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

(Act No. 50 of May 25, 2005)

Part I General Provisions

Chapter I Common Provisions

(Purpose)

Article 1 The objective of this Act is to ensure the adequate treatment of inmates, detainees, and Coast Guard detainees by respecting their human rights and taking into account their circumstances, as well as appropriately managing and administrating penal detention facilities (i.e. penal institutions, detention facilities, and Coast Guard detention facilities).

(Definitions)

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

(i) "inmate" means a person who has been committed to a penal institution;

(ii) "detainee" means a person who has been detained in a detention facility;

(iii) "coast Guard detainee" means a person who has been detained in a Coast Guard detention facility;

(iv) "sentenced person" means a person who has been sentenced to imprisonment, a person who has been sentenced to imprisonment without work, or a person who has been sentenced to penal detention;

(v) "person sentenced to imprisonment" means a person who has been placed in detention in order to carry out the sentence of imprisonment (including cooperative sentences as prescribed in Article 16, paragraph (1), item (i) of the Act on the Transnational Transfer of Sentenced Persons (Act No. 66 of 2002); the same applies hereinafter);

(vi) "person sentenced to imprisonment without work" means a person who has been placed in detention in order to carry out the sentence of imprisonment without work (including cooperative sentences, as prescribed in Article 16, paragraph (1), item (ii) of the Act on the Transnational Transfer of Sentenced Persons; the same applies hereinafter);

(vii) "person sentenced to penal detention" means a person who has been placed in detention in order to carry out the sentence of penal detention;

(viii) "detainee awaiting a judicial decision" means an arrestee, a person under detention, or any other person who has been confined as a detainee awaiting a judicial decision;

(ix) "arrestee" means a person who has been arrested and detained pursuant to the provisions of the Code of Criminal Procedure (Act No. 131 of 1948);
(x) "person under detention" means a person who has been detained under the provisions of the Code of Criminal Procedure;
(xi) "inmate sentenced to death" means a person who has been sentenced to the death penalty and placed in detention;
(xii) "unclassified inmates" means inmates who do not fall under the classification of sentenced persons, detainee awaiting a judicial decision, and inmates sentenced to death.

Chapter II Penal Institutions

(Penal Institutions)

Article 3 Penal institutions are establishments for committing and the appropriate treatment of any of the following persons:
(i) persons placed in detention for imprisonment, imprisonment without work, or penal detention;
(ii) persons arrested and detained pursuant to the provisions of the Code of Criminal Procedure;
(iii) persons under detention pursuant to the provisions of the Code of Criminal Procedure;
(iv) persons placed in detention after being sentenced to the death penalty;
(v) persons other than those set forth in the preceding items but who are to be, and those who may be committed to a penal institution pursuant to the provisions of laws and regulations.

(Separation of Inmates)

Article 4 (1) Inmates are to be separated into groups by the following categories, and each group is to be isolated from each other:
(i) sex;
(ii) sentenced persons (excluding those classified as a detainee awaiting a judicial decision), detainees awaiting a judicial decision (excluding those classified as either a sentenced person or an inmate sentenced to death), sentenced persons classified as detainees awaiting a judicial decision, inmates sentenced to death, and unclassified inmates;
(iii) persons sentenced to imprisonment, persons sentenced to imprisonment without work, and persons sentenced to penal detention.

(2) Separation by the categories set forth in items (ii) and (iii) of the preceding paragraph does not apply if it is necessary for a sentenced person to be in close proximity to other inmates in order to have them carry out work such as serving meals, as prescribed in Article 92 or 93.

(3) Notwithstanding the provisions of paragraph (1), separation by the categories as set forth in item (iii) of the same paragraph, where deemed appropriate, does not apply outside an inmate's room (i.e. a room wardens of penal institutions assigns as a place used by inmates mainly for rest and sleep; the same applies in Chapter II of the following Part).

(On-the-Spot Inspections)

Article 5 In the interests of appropriate enforcement of this Act, the Minister of Justice must designate inspectors from among their staff and have the inspectors conduct on-the-spot inspections at each penal institution at least once per annum.

(Opinion Hearings)

Article 6 Wardens of penal institutions must endeavor to hear the opinions of staff or relevant public offices, public organizations and private organizations, and from persons with relevant knowledge and experience, essential for contributing to the appropriate administration of penal institutions.

(Penal Institution Visiting Committees)

Article 7 (1) A Penal Institution Visiting Committee (hereinafter referred to as a "Committee" in this Chapter) will be established in each penal institution.

(2) Committees are to inspect the penal institution where they are established and provide a statement of their findings to wardens of penal institutions regarding administration of the penal institution.

(Organization)

Article 8 (1) Committees are composed of a maximum of 10 members.

(2) The Minister of Justice is to appoint Committee members who are deemed to be of good character and who have a high level of insight, along with an interest in improving the administration of penal institutions.

(3) Committee members are to hold their office for one year; provided, however, that they may be reappointed.

(4) Committee members serve on a part-time basis.

(5) Beyond what is provided for in the preceding paragraphs, necessary matters on the organization and administration of Committees are provided for by Ministry of Justice Order.

(Providing Information to Committees and Committee Member Visits)

Article 9 (1) Wardens of penal institutions are to, pursuant to Ministry of Justice Order, provide Committees on a regular or as-needed basis with information on penal institutions regarding the state of their administration.

(2) Committees may, in order understand the state of penal institutions, conduct penal institution visits for Committee members. During visits the Committee may, if necessary, have the warden of the penal institution cooperate in conducting an interview between inmates and Committee members.
(3) Wardens of penal institutions must cooperate as required in the visits and interviews with inmates set forth in the preceding paragraph.
(4) Notwithstanding the provisions of Articles 127 (including cases where it is applied mutatis mutandis pursuant to Article 144), 135 (including cases where it is applied mutatis mutandis pursuant to Articles 138 and 142), and 140, the Committee must not examine any papers submitted to them by inmates.

(Publication of Opinions of Committees)
Article 10 The Minister of Justice is to once per annum gather information on both opinions expressed by a Committee to wardens of the penal institutions and measures taken by wardens of penal institutions in response to those opinions, and is to publicize the outline thereof.

(Observations by Judges and Public Prosecutors)
Article 11 Judges and public prosecutors may observe penal institutions.

(Viewing of Penal Institutions)
Article 12 If a person applies to view a penal institution and the application is deemed reasonable, wardens of penal institutions may permit them to do so.

