present at the examination or the proceedings.

(速記録引用の場合の措置)

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

第五十二条の五 前条本文の規定により証人、鑑定人、通訳人又は翻訳人の尋問及び供述を速記した速記録を調書の一部とするについては、第三十八条第三項から第六項までの規定による手続をしない。

Article 52-5 (1) The proceedings under the provisions of Article 38, paragraphs (3) through (6) are not to be carried out for the process of deeming that a stenographic record of the questions asked during examination of a witness, an expert witness, an interpreter, or a translator and their statements constitute a part of the record pursuant to the provisions of the main clause of the preceding Article.

2 前項の場合には、次の例による。

(2) In the case referred to in the preceding paragraph, the following rules apply:

一 裁判所速記官に速記原本を訳読させ、供述者にその速記が相違ないかどうかを問うこと。

(i) the court or a judge is to have the declarant verify the content of the stenographic notes by having the court stenographer orally translate from the stenographic notes;

二 供述者が増減変更を申し立てたときは、その供述を速記させること。

(ii) if the declarant makes a motion for any addition, removal, or alteration, the court or a judge is to have the statement taken in stenographic notes;

三 尋問に立ち会った検察官、被告人、被疑者又は弁護人が速記原本の正確性について異議を申し立てたときは、その申立を速記させること。この場合には、裁判長又

は尋問をした裁判官は、その申立についての意見を速記させることができること。
(iii) if the public prosecutor, the accused, the suspect, or the defense counsel who was present at the examination files an objection as to the accuracy of the stenographic notes, the court or a judge is to have the objection taken in stenographic notes. In this case, the presiding judge or the judge who conducted the examination may have their opinion on the objection taken in stenographic notes; and

四 裁判所書記官に第一号に定める手続をした旨を調書に記載させ、かつ、供述者をしてその調書に署名押印させること。

(iv) the court or a judge is to have a court clerk enter the fact that the proceeding specified in item (i) has been carried out into the record, and have the declarant sign and seal the record.

3 供述者が速記原本の訳読を必要としない旨を述べ、かつ、尋問に立ち会った検察官及び被告人、被疑者又は弁護人に異議がないときは、前項の手続をしない。この場合には、裁判所書記官にその旨を調書に記載させ、かつ、供述者をしてその調書に署名押印させなければならない。

(3) If the declarant indicates that there is no need to orally translate from the stenographic notes, and the public prosecutor and the accused, the suspect, or the defense counsel who was present at the examination has no objection, the proceedings set forth in the preceding paragraph are not to be carried out. In this case, the court or a judge is to have a court clerk enter the fact into the record, and have the declarant sign and seal the record.

4 公判準備における証人、鑑定人、通訳人又は翻訳人の尋問及び供述を速記した速記録を調書の一部とする場合には、前二項の規定を適用しない。ただし、供述者が速記原本の訳読を請求したときは、第二項第一号及び第二号に定める手続をしなければならない。

(4) In the case of deeming the stenographic record of the questions asked during examination of a witness, an expert witness, an interpreter, or a translator and their statements during the trial preparation to constitute a part of the record, the provisions of the preceding two paragraphs do not apply; provided, however, that the proceedings specified in paragraph (2), item (i) and item (ii) must be carried out when the declarant requests an oral translation of the stenographic notes.

第五十二条の六 前条の例による調書が整理されていない場合において、その尋問に立ち会い又は立ち会うことのできた検察官、被告人、被疑者又は弁護人の請求があるときは、裁判所書記官は、裁判所速記官に求めて速記原本の訳読をさせなければならない。

Article 52-6 (1) In cases where an record created in accordance with the rules set forth in the preceding Article has not been completed, if there is a request from the public prosecutor, the accused, the suspect, or the defense counsel who was

present or who could have been present at the examination, a court clerk must have the court stenographer orally translate from the stenographic notes.

2 前項の場合において、その速記原本が公判準備における尋問及び供述を速記したものであるときは、検察官、被告人又は弁護人は、速記原本の正確性について異議を申し立てることができる。

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

3 前項の異議の申立があつたときは、裁判所書記官が申立の年月日及びその要旨を調書に記載し、かつ、その申立についての裁判長、受命裁判官又は受託裁判官の意見を調書に記載して署名押印し、裁判長、受命裁判官又は受託裁判官が認印しなければならない。

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

4 前条の例により公判準備における尋問及び供述を速記した速記録をその一部とした調書を公判期日において取り調べた場合において、検察官、被告人又は弁護人が調書の正確性について異議を申し立てたときは、前項の規定を準用する。

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

(公判調書における速記録の引用)

(Quotation from the Stenographic Record in the Trial Record)

第五十二条の七 公判廷における証人、鑑定人、通訳人又は翻訳人の尋問及び供述、被告人に対する質問及び供述並びに訴訟関係人の申立又は陳述を裁判所速記官に速記させた場合には、速記録を公判調書に引用し、訴訟記録に添附して公判調書の一部とするものとする。ただし、裁判所が、検察官及び被告人又は弁護人の意見を聴き、速記録の引用を相当でないと認めるときは、この限りでない。

Article 52-7 In the case of having a court stenographer take stenographic notes of the questions asked during examination of a witness, an expert witness, an interpreter or a translator, their statements, the questions asked to and the statement given by the accused, and the motions and statements made by a person concerned in the case in an open court, the stenographic record is

deemed to constitute a part of the trial record by quoting it in the trial record and attaching it to the case record; provided, however, that this does not apply when the court finds it inappropriate for the stenographic record to be quoted after hearing the opinions of the public prosecutor and the accused, or the defense counsel.

(公判調書における速記原本の引用)

(Quotation from Stenographic Notes in the Trial Record)

第五十二条の八 前条の裁判所速記官による速記がされた場合において、裁判所が相当と認め、かつ、訴訟関係人が同意したときは、速記原本を公判調書に引用し、訴訟記録に添附して公判調書の一部とすることができる。この場合には、その公判調書に訴訟関係人が同意した旨を記載しなければならない。

Article 52-8 In cases where a court stenographer takes stenographic notes as set forth in the preceding Article, if the court finds it appropriate and the person concerned in the case give their consent, the stenographic notes may be deemed to constitute a part of the trial record by quoting it in the trial record and attaching it to the case record. In this case, the fact that the person concerned in the case have given their consent must be entered into the trial record.

(速記原本の訳読等)

(Oral Translation of Stenographic Notes)

第五十二条の九 第五十二条の七本文又は前条の規定により速記録又は速記原本が公判調書の一部とされる場合において、供述者の請求があるときは、裁判所速記官にその供述に関する部分の速記原本を訳読させなければならない。尋問された者が増減変更の申立をしたときは、その供述を速記させなければならない。

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

第五十二条の十 第五十二条の七本文又は第五十二条の八の規定により速記録又は速記原本を公判調書の一部とする場合において、その公判調書が次の公判期日までに整理されなかつたときは、裁判所書記官は、検察官、被告人又は弁護人の請求により、次の公判期日において又はその期日までに、裁判所速記官に求めて前回の公判期日における証人の尋問及び供述を速記した速記原本の訳読をさせなければならない。この場合において、請求をした検察官、被告人又は弁護人が速記原本の正確性について異議を申し立てたときは、第四十八条の規定を準用する。

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

2 法第五十条第二項の規定により裁判所書記官が前回の公判期日における審理に関する重要な事項を告げる場合において、その事項が裁判所速記官により速記されたものであるときは、裁判所書記官は、裁判所速記官に求めてその速記原本の訳読をさせることができる。

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

第五十二条の十一 検察官又は弁護人の請求があるときは、裁判所書記官は、裁判所速記官に求めて第五十二条の八の規定により公判調書の一部とした速記原本の訳読をさせなければならない。弁護人のない被告人の請求があるときも、同様である。

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

2 前項の場合において、速記原本の正確性についての異議の申立があつたときは、第四十八条の規定を準用する。

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

(速記原本の反訳等)

(Transcription of Stenographic Notes)

第五十二条の十二 裁判所は、次の場合には、裁判所速記官に第五十二条の八の規定により公判調書の一部とされた速記原本をすみやかに反訳して速記録を作らせなければならない。

Article 52-12 (1) In the following cases, the court must have the court stenographer promptly transcribe the stenographic notes that are deemed to

constitute a part of the trial record pursuant to the provisions of Article 52-8 and create a stenographic record:

一 検察官、被告人又は弁護人の請求があるとき。

(i) when there is a request from the public prosecutor, the accused, or the defense counsel;

二 上訴の申立があつたとき。ただし、その申立が明らかに上訴権の消滅後にされたものであるときを除く。

(ii) when an appeal has been filed; provided, however, that this excludes cases where the appeal has clearly been filed after the expiration of the right to appeal; or

三 その他必要があると認めるとき。

(iii) in other cases where it is found necessary.

2 裁判所書記官は、前項の速記録を訴訟記録に添附し、その旨を記録上明らかにし、かつ、訴訟関係人に通知しなければならない。

(2) A court clerk must attach the stenographic record set forth in the preceding paragraph to the case record, clarify that fact in the case record, and notify the persons concerned in the case to that effect.

3 前項の規定により訴訟記録に添附された速記録は、公判調書の一部とされた速記原本に代わるものとする。

(3) A stenographic record attached to the case record pursuant to the provisions of the preceding paragraph is to be treated as a substitute for the stenographic notes that are deemed to constitute a part of the trial record.

(速記録添附の場合の異議申立期間)

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

第五十二条の十三 前条第二項の規定による通知が最終の公判期日後にされたときは、公判調書の記載の正確性についての異議の申立ては、速記録の部分に関する限り、その通知のあつた日から十四日以内に行うことができる。ただし、法第四十八条第三項ただし書の規定により判決を宣告する公判期日後に整理された公判調書について、これを整理すべき最終日前に前条第二項の規定による通知がされたときは、その最終日から十四日以内に行うことができる。

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

(録音反訳による証人の尋問調書等)

(Witness Examination Records Created by Transcribing a Sound Recording)

第五十二条の十四 証人、鑑定人、通訳人又は翻訳人の尋問及び供述並びに訴訟関係人の申立て又は陳述を録音させた場合において、裁判所又は裁判官が相当と認めるときは、録音したもの（以下「録音体」という。）を反訳した調書を作成しなければならない。

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

(録音反訳の場合の措置)

(Measures in the Case of Transcribing a Sound Recording)

第五十二条の十五 前条の規定により証人、鑑定人、通訳人又は翻訳人の尋問及び供述を録音した録音体を反訳した調書を作成する場合には、第三十八条第三項から第六項までの規定による手続をしない。

Article 52-15 (1) In the event that the record is created by transcribing the sound recording of the questions asked during examination of a witness, an expert witness, an interpreter, or a translator and their statements pursuant to the provisions of the preceding Article, the proceedings under the provisions of Article 38, paragraphs (3) through (6) are not to be carried out.

2 前項に規定する場合には、次に掲げる手続による。

(2) In the case prescribed in the preceding paragraph, the following proceedings are to be carried out:

一 裁判所書記官に録音体を再生させ、供述者にその録音が相違ないかどうかを問うこと。

(i) the court or a judge is to have the declarant verify the contents of the sound recording by having a court clerk reproduce the sound recording;

二 供述者が増減変更を申し立てたときは、その供述を録音させること。

(ii) if the declarant makes a motion for any addition, removal, or alteration to the sound recording, the court or a judge is to have the statement recorded;

三 尋問に立ち会った検察官、被告人、被疑者又は弁護人が録音体の正確性について異議を申し立てたときは、その申立てを録音させること。この場合には、裁判長又は尋問をした裁判官は、その申立てについての意見を録音させることができること。

(iii) if the public prosecutor, the accused, the suspect, or the defense counsel who was present during the examination files an objection as to the accuracy of the sound recording, the court or a judge is to have the objection recorded. In this case, the presiding judge or the judge who conducted the examination

may have their opinion on the objection recorded; and
四 裁判所書記官に第一号の手續をした旨を調書に記載させ、かつ、供述者をしてその調書に署名押印させること。

(iv) the court or a judge is to have a court clerk enter into the record the fact that the proceeding set forth in item (i) has been carried out, and have the declarant sign and seal the record.

3 供述者が録音体の再生を必要としない旨を述べ、かつ、尋問に立ち会った検察官及び被告人、被疑者又は弁護人に異議がないときは、前項の手續をしない。この場合には、裁判所書記官にその旨を調書に記載させ、かつ、供述者をしてその調書に署名押印させなければならない。

(3) If the declarant indicates that there is no need to reproduce the sound recording, and the public prosecutor and the accused, the suspect, or the defense counsel who has been present at the examination has no objection, the proceeding set forth in the preceding paragraph are not to be carried out. In this case, the court or a judge is to have the court clerk enter the fact into the record, and have the declarant sign and seal the record.

4 公判準備における証人、鑑定人、通訳人又は翻訳人の尋問及び供述を録音した録音体を反訳した調書を作成する場合には、前二項の規定を適用しない。ただし、供述者が録音体の再生を請求したときは、第二項第一号及び第二号の手續をしなければならない。

(4) When creating the record by transcribing a sound recording of the questions asked during examination of a witness, an expert witness, an interpreter, or a translator and their statements during trial preparation, the provisions of the preceding two paragraphs do not apply; provided, however, that the proceedings set forth in paragraph (2), item (i) and item (ii) must be carried out when the declarant requests that the sound recordings to be reproduced.

第五十二条の十六 前条第一項に規定する調書が整理されていない場合において、その尋問に立ち会い又は立ち会うことのできた検察官、被告人、被疑者又は弁護人の請求があるときは、裁判所書記官は、録音体を再生しなければならない。

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

2 前項に規定する場合において、その録音体が公判準備における尋問及び供述を録音したものであるときは、検察官、被告人又は弁護人は、録音体の正確性について異議を申し立てることができる。

(2) In the case prescribed in the preceding paragraph, if the sound recording is the recording of the questions asked and the statements given during the trial preparation, the public prosecutor, the accused, or the defense counsel may file

an objection as to the accuracy of the sound recording.

3 前項に規定する異議の申立てがあつたときは、裁判所書記官が、申立ての年月日及びその要旨を調書に記載し、かつ、その申立てについての裁判長、受命裁判官又は受託裁判官の意見を調書に記載して署名押印し、裁判長、受命裁判官又は受託裁判官が認印しなければならない。

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

4 前条第四項に規定する調書を公判期日において取り調べた場合において、検察官、被告人又は弁護人が調書の正確性について異議を申し立てたときは、前項の規定を準用する。

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

(録音反訳による公判調書)

(Trial Record Created by Transcribing a Sound Recording)

第五十二条の十七 公判廷における証人、鑑定人、通訳人又は翻訳人の尋問及び供述、被告人に対する質問及び供述並びに訴訟関係人の申立て又は陳述を録音させた場合において、裁判所が相当と認めるときは、録音体を反訳した公判調書を作成しなければならない。

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

(公判調書における録音反訳の場合の措置)

(Measures for Transcribed Sound Recordings in the Trial Record)

第五十二条の十八 前条の規定により公判調書を作成する場合において、供述者の請求があるときは、裁判所書記官にその供述に関する部分の録音体を再生させなければならない。この場合において、尋問された者が増減変更の申立てをしたときは、その供述を録音させなければならない。

Article 52-18 In creating a trial record pursuant to the provisions of the preceding Article, if the declarant makes a request, the court must have the court clerk reproduce the parts of the sound recording related to the

statements given by the declarant. In this case, if the person examined makes a motion for any addition, removal, or alteration of their statement, the court must have the statement recorded.

(公判調書未整理の場合の録音体の再生等)

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

第五十二条の十九 公判調書が次回の公判期日までに整理されなかつたときは、裁判所は、検察官、被告人又は弁護人の請求により、次回の公判期日において又はその期日までに、前回の公判期日における証人、鑑定人、通訳人又は翻訳人の尋問及び供述、被告人に対する質問及び供述並びに訴訟関係人の申立て又は陳述を録音した録音体又は法第一百五十七条の四第二項の規定により証人の尋問及び供述並びにその状況を記録した記録媒体について、再生する機会を与えなければならない。

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

2 前項の規定により再生する機会を与えた場合には、これをもつて法第五十条第一項の規定による要旨の告知に代えることができる。

(2) When an opportunity for reproducing the sound recording is provided pursuant to the provisions of the preceding paragraph, the reproduction may be treated as a substitute for the announcement of the outline under the provisions of Article 50, paragraph (1) of the Code.

3 法第五十条第二項の規定により裁判所書記官が前回の公判期日における審理に関する重要な事項を告げるときは、録音体を再生する方法によりこれを行うことができる。

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

(公判調書における録音体の引用)

(Quotation from a Sound Recording in the Trial Record)

第五十二条の二十 公判廷における証人、鑑定人、通訳人又は翻訳人の尋問及び供述、被告人に対する質問及び供述並びに訴訟関係人の申立て又は陳述を録音させた場合に

において、裁判所が相当と認め、かつ、検察官及び被告人又は弁護人が同意したときは、録音体を公判調書に引用し、訴訟記録に添付して公判調書の一部とすることができる。

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

(録音体の内容を記載した書面の作成)

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

第五十二条の二十一 裁判所は、次の場合には、裁判所書記官に前条の規定により公判調書の一部とされた録音体の内容を記載した書面を速やかに作らせなければならない。

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

一 判決の確定前に、検察官、被告人又は弁護人の請求があるとき。

(i) when there is a request from the public prosecutor, the accused, or the defense counsel before the judgment becomes final and binding;

二 上訴の申立てがあつたとき。ただし、その申立てが明らかに上訴権の消滅後にされたものであるときを除く。

(ii) when an appeal is filed; provided, however, that this excludes cases where the appeal has obviously been filed after the expiration of the right to appeal;

or

三 その他必要があると認めるとき。

(iii) in any other case in which it is found necessary.

(裁判書の作成)

(Preparation of a Written Judgment)

第五十三条 裁判をするときは、裁判書を作らなければならない。但し、決定又は命令を宣告する場合には、裁判書を作らないで、これを調書に記載させることができる。

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

(裁判書の作成者)

(Preparer of Written Judgment)

第五十四条 裁判書は、裁判官がこれを作らなければならない。

Article 54 Written judgment must be prepared by a judge.

(裁判書の署名押印)

(Signature and Seal on a Written Judgment)

第五十五条 裁判書には、裁判をした裁判官が、署名押印しなければならない。裁判長が署名押印することができないときは、他の裁判官の一人が、その事由を附記して署名押印し、他の裁判官が署名押印することができないときは、裁判長が、その事由を附記して署名押印しなければならない。

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

(裁判書の記載要件)

(Descriptive Requirements for Written Judgments)

第五十六条 裁判書には、特別の定のある場合を除いては、裁判を受ける者の氏名、年齢、職業及び住居を記載しなければならない。裁判を受ける者が法人（法人でない社団、財団又は団体を含む。以下同じ。）であるときは、その名称及び事務所を記載しなければならない。

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

2 判決書には、前項に規定する事項の外、公判期日に出席した検察官の官氏名を記載しなければならない。

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

(裁判書等の謄本、抄本)

(Transcript or Extract of a Written Judgment)

第五十七条 裁判書又は裁判を記載した調書の謄本又は抄本は、原本又は謄本によりこれを作らなければならない。

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

transcript thereof.

- 2 判決書又は判決を記載した調書の抄本は、裁判の執行をすべき場合において急速を要するときは、前項の規定にかかわらず、被告人の氏名、年齢、職業、住居及び本籍、罪名、主文、適用した罰条、宣告をした年月日、裁判所並びに裁判官の氏名を記載してこれを作ることができる。
- (2) An extract of a judgment document or a record stating a judgment may, if there is a need for urgency in cases where a judicial decision should be executed, be prepared by entering the name, age, occupation, residence, and registered domicile of the accused, the charged offense, the main text of the judgment, the applicable penal statute, the date on which the judgment was pronounced, the names of the court and the judge, notwithstanding the provisions of the preceding paragraph.
- 3 前項の抄本は、判決をした裁判官がその記載が相違ないことを証明する旨を附記して認印したものに限り、その効力を有する。
- (3) The extract set forth in the preceding paragraph is valid only when the judge who issued the judgment affixes their seal of approval thereto and indicates in a supplementary note that the judge certifies the content of the extract.
- 4 前項の場合には、第五十五条後段の規定を準用する。ただし、署名押印に代えて認印することができる。
- (4) The provisions of the second sentence of Article 55 apply mutatis mutandis to the case referred to in the preceding paragraph; provided, however, that a seal of approval may be affixed in lieu of a signature and seal.
- 5 判決書に起訴状その他の書面に記載された事実が引用された場合には、その判決書の謄本又は抄本には、その起訴状その他の書面に記載された事実をも記載しなければならない。但し、抄本について当該部分を記載することを要しない場合は、この限りでない。
- (5) In cases where facts stated in the charging instrument or other documents are quoted in a judgment document, the facts stated in the charging instrument or other documents must also be stated in a transcript or an extract of the judgment document; provided, however, that this does not apply in cases where the facts stated in the charging instrument or other documents need not be entered into an extract.
- 6 判決書に公判調書に記載された証拠の標目が引用された場合において、訴訟関係人の請求があるときは、その判決書の謄本又は抄本には、その公判調書に記載された証拠の標目をも記載しなければならない。
- (6) In cases where a list of evidence stated in a trial record is quoted in a judgment document, if a person concerned in the case requests, the list of evidence stated in the trial record must also be entered into a transcript or an extract of the judgment document.

(公務員の書類)

(Documents Prepared by Public Employees)

第五十八条 官吏その他の公務員が作るべき書類には、特別の定のある場合を除いては、年月日を記載して署名押印し、その所属の官公署を表示しなければならない。

Article 58 (1) With regard to a document that should be prepared by a government official or other public employees, except when there are special provisions providing otherwise, they must enter the date and sign and seal the document and indicate the public agency to which they are assigned.

2 裁判官その他の裁判所職員が作成すべき裁判書、調書又はそれらの謄本若しくは抄本のうち、訴訟関係人その他の者に送達、送付又は交付（裁判所又は裁判官に対してする場合及び被告事件の終結その他これに類する事由による場合を除く。）をすべきものについては、毎葉に契印し、又は契印に代えて、これに準ずる措置をとらなければならない。

(2) With regard to a written judgment, a record, or a transcript or extract thereof that should be prepared by a judge or any other court official, which is to be served on, sent to, or delivered to a person concerned in the case or other persons (excluding cases where the service, sending, or delivery is made to the court or a judge, and cases where the service, sending, or delivery is made due to the conclusion of the case charged to the court or based on other grounds similar thereto), they must affix each sheet with a seal to confirm page continuation, or take measures equivalent thereto in lieu of the seal to confirm page continuation.

3 検察官、検察事務官、司法警察職員その他の公務員（裁判官その他の裁判所職員を除く。）が作成すべき書類（裁判所又は裁判官に対する申立て、意見の陳述、通知その他これらに類する訴訟行為に関する書類を除く。）には、毎葉に契印しなければならない。ただし、その謄本又は抄本を作成する場合には、契印に代えて、これに準ずる措置をとることができる。

(3) With regard to a document (excluding a document concerning a motion, a statement of an opinion, a notice, or other procedural act similar thereto against a court or a judge) that should be prepared by a public prosecutor, a public prosecutor's assistant officer, a judicial police personnel, or other public employees (excluding a judge or other court officials), they must affix each sheet with a seal to confirm page continuation; provided, however, that in the case of preparing a transcript or an extract thereof, they may take measures equivalent thereto in lieu of the seal to confirm page continuation.

(公務員の書類の訂正)

(Correction of Documents Prepared by Public Employees)

第五十九条 官吏その他の公務員が書類を作成するには、文字を改変してはならない。文字を加え、削り、又は欄外に記入したときは、その範囲を明らかにして、訂正した部分に認印しなければならない。ただし、削った部分は、これを読むことができるように字体を残さなければならない。

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

(公務員以外の者の書類)

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

第六十条 官吏その他の公務員以外の者が作るべき書類には、年月日を記載して署名押印しなければならない。

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

(署名押印に代わる記名押印)

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

第六十条の二 裁判官その他の裁判所職員が署名押印すべき場合には、署名押印に代えて記名押印することができる。ただし、判決書に署名押印すべき場合については、この限りでない。

Article 60-2 (1) In cases where a judge or any other court official should sign and seal a document, they may affix their name and seal in lieu of their signature and seal; provided, however, that this does not apply in cases where the judge is to affix their signature and seal to a judgment document.

2 次に掲げる者が、裁判所若しくは裁判官に対する申立て、意見の陳述、通知、届出その他これらに類する訴訟行為に関する書類に署名押印すべき場合又は書類の謄本若しくは抄本に署名押印すべき場合も、前項と同様とする。

(2) The provisions of the preceding paragraph also apply to cases where any of the following persons is to sign and seal a document concerning a motion, a statement of opinion, a notice, a notification to the court or a judge, or other procedural acts similar thereto, or when the person is to sign and seal a transcript or an extract of the document:

一 検察官、検察事務官、司法警察職員その他の公務員（前項に規定する者を除く。）

(i) a public prosecutor, a public prosecutor's assistant officer, judicial police personnel, or other public employees (excluding the persons prescribed in the preceding paragraph);

二 弁護士又は弁護士を選任することができる者の依頼により弁護士となろうとする者

(ii) defense counsel or a person who seeks to serve as defense counsel in response to the request of a person entitled to appoint a defense counsel; or

三 法第三百十六條の三十三第一項に規定する弁護士又は被害者参加人の委託を受けて法第三百十六條の三十四若しくは第三百十六條の三十六から第三百十六條の三十八までに規定する行為を行う弁護士

(iii) an attorney at law as prescribed in Article 316-33, paragraph (1) of the Code or an attorney at law who performs any of the acts prescribed in Article 316-34, or Articles 316-36 through 316-38 of the Code on entrustment by a participating victim.

(署名押印に代わる代書又は指印)

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

第六十一条 官吏その他の公務員以外の者が署名押印すべき場合に、署名することができないとき（前条第二項により記名押印することができるときを除く。）は他人に代書させ、押印することができないときは指印しなければならない。

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

2 他人に代書させた場合には、代書した者が、その事由を記載して署名押印しなければならない。

(2) In cases where a person who is not a government official or other public employee has another person write on their behalf, the person writing on their behalf must enter into the document the grounds therefor and sign and seal the document.

(送達のための届出)

(Notification for Receiving Service of Documents)

第六十二条 被告人、代理人、弁護士又は補佐人は、書類の送達を受けるため、書面でその住居又は事務所を裁判所に届け出なければならない。裁判所の所在地に住居又は事務所を有しないときは、その所在地に住居又は事務所を有する者を送達受取人に選任し、その者と連署した書面でこれを届け出なければならない。

Article 62 (1) The accused or their agent, defense counsel, or assistant in court must notify the court of their residence or office in writing in order to receive service of documents. If the person does not have a residence or office in the locality of the court, the person must appoint a person who has a residence or office in the locality as a designated service recipient, and notify the court thereof by a document jointly signed by the person and the person so appointed.

2 前項の規定による届出は、同一の地に在る各審級の裁判所に対してその効力を有する。

(2) The notification under the provisions of the preceding paragraph is valid for the courts of the respective instances within the same locality.

3 前二項の規定は、刑事施設に収容されている者には、これを適用しない。

(3) The provisions of the preceding two paragraphs do not apply to a person committed to a penal institution.

4 送達については、送達受取人は、これを本人とみなし、その住居又は事務所は、これを本人の住居とみなす。

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

(書留郵便等に付する送達)

(Service by Registered Mail)

第六十三条 住居、事務所又は送達受取人を届け出なければならない者がその届出をしないときは、裁判所書記官は、書類を書留郵便又は一般信書便事業者若しくは特定信書便事業者の提供する信書便の役務のうち書留郵便に準ずるものとして別に最高裁判所規則で定めるもの（次項において「書留郵便等」という。）に付して、その送達をすることができる。ただし、起訴状及び略式命令の謄本の送達については、この限りでない。

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

2 前項の送達は、書類を書留郵便等に付した時に、これをしたものとみなす。

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

(就業場所における送達の要件)

(Requirements for Service at the Workplace)

第六十三条の二 書類の送達は、これを受けるべき者に異議がないときに限り、その者が雇用、委任その他の法律上の行為に基づき就業する他人の住居又は事務所においてこれを行うことができる。

Article 63-2 A document may be served on an intended recipient at the residence or office of another person where the intended recipient works based on employment, entrustment, or other legal acts, but only if the intended recipient

has no objection thereto.

(検察官に対する送達)

(Service on a Public Prosecutor)

第六十四条 検察官に対する送達は、書類を検察庁に送付してこれをしなければならない。

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

(交付送達)

(Personal Service)

第六十五条 裁判所書記官が本人に送達すべき書類を交付したときは、その送達があつたものとみなす。

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

第七章 期間

Chapter VII Periods

(裁判所に対する訴訟行為をする者のための法定期間の延長)

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

第六十六条 裁判所は、裁判所に対する訴訟行為をすべき者の住居又は事務所の所在地と裁判所の所在地との距離及び交通通信の便否を考慮し、法定の期間を延長するのを相当と認めるときは、決定で、延長する期間を定めなければならない。

Article 66 (1) When the court finds it appropriate to extend the statutory period in consideration of the distance between the location of the residence or office of the person who is to perform a procedural act in court and the location of the court, and any inconvenience with regard to transportation and communications, the court must specify the extended period by a ruling.

