

Rules of Criminal Procedure

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

Part I General Provisions (Article 1)

Chapter I Jurisdiction of the Courts (Articles 2 through 8)

Chapter II Disqualification of, Challenge to, and Recusal of Court Officials
(Articles 9 through 15)

Chapter III Capacity to Sue or be Sued (Article 16)

Chapter IV Counsel and Assistants (Articles 17 through 32)

Chapter V Judicial Decisions (Articles 33 through 36)

Chapter VI Documents and Service (Articles 37 through 65)

Chapter VII Periods (Article 66 and Article 66-2)

Chapter VIII Summonses, Physical Escort, and Detention of the Defendant
(Articles 67 through 92-2)

Chapter IX Search and Seizure (Articles 93 through 100)

Chapter X Inspections (Articles 101 through 105)

Chapter XI Examination of Witnesses (Articles 106 through 127)

Chapter XII Expert Examination (Articles 128 through 135)

Chapter XIII Interpretation and Translation (Article 136)

Chapter XIV Preservation of Evidence (Article 137 and Article 138)

Chapter XV Court Costs (Articles 138-2 through 138-7)

Chapter XVI Compensation for Costs (Article 138-8 and Article 138-9)

Part II First Instance

Chapter I Investigation (Articles 139 through 163)

Chapter II Prosecution (Articles 164 through 175)

Chapter III Trial

Section 1 Trial Preparation and Trial Procedure (Articles 176 through 217)

Section 2 Proceedings to Arrange Issues and Evidence

Subsection 1 Pretrial Conference Procedure

Division 1 General Rules (Articles 217-2 through 217-19)

Division 2 Arrangement of Issues and Evidence (Articles 217-20 through
217-25)

Division 3 Rulings on the Disclosure of Evidence (Articles 217-26
through 217-28)

Subsection 2 Interim Conference Procedure (Article 217-29)

Subsection 3 Special Provisions on Trial Procedure (Articles 217-30
through 217-33)

Section 3 Victim Participation (Articles 217-34 through 217-40)

Section 4 Judicial Decisions in Trials (Articles 218 through 222-10)

Chapter IV Expedited Trial Proceedings

Section 1 Motions for Expedited Trial Proceedings (Articles 222-11 through 222-13)

Section 2 Special Provisions on Trial Preparation and Trial Procedure (Articles 222-14 through 222-21)

Part III Appeals

Chapter I General Rules (Articles 223 through 234)

Chapter II Appeal to the Court of Second Instance (Articles 235 through 250)

Chapter III Final Appeal (Articles 251 through 270)

Chapter IV Appeal Against a Ruling (Articles 271 through 276)

Part IV Special Procedure for Juvenile Cases (Articles 277 through 282)

Part V Retrial (Articles 283 through 286)

Part VI Summary Proceedings (Articles 287 through 294)

Part VII Execution of Judicial Decisions (Articles 295 through 295-5)

Part VIII Auxiliary Provisions (Articles 296 through 305)

Supplementary Provisions

Part I General Provisions

(Construction and Operation of These Rules)

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

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

Chapter I Jurisdiction of the Courts

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

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

(Notice of Request for Designation or Change of Jurisdiction)

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

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

Article 4 (1) If a public prosecutor files a request for change of jurisdiction over a case pending before a court due to any reasons provided for in the items of

Article 17, paragraph (1) of the Code of Criminal Procedure (Act No. 131 of 1948; referred to below as the "Code"), the public prosecutor must promptly provide the defendant with a transcript of the written request.

- (2) Defendant may submit a written opinion to the court with jurisdiction within three days from the day defendant has received a transcript of the document.

(Request for Change of Jurisdiction by the Defendant)

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

- (2) If the court stated in the preceding paragraph receives a written request, it must promptly notify the public prosecutor of the public prosecutor's office associated with that court.

(Stay of Court Proceedings)

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

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

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

(Hearing of Opinions)

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

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

Chapter II Disqualification, Challenge, and Recusal of Court Officials

(Motion to Challenge)

Article 9 (1) When filing a motion to challenge a judge, who is a member of a judicial panel, the motion must be filed with the court where judge is assigned; when filing a motion to challenge an authorized judge, a single judge of a district court, or a judge from a family court or summary court, the motion must be filed with the judge in question.

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

- (3) As to the grounds for the challenge, and as to the fact that the person filing the motion to challenge was unaware 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 arose after the person made a request or statement with regard to the case, a prima facie showing must be made in writing within three days from the day on which the motion to challenge has been filed.

(Written Opinion on the Motion)

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

- (i) where a single judge of a district court or a judge from a family court or summary court, acknowledges that there are grounds for the motion to challenge;
- (ii) where the motion to challenge is denied on the grounds that it is evident the motion has been filed solely to delay the court proceedings; or
- (iii) where the motion to challenge is denied 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.

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

(Judicial Decision on Disqualification)

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

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

(Recusal)

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

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

is assigned.

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

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

(Service of a Judicial Decision on Disqualification or Recusal)

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

(Provisions Applied *Mutatis Mutandis*)

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

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

Chapter III Capacity to Sue or be Sued

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

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

Chapter IV Counsel and Assistants

(Appointment of a Defense Counsel for a Suspect)

Article 17 The appointment of a defense counsel before the institution of prosecution remains effective in the first instance, provided that a document jointly signed by the suspect and the defense counsel is presented to the public prosecutor or judicial police personnel handling the suspect's case.

(Method of Appointing a Defense Counsel for the Defendant)

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

(Appointment of a Defense Counsel for the Supplementary Prosecution)

Article 18-2 The appointment of a defense counsel made for a specific case by a person specified in Article 30 of the Code remains valid for any other case that is brought before the same court and consolidated with the original case following the institution of prosecution; provided, however, that this does not

apply when the defendant or the defense counsel declares otherwise.

(Notice to the Defendant or to the Suspect)

Article 18-3 (1) A notice under the provisions of Article 31-2, paragraph (3) of the Code to the defendant or 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 below) 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 below), 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 below).

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

(Chief Defense Counsel)

Article 19 (1) If there is more than one defense counsel for the defendant, one is to be appointed as the chief defense counsel; provided, however, that in a district court,, a person who is not an attorney may not be designated as the chief defense counsel.

(2) The chief defense counsel is to be designated either independently by the defender or through consensus among all the defense counsel.

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

(4) The designation or change of the chief defense counsel by all the defense counsel may not be made contrary to the intent expressed by the defendant.

(Method of Designating or Changing the Chief Defense Counsel)

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

(Chief Defense Counsel Designated by the Presiding Judge)

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

(2) The presiding judge may change the designation stated in the preceding

paragraph.

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

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

Article 22 Concerning the designation or change of the chief defense counsel, when the defendant has made the designation or change, it is necessary to promptly inform the public prosecutor and the person designated as the chief defense counsel to that effect; similarly, when all the defense counsel or the presiding judge has made this designation or change, it is necessary to promptly inform the public prosecutor and the defendant.

(Deputy Chief Defense Counsel)

- Article 23 (1) If the chief defense counsel is unable to perform their duties, the presiding judge may designate one person from among the other defense counsel as the deputy chief defense counsel.
- (2) If the chief defense counsel has notified the court in advance of the person who is to serve as the deputy chief defense counsel, the person must be designated as the deputy chief defense counsel.
 - (3) The presiding judge may rescind the designation stated in paragraph (1).
 - (4) The provisions of the second sentence of the preceding Article apply mutatis mutandis to the designation or cancellation of the deputy chief defense counsel.

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

- Article 24 (1) The provisions of Article 20 apply mutatis mutandis to the resignation or dismissal of the chief defense counsel or deputy chief defense counsel.
- (2) If the chief defense counsel or deputy chief defense counsel resigns or is dismissed, this information must be promptly notified to the persons concerned in the case; provided, however, that there is no need to notify the defendant when they are the one dismissing the chief defense counsel or deputy chief defense counsel.

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

- Article 25 (1) The chief defense counsel or deputy chief defense counsel represents all other defense counsel regarding the receipt of notices and the delivery of documents.
- (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 present 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 a record stating the judicial decision, or the statement of an opinion made after the examination of evidence on the trial date.

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

Article 26 (1) Under special circumstances, the court may restrict the number of defense counsel to three persons for each defendant.

(2) The ruling on restriction stated in the preceding paragraph becomes effective upon notifying the defendant of this.

(3) If the court has set a limit on the number of defense counsel for the defendant, and the number of defense counsel exceeds this limit, the court must promptly notify each defense counsel and the person who appointed the defense counsel to that effect. In such cases, notwithstanding the provisions of the preceding paragraph, the ruling on limitation will become effective seven days after the day the notification was given.

(4) When the ruling on limitation stated in the preceding paragraph becomes effective and the number of defense counsel still surpasses this limit, the appointment of the defense counsel becomes invalid.

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

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

(2) The permission stated in the proviso to the preceding paragraph is to be granted upon the request of a person that has right to appoint the defense counsel or a person who seeks to serve as a defense counsel following the request of the person.

(3) The permission stated in the proviso to paragraph (1) must be granted, specifying the number of defense counsel to be permitted.

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

Article 28 In filing the request stated in Article 36, Article 37-2, or Article 350-17, paragraph (1) of the Code, the ground for this must be indicated.

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

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

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

Article 28-3 (1) In order for a suspect committed to or detained in a penal detention facility to file the request stated in Article 37-2 or Article 350-17, paragraph (1) of the Code, the suspect must submit a written request and a statement of their financial resources as stated 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 when the request is filed in the presence of a court clerk.

(2) In the case referred to in the preceding paragraph, when the warden of the penal institution, the detention services manager, the coast guard detention services manager, or a deputy of those persons receives the document stated in the same paragraph from a suspect, they must immediately send these documents to the judge; provided, however, that except when filing the request stated in Article 350-17, paragraph (1) of the Code, if the person receives the document stated in the preceding paragraph from a suspect whose detention has not been requested, the person must send these documents to the judge immediately after a detention request for the suspect has been filed.

(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 send the document stated in paragraph (1) to the judge.

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

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

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

Article 28-4 The ruling concerning the appointment of a defense counsel under the provisions of Article 37-4 of the Code must be made by the judge who has received the request for detention, a judge of the district court which has jurisdiction over the location of the court to which the judge is assigned, or a

judge of the summary court in the same locality as the district court (including the same locality as a branch of the district court).

Article 28-5 If 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 a 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 with jurisdiction over the location of the court to which the judge is assigned, or a judge of the summary court located in the same locality as the district court (including the same locality as a branch of the district court).

(Appointment of Court-Appointed Defense Counsel)

Article 29 (1) A 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 who are members of the bar association within the jurisdiction of the district court overseeing the location of the court; provided, however, that if no attorney within this jurisdiction can serve as a defense counsel for this case, or if there are other unavoidable circumstances, a defense counsel may be appointed from among the attorneys that are members of bar association within the jurisdictional district of adjacent district court, or from among other suitable attorneys.

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

(3) Notwithstanding the provisions of paragraph (1), when the court of second instance assigns a defense counsel, if the presiding judge finds it especially necessary for the proceedings in the second instance, the presiding judge may appoint an attorney who served as a defense counsel in the first instance (limited to an attorney appointed by the court, the presiding judge, or a judge under the provisions of the Code) as a defense counsel.

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

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

(Judge Responsible for Making a Ruling on the Dismissal of a Defense Counsel)

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

summary court in the same locality as the district court (including the same locality as a branch of the district court).

(Notice of Appointment of Court-Appointed Defense Counsel)

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

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

(Interviews at the Court)

Article 30 If the defendant or a suspect under physical restraint is on court premises, if it is necessary to prevent their escape, the concealment or destruction of criminal evidence, or the exchange of items that could interfere with custody, the court may designate the date, time, place, and duration of the interview between this person and the defense counsel or a person that intends to serve as the defense counsel based on the request of a person eligible to appoint the defense counsel; the court may also ban the exchange of documents or items among these persons.

(Inspection of Documents by Defense Counsel)

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

(Method of Notification for Assistants in Court)

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

Chapter V Judicial Decisions

(Proceedings for Rendering a Ruling or an Order)

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

(2) An order may be rendered without hearing the statements of the persons

concerned in the case.

- (3) When examining the facts for rendering a ruling or an order, the court or the judge may examine witness or order an expert examination, pursuant to the provisions of the Code or these Rules.
- (4) In the case referred to in the preceding paragraph, if the court or the judge finds it necessary, the court or the judge may allow the public prosecutor, the defendant, the suspect, or the defense counsel to be present at the examination or the disposition.

(Announcement of a Judicial Decision)

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

(Pronouncement of a Judicial Decision)

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

- (2) In pronouncing the judgment, the presiding judge must read aloud the main text of the judgment and its reasons, or read aloud the main text of the judgment and provide an outline of its reasons at the same time.
- (3) When a ruling stated in Article 290-2, paragraph (1) or (3) of the Code has been rendered, the pronouncement of a judgment under the provisions of the preceding paragraph is to must be conducted in a way that does not disclose matters identifying the victim.
- (4) The provisions of the preceding paragraph also apply to the pronouncement of a judgment under the provisions of paragraph (2) when the ruling stated in Article 290-3, paragraph (1) of the Code has been rendered. In this case, the term "matters identifying the victim" in the preceding paragraph is deemed to be replaced with "matters identifying the witness, etc."

(Sending of a Transcript or an Extract)

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

- (2) When an extract sent pursuant to the provisions of the preceding paragraph is an extract of the judgment document or a record stating the judgment under the provisions of Article 57, paragraphs (2) through (4), and is necessary 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 promptly sent to the public prosecutor.

Chapter VI Documents and Service

(Preparer of Litigation Documents)

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

(Examination Record of Witnesses)

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

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

- (i) the names of the persons who were present at the examination;
- (ii) when a witness was not sworn under oath, the grounds of this;
- (iii) the fact that the examination of a witness, an expert witness, an interpreter, or a translator, and their statements, and the fact that those present at the examination were given the opportunity to examine these persons;
- (iv) the fact that the examination of the witness was conducted under the conditions stated in the items of Article 157-2, paragraph (1) of the Code;
- (v) the fact that the measures prescribed in Article 157-4, paragraph (1) of the Code have been taken, along with the name of the person who accompanied the witness, and the relationship between the person and the witness;
- (vi) the fact that the measures prescribed in Article 157-5 of the Code have been taken;
- (vii) the fact that the examination of the witness was conducted according to the method prescribed in Article 157-6, paragraph (1) or paragraph (2) of the Code;
- (viii) the fact that the examination and the statement of the witness, along with its circumstances, have been recorded on a recording medium with the consent of the witness, pursuant to the provisions of Article 157-6, paragraph (3) of the Code, and the type and quantity of the recording media used;
- (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 (referring to a participating victim as defined in Article 316-33, paragraph (3) of the Code; the same applies below) and the relationship between that person and the participating victim; and
- (x) the fact that the measures prescribed in Article 316-39, paragraph (4) of the Code have been taken.

- (3) The court is required to confirm the accuracy of the content of the record with the declarant (excluding the recording media that captured the witness's examination, statements, and the circumstances of this pursuant to the provisions of Article 157-6, paragraph (3) of the Code; the same applies in the following paragraph and paragraph (5)); this can be done by having the court clerk read back the content of the record to the declarant, or by having the declarant inspect the content of the record.
- (4) If the declarant makes a motion for any addition, removal, or alteration, that statement must be entered into the record.
- (5) If the public prosecutor, the defendant, the suspect, or the defense counsel who was present at the examination files an objection about the accuracy of the content of the record, an outline of the objection must be included in the examination record. In this case, the presiding judge or the judge who conducted the examination may have their opinion on the objection entered into the examination record.
- (6) The presiding judge or the judge conducting the examination must ensure that the declarant sign and seal the record.
- (7) For the record that has a recording medium considered to be a part of the record pursuant to the provisions of Article 157-6, paragraph (4) of the Code, that fact must be clarified in the record.

(Record of Statements by the Defendant or the Suspect)

- Article 39 (1) A record must be made when informing the defendant or a suspect of the content of the case charged to the court or of the suspect's case and hearing their statement on the case.
- (2) The provisions of the first sentence of paragraph (2), item (iii) of the preceding Article and paragraph (3), paragraph (4) and paragraph (6) of the preceding Article apply mutatis mutandis to the record stated in the preceding paragraph.

(Stenographic Notes and Audio Recordings)

- Article 40 Concerning the examination of a witness, an expert witness, an interpreter, or a translator, as well as their statements, and the motions or statements made by a person concerned in the case, the court or a judge may have these be transcribed by a court stenographer or other stenographers, or recorded using a recording equipment.

(Record of Inspection or Seizure)

- Article 41 (1) For inspections or seizures conducted without issuing a seizure warrant or a seizure warrant with an order to produce a copy of records, a report must be made.

- (2) An inspection record must state the following matters:
- (i) the names of the persons who were present for the inspection;
 - (ii) the fact that the measures prescribed in Article 316-39, paragraph (1) of the Code have been taken, and the name of the person who accompanied the participating victim, along with the relationship between the person and the participating victim; and
 - (iii) the fact that the measures prescribed in Article 316-39, paragraph (4) of the Code have been taken.
- (3) When items are seized, an inventory listing the items must be created and attached to the record.

(Descriptive Requirements for Record)

- Article 42 (1) The record stated in Article 38, Article 39 and the preceding Article, must include the date and location of the examination or the disposition, signed and sealed by court clerk; the person who has conducted the examination or taken the disposition must also approve it with their seal; provided, however, that if the court has conducted the examination or taken a disposition, the presiding judge must affix their seal of approval.
- (2) The time that the disposition was taken must be stated in the record stated in the preceding Article.

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

- Article 43 (1) With regard to the execution of a seizure warrant, a seizure warrant with an order to produce a copy of records, or a search warrant, or with regard to a search of the defendant or a suspect when executing a writ of physical escort or a detention warrant, the person executing the warrant or conducting the search must personally prepare the record.
- (2) The record must state the following matters:
- (i) the date, time, and place that the execution of the warrant or the search was carried out; and
 - (ii) if the execution of the warrant could not be carried out, the grounds of this.
- (3) The provisions of Article 41, paragraph (2), item (i) and Article 41, paragraph (3) apply mutatis mutandis to the record stated in paragraph (1).