(Prison Officers)
Article 13 (1) The Minister of Justice is to, pursuant to Ministry of Justice Order, designate prison officers from among penal institution staff.
(2) Prison officer ranks are provided for by Ministry of Justice Order.
(3) The prison officers are to be given training necessary for promoting a better understanding of the human rights of inmates and for acquiring and developing knowledge and skills necessary for appropriately and effectively treating inmates.

Chapter III Detention Facilities

(Detention Facilities)
Article 14 (1) Detention facilities are established by prefectural police.
(2) Detention facilities are establishments for detaining the following persons and treating them as required:
(i) persons arrested or received by prefectural police officers and subsequently detained pursuant to the provisions of the Police Act (Act No. 162 of 1954)

and the Code of Criminal Procedure;
(ii) persons set forth in the preceding item who are under detention pursuant to the provisions of the Code of Criminal Procedure following the application of paragraph (1) of the following Article;
(iii) persons other than those set forth in the preceding two items who may be detained in a detention facility pursuant to the provisions of laws and regulations.

Article 15 (1) Those set forth in the items of Article 3 may be detained in a detention facility as an alternative to being commitment to a penal institution, except for the following persons:
(i) persons placed in detention for imprisonment, imprisonment without work, or penal detention (excluding those classified as a detainee under the provisions of the Code of Criminal Procedure or other laws and regulations for the reasons other than the execution of the punishments, such as arrest or detention);
(ii) persons placed in detention after being sentenced to the death penalty;
(iii) persons temporarily committed pursuant to the provisions of Article 17-4, paragraph (1) of the Juvenile Code (Act No. 168 of 1948), Article 133, paragraph (2) of the Juvenile Training School Act(Act No. 58 of 2014) or Article 123 of the Juvenile Classification Home Act(Act No. 59 of 2014);
(iv) persons detained pursuant to the provisions of Article 5, paragraph (1), Article 17, paragraph (2) or Article 25, paragraph (1) of the Act on Extradition (Act No. 68 of 1953), Article 23, paragraph (1) of the Act on International Assistance in Investigation and Other Related Matters (Act No. 69 of 1980), or Article 21, paragraph (1) or Article 35, paragraph (1) of the Act on Cooperation for the International Criminal Court (Act No. 37 of 2007).
(2) The Minister of Justice may request of the National Public Safety Commission a description of the status of detention facilities' administration of detention pursuant to the provisions of the preceding paragraph, and state their opinion on the treatment of persons detained pursuant to the same paragraph.

(Detention Services Managers and Detention Officers)
Article 16 (1) Persons who administer detention-related affairs in detention facilities (hereinafter referred to as a "detention services manager") located under the jurisdiction of the Metropolitan Police Department, the Prefectural Police Headquarters, or Area Headquarters (referred to as "Police Headquarters" in Article 20) are designated from among police officers who have the same or higher rank than Superintendent by the Chief of the Metropolitan Police Department, the Superintendent General for the

Prefectural Police Headquarters, or the Chief of the Area Headquarters (hereinafter referred to as the "Chief of Police"),, or by the Chief of the Police Station which has a detention facility established inside it.

(2) Police officers who engage in detention-related affairs in detention facilities (hereinafter referred to as "detention officers") are to be given training necessary for promoting a better understanding of the human rights of detainees and for acquiring and developing knowledge and skills necessary for appropriately and effectively treating detainees.

(3) Detention officers must not be engaged in criminal investigations of detainees held at the detention facility under their authority.

(Separation of Detainees)

Article 17 (1) Detainees are to be separated into groups by the following categories, and each group is to be isolated from each other:

(i) sex;

(ii) detainees classified as a sentenced person and detainees without any classification.

(2) Separation by the categories set forth in item (ii) of the preceding paragraph does not apply if this is deemed necessary for keeping order and discipline, or found necessary as part of the management and administration of a detention facility, and there would be no risk of negatively affecting the handling of detainees.

(On-the-Spot Inspections)

Article 18 In the interest of appropriate enforcement of this Act, the Chief of Police must designate inspectors from among their staff and have the inspectors conduct on-the-spot inspections at each detention facility at least once per annum, pursuant to the provisions of the relevant prefectural public safety commission (or district public safety commission in cases of areas other than where the Hokkaido Police Headquarters is located; hereinafter referred to as "public safety commissions.")

(Inspection Rounds)

Article 19 In the interests of equal treatment of detainees and the appropriate enforcement of this Act, the Commissioner General of the National Police Agency is to, pursuant to provisions of the public safety commission, order inspectors which they have designated to conduct inspection rounds of the detention facilities.

(Detention Facility Visiting Committees)

Article 20 (1) A Detention Facility Visiting Committee (hereinafter referred to as

"Committee" in this Chapter) is to be established in each Police Headquarters.
(2) Committees are to inspect detention facilities which are situated within the jurisdiction of the prefectural police which covers the Police Headquarters where Committees are situated (or, detention facilities under jurisdiction of the Hokkaido Police Headquarters when the Committee is situated at the Hokkaido Police Headquarters, or detention facilities under jurisdiction of Area Headquarters when the Committee is situated in Area Headquarters) and are to provide a statement of their opinions to the detention services manager on the administration of detention facilities.

(Organization)
Article 21 (1) The Public Safety Commission is to appoint Committee members (hereinafter referred to as "committee members" in this Article and paragraph (2) of the following Article) who are deemed to be of good character and who have a high level of insight, along with an interest in improving the administration of detention facilities.
(2) Committee members are to serve on a part-time basis.
(3) A person who is or has ever served as a Committee member must not divulge any secret which may have come to their knowledge in the course of their duties.
(4) Beyond what is provided for in the preceding three paragraphs, the fixed number of and the term of office of committee members and any other necessary details regarding the organization and administration of the Committee are provided for by Prefectural Ordinance. In this case, the fixed number of and the term of office of committee members are to be determined after taking into consideration the standards provided for by the National Public Safety Commission.

(Provision of Information to Committees and Committee Member Visits)
Article 22 (1) Detention services managers are to, pursuant to the provisions of public safety commissions, provide Committees on a regular or as-needed basis with information on detention facilities regarding the state of their administration (including information on the measures under Article 190, paragraph (1) or Article 208, paragraph (1)).
(2) Committees may, in order to understand the state of the administration of detention facilities, conduct detention facility visits for Committee members. During visits the Committee may, if necessary, have detention services managers cooperate in conducting interviews between detainees and Committee members.
(3) Detention services managers must cooperate as required in the visits and interviews with detainees as are set forth in the preceding paragraph. Wardens

of penal institutions must cooperate as required in the visits and interviews with inmates set forth in the preceding paragraph.