2 前項の規定は、宣告した裁判に対する上訴の提起期間には、これを適用しない。

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

(検察官に対する訴訟行為をする者のための法定期間の延長)

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

第六十六条の二 検察官は、検察官に対する訴訟行為をすべき者の住居又は事務所の所在地と検察庁の所在地との距離及び交通通信の便否を考慮し、法定の期間を延長するのを相当と思料するときは、裁判官にその期間の延長を請求しなければならない。

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

2 裁判官は、前項の請求を理由があると認めるときは、すみやかに延長する期間を定めなければならない。

(2) When the judge finds the request set forth in the preceding paragraph to have reasonable grounds, the judge must promptly specify the extended period.

3 前項の裁判は、検察官に告知することによってその効力を生ずる。

(3) The judicial decision set forth in the preceding paragraph becomes effective by notifying the public prosecutor thereof.

4 検察官は、前項の裁判の告知を受けたときは、直ちにこれを当該訴訟行為をすべき者に通知しなければならない。

(4) When the public prosecutor receives the notification of a judicial decision as set forth in the preceding paragraph, they must immediately notify the person who is to perform the procedural act thereof.

第八章 被告人の召喚、勾引及び勾留

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

(召喚の猶予期間)

(Grace Period between Service of Summons and Appearance)

第六十七条 被告人に対する召喚状の送達と出頭との間には、少なくとも十二時間の猶予を置かなければならない。但し、特別の定のある場合は、この限りでない。

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

2 被告人に異議がないときは、前項の猶予期間を置かないことができる。

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

(勾引、勾留についての身体、名誉の保全)

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

第六十八条 被告人の勾引又は勾留については、その身体及び名誉を保全することに注意しなければならない。

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

(裁判所書記官の立会)

(Presence of the Court Clerk)

第六十九条 法第六十一条の規定により被告人に対し被告事件を告げこれに関する陳述を聴く場合には、裁判所書記官を立ち合わせなければならない。

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

(勾留状の記載要件)

(Descriptive Requirements for a Detention Warrant)

第七十条 勾留状には、法第六十四条に規定する事項の外、法第六十条第一項各号に定める事由を記載しなければならない。

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

(裁判長の令状の記載要件)

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

第七十一条 裁判長は、法第六十九条の規定により召喚状、勾引状又は勾留状を発する場合には、その旨を令状に記載しなければならない。

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

(勾引状、勾留状の原本の送付)

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

第七十二条 検察官の指揮により勾引状又は勾留状を執行する場合には、これを発した裁判所又は裁判官は、その原本を検察官に送付しなければならない。

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

(勾引状の数通交付)

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

第七十三条 勾引状は、数通を作り、これを検察事務官又は司法警察職員数人に交付することができる。

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

judicial police personnel.

(勾引状、勾留状の謄本交付の請求)

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

第七十四条 勾引状又は勾留状の執行を受けた被告人は、その謄本の交付を請求することができる。

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

(勾引状、勾留状執行後の処置)

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

第七十五条 勾引状又は勾留状を執行したときは、これに執行の場所及び年月日時を記載し、これを執行することができなかつたときは、その事由を記載して記名押印しなければならない。

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

2 勾引状又は勾留状の執行に関する書類は、執行を指揮した検察官又は裁判官を経由して、勾引状又は勾留状を発した裁判所又は裁判官にこれを差し出さなければならない。

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

3 勾引状の執行に関する書類を受け取った裁判所又は裁判官は、裁判所書記官に被告人が引致された年月日時を勾引状に記載させなければならない。

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

(囑託による勾引状)

(Bench Warrant Issued through Commission)

第七十六条 囑託によつて勾引状を発した裁判官は、勾引状の執行に関する書類を受け取ったときは、裁判所書記官に被告人が引致された年月日時を勾引状に記載させなければならない。

Article 76 (1) When a judge who has issued a writ of physical escort through commission receives the document related to the execution of the writ of

physical escort, the judge must have a court clerk enter into the writ of physical escort the date and time on which the accused was physically escorted.

2 嘱託によつて勾引状を發した裁判官は、被告人を指定された裁判所に送致する場合には、勾引状に被告人が指定された裁判所に到着すべき期間を記載して記名押印しなければならない。

(2) When a judge who has issued a writ of physical escort through commission refers the accused to the designated court, the judge must enter into the writ of physical escort the period within which the accused should arrive at the designated court, and affix their name and seal thereto.

3 勾引の嘱託をした裁判所又は裁判官は、勾引状の執行に関する書類を受け取つたときは、裁判所書記官に被告人が到着した年月日時を勾引状に記載させなければならない。

(3) When a court or judge that has commissioned the issuance of a writ of physical escort receives the document related to the execution of the writ of physical escort, the court or judge must have a court clerk enter into the writ of physical escort the date and time on which the accused arrived.

(裁判所書記官の立会)

(Presence of a Court Clerk)

第七十七条 裁判所又は裁判官が法第七十六条又は第七十七条の処分をするときは、裁判所書記官を立ち合わせなければならない。

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

(調書の作成)

(Preparation of Records)

第七十八条 法第七十六条又は第七十七条の処分については、調書を作らなければならない。

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

(勾留の通知)

(Notice of Detention)

第七十九条 被告人を勾留した場合において被告人に弁護人、法定代理人、保佐人、配偶者、直系の親族及び兄弟姉妹がないときは、被告人の申出により、その指定する者一人にその旨を通知しなければならない。

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

(被告人の移送)

(Transfer of the Accused)

第八十条 検察官は、裁判長の同意を得て、勾留されている被告人を他の刑事施設に移すことができる。

Article 80 (1) The public prosecutor may, with the consent of the presiding judge, transfer the accused under detention to another penal institution.

2 検察官は、被告人を他の刑事施設に移したときは、直ちにその旨及びその刑事施設を裁判所及び弁護人に通知しなければならない。被告人に弁護人がないときは、被告人の法定代理人、保佐人、配偶者、直系の親族及び兄弟姉妹のうち被告人の指定する者一人にその旨及びその刑事施設を通知しなければならない。

(2) When the public prosecutor transfers the accused to another penal institution, the public prosecutor must immediately notify the court and the defense counsel of the fact and the name of the penal institution. If the accused has no defense counsel, the public prosecutor must notify one person who has been designated by the accused from among their statutory agent, curator, spouse, lineal relative, or sibling of the fact and the name of the penal institution.

3 前項の場合には、前条の規定を準用する。

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

(勾留の理由開示の請求の方式)

(Method of Requesting Disclosure of the Grounds for Detention)

第八十一条 勾留の理由の開示の請求は、請求をする者ごとに、各別の書面で、これを行しなければならない。

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

2 法第八十二条第二項に掲げる者が前項の請求をするには、被告人との関係を書面で具体的に明らかにしなければならない。

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

(開示の請求の却下)

(Dismissal of a Request for Disclosure)

第八十一条の二 前条の規定に違反してされた勾留の理由の開示の請求は、決定で、これを却下しなければならない。

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

(開示の手続)

(Proceedings for Disclosure)

第八十二条 勾留の理由の開示の請求があつたときは、裁判長は、開示期日を定めなければならない。

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

2 開示期日には、被告人を召喚しなければならない。

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

3 開示期日は、検察官、弁護人及び補佐人並びに請求者にこれを通知しなければならない。

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

(公判期日における開示)

(Disclosure on the Trial Date)

第八十三条 勾留の理由の開示は、公判期日においても、これを行うことができる。

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

2 公判期日において勾留の理由の開示をするには、あらかじめ、その旨及び開示をすべき公判期日を検察官、被告人、弁護人及び補佐人並びに請求者に通知しなければならない。

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

(開示の請求と開示期日)

(Request for Disclosure and the Disclosure Date)

第八十四条 勾留の理由の開示をすべき期日とその請求があつた日との間には、五日以上を置くことはできない。但し、やむを得ない事情があるときは、この限りでない。

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

(開示期日の変更)

(Change of the Disclosure Date)

第八十五条 裁判所は、やむを得ない事情があるときは、開示期日を変更することができる。

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

(被告人、弁護人の退廷中の開示)

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

第八十五条の二 開示期日において被告人又は弁護人が許可を受けずに退廷し、又は秩序維持のため裁判長から退廷を命ぜられたときは、その者の在廷しないままで勾留の理由の開示をすることができる。

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

(開示期日における意見陳述の時間の制限等)

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

第八十五条の三 法第八十四条第二項本文に掲げる者が開示期日において意見を述べる時間は、各十分を超えることができない。

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

2 前項の者は、その意見の陳述に代え又はこれを補うため、書面を差し出すことができる。

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

(開示期日の調書)

(Record of the Disclosure Date)

第八十六条 開示期日における手続については、調書を作り、裁判所書記官が署名押印し、裁判長が認印しなければならない。

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

(開示の請求の却下決定の送達)

(Service of a Ruling Dismissing a Request for Disclosure)

第八十六条の二 勾留の理由の開示の請求を却下する決定は、これを送達することを要しない。

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

(保釈の保証書の記載事項)

(Matters to Be Entered into a Bail Bond)

第八十七条 保釈の保証書には、保証金額及び何時でもその保証金を納める旨を記載しなければならない。

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

(執行停止についての意見の聴取)

(Hearing of Opinions on Stay of Execution)

第八十八条 勾留の執行を停止するには、検察官の意見を聴かなければならない。但し、急速を要する場合は、この限りでない。

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

第八十九条 削除

Article 89 Deleted

(委託による執行停止)

(Stay of Execution by Entrustment)

第九十条 勾留されている被告人を親族、保護団体その他の者に委託して勾留の執行を停止するには、これらの者から何時でも召喚に応じ被告人を出頭させる旨の書面を差し出させなければならない。

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

(保証金の還付)

(Refund of Bail Money)

第九十一条 次の場合には、没取されなかつた保証金は、これを還付しなければならない。

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

一 勾留が取り消され、又は勾留状が効力を失つたとき。

(i) when the detention is rescinded or the detention warrant ceases to be effective;

二 保釈が取り消され又は効力を失つたため被告人が刑事施設に収容されたとき。

(ii) when the accused is committed to a penal institution as a result of the bail being rescinded or ceasing to be effective; or

三 保釈が取り消され又は効力を失つた場合において、被告人が刑事施設に収容される前に、新たに、保釈の決定があつて保証金が納付されたとき又は勾留の執行が停止されたとき。

(iii) in the event that bail is rescinded or ceases to be effective, when, before the accused is committed to a penal institution, a new order of bail is issued

and new bail money is paid or the execution of detention is stayed anew.

2 前項第三号の保釈の決定があつたときは、前に納付された保証金は、あらたな保証金の全部又は一部として納付されたものとみなす。

(2) When an order of bail as set forth in item (iii) of the preceding paragraph is issued, the new bail money is deemed to have been paid in whole or in part using the previously paid bail money.

(上訴中の事件等の勾留に関する処分)

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

第九十二条 上訴の提起期間内の事件でまだ上訴の提起がないものについて勾留の期間を更新すべき場合には、原裁判所が、その決定をしなければならない。

Article 92 (1) With regard to a case that is still within the period for filing an appeal but for which no appeal has yet been filed, when the period of detention should be renewed, the court of prior instance must render a ruling therefor.

2 上訴中の事件で訴訟記録が上訴裁判所に到達していないものについて、勾留の期間を更新し、勾留を取り消し、又は保釈若しくは勾留の執行停止をし、若しくはこれを取り消すべき場合にも、前項と同様である。

(2) With regard to a case for which an appeal has been filed but for which the case record has not yet arrived at the appellate court, the provisions of the preceding paragraph also apply to cases where the period of detention should be renewed, where the detention should be rescinded, where the execution of bail or detention should be stayed, or where the suspension should be rescinded.

3 勾留の理由の開示をすべき場合には、前項の規定を準用する。

(3) The provisions of the preceding paragraph apply mutatis mutandis to cases where the grounds for detention should be disclosed.

4 上訴裁判所は、被告人が勾留されている事件について訴訟記録を受け取つたときは、直ちにその旨を原裁判所に通知しなければならない。

(4) When the appellate court receives the case record for a case in which the accused is under detention, it must immediately notify the court of prior instance to that effect.

(禁錮以上の刑に処せられた被告人の収容手続)

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

第九十二条の二 法第三百四十三条において準用する法第九十八条の規定により被告人を刑事施設に収容するには、言い渡した刑並びに判決の宣告をした年月日及び裁判所を記載し、かつ、裁判長又は裁判官が相違ないことを証明する旨付記して認印した勾留状の謄本を被告人に示せば足りる。

Article 92-2 In committing the accused to a penal institution pursuant to the

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

第九章 押収及び搜索

Chapter IX Search and Seizure

(押収、搜索についての秘密、名誉の保持)

(Maintenance of Confidentiality and Reputation During Search and Seizure)

第九十三条 押収及び搜索については、秘密を保ち、且つ処分を受ける者の名誉を害しないように注意しなければならない。

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

(差押状、搜索状の記載事項)

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

第九十四条 差押状又は搜索状には、必要があると認めるときは、差押又は搜索をすべき事由をも記載しなければならない。

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

(準用規定)

(Provisions Applied Mutatis Mutandis)

第九十五条 差押状又は搜索状については、第七十二条の規定を準用する。

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

(搜索証明書、押収品目録の作成者)

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

第九十六条 法第百十九条又は第百二十条の証明書又は目録は、搜索又は差押が令状の執行によつて行われた場合には、その執行をした者がこれを作つて交付しなければならない。

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

(差押状、捜索状執行後の処置)

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

第九十七条 差押状又は捜索状の執行をした者は、速やかに執行に関する書類及び差し押えた物を令状を発した裁判所に差し出さなければならない。検察官の指揮により執行をした場合には、検察官を経由しなければならない。

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

(押収物の処置)

(Treatment of Seized Articles)

第九十八条 押収物については、喪失又は破損を防ぐため、相当の処置をしなければならない。

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

(差押状の執行調書の記載)

(Entry of a Seizure Warrant in an Execution Record)

第九十九条 差押状の執行をした者は、第九十六条若しくは前条又は法第二百一十一条第一項若しくは第二項の処分をしたときは、その旨を調書に記載しなければならない。

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

(押収、捜索の立会)

(Presence at a Search or Seizure)

第一百条 差押状を発しないで押収をするときは、裁判所書記官を立ち合わせなければならない。

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

2 差押状又は捜索状を執行するときは、それぞれ他の検察事務官、司法警察職員又は裁判所書記官を立ち合わせなければならない。

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

第十章 検証 Chapter X Inspections

(検証についての注意)

(Due Care in Inspection)

第百一条 検証をするについて、死体を解剖し、又は墳墓を発掘する場合には、礼を失わないように注意し、配偶者、直系の親族又は兄弟姉妹があるときは、これに通知しなければならない。

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

(被告人の身体検査の召喚状等の記載要件)

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

第百二条 被告人に対する身体検査のための召喚状又は勾引状には、身体検査のために召喚又は勾引する旨をも記載しなければならない。

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

(被告人以外の者の身体検査の召喚状等の記載要件)

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

第百三条 被告人以外の者に対する身体検査のための召喚状には、その氏名及び住居、被告人の氏名、罪名、出頭すべき年月日時及び場所、身体検査のために召喚する旨並びに正当な理由がなく出頭しないときは過料又は刑罰に処せられ且つ勾引状を発することがある旨を記載し、裁判長が、これに記名押印しなければならない。

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

2 被告人以外の者に対する身体検査のための勾引状には、その氏名及び住居、被告人の氏名、罪名、引致すべき場所、身体検査のために勾引する旨、有効期間及びその期間経過後は執行に着手することができず令状はこれを返還しなければならない旨並びに発付の年月日を記載し、裁判長が、これに記名押印しなければならない。

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

(準用規定)

(Provisions Applied Mutatis Mutandis)

第百四条 身体の検査のためにする被告人以外の者に対する勾引については、第七十二条から第七十六条までの規定を準用する。

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

(検証の立会)

(Presence at Inspection)

第百五条 検証をするときは、裁判所書記官を立ち合わせなければならない。

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

第十一章 証人尋問

Chapter XI Examination of Witnesses

(尋問事項書)

(Statement of Matters for Examination)

第百六条 証人の尋問を請求した者は、裁判官の尋問の参考に供するため、速やかに尋問事項又は証人が証言すべき事項を記載した書面を差し出さなければならない。但し、公判期日において訴訟関係人にまず証人を尋問させる場合は、この限りでない。

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

2 前項但書の場合においても、裁判所は、必要と認めるときは、証人の尋問を請求した者に対し、前項本文の書面を差し出すべきことを命ずることができる。

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

of the preceding paragraph.

3 前二項の書面に記載すべき事項は、証人の証言により立証しようとする事項のすべてにわたらなければならない。

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

4 公判期日外において証人の尋問をする場合を除いて、裁判長は、相当と認めるときは、第一項の規定にかかわらず、同項の書面を差し出さないことを許すことができる。

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

5 公判期日外において証人の尋問をする場合には、速やかに相手方及びその弁護人の数に応ずる第一項の書面の謄本を裁判所に差し出さなければならない。

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

(請求の却下)

(Dismissal of a Request)

第一百七条 前条の規定に違反してされた証人尋問の請求は、これを却下することができる。

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

(決定の告知)

(Announcement of Ruling)

第一百七条の二 法第一百五十七条の二第一項に規定する措置を採る旨の決定、法第一百五十七条の三に規定する措置を採る旨の決定、法第一百五十七条の四第一項に規定する方法により証人尋問を行う旨の決定並びに同条第二項の規定により証人の尋問及び供述並びにその状況を記録媒体に記録する旨の決定は、公判期日前にする場合においても、これを送達することを要しない。

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

if the ruling is rendered before the trial date.

2 前項の場合には、速やかに、それぞれ決定の内容を訴訟関係人に通知しなければならない。

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

(尋問事項の告知等)

(Announcement of the Matters for Examination)

第百八条 裁判所は、公判期日外において検察官、被告人又は弁護人の請求にかかる証人を尋問する場合には、第百六条第一項の書面を参考として尋問すべき事項を定め、相手方及びその弁護人に知らせなければならない。

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

2 相手方又はその弁護人は、書面で、前項の尋問事項に附加して、必要な事項の尋問を請求することができる。

(2) The opponent or the defense counsel may request in writing that to examine the witness on other necessary matters in addition to the matters for examination prescribed in the preceding paragraph.

(職権による公判期日外の尋問)

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

第百九条 裁判所は、職権で公判期日外において証人を尋問する場合には、あらかじめ、検察官、被告人及び弁護人に尋問事項を知らせなければならない。

Article 109 (1) When the court examines a witness ex officio on a date other than the trial date, the court must inform the public prosecutor, the accused, and the defense counsel of the matters for examination in advance.

2 検察官、被告人又は弁護人は、書面で、前項の尋問事項に附加して、必要な事項の尋問を請求することができる。

(2) The public prosecutor, the accused, or the defense counsel may request, in writing, that to examine the witness on other necessary matters in addition to the matters for examination prescribed in the preceding paragraph.

(召喚状、勾引状の記載要件)

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

第百十条 証人に対する召喚状には、その氏名及び住居、被告人の氏名、罪名、出頭すべき年月日時及び場所並びに正当な理由がなく出頭しないときは過料又は刑罰に処せられ且つ勾引状を発することがある旨を記載し、裁判長が、これに記名押印しなければ

ばならない。

Article 110 (1) A writ of summons issued to a witness must state the name and residence of the witness, the name of the accused, the charged offense, the date, time, and place of appearance, as well as the fact that a civil fine or a criminal penalty may be imposed and that a writ of physical escort may be issued if the witness fails to appear without legitimate grounds, and the presiding judge must affix their name and seal thereto.

2 証人に対する勾引状には、その氏名及び住居、被告人の氏名、罪名、引致すべき年月日時及び場所、有効期間及びその期間経過後は執行に着手することができず令状はこれを返還しなければならない旨並びに発付の年月日を記載し、裁判長が、これに記名押印しなければならない。

(2) A writ of physical escort issued to a witness must state the name and residence of the witness, the name of the accused, the charged offense, the date and time on which and the place where the person should be physically escorted, the valid period, the fact that after the expiration of the valid period the writ of physical escort may not be executed and must be returned, and the date of issuance, and the presiding judge must affix their name and seal thereto.

(召喚の猶予期間)

(Grace Period for a Summons)

第百十一条 証人に対する召喚状の送達と出頭との間には、少なくとも二十四時間の猶予を置かなければならない。但し、急速を要する場合は、この限りでない。

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

(準用規定)

(Provisions Applied Mutatis Mutandis)

第百十二条 証人の勾引については、第七十二条から第七十六条までの規定を準用する。

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

(尋問上の注意、在廷証人)

(Due Care in Examination and Witnesses Present in Court)

第百十三条 召喚により出頭した証人は、速やかにこれを尋問しなければならない。

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

2 証人が裁判所の構内にいるときは、召喚をしない場合でも、これを尋問することができる。

(2) When a witness is present in the courthouse, the witness may be examined

without a summons.

(尋問の立会)

(Presence During Examination)

第百十四条 証人を尋問するときは、裁判所書記官を立ち合わせなければならない。

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

(人定尋問)

(Examination on Identity of a Witness)

第百十五条 証人に対しては、まず、その人違でないかどうかを取り調べなければならない。

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

(宣誓の趣旨の説明等)

(Explanation of the Purpose of the Oath)

第百十六条 証人が宣誓の趣旨を理解することができる者であるかどうかについて疑があるときは、宣誓前に、この点について尋問し、且つ、必要と認めるときは、宣誓の趣旨を説明しなければならない。

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

(宣誓の時期)

(Timing of Oath)

第百十七条 宣誓は、尋問前に、これをさせなければならない。

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

(宣誓の方式)

(Method of Oath)

第百十八条 宣誓は、宣誓書によりこれをしなければならない。

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

2 宣誓書には、良心に従つて、真実を述べ何事も隠さず、又何事も付け加えないことを誓う旨を記載しなければならない。

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

3 裁判長は、証人に宣誓書を朗読させ、且つこれに署名押印させなければならない。証人が宣誓書を朗読することができないときは、裁判長は、裁判所書記官にこれを朗読させなければならない。

(3) The presiding judge must have the witness read aloud the written oath and

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

4 宣誓は、起立して厳粛にこれを行わなければならない。

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

(個別宣誓)

(Individual Oath)

第百十九条 証人の宣誓は、各別にこれをさせなければならない。

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

(偽証の警告)

(Warning Against Perjury)

第百二十条 宣誓をさせた証人には、尋問前に、偽証の罰を告げなければならない。

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

(証言拒絶権の告知)

(Notification of the Right to Refuse to Testify)

第百二十一条 証人に対しては、尋問前に、自己又は法第百四十七条に規定する者が刑事訴追を受け、又は有罪判決を受ける虞のある証言を拒むことができる旨を告げなければならない。

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

2 法第百四十九条に規定する者に対しては、必要と認めるときは、同条の規定により証言を拒むことができる旨を告げなければならない。

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

(証言の拒絶)

(Refusal to Testify)

第百二十二条 証言を拒む者は、これを拒む事由を示さなければならない。

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

2 証言を拒む者がこれを拒む事由を示さないときは、過料その他の制裁を受けることがある旨を告げて、証言を命じなければならない。

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

(個別尋問)

(Individual Examination)

第二百二十三条 証人は、各別にこれを尋問しなければならない。

Article 123 (1) Witnesses must be individually examined.

2 後に尋問すべき証人が在廷するときは、退廷を命じなければならない。

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

(対質)

(Simultaneous Examination)

第二百二十四条 必要があるときは、証人と他の証人又は被告人と対質させることができる。

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

(書面による尋問)

(Examination in Writing)

第二百五十五条 証人が耳が聞えないときは、書面で問い、口がきけないときは、書面で答えさせることができる。

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

(公判期日外の尋問調書の閲覧等)

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

第二百二十六条 裁判所は、検察官、被告人又は弁護人が公判期日外における証人尋問に立ち会わなかつた場合において証人尋問調書が整理されたとき、又はその送付を受けたときは、速やかにその旨を立ち会わなかつた者に通知しなければならない。

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

2 被告人は、前項の尋問調書を閲覧することができる。

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

3 被告人は、読むことができないとき、又は目の見えないときは、第一項の尋問調書の朗読を求めることができる。

(3) When the accused is unable to read or see, they may request that the

examination record set forth in paragraph (1) to be read aloud.

4 前二項の場合には、第五十条の規定を準用する。

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

(受命、受託裁判官の尋問)

(Examination by the Authorized or Commissioned Judge)

第二百二十七条 受命裁判官又は受託裁判官が証人を尋問する場合においても、第百六条第一項から第三項まで及び第五項、第百七条から第百九条まで並びに前条の手続は、裁判所がこれをしなければならない。

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

第十二章 鑑定

Chapter XII Expert Examination

(宣誓)

(Oath)

第二百二十八条 鑑定人の宣誓は、鑑定をする前に、これをさせなければならない。

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

2 宣誓は、宣誓書によりこれをしなければならない。

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

3 宣誓書には、良心に従つて誠実に鑑定をすることを誓う旨を記載しなければならない。

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

(鑑定の報告)

(Expert Examination Report)

第二百二十九条 鑑定の経過及び結果は、鑑定人に鑑定書により又は口頭でこれを報告させなければならない。

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

2 鑑定人が数人あるときは、共同して報告をさせることができる。

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

3 鑑定の経過及び結果を鑑定書により報告させる場合には、鑑定人に対し、鑑定書に

記載した事項に関し公判期日において尋問を受けることがある旨を告げなければならない。

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

(裁判所外の鑑定)

(Expert Examination Conducted Outside the Court)

第百三十条 裁判所は、必要がある場合には、裁判所外で鑑定をさせることができる。

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

2 前項の場合には、鑑定に関する物を鑑定人に交付することができる。

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

(鑑定留置状の記載要件)

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

第百三十条の二 鑑定留置状には、被告人の氏名及び住居、罪名、公訴事実の要旨、留置すべき場所、留置の期間、鑑定の目的、有効期間及びその期間経過後は執行に着手することができず令状は返還しなければならない旨並びに発付の年月日を記載し、裁判長が記名押印しなければならない。

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

(看守の申出の方式)

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

第百三十条の三 法第百六十七条第三項の規定による申出は、被告人の看守を必要とする事由を記載した書面を差し出してしなければならない。

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

(鑑定留置期間の延長、短縮)

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

第百三十条の四 鑑定のためにする被告人の留置の期間の延長又は短縮は、決定でなければならない。

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

(収容費の支払)

(Payment of Detention Fees)

第百三十条の五 裁判所は、鑑定のため被告人を病院その他の場所に留置した場合には、その場所の管理者の請求により、入院料その他の収容に要した費用を支払うものとする。

Article 130-5 (1) If the accused is detained in a hospital or other places for expert examination, upon the request of the administrator of that place, the court is to pay the hospital fees or other expenses required for the detention.

2 前項の規定により支払うべき費用の額は、裁判所の相当と認めるところによる。

(2) The amount of the expenses to be paid pursuant to the provisions of the preceding paragraph is to be an amount the court finds to be appropriate.

(準用規定)

(Provisions Applied Mutatis Mutandis)

第百三十一条 鑑定のためにする被告人の留置については、この規則に特別の定のあるもののほか、勾留に関する規定を準用する。但し、保釈に関する規定は、この限りでない。

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

(準用規定)

(Provisions Applied Mutatis Mutandis)

第百三十二条 鑑定人が死体を解剖し、又は墳墓を発掘する場合には、第百一条の規定を準用する。

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

(鑑定許可状の記載要件)

(Descriptive Requirements for a Permit for Expert Examination)

第百三十三条 法第百六十八条の許可状には、有効期間及びその期間経過後は許可された処分着手することができず令状はこれを返還しなければならない旨並びに発付の年月日をも記載し、裁判長が、これに記名押印しなければならない。

Article 133 (1) The permit set forth in Article 168 of the Code must state the valid period, the fact that after the expiration of the valid period the permitted disposition may not be taken and the permit must be returned, and the date of issuance, and the presiding judge must affix their name and seal thereto.

2 鑑定人のすべき身体の検査に関し条件を附した場合には、これを前項の許可状に記載しなければならない。

(2) In cases where conditions are attached to a physical examination to be conducted by an expert witness, the conditions must be entered into the permit set forth in the preceding paragraph.

(鑑定のための閲覧等)

(Inspection for the Purpose of Expert Examination)

第三百三十四条 鑑定人は、鑑定について必要がある場合には、裁判長の許可を受けて、書類及び証拠物を閲覧し、若しくは謄写し、又は被告人に対し質問する場合若しくは証人を尋問する場合にこれに立ち会うことができる。

Article 134 (1) When it is necessary for the expert examination, an expert witness may, with the permission of the presiding judge, inspect or transcript documents and articles of evidence, and may be present during proceedings when questions are being asked of the accused or when a witness is being examined.