(Descriptive Requirements for Trial Records)

- Article 44 (1) The following matters must be stated in the trial record:
- (i) the name of the case charged to the court and the name of the defendant;
 - (ii) the court carrying out the trial and the date of the trial;
 - (iii) if the court session has been held at a different place pursuant to the provisions of Article 69, paragraph (2) of the Court Act (Act No. 59 of 1947), the place;

- (iv) the official titles and names of the judge and the court clerks;
- (v) the official title and name of the public prosecutor;
- (vi) the names of the defendant, defense counsel, agent, and assistant in court who were present;
- (vii) the fact that the presiding judge made an announcement under the provisions of Article 187-4;
- (viii) the names of the participating victims and the entrusted attorney who were present;
- (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 that person and the participating victim;
- (x) the fact that the measures prescribed in Article 316-39, paragraph (4) or paragraph (5) of the Code have been taken;
- (xi) the fact that the trial has been prohibited from opening to the public, and the grounds for this;
- (xii) the fact that the presiding judge made a ruling to maintain order in court, such as having the defendant leave the courtroom;
- (xiii) statements made by the defendant and the defense counsel about the case charged to the court, under the opportunity stated in Article 291, paragraph (4) of the Code;
- (xiv) a request for examination of evidence or other motions;
- (xv) the relationship between the evidence and the facts to be proved (excluding cases where the relationship is clear from the list of the evidence);
- (xvi) when the evidence for which examination is requested is evidence stated in Article 328 of the Code, that fact;
- (xvii) the filing of any objections stated in Article 309 of the Code and the grounds for this;
- (xviii) a statement indicating a change to the designation of the chief defense counsel;
- (xix) questions to the defendant and their statement;
- (xx) the names of the witness, expert witness, interpreter, and translator that were present;
- (xxi) the fact that the witness was exempted from swearing under oath, and the grounds for this;
- (xxii) questions asked during examination of a witness, an expert witness, an interpreter, or a translator and their statement;
- (xxiii) the fact that a witness or any other person refused to swear under oath, to testify, or to carry out any other act, and the reasons of this;
- (xxiv) the fact that the examination of the witness was conducted under the conditions stated in the items of Article 157-2, paragraph (1) of the Code;

- (xxv) the fact that the measures prescribed in Article 157-4, paragraph (1) of the Code have been taken, and the name of the person who accompanied the witness and the relationship between that person and the witness;
- (xxvi) the fact that the measures prescribed in Article 157-5 of the Code have been taken;
- (xxvii) the fact that examination of the witness was conducted according to the method prescribed in Article 157-6, paragraph (1) or paragraph (2) of the Code;
- (xxviii) the fact that the examination and the statement of the witness, along with its circumstances have been recorded on a recording medium with the consent of the witness, pursuant to the provisions of Article 157-6, paragraph (3) of the Code, and the type and quantity of the recording media;
- (xxix) the fact that the presiding judge has taken the measures stated in Article 202;
- (xxx) a consent stated in Article 326 of the Code;
- (xxxi) a list of evidence examined and the order of examination;
- (xxxii) an inspection or a seizure carried out in an open court;
- (xxxiii) the fact that the proceeding stated in Article 316-31 of the Code has been carried out;
- (xxxiv) an argument stated in Article 335, paragraph (2) of the Code;
- (xxxv) matters regarding the addition, withdrawal, or alteration of the counts against the defendant or relevant penal acts (including matters related to the correction of the charging instrument);
- (xxxvi) the name of the person who stated their opinion pursuant to the provisions of Article 292-2, paragraph (1) of the Code;
- (xxxvii) an outline of the opinion stated by the person prescribed in the preceding item;
- (xxxviii) the fact that the measures prescribed in Article 157-4, paragraph (1) of the Code, as applied *mutatis mutandis* pursuant to Article 292-2, paragraph (6) of the Code, have been taken, along with the name of the person who accompanied the person prescribed in item (xxxvi) and the relationship between this person and the person prescribed in the same item;
- (xxxix) the fact that the measures prescribed in Article 157-5 of the Code as applied *mutatis mutandis* pursuant to Article 292-2, paragraph (6) of the Code have been taken;
- (xl) 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 157-6, paragraph (1) or paragraph (2) of the Code as applied *mutatis mutandis* pursuant to Article 292-2, paragraph (6) of the Code;
- (xli) the fact that the proceeding under the provisions of Article 292-2, paragraph (8) of the Code has been carried out;

- (xlii) an outline of the opinions stated by the public prosecutor, the defendant, and the defense counsel after finishing the examination of evidence ;
- (xliii) an outline of the opinions stated by a participating victim or entrusted attorney pursuant to the provisions of Article 316-38, paragraph (1) of the Code;
- (xliv) an outline of the closing statement of the defendant or the defense counsel;
- (xlv) the fact that judgment has been pronounced;
- (xlvi) matters concerning the ruling under the provisions of Article 299-5, paragraph (1) of the Code;
- (xlvii) a ruling or an order rendered; provided, however, that those stated in the following sub-items are excluded:
 - (a) permission for the defendant or the defense counsel to make an opening statement (Article 198);
 - (b) a ruling (excluding a ruling on the request stated in Article 157-2, paragraph (1) or Article 157-3, paragraph (1) of the Code) to establish or change the scope, order, or method of the examination of evidence (Article 297 of the Code);
 - (c) permission for the defendant to leave the court (Article 288 of the Code);
 - (d) permission for the defense counsel other than the chief defense counsel or deputy chief defense counsel to carry out an act such as filing a motion, filing a request, or asking a question (Article 25);
 - (e) an order to present evidence for rendering a ruling on the examination of evidence (Article 192);
 - (f) permission to take stenographic notes, make audio recordings, take videos or photographs, etc. (Article 47 and Article 215);
 - (g) a ruling that the examination and the statements of the witness, and the circumstances of this are to be recorded on a recording medium (Article 157-6, paragraph (3) of the Code); and
 - (h) permission to submit a transcript of documentary evidence or articles of evidence (Article 310 of the Code); and
- (xlviii) if the trial procedure has been renewed, an entry to that effect and the following matters:
 - (a) if the defendant or the defense counsel has made a statement that differs from a previous statement concerning the case charged to the court, that statement; and
 - (b) document or article for which a ruling not to conduct an examination has been rendered.
- (xlix) if a motion for expedited trial proceedings has been denied on the grounds that the case falls under Article 350-22, item (i) or item (ii) of the Code, or that the defendant failed to admit a statement indicating that they

are guilty of a count listed in the charging instrument during the procedure under Article 291, paragraph (4) of the Code, a record of this must be made; and

- (1) if the ruling stated in Article 350-22 of the Code has been revoked on the grounds that the case falls under Article 350-25, paragraph (1), item (i), item (ii) or item (iv) of the Code (concerning the item (iv) of that paragraph, only when the case falls under this item on the grounds that the defendant has made a statement that contradicts or significantly differs from their statement indicating they are guilty of a count stated in the charging instrument), a record of this must be made.
- (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 recorded into the trial record.

(Simplified Entry of Statements in the Trial Record)

Article 44-2 If the persons concerned in the case give their consent and the presiding judge finds it reasonable, it is permissible to only record an outline of the statements from the defendant, a witness, an expert witness, an interpreter or a translator in the trial record, in lieu of stating the questions posed to them and their statements, In such cases, the trial record must indicate that the persons concerned in the case have given their consent.

(Procedure for Creating a Trial Record)

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

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

- Article 46 (1) A court clerk must sign and seal the trial record, and the presiding judge must affix their seal of approval to it.
- (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 for this in a supplementary note.
 - (3) If a single judge of a district court or a judge of a summary court is unable to affix their seal of approval to the trial record, a court clerk must sign and seal the trial record, and indicate the grounds for this in a supplementary note.

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

(Stenographic Notes and Audio Recording in Open Court)

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

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

(Entry of Objections Filed)

Article 48 If an objection is raised concerning the accuracy of the outline of the statement given by a witness during the trial, or the accuracy of the content of the trial record, the date of this objection and its outline must be recorded. In such cases, the court clerk must record the presiding judge's opinion on the objection, sign and seal the record, and the presiding judge must affix their seal of approval to this record.

(Quotation in a Record)

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

(Binding the Record by the Matters Stated)

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

(Inspection of the Trial Record by the Defendant)

Article 50 (1) A defendant without the defense counsel must inspect the trial record at the courthouse.

- (2) If the defendant stated in the preceding paragraph is unable to read or has visual impairment, the reading aloud of a trial record must be conducted by a court clerk, as directed by the presiding judge.

(Announcement of Outline of Witness Statements)

Article 51 When a court clerk announces the outline of the statements by the

witness or significant matters related to the proceedings conducted on a previous trial date on a date other than the trial date, the court clerk must make the announcement in the presence of the presiding judge.

(Completion of the Trial Record)

Article 52 In relation to the period for filing an objection about the accuracy of the content of the trial record, when 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 final day it was supposed to be completed.

(Witness Examination Record in Trial Preparation)

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

- (i) only the outline of the statements given by the witness or other persons is to be entered into the record in lieu of entering the examination and their statements; and
 - (ii) the proceedings under the provisions of Article 38, paragraphs (3) through (6) are not to be carried out.
- (2) If a record is made following the rules stated in the items of the preceding paragraph, it must be entered in the record that the persons concerned in the case and the declarant have given their consent.
- (3) If the record made in accordance with the rule stated in paragraph (1), item (ii) is not completed and there is a request from the public prosecutor, the defendant, or the defense counsel, the court clerk must provide an outline of the statements made by the witness and other persons in the presence of the presiding judge, the authorized judge, or the commissioned judge.
- (4) In the case referred to in the preceding paragraph, if the public prosecutor, defendant, or the defense counsel files an objection about the accuracy of the outline of a statement, the date on which the objection is filed and a its outline must be entered into the record. In such a case, a court clerk is required to enter the opinion of the presiding judge, the authorized judge, or the commissioned judge on 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 to it.
- (5) If a record made in accordance with the rule stated in paragraph (1), item (ii) is examined on the trial date, if the public prosecutor, the defendant, or the

defense counsel files an objection about the accuracy of the content of the record, the provisions of the preceding paragraph apply *mutatis mutandis*.

(Creation of a Stenographic Record)

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

(Quotation from the Stenographic Record in Witness Examination Records)

Article 52-4 If a court stenographer takes stenographic records of the examination of and the statements 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 be a part of the case recorded by quoting the stenographic record in the case record and attaching it to the case file; provided, however, that this does not apply when the court or the judge, after hearing the opinions of the public prosecutor, the defendant, the suspect, or the defense counsel present at the examination or the proceedings, finds it inappropriate to quote the stenographic record, .

(Measures to Be Taken When Quoting from the Stenographic Record)

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

- (2) In the case referred to in the preceding paragraph, the following rules apply:
- (i) the court or a judge is to have the court stenographer read aloud the stenographic notes, and then ask the declarant to verify the accuracy of the stenographic notes.
 - (ii) if the declarant makes a motion for any addition, removal, or alteration, the court or a judge is to have the statement taken in stenographic notes;
 - (iii) if the public prosecutor, the defendant, the suspect, or the defense counsel who were present during the examination raises an objection about 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 the stenographic notes; and
- (iv) the court or a judge is to have a court clerk document the execution of the procedure stated in item (i) in the record, and have the declarant sign and seal the record.
- (3) If the declarant states that there is no need for oral translation from the stenographic notes, and there is no objections from the public prosecutor, the defendant, the suspect, or the defense counsel present at the examination, the proceedings stated in the preceding paragraph are not to be carried out. In this case, the court or a judge must instruct the court clerk to document this fact in the record, and require the declarant to sign and seal the record.
- (4) When deeming the stenographic record of the examination of a witness, an expert witness, an interpreter, or a translator and of their statements, during the trial preparation as a part of the record, the regulations of provisions of the preceding two paragraphs do not apply; provided, however, that the proceedings specified in paragraph (2), item (i) and item (ii) must be carried out when the declarant requests an oral translation of the stenographic notes.

Article 52-6 (1) If the record made in accordance with the rule stated in the preceding Article, is not completed, and there is a request from the public prosecutor, the defendant, the suspect, or the defense counsel who was or could have been present at the examination, the court clerk must have the court stenographer read aloud from the stenographic notes.

- (2) In the case referred to in the preceding paragraph, if the stenographic notes are related to the examination and the statement given during trial preparation, the public prosecutor, the defendant, or the defense counsel may file an objection regarding the accuracy of these stenographic notes.
- (3) If an objection stated in the preceding paragraph is filed, the court clerk must record the date and its outline of the objection, and is also required to enter the opinion of the presiding judge, the authorized judge, or the commissioned judge on the objection in to 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 to it.
- (4) If a record, which includes a stenographic record of the examination and the statements made during trial preparation deemed to constitute a part stenographic record pursuant to the rules stated in the preceding Article, has been reviewed on the trial date, and the public prosecutor, the defendant, or the defense counsel raises an objection about the accuracy of the content of the record, the provisions of the preceding paragraph apply mutatis mutandis.

(Quotation from the Stenographic Record in the Trial Record)

Article 52-7 If a court stenographer take stenographic notes of the examination

and statement of a witness, an expert witness, an interpreter or a translator, as well as the questioning and statements from the defendant, and the motions and statements made by a person concerned in the case in an open court, the stenographic record is deemed to be 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, after hearing the opinions of the public prosecutor and the defendant, or their defense counsel, finds it inappropriate to quote the stenographic record.

(Quotation from Stenographic Notes in the Trial Record)

Article 52-8 When a court stenographer takes stenographic notes as stated 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 be 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 has given their consent must be entered into the trial record.

(Oral Translation of Stenographic Notes)

Article 52-9 When a stenographic record or stenographic notes are deemed to be a part of a trial record pursuant to the provisions of the main clause of Article 52-7 or the preceding Article, if the declarant requests, the court must have the court stenographer read aloud the parts of the stenographic notes related to their statement given by the person. If the person examined makes a motion for any addition, removal, or alteration of their statement, the court must have the statement recorded in stenographic notes.

Article 52-10 (1) When a stenographic record or stenographic notes are deemed to be 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 has not been completed by the next trial date, at the request of the public prosecutor, the defendant, or the defense counsel, the court clerk must have the court stenographer read aloud from the stenographic notes that recorded the questioning and statement of the witness at the previous trial date, either on or by next trial date. In this case, if the public prosecutor, the defendant, or the defense counsel files an objection about the accuracy of the stenographic notes, the provisions of Article 48 apply *mutatis mutandis*.

(2) When a court clerk announces important matters related to the proceedings conducted on the previous trial date pursuant to the provisions of Article 50, paragraph (2) of the Code, and if the matters have been recorded in stenographic notes by a court stenographer, the court clerk may request the court stenographer to read aloud from the stenographic notes.

- Article 52-11 (1) When request is made by the public prosecutor or the defense counsel, the court clerk must request the court stenographer to read aloud from the stenographic notes that are deemed to be a part of the trial record pursuant to the provisions of Article 52-8. The same applies when there is a request from the defendant who has no defense counsel.
- (2) In the case referred to in the preceding paragraph, if an objection is filed about the accuracy of the stenographic notes, the provisions of Article 48 apply *mutatis mutandis*.

(Transcription of Stenographic Notes)

- Article 52-12 (1) In the following cases, the court must have the court stenographer promptly transcribe the stenographic notes that are deemed to be a part of the trial record pursuant to the provisions of Article 52-8 and create a stenographic record:
- (i) when there is a request from the public prosecutor, the defendant, or the defense counsel;
 - (ii) when an appeal has been filed; provided, however, that this excludes cases where the appeal has clearly been filed after the expiration of the right to appeal; or
 - (iii) in other cases where it is found necessary.
- (2) A court clerk must attach the stenographic record stated in the preceding paragraph to the case record, make this clear in the case record, and also, notify the persons considered in the case to that effect.
- (3) A stenographic record attached to the case record pursuant to the provisions of the preceding paragraph is to be regarded as a substitute for the stenographic notes, which form a part of the trial record.

(Period for Filing Objection in Case of Attached Stenographic Record)

- Article 52-13 If the notice under the provisions of paragraph (2) of the preceding Article is given after the final trial date, filing of an objection regarding the accuracy of the content of the trial record may be filled, limited to the part related to the stenographic record, within fourteen days from the day the notice is received; 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, when 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 the trial record should have been completed, the objection may be filed within fourteen days from the final day.

(Witness Examination Records Created by Transcribing an Audio Recording)

Article 52-14 When an audio recording has been made of the examination and the statements of a witness, an expert witness, an interpreter or a translator, as well as the motions or statements made by a person concerned in the case, a transcript of the recording (referred to below as the "audio recording" must be created if found necessary by the court or judge.

(Procedures for Transcribing an Audio Recording)

Article 52-15 (1) When the record is created by transcribing the audio recording of the 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 carried out.

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

- (i) the court or a judge is to have the declarant verify the accuracy of the audio recording's content by having a court clerk reproduce the audio recording;
- (ii) if the declarant makes a motion for any addition, removal, or alteration to the audio recording, the court or a judge is to have the statement recorded;
- (iii) if the public prosecutor, the defendant, the suspect, or the defense counsel attended the examination files an objection about the accuracy of the audio recording, that objection is to be recorded by the court or a judge. In this case, the presiding judge or the judge who conducted the examination may have their opinion on the objection recorded; and
- (iv) the court or a judge is to instruct a court clerk to note in the record that the proceeding stated in item (i) has been carried out, and have the declarant signs and seal the record.

(3) If the declarant states that there is no need to reproduce the audio recording, and there is no objection from the public prosecutor, the defendant, the suspect, or the defense counsel present at the examination, the proceeding stated in the preceding paragraph are not to be carried out. In this case, the court or a judge must instruct the court clerk to document this fact into the record, and require the declarant to sign and seal the record.

(4) When creating a transcript from an audio recording of the 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 stated in paragraph (2), item (i) and item (ii) must be carried out if the declarant making the statement requests that the audio recording are reproduced.

Article 52-16 (1) If a record as prescribed in paragraph (1) of the preceding Article is not completed, and there is a request from the public prosecutor, the

defendant, the suspect, or the defense counsel who was present or could have been present at the examination, it is required for the court clerk to reproduce the audio recording.

- (2) In the case prescribed in the preceding paragraph, if the audio recording is a record of the examination and the statements given during the trial preparation, the public prosecutor, the defendant, or the defense counsel may file an objection about the accuracy of the audio recording.
- (3) If an objection as prescribed in the preceding paragraph is filed, the court clerk must record the date of the objection and its outline into the record, and is also required to enter the opinion of the presiding judge, the authorized judge, or the commissioned judge on the objection into the record and sign and seal the record, and the presiding judge, the authorized judge, or the commissioned judge must also affix their seal of approval to it.
- (4) When a record as prescribed in paragraph (4) of the preceding Article is examined on the trial date, if the public prosecutor, the defendant, or the defense counsel files an objection about the accuracy of the record, the provisions of the preceding paragraph apply *mutatis mutandis*.

(Trial Record Created by Transcribing an Audio Recording)

Article 52-17 In an open court, when an audio recording has been made of the examination of a witness, an expert witness, an interpreter or a translator, their statements, along with the questions asked and statement made by the defendant, and the motions and statements made by a person concerned in the case, the court must create a trial record by transcribing the audio recording if the court finds it appropriate.

(Measures for Transcription of Audio Recordings in the Trial Record)

Article 52-18 When 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 audio recording related to the statements given by the declarant. In this case, if the person examined makes a motion for any addition, removal, or alteration of their statement, the court must have the statement recorded.

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

Article 52-19 (1) If a trial record has not been completed by the next trial date, at the request of the public prosecutor, the defendant, or the defense counsel, the court must provide an opportunity to reproduce the audio recording of the examination and statements of a witness, an expert witness, an interpreter or a translator, the questions asked and statement of the defendant, and the

motions or statements made by a person concerned in the case from the previous trial date, either on or by the next trial date; this also applies for the reproduction of a recording medium where the questioning and statements of a witness, and its circumstances have been recorded pursuant to the provisions of Article 157-6, paragraph (3) of the Code.

- (2) When an opportunity for reproducing the audio 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) If 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 reproducing the audio recording.

(Quotation from an Audio Recording in the Trial Record)

Article 52-20 If an audio recording is made of the examination and statements of a witness, an expert witness, an interpreter, or a translator, as well as the questions asked and statements from the defendant, and the motions and statements made by a person concerned in the case in an open court, if the court deems it appropriate, and the public prosecutor and the defendant or their defense counsel give their consent; this audio recording may be quoted in the trial record and attached to the case record.

(Preparation of a Document Stating the Content of an Audio Recording)

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

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

(Preparation of a Written Judgment)

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

(Preparer of Written Judgment)

Article 54 A written judgment must be prepared by a judge.