(4) Notwithstanding the provisions of Article 222, the Committee must not examine any papers submitted to them by detainees.

(Publication of Opinions of the Committees)

Article 23 The Chief of Police is to every year gather information on both opinions expressed by a Committee to detention service managers and measures taken by detention service managers in response to those opinions, and is to publicize the outline thereof.

(Mutatis-Mutandis Application of Provisions on Penal Institutions)

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

Chapter IV Coast Guard Detention Facilities

(Coast Guard Detention Facilities)

Article 25 (1) Coast Guard detention facilities are established at Regional Coast Guard Headquarters, the offices of Regional Coast Guard Headquarters, or aboard Japan Coast Guard vessels.

(2) Coast Guard detention facilities are establishments for detaining the following persons and treating them as required; provided, however, that Coast Guard detention facilities situated in Japan Coast Guard vessels may be established only when the persons cannot be detained at a Coast Guard detention in the Regional Coast Guard Headquarters or in the offices of Regional Coast Guard Headquarters due to unavoidable reasons:

(i) persons arrested by, or arrested persons received by Coast Guard officers or assistant Coast Guard officers, and subsequently detained pursuant to the provisions of the Japan Coast Guard Act (Act No. 28, 1948) and the Code of Criminal Procedure;

(ii) persons other than those set forth in the preceding item but who may be detained in a Coast Guard detention facility pursuant to the provisions of laws and regulations.

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

Article 26 (1) Persons who administer detention-related affairs at Coast Guard detention facilities (hereinafter referred to as a "Coast Guard detention services manager") located in Regional Coast Guard Headquarters are

designated by the Commander of the relevant Regional Coast Guard Headquarters, those located in the offices of Regional Coast Guard Headquarters are designated by the chief of the relevant office, and those located onboard Japan Coast Guard vessels are designated by the captain of the relevant vessel.

(2) Coast Guard officers and assistant Coast Guard officers who engage in detention-related affairs in Coast Guard detention facilities (hereinafter referred to as "Coast Guard detention officers") are to be given training necessary for promoting a better understanding of the human rights of Coast Guard detainees and for acquiring and developing knowledge and skills necessary for appropriately and effectively treating Coast Guard detainees.

(3) Coast Guard detention officers must not engage in criminal investigations of detainees held at a Coast Guard detention facility under their authority.

(Separation of Coast Guard Detainees)

Article 27 Coast Guard detainees are to be separated by sex

(On-the-Spot Inspections)

Article 28 In the interest of the appropriate enforcement of this Act, the Commandant of the Japan Coast Guard must designate inspectors from among their staff and have them conduct on-the-spot inspections at each Coast Guard detention facility at least once per annum.

(Mutatis-Mutandis Application of Provisions on Penal Institutions)

Article 29 The provisions of Articles 6, 11, and 12 apply mutatis mutandis to Coast Guard detention facilities. In this case, the term "warden of the penal institution" in Articles 6 and 12 is deemed to be replaced with "Coast Guard detention services manager."

Part II Treatment of Inmates and Detainees

Chapter I Principles of Treatment

(Principles for the Treatment of Sentenced Persons)

Article 30 Sentenced person are to be treated with the aim of stimulating motivation for reformation and rehabilitation and developing adaptability to life in society by developing their awareness while taking into consideration their personality and circumstances.

(Principles for the Treatment of Detainees Awaiting a Judicial Decision)

Article 31 When treating a detainee awaiting a judicial decision, special attention must be paid to the preventing their escape and preventing the

destruction of evidence of a crime, and to the respect for their right of defense, while taking into consideration their status as a detainee awaiting a judicial decision.

(Principles for the Treatment of Inmates Sentenced to Death)

Article 32 (1) When treating inmates sentenced to death, attention is to be given to helping those inmates maintain peace of mind.

(2) Measures which may contribute to helping inmates sentenced to death to maintain peace of mind such as counseling or lectures are to be taken through requesting cooperation from nongovernmental volunteers.

Chapter II Treatment of Inmates in Penal Institutions

Section 1 Commencement of Commitment

(Notifications upon Commencing Commitment)

Article 33 (1) Wardens of penal institutions must, when first committing an inmate to the penal institution, notify inmates of the following in accordance with their status as an inmate. The same applies if the status of an inmate who has been committed to the penal institution subsequently changes:

(i) matters pertaining to the lending, supplying, and self-supplying of items;

(ii) matters pertaining to the handling of money and other goods, such as personal effects prescribed in Article 48, paragraph (1);

(iii) matters pertaining to hygiene and medical care;

(iv) matters pertaining to religious acts, religious ceremonies and chaplain guidance;

(v) matters pertaining to access to books, etc. (i.e. books, magazines, newspapers, and other documents and drawings (except for letters); the same applies hereinafter);

(vi) matters pertaining to the compliance rules prescribed in Article 74, paragraph (1);

(vii) matters pertaining to visits and correspondence;

(viii) matters pertaining to disciplinary punishments;

(ix) matters pertaining to a claim for review, such as the measures against which a claim for review may be filed, the administrative agency to which a claim for review is to be filed against, and the filing period of a claim for review;

(x) matters pertaining to the report pursuant to the provisions of Article 163, paragraph (1), such as acts against which a report may be filed pursuant to the provisions of the same paragraph, the destination of the report, and the reporting period;

(xi) matters pertaining to the filing of complaints.

(2) The notification pursuant to the provisions of the preceding paragraph is made in writing, pursuant to Ministry of Justice Order.

(Examinations for Physical Identification)

Article 34 (1) Prison officers may, when committing an inmate to a penal institution, examine the inmate's body to the extent necessary for identification. The same applies to subsequent cases where this is necessary.

(2) The examination of female inmates pursuant to the provisions of the preceding paragraph must be conducted by female prison officers; provided, however, when female prison officers are unable to conduct the examination, a male prison officer may instead have a female staff member designated by the warden conduct the examination.

Section 2 How Inmates and Detainees Are to Be Treated

(How Detainees Awaiting Judicial Decisions Are to Be Treated)

Article 35 (1) The treating (except in cases of exercise, bathing, visits, and other occasions provided for by Ministry of Justice Order; the same applies in paragraph (1) of the following Article and Article 37, paragraph (1)) of detainees awaiting judicial decisions (limited to those committed to a penal institution; hereinafter the same applies in this Chapter) is to take place in the detainee's room both day and night, except for when it is deemed appropriate to do so outside of the detainee's room.