2 前項の規定にかかわらず、法第一百五十七条の四第三項に規定する記録媒体は、謄写することができない。

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

3 鑑定人は、被告人に対する質問若しくは証人の尋問を求め、又は裁判長の許可を受けてこれらの者に対し直接に問を発することができる。

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

(準用規定)

(Provisions Applied Mutatis Mutandis)

第三百三十五条 鑑定については、勾引に関する規定を除いて、前章の規定を準用する。

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

第十三章 通訳及び翻訳

Chapter XIII Interpretation and Translation

(準用規定)

(Provisions Applied Mutatis Mutandis)

第三百三十六条 通訳及び翻訳については、前章の規定を準用する。

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

第十四章 証拠保全

Chapter XIV Preservation of Evidence

(処分をすべき裁判官)

(Judge Who Is to Make a Ruling)

第百三十七条 証拠保全の請求は、次に掲げる地を管轄する地方裁判所又は簡易裁判所の裁判官にこれをしなければならない。

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

一 押収については、押収すべき物の所在地

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

二 捜索又は検証については、捜索又は検証すべき場所、身体又は物の所在地

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

三 証人の尋問については、証人の現在地

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

四 鑑定については、鑑定の対象の所在地又は現在地

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

2 鑑定の処分の請求をする場合において前項第四号の規定によることができないときは、その処分をするのに最も便宜であると思料する地方裁判所又は簡易裁判所の裁判官にその請求をすることができる。

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

(請求の方式)

(Method for Filing a Request)

第百三十八条 証拠保全の請求は、書面でこれをしなければならない。

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

2 前項の書面には、次に掲げる事項を記載しなければならない。

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

一 事件の概要

(i) an outline of the case;

二 証明すべき事実

(ii) the facts to be proved;

三 証拠及びその保全の方法

(iii) evidence and the method of preservation thereof; and

四 証拠保全を必要とする事由

(iv) the grounds for the need to preserve the evidence.

3 証拠保全を必要とする事由は、これを疎明しなければならない。

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

第十五章 訴訟費用

Chapter XV Court Costs

(請求先裁判所)

(Court with Which to File Requests)

第三百三十八条の二 法第百八十七条の二の請求は、公訴を提起しない処分をした検察官が所属する検察庁の所在地を管轄する地方裁判所又は簡易裁判所にこれをしなければならない。

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

(請求の方式)

(Method of Filing Requests)

第三百三十八条の三 法第百八十七条の二の請求は、次に掲げる事項を記載した書面でこれをしなければならない。

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

一 訴訟費用を負担すべき者の氏名、年齢、職業及び住居

(i) the name, age, occupation, and residence of the person who is to bear the court costs;

二 前号に規定する者が被疑者でないときは、被疑者の氏名及び年齢

(ii) when the person prescribed in the preceding item is not the suspect, the name and age of the suspect;

三 罪名及び被疑事実の要旨

(iii) the charged offense and an outline of the alleged facts of the crime;

四 公訴を提起しない処分をしたこと。

(iv) the fact that a disposition of not instituting prosecution was made;

五 訴訟費用を負担すべき理由

(v) the grounds on which the relevant person should bear the court costs; and

六 負担すべき訴訟費用

(vi) the court costs to be borne.

(資料の提供)

(Provision of Materials)

第百三十八条の四 法第百八十七条の二の請求をするには、次に掲げる資料を提供しなければならない。

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

一 訴訟費用を負担すべき理由が存在することを認めるべき資料

(i) materials establishing the grounds on which the relevant person should bear the court costs; and

二 負担すべき訴訟費用の額の算定に必要な資料

(ii) materials necessary for calculating the amount of the court costs to be borne.

(請求書の謄本の差出し、送達)

(Submission and Service of Transcripts of a Written Request)

第百三十八条の五 法第百八十七条の二の請求をするときは、検察官は、請求と同時に訴訟費用の負担を求められた者の数に応ずる請求書の謄本を裁判所に差し出さなければならない。

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

2 裁判所は、前項の謄本を受け取ったときは、遅滞なく、これを訴訟費用の負担を求められた者に送達しなければならない。

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

(意見の聴取)

(Hearing of Opinions)

第百三十八条の六 法第百八十七条の二の請求について決定をする場合には、訴訟費用の負担を求められた者の意見を聴かななければならない。

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

(請求の却下)

(Dismissal of a Request)

第三百三十八条の七 法第百八十七条の二の請求が法令上の方式に違反しているとき、又は訴訟費用を負担させないときは、決定で請求を却下しなければならない。

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

第十六章 費用の補償

Chapter XVI Compensation for Costs

(準用規定)

(Provisions Applied Mutatis Mutandis)

第三百三十八条の八 書面による法第百八十八条の四の補償の請求については、第二百二十七条及び第二百二十八条の規定を準用する。

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

(裁判所書記官による計算)

(Calculation by the Court Clerk)

第三百三十八条の九 法第百八十八条の二第一項又は第百八十八条の四の補償の決定をする場合には、裁判所は、裁判所書記官に補償すべき費用の額の計算をさせることができる。

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

第二編 第一審

Part II First Instance

第一章 捜査

Chapter I Investigation

(令状請求の方式)

(Method of Filing a Request for a Warrant)

第三百三十九条 令状の請求は、書面でこれをしなければならない。

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

2 逮捕状の請求書には、謄本一通を添附しなければならない。

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

(令状請求の却下)

(Dismissal of a Request for a Warrant)

第四百四十条 裁判官が令状の請求を却下するには、請求書にその旨を記載し、記名押印してこれを請求者に交付すれば足りる。

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

(令状請求書の返還)

(Return of a Written Request for a Warrant)

第四百四十一条 裁判官は、令状を発し、又は令状の請求を却下したときは、前条の場合を除いて、速やかに令状の請求書を請求者に返還しなければならない。

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

(逮捕状請求権者の指定、変更の通知)

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

第四百四十一条の二 国家公安委員会又は都道府県公安委員会は、法第百九十九条第二項の規定により逮捕状を請求することができる司法警察員を指定したときは、国家公安委員会においては最高裁判所に、都道府県公安委員会においてはその所在地を管轄する地方裁判所にその旨を通知しなければならない。その通知の内容に変更を生じたときも、同様である。

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

(逮捕状請求書の記載要件)

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

第四百四十二条 逮捕状の請求書には、次に掲げる事項その他逮捕状に記載することを要する事項及び逮捕状発付の要件たる事項を記載しなければならない。

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

一 被疑者の氏名、年齢、職業及び住居

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

- 二 罪名及び被疑事実の要旨
(ii) the charged offense and an outline of the alleged facts of crime;
- 三 被疑者の逮捕を必要とする事由
(iii) the grounds necessitating the suspect's arrest;
- 四 請求者の官公職氏名
(iv) the official title and name of the requester;
- 五 請求者が警察官たる司法警察員であるときは、法第百九十九条第二項の規定による指定を受けた者である旨
(v) when the requester is judicial police personnel who is a police officer, the fact that the police officer is a person designated under the provisions of Article 199, paragraph (2) of the Code;
- 六 七日を超える有効期間を必要とするときは、その旨及び事由
(vi) when a validity period in excess of seven days is required, an entry to that effect and the grounds therefor;
- 七 逮捕状を数通必要とするときは、その旨及び事由
(vii) when a multiple number of arrest warrants is required, an entry to that effect and the grounds therefor; and
- 八 同一の犯罪事実又は現に捜査中である他の犯罪事実についてその被疑者に対し前に逮捕状の請求又はその発付があつたときは、その旨及びその犯罪事実
(viii) when any request has previously been made or an arrest warrant has previously been issued for the suspect with regard to the same facts of the crime or facts of another crime currently under investigation, an entry to that effect and the facts of that crime.
- 2 被疑者の氏名が明らかでないときは、人相、体格その他被疑者を特定するに足りる事項でこれを指定しなければならない。
- (2) When the name of the suspect is unknown, the suspect must be designated by facial and physical descriptions and by other matters that are sufficient to identify the suspect.
- 3 被疑者の年齢、職業又は住居が明らかでないときは、その旨を記載すれば足りる。
- (3) When the age, occupation, or residence of the suspect is unknown, it is sufficient to make an entry to that effect.

(資料の提供)

(Provision of Materials)

第百四十三条 逮捕状を請求するには、逮捕の理由（逮捕の必要を除く逮捕状発付の要件をいう。以下同じ。）及び逮捕の必要があることを認めるべき資料を提供しなければならない。

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

(逮捕状請求者の陳述聴取等)

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

第百四十三条の二 逮捕状の請求を受けた裁判官は、必要と認めるときは、逮捕状の請求をした者の出頭を求めてその陳述を聴き、又はその者に対し書類その他の物の提示を求めることができる。

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

(明らかに逮捕の必要がない場合)

(Cases Where There Is Clearly No Need for Arrest)

第百四十三条の三 逮捕状の請求を受けた裁判官は、逮捕の理由があると認める場合においても、被疑者の年齢及び境遇並びに犯罪の軽重及び態様その他諸般の事情に照らし、被疑者が逃亡する虞がなく、かつ、罪証を隠滅する虞がない等明らかに逮捕の必要がないと認めるときは、逮捕状の請求を却下しなければならない。

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

(逮捕状の記載要件)

(Descriptive Requirements for an Arrest Warrant)

第百四十四条 逮捕状には、請求者の官公職氏名をも記載しなければならない。

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

(逮捕状の作成)

(Preparation of an Arrest Warrant)

第百四十五条 逮捕状は、逮捕状請求書及びその記載を利用してこれを作ることができる。

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

(数通の逮捕状)

(Multiple Copies of an Arrest Warrant)

第百四十六条 逮捕状は、請求により、数通を発することができる。

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

(勾留請求書の記載要件)

(Descriptive Requirements for a Written Request for Detention)

第百四十七条 被疑者の勾留の請求書には、次に掲げる事項を記載しなければならない。

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

一 被疑者の氏名、年齢、職業及び住居

(i) the name, age, occupation, and residence of the suspect;

二 罪名、被疑事実の要旨及び被疑者が現行犯人として逮捕された者であるときは、罪を犯したことを疑うに足りる相当な理由

(ii) the charged offense, an outline of the alleged facts of the crime, and when the suspect was arrested as an offender caught in the act, the probable cause sufficient to suspect that the arrestee had committed the crime;

三 法第六十条第一項各号に定める事由

(iii) the grounds specified in the items under Article 60, paragraph (1) of the Code;

四 検察官又は司法警察員がやむを得ない事情によつて法に定める時間の制限に従うことができなかつたときは、その事由

(iv) when a public prosecutor or judicial police personnel is unable to comply with the time limitations specified by the Code due to unavoidable circumstances, the grounds therefor; and

五 被疑者に弁護人があるときは、その氏名

(v) when the suspect has a defense counsel, the name of the defense counsel.

2 被疑者の年齢、職業若しくは住居、罪名又は被疑事実の要旨の記載については、これらの事項が逮捕状請求書の記載と同一であるときは、前項の規定にかかわらず、その旨を請求書に記載すれば足りる。

(2) With regard to entry of the age, occupation, and place of residence of the suspect, the charged offense, and an outline of the alleged facts of the crime, if those matters are the same as those stated in the written request for the arrest warrant, notwithstanding the provisions of the preceding paragraph, it is sufficient to make an entry to that effect in the written request.

3 第一項の場合には、第百四十二条第二項及び第三項の規定を準用する。

(3) The provisions of Article 142, paragraph (2) and paragraph (3) apply mutatis mutandis to the case set forth in paragraph (1).

(資料の提供)

(Provision of Materials)

第百四十八条 被疑者の勾留を請求するには、次に掲げる資料を提供しなければならない。

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

一 その逮捕が逮捕状によるときは、逮捕状請求書並びに逮捕の年月日時及び場所、引致の年月日時、送致する手続をした年月日時及び送致を受けた年月日時が記載されそれぞれその記載についての記名押印のある逮捕状

(i) when the suspect has been arrested pursuant to an arrest warrant, the written request for the arrest warrant, and the arrest warrant stating the date, time, and place of arrest, the date and time the suspect was physically escorted, the date and time that the procedure for referring the suspect to a public prosecutor or judicial police personnel was carried out, and the date and time that the referral was made, with the name and seal of the relevant person affixed thereto for each entry;

二 その逮捕が現行犯逮捕であるときは、前号に規定する事項を記載した調書その他の書類

(ii) when the arrest was an arrest of the person in the act of committing a crime, a record or other documents stating the matters prescribed in the preceding item; and

三 法に定める勾留の理由が存在することを認めるべき資料

(iii) materials establishing the grounds for detention specified in the Code.

2 検察官又は司法警察員がやむを得ない事情によつて法に定める時間の制限に従うことができなかったときは、これを認めるべき資料をも提供しなければならない。

(2) When a public prosecutor or judicial police personnel is unable to comply with the time limitations specified by the Code due to unavoidable circumstances, the requester must also provide materials establishing the circumstances.

(勾留状の記載要件)

(Descriptive Requirements for a Detention Warrant)

第百四十九条 被疑者に対して発する勾留状には、勾留の請求の年月日をも記載しなければならない。

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

(書類の送付)

(Sending of Documents)

第百五十条 裁判官は、被疑者を勾留したときは、速やかにこれに関する書類を検察官に送付しなければならない。

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

(被疑者の勾留期間の再延長)

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

第百五十条の二 法第二百八条の二の規定による期間の延長は、やむを得ない事由があるときに限り、することができる。

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

(期間の延長の請求)

(Request for an Extension of Period)

第百五十一条 法第二百八条第二項又は第二百八条の二の規定による期間の延長の請求は、書面でこれをしなければならない。

Article 151 (1) Request for an extension of the period under the provisions of Article 208, paragraph (2) or Article 208-2 of the Code must be filed in writing.

2 前項の書面には、やむを得ない事由及び延長を求める期間を記載しなければならない。

(2) The written request set forth in the preceding paragraph must state the unavoidable circumstances and the requested period of extension.

(資料の提供等)

(Provision of Materials)

第百五十二条 前条第一項の請求をするには、勾留状を差し出し、且つやむを得ない事由があることを認めるべき資料を提供しなければならない。

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

(期間の延長の裁判)

(Judicial Decision on Extension of Period)

第百五十三条 裁判官は、第百五十一条第一項の請求を理由があるものと認めるときは、勾留状に延長する期間及び理由を記載して記名押印し、且つ裁判所書記官をしてこれを検察官に交付させなければならない。

Article 153 (1) When a judge finds that there are reasonable grounds for the request set forth in Article 151, paragraph (1), the judge must enter the period of extension and the grounds for the extension into the detention warrant and affix their name and seal thereto, and have a court clerk deliver the warrant to a public prosecutor.

2 前項の延長の裁判は、同項の交付をすることによつてその効力を生ずる。

(2) The judicial decision on the extension under the preceding paragraph becomes effective through the delivery set forth in that paragraph.

3 裁判所書記官は、勾留状を検察官に交付する場合には、勾留状に交付の年月日を記載して記名押印しなければならない。

(3) When a court clerk delivers a detention warrant to a public prosecutor, the court clerk must enter the date of delivery therein, and affix their name and seal thereto.

4 検察官は、勾留状の交付を受けたときは、直ちに刑事施設職員をしてこれを被疑者

に示させなければならない。

(4) When a public prosecutor receives delivery of a detention warrant, the public prosecutor must immediately have an official of a penal institution show the warrant to the suspect.

5 第百五十一条第一項の請求については、第百四十条、第百四十一条及び第百五十条の規定を準用する。

(5) The provisions of Article 140, Article 141, and Article 150 apply mutatis mutandis to the request set forth in Article 151, paragraph (1).

(謄本交付の請求)

(Request for Delivery of a Transcript)

第百五十四条 前条第一項の裁判があつたときは、被疑者は、その裁判の記載のある勾留状の謄本の交付を請求することができる。

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

(差押等の令状請求書の記載要件)

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

第百五十五条 差押、搜索又は検証のための令状の請求書には、次に掲げる事項を記載しなければならない。

Article 155 (1) A written request for a warrant for seizure, search, or inspection must state the following matters:

一 差し押えるべき物又は搜索し若しくは検証すべき場所、身体若しくは物

(i) the object to be seized, or the place, body, or object to be searched or inspected;

二 請求者の官公職氏名

(ii) the official title and name of the requester;

三 被疑者又は被告人の氏名（被疑者又は被告人が法人であるときは、その名称）

(iii) the name of the suspect or the accused (if the suspect or the accused is a corporation, the name of the corporation);

四 罪名及び犯罪事実の要旨

(iv) the charged offense and an outline of the facts of the crime;

五 七日を超える有効期間を必要とするときは、その旨及び事由

(v) when a validity period exceeding seven days is required, an entry to that effect and the grounds therefor; and

六 日出前又は日没後に差押、搜索又は検証をする必要があるときは、その旨及び事由

(vi) when there is a need to carry out a seizure, search, or inspection before sunrise or after sunset, an entry to that effect and the grounds therefor.

2 身体検査令状の請求書には、前項に規定する事項の外、法第二百十八条第四項に規

定する事項を記載しなければならない。

(2) In addition to the matters prescribed in the preceding paragraph, a written request for a warrant for inspection of a body must state the matters prescribed in Article 218, paragraph (4) of the Code.

3 被疑者又は被告人の氏名又は名称が明らかでないときは、その旨を記載すれば足りる。

(3) When the name of the suspect or the accused is unknown, it is sufficient to make an entry to that effect.

(資料の提供)

(Provision of Materials)

第百五十六条 前条第一項の請求をするには、被疑者又は被告人が罪を犯したと思料されるべき資料を提供しなければならない。

Article 156 (1) In filing the request set forth in paragraph (1) of the preceding Article, the requester must provide materials based on which the suspect or the accused is considered to have committed an offense.

2 郵便物、信書便物又は電信に関する書類で法令の規定に基づき通信事務を取り扱う者が保管し、又は所持するもの（被疑者若しくは被告人から発し、又は被疑者若しくは被告人に対して発したものを除く。）の差押えのための令状を請求するには、その物が被疑事件又は被告事件に関係があると認めるに足りる状況があることを認めるべき資料を提供しなければならない。

(2) In filing a request for a warrant for the seizure of a postal item, piece of correspondence, or telegram that is being kept by or is in the possession of a person who handles communications business affairs based on the provisions of laws and regulations (excluding those sent by the suspect or the accused, or those sent to the suspect or the accused), the requester must provide materials establishing that there are circumstances to sufficiently support the item's or document's relationship to the suspect's case or the case charged to the court.

3 被疑者又は被告人以外の者の身体、物又は住居その他の場所についての捜索のための令状を請求するには、差し押さえるべき物の存在を認めるに足りる状況があることを認めるべき資料を提供しなければならない。

(3) In filing a request for a warrant to search the body, an object, or the residence of a person other than the suspect or the accused, or any other location of that other person, the requester must provide materials establishing that there are circumstances to sufficiently support the existence of the object to be seized.

(身体検査令状の記載要件)

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

第百五十七条 身体検査令状には、正当な理由がなく身体を検査を拒んだときは過料又は刑罰に処せられることがある旨をも記載しなければならない。

Article 157 A warrant for inspection of a body must state that a civil fine or a

criminal penalty may be imposed if the person who is to receive the inspection refuses to undergo inspection of the body without legitimate grounds.

(逮捕状等の返還に関する記載)

(Entry Concerning Return of the Arrest Warrant)

第百五十七条の二 逮捕状又は法第二百十八条第一項の令状には、有効期間内であつても、その必要がなくなつたときは、直ちにこれを返還しなければならない旨をも記載しなければならない。

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

(処罰等の請求)

(Request for a Penalty)

第百五十八条 法第二百二十二条第七項の規定により身体の検査を拒んだ者を過料に処し又はこれに賠償を命ずべき旨の請求は、請求者の所属の官公署の所在地を管轄する地方裁判所又は簡易裁判所にこれをしなければならない。

Article 158 A request for a civil fine to be imposed or for compensation of expenses to be ordered against a person who has refused an inspection of the body pursuant to the provisions of Article 222, paragraph (7) of the Code must be filed with the district court or summary court that has jurisdiction over the location of the public agency to which the requester is assigned.

(鑑定留置請求書の記載要件)

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

第百五十八条の二 鑑定のためにする被疑者の留置の請求書には、次に掲げる事項を記載しなければならない。

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

一 被疑者の氏名、年齢、職業及び住居

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

二 罪名及び被疑事実の要旨

(ii) the charged offense and an outline of the alleged facts of the crime;

三 請求者の官公職氏名

(iii) the official title and name of the requester;

四 留置の場所

(iv) the place of detention;

五 留置を必要とする期間

(v) the required period of detention;

六 鑑定之目的

(vi) the purpose of the expert examination;

七 鑑定人の氏名及び職業

(vii) the name and occupation of the expert witness; and

八 被疑者に弁護人があるときは、その氏名

(viii) if the suspect has a defense counsel, the name of the defense counsel.

2 前項の場合には、第百四十二条第二項及び第三項の規定を準用する。

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

(鑑定処分許可請求書の記載要件)

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

第百五十九条 法第二百二十五条第一項の許可の請求書には、次に掲げる事項を記載しなければならない。

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

一 請求者の官公職氏名

(i) the official title and name of the requester;

二 被疑者又は被告人の氏名（被疑者又は被告人が法人であるときは、その名称）

(ii) the name of the suspect or the accused (if the suspect or the accused is a corporation, the name of the corporation);

三 罪名及び犯罪事実の要旨

(iii) the charged offense and an outline of the facts of the crime;

四 鑑定人の氏名及び職業

(iv) the name and occupation of the expert witness; and

五 鑑定人が立ち入るべき住居、邸宅、建造物若しくは船舶、検査すべき身体、解剖すべき死体、発掘すべき墳墓又は破壊すべき物

(v) the residence, premises, building, or vessel to be entered by the expert witness, the person to be examined, the corpse to be autopsied, the grave to be exhumed, or the object to be destroyed; and

六 許可状が七日を超える有効期間を必要とするときは、その旨及び事由

(vi) when a validity period exceeding seven days is required for the permit, an entry to that effect and the grounds therefor.

2 前項の場合には、第百五十五条第三項の規定を準用する。

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

(証人尋問請求書の記載要件)

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

第百六十条 法第二百二十六条又は第二百二十七条の証人尋問の請求は、次に掲げる事

項を記載した書面でこれをしなければならぬ。

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

一 証人の氏名、年齢、職業及び住居

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

二 被疑者又は被告人の氏名（被疑者又は被告人が法人であるときは、その名称）

(ii) the name of the suspect or the accused (if the suspect or the accused is a corporation, the name of the corporation);

三 罪名及び犯罪事実の要旨

(iii) the charged offense and an outline of the facts of the crime;

四 証明すべき事実

(iv) the facts to be proved;

五 尋問事項又は証人が証言すべき事項

(v) the matters to be questioned or the matters on which the witness should testify;

六 法第二百二十六条又は第二百二十七条に規定する事由

(vi) the grounds prescribed in either Article 226 or Article 227 of the Code; and

七 被疑者に弁護人があるときは、その氏名

(vii) when the suspect has a defense counsel, the name of the defense counsel.

2 前項の場合には、第百五十五条第三項の規定を準用する。

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

(資料の提供)

(Provision of Materials)

第百六十一条 法第二百二十六条の証人尋問を請求するには、同条に規定する事由があることを認めるべき資料を提供しなければならない。

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

(証人尋問の立会)

(Presence During Examination of a Witness)

第百六十二条 法第二百二十六条又は第二百二十七条の証人尋問の請求を受けた裁判官は、捜査に支障を生ずる虞がないと認めるときは、被告人、被疑者又は弁護人をその尋問に立ち合わせることができる。

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

(書類の送付)

(Sending of Documents)

第百六十三条 裁判官は、法第二百二十六条又は第二百二十七条の請求により証人を尋問したときは、速やかにこれに関する書類を検察官に送付しなければならない。

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

第二章 公訴

Chapter II Prosecution

(起訴状の記載要件)

(Descriptive Requirements for a Charging Instrument)

第百六十四条 起訴状には、法第二百五十六条に規定する事項の外、次に掲げる事項を記載しなければならない。

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

一 被告人の年齢、職業、住居及び本籍。但し、被告人が法人であるときは、事務所並びに代表者又は管理人の氏名及び住居

(i) the name, age, occupation, place of residence, and registered domicile of the accused; provided, however, that if the accused is a corporation, the office and the name and residence of the representative or administrator of the corporation; and

二 被告人が逮捕又は勾留されているときは、その旨

(ii) if the accused has been arrested or detained, an entry to that effect.

2 前項第一号に掲げる事項が明らかでないときは、その旨を記載すれば足りる。

(2) When a matter listed in item (i) of the preceding paragraph is unknown, it is sufficient to make an entry to that effect.

(起訴状の謄本等の差出し等)

(Submission of a Transcript of a Charging Instrument)

第百六十五条 検察官は、公訴の提起と同時に被告人の数に応ずる起訴状の謄本を裁判所に差し出さなければならない。但し、やむを得ない事情があるときは、公訴の提起後、速やかにこれを差し出さなければならない。

Article 165 (1) At the same time as instituting a prosecution, a public prosecutor must submit to the court a number of transcripts of the charging instrument corresponding to the number of accused; provided, however, that if the public prosecutor is unable to do so due to unavoidable circumstances, they must submit the transcripts promptly after instituting the prosecution.

2 検察官は、公訴の提起と同時に、検察官又は司法警察員に差し出された弁護人選任

書を裁判所に差し出さなければならない。同時に差し出すことができないときは、起訴状にその旨を記載し、且つ公訴の提起後、速やかにこれを差し出さなければならない。

(2) At the same time as instituting a prosecution, a public prosecutor must submit to the court the written appointment of defense counsel that was submitted to the public prosecutor or judicial police personnel. If the public prosecutor is unable to submit the written appointment at the same time as instituting the prosecution, they must make an entry to that effect in the charging instrument, and promptly submit the written appointment of the defense counsel after instituting the prosecution.

3 検察官は、公訴の提起前に法の規定に基づいて裁判官が付した弁護人があるときは、公訴の提起と同時にその旨を裁判所に通知しなければならない。

(3) When a judge has appointed a defense counsel prior to institution of prosecution based on the provisions of the Code, a public prosecutor must notify the court to that effect at the same time as instituting a prosecution.

4 第一項の規定は、略式命令の請求をする場合には、適用しない。

(4) The provisions of paragraph (1) do not apply when requesting a summary order.

(証明資料の差出)

(Submission of Materials for Proof)

第百六十六条 公訴を提起するについて、犯人が国外にいたこと又は犯人が逃げ隠れていたため有効に起訴状若しくは略式命令の謄本の送達ができなかつたことを証明する必要があるときは、検察官は、公訴の提起後、速やかにこれを証明すべき資料を裁判所に差し出さなければならない。但し、裁判官に事件につき予断を生ぜしめる虞のある書類その他の物を差し出してはならない。

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

(逮捕状、勾留状の差出)

(Submission of an Arrest Warrant or a Detention Warrant)

第百六十七条 検察官は、逮捕又は勾留されている被告人について公訴を提起したときは、速やかにその裁判所の裁判官に逮捕状又は逮捕状及び勾留状を差し出さなければならない。逮捕又は勾留された後釈放された被告人について公訴を提起したときも、同様である。

Article 167 (1) When a public prosecutor institutes a prosecution against the

accused who has been arrested or is being detained, the public prosecutor must promptly submit the arrest warrant or the arrest warrant and detention warrant to a judge of the court with which prosecution has been instituted. The same applies when a public prosecutor institutes a prosecution against the accused who has been released after arrest or detention.

2 裁判官は、第百八十七条の規定により他の裁判所の裁判官が勾留に関する処分をすべき場合には、直ちに前項の逮捕状及び勾留状をその裁判官に送付しなければならない。

(2) In cases where a judge of another court should make a ruling on detention pursuant to the provisions of Article 187, the judge must immediately send the arrest warrant and detention warrant set forth in the preceding paragraph to the judge of another court.

3 裁判官は、第一回の公判期日が開かれたときは、速やかに逮捕状、勾留状及び勾留に関する処分の書類を裁判所に送付しなければならない。

(3) When proceedings have been held on the first trial date, the judge must promptly send the arrest warrant, detention warrant, and documents concerning a ruling on detention to the court.