(Signature and Seal on a Written Judgment)

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

(Descriptive Requirements for Written Judgments)

Article 56 (1) Unless stated otherwise in specific provisions, the written judgment must include the name, age, occupation, and residence of the recipient of the judicial decision. If the recipient of the judicial decision is a corporation (including an association, foundation, or organization which is not a corporation; the same applies below), its name and office must be entered into the written judgment.

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

(Transcript or Extract of a Written Judgment)

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

- (2) An extract of a judgment document or a record stating a judgment may, be prepared, notwithstanding the provisions of the preceding paragraph, when a judicial decision should be executed, if there is a need for urgency when a judicial decision needs to be enforced; this extract may be prepared by including the name, age, occupation, residence, and registered domicile of the defendant, the charged offense, the main text of the judgment, the relevant penal statute, the date the judgment has been pronounced, and the names of the court and the judge.
- (3) The extract stated in the preceding paragraph is only valid when the judge who has issued the judgment affixes their seal of approval to it and indicates in a supplementary note that the judge certifies the content of the extract.
- (4) The provisions of the second sentence of Article 55 apply *mutatis mutandis* to the case referred to in the preceding paragraph; provided, however, that a seal of approval may be affixed in lieu of a signature and seal.
- (5) When facts stated in the charging instrument or other documents are quoted in a judgment document, these facts must also be included in a transcript or an

extract of the judgment document; provided, however, that this does not apply if there is no need to include these facts in an excerpt.

- (6) When a list of evidence stated in a trial record is quoted in a judgment document, and a person concerned in the case makes a request, the list of evidence from the trial record must be also entered into a transcript or an extract of the judgment document.

(Documents Prepared by Public Employees)

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

- (2) Concerning a written judgment, a record, or a transcript or extract of this, that should be prepared by a judge or any other court official, and 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 due to the conclusion of the case charged to the court or on other grounds similar to this), they must affix each sheet with a seal to confirm page continuation, or take measures equivalent to this in lieu of the seal to confirm page continuation.

- (3) Concerning a document (excluding a document related to a motion, a statement of opinion, notice, or other procedural actions 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 when preparing a transcript or an extract of this, they may take measures equivalent to this in lieu of the seal to confirm page continuation.

(Correction of Documents Prepared by Public Employees)

Article 59 When a government official or other public employees prepare a document, they may not modify any characters. If they add, remove, or annotate in the margins, they must clarify the scope of this and affix their seal of approval to the part they corrected; however, any removed part must leave characters readable.

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

Article 60 Concerning a document that should be prepared by a person other than a government official or other public employee, the person must enter the date and sign and seal the document.

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

Article 60-2 (1) When 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 when the judge is to affix their signature and seal to a judgment document.

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

- (i) a public prosecutor, a public prosecutor's assistant officer, judicial police personnel, or other public employees (excluding the persons prescribed in the preceding paragraph);
- (ii) a defense counsel or a person who seeks to serve as a defense counsel in response to the request of a person entitled to appoint a defense counsel; or
- (iii) an attorney as prescribed in Article 316-33, paragraph (1) of the Code or an attorney 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.

(Authorizing Another Person to Write or Affixing a Fingerprint in Lieu of Signature and Seal)

Article 61 (1) When a person, not being a government official or other public employee is to sign and seal, if they are unable to sign (except when they can affix their name and seal pursuant to paragraph (2) of the preceding Article), they must have another person write on their behalf; if they are unable to affix their seal, they must affix their fingerprint.

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

(Notification for Delivery of Documents)

Article 62 (1) The defendant, their representative, the defense counsel, or the legal assistant must provide their residential or office address to the court in writing for receiving service of documents. If they do not have a residence or office in court's jurisdiction, they must designate a person with a residence or office in that jurisdiction to receive deliveries, and notify the court of this through a document co-signed by both parties.

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

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

committed to a penal institution.

- (4) Concerning a service, the recipient is deemed to be the intended recipient, and their residence or office is deemed to be the residence for delivery of documents.

(Service by Registered Mail)

Article 63 (1) If a person that must report their residence, office, or designated service recipient for delivery fails to do so, the court clerk may deliver documents via registered mail or through a service equivalent to registered mail provided by a general or specific mail delivery operator, as defined separately under the Rules of the Supreme Court (referred to as "registered mail, etc." in the following paragraph); provided, however, that this does not apply to the delivery of a transcript of the charging instrument or summary order.

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

(Requirements for Service at the Place of Employment)

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

(Service on a Public Prosecutor)

Article 64 The service of a document to a public prosecutor must be done by sending the document to the prosecutor's office.

(Personal Service)

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

Chapter VII Periods

(Extension of the Statutory Period for a Person Undertaking a Court Procedure)

Article 66 (1) When the court finds it reasonable to extend the statutory period, taking into account the distance between the court and the location of the residence or office of the person that is to undertake a procedural act in the court, as well as any inconvenience of transportation and communications, the court must determine the extended period through a ruling.

- (2) The provisions of the preceding paragraph do not apply to the period for filing

an appeal against a pronounced judicial decision.

(Extension of the Statutory Period for a Person Engaging in a Legal Action
Against a Public Prosecutor)

- Article 66-2 (1) When a public prosecutor deems it reasonable to extend a statutory period, taking into account the distance between the residence or office of the person that is to engage in a procedural actions against the public prosecutor and the location of the public prosecutor's office, as well as any inconvenience of transportation and communications, the public prosecutor must request the judge for an extension of the period.
- (2) If the judge determines that the request stated in the preceding paragraph is reasonable, the judge must promptly specify the extended period.
- (3) The judicial decision stated in the preceding paragraph becomes effective by notifying the public prosecutor of this.
- (4) When the public prosecutor receives the notification of a judicial decision as stated in the preceding paragraph, they must immediately notify the person that is to engage in a procedural act of this.

Chapter VIII Summonses, Escort, and Detention of the Defendant

(Grace Period between Service of Summons and Appearance)

- Article 67 (1) A grace period of at least twelve hours must be set between the time of the service of a writ of summons against the defendant and the time of their appearance; provided, however, that this does not apply when special provisions providing otherwise.
- (2) If the defendant has no objection, it is possible not to set the grace period stated in the preceding paragraph.

(Preservation of Physical Safety and Reputation Concerning Physical Escort or Detention)

Article 68 Concerning the physical escort or detention of the defendant, due care must be taken to preserve their physical safety and reputation.

(Presence of the Court Clerk)

Article 69 When informing the defendant of a case brought before the court and hearing their statements regarding it pursuant to the provisions of Article 61 of the Code, the court must have a court clerk be present.

(Requirements for a Detention Warrant)

Article 70 In addition to the matters prescribed in Article 64 of the Code, grounds specified in the items of Article 60, paragraph (1) of the Code must be

entered into a detention warrant.

(Requirements for Issuing the Presiding Judge's Warrant)

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

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

Article 72 When the public prosecutor directs the execution of a writ of physical escort or detention warrant, the court or judge that issued the writ or warrant must send its original to the public prosecutor.

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

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

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

Article 74 A defendant, to whom a writ of physical escort or detention warrant is executed, may request the delivery of its transcript.

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

Article 75 (1) When executing a writ of physical escort or detention warrant, the executing person must record the location, date, and time of the execution; If the person is unable to execute a writ of physical escort or detention warrant, they must enter the grounds for this failure and affix their name and seal to the document.

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

(3) The court or the judge that has received a document concerning the execution of a writ of physical escort must have a court clerk enter the date and the time when the defendant was physically escorted into the writ of physical escort.

(Bench Warrant Issued by Commission)

Article 76 (1) When a judge who has issued a writ of physical escort by commission, upon receiving the document concerning the execution of the writ

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

(2) If a judge who has issued a writ of physical escort by commission, sends the defendant to the designated court, the judge must enter the period within which the defendant should arrive at the designated court into the writ of physical escort, and affix their name and seal to it.

(3) When a court or judge who has commissioned the issuance of a writ of physical escort, upon receiving the documents concerning the writ of physical escort, the court or judge must have the court clerk enter the date and time of defendant's arrival into the writ of physical escort.

(Presence of a Court Clerk)

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

(Preparation of Records)

Article 78 A record must be created for the ruling stated in Article 76 or Article 77 of the Code.

(Notice of Detention)

Article 79 If an defendant has been detained and does not have a defense counsel, legal representative, curator, spouse, lineal relative, or sibling, upon the defendant's request, one person designated by the defendant must be informed about the detention.

(Transfer of the Defendant)

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

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

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

(Method for Requesting Disclosure of the Grounds for Detention)

Article 81 (1) Requests for disclosure of the grounds for detention must be filed

by each requester separately and in writing.

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

(Denial of a Disclosure Request)

Article 81-2 A request for the disclosure of the grounds for detention, made in violation of the provisions of the preceding Article, must be denied through a ruling.

(Proceedings for Disclosure)

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

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

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

(Disclosure on the Trial Date)

Article 83 (1) The grounds for detention may also be disclosed at the trial date.

- (2) To disclose the grounds for detention on the trial date, the public prosecutor, the defendant, the defense counsel, their assistant in court, and the requester must be notified in advance of this intention and the trial date on which the grounds for detention are to be disclosed.

(Request for Disclosure and the Disclosure Date)

Article 84 The period between the date on which the grounds for detention are to be disclosed and the day the request has been made may not exceed five days; provided, however, that this does not apply the case of unavoidable circumstances.

(Change of the Disclosure Date)

Article 85 If there are unavoidable circumstances, the court may alter the disclosure date.

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

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

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

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

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

(Record of the Disclosure Date)

Article 86 A record of the proceedings on the disclosure date must be created; it must be signed and sealed by a court clerk, and the presiding judge must also approve it by affixing their seal.

(Service of a Ruling Denying a Request for Disclosure)

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

(Matters to Be Included into a Bail Bond)

Article 87 The bail bond must state the amount of bail and the fact to pay this bail at any time.

(Hearing of Opinions on Stay of Execution)

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

Article 89 Deleted

(Stay of Execution by Entrustment)

Article 90 To stay the execution of detention by entrusting the detained defendant to a relative, protective group, or other party, the court must have these parties submit a written statement indicating that they can have the defendant appear in court responding to a summons at any time.

(Refund of Bail Money)

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

- (i) when the detention is rescinded or the detention warrant ceases to be effective;
- (ii) when the defendant is committed to a penal institution as a result of the bail being rescinded or ceasing to be effective; or
- (iii) if bail is rescinded or ceases to be effective, when, before the defendant 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 again.

- (2) When a bail order as stated in item (iii) of the preceding paragraph is issued, the new bail money is deemed to have been paid in full or in part using the previously deposited bail money.

(Ruling on Detention Concerning a Case Under Appeal)

Article 92 (1) In a case that is still within the period for filing an appeal but where no appeal has yet been filed, if the period of detention should be renewed, the court of prior instance must render a ruling on this.

- (2) In a case that is under appeal but for which the case record has not yet reached the appellate court, the provisions of the preceding paragraph also apply to cases where the period of detention should be renewed, the detention should be rescinded, the execution of bail or detention should be stayed, or the suspension should be rescinded.

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

- (4) When the appellate court receives the case record concerning a case where the defendant is under detention, it must immediately notify the court of prior instance to that effect.

(Proceedings for Committed Defendant Sentenced to Imprisonment Without Work or Severer Punishment)

Article 92-2 In committing the defendant 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 defendant a transcript of a detention warrant; which states 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 the accuracy of the content in a supplementary note.

Chapter IX Search and Seizure

(Maintenance of Confidentiality and Reputation During Search and Seizure)

Article 93 Concerning search and seizure, due care must be taken to maintain confidentiality of a person subject to the disposition, and avoid damaging the reputation of the person.

(Matters to be Included in a Seizure Warrant)

Article 94 When it is found necessary, the grounds for carrying out a seizure, a seizure with an order to produce a copy of records, or a search must be stated in the seizure warrant, the seizure warrant with an order to produce a copy of

records, or the search warrant.

(Provisions Applied Mutatis Mutandis)

Article 95 The provisions of Article 72 apply mutatis mutandis to a seizure warrant, a seizure warrant with an order to produce a copy of records, or a search warrant.

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

Article 96 When a search, seizure, or a seizure with an order to produce a copy of records is conducted through the execution of a warrant, the person executing the warrant must prepare and deliver the certificate stated in Article 119 of the Code or the inventory stated in Article 120 of the Code.

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

Article 97 A person who has executed a search warrant, a seizure warrant with an order to produce a copy of record, or a search warrant, must promptly submit a document concerning the execution and the seized items to the court that issued the warrant. If the warrant was executed under the direction of a public prosecutor, the document and items must be submitted via the public prosecutor.

(Treatment of Seized Items)

Article 98 Concerning seized items, appropriate measures must be taken in order to prevent any loss or damage.

(Entry of a Seizure Warrant or a Seizure Warrant with an Order to Produce a Copy of Records in an Execution Record)

Article 99 (1) When a person has executed a seizure warrant, if they have taken a disposition stated in Article 96, the preceding Article, or Article 121, paragraph (1) or paragraph (2) of the Code, it's required for that person to document this in the record.

(2) The provisions of the preceding paragraph also apply when the person who has executed a seizure warrant with an order to produce a copy of records has taken a disposition stated in Article 96 or the preceding Article.

(Presence at a Search or Seizure)

Article 100 (1) When carrying out a seizure without issuing a seizure warrant or a seizure warrant with an order to produce a copy of records, the court must have a court clerk be present.

(2) When executing a seizure warrant, a seizure warrant with an order to produce a copy of records, or a search warrant, the public prosecutor's assistant

officer, the judicial police personnel, or the court clerk who executes the warrant must have another public prosecutor's assistant officer, judicial police personnel, or court clerk be present.

Chapter X Inspections

(Due Care in Inspection)

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

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

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

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

- Article 103 (1) A writ of summons for a person other than the defendant to appear for a physical examination must state the name and residence of the person, the name of the defendant, the charged offense, the date, time, and place for appearance, the fact that the person is summoned for a physical examination, and 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 person fails to appear without legitimate grounds; the presiding judge must affix their name and seal to it.
- (2) A writ of physical escort for a person other than the defendant to appear for a physical examination must state the name and residence of the person, the name of the defendant, the charged offense, the place to be physically escorted, the fact the person is physically escorted for a physical examination, the validity period and the fact that after the validity period, the writ of physical escort may not be executed and must be returned, and the date of issuance must also be included; the presiding judge must affix their name and seal to it.

(Provisions Applied Mutatis Mutandis)

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

(Presence at Inspection)

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

Chapter XI Examination of Witnesses

(Statement of Matters for Examination)

- Article 106 (1) A person who requests examination of a witness must promptly submit a document stating the matters for examination or the matters on which the witness is expected to testify, to serve as a reference for examination by the judge; provided, however, that this does not apply when a person concerned in the case is allowed to first examine the witness on the trial date.
- (2) Even in the case stated 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 stated in the main clause of the preceding paragraph.
- (3) The matters to be stated in the document stated in the preceding two paragraphs must include all the matters intended to be proved by the testimony of the witness.
- (4) Except in the event that a witness is examined on a date other than the trial date, if the presiding judge finds it appropriate, the presiding judge may, notwithstanding the provisions of paragraph (1), permit the person that requests the examination of a witness not to submit the document stated in the paragraph.
- (5) When a witness is examined on a date other than the trial date, the person requesting the examination of the witness must promptly submit to the court the number of transcripts of the document stated in paragraph (1) corresponding to the number of opposing parties and their defense counsel.

(Denial of a Request)

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

(Announcement of Ruling)

Article 107-2 (1) A ruling on the request stated in Article 157-2, paragraph (1) and Article 157-3, paragraph (1) of the Code, a ruling to take the measures prescribed in Article 157-4, paragraph (1) of the Code, a ruling to take the measures prescribed in Article 157-5 of the Code, a ruling to examine a witness by the method prescribed in Article 157-6, paragraphs (1) and (2) of the Code, and a ruling indicating that the examination of the witness, the statements, along with these circumstances, are to be recorded on a recording medium

pursuant to the provisions of paragraph (3) of the same Article need not be served, even if the ruling is rendered before the trial date.

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

(Examination by Means of a Telecommunication by Transmission of Images and Audio)

Article 107-3 The location defined in court rules, which is not within the same premises referred to in Article 157-6, paragraph (2) of the Code, refers to a place located in the premises of another court where the equipment necessary for conducting the examination as prescribed in that paragraph is installed.

(Announcement of the Matters for Examination)

Article 108 (1) If a witness is examined at the request of the public prosecutor, the defendant, or their defense counsel on a date other than the trial date, the court must determine the matters on which the witness is to be examined, using the document stated in Article 106, paragraph (1) as a reference, and inform the opposing party and their defense counsel of this.

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

(Examination Conducted Ex Officio on a Non-Trial Date)

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

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

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

Article 110 (1) A writ of summons issued to a witness must state the name and residence of the witness, the name of the defendant, the charged offense, the date, time, and place for appearance, and 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; the presiding judge must affix their name and seal to it.

- (2) A writ of physical escort issued to a witness must state the name and residence of the witness, the name of the defendant, the charged offense, the date and time, and place to be physically escorted, the validity period and the fact that after the validity period, the writ of physical escort may not be

executed and must be returned, and the date of issuance must also be stated; the presiding judge must affix their name and seal to it.

(Grace Period for a Summons)

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

(Provisions Applied Mutatis Mutandis)

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

(Due Care in Examination and Witnesses Present in Court)

Article 113 (1) A witness who appears in response to a summons must be examined promptly.
(2) When a witness is present in the premises of the court (including the premises of another court prescribed in Article 107-3), the witness may be examined without a summons.

(Presence During Examination)

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

(Examination on Identity of a Witness)

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

(Explanation of the Purpose of the Oath)

Article 116 If there is uncertainty about whether a witness can comprehend the intent of the oath, the court must question on this matter before the witness takes the oath, and when found necessary, the court is obligated to clarify the purpose of the oath to the witness.

(Timing of Oath)

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

(Method of Oath)

Article 118 (1) A witness must take the oath through a written oath.
(2) A written oath must declare that the witness pledges to speak the truth, without concealing or adding anything, guided by their conscience.
(3) The presiding judge must have the witness read aloud the written oath and sign and seal the written oath. If a witness is unable to read the oath aloud,

the presiding judge must have a court clerk do so.

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

(Individual Oath)

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

(Warning Against Perjury)

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

(Notification of the Right to Refuse to Testify)

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

(2) Notwithstanding the provisions of the preceding paragraph, if the court has rendered a ruling stated in Article 157-2, paragraph (2) of the Code, before conducting an examination, the court must inform a witness of the content of the ruling and that they may refuse to give testimony that may risk the persons prescribed in Article 147 of the Code to their own criminal prosecution or a guilty verdict.

(3) If the court has rendered a ruling stated in Article 157-3, paragraph (2) of the Code, before conducting a subsequent examination, the court must inform a witness of the content of the ruling and that they may refuse to give testimony that may risk the persons prescribed in Article 147 of the Code to their own criminal prosecution or a guilty verdict.

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

(Refusal to Testify)

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

(2) If a person who refuses to give testimony fails to state the grounds for the refusal, the court must order the person to testify and inform the person of the possibility of facing a civil fine or other sanctions.

(Individual Examination)

Article 123 (1) Witnesses must be individually examined.

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

(Simultaneous Examination)

Article 124 If the court finds it to be necessary, the court may conduct a simultaneous examination of a witness and another witness or the defendant.

(Examination in Writing)

Article 125 If a witness is unable to hear, questions may be posed through a document; similarly, if a witness is unable to speak, the witness may provide their responses in writing.

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

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

(2) The defendant may inspect the examination record stated in the preceding paragraph.