(2) Detainees awaiting a judicial decision (except those classified as an inmate sentenced to death) are to be kept in a one-person room if there is a risk of hindering the prevention of destruction of evidence of a crime, and even no risk is found, the room is to be a one-person room as much as is it is practical to do so, except for when it is deemed appropriate to accommodate them in a shared room.

(3) No detainee awaiting a judicial decision, if there is a risk of hindering the prevention of destruction of evidence of a crime, is permitted to make mutually interact with others, even in the outside of the detainee's room.

(How Inmates Sentenced to Death Are to Be Treated)

Article 36 (1) The treating of inmates sentenced to death is to take place in the inmate's room both day and night, except for when it is deemed appropriate to do so outside of the inmate's room.

(2) Inmates sentenced to death are to be held in single-person rooms.

(3) No inmates sentenced to death are permitted to mutually interact with others even outside of the inmate's room, except for when it is deemed advantageous in light of the principle of treatment prescribed in Article 32, paragraph (1).

(How Unclassified Inmates Are to Be Treated)

Article 37 (1) The treatment of unclassified inmates (limited to those committed to a penal institution; hereinafter the same applies in this Chapter) is to take place in the inmate's room both day and night, except for when it is deemed appropriate to do so outside of the inmate's room.

(2) Unclassified inmates are to be held in single-person rooms as much as it is practical to do so except for when it is deemed appropriate to accommodate them in a shared room.

Section 3 Schedules of Daily Activities

(Schedules of Daily Activities)

Article 38 Wardens of penal institutions are to, pursuant to Ministry of Justice Order, determine the schedule for each of the following and notify inmates of this:

(i) daily schedule for meals, sleeping, and other routine daily activities;

(ii) with regard to sentenced persons (limited to those committed to a penal institution; hereinafter the same applies in this Chapter), the daily schedule for correctional treatment, etc. prescribed in Article 86, paragraph (1) and the daily schedule set aside for leisure.

(Assistance for Leisure Activities)

Article 39 (1) Wardens of penal institutions are to, as long as there is no risk of hindering either maintaining discipline and order or the management and administration of the penal institution, permit inmates to engage in self-contracted work (i.e. the manufacturing of goods under contract with a person outside the penal institution; the same applies hereinafter) during leisure time, etc. (i.e. for sentenced persons, the daily schedule set aside for leisure; and for other inmates, the daily schedule except that for meals, sleeping, and other routine activities; the same applies in the following paragraph)

(2) Wardens of penal institutions are to, pursuant to Ministry of Justice Order, provide inmates with assistance regarding self-contracted work, intellectual, educational, and recreational activities, sports, and other activities during leisure time, etc.

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

(Lending and Supplying of Articles)

Article 40 (1) Inmates are lent, or supplied with the articles set forth in the following items (except for books, etc.; hereinafter the same applies in this

Section) which are required for daily life in the penal institution (except for the articles set forth in the items of Article 42, paragraph (1)):
(i) clothing and bedding;
(ii) meals and water or tea;
(iii) articles such as daily necessities, pens and erasers.

(2) Beyond what is provided for in the preceding paragraph, inmates may, pursuant to Ministry of Justice Order, and as occasion demands, be lent room decorations and other articles used in daily life in the penal institution (except the articles set forth in the items of Article 42, paragraph (1)), or be supplied with luxury items (except for alcoholic beverages; the same applies hereinafter).

(Use and Consumption of Self-Supplied Articles)

Article 41 (1) When a sentenced person requests to use or consume any of the self-supplied articles as follows (except the articles set forth in the items of paragraph (1) of the following Article; the same applies in the following paragraph), if deemed appropriate in relation to how they are treated, wardens of penal institutions may, pursuant to Ministry of Justice Order, permit them to do so:
(i) clothing;
(ii) foods and bottled water;
(iii) room decorations;
(iv) luxury items;
(v) daily necessities, stationery, and other articles used in daily life in the penal institution.

(2) When an inmate other than a sentenced person requests to use or consume self-supplied articles set forth in the items of the preceding paragraph and bedding, wardens of penal institutions are to, pursuant to Ministry of Justice Order, permit them to do so except for when there is a risk of hindering either maintaining discipline and order, or the management and administration of the penal institution, or when it is prohibited pursuant to the provisions of Section 12.

(Self-Supplying of Corrective Articles)

Article 42 (1) Inmates are to be permitted to use any of the self-supplied articles as follows, except for when there is a risk of hindering either maintaining discipline and order, or the management and administration of the penal institution:
(i) corrective articles such as eyeglasses;
(ii) articles necessary for self-contracted work;
(iii) articles necessary for sending letters, such as envelops;
(iv) clothing and other articles used during day leave or a furlough pursuant to

the provisions of Article 106, paragraph (1);

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

(2) When an inmate is unable to use the self-supplied articles set forth in the items of the preceding paragraph, if deemed necessary, they are to be lent, or supplied with those articles.

(Standards for the Lending and Supplying of Articles)

Article 43 The articles lent or supplied pursuant to the provisions of Article 40 or paragraph (2) of the preceding Article must both be sufficient for keeping inmates in good health and appropriate for inmates, while taking into consideration the living conditions of the public..

Section 5 Handling of Cash and Other Articles

(Examination of Cash and Other Articles)

Article 44 Staff members of penal institutions may examine the following cash and other articles:

(i) cash and articles an inmate carries at the time of their commitment;

(ii) cash and articles an inmate obtains while in custody (except for articles such as letters; the same applies in the following item) but not the cash and the articles set forth in the following item (except for articles supplied by wardens of penal institutions);

(iii) cash and articles a person other than the inmate concerned brought or sent to the penal institution to deliver to the inmate.

(Handling of Articles in Possession at the Time of Commitment)

Article 45 (1) When any of the articles set forth in item (i) or (ii) of the preceding Article falls under any of the following items, wardens of penal institutions are to request that the inmate delivers the article to one of the inmate's relatives (including persons who have not yet registered their marriage to the inmate but have a relationship equivalent to a de facto marital relationship therewith; the same applies hereinafter) or other persons deemed appropriate, or to make other appropriate dispositions:

(i) cases where the article is inconvenient to keep in custody;

(ii) cases where the article is likely to decompose or perish;

(iii) cases where the article is likely dangerous.