(公訴取消の方式)

(Method for Withdrawing Prosecution)

第百六十八条 公訴の取消は、理由を記載した書面でこれをしなければならない。

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

(審判請求書の記載要件)

(Descriptive Requirements for a Written Request for Trial)

第百六十九条 法第二百六十二条の請求書には、裁判所の審判に付せられるべき事件の犯罪事実及び証拠を記載しなければならない。

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

(請求の取下の方式)

(Method of Withdrawing a Request)

第百七十条 法第二百六十二条の請求の取下は、書面でこれをしなければならない。

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

(書類等の送付)

(Sending of Documents)

第百七十一条 検察官は、法第二百六十二条の請求を理由がないものと認めるときは、

請求書を受け取った日から七日以内に意見書を添えて書類及び証拠物とともにこれを同条に規定する裁判所に送付しなければならない。意見書には、公訴を提起しない理由を記載しなければならない。

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

(請求等の通知)

(Notice of a Request)

第百七十二条 前条の送付があつたときは、裁判所書記官は、速やかに法第二百六十二条の請求があつた旨を被疑者に通知しなければならない。

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

2 法第二百六十二条の請求の取下があつたときは、裁判所書記官は、速やかにこれを検察官及び被疑者に通知しなければならない。

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

(被疑者の取調)

(Interrogation of a Suspect)

第百七十三条 法第二百六十二条の請求を受けた裁判所は、被疑者の取調をするときは、裁判所書記官を立ち合わせなければならない。

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

2 前項の場合には、調書を作り、裁判所書記官が署名押印し、裁判長が認印しなければならない。

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

3 前項の調書については、第三十八条第二項第三号前段、第三項、第四項及び第六項の規定を準用する。

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

(審判に付する決定)

(Ruling for Trial)

第七十四條 法第二百六十六條第二号の決定をするには、裁判書に起訴状に記載すべき事項を記載しなければならない。

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

2 前項の決定の謄本は、検察官及び被疑者にもこれを送達しなければならない。

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

(審判に付する決定後の処分)

(Actions after a Ruling for Trial)

第七十五條 裁判所は、法第二百六十六條第二号の決定をした場合には、速やかに次に掲げる処分をしなければならない。

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

一 事件をその裁判所の審判に付したときは、裁判書を除いて、書類及び証拠物を事件について公訴の維持にあたる弁護士に送付する。

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

二 事件を他の裁判所の審判に付したときは、裁判書をその裁判所に、書類及び証拠物を事件について公訴の維持にあたる弁護士に送付する。

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

第三章 公判

Chapter III Trial

第一節 公判準備及び公判手続

Section 1 Trial Preparation and Trial Procedure

(起訴状の謄本の送達等)

(Service of a Transcript of the Charging Instrument)

第七十六條 裁判所は、起訴状の謄本を受け取つたときは、直ちにこれを被告人に送達しなければならない。

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

2 裁判所は、起訴状の謄本の送達ができなかつたときは、直ちにその旨を検察官に通知しなければならない。

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

(弁護人選任に関する通知)

(Notice Concerning Appointment of Defense Counsel)

第百七十七条 裁判所は、公訴の提起があつたときは、遅滞なく、被告人に対し、弁護人を選任することができる旨及び貧困その他の事由により弁護人を選任することができないときは弁護人の選任を請求することができる旨の外、死刑又は無期若しくは長期三年を超える懲役若しくは禁錮にあたる事件については、弁護人がなければ開廷することができない旨をも知らせなければならない。但し、被告人に弁護人があるときは、この限りでない。

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

(弁護人のない事件の処置)

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

第百七十八条 裁判所は、公訴の提起があつた場合において被告人に弁護人がないときは、遅滞なく、被告人に対し、死刑又は無期若しくは長期三年を超える懲役若しくは禁錮にあたる事件については、弁護人を選任するかどうかを、その他の事件については、法第三十六条の規定による弁護人の選任を請求するかどうかを確めなければならない。

Article 178 (1) When prosecution has been instituted and the accused has no defense counsel, for a case punishable by the death penalty, life imprisonment, or imprisonment with or without work that exceeds three years, the court must, without delay, confirm with the accused whether they will appoint a defense counsel, and for other cases, the court must confirm whether they will file a request for the appointment of a defense counsel under the provisions of Article 36 of the Code.

2 裁判所は、前項の処置をするについては、被告人に対し、一定の期間を定めて回答を求めることができる。

(2) When taking the measures under the preceding paragraph, the court may demand that the accused respond within a certain period of time designated by the court.

3 第一項前段の事件について、前項の期間内に回答がなく又は弁護人の選任がないと

きは、裁判長は、直ちに被告人のため弁護人を選任しなければならない。

(3) In the case set forth in the first sentence of paragraph (1), if no response is given or no defense counsel is appointed within the period of time set forth in the preceding paragraph, the presiding judge must immediately appoint a defense counsel for the accused.

(第一回公判期日前における訴訟関係人の準備)

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

第百七十八条の二 訴訟関係人は、第一回の公判期日前に、できる限り証拠の収集及び整理をし、審理が迅速に行われるように準備しなければならない。

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

(検察官、弁護人の氏名の告知等)

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

第百七十八条の三 裁判所は、検察官及び弁護人の訴訟の準備に関する相互の連絡が、公訴の提起後すみやかに行なわれるようにするため、必要があると認めるときは、裁判所書記官に命じて、検察官及び弁護人の氏名を相手方に知らせる等適当な措置をとらせなければならない。

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

(第一回公判期日の指定)

(Designation of the First Trial Date)

第百七十八条の四 第一回の公判期日を定めるについては、その期日前に訴訟関係人がなすべき訴訟の準備を考慮しなければならない。

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

(審理に充てることのできる見込み時間の告知)

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

第百七十八条の五 裁判所は、公判期日の審理が充実して行なわれるようにするため相当と認めるときは、あらかじめ、検察官又は弁護人に対し、その期日の審理に充てることのできる見込みの時間を知らせなければならない。

Article 178-5 When the court finds it appropriate in order for proceedings on the

trial date to be carried out in a productive manner, the court must inform the public prosecutor and the defense counsel in advance of the amount of expected time that can be allocated to the proceedings on that date.

(第一回公判期日前における検察官、弁護人の準備の内容)

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

第百七十八条の六 検察官は、第一回の公判期日前に、次のことを行なわなければならない。

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

一 法第二百九十九条第一項本文の規定により、被告人又は弁護人に対し、閲覧する機会を与えるべき証拠書類又は証拠物があるときは、公訴の提起後なるべくすみやかに、その機会を与えること。

(i) when there is documentary evidence or when there are articles of evidence which the accused or the defense counsel is to be given an opportunity to inspect pursuant to the provisions of the main clause of Article 299, paragraph (1) of the Code, the public prosecutor must give the opportunity as promptly as possible after institution of prosecution; and

二 第二項第三号の規定により弁護人が閲覧する機会を与えた証拠書類又は証拠物について、なるべくすみやかに、法第三百二十六条の同意をするかどうか又はその取調の請求に関し異議がないかどうかの見込みを弁護人に通知すること。

(ii) with regard to documentary evidence or articles of evidence which the defense counsel has been given an opportunity to inspect pursuant to the provisions of paragraph (2), item (iii), the public prosecutor is to notify the defense counsel of the probability of whether the public prosecutor will give the consent under Article 326 of the Code, or of whether they will object to a request for examination of the piece of documentary evidence or the article of evidence as promptly as possible.

2 弁護人は、第一回の公判期日前に、次のことを行なわなければならない。

(2) The defense counsel must carry out the following actions prior to the first trial date:

一 被告人その他の関係者に面接する等適当な方法によつて、事実関係を確かめておくこと。

(i) to ascertain the facts through an appropriate method, such as an interview with the accused and any other person concerned;

二 前項第一号の規定により検察官が閲覧する機会を与えた証拠書類又は証拠物について、なるべくすみやかに、法第三百二十六条の同意をするかどうか又はその取調の請求に関し異議がないかどうかの見込みを検察官に通知すること。

(ii) with regard to documentary evidence or articles of evidence which the public prosecutor has given an opportunity to inspect pursuant to the

provisions of item (i) of the preceding paragraph, to notify the public prosecutor the probability of whether they will give the consent under Article 326 of the Code, or of whether they will object to a request for examination of the piece of documentary evidence or the article of evidence as promptly as possible; and

三 法第二百九十九条第一項本文の規定により、検察官に対し、閲覧する機会を与えるべき証拠書類又は証拠物があるときは、なるべくすみやかに、これを提示してその機会を与えること。

(iii) when there is documentary evidence or when there are articles of evidence which the public prosecutor should be given an opportunity to inspect pursuant to the provisions of the main clause of Article 299, paragraph (1) of the Code, the defense counsel is to present them and give the opportunity as promptly as possible.

3 検察官及び弁護人は、第一回の公判期日前に、前二項に掲げることを行なうほか、相手方と連絡して、次のことを行なわなければならない。

(3) Beyond what is set forth in the preceding two paragraphs, the public prosecutor and the defense counsel must carry out the following actions prior to the first trial date, by contacting each other:

一 起訴状に記載された訴因若しくは罰条を明確にし、又は事件の争点を明らかにするため、相互の間でできる限り打ち合わせておくこと。

(i) in order to clarify the counts against the accused or applicable penal statutes described in the charge sheet or in order to clarify the issues of the case, to discuss those matters with each other to the furthest extent possible; and

二 証拠調その他の審理に要する見込みの時間等裁判所が開廷回数の見通しをたてるについて必要な事項を裁判所に申し出ること。

(ii) to inform the court of matters necessary for the court to estimate the number of court sessions to be held, such as the amount of time that will likely be required for the examination of evidence and any other proceedings.

(証人等の氏名及び住居を知る機会を与える場合)

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

第百七十八条の七 第一回の公判期日前に、法第二百九十九条第一項本文の規定により、訴訟関係人が、相手方に対し、証人等の氏名及び住居を知る機会を与える場合には、なるべく早い時期に、その機会を与えるようにしなければならない。

Article 178-7 When a person concerned in the case gives an opportunity to learn the name and residence of a witness, etc. to the opponent pursuant to the provisions of the main clause of Article 299, paragraph (1) of the Code prior to the first trial date, the person must give the opportunity as early as possible.

(第一回公判期日における在廷証人)

(Appearance of a Witness on the First Trial Date)

第百七十八条の八 検察官及び弁護人は、証人として尋問を請求しようとする者で第一回の公判期日において取り調べられる見込みのあるものについて、これを在廷させるように努めなければならない。

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

(検察官、弁護人の準備の進行に関する問合せ等)

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

第百七十八条の九 裁判所は、裁判所書記官に命じて、検察官又は弁護人に訴訟の準備の進行に関し問い合わせ又はその準備を促す処置をとらせることができる。

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

(検察官、弁護人との事前の打合せ)

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

第百七十八条の十 裁判所は、適当と認めるときは、第一回の公判期日前に、検察官及び弁護人を出頭させた上、公判期日の指定その他訴訟の進行に関し必要な事項について打合せを行なうことができる。ただし、事件につき予断を生じさせるおそれのある事項にわたることはできない。

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

2 前項の処置は、合議体の構成員にこれをさせることができる。

(2) The court may have a member of the judicial panel take the measures set forth in the preceding paragraph.

(還付、仮還付に関する規定の活用)

(Use of the Provisions on Return and Provisional Return)

第百七十八条の十一 検察官は、公訴の提起後は、その事件に関し押収している物について、被告人及び弁護人が訴訟の準備をするにあたりなるべくその物を利用することができるようにするため、法第二百二十二条第一項の規定により準用される法第二百二十三条（押収物の還付、仮還付）の規定の活用を考慮しなければならない。

Article 178-11 After the institution of prosecution, the public prosecutor must

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

(第一回の公判期日)

(First Trial Date)

第百七十九条 被告人に対する第一回の公判期日の召喚状の送達は、起訴状の謄本を送達する前には、これを行うことができない。

Article 179 (1) A writ of summons against the accused for the first trial date may not be served before the service of a transcript of the charging instrument.

2 第一回の公判期日と被告人に対する召喚状の送達との間には、少なくとも五日の猶予期間を置かなければならない。但し、簡易裁判所においては、三日の猶予期間を置けば足りる。

(2) A grace period of at least five days must be set between the first trial date and the service of a writ of summons against the accused; provided, however, that for a summary court, it is sufficient to set a grace period of three days.

3 被告人に異議がないときは、前項の猶予期間を置かないことができる。

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

第百七十九条の二 削除

Article 179-2 Deleted

(公判期日に出頭しない者に対する処置)

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

第百七十九条の三 公判期日に召喚を受けた被告人その他の者が正当な理由がなく出頭しない場合には、法第五十八条（被告人の勾引）、第九十六条（保釈の取消等）及び第百五十条から第百五十三条まで（証人に対する制裁等）の規定等の活用を考慮しなければならない。

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

(公判期日の変更の請求)

(Request to Change the Trial Date)

第七十九條の四 訴訟關係人は、公判期日の變更を必要とする事由が生じたときは、直ちに、裁判所に対し、その事由及びそれが繼續する見込の期間を具体的に明らかにし、且つ、診断書その他の資料によりこれを疎明して、期日の變更を請求しなければならない。

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

2 裁判所は、前項の事由をやむを得ないものと認める場合の外、同項の請求を却下しなければならない。

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

(私選弁護人差支の場合の処置)

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

第七十九條の五 法第三十條に掲げる者が選任した弁護人は、公判期日の變更を必要とする事由が生じたときは、直ちに、前條第一項の手續をする外、その事由及びそれが繼續する見込の期間を被告人及び被告人以外の選任者に知らせなければならない。

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

2 裁判所は、前項の事由をやむを得ないものと認める場合において、その事由が長期にわたり審理の遅延を來たす虞があると思料するときは、同項に掲げる被告人及び被告人以外の選任者に対し、一定の期間を定めて、他の弁護人を選任するかどうかの回答を求めなければならない。

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

3 前項の期間内に回答がなく又は他の弁護人の選任がないときは、次の例による。但し、著しく被告人の利益を害する虞があるときは、この限りでない。

(3) If no response has been given or no defense counsel has been appointed within the period set forth in the preceding paragraph, the following rules are to be

observed; provided, however, that this does not apply when there is a concern that doing so would substantially harm the interests of the accused:

一 弁護人がなければ開廷することができない事件については、法第二百八十九条第二項の規定により、被告人のため他の弁護人を選任して開廷することができる。

(i) for the case in which a court session may not be held in absence of defense counsel, a court session may be held by appointing another defense counsel for the accused pursuant to the provisions of Article 289, paragraph (2) of the Code; and

二 弁護人がなくても開廷することができる事件については、弁護人の出頭をまたないで開廷することができる。

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

(国選弁護人差支えの場合の処置)

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

第一百七十九条の六 法の規定により裁判所若しくは裁判長又は裁判官が付した弁護人は、期日の変更を必要とする事由が生じたときは、直ちに、第一百七十九条の四第一項の手續をするほか、その事由及びそれが継続する見込みの期間を被告人に知らせなければならない。

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

(期日変更についての意見の聴取)

(Hearing of Opinions on the Change of Date)

第一百八十条 公判期日を変更するについては、あらかじめ、職権でこれをする場合には、検察官及び被告人又は弁護人の意見を、請求によりこれをする場合には、相手方又はその弁護人の意見を聴かななければならない。但し、急速を要する場合は、この限りでない。

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

(期日変更請求の却下決定の送達)

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

第百八十一条 公判期日の変更に関する請求を却下する決定は、これを送達することを要しない。

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

(公判期日の不変更)

(Non-Change of the Trial Date)

第百八十二条 裁判所は、やむを得ないと認める場合の外、公判期日を変更することができない。

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

2 裁判所がその権限を濫用して公判期日を変更したときは、訴訟関係人は、書面で、裁判所法第八十条の規定により当該裁判官に対して監督権を行う裁判所に不服の申立をすることができる。

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

(不出頭の場合の資料)

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

第百八十三条 被告人は、公判期日に召喚を受けた場合において精神又は身体の疾病その他の事由により出頭することができなると思料するときは、直ちにその事由を記載した書面及びその事由を明らかにすべき医師の診断書その他の資料を裁判所に差し出さなければならない。

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

2 前項の規定により医師の診断書を差し出すべき場合において被告人が貧困のためこれを得ることができないときは、裁判所は、医師に被告人に対する診断書の作成を囑託することができる。

(2) In cases where the accused is to submit a doctor's medical certificate pursuant to the provisions of the preceding paragraph, if the accused is unable to acquire the doctor's medical certificate due to indigence, the court may commission a doctor to prepare a medical certificate for the accused.

3 前二項の診断書には、病名及び病状の外、その精神又は身体の病状において、公判期日に出頭することができるかどうか、自ら又は弁護人と協力して適当に防禦権を行使することができるかどうか及び出頭し又は審理を受けることにより生命又は健康状

態に著しい危険を招くかどうかの点に関する医師の具体的な意見が記載されていなければならない。

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

(診断書の不受理等)

(Non-Acceptance of Medical Certificate)

第百八十四条 裁判所は、前条の規定による医師の診断書が同条に定める方式に違反しているときは、これを受理してはならない。

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

2 裁判所は、前条の診断書が同条に定める方式に違反していない場合においても、その内容が疑わしいと認めるときは、診断書を作成した医師を召喚して医師としての適格性及び診断書の内容に関しこれを証人として尋問し、又は他の適格性のある公平な医師に対し被告人の病状についての鑑定を命ずる等適当な措置を講じなければならない。

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

(不当な診断書)

(Improper Medical Certificates)

第百八十五条 裁判所は、医師が第百八十三条の規定による診断書を作成するについて、故意に、虚偽の記載をし、同条に定める方式に違反し、又は内容を不明りょうなものとしその他相当でない行為があつたものと認めるときは、厚生労働大臣若しくは医師をもつて組織する団体がその医師に対し適当と認める処置をとることができるようにするためにその旨をこれらの者に通知し、又は法令によつて認められている他の適当な処置をとることができる。

Article 185 With regard to a doctor's preparation of a medical certificate under the provisions of Article 183, if the court finds that the doctor has intentionally made false entries, violated the form specified in that Article, obfuscated its

content, or conducted other inappropriate acts, the court may notify the Minister of Health, Labour and Welfare or a doctors' association to that effect in order to have the Minister or the association to take the measures that are found to be appropriate against the doctor, or the court may take other appropriate measures allowed under laws and regulations.

(準用規定)

(Provisions Applied Mutatis Mutandis)

第百八十六条 公判期日に召喚を受けた被告人以外の者及び公判期日の通知を受けた者については、前三条の規定を準用する。

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

(勾留に関する処分をすべき裁判官)

(Judge Who Is to Make a Ruling on Detention)

第百八十七条 公訴の提起があつた後第一回の公判期日までの勾留に関する処分は、公訴の提起を受けた裁判所の裁判官がこれをしなければならない。但し、事件の審判に関与すべき裁判官は、その処分をすることができない。

Article 187 (1) Rulings on detention during the period from the institution of prosecution until the first trial date must be made by a judge of the court with which the prosecution has been instituted; provided, however, that a judge who is to participate in the proceedings of the case may not make the ruling.

2 前項の規定による時は同項の処分をすることができない場合には、同項の裁判官は、同一の地に在る地方裁判所又は簡易裁判所の裁判官にその処分を請求しなければならない。但し、急速を要する場合又は同一の地にその処分を請求すべき他の裁判所の裁判官がない場合には、同項但書の規定にかかわらず、自らその処分をすることを妨げない。

(2) When the ruling set forth in the preceding paragraph may not be made in accordance with the provisions of that paragraph, the judge set forth in the paragraph must request a judge of the district court or summary court within the same area to make the ruling; provided, however, that this does not preclude the judge from making the rulings themselves in cases of urgency or in cases where there is no judge from another court who can be requested to make the rulings within the same area notwithstanding the provisions of the proviso to the same paragraph.

3 前項の請求を受けた裁判官は、第一項の処分をしなければならない。

(3) A judge who has received the request set forth in the preceding paragraph must make a ruling set forth in paragraph (1).

4 裁判官は、第一項の処分をするについては、検察官、被告人又は弁護人の出頭を命じてその陳述を聴くことができる。必要があるときは、これらの者に対し、書類その

他の物の提出を命ずることができる。但し、事件の審判に関与すべき裁判官は、事件につき予断を生ぜしめる虞のある書類その他の物の提出を命ずることができない。

(4) When making a ruling set forth in paragraph (1), the judge may order the public prosecutor, the accused, or the defense counsel to appear and hear their statements. If necessary, the judge may order the persons to submit documents or other objects; provided, however, that a judge who is to participate in the proceedings of the case may not order the submission of a document or other objects which may cause the judge to be prejudiced in the case.

5 地方裁判所の支部は、第一項及び第二項の規定の適用については、これを当該裁判所と別個の地方裁判所とみなす。

(5) A branch of a district court is deemed to be a district court separate from the court with regard to the application of the provisions of paragraphs (1) and (2).

(出頭拒否の通知)

(Notice of Refusal to Appear)

第百八十七条の二 勾留されている被告人が召喚を受けた公判期日に出頭することを拒否し、刑事施設職員による引致を著しく困難にしたときは、刑事施設の長は、直ちにその旨を裁判所に通知しなければならない。

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

(出頭拒否についての取調べ)

(Examination on Refusal to Appear)

第百八十七条の三 裁判所は、法第二百八十六条の二の規定により被告人の出頭をまたないで公判手続を行うには、あらかじめ、同条に定める事由が存在するかどうかを取り調べなければならない。

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

2 裁判所は、前項の規定による取調べをするについて必要があると認めるときは、刑事施設職員その他の関係者の出頭を命じてその陳述を聴き、又はこれらの者に対し報告書の提出を命ずることができる。

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

3 第一項の規定による取調べは、合議体の構成員にさせることができる。

(3) The court may have a member of the judicial panel conduct an examination under the provisions of paragraph (1).

(不出頭のままに公判手続を行う旨の告知)

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

第百八十七条の四 法第二百八十六条の二の規定により被告人の出頭をまたないで公判手続を行う場合には、裁判長は、公判廷でその旨を訴訟関係人に告げなければならない。

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

(証拠調べの請求の時期)

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

第百八十八条 証拠調べの請求は、公判期日前にも、これを行うことができる。ただし、公判前整理手続において行う場合を除き、第一回の公判期日前は、この限りでない。

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

(証拠調を請求する場合の書面の提出)

(Submission of Documents when Requesting the Examination of Evidence)

第百八十八条の二 証人、鑑定人、通訳人又は翻訳人の尋問を請求するときは、その氏名及び住居を記載した書面を差し出さなければならない。

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

2 証拠書類その他の書面の取調を請求するときは、その標目を記載した書面を差し出さなければならない。

(2) When filing a request for the examination of documentary evidence or other documents, the requester must submit a document stating a list thereof.

(証人尋問の時間の申出)

(Notification of the Time for Examination of a Witness)

第百八十八条の三 証人の尋問を請求するときは、証人の尋問に要する見込みの時間を申し出なければならない。

Article 188-3 (1) When filing a request for the examination of a witness, the requester must notify the court of the expected time that will be required for

the examination of the witness.

2 証人の尋問を請求した者の相手方は、証人を尋問する旨の決定があつたときは、その尋問に要する見込みの時間を申し出なければならない。

(2) The opponent of the person who has filed a request for the examination of a witness must notify the court of the expected time that will be required to perform the examination when a ruling for the examination of the witness is rendered.

3 職権により証人を尋問する旨の決定があつたときは、検察官及び被告人又は弁護人は、その尋問に要する見込みの時間を申し出なければならない。

(3) When a ruling for the examination of a witness to be conducted ex officio has been rendered, the public prosecutor and the accused or the defense counsel must notify the court of the expected time that will be required for them to perform the examination.

(証拠調の請求の方式)

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

第百八十九条 証拠調の請求は、証拠と証明すべき事実との関係を具体的に明示して、これをしなければならない。

Article 189 (1) Requests for the examination of evidence must be filed by clearly indicating the relationship between the evidence and the facts to be proved.

2 証拠書類その他の書面の一部の取調を請求するには、特にその部分を明確にしなければならない。

(2) In filing a request for the examination of a portion of documentary evidence or of other documents, the portion must be specifically clarified.

3 裁判所は、必要と認めるときは、証拠調の請求をする者に対し、前二項に定める事項を明らかにする書面の提出を命ずることができる。

(3) When the court finds it necessary, the court may order a person filing a request for the examination of evidence to submit a document that clarifies the matters specified in the preceding two paragraphs.

4 前各項の規定に違反してされた証拠調の請求は、これを却下することができる。

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

(証拠の厳選)

(Careful Selection of Evidence)

第百八十九条の二 証拠調べの請求は、証明すべき事実の立証に必要な証拠を厳選して、これをしなければならない。

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

(証拠決定)

(Ruling on Examination of Evidence)

第百九十条 証拠調又は証拠調の請求の却下は、決定でこれをしなければならない。

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

2 前項の決定をするについては、証拠調の請求に基く場合には、相手方又はその弁護人の意見を、職権による場合には、検察官及び被告人又は弁護人の意見を聴かなければならない。

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

3 被告人が出頭しないでも証拠調を行うことができる公判期日に被告人及び弁護人が出頭していないときは、前項の規定にかかわらず、これらの者の意見を聴かないで、第一項の決定をすることができる。

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

(証拠決定の送達)

(Service of a Ruling on Examination of Evidence)

第百九十一条 証人、鑑定人、通訳人又は翻訳人を尋問する旨の決定は、公判期日前にこれをする場合においても、これを送達することを要しない。

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

2 前項の場合には、直ちにその氏名を訴訟関係人に通知しなければならない。

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

(証人等の出頭)

(Appearance of the Witnesses)

第百九十一条の二 証人、鑑定人、通訳人又は翻訳人を尋問する旨の決定があつたときは、その取調を請求した訴訟関係人は、これらの者を期日に出頭させるように努めなければならない。

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

person appear on the date of the examination.

(証人尋問の準備)

(Preparation for Examination of a Witness)

第百九十一条の三 証人の尋問を請求した検察官又は弁護人は、証人その他の関係者に事実を確かめる等の方法によつて、適切な尋問をすることができるように準備しなければならない。

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

(証拠決定についての提示命令)

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

第百九十二条 証拠調の決定をするについて必要があると認めるときは、訴訟関係人に証拠書類又は証拠物の提示を命ずることができる。

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

(証拠調の請求の順序)

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

第百九十三条 検察官は、まず、事件の審判に必要と認めるすべての証拠の取調を請求しなければならない。

Article 193 (1) First, the public prosecutor must file a request for the examination of all the evidence that they find necessary for the trial of the case.

2 被告人又は弁護人は、前項の請求が終つた後、事件の審判に必要と認める証拠の取調を請求することができる。

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

第百九十四条及び第百九十五条 削除

Article 194 and Article 195 Deleted

(人定質問)

(Questioning on the Identity of the Accused)

第百九十六条 裁判長は、検察官の起訴状の朗読に先だち、被告人に対し、その人ではないことを確めるに足りる事項を問わなければならない。

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

(法第二百九十条の二第一項の申出がされた旨の通知の方式)

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

第百九十六条の二 法第二百九十条の二第二項後段の規定による通知は、書面で行わなければならない。ただし、やむを得ない事情があるときは、この限りでない。

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

(公開の法廷で明らかにされる可能性があると思料する事項の告知)

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

第百九十六条の三 検察官は、法第二百九十条の二第一項又は第三項の決定があつた場合において、事件の性質、審理の状況その他の事情を考慮して、被害者特定事項のうち被害者の氏名及び住所以外に公開の法廷で明らかにされる可能性があると思料する事項があるときは、裁判所及び被告人又は弁護人にこれを告げるものとする。

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

(呼称の定め)

(Specification of a Pseudonym)

第百九十六条の四 裁判所は、法第二百九十条の二第一項又は第三項の決定をした場合において、必要があると認めるときは、被害者の氏名その他の被害者特定事項に係る名称に代わる呼称を定めることができる。

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

(決定の告知)

(Notification of the Ruling)

第百九十六条の五 裁判所は、法第二百九十条の二第一項若しくは第三項の決定又は同

条第四項の規定によりこれらの決定を取り消す決定をしたときは、公判期日においてこれをした場合を除き、速やかに、その旨を訴訟関係人に通知しなければならない。同条第一項の決定をしないこととしたときも、同様とする。

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

2 裁判所は、法第二百九十条の二第一項の決定又は同条第四項の規定により当該決定を取り消す決定をしたときは、速やかに、その旨を同条第一項の申出をした者に通知しなければならない。同項の決定をしないこととしたときも、同様とする。

(2) When the court renders a ruling set forth in Article 290-2, paragraph (1) of the Code or a ruling to revoke the ruling pursuant to the provisions of paragraph (4) of that Article, the court must promptly notify the person who has made the request set forth in paragraph (1) of the same Article to that effect. The same applies when the court decides not to render the ruling set forth in the paragraph.

(被告人の権利保護のための告知事項)

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

第百九十七条 裁判長は、起訴状の朗読が終った後、被告人に対し、終始沈黙し又個々の質問に対し陳述を拒むことができる旨の外、陳述をすることもできる旨及び陳述をすれば自己に不利益な証拠ともなり又利益な証拠ともなるべき旨を告げなければならない。

Article 197 (1) After the charging instrument has been read aloud, the presiding judge must notify the accused the fact that they may remain silent at all times and that they may refuse to make statements in response to individual questions, as well as the fact that they may also make statements, and that any statements they make may be held as evidence for or against them.

2 裁判長は、必要と認めるときは、被告人に対し、前項に規定する事項の外、被告人が十分に理解していないと思料される被告人保護のための権利を説明しなければならない。

(2) In addition to the matters prescribed in the preceding paragraph, if the presiding judge finds it necessary, the presiding judge must explain to the accused matters on the rights for their protection which they are not likely to have sufficiently understood.