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

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

(Examination by the Authorized or Commissioned Judge)

Article 127 Even when the authorized judge or the commissioned judge examines a witness, the proceedings stated in Article 106, paragraphs (1) through (3), and paragraph (5), Articles 107 through 109 (excluding Article 107-3), and the preceding Article must be conducted by the court.

Chapter XII Expert Examination

(Oath)

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

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

(3) A written oath must state that the expert witness pledges to give expert testimony sincerely, guided by their conscience.

(Expert Examination Report)

Article 129 (1) The court must have the expert witness report the progress and

results of the examination, either orally or through a written statement of expert opinion.

(2) If there are multiple expert witnesses, the court may have them report jointly.

(3) When having the expert witness report the progress and results of their examination through a written statement of expert opinion, the court must inform the expert witness that they may be examined concerning the matters stated in the written statement of expert opinion on the trial date.

(Expert Examination Conducted Outside of Court)

Article 130 (1) If necessary, the court may have the expert witness conduct their examination outside of court.

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

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

Article 130-2 A writ of detention for expert examination must state the name and residence of the defendant, the charged offense, an outline of the facts related to charge, the location for detention, the duration of detention, the objective of the expert examination, the validity period and the fact that after the validity period has passed, the writ may not be executed and must be returned, and the date of issuance must also be stated; the presiding judge must affix their name and seal to it.

(Method for Requesting the Defendant to Be Placed Under Guard)

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

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

Article 130-4 The extension or reduction of the detention period for the defendant, for expert evaluation, must be conducted by a judicial ruling.

(Payment of Detention Fees)

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

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

(Provisions Applied Mutatis Mutandis)

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

(Provisions Applied Mutatis Mutandis)

Article 132 When an expert witness conducts an autopsy or exhumation, the provisions of Article 101 apply mutatis mutandis accordingly.

(Descriptive Requirements for a Permit for Expert Examination)

Article 133 (1) The permit stated in Article 168 of the Code must state the validity period, the fact that after the validity period, no action may be taken on the permitted disposition and permit must be returned, and the date of issuance must also be stated; the presiding judge must affix their name and seal to it.

(2) If conditions are attached to a physical examination to be conducted by an expert witness, the conditions must be entered into the permit stated in the preceding paragraph.

(Inspection for the Purpose of Expert Examination)

Article 134 (1) When necessary for an expert examination, an expert witness may, with the permission of the presiding judge, inspect or transcript documents and evidence; they may also be present during proceedings when the defendant is being questioned or a witness is being examined.

(2) Notwithstanding the provisions of the preceding paragraph, the recording medium prescribed in Article 157-6, paragraph (4) of the Code may not be duplicated.

(3) An expert witness may request to question the defendant or to examine a witness, or may directly ask these persons questions, with the permission of the presiding judge.

(Provisions Applied Mutatis Mutandis)

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

Chapter XIII Interpretation and Translation

(Provisions Applied Mutatis Mutandis)

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

Chapter XIV Preservation of Evidence

(Judge Required to Make a Ruling)

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

- (i) concerning a seizure (excluding a seizure with an order to produce a copy of records), the location of the object to be seized;
 - (ii) concerning a seizure with an order to produce a copy of records, the current residence of the person that is to record or print out electronic or magnetic records;
 - (iii) concerning a search or inspection, the location of the place, body, or object to be searched or inspected;
 - (iv) concerning the examination of a witness, the current residence of the witness; and
 - (v) concerning an expert examination, the location or current residence of the subject of the examination.
- (2) When requesting an expert examination disposition, if it is not possible to file a request pursuant to the provisions of item (v) 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 carry out the disposition.

(Method for Filing a Request)

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

- (2) The following matters must be entered into the written request stated in the preceding paragraph:
- (i) an outline of the case;
 - (ii) the facts to be proved;
 - (iii) evidence and the method for preserving it; and
 - (iv) the grounds for the need to preserve the evidence.
- (3) Prima facie showing of the grounds for the need to preserve the evidence must be made.

Chapter XV Court Costs

(Court with Which to File Requests)

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

(Method of Filing Requests)

Article 138-3 Requests stated in Article 187-2 of the Code must be filed through a document stating the following matters:

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

(Provision of Materials)

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

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

(Submission and Service of Transcripts of a Written Request)

Article 138-5 (1) When filing a request as stated 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 asked to bear the court costs, simultaneously with the filing of the request.

(2) When the court receives the transcripts stated in the preceding paragraph, the court must promptly serve the transcripts to the persons asked to bear the court costs.

(Hearing of Opinions)

Article 138-6 When rendering a ruling on the request stated in Article 187-2 of the Code, the court must hear the opinions of the persons being asked to bear the court costs.

(Denial of a Request)

Article 138-7 If a request as stated 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 to bear the court costs, the request must be denied by a ruling.

Chapter XVI Compensation for Costs

(Provisions Applied Mutatis Mutandis)

Article 138-8 The provisions of Article 227 and Article 228 apply mutatis mutandis to the written request for compensation stated in Article 188-4 of the Code.

(Calculation by the Court Clerk)

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

Part II First Instance

Chapter I Investigation

(Method of Filing a Request for a Warrant)

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

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

(Denial of a Request for a Warrant)

Article 140 In order for a judge to deny 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 to it, and deliver it to the requester.

(Return of a Written Request for a Warrant)

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

(Designation and Notification of Change for Persons Authorized to Request an Arrest Warrant)

Article 141-2 When the National Public Safety Commission or Prefectural Public Safety Commission designates the judicial police personnel who may 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 of this, and the Prefectural Public Safety Commission must notify the district court of this, which has jurisdiction over the location. The same applies if there are changes to the content of the notification.

(Descriptive Requirements for a Written Arrest Warrant Request)

Article 142 (1) The written request for an arrest warrant must state the following matters, along with any other matters that need to be stated in the arrest warrant, and matters necessary for its issuance:

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

(Provision of Materials)

Article 143 In filing a request for an arrest warrant, the requester must provide materials that establish the grounds for arrest (referring to conditions for issuing of an arrest warrant, excluding the need for arrest; the same applies below) and that confirm the necessity for the arrest.

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

Article 143-2 If a judge who receives a request for an arrest warrant finds it necessary, the judge may request the presence of the person that made the arrest warrant request to hear their statements or may request the person to present documents or other items.

(Cases When Arrest is Clearly Unnecessary)

Article 143-3 Even when a judge, who has received a request for an arrest warrant, acknowledges that there are grounds for arrest, if the judge determines 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 deny the request for an arrest warrant.

(Descriptive Requirements for an Arrest Warrant)

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

(Preparation of an Arrest Warrant)

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

(Multiple Copies of an Arrest Warrant)

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

(Descriptive Requirements for a Written Request for Detention)

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

- (i) the name, age, occupation, and residence of the suspect;
 - (ii) the charged offense, an outline of the alleged facts of the crime, and when the suspect was arrested as an offender caught in the act, the probable cause sufficient to suspect that the arrestee had committed the crime;
 - (iii) the grounds specified in the items under Article 60, paragraph (1) of the Code;
 - (iv) when a public prosecutor or judicial police personnel is unable to comply with the time limitations specified by the Code due to unavoidable circumstances, the grounds for this; and
 - (v) when the suspect has a defense counsel, the name of the defense counsel.
- (2) Concerning the 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 identical to those stated in the written request for the arrest warrant, notwithstanding the provisions of the preceding paragraph, it is adequate to note this in the written request.
- (3) The provisions of Article 142, paragraph (2) and paragraph (3) apply mutatis mutandis to the case stated in paragraph (1).

(Provision of Materials)

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

- (i) when the suspect has been arrested pursuant to an arrest warrant, the written request for the arrest warrant, along with the date, time, and location of the arrest, the date and time the suspect is physically escorted,

the date and time that the procedure for referring the suspect to a public prosecutor or judicial police personnel is conducted, and the date and time that the referral is received, with the name and seal of the relevant person affixed to it for each entry;

(ii) when the arrest has been an arrest of the person in the act of committing a crime, a record or other documents stating the matters prescribed in the preceding item; and

(iii) materials establishing the grounds for detention specified in the Code.

(2) When a public prosecutor or judicial police personnel is unable to comply with the time limitations specified by the Code due to unavoidable circumstances, the requester must also provide materials establishing these circumstances.

(Descriptive Requirements for a Detention Warrant)

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

(Sending of Documents)

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

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

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

(Request for an Extension of Period)

Article 151 (1) A request for an extension of the period under the provisions of Article 208, paragraph (2) or Article 208-2 of the Code must be filed in writing.

(2) The written request stated in the preceding paragraph must state the unavoidable circumstances and the requested period of extension.

(Provision of Materials)

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

(Judicial Decision on Extension of Period)

Article 153 (1) If a judge determines that there are reasonable grounds for the request stated in Article 151, paragraph (1), the judge must enter the grounds and period for the extension into the detention warrant and affix their name and seal to it, and have a court clerk deliver the warrant to a public prosecutor.

(2) The judicial decision on the extension under the preceding paragraph becomes

effective through the delivery stated in that paragraph.

- (3) When a court clerk delivers a detention warrant to a public prosecutor, the court clerk must note the date of delivery on it, and affix their name and seal to it.
- (4) When a public prosecutor receives delivery of a detention warrant, the public prosecutor must immediately have a penal institution official present this warrant to the suspect.
- (5) The provisions of Article 140, Article 141, and Article 150 apply *mutatis mutandis* to the request stated in Article 151, paragraph (1).

(Request for Delivery of a Transcript)

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

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

Article 155 (1) A written request for a seizure, a seizure with an order to produce a copy of records, search, or inspection must state the following matters:

- (i) the object to be seized, the electronic or magnetic records to be recorded or printed, the person who is to record or print them, or the place, body, or object to be searched or inspected;
 - (ii) the official title and name of the requester;
 - (iii) the name of the suspect or the defendant (if the suspect or the defendant is a corporation, the name of the corporation);
 - (iv) the charged offense and an outline of the facts of the crime;
 - (v) when a validity period exceeding seven days is required, an entry to that effect and the grounds for it;
 - (vi) in the case stated in Article 218, paragraph (2) of the Code, the scope of recording medium, which is connected to the computer to be seized through telecommunication lines and where the electronic or magnetic records are to be copied;
 - (vii) if there is a need to carry out a seizure, a seizure with an order to produce a copy of records, a search, or inspection before sunrise or after sunset, an entry to that effect and the grounds for it.
- (2) In addition to the matters prescribed in the preceding paragraph, a written request for a warrant for physical examination must state the matters prescribed in Article 218, paragraph (5) of the Code.
 - (3) If the name of the suspect or the defendant is unknown, it is sufficient to make an entry to that effect.

(Provision of Materials)

Article 156 (1) When filling the request stated in paragraph (1) of the preceding Article, the requester must provide materials based on which the suspect or the defendant is considered to have committed an offense.

(2) When requesting 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 defendant, or those sent to the suspect or the defendant), the requester must provide materials establishing that there are circumstances to support the item's or document's connection to the suspect's case or the case charged to the court.

(3) When requesting a warrant to search the body, an object, or the residence of a person other than the suspect or the defendant, or any other location related to that person, the requester must provide materials that there are sufficient circumstances to warrant the existence of the object to be seized.

(Descriptive Requirements for a Warrant for Physical Examination)

Article 157 A warrant for physical examination must include a warning that a civil fine or a criminal penalty may be imposed if the person refuses to undergo physical examination without legitimate grounds.

(Entry Concerning Return of the Arrest Warrant)

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

(Request for a Penalty)

Article 158 A request to impose a civil fine or to order compensation of expenses from a person who has refused a physical examination pursuant to the provisions of Article 222, paragraph (7) of the Code must be filed with the district court or summary court that has jurisdiction over the location of the public agency to which the requester is assigned.

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

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

- (i) the name, age, occupation, and place of residence of the suspect;
- (ii) the charged offense and an outline of the alleged facts of the crime;
- (iii) the official title and name of the requester;
- (iv) the place of detention;

- (v) the required period of detention;
 - (vi) the purpose of the expert examination;
 - (vii) the name and occupation of the expert witness; and
 - (viii) if the suspect has a defense counsel, the name of the defense counsel.
- (2) The provisions of Article 142, paragraphs (2) and (3) apply mutatis mutandis to the case referred to in the preceding paragraph.

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

- Article 159 (1) A written request for permission stated in Article 225, paragraph (1) of the Code must state the following matters:
- (i) the official title and name of the requester;
 - (ii) the name of the suspect or the defendant (if the suspect or the defendant is a corporation, the name of the corporation);
 - (iii) the charged offense and an outline of the facts of the crime;
 - (iv) the name and occupation of the expert witness;
 - (v) the residence, premises, building, or vessel to be entered by the expert witness, the person to be examined, the corpse to be autopsied, the grave to be exhumed, or the object to be destroyed; and
 - (vi) when a validity period exceeding seven days is required for the permit, an entry to that effect and the grounds for it.
- (2) The provisions of Article 155, paragraph (3) apply mutatis mutandis to the case referred to in the preceding paragraph.

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

- Article 160 (1) Requests for the examination of a witness stated in Article 226 or 227 of the Code must be filed through a document containing the following matters:
- (i) the name, age, occupation, and location of residence of the witness;
 - (ii) the name of the suspect or the defendant (if the suspect or the defendant is a corporation, the name of the corporation);
 - (iii) the charged offense and an outline of the facts of the crime;
 - (iv) the facts to be proved;
 - (v) the matters to be examined or the matters on which the witness should testify;
 - (vi) the grounds prescribed in either Article 226 or Article 227 of the Code; and
 - (vii) when the suspect has a defense counsel, the name of the defense counsel.
- (2) The provisions of Article 155, paragraph (3) apply mutatis mutandis to the case referred to in the preceding paragraph.

(Provision of Materials)

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

(Presence During Examination of a Witness)

Article 162 When a judge receives a request for the examination of a witness stated in Article 226 or Article 227 of the Code, if it is determined that there is no risk of hindering the investigation, the judge may permit the defendant, the suspect, or the defense counsel to be present in the examination.

(Sending of Documents)

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

Chapter II Prosecution

(Descriptive Requirements for a Charging Instrument)

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

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

(Submission of a Transcript of the Charging Instrument)

Article 165 (1) When instituting a prosecution, a public prosecutor must submit to the court a number of transcripts of the charging instrument corresponding to the number of defendant; provided, however, that if the public prosecutor is unable to do so due to unavoidable circumstances, they must submit the transcripts promptly after instituting the prosecution.

- (2) At the same time as instituting a prosecution, a public prosecutor must submit to the court the written appointment of the 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) If a judge has appointed a defense counsel before institution of prosecution based on the provisions of the Code, a public prosecutor must notify the court to that effect at the same time as instituting a prosecution.
- (4) The provisions of paragraph (1) do not apply when requesting a summary order.

(Submission of Materials for Proof)

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

(Submission of an Arrest Warrant or a Detention Warrant)

- Article 167 (1) If a public prosecutor institutes a prosecution against the defendant who has been arrested or is under detention, 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 defendant who has been released following arrest or detention.
- (2) If a judge from 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 stated in the preceding paragraph to the judge of another court.
 - (3) When proceedings have been held on the first trial date, the judge must promptly send the arrest warrant, detention warrant, and documents concerning a ruling on detention to the court.

(Method for Withdrawing Prosecution)

Article 168 Withdrawal of prosecution must be carried out through a document stating its grounds.

(Descriptive Requirements for a Written Request for Trial)

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

(Method of Withdrawing a Request)

Article 170 Withdrawal of the request stated in Article 262 of the Code must be

made in writing.

(Sending of Documents)

Article 171 If a public prosecutor determines that the request stated in Article 262 of the Code has no 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 the request has been received. The written opinion must state the grounds for not instituting a prosecution.

(Notice of a Request)

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

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

(Interrogation of a Suspect)

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

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

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

(Ruling for Trial)

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

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

(Actions after a Ruling for Trial)

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

(i) when the court has referred the case to the same court for a trial, the court is to send documents and articles of evidence, excluding the written judgment, to the attorney responsible for maintaining the prosecution of the

case; or

- (ii) when the court has referred the case to another court for trial, the court is to send the written judgment to that court, and send documents and articles of evidence to the attorney responsible for maintaining the prosecution of the case.

Chapter III Trial

Section 1 Trial Preparation and Trial Procedure

(Service of a Transcript of the Charging Instrument)

- Article 176 (1) When the court receives a transcript of the charging instrument, the court must immediately serve the transcript to the defendant.
- (2) When the court is unable to serve a transcript of the charging instrument, the court must immediately notify the public prosecutor of this.

(Notice Concerning Appointment of a Defense Counsel)

- Article 177 When prosecution is instituted, the court must without delay, inform the defendant 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, they may request the appointment of a defense counsel; furthermore, the court must inform the defendant that in cases punishable by the death penalty, life imprisonment, or imprisonment with or without work for more than three years, a trial cannot proceed in absence of a defense counsel; however, this does not apply when the defendant has secured a defense counsel.

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

- Article 178 (1) When prosecution has been instituted and the defendant has no defense counsel, the court must, without delay, confirm with the defendant whether they intend to appoint a defense counsel in cases that could result in the death penalty, life imprisonment, or imprisonment with or without work exceeding three years; for other cases, the court must confirm if the defendant will file a request for the appointment of a defense counsel under the provisions of Article 36 of the Code.
- (2) When implementing the measures under the preceding paragraph, the court may demand that the defendant respond within a certain period of time designated by the court.
- (3) In the case stated in the first sentence of paragraph (1), if no response is given or no defense counsel is appointed within the period of time stated in the preceding paragraph, the presiding judge must immediately appoint a defense counsel for the defendant.

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

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

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

Article 178-3 In order to allow the public prosecutor and the defense counsel to promptly communicate about the proceedings preparation following the institution of prosecution, the court must have a court clerk take appropriate measures, such as informing the public prosecutor and the defense counsel of each other's names, when found necessary.

(Designation of the First Trial Date)

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

(Notification of the Estimated Time Available for the Proceedings)

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

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

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

- (i) when there is documentary evidence or articles of evidence that the defendant or the defense counsel should 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 is to provide the opportunity as promptly as possible following the institution of prosecution; and
- (ii) concerning the documentary evidence or articles of evidence that 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 if they will object to a request for examination of the piece of documentary evidence or the article of evidence as promptly as possible.

(2) The defense counsel must carry out the following actions before the first trial

date:

- (i) to ascertain the facts through an appropriate method, such as an interview with the defendant and any other person concerned;
 - (ii) concerning the documentary evidence or articles of evidence that the public prosecutor has been given an opportunity to inspect pursuant to the provisions of item (i) of the preceding paragraph, the defense counsel is to notify the public prosecutor of the probability of whether the defense counsel will give the consent under Article 326 of the Code, or if they will object to a request for examination of the piece of documentary evidence or the article of evidence as promptly as possible; and
 - (iii) when there is documentary evidence or articles of evidence that 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 these and provide the opportunity as promptly as possible.
- (3) Beyond what is stated in the preceding two paragraphs, the public prosecutor and the defense counsel must carry out the following actions before the first trial date, by communicating with each other:
- (i) in order to clarify the counts against the defendant or applicable penal statutes described in the charging instrument or to make clear the issues of the case, to discuss these matters with each other to the greatest extent possible; and
 - (ii) to inform the court of matters necessary for estimating the number of court sessions to be held, including the time expected to be required for the examination of evidence and any other proceedings.