(2) When a warden of a penal institution requests an inmate to take deal with the article pursuant to the provisions of the preceding paragraph, if the inmate does not take any action within a reasonable period of time, then wardens of penal institutions are to sell the article and retain the proceeds; provided, however, that wardens of penal institutions may instead destroy the article if

it cannot be sold.

(Request to Accept Articles from Outside)

Article 46 (1) When any of the cash or the articles set forth in Article 44, item (iii) falls under any of the following items, wardens of penal institutions are to request the person who brought or sent the cash or the article (hereinafter referred to as "outside supplier") to retrieve the article:

(i) cases where the delivery of the article to the inmate is likely to disrupt discipline and order in the penal institution;

(ii) cases where the recipient of the article is a sentenced person, and the outside supplier is not their relative, and the article is likely to hinder the adequate conducting of correctional treatment;

(iii) cases where the recipient is a detainee awaiting a judicial decision, and the acceptance of the article is not permitted pursuant to the provisions of the Code of Criminal Procedure;

(iv) cases where the article is from an outside supplier whose name is anonymous;

(v) cases where the article is one other than those that may be permitted for the inmate to use or consume at their own expense, or an article deemed necessary upon their release (hereinafter referred to as "self-supplied articles, etc.");

(vi) cases where the article falls under any of the items of paragraph (1) of the preceding Article.

(2) When any of the cash or the articles prescribed in Article 44, item (iii) falls under any of items (i) through (iv) of the preceding paragraph, if it is not feasible to make a request pursuant to the provisions of the same paragraph because the outside supplier's whereabouts are unknown, wardens of penal institutions must make a public notice to this effect by the means prescribed by Cabinet Order.

(3) When the outside supplier does not retrieve the cash or the article prescribed in the preceding paragraph until the day on which six months starting from the day on which the request pursuant to the provisions of paragraph (1) was made expires, or from the day on which the public notice was made pursuant to the provisions of the preceding paragraph, the cash or the article is to be allocated to the National Treasury.

(4) Wardens of penal institutions may deal with the article prescribed in paragraph (2) which falls under paragraph (1), item (vi) by selling it and retaining the proceeds even within the period set forth in the preceding paragraph; provided, however, that they may destroy the article instead if it cannot be sold.

(5) When any of the cash or the articles prescribed in Article 44, item (iii) falls

under paragraph (1), item (v) or (vi) (except such articles that fall under any of items (i) through (iv) of the same paragraph,) if it is not feasible to make a request pursuant to the provisions of the same paragraph because the outside supplier's whereabouts are unknown, or if it is inappropriate to make the request, or if the outside supplier has refused to retrieve the cash or the article, then wardens of penal institutions are to request that the inmate delivers the cash or the article to one of the inmate's relatives or another appropriate person, or to make other appropriate dispositions.

(6) The provisions of paragraph (2) of the preceding Article apply mutatis mutandis to the cases where the request of disposition set forth in the preceding paragraph is made.

(7) When an inmate refuses to receive any of the cash or the articles prescribed in Article 44, item (iii) which does not fall under any of the items of paragraph (1), wardens of penal institutions are to request that the outside supplier retrieves the cash or the article. The provisions of paragraphs (2) and (3) apply mutatis mutandis to such cases.

(Delivery and Retention of Articles)

Article 47 (1) The following articles are permitted for inmates to use or consume pursuant to the provisions of this Act, and are to be delivered to the inmates:

(i) articles set forth in Article 44, item (i) or (ii) which do not fall under any of the items of Article 45, paragraph (1);

(ii) articles set forth in Article 44, item (iii) which do not fall under any of the items of paragraph (1) of the preceding Article (except those the inmate refused to receive).

(2) Wardens penal institutions are to retain the following cash and articles:

(i) articles set forth in the items of the preceding paragraph and are other than those permitted for the inmate to use or consume pursuant to the provisions of this Act;

(ii) the cash set forth in the items of Article 44 and does not fall under paragraph (1), item (i), (ii), or (iv) of the preceding Article.

(Personal Effects)

Article 48 (1) Wardens of penal institutions may, pursuant to Ministry of Justice Order, impose restrictions on the means of the storage of personal effects (articles retained by an inmate following the receipt thereof pursuant to the provisions of paragraph (1) of the preceding Article (including the articles retained following the receipt thereof pursuant to the provisions of paragraph (5)) and letters received and retained by the inmate; hereinafter the same applies in this Chapter) necessary for the management and administration of the penal institution.

(2) When the total volume of personal effects (except those specified by Ministry of Justice Order) of an inmate (hereinafter referred to as the "total volume of personal effects" in this Section) exceeds the maximum volume for personal effects (i.e. a volume determined by wardens of penal institutions in accordance with an inmate's status as that for articles which may be stored by each inmate; hereinafter the same applies in this Section), or when the total volume of articles (except those specified by Ministry of Justice Order) retained for an inmate (hereinafter referred to as "total retention volume" in this Section) exceeds the maximum retention volume (i.e. a volume determined by wardens of penal institutions in accordance with an inmate's status as the volume of articles which may be retained; hereinafter the same applies in this Section), wardens of penal institutions may request that the inmate deliver the excess portion of the articles to the inmate's relative or other persons considered to be appropriate, or to handle this in any other appropriate manner. The same applies to the articles which have decomposed or perished.

(3) The provisions of Article 45, paragraph (2) apply mutatis mutandis to the cases where a request pursuant to the preceding paragraph is made.

(4) Wardens of penal institutions may, if deemed appropriate, retain an inmate's personal effects when the inmate requests them to do so; provided, however, that this does not apply to cases where the consequent total retention volume after delivery is expected to exceed the maximum retention volume.

(5) Wardens of penal institutions are to deliver to the inmate the articles being retained pursuant to the provisions of the preceding paragraph when the inmate requests to do so; provided, however, that this does not apply when the consequent total volume of personal effects after the delivery is estimated to exceed the maximum self-retention volume.

(Use of Retained Cash)

Article 49 When an inmate applies to spend the cash being retained in order to either purchase self-supplied articles, etc. or to cover the expenses to be incurred by them in the course of their daily life in the penal institution, wardens of penal institutions are to permit them to spend the necessary amount of cash; provided, however, that this does not apply to cases where spending cash for the purchase of self-supplied articles, etc. falls under any of the following items:

(i) cases where the consequent total volume of personal effects is expected to exceed the maximum self-retention volume or the consequent total retention volume is expected to exceed the maximum retention volume after purchase;

(ii) cases where the inmate is a detainee awaiting a judicial decision and they are not permitted to receive the self-supplied articles they purchase under the provisions of the Code of Criminal Procedure.