(簡易公判手続によるための処置)

(Measures to Be Taken for Summary Criminal Trial)

第百九十七条の二 被告人が法第二百九十一条第三項の機会に公訴事実を認める旨の陳

述をした場合には、裁判長は、被告人に対し簡易公判手続の趣旨を説明し、被告人の陳述がその自由な意思に基づくかどうか及び法第二百九十一条の二に定める有罪の陳述に当たるかどうかを確めなければならない。ただし、裁判所が簡易公判手続によることができず又はこれによることが相当でないと認める事件については、この限りでない。

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

(弁護人等の陳述)

(Statements by Defense Counsel)

第百九十八条 裁判所は、検察官が証拠調のはじめに証拠により証明すべき事実を明らかにした後、被告人又は弁護人にも、証拠により証明すべき事実を明らかにすることを許すことができる。

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

2 前項の場合には、被告人又は弁護人は、証拠とすることができず、又は証拠としてその取調を請求する意思のない資料に基いて、裁判所に事件について偏見又は予断を生ぜしめる虞のある事項を述べることはできない。

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

(争いのない事実の証拠調べ)

(Examination of Evidence with Regard to Undisputed Facts)

第百九十八条の二 訴訟関係人は、争いのない事実については、誘導尋問、法第三百二十六条第一項の書面又は供述及び法第三百二十七条の書面の活用を検討するなどして、当該事実及び証拠の内容及び性質に応じた適切な証拠調べが行われるよう努めなければならない。

Article 198-2 With regard to undisputed facts, the persons concerned in the case must endeavor to have the examination of evidence conducted appropriately according to the content and nature of the facts and evidence, by considering

the use of leading questions, documents or statements set forth in Article 326, paragraph (1) of the Code, and the document set forth in Article 327 of the Code, or by other methods.

(犯罪事実に関しないことが明らかな情状に関する証拠の取調べ)

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

第百九十八条の三 犯罪事実に関しないことが明らかな情状に関する証拠の取調べは、できる限り、犯罪事実に関する証拠の取調べと区別して行うよう努めなければならない。

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

(取調べの状況に関する立証)

(Proof of the Circumstances of Interrogation)

第百九十八条の四 検察官は、被告人又は被告人以外の者の供述に関し、その取調べの状況を立証しようとするときは、できる限り、取調べの状況を記録した書面その他の取調べ状況に関する資料を用いるなどして、迅速かつ的確な立証に努めなければならない。

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

(証拠調の順序)

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

第百九十九条 証拠調については、まず、検察官が取調を請求した証拠で事件の審判に必要と認めるすべてのものを取り調べ、これが終つた後、被告人又は弁護人が取調を請求した証拠で事件の審判に必要と認めるものを取り調べるものとする。但し、相当と認めるときは、随時必要とする証拠を取り調べることができる。

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

necessary for the trial may be examined at any time.

2 前項の証拠調べが終わった後においても、必要があるときは、更に証拠を取り調べることを妨げない。

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

(証人尋問の順序)

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

第百九十九条の二 訴訟関係人がまず証人を尋問するときは、次の順序による。

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

一 証人の尋問を請求した者の尋問 (主尋問)

(i) examination by the person who has requested the examination of the witness (direct examination);

二 相手方の尋問 (反対尋問)

(ii) examination by the opponent (cross-examination); and

三 証人の尋問を請求した者の再度の尋問 (再主尋問)

(iii) further examination by the person who has requested the examination of the witness (redirect examination).

2 訴訟関係人は、裁判長の許可を受けて、更に尋問することができる。

(2) A person concerned in the case may conduct a further examination with the permission of the presiding judge.

(主尋問)

(Direct Examination)

第百九十九条の三 主尋問は、立証すべき事項及びこれに関連する事項について行う。

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

2 主尋問においては、証人の供述の証明力を争うために必要な事項についても尋問することができる。

(2) During direct examination, questions may also be asked on matters necessary for challenging the probative value of the witness's statement.

3 主尋問においては、誘導尋問をしてはならない。ただし、次の場合には、誘導尋問をすることができる。

(3) During direct examination, no leading questions may be asked; provided, however, that leading questions may be asked in any of the following cases:

一 証人の身分、経歴、交友関係等で、実質的な尋問に入るに先だつて明らかにする必要がある準備的な事項に関するとき。

(i) when the question relates to a preparatory matter that needs to be clarified prior to commencing the substantial examination, such as the witness's

- social status, personal history, and friends and acquaintances;
- 二 訴訟関係人に争のないことが明らかな事項に関するとき。
- (ii) when the question relates to a matter that is clearly undisputed between the persons concerned in the case;
- 三 証人の記憶が明らかでない事項についてその記憶を喚起するため必要があるとき。
- (iii) when there is a need to refresh the witness's memory with regard to a matter on which their memory is unclear;
- 四 証人が主尋問者に対して敵意又は反感を示すとき。
- (iv) when the witness shows hostility or antagonism toward the person conducting the direct examination;
- 五 証人が証言を避けようとする事項に関するとき。
- (v) when the question relates to a matter on which the witness is avoiding to testify;
- 六 証人が前の供述と相反するか又は実質的に異なる供述をした場合において、その供述した事項に関するとき。
- (vi) when the witness makes a statement that conflicts with or substantially differs from their previous statement, and the question relates to a matter on which the witness has stated; or
- 七 その他誘導尋問を必要とする特別の事情があるとき。
- (vii) when there is other special circumstance for which a leading question is necessary.
- 4 誘導尋問をするについては、書面の朗読その他証人の供述に不当な影響を及ぼすおそれのある方法を避けるように注意しなければならない。
- (4) When asking a leading question, due care must be taken to avoid reading aloud documents or using any other method that risks unduly influencing the witness's statement.
- 5 裁判長は、誘導尋問を相当でないと認めるときは、これを制限することができる。
- (5) When the presiding judge finds leading questions to be inappropriate, the presiding judge may restrict the questions.

(反対尋問)

(Cross-Examination)

第百九十九条の四 反対尋問は、主尋問に現われた事項及びこれに関連する事項並びに証人の供述の証明力を争うために必要な事項について行う。

Article 199-4 (1) Cross-examination is to be conducted on matters mentioned in the direct examination, matters relevant thereto, and on matters necessary for challenging the probative value of the witness's statements.

2 反対尋問は、特段の事情のない限り、主尋問終了後直ちに行わなければならない。

(2) Unless there are special circumstances, cross-examination must be conducted immediately following the completion of direct examination.

3 反対尋問においては、必要があるときは、誘導尋問をすることができる。

(3) During cross-examination, leading questions may be asked when necessary.

4 裁判長は、誘導尋問を相当でないと認めるときは、これを制限することができる。

(4) When the presiding judge finds leading questions to be inappropriate, the presiding judge may restrict the questions.

(反対尋問の機会における新たな事項の尋問)

(Examination of a New Matter in Cross-Examination)

第百九十九条の五 証人の尋問を請求した者の相手方は、裁判長の許可を受けたときは、反対尋問の機会に、自己の主張を支持する新たな事項についても尋問することができる。

Article 199-5 (1) The opponent of the person who requested the examination of a witness may, in cross-examination, also examine the witness on a new matter that supports their allegations, with the permission of the presiding judge.

2 前項の規定による尋問は、同項の事項についての主尋問とみなす。

(2) An examination under the provisions of the preceding paragraph is deemed to be direct examination on the matter set forth in that paragraph.

(供述の証明力を争うために必要な事項の尋問)

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

第百九十九条の六 証人の供述の証明力を争うために必要な事項の尋問は、証人の観察、記憶又は表現の正確性等証言の信用性に関する事項及び証人の利害関係、偏見、予断等証人の信用性に関する事項について行う。ただし、みだりに証人の名誉を害する事項に及んではならない。

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

(再主尋問)

(Redirect Examination)

第百九十九条の七 再主尋問は、反対尋問に現われた事項及びこれに関連する事項について行う。

Article 199-7 (1) Redirect examination is to be conducted on matters mentioned in the cross-examination and matters relevant thereto.

2 再主尋問については、主尋問の例による。

(2) When conducting redirect examination, the rules on direct examination are to be observed.

3 第百九十九条の五の規定は、再主尋問の場合に準用する。

(3) The provisions of Article 199-5 apply mutatis mutandis to redirect examinations.

(補充尋問)

(Supplementary Examinations)

第百九十九条の八 裁判長又は陪席の裁判官がまず証人を尋問した後にする訴訟関係人の尋問については、証人の尋問を請求した者、相手方の区別に従い、前六条の規定を準用する。

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

(職権による証人の補充尋問)

(Supplementary Examination of a Witness Conducted Ex Officio)

第百九十九条の九 裁判所が職権で証人を取り調べる場合において、裁判長又は陪席の裁判官が尋問した後、訴訟関係人が尋問するときは、反対尋問の例による。

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

(書面又は物の提示)

(Presentation of Documents or Objects)

第百九十九条の十 訴訟関係人は、書面又は物に関しその成立、同一性その他これに準ずる事項について証人を尋問する場合において必要があるときは、その書面又は物を示すことができる。

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

2 前項の書面又は物が証拠調を終ったものでないときは、あらかじめ、相手方にこれを閲覧する機会を与えなければならない。ただし、相手方に異議がないときは、この限りでない。

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

(記憶喚起のための書面等の提示)

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

第百九十九条の十一 訴訟関係人は、証人の記憶が明らかでない事項についてその記憶を喚起するため必要があるときは、裁判長の許可を受けて、書面（供述を録取した書面を除く。）又は物を示して尋問することができる。

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

2 前項の規定による尋問については、書面の内容が証人の供述に不当な影響を及ぼすことのないように注意しなければならない。

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

3 第一項の場合には、前条第二項の規定を準用する。

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

(図面等の利用)

(Use of Drawings)

第百九十九条の十二 訴訟関係人は、証人の供述を明確にするため必要があるときは、裁判長の許可を受けて、図面、写真、模型、装置等を利用して尋問することができる。

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

2 前項の場合には、第百九十九条の十第二項の規定を準用する。

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

(証人尋問の方法)

(Method of Conducting Examination of a Witness)

第百九十九条の十三 訴訟関係人は、証人を尋問するに当たっては、できる限り個別かつ具体的で簡潔な尋問によらなければならない。

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

2 訴訟関係人は、次に掲げる尋問をしてはならない。ただし、第二号から第四号までの尋問については、正当な理由がある場合は、この限りでない。

(2) Persons concerned in the case must not ask the following questions; provided, however, that, with regard to the questions listed in items (ii) through (iv), this

does not apply when there are legitimate grounds:

一 威嚇的又は侮辱的な尋問

(i) intimidating or insulting questions;

二 すでにした尋問と重複する尋問

(ii) questions that overlap with a question which has already been asked;

三 意見を求め又は議論にわたる尋問

(iii) questions that seek an opinion or become argumentative; and

四 証人が直接経験しなかつた事実についての尋問

(iv) questions on the facts on which the witness has no direct experience.

(関連性の明示)

(Clear Indication of Relevance)

第百九十九条の十四 訴訟関係人は、立証すべき事項又は主尋問若しくは反対尋問に現れた事項に関連する事項について尋問する場合には、その関連性が明らかになるような尋問をすることその他の方法により、裁判所にその関連性を明らかにしなければならない。

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

2 証人の観察、記憶若しくは表現の正確性その他の証言の信用性に関連する事項又は証人の利害関係、偏見、予断その他の証人の信用性に関連する事項について尋問する場合も、前項と同様とする。

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

(陪席裁判官の尋問)

(Examination by an Associate Judge)

第二百条 陪席の裁判官は、証人、鑑定人、通訳人又は翻訳人を尋問するには、あらかじめ、その旨を裁判長に告げなければならない。

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

(裁判長の尋問)

(Examination by the Presiding Judge)

第二百一条 裁判長は、必要と認めるときは、何時でも訴訟関係人の証人、鑑定人、通

訳人又は翻訳人に対する尋問を中止させ、自らその事項について尋問することができる。

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

2 前項の規定は、訴訟関係人が法第二百九十五条の制限の下において証人その他前項に規定する者を十分に尋問することができる権利を否定するものと解釈してはならない。

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

(傍聴人の退廷)

(Having an Observer Leave the Court)

第二百二条 裁判長は、被告人、証人、鑑定人、通訳人又は翻訳人が特定の傍聴人の面前（証人については、法第一百五十七条の三第二項に規定する措置を採る場合及び法第一百五十七条の四第一項に規定する方法による場合を含む。）で十分な供述をすることができないと思料するときは、その供述をする間、その傍聴人を退廷させることができる。

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

(訴訟関係人の尋問の機会)

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

第二百三条 裁判長は、証人、鑑定人、通訳人又は翻訳人の尋問をする場合には、訴訟関係人に対し、これらの者を尋問する機会を与えなければならない。

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

(証拠書類等の取調の方法)

(Method of Examining Documentary Evidence)

第二百三条の二 裁判長は、訴訟関係人の意見を聴き、相当と認めるときは、請求により証拠書類又は証拠物中書面の意義が証拠となるものの取調をするについての朗読に代えて、その取調を請求した者、陪席の裁判官若しくは裁判所書記官にその要旨を告げさせ、又は自らこれを告げることができる。

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

2 裁判長は、訴訟関係人の意見を聴き、相当と認めるときは、職権で証拠書類又は証拠物中書面の意義が証拠となるものの取調をするについての朗読に代えて、自らその要旨を告げ、又は陪席の裁判官若しくは裁判所書記官にこれを告げさせることができる。

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

(簡易公判手続による場合の特例)

(Special Provisions on Summary Criminal Trial)

第二百三条の三 簡易公判手続によつて審判をする旨の決定があつた事件については、第百九十八条、第百九十九条及び前条の規定は、適用しない。

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

(証拠の証明力を争う機会)

(Opportunity to Challenge the Probative Value of Evidence)

第二百四条 裁判長は、裁判所が相当と認める機会に検察官及び被告人又は弁護人に対し、反証の取調の請求その他の方法により証拠の証明力を争うことができる旨を告げなければならない。

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

(異議申立の事由)

(Grounds for Filing an Objection)

第二百五条 法第三百九条第一項の異議の申立は、法令の違反があること又は相当でないことを理由としてこれを行うことができる。但し、証拠調に関する決定に対しては、相当でないことを理由としてこれを行うことはできない。

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

2 法第三百九条第二項の異議の申立は、法令の違反があることを理由とする場合に限りこれを行うことができる。

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

(異議申立の方式、時期)

(Method and Timing of Filing an Objection)

第二百五条の二 異議の申立は、個々の行為、処分又は決定ごとに、簡潔にその理由を示して、直ちにしなければならない。

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

(異議申立に対する決定の時期)

(Timing of a Ruling on an Objection Filed)

第二百五条の三 異議の申立については、遅滞なく決定をしなければならない。

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

(異議申立が不適法な場合の決定)

(Ruling on an Unlawful Objection)

第二百五条の四 時機に遅れてされた異議の申立、訴訟を遅延させる目的のみでされたことの明らかな異議の申立、その他不適法な異議の申立は、決定で却下しなければならない。但し、時機に遅れてされた異議の申立については、その申し立てた事項が重要であつてこれに対する判断を示すことが相当であると認めるときは、時機に遅れたことを理由としてこれを却下してはならない。

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

(異議申立が理由のない場合の決定)

(Ruling on a Groundless Objection)

第二百五条の五 異議の申立を理由がないと認めるときは、決定で棄却しなければならない。

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

(異議申立が理由のある場合の決定)

(Ruling Where There Are Grounds for Objection)

第二百五条の六 異議の申立を理由があると認めるときは、異議を申し立てられた行為の中止、撤回、取消又は変更を命ずる等その申立に対応する決定をしなければならない。

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

2 取り調べた証拠が証拠とすることができないものであることを理由とする異議の申立を理由があると認めるときは、その証拠の全部又は一部を排除する決定をしなければならない。

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

(重ねて異議を申し立てることの禁止)

(Prohibition on Repeated Objections)

第二百六条 異議の申立について決定があつたときは、その決定で判断された事項については、重ねて異議を申し立てることはできない。

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

(職権による排除決定)

(Ex Officio Ruling to Exclude Evidence)

第二百七条 裁判所は、取り調べた証拠が証拠とすることができないものであることが判明したときは、職権でその証拠の全部又は一部を排除する決定をすることができる。

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

(釈明等)

(Vindication)

第二百八条 裁判長は、必要と認めるときは、訴訟関係人に対し、釈明を求め、又は立

証を促すことができる。

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

2 陪席の裁判官は、裁判長に告げて、前項に規定する処置をすることができる。

(2) An associate judge may take the measures prescribed in the preceding paragraph after notifying the presiding judge to that effect.

3 訴訟関係人は、裁判長に対し、釈明のための発問を求めることができる。

(3) A person concerned in the case may request that the presiding judge ask questions in order to make a vindication.

(訴因、罰条の追加、撤回、変更)

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

第二百九条 訴因又は罰条の追加、撤回又は変更は、書面を差し出してこれをしなければならない。

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

2 前項の書面には、被告人の数に応ずる謄本を添附しなければならない。

(2) The document set forth in the preceding paragraph must be attached with the number of transcripts of the document corresponding to the number of persons accused.

3 裁判所は、前項の謄本を受け取ったときは、直ちにこれを被告人に送達しなければならない。

(3) When the court receives the transcripts set forth in the preceding paragraph, the court must immediately serve the transcripts on the accused.

4 検察官は、前項の送達があつた後、遅滞なく公判期日において第一項の書面を朗読しなければならない。

(4) After the service referred to in the preceding paragraph is made, the public prosecutor must, without delay, read aloud the document set forth in paragraph (1) on the trial date.

5 法第二百九十条の二第一項又は第三項の決定があつたときは、前項の規定による書面の朗読は、被害者特定事項を明らかにしない方法で行うものとする。この場合においては、検察官は、被告人に第一項の書面を示さなければならない。

(5) When the ruling set forth in Article 290-2, paragraph (1) or paragraph (3) of the Code has been rendered, the document to be read aloud pursuant to the provisions of the preceding paragraph is to be read aloud in a way that does not disclose information that identifies the victim. In this case, the public prosecutor must show the document set forth in paragraph (1) to the accused.

6 裁判所は、第一項の規定にかかわらず、被告人が在廷する公判廷においては、口頭

による訴因又は罰条の追加、撤回又は変更を許すことができる。

(6) Notwithstanding the provisions of paragraph (1), in an open court where the accused is present, the court may permit counts against the accused or applicable penal statutes to be added, withdrawn, or altered orally.

(弁論の分離)

(Separation of Proceedings)

第二百十条 裁判所は、被告人の防禦が互に相反する等の事由があつて被告人の権利を保護するため必要があると認めるときは、検察官、被告人若しくは弁護人の請求により又は職権で、決定を以て、弁論を分離しなければならない。

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

(意見陳述の申出がされた旨の通知の方式)

(Method of Notice of a Request to State Opinions)

第二百十条の二 法第二百九十二条の二第二項後段に規定する通知は、書面で行わなければならない。ただし、やむを得ない事情があるときは、この限りでない。

Article 210-2 The notice prescribed in the second sentence of Article 292-2, paragraph (2) of the Code must be given in writing; provided, however, that this does not apply when there are unavoidable circumstances.

(意見陳述が行われる公判期日の通知)

(Notice of the Trial Date for Statement of Opinions)

第二百十条の三 裁判所は、法第二百九十二条の二第一項の規定により意見の陳述をさせる公判期日を、その陳述の申出をした者に通知しなければならない。

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

2 裁判所は、前項の通知をしたときは、当該公判期日において前項に規定する者に法第二百九十二条の二第一項の規定による意見の陳述をさせる旨を、訴訟関係人に通知しなければならない。

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

(意見陳述の時間)

(Duration of Time for Statement of Opinions)

第二百十条の四 裁判長は、法第二百九十二条の二第一項の規定による意見の陳述に充てることのできる時間を定めることができる。

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

(意見の陳述に代わる措置等の決定の告知)

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

第二百十条の五 法第二百九十二条の二第七項の決定は、公判期日前にする場合においても、送達することを要しない。この場合においては、速やかに、同項の決定の内容を、法第二百九十二条の二第一項の規定による意見の陳述の申出をした者及び訴訟関係人に通知しなければならない。

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

(意見を記載した書面が提出されたことの通知)

(Notice of Submission of a Document Stating an Opinion)

第二百十条の六 裁判所は、法第二百九十二条の二第七項の規定により意見を記載した書面が提出されたときは、速やかに、その旨を検察官及び被告人又は弁護人に通知しなければならない。

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

(準用規定)

(Provisions Applied Mutatis Mutandis)

第二百十条の七 法第二百九十二条の二の規定による意見の陳述については、第百十五条及び第百二十五条の規定を準用する。

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

2 法第二百九十二条の二第六項において準用する法第百五十七条の二に規定する措置を採る旨の決定については、第百七条の二の規定を準用する。法第二百九十二条の二第六項において準用する法第百五十七条の三に規定する措置を採る旨の決定及び法第二百九十二条の二第六項において準用する法第百五十七条の四第一項に規定する方法

により意見の陳述を行う旨の決定についても同様とする。

(2) The provisions of Article 107-2 apply mutatis mutandis to a ruling for taking the measures prescribed in Article 157-2 of the Code as applied mutatis mutandis pursuant to Article 292-2, paragraph (6) of the Code. The same applies to a ruling for taking the measures prescribed in Article 157-3 of the Code as applied mutatis mutandis pursuant to Article 292-2, paragraph (6) of the Code and to a ruling to state opinions by the methods prescribed in Article 157-4, paragraph (1) of the Code as applied mutatis mutandis pursuant to Article 292-2, paragraph (6) of the Code.

(最終陳述)

(Closing Statement)

第二百十一条 被告人又は弁護人には、最終に陳述する機会を与えなければならない。

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

(弁論の時期)

(Timing of Oral Arguments)

第二百十一条の二 検察官、被告人又は弁護人は、証拠調べの後に意見を陳述するに当たっては、証拠調べ後できる限り速やかに、これを行わなければならない。

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

(弁論の方法)

(Manner of Oral Argument)

第二百十一条の三 検察官、被告人又は弁護人は、証拠調べの後に意見を陳述するに当たり、争いのある事実については、その意見と証拠との関係を具体的に明示して行わなければならない。

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

(弁論時間の制限)

(Time Limit for Oral Arguments)

第二百十二条 裁判長は、必要と認めるときは、検察官、被告人又は弁護人の本質的な権利を害しない限り、これらの者が証拠調べの後にする意見を陳述する時間を制限することができる。

Article 212 When the presiding judge finds it to be necessary, the presiding judge may limit the duration of time which the public prosecutor, the accused,

or the defense counsel states their opinions after the examination of evidence, insofar as this does not violate the essential rights of those persons.

(公判手続の更新)

(Renewal of Trial Procedure)

第二百十三条 開廷後被告人の心神喪失により公判手続を停止した場合には、公判手続を更新しなければならない。

Article 213 (1) If the trial procedure has been stayed due to the insanity of the accused after a trial has begun, the trial procedure must be renewed.

2 開廷後長期間にわたり開廷しなかつた場合において必要があると認めるときは、公判手続を更新することができる。

(2) If the court session has not been held for a long time after a trial has begun, and the court finds it necessary, the trial procedure may be renewed.

(更新の手続)

(Procedure for Renewal)

第二百十三条の二 公判手続を更新するには、次の例による。

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

一 裁判長は、まず、検察官に起訴状（起訴状訂正書又は訴因若しくは罰条を追加若しくは変更する書面を含む。）に基いて公訴事実の要旨を陳述させなければならない。但し、被告人及び弁護人に異議がないときは、その陳述の全部又は一部をさせないことができる。

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

二 裁判長は、前号の手続が終つた後、被告人及び弁護人に対し、被告事件について陳述する機会を与えなければならない。

(ii) after the completion of the proceeding set forth in the preceding item, the presiding judge must give the accused and the defense counsel an opportunity to make statements with regard to the case charged to the court;

三 更新前の公判期日における被告人若しくは被告人以外の者の供述を録取した書面又は更新前の公判期日における裁判所の検証の結果を記載した書面並びに更新前の公判期日において取り調べた書面又は物については、職権で証拠書類又は証拠物として取り調べなければならない。但し、裁判所は、証拠とすることができないと認める書面又は物及び証拠とするのを相当でないと認め且つ訴訟関係人が取り調べないことに異議のない書面又は物については、これを取り調べない旨の決定をしなけ

ればならない。

(iii) a document in which statements given by the accused or a person other than the accused on the trial date before the renewal have been recorded, a document stating the results of an inspection by the court conducted on the trial date before the renewal, or a document or an object examined on the trial date before the renewal must be examined ex officio as a documentary evidence or as an article of evidence; provided, however, that the court must render a ruling not to examine the document or the object with regard to a document or an object that the court finds may not be used as evidence and a document or an object that the court finds to be inappropriate for use as evidence, and the persons concerned in the case has no objection to the document or the object not being examined;

四 裁判長は、前号本文に掲げる書面又は物を取り調べる場合において訴訟関係人が同意したときは、その全部若しくは一部を朗読し又は示すことに代えて、相当と認める方法でこれを取り調べることができる。

(iv) in examining any of the documents or objects set forth in the main clause of the preceding item, if the persons concerned in the case give their consent, the presiding judge may examine those documents or objects by a method that the presiding judge finds appropriate in lieu of reading aloud or presenting all or part of the documents or objects; and

五 裁判長は、取り調べた各個の証拠について訴訟関係人の意見及び弁解を聴かなければならない。

(v) the presiding judge must hear the opinions and explanations of the persons concerned in the case with regard to the individual pieces of evidence examined.

(弁論の再開請求の却下決定の送達)

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

第二百十四条 終結した弁論の再開の請求を却下する決定は、これを送達することを要しない。

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

(公判廷の写真撮影等の制限)

(Limitation on the Taking of Photographs in Open Court)

第二百十五条 公判廷における写真の撮影、録音又は放送は、裁判所の許可を得なければ、これを行うことができない。但し、特別の定のある場合は、この限りでない。

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

(判決宣告期日の告知)

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

第二百十六条 法第二百八十四条又は第二百八十五条に掲げる事件について判決の宣告のみをすべき公判期日の召喚状には、その公判期日に判決を宣告する旨をも記載しなければならない。

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

2 前項の事件について、同項の公判期日を刑事施設職員に通知して召喚する場合には、その公判期日に判決の宣告をする旨をも通知しなければならない。この場合には、刑事施設職員は、被告人に対し、その旨をも通知しなければならない。

(2) When the accused is summoned for the case set forth in the preceding paragraph by notifying an official of a penal institution of the trial date set forth in that paragraph, the official must also be notified of the fact that judgment is to be pronounced on the trial date. In this case, the official of the penal institution must also notify the accused to that effect.

(破棄後の手続)

(Proceedings After Reversal)

第二百十七条 事件が上訴裁判所から差し戻され、又は移送された場合には、次の例による。

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

一 第一回の公判期日までの勾留に関する処分は、裁判所がこれを行う。

(i) dispositions on detention during the period until the first trial date are to be made by the court;

二 第百八十八条ただし書の規定は、これを適用しない。

(ii) the provisions of the proviso to Article 188 do not apply; and

三 証拠保全の請求又は法第二百二十六条若しくは第二百二十七条の証人尋問の請求は、これを行うことができない。

(iii) requests may not be filed for the preservation of evidence or for the examination of a witness set forth in Article 226 or Article 227 of the Code.