(Cases When an Opportunity is Provided to Learn the Names and Residences of Witnesses)

Article 178-7 When a person concerned in the case gives an opportunity to learn the name and residence of a witness, an expert witness, an interpreter, or a translator to the opposing party pursuant to the provisions of the main clause of Article 299, paragraph (1) of the Code, before the first trial date, the person must provide this opportunity as early as possible. The same applies when, pursuant to the provisions of Article 299-4, paragraph (2) of the Code, an opportunity is given to learn a pseudonym in lieu of the name, or a contact address in lieu of the residence to the defendant or the defense counsel, instead of an opportunity to learn the name of a witness, an expert witness, an interpreter, or a translator.

(Notice of Measures Regarding the Disclosure of the Names and Residences of Witnesses)

Article 178-8 (1) Any notice under the provisions of Article 299-4, paragraph (5) of the Code must be given in writing.

(2) The following matters must be entered into the written notice stated in the preceding paragraph:

- (i) the name or residence of the person related to the measures taken by a public prosecutor pursuant to the provisions of Article 299-4, paragraphs (1) through (4) of the Code;
- (ii) if the measures taken by a public prosecutor are based on the provisions of Article 299-4, paragraph (1) or paragraph (3) of the Code, the conditions set or the time or method specified for the defense counsel;
- (iii) if the measures taken by a public prosecutor are based on the provisions of Article 299-4, paragraph (2) or paragraph (4) of the Code, the pseudonym in lieu of the name or a contact address in lieu of the residence, about which the defendant or the defense counsel has been given to learn an opportunity; and
- (iv) if a public prosecutor has taken the measures under the provisions of Article 299-4, paragraph (3) or paragraph (4) of the Code concerning documentary evidence or an article of evidence, matters to be sufficient to identify the documentary evidence or article of evidence.

(Method for Requesting a Ruling Regarding the Disclosure of Witness Names and Residences)

Article 178-9 (1) A request for a ruling under the provisions of Article 299-5, paragraph (1) of the Code must be made by submitting a document.

(2) If the defendant or the defense counsel has made the request stated in the preceding paragraph, they must promptly send a transcript of the document stated in that paragraph to a public prosecutor.

(3) Notwithstanding the provisions of paragraph (1), the court may permit a requester to file the request stated in that paragraph orally on the trial date.

(Notice of the Pseudonym or Contact Information of the Witnesses)

Article 178-10 (1) If the court, pursuant to the provisions of Article 299-6, paragraph (2) of the Code, prohibits the defense counsel from inspecting or copying the part of the documents or articles where the name or residence of the person related to the measures taken by a public prosecutor pursuant to the provisions of Article 299-4, paragraph (2) or paragraph (4) of the Code is included or recorded, and when there is a request from the defense counsel, the court must inform the defense counsel of a pseudonym in lieu of the name, or a contact address in lieu of the residence.

(2) If the court, pursuant to the provisions of Article 299-6, paragraph (3) of the Code, prohibits the defendant from inspecting the part of the documents or articles where the name or residence of the person related to the measures

taken by a public prosecutor pursuant to the provisions of Article 299-4, paragraphs (1) through (4) of the Code or the person related to the measures taken by the court pursuant to the provisions of Article 299-5, paragraph (2) of the Code is included or recorded, or refuses the request to read aloud that part, and when there is a request from the defendant, the court must inform the defendant of a pseudonym in lieu of the name, or a contact address in lieu of the residence.

(Inspection Limitations for Examination Record Excluding the Trial Date)

- Article 178-11 (1) If a court determines there is a likelihood of harm or threat to the person or property of persons related to the measures taken by a public prosecutor pursuant to the provisions of Article 299-4, paragraphs (1) through (4) of the Code, or those taken by the court pursuant to the provisions of Article 299-5, paragraph (2) of the Code, or their relatives, and also finds it appropriate after hearing the opinions of the public prosecutor and the defendant or the defense counsel, the court may restrict the defendant's access to parts of the examination records stated in Article 126, paragraph (1) (including as applied mutatis mutandis pursuant to Articles 135 and 136; the same applies below in this Article) pursuant to the provisions of Article 126, paragraph (2), or refuse a requests for those parts to be read aloud pursuant to the provisions of Article 126, paragraph (3), where the name or residence of the person in relation to these measures is mentioned or recorded; provided, however, that this does not apply if the restriction or refusal makes impossible to confirm whether or not the person related to those measures has an interest in the defendant or other persons concerned, which may contribute to the assessment of the credibility of that person's statement, or otherwise is likely to significantly disadvantage the defense of the defendant.
- (2) If the court, pursuant to the provisions of the preceding paragraph, prohibits the defendant from inspecting the part of the documents or articles where the name or residence of the person related to the measures taken by a public prosecutor pursuant to the provisions of Article 299-4, paragraphs (1) through (4) of the Code, or the person related to the measures taken by the court pursuant to the provisions of Article 299-5, paragraph (2) of the Code is included or recorded, or refuses the request for reading of that part, and when there is a request from the defendant or the defense counsel, the court must inform the defendant of a pseudonym in lieu of the name, or a contact address in lieu of the residence.

(Notice of the Name of Witnesses Subject to a Ruling on Examination of Evidence)

- Article 178-12 (1) If a court has rendered a ruling before the trial date to

examine the person as a witness, an expert witness, an interpreter, or a translator concerning the person for whom the measures regarding the name have been taken pursuant to the provisions of Article 299-4, paragraph (1) of the Code or Article 299-5, paragraph (2) of the Code, the court notifies the public prosecutor and the defense counsel of the name of that person, notwithstanding the provisions of Article 191, paragraph (2).

- (2) If a court, has rendered a ruling before the trial date to examine the person as a witness, an expert witness, an interpreter, a translator concerning the person whom the measures regarding the name have been taken pursuant to the provisions of Article 299-4, paragraph (2) of the Code, the court notifies the persons concerned in the case of a pseudonym in lieu of the name, notwithstanding the provisions of Article 191, paragraph (2).

(Appearance of a Witness at the First Trial Date)

Article 178-13 The public prosecutor or the defense counsel must endeavor to have a person for whom they plan to file a request to examine as a witness, and who is likely to be examined on the first trial date, to appear in court.

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

Article 178-14 The court may instruct a court clerk to inquire about the progression of preparations for the proceedings with the public prosecutor or the defense counsel, or to initiate actions encouraging the public prosecutor or the defense counsel to proceed with the preparations.

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

Article 178-15 (1) If the court finds it suitable, the court may require the public prosecutor and the defense counsel to appear before the first trial date, and conduct discussion on essential matters related to the scheduling of the trial dates and other aspects of the proceedings; provided, however, that these discussion may not cover matters that could potentially lead to a risk of causing prejudices to the case.

- (2) The court may have a member of the judicial panel take the measures stated in the preceding paragraph.

(Use of the Provisions on Return)

Article 178-16 After the institution of prosecution, the public prosecutor must consider utilizing the provisions of Article 123 (Return of Seized Articles) of the Code as applied mutatis mutandis pursuant to Article 222, paragraph (1) of the Code, to allow the defendant and the defense counsel to use the articles that have been seized concerning the case to the greatest extent possible in

preparing for the proceedings.

(First Trial Date)

Article 179 (1) A writ of summons for the defendant's first trial date may not be served before providing a copy of a transcript of the charging instrument.

(2) A grace period of at least five days must be set between the first trial date and the service of a writ of summons against the defendant; provided, however, that in a summary court, it is sufficient to set a grace period of three days.

(3) If the defendant has no objection, it is possible to not set the grace period stated in the preceding paragraph.

Article 179-2 Deleted

(Measures for a Person Failing to Appear on the Trial Date)

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

(Request to Change the Trial Date)

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

(2) Except when the court finds the grounds stated in the preceding paragraph as unavoidable, the court must deny the request stated in that paragraph.

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

Article 179-5 (1) If any grounds arise necessitating a change in the trial date, the defense counsel appointed by the persons listed in Article 30 of the Code must immediately carry out the procedure stated in paragraph (1) of the preceding Article, as well as inform the defendant and an appointer other than the defendant of the grounds and the period during which the grounds are expected to exist.

(2) If the court finds the grounds stated in the preceding paragraph to be unavoidable, and if the court considers that this grounds may cause a prolonged delay in the proceedings, it must set a specific time frame and

request that the defendant and an appointer other than the defendant stated in the same paragraph to respond within that period about whether they will appoint another defense counsel.

(3) If no response has been given or no defense counsel has been appointed within the period stated in the preceding paragraph, the following rules are to be observed; provided, however, that this does not apply if it may significantly harm the interests of the defendant:

- (i) for the case in which a court session may not be held without a defense counsel, a court session may be held by appointing another defense counsel for the defendant pursuant to the provisions of Article 289, paragraph (2) of the Code; and
- (ii) for the case in which a court session may be held in absence of defense counsel, a court session may be held without waiting for defense counsel to appear.

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

Article 179-6 If any grounds arise necessitating a change in a the trial date, 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 stated in Article 179-4, paragraph (1), as well as inform the defendant of the grounds and the period during which the grounds are expected to exist.

(Hearing of Opinions on the Change of Date)

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

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

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

(Non-Change of Trial Date)

Article 182 (1) Except when the court finds it unavoidable, the court may not change the trial date.

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

Article 80 of the Court Act.

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

Article 183 (1) When the defendant 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 these grounds.

(2) If the defendant is to submit a doctor's medical certificate pursuant to the provisions of the preceding paragraph, and if the defendant 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 defendant.

(3) The medical certificate stated in the preceding two paragraphs must state, in addition to the disease name and medical conditions, the doctor's concrete opinion as to whether the defendant, due to their mental or physical illness, can appear on a trial date, can properly exercise their right to defense independently or in cooperation with the defense counsel, or if appearing in court or undergoing the proceedings could significantly endanger their life or health.

(Non-Acceptance of Medical Certificate)

Article 184 (1) If a doctor's medical certificate stated in the provisions of the preceding Article, violates the form specified in that Article, the court must not accept the doctor's medical certificate.

(2) Even when the medical certificate stated in the preceding Article is not in violation of the form specified in that Article, if the court finds its content questionable, 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 instructing another impartial, qualified doctor to conduct an expert examination on the medical conditions of the defendant.

(Improper Medical Certificates)

Article 185 Concerning a doctor's preparation of a medical certificate under the provisions of Article 183, if the court determines that the doctor has intentionally made false entries, violated the form specified in that Article, obfuscated its content, or conducted other inappropriate actions, the court may notify the Minister of Health, Labour and Welfare or a doctors' association for them to take measures that the Minister or the association find appropriate against the doctor; alternatively the court may take other appropriate measures permitted under laws and regulations.

(Provisions Applied Mutatis Mutandis)

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

(Judge Who Is to Make a Ruling on Detention)

Article 187 (1) A judge from the court where the prosecution has been instituted must make rulings concerning detention from the time prosecution is initiated until the first trial date; provided, however, that a judge who is to participate in the proceedings of the case may not make this ruling.

(2) When the ruling stated in the preceding paragraph may not be made in accordance with the provisions of that paragraph, the judge stated in the paragraph must request a judge of the district court or summary court within the same region to make the ruling; provided, however, that this does not preclude the judge from making the rulings themselves in cases of urgency or when there is no judge from another court who can be requested to make the rulings within the same area notwithstanding the provisions of the proviso to the same paragraph.

(3) A judge who has received the request stated in the preceding paragraph must make a ruling stated in paragraph (1).

(4) When making a ruling stated in paragraph (1), the judge may order the public prosecutor, the defendant, or the defense counsel to appear and hear their statements. If necessary, the judge may instruct the persons to submit documents or other items; , 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 items which may cause the judge to be prejudiced in the case.

(5) A branch of a district court is deemed to be a district court separate from the court considering the application of the provisions of paragraphs (1) and (2).

(Notice of Refusal to Appear)

Article 187-2 If the defendant, who is in detention, refuses to appear on the trial date for which the defendant 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 of this.

(Examination on Refusal to Appear)

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

Article exist.

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

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

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

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

Article 188 A request for the examination of evidence may be filed even before the trial date; however, this does not apply before the first trial date, unless the request is made during the pretrial conference procedure.

(Submission of Documents when Requesting the Examination of Evidence)

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

(Notification of the Time for Examination of a Witness)

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

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

Article 189 (1) Requests for the examination of evidence must be filed by clearly outlining the relationship between the evidence and the facts that needs to be

proved.

- (2) In filing a request for the examination of a part of documentary evidence or other documents, that part must be specifically clarified.
- (3) If the court finds it necessary, the court may order a person filing a request for examination of evidence to submit a document that clarifies the matters specified in the preceding two paragraphs.
- (4) A request for the examination of evidence filed in violation of the provisions of the preceding paragraphs may be denied.

(Careful Selection of Evidence)

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

(Ruling on Examination of Evidence)

- Article 190 (1) The examination of evidence or rejection of a request for the examination of evidence must be carried out through a ruling.
- (2) When rendering the ruling stated in the preceding paragraph, the court must hear the opinions of the opposing party 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 defendant or the defense counsel if it has been rendered ex officio.
 - (3) If the defendant 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 defendant, the ruling stated in paragraph (1) may be rendered without hearing the opinions of those persons, notwithstanding the provisions of the preceding paragraph.

(Service of a Ruling on Examination of Evidence)

- Article 191 (1) A ruling on the examination of a witness, an expert witness, an interpreter, or a translator need not be served, even when the ruling is rendered before the trial date.
- (2) In the case referred to in the preceding paragraph, the court must immediately notify the persons concerned in the case of the name of the person.

(Appearance of the Witnesses)

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

(Preparation for Examination of a Witness)

Article 191-3 The public prosecutor or the defense counsel who has filed a request for the examination of a witness must prepare to conduct an appropriate examination, using methods like verifying facts with the witness or other relevant persons.

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

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

(Order of Filing Requests for Examination of Evidence)

Article 193 (1) Initially, the public prosecutor must file a request for the examination of all the evidence found necessary for the trial of the case.
(2) After the request stated in the preceding paragraph has been filed, the defendant or the defense counsel may file a request for the examination of evidence found necessary for the trial of the case.

Article 194 and Article 195 Deleted

(Questioning on the Identity of the Defendant)

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

(Method of Notifying That a Request Stated in Article 290-2, Paragraph (1) of the Code Has Been Made)

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

(Notification of Information that May be Disclosed in Open Court)

Article 196-3 When the ruling stated in Article 290-2, paragraph (1) or paragraph (3) of the Code has been rendered, and if there are matters identifying the victim, other than the name and address of the victim, which the public prosecutor considers might be disclosed in an open court, in consideration of the nature of the case, the status of the proceedings, and other factors, the public prosecutor must notify the court and the defendant or the defense counsel of this.

(Specification of a Pseudonym)

Article 196-4 When the court has rendered a ruling stated in Article 290-2, paragraph (1) or paragraph (3) of the Code, and 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 matters identifying the victim.

(Notification of the Ruling)

Article 196-5 (1) When the court renders a ruling stated 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, the court must promptly notify the persons concerned in the case of this, except when the ruling has been rendered on the trial date. The same applies when the court decides not to render the ruling stated in paragraph (1) of the same Article.

(2) When the court renders a ruling stated 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 stated in paragraph (1) of the same Article of this. The same applies when the court decides not to render the ruling stated in the paragraph.

(Notification of Information that May Be Disclosed in Open Court)

Article 196-6 When the ruling stated in Article 290-3, paragraph (1) of the Code has been rendered, and if there are matters identifying the witness, etc., other than the name and address of the witness or the like, which the public prosecutor and the defendant or the defense counsel consider might be disclosed in an open court, in consideration of the nature of the case, the status of the proceedings, and other factors, the public prosecutor and the defendant or the defense counsel must notify the court and the opposing party or the defense counsel of this.

(Specification of a Pseudonym)

Article 196-7 When the court has rendered a ruling stated in Article 290-3, paragraph (1) of the Code, and if the court finds it necessary, it may specify a pseudonym to be used in lieu of the name of the witness, etc. or any other name related to the matters identifying the witness, etc..

(Notification of the Ruling)

Article 196-8 (1) When the court renders a ruling stated in Article 290-3, paragraph (1) of the Code or a ruling to revoke the ruling pursuant to the provisions of paragraph (2) of that Article, the court must promptly notify the persons concerned in the case of this, except when the ruling has been rendered on the trial date. The same applies when the court decides not to

render the ruling stated in paragraph (1) of the same Article.

- (2) When the court renders a ruling stated in Article 290-3, paragraph (1) of the Code or a ruling to revoke the ruling pursuant to the provisions of paragraph (2) of that Article, the court must promptly notify the person who has made the request stated in paragraph (1) of the same Article. The same applies when the court decides not to render the ruling stated in the paragraph.

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

Article 197 (1) After the charging instrument has been read aloud, the presiding judge must notify the defendant that they may remain silent throughout, that they may refuse to respond to each question, and that they may also speak; the presiding judge must also advise that any statements they make may be held as evidence for or against them.

- (2) In addition to the matters prescribed in the preceding paragraph, if the presiding judge finds it necessary, the presiding judge must explain to the defendant matters on the rights for their protection that the defendant may not have fully understood.

(Measures to Be Taken for Summary Criminal Trial)

Article 197-2 When the defendant has made a statement admitting the charged facts during the opportunity stated in Article 291, paragraph (4) of the Code, the presiding judge must explain to the defendant the purpose of a summary criminal trial, and confirm whether the statement by the defendant 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, conduct a summary criminal trial for the case.

(Statements by Defense Counsel)

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

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

(Examination of Evidence Concerning Undisputed Facts)

Article 198-2 Concerning 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 stated in Article 326, paragraph (1) of the Code, and the document stated in Article 327 of the Code, or by other methods.

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

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

(Proof of the Circumstances of Interrogation)

Article 198-4 Concerning statements made by the defendant or by a person other than the defendant, when the public prosecutor seeks to prove the circumstances of the interrogation, the public prosecutor must endeavor to provide proof as quickly and accurately as possible, by using documents in which the circumstances of the interrogation have been recorded or any other related material, or by other methods.

(The Order of Examination of Evidence)

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

(2) Even after the completion of the examination of evidence stated in the preceding paragraph, further examination of evidence is not to be precluded if necessary.

(Order of Witnesses Examination)

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

- (i) examination by the person who has requested the examination of the witness (direct examination);
- (ii) examination by the opposing party (cross-examination); and
- (iii) further examination by the person who has requested the examination of the witness (redirect examination).

- (2) A person concerned in the case may conduct a further examination with the permission of the presiding judge.

(Direct Examination)

Article 199-3 (1) Direct examination is to be conducted on matters that need proof and any matters relevant to them.

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

(Cross-Examination)

Article 199-4 (1) Cross-examination is to be conducted on matters mentioned in the direct examination, matters related to them, and on matters necessary to challenge the credibility of the witness's statements.

- (2) Unless there are special circumstances, cross-examination must be conducted immediately following the completion of direct examination.
- (3) During cross-examination, leading questions may be asked when necessary.
- (4) When the presiding judge finds leading questions to be inappropriate, the presiding judge may restrict the questions.

(Examination of a New Matter in Cross-Examination)

- Article 199-5 (1) The opposing party of the person who requested the examination of a witness may also examine the witness about a new matter that supports their claim during cross-examination, provided they have received the permission of the presiding judge.
- (2) An examination under the provisions of the preceding paragraph is deemed as direct examination on the matter stated in that paragraph.

(Examination of Matters Needed to Challenge the Credibility of Statements)

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

(Redirect Examination)

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

(Supplementary Examinations)

- Article 199-8 Concerning an examination that is conducted by the persons concerned in the case following initial examination of the witness by the presiding judge or an associate judge, the provisions of the preceding six Articles apply mutatis mutandis, based on the distinction between the person who has requested the examination of the witness, and the opposing party.