(Delivery of Retained Personal Effects, and Retained Cash or Articles)

Article 50 When an inmate applies to deliver either personal effects or the cash and articles being retained (except such articles as those that fall under the documents and drawings prescribed in Article 133 (including cases where it is applied mutatis mutandis pursuant to Articles 136, 138, 141, 142, and 144)) to another person (except those being committed to the penal institution concerned) (except for the delivery of letters), wardens of penal institutions are to permit the inmate to do so except for cases set out under the following items:

(i) cases where there is a risk of disrupting maintaining discipline and order in the penal institution by such delivery to the inmate (except for cases where the recipient of such delivery is the inmate's relative; the same applies in the following item);

(ii) cases where the inmate is a sentenced person and there is a risk of hindering the adequate pursuance of correctional treatment by such delivery to the inmate;

(iii) cases where the inmate is a detainee awaiting a judicial decision and such delivery of the article is not permitted pursuant to the provisions of the Code of Criminal Procedure.

(Restrictions on the Delivery and Purchase of Articles)

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

(Delivery of Retained Articles)

Article 52 Wardens of penal institutions are to deliver the cash and articles under retention to the inmate upon their release.

(Property Left by Released Persons)

Article 53 (1) Property left by an inmate (i.e. cash and articles left behind in the penal institution; hereinafter the same applies in this Chapter) who has been released is to be allocated to the National Treasury if no request for its delivery has been made, or if no expense required for the delivery of the property has been offered by them by the day on which six months starting from the day of the inmate's release expires.

(2) Wardens of penal institutions may, even within the period set forth in the preceding paragraph, dispose of left property which has decomposed or perished.

(Property Left by Escapees)

Article 54 (1) When an inmate falls under any of the following items, if no request for its delivery has been made, or if no expense required for the delivery of the property has been offered by them by the day on which six months starting from the day prescribed in the respective items concerned expires, then the left property is to be allocated to the National Treasury:

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

(ii) cases where the inmate is released pursuant to the provisions of Article 83, paragraph (2) but fails to appear at the location prescribed in paragraph (3) of the same Article promptly after the conditions warranting evacuation in the same paragraph have ceased to exist: The day when conditions ceased to exist;

(iii) cases of work pursuant to the provisions of Article 96, paragraph (1) or a day leave or a furlough pursuant to the provisions of Article 106, paragraph (1) if the inmate fails to return to the penal institution by the date and time specified by wardens of penal institutions: The specified day.

(2) The provisions of paragraph (2) of the preceding Article apply mutatis mutandis to such left property that is set forth in the preceding paragraph.

(Property Left by Deceased Persons)

Article 55 (1) Property left behind by a deceased inmate is to, pursuant to Ministry of Justice Order, be delivered to the bereaved family, etc. (i.e. the relatives of the deceased that are specified by Ministry of Justice Order; hereinafter the same applies in this Chapter) upon a claim from the bereaved family.

(2) When there is a left property by a deceased inmate, if it is not feasible to make the notification pursuant to the provisions of Article 176 because of the whereabouts of the bereaved family, etc. being unknown, then wardens of penal institutions must make a public notice to this effect by the means prescribed by Cabinet Order.

(3) If no claim set forth in paragraph (1) has been made by the day on which six months starting from the day of the notification expires, pursuant to the provisions of Article 176, or the day of the public notice made pursuant to the preceding paragraph, left property that is set forth in paragraph (1) is to be allocated to the National Treasury.

(4) The provisions of Article 53, paragraph (2) apply mutatis mutandis to left property that is prescribed in paragraph (1).

Section 6 Hygiene and Medical Care

(Principle of Hygiene and Medical Care)

Article 56 Efforts are to be made to understand the physical and mental condition of the inmates in penal institutions, and adequate hygienic and medical measures in light of public standards of hygiene and medical care are to be taken in order to maintain the health of inmates and the hygiene of penal institutions.

(Physical Exercise)

Article 57 Except Sundays and other days specified by Ministry of Justice Order, inmates must be provided with the opportunity to have adequate outdoor exercise as much as it is practical to do so, in order to maintain their health; provided, however, that this does not apply when it is impossible to provide this opportunity within the working hours of the penal institution due to circumstances such as an appearance on a trial date.

(Inmates' Duty of Cleanliness)

Article 58 Inmates must maintain the cleanliness of their own body, clothes and personal belongings, and their own room and other places they use on a daily basis.

(Bathing)

Article 59 Inmates are, pursuant to Ministry of Justice Order, required to take baths adequate for maintaining hygiene inside the penal institution.

(Haircuts and Shaves)

Article 60 (1) Sentenced persons are, pursuant to Ministry of Justice Order, required to have haircuts and shaves.

(2) When a sentenced person requests to have a haircut at their own expense, if the haircut is deemed appropriate in relation to their treatment, then wardens of penal institutions may permit them to do so.

(3) When an inmate other than a sentenced person requests to have a haircut or a shave, wardens of penal institutions are to, pursuant to Ministry of Justice Order, permit them to do so.

(Medical Examinations)

Article 61 (1) Wardens of penal institutions must conduct health examinations for inmates promptly after committing the inmate to the penal institution and thereafter once a year or more. This also applies in penal institutions if it is considered necessary from a hygienic perspective.

(2) Inmates must undergo the medical examination prescribed in the preceding paragraph. In this case, inmates may not refuse blood tests, x-rays, or any

other medical treatment necessary for conducting the health examination.

(Medical Treatment)

Article 62 (1) When an inmate falls under any of the following items, wardens of penal institutions are to promptly have a staff doctor (i.e. a medical doctor or a dentist; the same applies hereinafter) give them medical treatment (including providing nutrition; the same applies hereinafter) and carry out other necessary medical measures; provided, however, in cases falling under item (i), if there is no risk of either endangering the inmate's life or infecting others with their disease this is limited to the cases where the treatment is not given against the inmate's will:

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

(ii) cases where the inmate refuses to ingest food and drink, and may endanger their own life.

(2) In the case prescribed in the preceding paragraph, wardens of penal institutions may, if deemed necessary in accordance with the type and degree of the injury or disease, have a doctor who is not the staff of the penal institution give medical treatment.

(3) When wardens of penal institutions provide the opportunity for medical treatment pursuant to the provisions of the preceding two paragraphs, they may have the inmate visit a hospital or a clinic outside the penal institution as required, or may commit the inmate to a hospital or a clinic outside the penal institution if this is unavoidable.