第二節 争点及び証拠の整理手続

Section 2 Proceedings to Arrange Issues and Evidence

第一款 公判前整理手続

Subsection 1 Pretrial Conference Procedure

第一目 通則

Division 1 General Rules

(審理予定の策定)

(Formulation of a Proceedings Schedule)

第二百十七条の二 裁判所は、公判前整理手続においては、充実した公判の審理を継続的、計画的かつ迅速に行うことができるように公判の審理予定を定めなければならない。

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

2 訴訟関係人は、法及びこの規則に定める義務を履行することにより、前項の審理予定の策定に協力しなければならない。

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

(公判前整理手続に付する旨の決定の送達)

(Service of a Ruling on Pretrial Conference Procedure)

第二百十七条の三 公判前整理手続に付する旨の決定は、これを送達することを要しない。

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

(弁護人を必要とする旨の通知)

(Notice to the Effect that Defense Counsel Is Needed)

第二百十七条の四 裁判所は、事件を公判前整理手続に付したときは、遅滞なく、被告人に対し、弁護人がなければ公判前整理手続を行うことができない旨のほか、当該事件が第一百七十七条に規定する事件以外の事件である場合には、弁護人がなければ開廷することができない旨をも知らせなければならない。ただし、被告人に弁護人があるときは、この限りでない。

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

(公判前整理手続期日の指定)

(Designation of the Date of Pretrial Conference Procedure)

第二百十七条の五 公判前整理手続期日を定めるについては、その期日前に訴訟関係人がすべき準備を考慮しなければならない。

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

(公判前整理手続期日の変更の請求)

(Request to Change the Date of Pretrial Conference Procedure)

第二百十七条の六 訴訟関係人は、公判前整理手続期日の変更を必要とする事由が生じたときは、直ちに、裁判長に対し、その事由及びそれが継続する見込みの期間を具体的に明らかにして、期日の変更を請求しなければならない。

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

2 裁判長は、前項の事由をやむを得ないものと認める場合のほか、同項の請求を却下しなければならない。

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

(公判前整理手続期日の変更についての意見の聴取)

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

第二百十七条の七 公判前整理手続期日を変更するについては、あらかじめ、職権でこれをする場合には、検察官及び被告人又は弁護人の意見を、請求によりこれをする場合には、相手方又はその弁護人の意見を聴かななければならない。

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

(公判前整理手続期日の変更に関する命令の送達)

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

第二百十七条の八 公判前整理手続期日の変更に関する命令は、これを送達することを要しない。

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

(公判前整理手続期日の不変更)

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

第二百十七条の九 裁判長は、やむを得ないと認める場合のほか、公判前整理手続期日

を変更することができない。

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

(被告人の公判前整理手続期日への出頭についての通知)

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

第二百十七条の十 裁判所は、被告人に対し公判前整理手続期日に出頭することを求めたときは、速やかに、その旨を検察官及び弁護人に通知しなければならない。

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

(公判前整理手続を受命裁判官にさせる旨の決定の送達)

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

第二百十七条の十一 合議体の構成員に命じて公判前整理手続をさせる旨の決定は、これを送達することを要しない。

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

(公判前整理手続期日における決定等の告知)

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

第二百十七条の十二 公判前整理手続期日においてした決定又は命令は、これに立ち会った訴訟関係人には送達又は通知することを要しない。

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

(決定の告知)

(Notification of Rulings)

第二百十七条の十三 公判前整理手続において法第三百十六条の五第七号から第九号までの決定をした場合には、その旨を検察官及び被告人又は弁護人に通知しなければならない。

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

(公判前整理手続調書の記載要件)

(Descriptive Requirements for Records of Pretrial Conference Procedure)

第二百七条の十四 公判前整理手続調書には、次に掲げる事項を記載しなければならない。

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

一 被告事件名及び被告人の氏名

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

二 公判前整理手続をした裁判所又は受命裁判官、年月日及び場所

(ii) the court or the authorized judge who conducted the pretrial conference procedure, and the date on which and the place where the pretrial conference procedure was conducted;

三 裁判官及び裁判所書記官の官氏名

(iii) the official title and name of the judge and the court clerk;

四 出頭した検察官の官氏名

(iv) the official title and name of the public prosecutor who appeared;

五 出頭した被告人、弁護人、代理人及び補佐人の氏名

(v) the names of the accused, defense counsels, representatives, and assistant in court who appeared;

六 出頭した通訳人の氏名

(vi) the name of the interpreter who appeared;

七 通訳人の尋問及び供述

(vii) the questions asked during examination of the interpreter and statements made by the interpreter;

八 証明予定事実その他の公判期日においてすることを予定している事実上及び法律上の主張

(viii) the facts to be proved or any other factual or legal allegations expected to be made on the trial date;

九 証拠調べの請求その他の申立て

(ix) a request for the examination of evidence or any other motions;

十 証拠と証明すべき事実との関係（証拠の標目自体によつて明らかである場合を除く。）

(x) the relationship between the evidence and the facts to be proved (excluding cases where the relationship is clear from the list of the evidence);

十一 取調べを請求する証拠が法第三百二十八条の証拠であるときは、その旨

(xi) when the evidence for which examination is requested is evidence set forth in Article 328 of the Code, an entry to that effect;

十二 法第三百九条の異議の申立て及びその理由

(xii) the filing of an objection set forth in Article 309 of the Code and the reason therefor;

十三 法第三百二十六条の同意

(xiii) the consent set forth in Article 326 of the Code;

十四 訴因又は罰条の追加、撤回又は変更に関する事項（起訴状の訂正に関する事項を含む。）

(xiv) matters concerning the addition, withdrawal, or alteration of the counts against the accused or applicable penal statutes (including matters concerning correction of the charging instrument);

十五 証拠開示に関する裁定に関する事項

(xv) matters concerning rulings on disclosure of evidence;

十六 決定及び命令。ただし、次に掲げるものを除く。

(xvi) an order or direction; provided, however, that the following matters are to be excluded:

イ 証拠調べの順序及び方法を定める決定（法第三百十六条の五第八号）

(a) an order specifying the order in which evidence is examined and the method therefor (Article 316-5, item (viii) of the Code);

ロ 主任弁護人及び副主任弁護人以外の弁護人の申立て、請求、質問等の許可（第二十五条）

(b) permission for defense counsel other than the chief defense counsel or deputy chief defense counsel to file a motion, file a request, ask a question, etc. (Article 25); and

ハ 証拠決定についての提示命令（第九十二条）

(c) an order to present evidence so that an order may be issued on the examination of evidence (Article 192); and

十七 事件の争点及び証拠の整理の結果を確認した旨並びにその内容

(xvii) an entry to the effect that the results of the arrangement of the issues and evidence of the case have been confirmed, and the content of the results.

2 前項に掲げる事項以外の事項であつても、公判前整理手続期日における手続中、裁判長又は受命裁判官が訴訟関係人の請求により又は職権で記載を命じた事項は、これを公判前整理手続調書に記載しなければならない。

(2) Any matter during the proceeding on the date of the pretrial conference procedure other than those listed in the preceding paragraph, which the presiding judge or an authorized judge has ordered to be entered into the record of the pretrial conference procedure upon the request of a person concerned in the case or ex officio, must be entered into the record of the pretrial conference procedure.

（公判前整理手続調書の署名押印、認印）

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

第二百十七条の十五 公判前整理手続調書には、裁判所書記官が署名押印し、裁判長又は受命裁判官が認印しなければならない。

Article 217-15 (1) A court clerk must sign and seal the record of the pretrial conference procedure, and the presiding judge or an authorized judge must

affix their seal of approval thereto.

2 裁判長に差し支えがあるときは、他の裁判官の一人が、その事由を付記して認印しなければならない。

(2) If the presiding judge is unable to affix their seal of approval, one of the other judges must affix their seal of approval to the record and indicate the grounds therefor in a supplementary note.

3 地方裁判所の一人の裁判官、簡易裁判所の裁判官又は受命裁判官に差し支えがあるときは、裁判所書記官が、その事由を付記して署名押印しなければならない。

(3) If a single judge of a district court, a judge of a summary court, or an authorized judge is unable to affix their seal of approval, a court clerk must sign and seal the record and indicate the grounds therefor in a supplementary note.

4 裁判所書記官に差し支えがあるときは、裁判長又は受命裁判官が、その事由を付記して認印しなければならない。

(4) If a court clerk is unable to affix their signature and seal, the presiding judge or an authorized judge must affix their seal of approval to the record and indicate the grounds therefor in a supplementary note.

(公判前整理手続調書の整理)

(Completion of the Record of Pretrial Conference Procedure)

第二百十七条の十六 公判前整理手続調書は、各公判前整理手続期日後速やかに、遅くとも第一回公判期日までにこれを整理しなければならない。

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

(公判前整理手続調書の記載に対する異議申立て等)

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

第二百十七条の十七 公判前整理手続調書については、法第五十一条第一項及び第二項本文並びに第五十二条並びにこの規則第四十八条の規定を準用する。この場合において、法第五十二条中「公判期日における訴訟手続」とあるのは「公判前整理手続期日における手続」と、第四十八条中「裁判長」とあるのは「裁判長又は受命裁判官」と読み替えるものとする。

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

(公判前整理手続に付された場合の特例)

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

第二百十七条の十八 公判前整理手続に付する旨の決定があつた事件については、第七十八條の六第一項並びに第二項第二号及び第三号、第七十八條の七、第七十八條の八並びに第九十三條の規定は、適用しない。

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

第二目 争点及び証拠の整理

Division 2 Arrangement of Issues and Evidence

(証明予定事実等の明示方法)

(Method of Clarifying the Facts to be Proved)

第二百十七条の十九 検察官は、法第三百十六條の十三第一項又は第三百十六條の二十一第一項に規定する書面に証明予定事実を記載するについては、事件の争点及び証拠の整理に必要な事項を具体的かつ簡潔に明示しなければならない。

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

2 被告人又は弁護人は、法第三百十六條の十七第一項又は第三百十六條の二十二第一項の規定により証明予定事実その他の公判期日においてすることを予定している事実上及び法律上の主張を明らかにするについては、事件の争点及び証拠の整理に必要な事項を具体的かつ簡潔に明示しなければならない。

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

(証明予定事実の明示における留意事項)

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

第二百十七条の二十 検察官及び被告人又は弁護人は、証明予定事実を明らかにするに当たっては、事実とこれを証明するために用いる主要な証拠との関係を具体的に明示することその他の適当な方法によつて、事件の争点及び証拠の整理が円滑に行われるように努めなければならない。

Article 217-20 In clarifying the facts to be proved, the public prosecutor and the

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

(期限の告知)

(Notification of Deadline)

第二百七条の二十一 公判前整理手続において、法第三百十六條の十三第四項、第三百十六條の十六第二項（法第三百十六條の二十一第四項において準用する場合を含む。）、第三百十六條の十七第三項、第三百十六條の十九第二項（法第三百十六條の二十二第四項において準用する場合を含む。）、第三百十六條の二十一第三項又は第三百十六條の二十二第三項に規定する期限を定めた場合には、これを検察官及び被告人又は弁護人に通知しなければならない。

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

(期限の厳守)

(Strict Observance of the Deadline)

第二百七条の二十二 訴訟関係人は、前条に規定する期限が定められた場合には、これを厳守し、事件の争点及び証拠の整理に支障を来さないようにしなければならない。

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

(期限を守らない場合の措置)

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

第二百七条の二十三 裁判所は、公判前整理手続において法第三百十六條の十六第二項（法第三百十六條の二十一第四項において準用する場合を含む。）、第三百十六條の十七第三項、第三百十六條の十九第二項（法第三百十六條の二十二第四項において準用する場合を含む。）、第三百十六條の二十一第三項又は第三百十六條の二十二第三項に規定する期限を定めた場合において、当該期限までに、意見若しくは主張が明らかにされず、又は証拠調べの請求がされない場合においても、公判の審理を開始するのを相当と認めるときは、公判前整理手続を終了することができる。

Article 217-23 In cases where the deadline prescribed in Article 316-16,

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

第三目 証拠開示に関する裁定

Division 3 Rulings on the Disclosure of Evidence

(証拠不開示の理由の告知)

(Notification of Grounds for Non-Disclosure of Evidence)

第二百七条の二十四 検察官は、法第三百十六条の十五第一項（法第三百十六条の二十一第四項において準用する場合を含む。）又は第三百十六条の二十第一項（法第三百十六条の二十二第五項において準用する場合を含む。）の規定により被告人又は弁護人から開示の請求があつた証拠について、これを開示しない場合には、被告人又は弁護人に対し、開示しない理由を告げなければならない。

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

(証拠開示に関する裁定の請求の方式)

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

第二百七条の二十五 法第三百十六条の二十五第一項又は第三百十六条の二十六第一項の規定による証拠開示に関する裁定の請求は、書面を差し出してこれをしなければならない。

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

2 前項の請求をした者は、速やかに、同項の書面の謄本を相手方又はその弁護人に送付しなければならない。

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

the opponent or the defense counsel.

3 裁判所は、第一項の規定にかかわらず、公判前整理手続期日においては、同項の請求を口頭ですることを許すことができる。

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

(証拠標目一覧表の記載事項)

(Matters to Be Entered into the List of Evidence)

第二百十七条の二十六 法第三百十六條の二十七第二項の一覧表には、証拠ごとに、その種類、供述者又は作成者及び作成年月日のほか、同条第一項の規定により証拠の提示を命ずるかどうかの判断のために必要と認める事項を記載しなければならない。

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

第二款 期日間整理手続

Subsection 2 Interim Conference Procedure

(準用規定)

(Provisions Applied Mutatis Mutandis)

第二百十七条の二十七 期日間整理手続については、前款（第二百十七条の十八を除く。）の規定を準用する。この場合において、これらの規定（見出しを含む。）中「公判前整理手続期日」とあるのは「期日間整理手続期日」と、「公判前整理手続調書」とあるのは「期日間整理手続調書」と読み替えるほか、第二百十七条の二から第二百十七条の十一までの見出し、第二百十七条の十三（見出しを含む。）、第二百十七条の十四の見出し及び同条第一項第十六号イ、第二百十七条の十五から第二百十七条の十七までの見出し、第二百十七条の十九（見出しを含む。）、第二百十七条の二十の見出し、第二百十七条の二十一（見出しを含む。）、第二百十七条の二十二の見出し、第二百十七条の二十三及び第二百十七条の二十四（これらの規定の見出しを含む。）、第二百十七条の二十五の見出し及び同条第一項並びに前条（見出しを含む。）中「法」とあるのは「法第三百十六條の二十八第二項において準用する法」と、第二百十七条の十六中「第一回公判期日」とあるのは「期日間整理手続終了後の最初の公判期日」と読み替えるものとする。

Article 217-27 With regard to an interim conference procedure, the provisions of the preceding Subsection (excluding Article 217-18) apply mutatis mutandis. In this case, the terms "date of the pretrial conference procedure" and "record of the pretrial conference procedure" in these provisions (including their titles)

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

第三款 公判手続の特例

Subsection 3 Special Provisions on Trial Procedure

(審理予定に従った公判の審理の進行)

(Progress of Trial Proceedings According to the Proceedings Schedule)

第二百七条の二十八 裁判所は、公判前整理手続又は期日間整理手続に付された事件については、公判の審理を当該公判前整理手続又は期日間整理手続において定められた予定に従って進行させるように努めなければならない。

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

2 訴訟関係人は、公判の審理が公判前整理手続又は期日間整理手続において定められた予定に従って進行するよう、裁判所に協力しなければならない。

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

(公判前整理手続等の結果を明らかにする手続)

(Proceedings for Clarifying the Results of Pretrial Conference Procedures)

第二百七条の二十九 公判前整理手続又は期日間整理手続に付された事件について、当該公判前整理手続又は期日間整理手続の結果を明らかにするには、公判前整理手続調書若しくは期日間整理手続調書を朗読し、又はその要旨を告げなければならない。法第三百十六条の二第二項（法第三百十六条の二十八第二項において準用する場合を含む。）に規定する書面についても、同様とする。

Article 217-29 (1) With regard to a case subject to a pretrial conference procedure or an interim conference procedure, in order to clarify the results of

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

2 裁判所は、前項の規定により公判前整理手続又は期日間整理手続の結果を明らかにする場合には、裁判所書記官に命じて行わせることができる。

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

3 法第二百九十条の二第一項又は第三項の決定があつたときは、前二項の規定による公判前整理手続調書又は期日間整理手続調書の朗読又は要旨の告知は、被害者特定事項を明らかにしない方法でこれを行うものとする。法第三百十六條の二第二項（法第三百十六條の二十八第二項において準用する場合を含む。）に規定する書面についても、同様とする。

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

(やむを得ない事由の疎明)

(Prima Facie Showing of Unavoidable Grounds)

第二百七条の三十 公判前整理手続又は期日間整理手続に付された事件について、公判前整理手続又は期日間整理手続において請求しなかつた証拠の取調べを請求するには、やむを得ない事由によつてその証拠の取調べを請求することができなかつたことを疎明しなければならない。

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

(やむを得ない事由により請求することができなかつた証拠の取調べの請求)

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

第二百七条の三十一 公判前整理手続又は期日間整理手続に付された事件について、やむを得ない事由により公判前整理手続又は期日間整理手続において請求することができなかつた証拠の取調べを請求するときは、その事由がやんだ後、できる限り速やかに、これを行わなければならない。

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

第三節 被害者参加

Section 3 Victim Participation

(被害者参加の申出がされた旨の通知の方式)

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

第二百七条の三十二 法第三百十六条の三十三第二項後段の規定による通知は、書面で行わなければならない。ただし、やむを得ない事情があるときは、この限りでない。

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

(委託の届出等)

(Notification of Entrustment)

第二百七条の三十三 法第三百十六条の三十四及び第三百十六条の三十六から第三百十六条の三十八までに規定する行為を弁護士に委託した被害者参加人は、当該行為を当該弁護士に行わせるに当たり、あらかじめ、委託した旨を当該弁護士と連署した書面で裁判所に届け出なければならない。

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

2 前項の規定による届出は、審級ごとにしなければならない。

(2) The notification under the provisions of the preceding paragraph must be given separately for each instance.

3 第一項の書面に委託した行為を特定する記載がないときは、法第三百十六条の三十四及び第三百十六条の三十六から第三百十六条の三十八までに規定するすべての行為を委託したものとみなす。

(3) If the document set forth in paragraph (1) does not specify the act entrusted, all of the acts prescribed in Article 316-34 and Articles 316-36 through 316-38 of the Code are deemed to have been entrusted.

4 第一項の規定による届出は、弁論が併合された事件であつて、当該被害者参加人が手続への参加を許されたものについてもその効力を有する。ただし、当該被害者参加人が、手続への参加を許された事件のうち当該届出の効力を及ぼさない旨の申述をしたものについては、この限りでない。

(4) The notification under the provisions of paragraph (1) is also effective in cases for which proceedings have been consolidated and the participating victim has been permitted to participate in the proceedings; provided, however, that this does not apply to a case for which the participating victim has been permitted to participate in the proceedings, if the participating victim makes a statement that the notification is not effective for the case.

5 第一項の規定による届出をした被害者参加人が委託の全部又は一部を取り消したときは、その旨を書面で裁判所に届け出なければならない。

(5) When the participating victim who has made a notification under the provisions of paragraph (1) rescinds all or part of the entrustment, the victim must notify the court to that effect in writing.

(代表者選定の求めの記録化)

(Recording of Requests to Appoint a Representative)

第二百七条の三十四 法第三百十六条の三十四第三項（同条第五項において準用する場合を含む。次条において同じ。）の規定により公判期日又は公判準備に出席する代表者の選定を求めたときは、裁判所書記官は、これを記録上明らかにしなければならない。

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

(選定された代表者の通知)

(Notice to be Given by the Appointed Representative)

第二百七条の三十五 法第三百十六条の三十四第三項の規定により公判期日又は公判準備に出席する代表者に選定された者は、速やかに、その旨を裁判所に通知しなければならない。

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

(意見陳述の時期)

(Timing for Statement of Opinion)

第二百七条の三十六 法第三百十六条の三十八第一項の規定による意見の陳述は、法第二百九十三条第一項の規定による検察官の意見の陳述の後速やかに、これをしなければならない。

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

(意見陳述の時間)

(Duration of Time for Statement of Opinion)

第二百七条の三十七 裁判長は、法第三百十六条の三十八第一項の規定による意見の陳述に充てることのできる時間を定めることができる。

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

(決定の告知)

(Notification of the Ruling)

第二百七条の三十八 裁判所は、法第三百十六条の三十三第一項の申出に対する決定又は同項の決定を取り消す決定をしたときは、速やかに、その旨を同項の申出をした者に通知しなければならない。

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

2 裁判所は、法第三百十六条の三十四第四項（同条第五項において準用する場合を含む。第四項において同じ。）の規定により公判期日又は公判準備への出席を許さない旨の決定をしたときは、速やかに、その旨を出席を許さないこととされた者に通知しなければならない。

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

3 裁判所は、法第三百十六条の三十六第一項、第三百十六条の三十七第一項又は第三百十六条の三十八第一項の申出に対する決定をしたときは、速やかに、その旨を当該申出をした者に通知しなければならない。

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

4 裁判所は、法第三百十六條の三十三第一項の申出に対する決定若しくは同項の決定を取り消す決定、法第三百十六條の三十四第四項の規定による公判期日又は公判準備への出席を許さない旨の決定、法第三百十六條の三十六第一項、第三百十六條の三十七第一項若しくは第三百十六條の三十八第一項の申出に対する決定、法第三百十六條の三十九第一項に規定する措置を採る旨の決定若しくは同項の決定を取り消す決定又は同条第四項若しくは第五項に規定する措置を採る旨の決定をしたときは、公判期日においてこれをした場合を除き、速やかに、その旨を訴訟関係人に通知しなければならない。

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

第四節 公判の裁判

Section 4 Judicial Decisions in Trials

(判決書への引用)

(Quotation in a Judgment Document)

第二百十八條 地方裁判所又は簡易裁判所においては、判決書には、起訴状に記載された公訴事実又は訴因若しくは罰条を追加若しくは変更する書面に記載された事実を引用することができる。

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

第二百十八條の二 地方裁判所又は簡易裁判所においては、簡易公判手続又は即決裁判手続によつて審理をした事件の判決書には、公判調書に記載された証拠の標目を特定して引用することができる。

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

(調書判決)

(Judgment Contained in the Record)

第二百十九条 地方裁判所又は簡易裁判所においては、上訴の申立てがない場合には、裁判所書記官に判決主文並びに罪となるべき事実の要旨及び適用した罰条を判決の宣告をした公判期日の調書の末尾に記載させ、これをもつて判決書に代えることができる。ただし、判決宣告の日から十四日以内でかつ判決の確定前に判決書の謄本の請求があつたときは、この限りでない。

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

2 前項の記載については、判決をした裁判官が、裁判所書記官とともに署名押印しなければならない。

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

3 前項の場合には、第四十六条第三項及び第四項並びに第五十五条後段の規定を準用する。

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

(公訴棄却の決定の送達の特例)

(Special Provisions on Service of a Ruling Dismissing Prosecution)

第二百十九条の二 法第三百三十九条第一項第一号の規定による公訴棄却の決定は、被告人に送達することを要しない。

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

2 前項の決定をした場合において被告人に弁護人があるときは、弁護人にその旨を通知しなければならない。

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

(上訴期間等の告知)

(Notification of the Period for Filing an Appeal)

第二百二十条 有罪の判決の宣告をする場合には、被告人に対し、上訴期間及び上訴申立書を差し出すべき裁判所を告知しなければならない。

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

(保護観察の趣旨等の説示)

(Explanation of the Purpose of Probation)

第二百二十条の二 保護観察に付する旨の判決の宣告をする場合には、裁判長は、被告人に対し、保護観察の趣旨その他必要と認める事項を説示しなければならない。

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

(判決宣告後の訓戒)

(Admonition After Rendering the Judgment)

第二百二十一条 裁判長は、判決の宣告をした後、被告人に対し、その将来について適当な訓戒をすることができる。

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

(判決の通知)

(Notice of the Judgment)

第二百二十二条 法第二百八十四条に掲げる事件について被告人の不出頭のまま判決の宣告をした場合には、直ちにその旨及び判決主文を被告人に通知しなければならない。但し、代理人又は弁護人が判決の宣告をした公判期日に出頭した場合は、この限りでない。

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

(保護観察の判決の通知等)

(Notice of Judgment of Probation)

第二百二十二条の二 裁判所は、保護観察に付する旨の判決の宣告をしたときは、速やかに、判決書の謄本若しくは抄本又は保護観察を受けるべき者の氏名、年齢、住居、罪名、判決の主文、犯罪事実の要旨及び宣告の年月日を記載した書面をその者の保護観察を担当すべき保護観察所の長に送付しなければならない。この場合において、裁判所は、その者が保護観察の期間中遵守すべき特別の事項に関する意見を記載した書面を添付しなければならない。

Article 222-2 (1) When the court renders judgment to place the accused on

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

2 前項前段の書面には、同項後段に規定する意見以外の裁判所の意見その他保護観察の資料となるべき事項を記載した書面を添付することができる。

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

(保護観察の成績の報告)

(Report on the Performance of the Person on Probation)

第二百二十二条の三 保護観察に付する旨の判決をした裁判所は、保護観察の期間中、保護観察所の長に対し、保護観察を受けている者の成績について報告を求めることができる。

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

(執行猶予取消請求の方式)

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

第二百二十二条の四 刑の執行猶予の言渡の取消の請求は、取消の事由を具体的に記載した書面でしなければならない。

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

(資料の差出し)

(Submission of Materials)

第二百二十二条の五 刑の執行猶予の言渡しの取消しの請求をするには、取消しの事由があることを認めるべき資料を差し出さなければならない。その請求が刑法第二十六条の二第二号の規定による猶予の言渡しの取消しを求めるものであるときは、保護観察所の長の申出があつたことを認めるべき資料をも差し出さなければならない。

Article 222-5 In filing a request to revoke the suspended execution of the sentence, the requester must submit materials establishing the grounds for the

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

(請求書の謄本の差出し、送達)

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

第二百二十二条の六 刑法第二十六条の二第二号の規定による猶予の言渡しの取消しを請求するときは、検察官は、請求と同時に請求書の謄本を裁判所に差し出さなければならない。

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

2 裁判所は、前項の謄本を受け取ったときは、遅滞なく、これを猶予の言渡を受けた者に送達しなければならない。

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

(口頭弁論請求権の通知等)

(Notice of the Right to Request Oral Arguments)

第二百二十二条の七 裁判所は、刑法第二十六条の二第二号の規定による猶予の言渡しの取消しの請求を受けたときは、遅滞なく、猶予の言渡しを受けた者に対し、口頭弁論を請求することができる旨及びこれを請求する場合には弁護人を選任することができる旨を知らせ、かつ、口頭弁論を請求するかどうかを確かめなければならない。

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

2 前項の規定により口頭弁論を請求するかどうかを確かめるについては、猶予の言渡を受けた者に対し、一定の期間を定めて回答を求めることができる。

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

(出頭命令)

(Order to Appear)

第二百二十二条の八 裁判所は、猶予の言渡の取消の請求を受けた場合において必要があると認めるときは、猶予の言渡を受けた者に出頭を命ずることができる。

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

(口頭弁論)

(Oral Arguments)

第二百二十二条の九 法第三百四十九条の二第二項の規定による口頭弁論については、次の例による。

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

一 裁判長は、口頭弁論期日を定めなければならない。

(i) the presiding judge must specify the date for oral argument;

二 口頭弁論期日には、猶予の言渡を受けた者に出頭を命じなければならない。

(ii) the court must order the person who was given the suspended sentence to appear on the date for oral argument;

三 口頭弁論期日は、検察官及び弁護人に通知しなければならない。

(iii) the court must notify the public prosecutor and the defense counsel of the date for oral argument;

四 裁判所は、検察官、猶予の言渡を受けた者若しくは弁護人の請求により、又は職権で、口頭弁論期日を変更することができる。

(iv) the court may, upon the request of the public prosecutor, the person who was given the suspended sentence or the defense counsel, or ex officio, change the date for oral argument;

五 口頭弁論は、公開の法廷で行う。法廷は、裁判官及び裁判所書記官が列席し、かつ、検察官が出席して開く。

(v) the oral arguments are to be conducted in a court that is open to the public; the court session is to be held in the presence of a judge, a court clerk and the public prosecutor;

六 猶予の言渡を受けた者が期日に出頭しないときは、開廷することができない。但し、正当な理由がなく出頭しないときは、この限りでない。

(vi) the court session may not be held if the person who was given the suspended sentence fails to appear on the date for oral argument; provided, however, that this does not apply when the person fails to appear without legitimate grounds;

七 猶予の言渡を受けた者の請求があるとき、又は公の秩序若しくは善良の風俗を害する虞があるときは、口頭弁論を公開しないことができる。

(vii) it is possible not to open the oral argument to the public when there is a request from the person who was given the suspended sentence or when

opening oral arguments to the public has a risk of harming public policy; and
八 口頭弁論については、調書を作らなければならない。
(viii) a record must be made for the oral arguments.

(準用規定)

(Provisions Applied Mutatis Mutandis)

第二百二十二条の十 法第三百五十条の請求については、第二百二十二条の四、第二百二十二条の五前段及び第二百二十二条の八の規定を準用する。

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

第四章 即決裁判手続

Chapter IV Expedited Trial Proceedings

第一節 即決裁判手続の申立て

Section 1 Motions for Expedited Trial Proceedings

(書面の添付)

(Attachment of a Document)

第二百二十二条の十一 即決裁判手続の申立書には、法第三百五十条の二第三項に定める手続をしたことを明らかにする書面を添付しなければならない。

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

(同意確認のための国選弁護人選任の請求)

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

第二百二十二条の十二 法第三百五十条の三第一項の請求は、法第三百五十条の二第三項の確認を求めた検察官が所属する検察庁の所在地を管轄する地方裁判所若しくは簡易裁判所の裁判官又はその地方裁判所の所在地（その支部の所在地を含む。）に在る簡易裁判所の裁判官にこれをしなければならない。

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

(同意確認のための私選弁護人選任の申出)

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

第二百二十二条の十三 その資力（法第三十六条の二に規定する資力をいう。第二百八十条の三第一項において同じ。）が基準額（法第三十六条の三第一項に規定する基準額をいう。第二百八十条の三第一項において同じ。）以上である被疑者が法第三百五十条の三第一項の請求をする場合においては、同条第二項において準用する法第三十七条の三第二項の規定により法第三十一条の二第一項の申出をすべき弁護士会は法第三百五十条の二第三項の確認を求めた検察官が所属する検察庁の所在地を管轄する地方裁判所の管轄区域内に在る弁護士会とし、当該弁護士会が法第三百五十条の三第二項において準用する法第三十七条の三第三項の規定により通知をすべき地方裁判所は当該検察庁の所在地を管轄する地方裁判所とする。

Article 222-13 In cases where a suspect whose financial resources (meaning the financial resources prescribed in Article 36-2 of the Code; the same applies in Article 280-3, paragraph (1)) are equal to or greater than the base amount (meaning the base amount prescribed in Article 36-3, paragraph (1) of the Code; the same applies in Article 280-3, paragraph (1)) files a request set forth in Article 350-3, paragraph (1) of the Code, the bar association to which requests set forth in Article 31-2, paragraph (1) of the Code are to be filed pursuant to the provisions of Article 37-3, paragraph (2) of the Code as applied mutatis mutandis pursuant to Article 350-3, paragraph (2) of the Code is to be a bar association within the jurisdictional district of the district court with jurisdiction over the location of the public prosecutor's office to which the public prosecutor who is making a confirmation as set forth in Article 350-2, paragraph (3) of the Code is assigned, and the district court to which the bar association is to give notice pursuant to the provisions of Article 37-3, paragraph (3) of the Code as applied mutatis mutandis pursuant to Article 350-3, paragraph (2) of the Code is to be the district court with jurisdiction over the location of the public prosecutor's office.