(Supplementary Examination of a Witness Conducted Ex Officio)

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

(Presentation of Documents or Objects)

- Article 199-10 (1) When a person concerned in the case examines a witness

about a document or an object regarding its formation, identity, or a matter similar to this, if necessary, the person may present the document or the object.

- (2) If a document or an object referred to in the preceding paragraph has not been examined as evidence, the opposing party must be given an opportunity to inspect it in advance; provided, however, that this does not apply if the opposing party has no objection.

(Presentation of Documents for Refreshing the Witness's Memory)

Article 199-11 (1) When it is necessary to refresh a witness's memory about a matter that their memory is not clear, a person concerned in the case may examine the witness by showing the witness a document (excluding a document where a statement is recorded) or an object, with the permission of the presiding judge.

- (2) When conducting an examination under the provisions of the preceding paragraph, due care must be taken to ensure the content of the document does not unduly influence the witness's statements.
- (3) The provisions of paragraph (2) of the preceding Article apply mutatis mutandis to the case referred to in paragraph (1).

(Use of Drawings)

Article 199-12 (1) If it is necessary to clarify a witness's statement, a person concerned in the case may use drawing, photograph, models, apparatus, or similar items to examine the witness, with the permission of the presiding judge.

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

(Method of Conducting Examination of a Witness)

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

- (2) Persons concerned in the case are not allowed to ask the following questions; provided, however, that this does not apply to the questions listed in items (ii) through (iv) when there are legitimate grounds:
- (i) intimidating or insulting questions;
 - (ii) questions that overlap with a question which has already been asked;
 - (iii) questions that seek an opinion or become argumentative; and
 - (iv) questions on the facts on which the witness has no direct experience.

(Clear Indication of Relevance)

Article 199-14 (1) When a person concerned in the case conducts an examination about a matter that is relevant to a matter to be proved or a matter mentioned

in direct examination or cross-examination, the person must clarify its relevance to the court through asking questions that clarify its relevance or by other methods.

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

(Examination by an Associate Judge)

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

(Examination by the Presiding Judge)

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

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

(Having an Observer Leave the Court)

Article 202 If the presiding judge considers that a witness, an expert witness, an interpreter, or a translator may not adequately testify in the presence of a specific observer (this includes cases where the measures prescribed in Article 157-5, paragraph (2) of the Code are taken, as well as the cases where the method prescribed in Article 157-6, paragraphs (1) and (2) of the Code is adopted), the presiding judge may dismiss the observer from the courtroom during the testimony of the witness, expert witness, interpreter, or translator.

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

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

(Method of Examining Documentary Evidence)

Article 203-2 (1) After hearing the opinions of the persons concerned in the case,

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 reading aloud the documentary evidence, or document in articles of evidence that serves as evidence for examination upon request if the presiding judge finds it appropriate.

- (2) After hearing the opinions of the persons concerned in the case, 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 appropriate.

(Special Provisions on Summary Criminal Trial)

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

(Opportunity to Challenge the Credibility of Evidence)

Article 204 The presiding judge must notify the public prosecutor and the defendant or the defense counsel, when the court finds it appropriate, that they may challenge the credibility of evidence by requesting examination of rebuttal evidence or by other methods.

(Grounds for Filing an Objection)

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

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

(Method and Timing of Filing an Objection)

Article 205-2 Objections must be filed separately for each act, dispositions, or rulings, immediately, and by concisely indicating the grounds for this.

(Timing of a Ruling on an Objection Filed)

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

(Ruling on an Unlawful Objection)

Article 205-4 An objection filed belatedly, an objection filed solely to delay the proceedings, and other unlawfully filed objections must be denied by a ruling;

provided, however, that an objection filed belatedly must not be denied solely on the grounds that it has been filed belatedly, if the filed matter is important and it is found appropriate to render a decision on the matter.

(Ruling on a Groundless Objection)

Article 205-5 When the court finds that a filed objection lacks merit, the court must dismiss the objection by a ruling.

(Ruling Where There Are Grounds for Objection)

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

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

(Prohibition on Repeated Objections)

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

(Ex Officio Ruling to Exclude Evidence)

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

(Vindication)

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

(2) An associate judge may take the measures prescribed in the preceding paragraph after notifying the presiding judge about this.

(3) A person concerned in the case may request that the presiding judge ask questions for the purpose of making a vindication.

(Addition, Withdrawal, or Alteration of Counts Against the Defendant or Applicable Penal Statue)

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

- (2) The document stated in the preceding paragraph must be attached with the number of transcripts of the document corresponding to the number of defendants.
- (3) When the court receives the transcripts stated in the preceding paragraph, the court must immediately serve the transcripts to the defendant.
- (4) After the service referred to in the preceding paragraph is made, the public prosecutor must, without delay, read aloud the document stated in paragraph (1) on the trial date.
- (5) When the ruling stated 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 matters identifying the victim. In this case, the public prosecutor must show the document stated in paragraph (1) to the defendant.
- (6) The provisions of the preceding paragraph apply to the reading aloud of the document under the provisions of paragraph (4) when the ruling stated in Article 290-3, paragraph (1) of the Code has been rendered. In this case, the phrase "matters identifying the victim" in the preceding paragraph is deemed to be replaced with "matters identifying the witness, etc.."
- (7) Notwithstanding the provisions of paragraph (1), in an open court where the defendant is present, the court may permit counts against the defendant or applicable penal statutes to be added, withdrawn, or altered orally.

(Separation of Proceedings)

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

(Method of Notice of a Request to State Opinions)

Article 210-2 The notice prescribed in the second sentence of Article 292-2, paragraph (2) of the Code must be given in writing; provided, however, that this does not apply when there are unavoidable circumstances.

(Notice of the Trial Date for Statement of Opinions)

- Article 210-3 (1) The court must notify a person who has filed a request to express an opinion, of the trial date when they are to present their opinion pursuant to the provisions of Article 292-2, paragraph (1) of the Code.
- (2) When the court has given the notice stated in the preceding paragraph, the court must notify the persons concerned in the case the fact that the court intends to have the person prescribed in the preceding paragraph express their

opinion pursuant to the provisions of Article 292-2, paragraph (1) of the Code on the trial date.

(Time for Statement of Opinions)

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

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

Article 210-5 The ruling stated in Article 292-2, paragraph (7) of the Code need not be served, even when the ruling is rendered before the trial date. In this case, the court must promptly notify the person who has filed a request to express 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 stated in paragraph (7) of that Article.

(Notice of Submission of a Document Stating an Opinion)

Article 210-6 When a document expressing an opinion is submitted pursuant to the provisions of Article 292-2, paragraph (7) of the Code, the court must promptly notify the public prosecutor and the defendant or the defense counsel of this.

(Provisions Applied Mutatis Mutandis)

- Article 210-7 (1) The provisions of Article 115 and Article 125 apply mutatis mutandis to statement of opinion pursuant to the provisions of Article 292-2 of the Code.
- (2) The provisions of Article 107-2 apply mutatis mutandis to a ruling for taking the measures prescribed in Article 157-4 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 157-5 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 157-6, paragraphs (1) and (2) of the Code as applied mutatis mutandis pursuant to Article 292-2, paragraph (6) of the Code.
- (3) The provisions of Article 107-3 apply mutatis mutandis to the statement of an opinion by the means prescribed in Article 157-6, paragraph (2) of the Code as applied mutatis mutandis pursuant to Article 292-2, paragraph (6) of the Code.

(Closing Statement)

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

(Timing of Oral Arguments)

Article 211-2 The public prosecutor, the defendant, or the defense counsel must express their opinion as quickly as possible following the examination of evidence.

(Manner of Oral Argument)

Article 211-3 When the public prosecutor, the defendant, or the defense counsel are to state their opinion following the examination of evidence, they must state their opinion by clearly and concretely indicating the relationship between their opinion and the evidence concerning a disputed fact,

(Time Limit for Oral Arguments)

Article 212 When the presiding judge finds it necessary, the presiding judge may limit the time for the public prosecutor, the defendant, or the defense counsel to state their opinions after the examination of evidence, as long as it does not violate the fundamental rights of those persons.

(Renewal of Trial Procedure)

Article 213 (1) If the trial procedure has been stayed due to the insanity of the defendant after a trial has begun, the trial procedure must be renewed.
(2) If the court session has not been convened for an extended period after the commencement of a trial, and the court finds it necessary, the trial procedure may be renewed.

(Procedure for Renewal)

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

- (i) the presiding judge must first have the public prosecutor make a statement on the outline of the charged facts based on the charging instrument (including written corrections to the charging instrument or documents for adding or changing the counts against the defendant or applicable penal acts); provided, however, that the presiding judge may allow the public prosecutor to omit all or part of the statement if the defendant and the defense counsel have no objection;
- (ii) after the completion of the proceeding stated in the preceding item, the presiding judge must give the defendant and the defense counsel an opportunity to make statements concerning the case charged to the court;
- (iii) a document recording the statements given by the defendant or a person other than the defendant on the trial date prior the renewal, a document stating the results of a court inspection conducted on the trial date before the

renewal, or a document or object examined on the trial date prior 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 concerning a document or an object that the court finds unsuitable as evidence, and a document or object that the court considers inappropriate for use as evidence, and the persons concerned in the case has no objection to the document or the object not being examined;

- (iv) in examining any of the documents or objects stated in the main clause of the preceding item, if the persons concerned in the case agree, the presiding judge may examine these documents or objects using a method that the presiding judge finds appropriate in lieu of reading aloud or presenting all or part of the documents or objects; and
- (v) the presiding judge must hear the opinions and explanations from the persons concerned in the case about each piece of evidence examined.

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

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

(Limitation on the Taking of Photographs in Open Court)

Article 215 It is not permitted to take photographs, make audio recordings, or broadcasting in an open court without the permission of the court; provided, however, that this does not apply when there are special provisions providing otherwise.

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

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

- (2) When the defendant is summoned for the case stated in the preceding paragraph by notifying an official of a penal institution of the trial date stated in that paragraph, the official must also be informed that a judgment is to be pronounced on the trial date. In this case, the official of the penal institution must also notify the defendant of this.

(Proceedings After Reversal)

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

- (i) dispositions on detention during the period until the first trial date are to be

- made by the court;
- (ii) the provisions of the proviso to Article 188 do not apply; and
 - (iii) requests may not be filed for the preservation of evidence or for the examination of a witness stated in Article 226 or Article 227 of the Code.

Section 2 Proceedings to Arrange Issues and Evidence

Subsection 1 Pretrial Conference Procedure

Division 1 General Rules

(Formulation of a Proceedings Schedule)

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

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

(Hearing of Opinions on a Ruling on Pretrial Conference Procedure)

Article 217-3 When rendering the ruling stated in Article 316-2, paragraph (1) of the Code or a ruling to deny the request stated in same paragraph, in advance, the court must hear the opinions of the public prosecutor and of the defendant or the defense counsel if rendering the ruling *ex officio*, and must hear the opinions of the opposing party or the defense counsel if rendering the ruling upon a request.

(Service of a Ruling on Pretrial Conference Procedure)

Article 217-4 The ruling stated in Article 316-2, paragraph (1) of the Code and a ruling to deny the request stated in that paragraph need not be served.

(Notice Indicating that Defense Counsel Is Needed)

Article 217-5 When a case is subjected to a pretrial conference procedure, the court must, without delay, inform the defendant that no pretrial conference procedure may be conducted in absence of defense counsel, in addition, if the case is a case other than prescribed in Article 177, the court must also inform the defendant that no court session may be held in absence of defense counsel; provided, however, that this does not apply when the defendant has secured a defense counsel.

(Designation of the Date of Pretrial Conference Procedure)

Article 217-6 When specifying the date of the pretrial conference procedure, consideration must be given to the preparations which the persons concerned

in the case need to make before that date.

(Request to Change the Date of Pretrial Conference Procedure)

Article 217-7 (1) If any grounds occur that necessitate changing the date of the pretrial conference procedure, a person concerned in a case must immediately file a request for a change of the date with the presiding judge, explicitly clarifying the grounds and the period during which the grounds are expected to exist.

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

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

Article 217-8 When changing the date of the pretrial conference procedure, the presiding judge must, in advance, hear the opinions of the public prosecutor and the defendant or the defense counsel if making the change ex officio, and must hear the opinions of the opposing party or the defense counsel if making the change upon a request.

(Service of an Order on Changing the Date of Pretrial Conference Procedure)

Article 217-9 An order regarding the change of the pretrial conference procedure date need not be served.

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

Article 217-10 Unless the presiding judge finds it unavoidable, the presiding judge may not change the date of the pretrial conference procedure.

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

Article 217-11 When the court requests that the defendant appear on the date of the pretrial conference procedure, the court must promptly notify the public prosecutor and the defense counsel of this.

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

Article 217-12 A ruling that instructs a member of the judicial panel to conduct the pretrial conference procedure need not be served.

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

Article 217-13 Rulings and orders rendered on the date of the pretrial conference

procedure need not be served on or notified to persons concerned in the case who have attended the procedure.

(Notification of Rulings)

Article 217-14 If 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 defendant or the defense counsel of this.

(Descriptive Requirements for Records of Pretrial Conference Procedure)

Article 217-15 (1) The following matters must be stated in the record of pretrial conference procedure:

- (i) the name of the case charged to the court and the name of the defendant;
- (ii) the court or the authorized judge who conducted the pretrial conference procedure, and the date on which and the place where the pretrial conference procedure was conducted;
- (iii) the official title and name of the judge and the court clerk;
- (iv) the official title and name of the public prosecutor who was present;
- (v) the names of the defendant, defense counsel, agent, and assistant in court who were present;
- (vi) the name of the interpreter who was present;
- (vii) the examination and statements made by the interpreter;
- (viii) the facts to be proved or any other factual or legal allegations expected to be made on the trial date;
- (ix) a request for the examination of evidence or any other motions;
- (x) the relationship between the evidence and the facts to be proved (excluding cases where the relationship is clear from the list of the evidence);
- (xi) when the evidence for which examination is requested is evidence stated in Article 328 of the Code, an entry to that effect;
- (xii) the filing of an objection stated in Article 309 of the Code and the ground for it;
- (xiii) the consent stated in Article 326 of the Code;
- (xiv) matters concerning the addition, withdrawal, or alteration of the counts against the defendant or applicable penal statutes (including matters concerning correction of the charging instrument);
- (xv) matters concerning rulings on disclosure of evidence;
- (xvi) matters concerning the ruling under the provisions of Article 299-5, paragraph (1) of the Code as applied mutatis mutandis pursuant to Article 316-23, paragraph (3) of the Code;
- (xvii) an order or direction; provided, however, that the following matters are to be excluded:

- (a) a ruling determining the sequence and method for examination of evidence (excluding a ruling on the request stated in Article 157-2, paragraph (1) of the Code) (Article 316-5, item (viii) of the Code);
 - (b) permission for defense counsel excluding the chief defense counsel or deputy chief defense counsel to file a motion, file a request, ask a question, etc. (Article 25); and
 - (c) an order to present evidence so that an order may be issued on the examination of evidence (Article 192); and
 - (xviii) an entry indicating that the results of the arrangement of the issues and evidence of the case have been confirmed, and the content of the results.
- (2) Any matter during the proceeding on the date of the pretrial conference procedure, other than those listed in the preceding paragraph, that the presiding judge or an authorized judge has ordered to be recorded, either at the request of a person concerned in the case or ex officio, must be recorded in the pretrial conference procedure document.

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

- Article 217-16 (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 to it.
- (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 for this in a supplementary note.
- (3) If a single judge of a district court, a judge of a summary court, or an authorized judge is unable to affix their seal of approval, a court clerk must sign and seal the record and indicate the grounds for this in a supplementary note.
- (4) If a court clerk is unable to affix their signature and seal, the presiding judge or an authorized judge must affix their seal of approval to the record and indicate the grounds for this in a supplementary note.

(Completion of the Record of Pretrial Conference Procedure)

Article 217-17 A record of the pretrial conference procedure must be completed promptly after each date of the pretrial conference procedure, and by no later than the first trial date.

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

Article 217-18 The provisions under Article 51, paragraph (1), the main clause of Article 51, paragraph (2), Article 52 of the Code, and Article 48 of these Rules

apply mutatis mutandis to the record of the pretrial conference procedure. In this case, the phrase "court proceedings on the trial dates" in Article 52 of the Code is deemed to be replaced with "proceedings on the date of the pretrial conference procedure" and the term "presiding judge" in Article 48 is deemed to be replaced with "presiding judge or an authorized judge."

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

Article 217-19 The provisions of Article 178-6, paragraph (1), Article 178-6, paragraph (2), items (ii) and (iii), and Article 178-7, Article 178-13, and Article 193 do not apply to the case on which the ruling stated in Article 316-2, paragraph (1) of the Code has been rendered.

Division 2 Arrangement of Issues and Evidence

(Method of Clarifying the Facts to be Proved)

Article 217-20 (1) In entering the facts to be proved into the document prescribed in Article 316-13, paragraph (1) or Article 316-21, paragraph (1) of the Code, the public prosecutor must clearly indicate in a concrete and concise manner, the necessary matters for arranging the issues and evidence of the case.

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

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

Article 217-21 In clarifying the facts that are intended to be proved, the public prosecutor and the defendant or the defense counsel must endeavor to ensure the smooth arrangement of issues and evidence in the case; this may be achieved by clearly specifying the relationship between the facts and the primary evidence used for proving the facts, or through other suitable methods.

(Notification of Deadline)

Article 217-22 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 defendant or the defense counsel must be notified of this.

(Strict Observance of the Deadline)

Article 217-23 If a 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 related to the case.

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

Article 217-24 If the court sets 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 at the pretrial conference procedure, and if 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.

(Provisions Applied Mutatis Mutandis to Measures for the Disclosure of the Name and Residence of the Witnesses)

Article 217-25 The provisions of Articles 178-8 through 178-11 apply mutatis mutandis to cases where the measures have been taken by a public prosecutor pursuant to the provisions of Article 299-4, paragraphs (1) through (4) of the Code as applied mutatis mutandis pursuant to Article 316-23, paragraph (2) of the Code. In this case, the term "trial date" in Article 178-9, paragraph (3) is deemed to be replaced with "date of the pretrial conference procedure."

Division 3 Rulings on the Disclosure of Evidence

(Notification of Grounds for Non-Disclosure of Evidence)

Article 217-26 If the public prosecutor decides not to disclose evidence for which a request for disclosure has been made by the defendant or the defense counsel pursuant to the provisions of Article 316-15, paragraph (1) or paragraph (2) 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 defendant or the defense counsel of the grounds for not disclosing the evidence.

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

Article 217-27 (1) A request for a ruling on the disclosure of evidence under the provisions of Article 316-25, paragraph (1) or Article 316-26, paragraph (1) of the Code must be filed by submitting the request in writing.

(2) A person who has filed a request stated in the preceding paragraph must promptly send a transcript of the written request stated in that paragraph to the opposing party or their defense counsel.

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

(Matters to Be Stated in the List of Evidence)

Article 217-28 The list stated in Article 316-27, paragraph (2) of the Code must state, for each piece of evidence, its type, the name of the declarant or the person who prepared the evidence, and the date of preparation, in addition to matters that are found to be necessary for determining whether the presentation of evidence should be ordered pursuant to the provisions of paragraph (1) of that Article.