(Medical Treatment by Appointed Doctors)

Article 63 (1) When an inmate who has sustained an injury or is suffering from a disease applies to designate a doctor who is not the staff of the penal institution to receive a medical treatment, if such claim is deemed appropriate for the inmate's medical care in light of circumstances such as the type and degree of the injury or disease, and as the fact that the inmate had been visiting the doctor on a regular basis for medical treatments prior to their commitment to the penal institution, then wardens of penal institutions may permit the inmate to receive medical treatment inside the penal institution at their own expense.

(2) When wardens of penal institutions permit the receiving of medical treatment prescribed in the preceding paragraph, if deemed necessary in order for them to examine the means of medical treatment by the doctor who provides the medical treatment set forth in the same paragraph (hereinafter referred to as "appointed doctor" in this Article), or if it is deemed necessary to conduct medical treatment in the penal institution afterwards, they may have a staff

member of the penal institution attend the medical treatment, or ask the appointed doctor questions with regard to the medical treatment, or request the appointed doctor to submit materials related to the medical treatment such as a copy of the inmate's case record.

(3) An appointed doctor must, upon the medical treatment, observe any instruction provided for pursuant to Ministry of Justice Order by wardens of penal institutions.

(4) When wardens of penal institutions permit the receiving of medical treatment pursuant to the provisions of paragraph (1), if the appointed doctor refuses to comply with the measures taken by wardens of penal institutions pursuant to the provisions of paragraph (2) or disobeys the rules provided by wardens of penal institutions pursuant to the provisions of the preceding paragraph, or if it is inappropriate to continue the medical treatment, then they may suspend the medical treatment and thereafter may continuously refuse to permit the inmate from receiving medical treatment by the appointed doctor.

(Measures for the Prevention of Epidemics)

Article 64 When it is necessary in order to prevent the occurrence of an infectious disease or to prevent its outbreak inside the penal institution, wardens of penal institutions are to conduct the medical examination pursuant to the provisions of Article 61 or the medical treatment pursuant to the provisions of Article 62 and other medical measures, and conduct a vaccination campaign, isolate infectees until the risk of the disease spreading ceases, and other measures provided for by Ministry of Justice Order.

(Protective Care Measures)

Article 65 (1) With regard to the aged, expectant mothers and nursing mothers, those of fragile health, and other inmates who need protective care, wardens of penal institutions are to take measures equivalent to those for invalids in accordance with their respective circumstances necessitating the protective care.

(2) When an inmate gives birth, wardens of penal institutions are to, except for unavoidable cases, have the inmate admitted to a hospital, a clinic, or a midwifery outside the penal institution.

(Child Care)

Article 66 (1) When female inmates requests to nurse her child inside the penal institution, wardens of penal institutions may, if deemed appropriate, permit her to do so until the child becomes one year of age.

(2) When an inmate requests to continue to bring up the child who has been brought up inside the penal institution pursuant to the provisions of the

preceding paragraph and has become one year of age, if it is requires, taking into account the mental and physical conditions of the inmate or for raising the child, wardens of penal institutions may permit the inmate to continue to do so for a maximum of six months.

(3) When an inmate brings up a child pursuant to the provisions of the preceding two paragraphs, the articles necessary for raising the child are lent or supplied.

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

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

Section 7 Religious Acts

(Individual Religious Acts)

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

(Religious Ceremonies and Teachings)

Article 68 (1) Wardens of penal institutions must make efforts to make available the opportunity for inmates to participate in religious ceremonies presided over by religious leaders (limited to nongovernmental volunteers; hereinafter the same applies in this paragraph), or to receive religious teachings from religious leaders.

(2) When there is a risk of hindering either maintaining discipline and order or the management and administration of the penal institution, wardens of penal institutions may refuse to permit an inmate to participate in the religious ceremonies prescribed in the preceding paragraph and the receiving of religious teachings prescribed in the same paragraph.

Section 8 Access to Books, etc.

(Access to Self-Supplied Books, etc.)

Article 69 Access to self-supplied books, etc. by inmates is not prohibited nor restricted except for cases as provided for under the provisions of this Section

and Section 12.

Article 70 (1) Wardens of penal institutions may prohibit an inmate's access to self-supplied books, etc., if this leads to any of the following cases:
(i) cases where there is a risk of causing disruption to discipline and order in the penal institution;
(ii) cases where the inmate is a sentenced person, and there is a risk of hindering adequate pursuance of correctional treatment for them;
(iii) cases where the inmate is a detainee awaiting a judicial decision, and there is a risk of evidence being suppressed.
(2) When the translation of self-supplied books, etc. is necessary in order to determine whether or not to prohibit access pursuant to the preceding paragraph, wardens of penal institutions may, pursuant to Ministry of Justice Order, charge the expenses to the inmate. In this case, if the inmate refuses to incur the expenses, access to the books, etc. is prohibited.

(Restrictions on Newspapers)
Article 71 Wardens of penal institutions may, pursuant to Ministry of Justice Order, impose restrictions necessary for the management and administration of the penal institution on both the variety of newspapers which inmates may acquire and the procedures for acquiring them.

(Provision of the Opportunity to Access News Reports on Current Affairs)
Article 72 (1) Wardens of penal institutions must, as much as it is practical to do so, make efforts to provide inmates with access to information on principal current affairs through media such as newspapers kept at the penal institution and news report broadcasts.
(2) Wardens of penal institutions are to, as a measure of assistance pursuant to the provisions of Article 39, paragraph (2), make books, etc. available in the penal institution. In this case, wardens of penal institutions are to determine the means of access to the books, etc. made available.

Section 9 Maintaining Discipline and Order

(Discipline and Order in Penal Institutions)
Article 73 (1) Discipline and order in penal institutions must be maintained appropriately.
(2) Measures taken in order to achieve objective set forth in the preceding paragraph must not exceed those necessary for securing the custody of inmates and maintaining both adequate conditions for the treatment of inmates and a safe and peaceful community life thereof.

(Compliance Rules)

Article 74 (1) Wardens of penal institutions are to determine the rules to be observed by inmates (hereinafter referred to as "compliance rules" in this Chapter).