第二節 公判準備及び公判手続の特例

Section 2 Special Provisions on Trial Preparation and Trial Procedure

(即決裁判手続の申立ての却下)

(Dismissal of a Motion for Expedited Trial Proceedings)

第二百二十二条の十四 裁判所は、即決裁判手続の申立てがあつた事件について、法第三百五十条の八各号のいずれかに該当する場合には、決定でその申立てを却下しなければならない。法第二百九十一条第三項の手続に際し、被告人が起訴状に記載された訴因について有罪である旨の陳述をしなかつた場合も、同様とする。

Article 222-14 (1) With regard to a case for which a motion for expedited trial proceedings has been filed, if the case falls under any of the items of Article 350-8 of the Code, the court must dismiss the motion by a ruling. The same

applies in the event that the accused has not made a statement to the effect that they are guilty of a count stated in the charging instrument in taking the procedure under Article 291, paragraph (3) of the Code.

2 前項の決定は、これを送達することを要しない。

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

(弁護人選任に関する通知)

(Notice on Appointment of Defense Counsel)

第二百二十二条の十五 裁判所は、死刑又は無期若しくは長期三年を超える懲役若しくは禁錮に当たる事件以外の事件について、即決裁判手続の申立てがあつたときは、第一百七十七条の規定にかかわらず、遅滞なく、被告人に対し、弁護人を選任することができる旨及び貧困その他の事由により弁護人を選任することができないときは弁護人の選任を請求することができる旨のほか、弁護人がなければ法第三百五十条の八の手続を行う公判期日及び即決裁判手続による公判期日を開くことができない旨をも知らせなければならない。ただし、被告人に弁護人があるときは、この限りでない。

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

(弁護人のない事件の処置)

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

第二百二十二条の十六 裁判所は、即決裁判手続の申立てがあつた場合において、被告人に弁護人がないときは、第一百七十八条の規定にかかわらず、遅滞なく、被告人に対し、弁護人を選任するかどうかを確かめなければならない。

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

2 裁判所は、前項の処置をするについては、被告人に対し、一定の期間を定めて回答を求めなければならない。

(2) When taking the measures set forth in the preceding paragraph, the court must demand that the accused respond within a certain period of time

designated by the court.

3 前項の期間内に回答がなく又は弁護人の選任がないときは、裁判長は、直ちに被告人のため弁護人を選任しなければならない。

(3) If no response is made or no defense counsel is appointed within the period of time set forth in the preceding paragraph, the presiding judge must immediately appoint a defense counsel for the accused.

(公判期日の指定)

(Designation of Trial Date)

第二百二十二条の十七 法第三百五十条の七の公判期日は、できる限り、公訴が提起された日から十四日以内の日を定めなければならない。

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

(即決裁判手続による場合の特例)

(Special Provisions for Cases Tried in Expedited Trial Proceedings)

第二百二十二条の十八 即決裁判手続によつて審判をする旨の決定があつた事件については、第九十八条、第九十九条及び第二百三条の二の規定は、適用しない。

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

第二百二十二条の十九 即決裁判手続によつて審理し、即日判決の言渡しをした事件の公判調書については、判決の言渡しをした公判期日から二十一日以内にこれを整理すれば足りる。

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

2 前項の場合には、その公判調書の記載の正確性についての異議の申立期間との関係においては、その公判調書を整理すべき最終日にこれを整理したものとみなす。

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

第二百二十二条の二十 即決裁判手続によつて審理し、即日判決の言渡しをした事件について、裁判長の許可があるときは、裁判所書記官は、第四十四条第一項第十九号及び第二十二号に掲げる記載事項の全部又は一部を省略することができる。ただし、控訴の申立てがあつた場合は、この限りでない。

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

2 検察官及び弁護人は、裁判長が前項の許可をする際に、意見を述べることができる。
(2) When the presiding judge gives permission set forth in the preceding paragraph, the public prosecutor and the defense counsel may state their opinions.

第三編 上訴

Part III Appeals

第一章 通則

Chapter I General Rules

(上訴放棄の申立裁判所)

(Court for Filing a Motion for Waiver of Appeal)

第二百二十三条 上訴放棄の申立は、原裁判所にしなければならない。

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

(上訴取下の申立裁判所)

(Court for Filing a Motion for Withdrawal of Appeal)

第二百二十三条の二 上訴取下の申立は、上訴裁判所にこれをしなければならない。

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

2 訴訟記録を上訴裁判所に送付する前に上訴の取下をする場合には、その申立書を原裁判所に差し出すことができる。

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

(上訴取下の申立の方式)

(Method of Filing a Motion for Withdrawal of Appeal)

第二百二十四条 上訴取下の申立は、書面でこれをしなければならない。但し、公判廷においては、口頭でこれを行うことができる。この場合には、その申立を調書に記載しなければならない。

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

(同意書の差出)

(Submission of Written Consent)

第二百二十四条の二 法第三百五十三条又は第三百五十四条に規定する者は、上訴の放棄又は取下をするときは、同時に、被告人のこれに同意する旨の書面を差し出さなければならない。

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

(上訴権回復請求の方式)

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

第二百二十五条 上訴権回復の請求は、書面でこれをしなければならない。

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

(上訴権回復請求の理由の疎明)

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

第二百二十六条 上訴権回復の理由となる事実は、これを疎明しなければならない。

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

(刑事施設に収容中の被告人の上訴)

(Appeal by an Accused Committed to a Penal Institution)

第二百二十七条 刑事施設に収容されている被告人が上訴をするには、刑事施設の長又はその代理者を經由して上訴の申立書を差し出さなければならない。

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

2 刑事施設の長又はその代理者は、原裁判所に上訴の申立書を送付し、かつ、これを受け取った年月日を通知しなければならない。

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

第二百二十八条 刑事施設に収容されている被告人が上訴の提起期間内に上訴の申立書を刑事施設の長又はその代理者に差し出したときは、上訴の提起期間内に上訴をしたものとみなす。

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

have been filed within the period for filing an appeal.

(刑事施設に収容中の被告人の上訴放棄等)

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

第二百二十九条 刑事施設に収容されている被告人が上訴の放棄若しくは取下げ又は上訴権回復の請求をする場合には、前二条の規定を準用する。

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

(上訴等の通知)

(Notice of Appeal)

第二百三十条 上訴、上訴の放棄若しくは取下又は上訴権回復の請求があつたときは、裁判所書記官は、速やかにこれを相手方に通知しなければならない。

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

第二百三十一条から第二百三十四条まで 削除

Articles 231 through 234 Deleted

第二章 控訴

Chapter II Appeal to the Court of Second Instance

(訴訟記録等の送付)

(Sending of the Case Record)

第二百三十五条 控訴の申立が明らかに控訴権の消滅後にされたものである場合を除いては、第一審裁判所は、公判調書の記載の正確性についての異議申立期間の経過後、速やかに訴訟記録及び証拠物を控訴裁判所に送付しなければならない。

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

(控訴趣意書の差出期間)

(Period for Submission of Statement of Reasons for Appeal)

第二百三十六条 控訴裁判所は、訴訟記録の送付を受けたときは、速やかに控訴趣意書を差し出すべき最終日を指定してこれを控訴申立人に通知しなければならない。控訴申立人に弁護人があるときは、その通知は、弁護人にもこれをしなければならない。

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

2 前項の通知は、通知書を送達してこれをしなければならない。

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

3 第一項の最終日は、控訴申立人に対する前項の送達があつた日の翌日から起算して二十一日目以後の日でなければならない。

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

4 第二項の通知書の送達があつた場合において第一項の最終日の指定が前項の規定に違反しているときは、第一項の規定にかかわらず、控訴申立人に対する送達があつた日の翌日から起算して二十一日目の日を最終日とみなす。

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

(訴訟記録到達の通知)

(Notice of Arrival of the Case Record)

第二百三十七条 控訴裁判所は、前条の通知をする場合には、同時に訴訟記録の送付があつた旨を検察官又は被告人で控訴申立人でない者に通知しなければならない。被告人に弁護人があるときは、その通知は、弁護人にこれをしなければならない。

Article 237 When giving the notice set forth in the preceding Article, the court of second instance must simultaneously notify the public prosecutor or the accused who is not the appellant to the effect that the case record has arrived. If the accused has a defense counsel, the notice must be given to the defense counsel.

(期間経過後の控訴趣意書)

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

第二百三十八条 控訴裁判所は、控訴趣意書を差し出すべき期間経過後に控訴趣意書を受け取つた場合においても、その遅延がやむを得ない事情に基くものと認めるときは、これを期間内に差し出されたものとして審判をすることができる。

Article 238 Even in cases where the court of second instance receives a statement of reasons for appeal after the passage of the period of time for

submitting a statement of reasons for appeal, if the court finds that the delay is due to unavoidable circumstances, it may conduct a trial by deeming the statement to have been submitted within the period.

(主任弁護人以外の弁護人の控訴趣意書)

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

第二百三十九条 控訴趣意書は、主任弁護人以外の弁護人もこれを差し出すことができる。

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

(控訴趣意書の記載)

(Entry in the Statement of Reasons for Appeal)

第二百四十条 控訴趣意書には、控訴の理由を簡潔に明示しなければならない。

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

(控訴趣意書の謄本)

(Transcripts of the Statement of Reasons for Appeal)

第二百四十一条 控訴趣意書には、相手方の数に応ずる謄本を添附しなければならない。

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

(控訴趣意書の謄本の送達)

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

第二百四十二条 控訴裁判所は、控訴趣意書を受け取ったときは、速やかにその謄本を相手方に送達しなければならない。

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

(答弁書)

(Written Answer)

第二百四十三条 控訴の相手方は、控訴趣意書の謄本の送達を受けた日から七日以内に答弁書を控訴裁判所に差し出すことができる。

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

2 検察官が相手方であるときは、重要と認める控訴の理由について答弁書を差し出さなければならない。

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

3 裁判所は、必要と認めるときは、控訴の相手方に対し一定の期間を定めて、答弁書を差し出すべきことを命ずることができる。

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

4 答弁書には、相手方の数に応ずる謄本を添附しなければならない。

(4) A written answer must be attached with the number of transcripts of the written answer corresponding to the number of opponents.

5 控訴裁判所は、答弁書を受け取ったときは、速やかにその謄本を控訴申立人に送達しなければならない。

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

(被告人の移送)

(Transfer of the Accused)

第二百四十四条 被告人が刑事施設に収容されている場合において公判期日を指定すべきときは、控訴裁判所は、その旨を対応する検察庁の検察官に通知しなければならない。

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

2 検察官は、前項の通知を受けたときは、速やかに被告人を控訴裁判所の所在地の刑事施設に移さなければならない。

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

3 被告人が控訴裁判所の所在地の刑事施設に移されたときは、検察官は、速やかに被告人の移された刑事施設を控訴裁判所に通知しなければならない。

(3) When the accused has been transferred to a penal institution in the locality of the court of second instance, the public prosecutor must promptly notify the court of second instance of the penal institution to which the accused has been transferred.

(受命裁判官の報告書)

(Written Report by Authorized Judge)

第二百四十五条 裁判長は、合議体の構成員に控訴申立書、控訴趣意書及び答弁書を検閲して報告書を作らせることができる。

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

2 公判期日には、受命裁判官は、弁論前に、報告書を朗読しなければならない。

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

(判決書の記載)

(Entry in the Judgment Document)

第二百四十六条 判決書には、控訴の趣意及び重要な答弁について、その要旨を記載しなければならない。この場合において、相当と認めるときは、控訴趣意書又は答弁書に記載された事実を引用することができる。

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

(最高裁判所への移送)

(Transfer to the Supreme Court)

第二百四十七条 控訴裁判所は、憲法の違反があること又は憲法の解釈に誤があることのみを理由として控訴の申立をした事件について、相当と認めるときは、訴訟関係人の意見を聴いて、決定でこれを最高裁判所に移送することができる。

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

(移送の許可の申請)

(Request for Permission to Transfer)

第二百四十八条 前条の決定は、最高裁判所の許可を受けてこれをしなければならない。

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

2 前項の許可は、書面でこれを求めなければならない。

(2) Requests for the permission set forth in the preceding paragraph must be made through a written document.

3 前項の書面には、原判決の謄本及び控訴趣意書の謄本を添附しなければならない。

(3) The document set forth in the preceding paragraph must be attached with a transcript of the judgment document in prior instance and a transcript of the statement of reasons for appeal.

(移送の決定の効力)

(Effect of the Ruling on Transfer)

第二百四十九条 第二百四十七条の決定があつたときは、控訴の申立があつた時に控訴趣意書に記載された理由による上告の申立があつたものとみなす。

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

(準用規定)

(Provisions Applied Mutatis Mutandis)

第二百五十条 控訴の審判については、特別の定のある場合を除いては、第二編中公判に関する規定を準用する。

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

第三章 上告

Chapter III Final Appeal

(訴訟記録の送付)

(Sending of the Case Record)

第二百五十一条 上告の申立が明らかに上告権の消滅後にされたものである場合を除いては、原裁判所は、公判調書の記載の正確性についての異議申立期間の経過後、速やかに訴訟記録を上告裁判所に送付しなければならない。

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

(上告趣意書の差出期間)

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

第二百五十二条 上告趣意書を差し出すべき最終日は、その指定の通知書が上告申立人に送達された日の翌日から起算して二十八日目以後の日でなければならない。

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

2 前項の規定による最終日の通知書の送達があつた場合においてその指定が同項の規

定に違反しているときは、その送達があつた日の翌日から起算して二十八日目の日を最終日とみなす。

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

(判例の摘示)

(Indication of Precedents)

第二百五十三条 判例と相反する判断をしたことを理由として上告の申立をした場合には、上告趣意書にその判例を具体的に示さなければならない。

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

(跳躍上告)

(Direct Appeal to the Supreme Court)

第二百五十四条 地方裁判所又は簡易裁判所がした第一審判決に対しては、その判決において法律、命令、規則若しくは処分が憲法に違反するものとした判断又は地方公共団体の条例若しくは規則が法律に違反するものとした判断が不当であることを理由として、最高裁判所に上告をすることができる。

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

2 検察官は、地方裁判所又は簡易裁判所がした第一審判決に対し、その判決において地方公共団体の条例又は規則が憲法又は法律に適合するものとした判断が不当であることを理由として、最高裁判所に上告をすることができる。

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

(跳躍上告と控訴)

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

第二百五十五条 前条の上告は、控訴の申立があつたときは、その効力を失う。但し、控訴の取下又は控訴棄却の裁判があつたときは、この限りでない。

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

(違憲判断事件の優先審判)

(Prioritized Trial of Cases with Findings of Unconstitutionality)

第二百五十六条 最高裁判所は、原判決において法律、命令、規則又は処分が憲法に違反するものとした判断が不当であることを上告の理由とする事件については、原裁判において同種の判断をしていない他のすべての事件に優先して、これを審判しなければならない。

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

(上告審としての事件受理の申立)

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

第二百五十七条 高等裁判所がした第一審又は第二審の判決に対しては、その事件が法令（裁判所の規則を含む。）の解釈に関する重要な事項を含むものと認めるときは、上訴権者は、その判決に対する上告の提起期間内に限り、最高裁判所に上告審として事件を受理すべきことを申し立てることができる。但し、法第四百五条に規定する事由をその理由とすることはできない。

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

(申立の方式)

(Method of Filing a Motion)

第二百五十八条 前条の申立をするには、申立書を原裁判所に差し出さなければならない。

Article 258 In filing a motion set forth in the preceding Article, a written motion must be submitted to the court of prior instance.

(原判決の謄本の交付)

(Delivery of a Transcript of the Judgment of Prior Instance)

第二百五十八条の二 第二百五十七条の申立があつたときは、原裁判所に対して法第四十六条の規定による判決の謄本の交付の請求があつたものとみなす。但し、申立人が申立の前に判決の謄本の交付を受けているときは、この限りでない。

Article 258-2 (1) When the motion set forth in Article 257 has been filed, a request for the delivery of a transcript of the judgment under the provisions of Article 46 of the Code is deemed to have been filed with the court of prior instance; provided, however, that this does not apply when the movant has received delivery of a transcript of the judgment prior to filing the motion.

2 前項本文の場合には、原裁判所は、遅滞なく判決の謄本を申立人に交付しなければならない。

(2) In the case referred to in the main clause of the preceding paragraph, the court of prior instance must deliver a transcript of the judgment to the movant without delay.

3 第一項但書又は前項の場合には、裁判所書記官は、判決の謄本を交付した日を記録上明らかにしておかなければならない。

(3) In the case referred to in the proviso to paragraph (1) or in the preceding paragraph, a court clerk must clearly indicate in the record the date on which the transcript of the judgment was delivered.

(事件受理の申立理由書)

(Statement of Reasons for a Motion to Accept a Case)

第二百五十八条の三 申立人は、前条第二項の規定による謄本の交付を受けたときはその日から、前条第一項但書の場合には第二百五十七条の申立をした日から十四日以内に理由書を原裁判所に差し出さなければならない。この場合には、理由書に相手方の数に応ずる謄本及び原判決の謄本を添附しなければならない。

Article 258-3 (1) A movant must submit a statement of reasons to the court of prior instance within 14 days from the day when the movant has received the delivery of a transcript under the provisions of paragraph (2) of the preceding Article, and within 14 days from the day on which the motion set forth in Article 257 was filed in the case set forth in the proviso to paragraph (1) of the preceding Article. In this case, the statement of reasons must be attached with the number of transcripts of the statement of reasons and transcripts of the judgment in prior instance corresponding to the number of opponents.

2 前項の理由書には、第一審判決の内容を摘記する等の方法により、申立の理由をできる限り具体的に記載しなければならない。

(2) In the statement of reasons set forth in the preceding paragraph, the reasons for the motion must be stated as concretely as possible, by such a method as giving the details of the judgment in first instance.

(原裁判所の棄却決定)

(Ruling Rendered by the Court of Prior Instance Dismissing a Motion)

第二百五十九条 第二百五十七条の申立が明らかに申立権の消滅後にされたものであるとき、又は前条第一項の理由書が同項の期間内に差し出されないときは、原裁判所は、決定で申立を棄却しなければならない。

Article 259 When it is obvious that the motion set forth in Article 257 has been filed after the expiration of the right to make a motion or when the statement of reasons set forth in paragraph (1) of the preceding Article has not been submitted within the period of time set forth in that paragraph, the court of prior instance must dismiss the motion by a ruling.

(申立書の送付等)

(Sending of a Written Motion)

第二百六十条 原裁判所は、第二百五十八条の三第一項の理由書及び添附書類を受け取ったときは、前条の場合を除いて、速やかにこれを第二百五十八条の申立書とともに最高裁判所に送付しなければならない。

Article 260 (1) When the court of prior instance receives the statement of reasons and the attached documents set forth in Article 258-3, paragraph (1), except in the cases set forth in the preceding Article, the court must promptly send the documents to the Supreme Court along with the written motion set forth in Article 258.

2 最高裁判所は、前項の送付を受けたときは、速やかにその年月日を検察官に通知しなければならない。

(2) When the Supreme Court receives the documents under the provisions of the preceding paragraph, the Supreme Court must promptly notify the public prosecutor of the date of receipt.

(事件受理の決定)

(Ruling to Accept a Case)

第二百六十一条 最高裁判所は、自ら上告審として事件を受理するのを相当と認めるときは、前条の送付を受けた日から十四日以内にその旨の決定をしなければならない。この場合において申立の理由中に重要でないと認めるものがあるときは、これを排除することができる。

Article 261 (1) When the Supreme Court finds it reasonable to accept a case as the final appellate court, the Supreme Court must render a ruling to that effect within 14 days from the day of receipt of the documents under the provisions of the preceding Article. In this case, if the Supreme Court finds any of the reasons for the motion to be immaterial, it may exclude those reasons.

2 最高裁判所は、前項の決定をしたときは、同項の期間内にこれを検察官に通知しなければならない。

(2) When the Supreme Court has rendered the ruling set forth in the preceding paragraph, the Supreme Court must notify the public prosecutor to that effect within the period set forth in that paragraph.

(事件受理の決定の通知)

(Notice of a Ruling to Accept a Case)

第二百六十二条 最高裁判所は、前条第一項の決定をしたときは、速やかにその旨を原裁判所に通知しなければならない。

Article 262 When the Supreme Court renders the ruling set forth in paragraph (1) of the preceding Article, the Supreme Court must promptly notify the court of prior instance to that effect.

(事件受理の決定の効力等)

(Effect of a Ruling to Accept a Case)

第二百六十三条 第二百六十一条第一項の決定があつたときは、第二百五十八条の三第一項の理由書は、その理由（第二百六十一条第一項後段の規定により排除された理由を除く。）を上告の理由とする上告趣意書とみなす。

Article 263 (1) When the ruling set forth in Article 261, paragraph (1) has been rendered, the statement of reasons set forth in Article 258-3, paragraph (1) is deemed to be a statement of the reasons for final appeal, and the reasons (excluding reasons that have been excluded pursuant to the provisions of the second sentence of Article 261, paragraph (1)) are deemed to be the reasons for the final appeal.

2 前項の理由書の謄本を相手方に送達する場合において、第二百六十一条第一項後段の規定により排除された理由があるときは、同時にその決定の謄本をも送達しなければならない。

(2) In serving a transcript of the statement of reasons set forth in the preceding paragraph on the opponent, if any reason has been excluded pursuant to the provisions of the second sentence of Article 261, paragraph (1), a transcript of the ruling excluding the reasons must also be served at the same time.

(申立の効力)

(Effect of a Motion)

第二百六十四条 第二百五十七条の申立は、原判決の確定を妨げる効力を有する。但し、申立を棄却する決定があつたとき、又は第二百六十一条第一項の決定がされないで同項の期間が経過したときは、この限りでない。

Article 264 The motion set forth in Article 257 has the effect of preventing the judgment in prior instance from becoming final and binding; provided, however, that this does not apply when a ruling dismissing the motion has been rendered or when the period set forth in Article 261, paragraph (1) has elapsed without the ruling set forth in that paragraph being rendered.

(被告人の移送)

(Transfer of the Accused)

第二百六十五条 上告審においては、公判期日を指定すべき場合においても、被告人の移送は、これを必要としない。

Article 265 In the final appellate instance, the accused need not be transferred even when a trial date is to be designated.

(準用規定)

(Provisions Applied Mutatis Mutandis)

第二百六十六条 上告の審判については、特別の定のある場合を除いては、前章の規定を準用する。

Article 266 Except when there are special provisions providing otherwise, the provisions of the preceding Chapter apply mutatis mutandis to the final appeal trial.

(判決訂正申立等の方式)

(Method for Filing a Motion to Correct Judgment)

第二百六十七条 判決を訂正する申立は、書面でこれをしなければならない。

Article 267 (1) Motions to correct judgment must be filed through a written document.

2 前項の書面には、申立の理由を簡潔に明示しなければならない。

(2) The reasons for the motion must be indicated clearly and concisely in the document set forth in the preceding paragraph.

3 判決訂正の申立期間延長の申立については、前二項の規定を準用する。

(3) The provisions of the preceding two paragraphs apply mutatis mutandis to a motion to extend the period for filing a motion to correct judgment.

(判決訂正申立の通知)

(Notice of a Motion to Correct Judgment)

第二百六十八条 前条第一項の申立があつたときは、速やかにその旨を相手方に通知しなければならない。

Article 268 When the motion set forth in paragraph (1) of the preceding Article has been filed, the final appellate court must promptly notify the opponent to that effect.

(却下決定の送達)

(Service of a Ruling Dismissing a Motion)

第二百六十九条 判決訂正の申立期間延長の申立を却下する決定は、これを送達することを要しない。

Article 269 A ruling dismissing a motion for the extension of the period for filing

a motion for the correction of a judgment need not be served.

(判決訂正申立についての裁判)

(Judicial Decision on a Motion to Correct Judgment)

第二百七十条 判決訂正の申立についての裁判は、原判決をした裁判所を構成した裁判官全員で構成される裁判所がこれをしなければならない。但し、その裁判官が死亡した場合その他やむを得ない事情がある場合は、この限りでない。

Article 270 (1) A court consisting of all of the judges that constitute the court which issued the judgment in prior instance must issue the judicial decision on a motion to correct judgment; provided, however, that this does not apply when any of the judges have died or when there are other unavoidable circumstances.

2 前項但書の場合にも、原判決をするについて反対意見を表示した裁判官が多数となるように構成された裁判所においては、同項の裁判をすることができない。

(2) Even in the case set forth in the proviso to the preceding paragraph, the judicial decision set forth in that paragraph may not be issued by a court in which the majority of judges expressed a dissenting opinion to the judgment rendered in prior instance.

第四章 抗告

Chapter IV Appeal Against a Ruling

(訴訟記録等の送付)

(Sending of the Case Record)

第二百七十一条 原裁判所は、必要と認めるときは、訴訟記録及び証拠物を抗告裁判所に送付しなければならない。

Article 271 (1) When the court of prior instance finds it necessary, the court must send the case record and articles of evidence to the court in charge of an appeal.

2 抗告裁判所は、訴訟記録及び証拠物の送付を求めることができる。

(2) The court in charge of an appeal may request that the case record and articles of evidence be sent thereto.

(抗告裁判所の決定の通知)

(Notice of a Ruling Rendered by the Court in Charge of an Appeal)

第二百七十二条 抗告裁判所の決定は、これを原裁判所に通知しなければならない。

Article 272 A ruling rendered by the court in charge of an appeal must be notified to the court of prior instance.

(準用規定)

(Provisions Applied Mutatis Mutandis)

第二百七十三条 法第四百二十九条及び第四百三十条の請求があつた場合には、前二条

の規定を準用する。

Article 273 The provisions of the preceding two Articles apply *mutatis mutandis* to cases where a request as set forth in Article 429 or Article 430 of the Code has been filed.

(特別抗告申立書の記載)

(Entry in a Written Motion for a Special Appeal Against a Ruling to the Supreme Court)

第二百七十四条 法第四百三十三条の抗告の申立書には、抗告の趣旨を簡潔に記載しなければならない。

Article 274 In a written motion for appeal against a ruling set forth in Article 433 of the Code, the object of the appeal against a ruling must be concisely stated.

(特別抗告についての調査の範囲)

(Scope of Examination on Special Appeal Against a Ruling to the Supreme Court)

第二百七十五条 最高裁判所は、法第四百三十三条の抗告については、申立書に記載された抗告の趣意についてのみ調査をするものとする。但し、法第四百五条に規定する事由については、職権で調査をすることができる。

Article 275 With regard to an appeal against a ruling set forth in Article 433 of the Code, the Supreme Court is to only conduct an examination on the object of the appeal against a ruling as stated in the written motion; provided, however, that examination may be conducted *ex officio* on the grounds prescribed in Article 405 of the Code.

(準用規定)

(Provisions Applied *Mutatis Mutandis*)

第二百七十六条 法第四百三十三条の抗告の申立があつた場合には、第二百五十六条、第二百七十一条及び第二百七十二条の規定を準用する。

Article 276 The provisions of Article 256, Article 271, and Article 272 apply *mutatis mutandis* to cases where a motion for appeal against a ruling set forth in Article 433 of the Code has been filed.

第四編 少年事件の特別手続

Part IV Special Procedure for Juvenile Cases

(審理の方針)

(Policy of Proceedings)

第二百七十七条 少年事件の審理については、懇切を旨とし、且つ事案の真相を明らかにするため、家庭裁判所の取り調べた証拠は、つとめてこれを取り調べるようにしな

ければならない。

Article 277 With regard to the proceedings in a juvenile case, the proceedings must be conducted cordially and amicably and efforts must be made to examine the evidence that has been examined by the family court as far as possible, in order to clarify the factual background of the case.

(少年鑑別所への送致令状の記載要件)

(Descriptive Requirements for a Warrant for Referral to a Juvenile Classification Home)

第二百七十八条 少年法第四十四条第二項の規定により発する令状には、少年の氏名、年齢及び住居、罪名、被疑事実の要旨、法第六十条第一項各号に定める事由、収容すべき少年鑑別所、有効期間及びその期間経過後は執行に着手することができず令状はこれを返還しなければならない旨並びに請求及び発付の年月日を記載し、裁判官が、これに記名押印しなければならない。

Article 278 (1) A warrant issued pursuant to the provisions of Article 44, paragraph (2) of the Juvenile Act must contain the name, age, and residence of the juvenile, the charged offense, a gist of the alleged facts of the crime, the grounds specified in the items of Article 60, paragraph (1) of the Code, the juvenile classification home to which the juvenile is to be committed, the validity period, and a statement that after the expiration of the validity period, the warrant may not be executed and is to be returned, as well as the date of the request and the date of the issue, and a judge must affix their name and seal thereto.