Subsection 2 Interim Conference Procedure

(Provisions Applied Mutatis Mutandis)

Article 217-29 For an interim conference procedure, the provisions of the preceding Subsection (excluding Article 217-19) 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 217-12, Article 217-14 (including their titles), the title of Article 217-15, and paragraph (1), item (xvii), (a) of the same Article, the titles of Articles 217-16 through 217-18, Article 217-20 (including its title), the title of Article 217-21, Article 217-22 (including its title), the title of Article 217-23, Article 217-24 and Article 217-26 (including their titles), the title of Article 217-27, 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," the phrase "Article 316-23, paragraph (2) of the Code" in Article 217-25 is deemed to be replaced with "Article 316-23 of the Code as applied mutatis mutandis pursuant to Article 316-28, paragraph (2) of the Code," the phrase "Article 157-2, paragraph (1) of the Code" in Article 217-15, paragraph (1), item (xvii), (a) is deemed to be replaced with "Article 157-2, paragraph (1) or Article 157-3,

paragraph (1) of the Code," and the term "first trial date" in Article 217-17 is deemed to be replaced with "first trial date after the completion of the interim conference procedure."

Subsection 3 Special Provisions on Trial Procedure

(Progress of Trial Proceedings According to the Proceedings Schedule)

- Article 217-30 (1) Concerning a case that has been subject to a pretrial conference procedure or an interim conference procedure, the court must endeavor to advance the trial proceedings in line with the schedule specified in the pretrial conference procedure or the interim conference procedure.
- (2) The persons concerned in the case must cooperate with the court so that the trial proceedings advance in line with the schedule specified in the pretrial conference procedure or the interim conference procedure.

(Proceedings for Clarifying the Results of Pretrial Conference Procedures)

- Article 217-31 (1) Concerning a case has been subject to a pretrial conference procedure or an interim conference procedure, 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 (3) of the Code (including as applied mutatis mutandis pursuant to Article 316-28, paragraph (2) of the Code).
- (2) When clarifying the results of the pretrial conference procedure or the interim conference procedure pursuant to the provisions of the preceding paragraph, the court may order a court clerk to do so.
- (3) When the ruling stated 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 matters identifying the victim. The same applies to the document prescribed in Article 316-2, paragraph (3) of the Code (including as applied mutatis mutandis pursuant to Article 316-28, paragraph (2) of the Code).
- (4) When the ruling stated in Article 290-3, paragraph (1) 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 paragraph (1) or paragraph (2) is to be carried out by a method that does not disclose matters identifying the witness, etc.. The same applies to the document prescribed in Article 316-2, paragraph (3) of the Code

(including as applied mutatis mutandis pursuant to Article 316-28, paragraph (2) of the Code).

(Prima Facie Showing of Unavoidable Grounds)

Article 217-32 Concerning a case has been subjected to a pretrial conference procedure or an interim conference procedure, when filing a request for the examination of evidence for which examination was not requested during the pretrial conference procedure or the interim conference procedure, the requester must make a prima facie showing by indicating that they were unable to file a request for the examination of evidence due to unavoidable grounds.

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

Article 217-33 Concerning a case has been subject to a pretrial conference procedure or an interim conference procedure, requests for the examination of evidence that could not be requested in the pretrial conference procedure or the interim conference procedure due to unavoidable grounds must be filed as promptly as possible after the grounds have ceased to exist.

Section 3 Victim Participation

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

Article 217-34 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 in unavoidable circumstances.

(Notification of Entrustment)

Article 217-35 (1) A participating victim who has entrusted an attorney with the actions prescribed in Articles 316-34 and Articles 316-36 through 316-38 of the Code must, when having the attorney perform these actions, notify the court of this, in advance, using a document jointly signed by the participating victim and the attorney.

- (2) The notification under the provisions of the preceding paragraph must be given separately for each instance.
- (3) If the document stated in paragraph (1) does not specify entrusted actions, all of the actions prescribed in Article 316-34 and Articles 316-36 through 316-38 of the Code are deemed to have been entrusted.
- (4) The notification under the provisions of paragraph (1) is also effective in cases where proceedings have been consolidated and the participating victim has been permitted to participate in the proceedings; provided, however, that this

does not apply if the participating victim that has been permitted to participate in the proceedings, asserts that the notification is not effective for the case.

- (5) When the participating victim who has made a notification under the provisions of paragraph (1) rescinds all or part of the entrustment, the victim must notify the court of this in writing.

(Recording of Requests to Appoint a Representative)

Article 217-36 When a request for the appointment of a representative to attend the trial date or 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, the court clerk must clearly document this request.

(Notice to be Given by the Appointed Representative)

Article 217-37 A person who has been appointed as a representative to appear the trial date or trial preparation pursuant to the provisions of Article 316-34, paragraph (3) of the Code, must promptly notify the court of this.

(Timing for Statement of Opinion)

Article 217-38 The 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.

(Time for Statement of Opinion)

Article 217-39 The presiding judge may specify the time that may be allocated to the statement of opinion under the provisions of Article 316-38, paragraph (1) of the Code.

(Notification of the Ruling)

- Article 217-40 (1) When the court renders a ruling on the request stated in Article 316-33, paragraph (1) of the Code or a ruling revoking the ruling stated in that paragraph, the court must promptly notify the person who has made the request stated in the same paragraph of this.
- (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 of this.
- (3) When the court renders a ruling on the request stated 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 has made the request of this.

- (4) When the court renders a ruling on the request stated in Article 316-33, paragraph (1) of the Code, a ruling revoking the ruling stated in the same paragraph, a ruling indicating that it does not permit 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 stated 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 stated 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 of this.

Section 4 Judicial Decisions in Trials

(Quotation in a Judgment Document)

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

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

(Judgment Contained in the Record)

- Article 219 (1) A district court or a summary court, may, when no appeal is filed, instruct a court clerk to enter the main text of judgment, an outline of the facts leading to the crime, and the applied penal statutes 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 fourteen days from the rendering of the judgment and before the judgment has becomes final and binding.
- (2) The judge who has rendered the judgment, together with a court clerk, must jointly sign and seal the record stated in the preceding paragraph.
- (3) The provisions of Article 46, paragraphs (3), paragraph (4), and the second sentence of Article 55 apply mutatis mutandis to the case stated in the preceding paragraph.

(Special Provisions on Service of a Ruling Dismissing Prosecution)

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

(2) If a ruling stated in the preceding paragraph has been rendered, and if the defendant has a defense counsel, the court must notify the defense counsel of this.

(Notification of the Period for Filing an Appeal)

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

(Explanation of the Purpose of Probation)

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

(Admonition After Rendering the Judgment)

Article 221 After rendering judgment, the presiding judge may appropriately admonish the defendant concerning their future.

(Notice of the Judgment)

Article 222 If the court has rendered judgment in absence of the defendant for a case stated in Article 284 of the Code, the court must immediately notify the defendant of this and of the main text of the judgment; provided, however, that this does not apply if the representative or the defense counsel of the defendant has appeared on the trial date on which the judgment has been rendered.

(Notice of Judgment of Probation under the Provisions of Article 25-2, Paragraph (1) of the Penal Code)

Article 222-2 (1) When the court has rendered judgment to place the defendant on probation pursuant to the provisions of Article 25-2, paragraph (1) of the Penal Code (Act No. 45 of 1907), 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 the judgment, an outline of the crime facts, and the date that the judgment has been rendered to the director of the probation office responsible for the person's probation. In this case, the court must also attach a document stating an opinion on special matters the person is to comply during the probation period.

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

(Report on the Performance of the Person on Probation)

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

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

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

(Submission of Materials)

Article 222-5 In filing a request to revoke the suspended execution of the sentence, the requester must submit materials establishing the grounds for the revocation. When the request is for the revocation of a suspended sentence under the provisions of Article 26-2, item (ii) or Article 27-5, item (ii) of the Penal Code, the requester must also submit materials establishing that the director of the probation office has made the request.

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

Article 222-6 (1) When filing a request to revoke the suspension of the sentence under the provisions of Article 26-2, item (ii) or Article 27-5, item (ii) of the Penal Code, the public prosecutor must submit a transcript of the written request to the court at the same time as the request is made.

(2) When the court has received the transcript stated in the preceding paragraph, the court must, without delay, serve the transcript to the person who has been given the suspended sentence.

(Notice of the Right to Request Oral Arguments)

Article 222-7 (1) When the court has received a request to revoke the suspended execution of the sentence under the provisions of Article 26-2, item (ii) or Article 27-5, item (ii) of the Penal Code, the court must, without delay, inform the person who has received the suspended sentence indicating that they may request oral arguments and that they may appoint a defense counsel when filing this request; the court must also confirm whether or not the person seeks to file a request for oral arguments.

(2) When confirming whether or not the person who has received 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 designated by the court.

(Order to Appear)

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

(Oral Arguments)

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

- (i) the presiding judge must specify the date for oral argument;
- (ii) the court must order the person who has been given the suspended sentence to appear on the date for oral argument;
- (iii) the court must notify the public prosecutor and the defense counsel of the date for oral argument;
- (iv) the court may, upon the request of the public prosecutor, the person who has been given the suspended sentence or the defense counsel, or ex officio, change the date for oral argument;
- (v) the oral arguments are to be conducted in a court that is open to the public; the court session is to be held in the presence of a judge, a court clerk and the public prosecutor;
- (vi) the court session may not be held if the person who has been given the suspended sentence fails to appear on the date for oral argument; provided, however, that this does not apply when the person fails to appear without legitimate grounds;
- (vii) an oral argument may not be made public if a request is made by the person who received the suspended sentence, or if there is a risk that making the oral arguments public could harm public order or good morals; and
- (viii) a record must be made for the oral arguments.

(Provisions Applied Mutatis Mutandis)

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

Chapter IV Expedited Trial Proceedings

Section 1 Motions for Expedited Trial Proceedings

(Attachment of a Document)

Article 222-11 A written motion for expedited trial proceedings must be attached with a document clarifying that the proceedings specified in Article 350-16, paragraph (3) of the Code have been carried out.

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

Article 222-12 Requests stated in Article 350-17, 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; the public prosecutor, that is seeking confirmation as stated in Article 350-16, paragraph (3) of the Code, is assigned to this office, or with a judge of the summary court in the same locality as the district court (including the same locality as a branch of the district court).

(Request to Appoint Private Defense Counsel for Consent Confirmation)

Article 222-13 If a suspect, whose financial resources (as 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 (as prescribed in Article 36-3, paragraph (1) of the Code; the same applies in Article 280-3, paragraph (1)) files a request stated in Article 350-17, paragraph (1) of the Code, the bar association to which requests stated 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 350-17 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 stated in Article 350-16, paragraph (3) of the Code is assigned; 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 350-17, paragraph (2) of the Code, is to be the district court with jurisdiction over the location of the public prosecutor's office.

Section 2 Special Provisions on Trial Preparation and Trial Procedure

(Denial of a Motion for Expedited Trial Proceedings)

Article 222-14 (1) Concerning a case where a motion for expedited trial proceedings has been filed, if the case falls under any of the items of Article 350-22 of the Code, the court must deny the motion by a ruling. The same applies in the event that the defendant has not made a statement indicating that they are guilty of a count stated in the charging instrument when taking

the procedure under Article 291, paragraph (4) of the Code.

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

(Measures When a Ruling to Deny a Motion for Expedited Trial Proceedings is Rendered)

Article 222-15 (1) If a motion for expedited trial proceedings is to be denied on the grounds that the case falls under Article 350-22, item (i) or item (ii) of the Code, or that the defendant has not made a statement indicating that they are guilty of a count stated in the charging instrument during the proceedings under Article 291, paragraph (4) of the Code, this must be stated in a written judgment denying that motion.

(2) If the ruling stated in Article 350-22 of the Code is to be revoked on the grounds that the case has come to fall under Article 350-25, paragraph (1), item (i), item (ii) or item (iv) of the Code (concerning item (iv) of that paragraph, limited to when the case falls under that item on the grounds that the defendant has made a statement that conflicts with or substantially differs from their statement indicating that they are guilty of a count stated in the charging instrument), this must be stated in a written judgment revoking that ruling.

(Notice on Appointment of Defense Counsel)

Article 222-16 For a case other than one punishable by the death penalty, life imprisonment, 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 defendant indicating that the defendant 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 stated in Article 350-22 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 defendant has secured a defense counsel.

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

Article 222-17 (1) If a motion for expedited trial proceedings has been filed and the defendant does not have a defense counsel, notwithstanding the provisions of Article 178, the court must, without delay, confirm with the defendant whether they will appoint a defense counsel.

(2) When taking the measures stated in the preceding paragraph, the court must demand that the defendant respond within a certain period designated by the court.

(3) If no response is received or no defense counsel is appointed within the period of time stated in the preceding paragraph, the presiding judge must immediately appoint a defense counsel for the defendant.

(Designation of Trial Date)

Article 222-18 The trial date stated in Article 350-21 of the Code, a date within fourteen days from the day on which prosecution was initiated must be specified to the greatest extent possible.

(Special Provisions for Cases Tried in Expedited Trial Proceedings)

Article 222-19 The provisions of Articles 198, Article 199, and Article 203-2 do not apply when a ruling has been rendered to proceed with expedited trial proceedings.

Article 222-20 (1) Concerning the trial record of a case that has been examined through expedited trial proceedings and for which judgment has been rendered on the same date, it is adequate to complete the record within twenty one days from the trial date when the judgment has been rendered.

(2) In the case referred to in the preceding paragraph, concerning the period for filing an objection about the accuracy of the content of the trial record, the trial record is deemed to have been completed on the final day it should have been completed.

Article 222-21 (1) Concerning the case that has been examined through expedited trial proceedings and for which the judgment has been rendered on the same date, a court clerk, with the permission of the presiding judge, may omit all or part of the matters required to be recorded as stated in Article 44, paragraph (1), item (xix) and item (xxii); provided, however, that this does not apply when an appeal to the court of second instance has been filed.

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

Part III Appeals

Chapter I General Rules

(Court for Filing a Motion for Waiver of Appeal)

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

(Court for Filing a Motion for Withdrawal of Appeal)

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

appellate court.

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

(Method of Filing a Motion for Withdrawal of Appeal)

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

(Submission of Written Consent)

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

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

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

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

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

(Appeal by an Defendant Committed to a Penal Institution)

Article 227 (1) An defendant committed to a penal institution must submit a written motion for appeal through the warden of the penal institution or its deputy.

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

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

(Waiver of Appeal by the Defendant Incarcerated to a Penal Institution)

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

(Notice of Appeal)

Article 230 When there is an appeal, a waiver or withdrawal of an appeal, or a request on restoration of appeal right, a court clerk must promptly notify the opposing party of this.

Articles 231 through 234 Deleted

Chapter II Appeal to the Court of Second Instance

(Sending of the Case Record)

Article 235 Except when it is clear 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 for filing an objection regarding the accuracy of the content of the trial record, promptly send the case record and articles of evidence to the court of second instance.

(Period for Submission of Statement of Reasons for Appeal)

- Article 236 (1) When the court of second instance receives the case record, the court must promptly designate the final day by which a statement of reasons for appeal is to be submitted, and notify the appellant of this date. If the appellant has a defense counsel, the notice must also be given to the defense counsel.
- (2) Notice stated in the preceding paragraph must be given through service of a written notice.
- (3) The final day stated in paragraph (1) must be no earlier than the 21st day from the day following the date on which the service stated in the preceding paragraph has been made on the appellant.
- (4) If a written notice stated in paragraph (2) has been served and the designation of the final day stated in paragraph (1) is in violation of the provisions of the preceding paragraph, notwithstanding the provisions of paragraph (1), the 21st day following the date on which the service on the appellant has been made is deemed to be the final day.

(Notice of Arrival of the Case Record)

Article 237 When providing the notice stated in the preceding Article, the court of second instance must concurrently notify the public prosecutor or the defendant who is not the appellant indicating that the case record has arrived. If the defendant has a defense counsel, the notice must be given to the defense counsel.

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

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

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

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

(Entry in the Statement of Reasons for Appeal)

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

(Transcripts of the Statement of Reasons for Appeal)

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

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

Article 242 When the court of second instance receives a statement of reasons for appeal, the court must promptly serve the transcripts to the opposing party.

(Written Answer)

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

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

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

(4) A written answer must be attached with the number of transcripts of the written answer corresponding to the number of members of the opposing party.

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

(Transfer of the Defendant)

Article 244 (1) If the defendant 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 of this.

(2) When a public prosecutor receives the notice stated in the preceding paragraph, the prosecutor must promptly transfer the defendant to a penal institution in the locality of the court of second instance.

(3) When the defendant 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 defendant has been transferred.

(Written Report by Authorized Judge)

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

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

(Entry in the Judgment Document)

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

(Transfer to the Supreme Court)

Article 247 Concerning a case for which the motion to appeal to the court of second instance has been 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, after hearing the opinions of the persons concerning in the case, transfer the case to the Supreme Court through a ruling,.

(Request for Permission to Transfer)

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

(2) Requests for the permission stated in the preceding paragraph must be made through a written document.

(3) The document stated in the preceding paragraph must be attached with a transcript of the judgment document in prior instance and a transcript of the statement of reasons for appeal.

(Effect of the Ruling on Transfer)

Article 249 When the ruling stated 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, at the time that the motion for appeal to the court of second instance has been filed.

(Provisions Applied Mutatis Mutandis)

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

Chapter III Final Appeal

(Sending of the Case Record)

Article 251 Except when it is clear that the motion for final appeal has been filed after the right to final appeal has expired, the court of prior instance must, after the passage of a period of time for filing an objection regarding the accuracy of the content of the trial record, promptly send the case record to the final appellate court.

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

Article 252 (1) The final day for submitting the statement of reasons for final appeal must be no earlier than the 28th day from the day following the date on which the written notice, specifying the final day, has been served on the appellant.

(2) If a written notice of the final day, as stated under the provisions of the preceding paragraph has been served and the designation of the day is in violation of the provisions of that paragraph, the 28th day following the date on which the notice has been served on the appellant is deemed to be the final day.

(Indication of Precedents)

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

(Direct Appeal to the Supreme Court)

Article 254 (1) A final appeal against a judgment in first instance that has been rendered by a district court or a summary court, may be filed with the Supreme

Court, based on grounds that in rendering its judgment, the court of first instance unjustly found a law, an order, a regulation, or a disposition to be in violation of the Constitution, or unjustly found an ordinance or a regulation of a local public entity to be in violation of laws.

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

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

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

(Prioritized Trial of Cases with Findings of Unconstitutionality)

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

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

Article 257 If a case, where a 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 ground for this motion.

(Method of Filing a Motion)

Article 258 In filing a motion stated in the preceding Article, a written motion must be submitted to the court of prior instance.

(Delivery of a Transcript of the Judgment of Prior Instance)

Article 258-2 (1) When the motion stated 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 if the movant has received a transcript of the judgment before filing the motion.

- (2) In the case referred to in the main clause of the preceding paragraph, the court of prior instance must deliver a transcript of the judgment to the movant without delay.
- (3) In the case referred to in the proviso to paragraph (1) or in the preceding paragraph, a court clerk must clearly indicate in the record the date the transcript of the judgment has been delivered.

(Statement of Reasons for a Motion to Accept a Case)

- Article 258-3 (1) A movant must submit a statement of reasons to the court of prior instance within fourteen 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 fourteen days from the day on which the motion stated in Article 257 was filed in the case stated 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 and transcripts of the judgment in prior instance, corresponding to the number of members of the opposing party.
- (2) In the statement of reasons stated in the preceding paragraph, the reasons for the motion must be stated as concretely as possible, by such a method as giving the details of the judgment in first instance.

(Ruling Rendered by the Court of Prior Instance Dismissing a Motion)

Article 259 If it is clear that the motion stated in Article 257 has been filed after the expiration of the right to make a motion, or when the statement of reasons stated in paragraph (1) of the preceding Article has not been submitted within the period of time stated in that paragraph, the court of prior instance must dismiss the motion by a ruling.

(Sending of a Written Motion)

- Article 260 (1) When the court of prior instance receives the statement of reasons and the attached documents stated in Article 258-3, paragraph (1), except in the cases stated in the preceding Article, the court must promptly send the documents to the Supreme Court along with the written motion stated in Article 258.
- (2) When the Supreme Court receives the documents under the provisions of the preceding paragraph, the Supreme Court must promptly notify the public prosecutor of the date of receipt.

(Ruling to Accept a Case)

Article 261 (1) When the Supreme Court finds it reasonable to accept a case as the final appellate court, the Supreme Court must render a ruling to that effect within fourteen 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 insignificant, it may exclude those reasons.

(2) When the Supreme Court has rendered the ruling stated in the preceding paragraph, the Supreme Court must notify the public prosecutor of this within the period stated in that paragraph.

(Notice of a Ruling to Accept a Case)

Article 262 When the Supreme Court has rendered the ruling stated in paragraph (1) of the preceding Article, the Supreme Court must promptly notify the court of prior instance of this.

(Effect of a Ruling to Accept a Case)

Article 263 (1) When the ruling stated in Article 261, paragraph (1) has been rendered, the statement of reasons stated 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) When serving a transcript of the statement of reasons stated in the preceding paragraph on the opposing party, if any reason has been excluded pursuant to the provisions of the second sentence of Article 261, paragraph (1), a transcript of the ruling excluding the reasons must also be served at the same time.

(Effect of a Motion)

Article 264 The motion stated 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 stated in Article 261, paragraph (1) has passed without the ruling stated in that paragraph being rendered.

(Transfer of the Defendant)

Article 265 In the final appellate instance, the defendant need not be transferred, even when a trial date is to be designated.

(Provisions Applied Mutatis Mutandis)

Article 266 Except when there are special provisions providing otherwise, the provisions of the preceding Chapter apply mutatis mutandis to the final appeal

trial.

(Method for Filing a Motion to Correct Judgment)

Article 267 (1) Motions to correct judgment must be filed in writing.

(2) The reasons for the motion must be clearly and concisely stated in the document stated in the preceding paragraph.

(3) The provisions of the preceding two paragraphs apply mutatis mutandis to a motion to extend the period for filing a motion to correct judgment.

(Notice of a Motion to Correct Judgment)

Article 268 When the motion stated in paragraph (1) of the preceding Article has been filed, the final appellate court must promptly notify the opposing party of this.

(Service of a Ruling Denying a Motion)

Article 269 A ruling denying a motion for the extension of the period for filing a motion for the correction of a judgment need not be served.

(Judicial Decision on a Motion to Correct Judgment)

Article 270 (1) The court consisting of all of the judges that constitute the court which issued the judgment in prior instance must issue the judicial decision on a motion to correct judgment; provided, however, that this does not apply when any of the judges have died or when there are other unavoidable circumstances.

(2) Even in the case stated in the proviso to the preceding paragraph, the judicial decision stated in that paragraph may not be issued by a court in which the majority of judges expressed a dissenting opinion to the judgment rendered in prior instance.

Chapter IV Appeal Against a Ruling

(Sending of the Case Record)

Article 271 (1) If the court of prior instance finds it necessary, the court must send the case record and articles of evidence to the court in charge of an appeal.

(2) The court in charge of an appeal may request that the case record and articles of evidence be sent to it.

(Notice of a Ruling Rendered by the Court in Charge of an Appeal)

Article 272 A ruling rendered by the court in charge of an appeal must be notified to the court of prior instance.

(Provisions Applied Mutatis Mutandis)

Article 273 The provisions of the preceding two Articles apply mutatis mutandis to cases where a request as stated in Article 429 or Article 430 of the Code has been filed.

(Entry in a Written Motion for a Special Appeal Against a Supreme Court Ruling)

Article 274 In a written motion for appeal against a ruling stated in Article 433 of the Code, the object of the appeal against a ruling must be concisely stated.

(Scope of Examination on Special Appeal Against a Supreme Court Ruling)

Article 275 Concerning an appeal against a ruling stated 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 an examination may be conducted ex officio on the grounds prescribed in Article 405 of the Code.

(Provisions Applied Mutatis Mutandis)

Article 276 The provisions of Article 256, Article 271, and Article 272 apply mutatis mutandis to cases where a motion for appeal against a ruling stated in Article 433 of the Code has been filed.

Part IV Special Procedure for Juvenile Cases

(Policy of Proceedings)

Article 277 Concerning the proceedings in a juvenile case, the proceedings must be conducted cordially and amicably and efforts must be made to examine the evidence previously examined by the family court, in order to clarify the factual background of the case.

(Descriptive Requirements for a Warrant for Referral to a Juvenile Classification Home)

Article 278 (1) A warrant issued pursuant to the provisions of Article 44, paragraph (2) of the Juvenile Act (Act No. 168 of 1948) must contain the name, age, and residence of the juvenile, the charged offense, an outline of the suspected crime, the grounds stated in the items of Article 60, paragraph (1) of the Code, the juvenile classification home where the juvenile is to be committed, the validity period, and a statement that after the validity period, the warrant may not be executed and must be returned, as well as the date of the request and the date of issuance; a judge must affix their name and seal to it.

(2) Warrants stated in the preceding paragraph must be executed in accordance

with those provisions of the Code and of these Rules related to the execution of a detention warrant.

(Court-Appointed Defense Counsel)

Article 279 When the defendant is a juvenile and has no defense counsel, the court must appoint a defense counsel ex officio, as far as possible.

(Effect of a Ruling to Put a Juvenile under the Observation and Protection of a Family Court Probation Officer)

Article 280 The measures stated in Article 17, paragraph (1), item (i) of the Juvenile Act cease to be effective when a judicial decision to close the case becomes final and binding.

(Request for Appointment of Court-Appointed Defense Counsel When Measures for Observation and Protection Are Deemed to Be Detention)

Article 280-2 (1) If 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 stated in Article 37-2, paragraph (1) of the Code must be filed with the judge of the family court which issued the order stated 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), in Article 20, paragraph (1) of that Act, or Article 62, paragraph (1) of that Act, a judge of the district court which has jurisdiction over the location of the family court to which the judge is assigned, or a judge of the summary court in the same locality as the district court (including the same locality as a branch of the district court).

(2) In the case prescribed in the preceding paragraph, a ruling concerning the appointment of defense counsel under the provisions of Article 37-4 of the Code must be taken by the judge of the family court which rendered the ruling stated in Article 19, paragraph (2), Article 20, paragraph (1), or Article 62, paragraph (1) of the Juvenile Act, a judge of the district court which has jurisdiction over the location of the family court to which the judge is assigned, or a judge of the summary court in the same locality as the district court (including the same locality as a branch of the district court).

(3) When the suspect stated in paragraph (1) has been committed to a penal institution outside the jurisdictional district of the district court stated in that paragraph, notwithstanding the provisions of that paragraph, the request stated in Article 37-2, paragraph (1) of the Code must be filed with a judge of the district court which has jurisdiction over the location of the penal

institution, or a judge of the summary court in the same locality as the district court (including the same locality as a branch of the district court).

- (4) Notwithstanding the provisions of paragraph (2), in the case prescribed in the preceding paragraph, a ruling concerning the appointment of a defense counsel under the provisions of Article 37-4 of the Code must be taken by a judge of the district court which has jurisdiction over the location of the penal institution stated in the preceding paragraph or a judge of the summary court in the same locality as the district court (including the same locality as a branch of the district court). The same applies to a ruling concerning the appointment of defense counsel under the provisions of Article 37-5 of the Code and Article 38-3, paragraph (4) of the Code.

(Request for Appointment of Private Defense Counsel When Observation and Protection Measures Are Deemed to Be Detention)

Article 280-3 (1) When a suspect, deemed to have a detention warrant issued pursuant to the provisions of Article 45, item (vii) of the Juvenile Act whose financial resources are equal to or greater than the base amount files a request stated in Article 37-2, paragraph (1) of the Code, the bar association to which the request stated 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 with jurisdiction over the location of the family court which rendered the ruling stated in Article 19, paragraph (2), Article 20, paragraph (1), or Article 62, paragraph (1) 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 with jurisdiction over the location of the family court.

- (2) If the suspect stated in the preceding paragraph has been committed to a penal institution outside the jurisdictional district of the district court stated in that paragraph, and when the suspect files a request stated in Article 37-2, paragraph (1) of the Code, notwithstanding the provisions of the preceding paragraph, the bar association to which the request stated in Article 31-2, paragraph (1) of the Code should be filed pursuant to the provisions of Article 37-3, paragraph (2) of the Code is to be a bar association within the jurisdictional district of the district court which has jurisdiction over the location of the penal institution, and the district court to which the bar association should notify pursuant to the provisions of Article 37-3, paragraph (3) of the Code is to be the district court which has jurisdiction over the location of the penal institution.

(Request for Measures in Lieu of Detention)

Article 281 In a juvenile case, the provisions of Articles 147 through 150 apply mutatis mutandis to cases where the public prosecutor files a request with the judge for the measures stated in Article 17, paragraph (1) of the Juvenile Act in lieu of the request for detention.

(Provisions Applied Mutatis Mutandis)

Article 282 The provisions of these Rules concerning penal institutions apply mutatis mutandis to cases where the defendant or the suspect is committed to or detained in a juvenile classification home.

Part V Retrial

(Procedure for Filing a Request)

Article 283 In filing a request for a retrial, the requester must submit a statement of the reasons for this to the court with jurisdiction, along with a transcript of the judgment in prior instance, documentary evidence, and articles of evidence.

(Provisions Applied Mutatis Mutandis)

Article 284 The provisions of Article 224, Article 227, Article 228, and Article 230 apply mutatis mutandis to a request for a retrial or the withdrawal of that request.

(Conflict of Requests)

Article 285 (1) When a request for a retrial has been filed against a final and binding judgment in first instance and against a final and binding judgment on the dismissal of an appeal to the court of second instance, the court of second instance must, by a ruling, stay the court proceedings until the court proceedings in the court of first instance have been concluded.

(2) When a request for a retrial has been filed against a final and binding judgment in first or second instance and against a final and binding judgment to dismiss a final appeal, the final appellate court must, by a ruling, stay the court proceedings until the court proceedings in the court of first instance or the court of second instance have been concluded.

(Hearing of Opinions)

Article 286 When rendering a ruling concerning a request for a retrial, the court must hear the opinions of the requester and the opposing party. If the request has been filed by the legal representative or curator of a person who has been found guilty, the court must also hear the opinion of the person who has been found guilty.

Part VI Summary Proceedings

Article 287 Deleted

(Attachment of a Document)

Article 288 A written request for a summary order must be attached with a document clarifying that the procedure specified in Article 461-2, paragraph (1) of the Code has been carried out.

(Submission of Documents)

Article 289 (1) The public prosecutor must, concurrently with filling a request for a summary order, submit to the court the documents and articles of evidence that they consider necessary for issuing a summary order.

(2) If a public prosecutor, pursuant to the provisions of the preceding paragraph, submits to the court the recorded statement documents (meaning the recorded statement documents prescribed in Article 290-3, paragraph (1) of the Code) of a person other than the defendant, which have been prepared by that person based on an agreement under Article 350-2, paragraph (1) of the Code, or in or on which statements made by that person based on an agreement under that paragraph have been recorded or written down, the public prosecutor must, concurrently with submitting the documents, submit to the court a statement of agreement (meaning the statement of agreement prescribed in Article 350-7, paragraph (1) of the Code; the same applies below).

(3) When a public prosecutor submits a statement of agreement to the court pursuant to the provisions of the preceding paragraph, and if the party to the agreement has notified the other party to the agreement pursuant to the provisions of Article 350-10, paragraph (2) of the Code that the party is to pull out of the agreement, the public prosecutor must also submit the document stated in that paragraph to the court along with the statement of agreement.

(4) If, after a public prosecutor submitted a statement of agreement pursuant to the provisions of paragraph (2) and before the court issues a summary order, the party to the agreement has notified the other party to the agreement pursuant to the provisions of Article 350-10, paragraph (2) of the Code that the party is to pull out of the agreement, the public prosecutor must submit the document stated in that paragraph to the court without delay.

(Timing of the Issuance of a Summary Order)

Article 290 (1) A summary order must be issued no later than within fourteen days from the date of the request.

(2) When the court was unable to serve a transcript of the summary order, the

court must immediately notify the public prosecutor of this.

(Provisions Applied Mutatis Mutandis)

Article 291 The provisions of Article 219-2 apply mutatis mutandis to the ruling stated in Article 463-2, paragraph (2) of the Code.

(Submission of Transcripts of the Charging Instrument)

Article 292 (1) When the public prosecutor receives the notice stated 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 defendant.

(2) The provisions of Article 176 apply to the case stated in the preceding paragraph.

(Return of Documents)

Article 293 When the court gives the notice stated in Article 463, paragraph (3) or Article 465, paragraph (2) of the Code, the court must immediately return the documents and articles of evidence stated in Article 289, paragraph (1), a statement of agreement, and the document stated in Article 350-10, paragraph (2) of the Code to the public prosecutor.

(Provisions Applied Mutatis Mutandis)

Article 294 The provisions of Articles 224 through 228 and Article 230 apply mutatis mutandis to the request for a formal trial or the withdrawal of that request, or to a request for the restoration of the right to request a formal trial.

Part VII Execution of Judicial Decisions

(Motion for Exemption from Court Costs)

Article 295 (1) Motion for exemption from the execution of judicial decisions ordering to bear the court costs, motion requesting the interpretation of judicial decisions, and filing of objections to the execution of judicial decisions must be made in writing. The same applies to the withdrawal of that motion or filing.

(2) The provisions of Article 227 and Article 228 apply mutatis mutandis to the motion or filing, or its withdrawal stated in the preceding paragraph.

(Court for Filing a Motion for Exemption from Court Costs)

Article 295-2 (1) A motion for exemption from the execution of a judicial decision ordering to bear the court costs must be filed with the court which has rendered the judicial decision; provided, however, that when the case has been

concluded in the appellate instance, the motion must be filed with the appellate court for all court costs.

- (2) A court that has received the motion stated in the preceding paragraph must render a ruling on the motion; provided, however, that a court that 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 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 this fact, and to which the presiding judge has affixed their seal of approval, along with the written motion and related documents, to the lower instance court.
- (3) When a court has sent the documents under the provisions of the proviso to the preceding paragraph, the court must immediately notify the public prosecutor of this.

(Cases Where a Written Motion Has Been Submitted to a Court Other Than the Court with Which the Motion Is to Be Filed)

Article 295-3 When a written motion is submitted to a court other than the court with which the motion should be filed pursuant to the provisions of paragraph (1) of the preceding Article (limited to a court before which the case is pending), the court must promptly send the written motion to the court with which the motion should be filed. In this case, if the written motion was submitted within the period for filing a motion, the motion is deemed to have been filed within the period for filing a motion.

(Descriptive Requirements for a Written Motion)

Article 295-4 In a written motion for exemption from the execution of a judicial decision ordering to bear the court costs, the court that has rendered the judicial decision must be specified; furthermore, the grounds for the inability to fully pay the court costs in full must be stated.

(Notice Given to the Public Prosecutor)

Article 295-5 When a written motion for exemption from the execution of a judicial decision ordering to bear the court costs has been submitted, the court must immediately notify the public prosecutor of this.

Part VIII Auxiliary Provisions

(Method for Making a Motion or Statement)

Article 296 (1) Motions or statements to the court or a judge may be made in writing or orally; provided, however, that this does not apply when there are

special provisions providing otherwise.

(2) An oral statement must be made in the presence of a court clerk.

(3) In the case referred to in the preceding paragraph, a court clerk must make a record of this.

(Statement by the Defendant or by a Suspect Who Has Been Committed to or Detained in a Penal Detention Facility)

Article 297 The warden of the penal institution, the detention services manager, or the coast guard detention services manager, or a deputy of those persons must, when the defendant or a suspect who has been committed to or detained in a penal detention facility intends to make a motion or statement to the court or a judge, provide assistance to that end insofar as possible; particularly, if the defendant or the suspect is unable to draft their own written motion or statement, they are required to write it on their behalf, or have a staff member of their penal institution do so.

(Sending and Acceptance of Documents)

Article 298 (1) The sending and acceptance of documents are to be handled by a court clerk.

(2) When giving a notice to a person concerned in the case or other persons, the court may have a court clerk give the notice.

(3) If a notice has been given to a person concerned in the case or other persons, it must be clearly indicated in the record.

(Request for the Interrogation of a Judge)

Article 299 (1) A public prosecutor, a public prosecutor's assistant officer, or a judicial police officer must file a request for an interrogation, disposition, or a warrant with a judge of the district court or summary court which has jurisdiction over the location of the public agency where they are assigned, regardless of the jurisdiction related to the case in question; provided, however, that the request may be filed with a judge of the nearest lower instance court if there are unavoidable circumstances.

(2) For a juvenile case, the request referred to in the preceding paragraph may also be filed with a judge of the family court which has jurisdiction over the location of the public agency to which the person prescribed in the same paragraph is assigned, notwithstanding the provisions of the main clause of that paragraph.

(Valid Period of a Warrant)

Article 300 The valid period for a warrant is to be seven days from the date of issuance; provided, however, that the court or the judge may designate a period

exceeding seven days when the court or the judge finds it appropriate.

(Inspection of Documents and Articles of Evidence)

Article 301 (1) The presiding judge or a judge may designate the date, place, and time for the inspection or copying documents and articles of evidence related to the case.

(2) When the presiding judge or a judge finds it necessary to prevent destruction of documents or any other unlawful actions concerning the inspection or copying of documents and articles of evidence related to the case, they must have a court clerk or any other court official attend the inspection or copying, or implement other suitable measures.

(Authority of a Judge)

Article 302 (1) An authorized judge, a commissioned judge, or any other judge who is deemed to have the same authority as the court or the presiding judge, who is subject to the *mutatis mutandis* application of the provisions concerning dispositions to be made by the court, or who may make a ruling that is to be made by the court or the presiding judge, under the Code, also may make a ruling under these Rules.

(2) A judge who has received a request stated in Article 224 or Article 225 of the Code has the same authority as the court or the presiding judge concerning the ruling on it.

(Measures to Address Acts Committed by a Public Prosecutor or Defense Counsel that Delay the Court Proceedings)

Article 303 (1) If a public prosecutor or defense counsel who is an attorney hinders the speedy progression of proceedings, a pretrial conference procedure, or an interim conference procedure, in violation of laws or court rules concerning court proceedings, the court may demand that the public prosecutor or the defense counsel explain the reason for this.

(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 for a defense counsel, the court must notify the bar association to which the attorney belongs or the Japan Federation of Bar Associations of this, and request that appropriate measures be taken.

(3) A person who has received a request under the provisions of the preceding paragraph must notify the court of the measures the person has taken.

(Sending of the Case Record after the Conclusion of a Case Charged to the Court)

Article 304 (1) After the conclusion of a case charged to the court, the court must promptly send the case record to the public prosecutor of the public prosecutor's office corresponding to the court of first instance.

(2) If a case brought before the court has concluded at the appellate instance, the case records to be sent pursuant to the provisions of the preceding paragraph must be sent through the lower instance court where the case charged to the court was pending.

(Application of Provisions to Alternate Detention)

Article 305 For a person 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.