2 前項の令状の執行は、法及びこの規則中勾留状の執行に関する規定に準じてこれをしてしなければならない。

(2) Warrants set forth in the preceding paragraph must be executed in accordance with those provisions of the Code and of these Rules pertaining to the execution of a detention warrant.

(国選弁護人)

(Court-Appointed Defense Counsel)

第二百七十九条 少年の被告人に弁護人がないときは、裁判所は、なるべく、職権で弁護人を附さなければならない。

Article 279 When the accused is a juvenile and has no defense counsel, the court must appoint a defense counsel ex officio, as far as possible.

(家庭裁判所調査官の観護に付する決定の効力)

(Effect of a Ruling to Put a Juvenile under the Observation and Protection of a Family Court Probation Officer)

第二百八十条 少年法第十七条第一項第一号の措置は、事件を終局させる裁判の確定によりその効力を失う。

Article 280 The measures set forth in Article 17, paragraph (1), item (i) of the Juvenile Act cease to be effective when a judicial decision to close the case becomes final and binding.

(観護の措置が勾留とみなされる場合の国選弁護人選任の請求等)

(Request for Appointment of Court-Appointed Defense Counsel in Cases Where Measure for Observation and Protection Is Deemed to Be Detention)

第二百八十条の二 少年法第四十五条第七号（同法第四十五条の二において準用する場合を含む。次条第一項において同じ。）の規定により被疑者に勾留状が発せられているものとみなされる場合における法第三十七条の二第一項の請求は、少年法第十九条第二項（同法第二十三条第三項において準用する場合を含む。次項及び次条第一項において同じ。）若しくは第二十条の決定をした家庭裁判所の裁判官、その所属する家庭裁判所の所在地を管轄する地方裁判所の裁判官又はその地方裁判所の所在地（その支部の所在地を含む。）に在る簡易裁判所の裁判官にこれをしなければならない。

Article 280-2 (1) In cases where a detention warrant is deemed to have been issued against the suspect pursuant to the provisions of Article 45, item (vii) of the Juvenile Act (including as applied mutatis mutandis pursuant to Article 45-2 of the same Act; the same applies in paragraph (1) of the following Article), the request set forth in Article 37-2, paragraph (1) of the Code must be filed with the judge of the family court which issued the order set forth in Article 19, paragraph (2) of that Act (including as applied mutatis mutandis pursuant to Article 23, paragraph (3) of the same Act; the same applies in the following paragraph and paragraph (1) of the following Article) or in Article 20 of that Act, a judge of the district court which has jurisdiction over the location of the family court to which the judge is assigned, or a judge of the summary court in the same locality as the district court (including the same locality as a branch of the district court).

2 前項に規定する場合における法第三十七条の四の規定による弁護人の選任に関する処分は、少年法第十九条第二項若しくは第二十条の決定をした家庭裁判所の裁判官、その所属する家庭裁判所の所在地を管轄する地方裁判所の裁判官又はその地方裁判所の所在地（その支部の所在地を含む。）に在る簡易裁判所の裁判官がこれをしなければならない。

(2) In the case prescribed in the preceding paragraph, a ruling concerning the appointment of defense counsel under the provisions of Article 37-4 of the Code must be taken by the judge of the family court which rendered the ruling set forth in Article 19, paragraph (2) or Article 20 of the Juvenile Act, a judge of the district court which has jurisdiction over the location of the family court to which the judge is assigned, or a judge of the summary court in the same locality as the district court (including the same locality as a branch of the district court).

3 第一項の被疑者が同項の地方裁判所の管轄区域外に在る刑事施設に収容されたとき

は、同項の規定にかかわらず、法第三十七条の二第一項の請求は、その刑事施設の所在地を管轄する地方裁判所の裁判官又はその地方裁判所の所在地（その支部の所在地を含む。）に在る簡易裁判所の裁判官にこれをしなければならない。

(3) When the suspect set forth in paragraph (1) has been committed to a penal institution outside the jurisdictional district of the district court set forth in the same paragraph, notwithstanding the provisions of that paragraph, the request set forth in Article 37-2, paragraph (1) of the Code must be filed with a judge of the district court which has jurisdiction over the location of the penal institution, or a judge of the summary court in the same locality as the district court (including the same locality as a branch of the district court).

4 前項に規定する場合における法第三十七条の四の規定による弁護人の選任に関する処分は、第二項の規定にかかわらず、前項の刑事施設の所在地を管轄する地方裁判所の裁判官又はその地方裁判所の所在地（その支部の所在地を含む。）に在る簡易裁判所の裁判官がこれをしなければならない。法第三十七条の五及び第三十八条の三第四項の規定による弁護人の選任に関する処分についても同様とする。

(4) Notwithstanding the provisions of paragraph (2), in the case prescribed in the preceding paragraph, a ruling concerning the appointment of a defense counsel under the provisions of Article 37-4 of the Code must be taken by a judge of the district court which has jurisdiction over the location of the penal institution set forth in the preceding paragraph or a judge of the summary court in the same locality as the district court (including the same locality as a branch of the district court). The same applies to a ruling concerning the appointment of defense counsel under the provisions of Article 37-5 of the Code and Article 38-3, paragraph (4) of the Code.

（観護の措置が勾留とみなされる場合の私選弁護人選任の申出）

(Request for the Appointment of Private Defense Counsel in Cases Where Measure for Observation and Protection Is Deemed to Be Detention)

第二百八十条の三 少年法第四十五条第七号の規定により勾留状が発せられているものとみなされた被疑者でその資力が基準額以上であるものが法第三十七条の二第一項の請求をする場合においては、法第三十七条の三第二項の規定により法第三十一条の二第一項の申出をすべき弁護士会は少年法第十九条第二項又は第二十条の決定をした家庭裁判所の所在地を管轄する地方裁判所の管轄区域内に在る弁護士会とし、当該弁護士会が法第三十七条の三第三項の規定により通知をすべき地方裁判所は当該家庭裁判所の所在地を管轄する地方裁判所とする。

Article 280-3 (1) When a suspect for whom a detention warrant is deemed to have been issued pursuant to the provisions of Article 45, item (vii) of the Juvenile Act whose financial resources are equal to or above the base amount files a request set forth in Article 37-2, paragraph (1) of the Code, the bar association to which the request set forth in Article 31-2, paragraph (1) of the Code is to be filed pursuant to the provisions of Article 37-3, paragraph (2) of

the Code is to be a bar association within the jurisdictional district of the district court which has jurisdiction over the location of the family court which rendered the ruling set forth in Article 19, paragraph (2) or Article 20 of the Juvenile Act, and the district court to which the bar association should notify pursuant to the provisions of Article 37-3, paragraph (3) of the Code is to be the district court which has jurisdiction over the location of the family court.

2 前項の被疑者が同項の地方裁判所の管轄区域外に在る刑事施設に収容された場合において、法第三十七条の二第一項の請求をするときは、前項の規定にかかわらず、法第三十七条の三第二項の規定により法第三十一条の二第一項の申出をすべき弁護士会は当該刑事施設の所在地を管轄する地方裁判所の管轄区域内に在る弁護士会とし、当該弁護士会が法第三十七条の三第三項の規定により通知をすべき地方裁判所は当該刑事施設の所在地を管轄する地方裁判所とする。

(2) In cases where the suspect set forth in the preceding paragraph has been committed to a penal institution outside the jurisdictional district of the district court set forth in that paragraph, and when the suspect files a request set forth in Article 37-2, paragraph (1) of the Code, notwithstanding the provisions of the preceding paragraph, the bar association to which the request set forth in Article 31-2, paragraph (1) of the Code should be filed pursuant to the provisions of Article 37-3, paragraph (2) of the Code is to be a bar association within the jurisdictional district of the district court which has jurisdiction over the location of the penal institution, and the district court to which the bar association should notify pursuant to the provisions of Article 37-3, paragraph (3) of the Code is to be the district court which has jurisdiction over the location of the penal institution.

(勾留に代わる措置の請求)

(Request for Measures in Lieu of Detention)

第二百八十一条 少年事件において、検察官が裁判官に対し勾留の請求に代え少年法第十七条第一項の措置を請求する場合には、第四百四十七条から第五百十条までの規定を準用する。

Article 281 In a juvenile case, the provisions of Articles 147 through 150 apply mutatis mutandis to cases where the public prosecutor files a request with the judge for the measures set forth in Article 17, paragraph (1) of the Juvenile Act in lieu of the request for detention.

(準用規定)

(Provisions Applied Mutatis Mutandis)

第二百八十二条 被告人又は被疑者が少年鑑別所に収容又は拘禁されている場合には、この規則中刑事施設に関する規定を準用する。

Article 282 The provisions of these Rules which are related to penal institutions apply mutatis mutandis to cases where the accused or the suspect is committed

to or detained in a juvenile classification home.

第五編 再審

Part V Retrial

(請求の手續)

(Procedure for Filing a Request)

第二百八十三条 再審の請求をするには、その趣意書に原判決の謄本、証拠書類及び証拠物を添えてこれを管轄裁判所に差し出さなければならない。

Article 283 In filing a request for a retrial, the requester must submit a statement of the reasons therefor to the court with jurisdiction, along with a transcript of the judgment in prior instance, documentary evidence, and articles of evidence.

(準用規定)

(Provisions Applied Mutatis Mutandis)

第二百八十四条 再審の請求又はその取下については、第二百二十四条、第二百二十七条、第二百二十八条及び第二百三十条の規定を準用する。

Article 284 The provisions of Article 224, Article 227, Article 228, and Article 230 apply mutatis mutandis to a request for a retrial or the withdrawal of that request.

(請求の競合)

(Conflict of Requests)

第二百八十五条 第一審の確定判決と控訴を棄却した確定判決とに対して再審の請求があつたときは、控訴裁判所は、決定で第一審裁判所の訴訟手續が終了するに至るまで、訴訟手續を停止しなければならない。

Article 285 (1) When a request for a retrial has been filed against a final and binding judgment in first instance and against a final and binding judgment on the dismissal of an appeal to the court of second instance, the court of second instance must, by a ruling, stay the court proceedings until the court proceedings in the court of first instance have been concluded.

2 第一審又は第二審の確定判決と上告を棄却した確定判決とに対して再審の請求があつたときは、上告裁判所は、決定で第一審裁判所又は控訴裁判所の訴訟手續が終了するに至るまで、訴訟手續を停止しなければならない。

(2) When a request for a retrial has been filed against a final and binding judgment in first or second instance and against a final and binding judgment to dismiss a final appeal, the final appellate court must, by a ruling, stay the court proceedings until the court proceedings in the court of first instance or the court of second instance have been concluded.

(意見の聴取)

(Hearing of Opinions)

第二百八十六条 再審の請求について決定をする場合には、請求をした者及びその相手方の意見を聴かなければならない。有罪の言渡を受けた者の法定代理人又は保佐人が請求をした場合には、有罪の言渡を受けた者の意見をも聴かなければならない。

Article 286 When rendering a ruling with regard to a request for a retrial, the court must hear the opinions of the requester and the opponent. If the request was filed by the statutory agent or curator of a person who has been found guilty, the court must also hear the opinion of the person who has been found guilty.

第六編 略式手続

Part VI Summary Proceedings

第二百八十七条 削除

Article 287 Deleted

(書面の添附)

(Attachment of a Document)

第二百八十八条 略式命令の請求書には、法第四百六十一条の二第一項に定める手続をしたことを明らかにする書面を添附しなければならない。

Article 288 A written request for a summary order must be attached with a document clarifying that the procedure specified in Article 461-2, paragraph (1) of the Code have been carried out.

(書類等の差出)

(Submission of Documents)

第二百八十九条 検察官は、略式命令の請求と同時に、略式命令をするために必要があると思料する書類及び証拠物を裁判所に差し出さなければならない。

Article 289 The public prosecutor must, at the same time that the prosecutor files a request for a summary order, submit to the court the documents and articles of evidence that they consider necessary for the issuance of a summary order.

(略式命令の時期等)

(Timing of the Issuance of a Summary Order)

第二百九十条 略式命令は、遅くともその請求のあつた日から十四日以内にこれを発しなければならない。

Article 290 (1) A summary order must be issued no later than within 14 days from the date of the request.

2 裁判所は、略式命令の謄本の送達ができなかつたときは、直ちにその旨を検察官に

通知しなければならない。

(2) When the court was unable to serve a transcript of the summary order, the court must immediately notify the public prosecutor to that effect.

(準用規定)

(Provisions Applied Mutatis Mutandis)

第二百九十一条 法第四百六十三条の二第二項の決定については、第二百十九条の二の規定を準用する。

Article 291 The provisions of Article 219-2 apply mutatis mutandis to the ruling set forth in Article 463-2, paragraph (2) of the Code.

(起訴状の謄本の差出等)

(Submission of Transcripts of the Charging Instrument)

第二百九十二条 検察官は、法第四百六十三条第三項の通知を受けたときは、速やかに被告人の数に応ずる起訴状の謄本を裁判所に差し出さなければならない。

Article 292 (1) When the public prosecutor receives the notice set forth in Article 463, paragraph (3) of the Code, the prosecutor must promptly submit to the court the number of transcripts of the charging instrument corresponding to the number of accused.

2 前項の場合には、第一百七十六条の規定の適用があるものとする。

(2) The provisions of Article 176 apply to the case set forth in the preceding paragraph.

(書類等の返還)

(Return of Documents)

第二百九十三条 裁判所は、法第四百六十三条第三項又は第四百六十五条第二項の通知をしたときは、直ちに第二百八十九条の書類及び証拠物を検察官に返還しなければならない。

Article 293 When the court gives the notice set forth in Article 463, paragraph (3) or Article 465, paragraph (2) of the Code, the court must immediately return the documents and articles of evidence set forth in Article 289 to the public prosecutor.

(準用規定)

(Provisions Applied Mutatis Mutandis)

第二百九十四条 正式裁判の請求、その取下又は正式裁判請求権回復の請求については、第二百二十四条から第二百二十八条まで及び第二百三十条の規定を準用する。

Article 294 The provisions of Articles 224 through 228 and Article 230 apply mutatis mutandis to the request for a formal trial or the withdrawal of that request, or to a request for the restoration of the right to request a formal trial.

第七編 裁判の執行

Part VII Execution of Judicial Decisions

(訴訟費用免除の申立等)

(Motion for Exemption from Court Costs)

第二百九十五条 訴訟費用の負担を命ずる裁判の執行免除の申立又は裁判の解釈を求め
る申立若しくは裁判の執行についての異議の申立は、書面でこれをしなければならない
。申立の取下についても、同様である。

Article 295 (1) Motion for exemption from the execution of judicial decisions
ordering to bear the court costs, motion requesting the interpretation of
judicial decisions, and filing of objections to the execution of judicial decisions
must be made in writing. The same applies to the withdrawal of that motion or
filing.

2 前項の申立又はその取下については、第二百二十七条及び第二百二十八条の規定を
準用する。

(2) The provisions of Article 227 and Article 228 apply mutatis mutandis to the
motion or filing, or its withdrawal set forth in the preceding paragraph.

(免除の申立裁判所)

(Court for Filing a Motion for Exemption from Court Costs)

第二百九十五条の二 訴訟費用の負担を命ずる裁判の執行免除の申立は、その裁判を言
い渡した裁判所にしなければならない。但し、事件が上訴審において終結した場合に
は、全部の訴訟費用について、その上訴裁判所にしなければならない。

Article 295-2 (1) A motion for exemption from the execution of a judicial decision
ordering to bear the court costs must be filed with the court which has
rendered the judicial decision; provided, however, that in cases where the case
has been concluded in the appellate instance, the motion must be filed with the
appellate court for all court costs.

2 前項の申立を受けた裁判所は、その申立について決定をしなければならない。但し、
前項但書の規定による申立を受けた裁判所は、自ら決定をするのが適当でないと認め
るときは、訴訟費用の負担を命ずる裁判を言い渡した下級の裁判所に決定をさせるこ
とができる。この場合には、その旨を記載し、かつ、裁判長が認印した送付書ととも
に申立書及び関係書類を送付するものとする。

(2) A court which has received the motion set forth in the preceding paragraph
must render a ruling on the motion; provided, however, that a court which has
received a motion under the provisions of the proviso to the preceding
paragraph may, if the court finds it inappropriate for the court to render a
ruling on the motion, have the lower instance court that rendered the judicial
decision ordering to bear the court costs render a ruling on the motion. In this
case, the court is to send a document stating the fact, and to which the
presiding judge has affixed their seal of approval, along with the written

motion and related documents, to the lower instance court.

3 前項但書の規定による送付をしたときは、裁判所は、直ちにその旨を検察官に通知しなければならない。

(3) When a court has sent the documents under the provisions of the proviso to the preceding paragraph, the court must immediately notify the public prosecutor to that effect.

(申立書が申立裁判所以外の裁判所に差し出された場合)

(Cases Where a Written Motion Has Been Submitted to a Court Other Than the Court with Which the Motion Is to Be Filed)

第二百九十五条の三 前条第一項の規定により申立をすべき裁判所以外の裁判所（事件の係属した裁判所に限る。）に申立書が差し出されたときは、裁判所は、すみやかに申立書を申立をすべき裁判所に送付しなければならない。この場合において申立書が申立期間内に差し出されたときは、申立期間内に申立があつたものとみなす。

Article 295-3 When a written motion has been submitted to a court other than the court with which the motion should be filed pursuant to the provisions of paragraph (1) of the preceding Article (limited to a court before which the case is pending), the court must promptly send the written motion to the court with which the motion should be filed. In this case, if the written motion was submitted within the period for filing a motion, the motion is deemed to have been filed within the period for filing a motion.

(申立書の記載要件)

(Descriptive Requirements for a Written Motion)

第二百九十五条の四 訴訟費用の負担を命ずる裁判の執行免除の申立書には、その裁判を言い渡した裁判所を表示し、かつ、訴訟費用を完納することができない事由を具体的に記載しなければならない。

Article 295-4 In a written motion for exemption from the execution of a judicial decision ordering to bear the court costs, the court which has rendered the judicial decision must be indicated, and the grounds for not being able to pay the court costs in full must be specifically stated.

(検察官に対する通知)

(Notice Given to the Public Prosecutor)

第二百九十五条の五 訴訟費用の負担を命ずる裁判の執行免除の申立書が差し出されたときは、裁判所は、直ちにその旨を検察官に通知しなければならない。

Article 295-5 When a written motion for exemption from the execution of a judicial decision ordering to bear the court costs has been submitted, the court must immediately notify the public prosecutor to that effect.

第八編 補則

Part VIII Auxiliary Provisions

(申立その他の申述の方式)

(Method for Making a Motion or Statement)

第二百九十六条 裁判所又は裁判官に対する申立その他の申述は、書面又は口頭でこれを行うことができる。但し、特別の定のある場合は、この限りでない。

Article 296 (1) Motions or statements to the court or a judge may be made in writing or orally; provided, however, that this does not apply when there are special provisions providing otherwise.

2 口頭による申述は、裁判所書記官の面前でこれをしなければならない。

(2) An oral statement must be made in the presence of a court clerk.

3 前項の場合には、裁判所書記官は、調書を作らなければならない。

(3) In the case referred to in the preceding paragraph, a court clerk must make a record thereof.

(刑事収容施設に収容中又は留置中の被告人又は被疑者の申述)

(Statement by the Accused or by a Suspect Who Has Been Committed to or Detained in a Penal Detention Facility)

第二百九十七条 刑事施設の長、留置業務管理者若しくは海上保安留置業務管理者又はその代理者は、刑事収容施設に収容され、又は留置されている被告人又は被疑者が裁判所又は裁判官に対して申立てその他の申述をしようとするときは、努めてその便宜を図り、ことに、被告人又は被疑者が自ら申述書を作ることができないときは、これを代書し、又は所属の職員にこれを代書させなければならない。

Article 297 The warden of the penal institution, the detention services manager, or the coast guard detention services manager, or a deputy of those persons must, when the accused or a suspect who has been committed to or detained in a penal detention facility seeks to make a motion or statement to the court or a judge, provide assistance to that end insofar as possible, and when the accused or the suspect is unable to prepare a written motion or written statement by themselves, the person must write the document on behalf of the accused or the suspect or have an employee of the facility write it on behalf of the accused or the suspect.

(書類の発送、受理等)

(Sending and Acceptance of Documents)

第二百九十八条 書類の発送及び受理は、裁判所書記官がこれを取り扱う。

Article 298 (1) The sending and acceptance of documents are to be handled by a court clerk.

2 訴訟関係人その他の者に対する通知は、裁判所書記官にこれをさせることができる。

(2) When giving a notice to a person concerned in the case or other persons, the court may have a court clerk give the notice.

3 訴訟関係人その他の者に対し通知をした場合には、これを記録上明らかにしておかなければならない。

(3) In cases where a notice has been given to a person concerned in the case or other persons, the fact that the notice was given must be clearly indicated in the record.

(裁判官に対する取調等の請求)

(Request for the Interrogation of a Judge)

第二百九十九条 検察官、検察事務官又は司法警察職員の裁判官に対する取調、処分又は令状の請求は、当該事件の管轄にかかわらず、これらの者の所属の官公署の所在地を管轄する地方裁判所又は簡易裁判所の裁判官にこれをしなければならない。但し、やむを得ない事情があるときは、最寄の下級裁判所の裁判官にこれを行うことができる。

Article 299 (1) A public prosecutor, a public prosecutor's assistant officer, or a judicial police personnel must file a request for a interrogation of or a disposition or warrant with a judge of the district court or summary court which has jurisdiction over the location of the public agency to which the person is assigned, irrespective of the jurisdiction of the case in question; provided, however, that the request may be filed with a judge of the nearest lower instance court if there are unavoidable circumstances.

2 前項の請求は、少年事件については、同項本文の規定にかかわらず、同項に規定する者の所属の官公署の所在地を管轄する家庭裁判所の裁判官にもこれを行うことができる。

(2) For a juvenile case, the request referred to in the preceding paragraph may also be filed with a judge of the family court which has jurisdiction over the location of the public agency to which the person prescribed in the same paragraph is assigned, notwithstanding the provisions of the main clause of that paragraph.

(令状の有効期間)

(Valid Period of a Warrant)

第三百条 令状の有効期間は、令状発付の日から七日とする。但し、裁判所又は裁判官は、相当と認めるときは、七日を超える期間を定めることができる。

Article 300 A warrant's valid period is to be seven days from the date of issuance; provided, however, that if the court or the judge finds it appropriate, the court or the judge may specify a period exceeding seven days.

(書類、証拠物の閲覧等)

(Inspection of Documents and Articles of Evidence)

第三百一条 裁判長又は裁判官は、訴訟に関する書類及び証拠物の閲覧又は謄写について、日時、場所及び時間を指定することができる。

Article 301 (1) The presiding judge or a judge may designate the date, place, and time for the inspection or copying of documents and articles of evidence related to the court.

2 裁判長又は裁判官は、訴訟に関する書類及び証拠物の閲覧又は謄写について、書類の破棄その他不法な行為を防ぐため必要があると認めるときは、裁判所書記官その他の裁判所職員をこれに立ち合わせ、又はその他の適当な措置を講じなければならない。

(2) When the presiding judge or a judge finds it necessary for preventing destruction of documents or any other unlawful acts with regard to the inspection or copying of documents and articles of evidence related to the court, they must have a court clerk or any other court official attend the inspection or copying, or take other appropriate measures.

(裁判官の権限)

(Authority of a Judge)

第三百二条 法において裁判所若しくは裁判長と同一の権限を有するものとされ、裁判所がする処分に関する規定の準用があるものとされ、又は裁判所若しくは裁判長に属する処分をすることができるものとされている受命裁判官、受託裁判官その他の裁判官は、その処分に関しては、この規則においても、同様である。

Article 302 (1) An authorized judge, a commissioned judge, or any other judge who is deemed to have the same authority as the court or the presiding judge, who is subject to the mutatis mutandis application of the provisions concerning dispositions to be made by the court, or who may make a ruling that is to be made by the court or the presiding judge, under the Code, also may make a ruling under these Rules.

2 法第二百二十四条又は第二百二十五条の請求を受けた裁判官は、その処分に関し、裁判所又は裁判長と同一の権限を有する。

(2) A judge who has received a request set forth in Article 224 or Article 225 of the Code has the same authority as the court or the presiding judge with regard to the ruling thereon.

(検察官及び弁護人の訴訟遅延行為に対する処置)

(Measures to Be Taken Against an Act Committed by a Public Prosecutor or Defense Counsel to Delay the Court Proceedings)

第三百三条 裁判所は、検察官又は弁護士である弁護人が訴訟手続に関する法律又は裁判所の規則に違反し、審理又は公判前整理手続若しくは期日間整理手続の迅速な進行を妨げた場合には、その検察官又は弁護人に対し理由の説明を求めることができる。

Article 303 (1) In cases where a public prosecutor or defense counsel who is an attorney at law obstructs the speedy progress of proceedings, a pretrial conference procedure, or an interim conference procedure, in violation of laws or court rules on court proceedings, the court may demand that the public prosecutor or the defense counsel explain the reason therefor.

2 前項の場合において、裁判所は、特に必要があると認めるときは、検察官については、当該検察官に対して指揮監督の権を有する者に、弁護人については、当該弁護士の属する弁護士会又は日本弁護士連合会に通知し、適當の処置をとるべきことを請求しなければならない。

(2) In the case referred to in the preceding paragraph, if the court finds it to be particularly necessary, in the case of a public prosecutor, the court must notify the person who has the power of control and supervision over the public prosecutor, and in the case of a defense counsel, the court must notify the bar association to which the attorney at law belongs or the Japan Federation of Bar Associations, of the fact and request that appropriate measures be taken.

3 前項の規定による請求を受けた者は、そのとつた処置を裁判所に通知しなければならない。

(3) A person who has received a request under the provisions of the preceding paragraph must notify the court of the measures the person has taken.

(被告事件終結後の訴訟記録の送付)

(Sending of the Case Record after the Conclusion of a Case Charged to the Court)

第三百四条 裁判所は、被告事件の終結後、速やかに訴訟記録を第一審裁判所に対応する検察庁の検察官に送付しなければならない。

Article 304 (1) After the conclusion of a case charged to the court, the court must promptly send the case record to the public prosecutor of the public prosecutor's office corresponding to the court of first instance.

2 前項の送付は、被告事件が上訴審において終結した場合には、当該被告事件の係属した下級の裁判所を経由してしなければならない。

(2) In cases where a case charged to the court has been concluded in an appellate instance, the case records to be sent pursuant to the provisions of the preceding paragraph must be sent through the lower instance court which the case charged to the court was pending.

(代替収容の場合における規定の適用)

(Application of Provisions to Alternate Detention)

第三百五条 刑事収容施設及び被収容者等の処遇に関する法律第十五条第一項の規定により留置施設に留置される者については、留置施設を刑事施設と、留置業務管理者を刑事施設の長と、留置担当官（同法第十六条第二項に規定する留置担当官をいう。）を刑事施設職員とみなして、第六十二条第三項、第八十条第一項及び第二項、第九十一条第一項第二号及び第三号、第九十二条の二、第一百五十三条第四項、第一百八十七条の二、第一百八十七条の三第二項、第二百十六条第二項、第二百二十七条（第一百三十八条の八、第二百二十九条、第二百八十四条、第二百九十四条及び第二百九十五条第二項において準用する場合を含む。）、第二百二十八条（第一百三十八条の八、第二百二十九条、第二百八十四条、第二百九十四条及び第二百九十五条第二項において準用す

る場合を含む。) 、第二百二十九条、第二百四十四条、第二百八十条の二第三項及び第四項並びに第二百八十条の三第二項の規定を適用する。

Article 305 A person who has been detained in a detention facility pursuant to the provisions of Article 15, paragraph (1) of the Act on Penal Detention Facilities and the Treatment of Inmates and Detainees is to be subject to the application of the provisions of Article 62, paragraph (3), Article 80, paragraph (1) and paragraph (2), Article 91, paragraph (1), item (ii) and item (iii), Article 92-2, Article 153, paragraph (4), Article 187-2, Article 187-3, paragraph (2), Article 216, paragraph (2), Article 227 (including as applied mutatis mutandis pursuant to Article 138-8, Article 229, Article 284, and Article 294, and Article 295, paragraph (2)), Article 228 (including as applied mutatis mutandis pursuant to Article 138-8, Article 229, Article 284, Article 294, and Article 295, paragraph (2)), Article 229, Article 244, Article 280-2, paragraph (3) and paragraph (4), and Article 280-3, paragraph (2), by deeming the detention facility to be the penal institution, the detention services manager to be the warden of the penal institution, and the detention officers (meaning detention officers as prescribed in Article 16, paragraph (2) of the Act on Penal Detention Facilities and the Treatment of Inmates and Detainees) to be the officials of the penal institution.