(2) Compliance rules are to stipulate in a specific manner the following matters, in accordance with inmate status:

(i) prohibition against criminal acts;

(ii) prohibition against any behavior or statement made in a rude or outrageous manner, or any act causing trouble to others;

(iii) prohibition against self-harm;

(iv) prohibition against obstructing staff members of the penal institution from performing their duties;

(v) prohibition against acts likely to hamper the secure custody of themselves or other inmates;

(vi) prohibition against acts which may disrupt the security of the penal institution;

(vii) prohibition against acts detrimental to hygiene or public morals inside the penal institution;

(viii) prohibition against the wrongful use, possession, transfer, etc. of cash and other articles;

(ix) prohibition against evading work prescribed in Article 92 or 93, or refusal of the guidance prescribed in the items of Article 85, paragraph (1), Article 103, or 104 without just cause;

(x) beyond what is set forth in the preceding items, matters necessary for maintaining discipline and order in the penal institution;

(xi) prohibition against any attempt to conduct, the incitement, inducement, or aid of acts against either the compliance rules which stipulate the matters set forth in the preceding items, or the special compliance rules prescribed in Article 96, paragraph (4) (including cases where it is applied mutatis mutandis pursuant to Article 106, paragraph (2)).

(3) Beyond what is provided for in the preceding two paragraphs, wardens of penal institutions or staff members designated by them may, if necessary for maintaining discipline and order in the penal institution, give instructions to inmates with regard to their life and behavior.

(Body Searches)

Article 75 (1) Prison officers may, if necessary for maintaining discipline and order in the penal institution, physically search inmates, search their clothes, personal belongings, and rooms, and deprive inmates of and temporarily take custody of any of their personal belongings.

(2) The provisions of Article 34, paragraph (2) apply mutatis mutandis to physical searches and searches of the clothes of female inmates pursuant to the preceding paragraph.
(3) A prison officer may, if necessary for maintaining discipline and order in the penal institution, search clothes and personal effects of a person other than an inmate inside the penal institution (except for defense counsels or prospective defense counsels prescribed in Article 39, paragraph (1) of the Code of Criminal Procedure; hereinafter referred to as "defense counsel, etc."), and deprive the person of any of and temporarily take custody of their personal effects.
(4) No search set forth in the preceding paragraph may include the examination of the content of documents and drawings.

(Isolation of Sentenced Persons)

Article 76 (1) When a sentenced person falls under any of the following items, wardens of penal institutions may isolate them from the other inmates. In this case, the treatment of the sentenced person is to take place in the inmate's room both day and night except for in cases specified by Ministry of Justice Order, such as exercise, bathing, or visits:
(i) cases where there is a risk of disrupting discipline and order in the penal institution by making contact with other inmates;
(ii) cases where there is a risk of being exposed to harm by other inmates and no other solutions are available to avoid it.
(2) The period of isolation pursuant to the provisions of the preceding paragraph is three months; provided, however, if there is a particularly necessity to continue the isolation, then wardens of penal institutions may renew the period for one month upon expiration thereof, and every month thereafter.
(3) If it is no longer necessary to isolate an inmate, then wardens of penal institutions must immediately suspend the isolation even during the period set forth in the preceding paragraph.
(4) Wardens of penal institutions must, when they are isolating a sentenced person pursuant to the provisions of paragraph (1), obtain the opinion of a medical doctor on the staff of the penal institution about the condition of the health of the sentenced person periodically at least once every three months.

(Suppression and Other Measures)

Article 77 (1) When an inmate escapes, inflicts injury on others, self-harms, obstructs staff members of the penal institution from performing their duties, or commits other acts particularly detrimental to discipline and order in the penal institution, or attempts to do so, prison officers may suppress the act, restrain the inmate, or take any other necessary measures in order to deter the inmate from doing so, to the extent that is considered reasonable.

(2) When a person other than an inmate falls under any of the following items, prison officers may restrain them, suppress their actions, or take any other necessary measures in order to deter the person from doing so, to the extent that is considered reasonable:
(i) cases where the person breaks into the penal institution, destroys facilities, or obstructs staff members of the penal institution from performing their duties, or is about to do so;
(ii) cases where the person refuses to leave the penal institution upon a prison officer demanding them to do so;
(iii) cases where the person on the spot aids, incites, or instigates either the escape of an inmate or obstructing the staff members of the penal institution from performing their duties;
(iv) cases where the person exposes an inmate to harm or is about to do so.
(3) Guarding equipment necessary for the enforcement of the measures prescribed in the preceding two paragraphs is provided for by Ministry of Justice Order.

(Use of Restraining Ropes, Handcuffs, and Body Restraint Suits)
Article 78 (1) Prison officers may, pursuant to Ministry of Justice Order, use restraining ropes or handcuffs when either they escort inmates, or when an inmate is likely to commit any of the following acts:
(i) escaping;
(ii) self-harming or inflicting injury on others;
(iii) damaging facilities, equipment, or any other property of the penal institution.
(2) Prison officers may use body restraint suits by order of wardens of penal institutions when an inmate is likely to self-harm, if no other means are available; provided, however, that the body restraint suits may not be used in combination with any arresting rope or handcuff.
(3) In the case prescribed in the preceding paragraph, if there is no time to wait for the order from wardens of penal institutions, then prison officers may use body restraint suits without the order. In this case, the prison officers must promptly report to this effect to wardens of penal institutions.
(4) Body restraint suits may be used for up to three hours; provided, however, that wardens of penal institutions may, if they find that there is a particularly necessity to continue using the body restraining suit, renew the period of use every three hours up to a maximum of twelve hours in total.
(5) When it is no longer necessary to use a body restraint suit, wardens of penal institutions must immediately order to the suspension of its use even during the period set forth in the preceding paragraph.
(6) Wardens of penal institutions must, when they used a body restraint suit on

an inmate or renewed the period of its use, promptly obtain the opinion of a medical doctor on the staff of the penal institution about the condition of the health of the inmate.

(7) The format of restraining ropes, handcuffs, and body restraint suits are provided for by Ministry of Justice Order.

(Confinement in Observation Cells)

Article 79 (1) When an inmate falls under any of the following items, prison officers may confine them in an observation cell by order of wardens of penal institutions:

(i) cases where the inmate is likely to self-harm;

(ii) cases falling under any of the following sub-items (a) through (c) where such confinement is especially necessary in order to maintain discipline and order in the penal institution:

(a) cases where the inmate shouts or is noisy, against a prison officer's order to cease doing so;

(b) cases where the inmate is likely to inflict injury on others;

(c) cases where the inmate is likely to damage or defile facilities, equipment, or any other property belonging to the penal institution.

(2) In the case prescribed in the preceding paragraph, if there is no time to wait for orders from wardens of penal institutions, then prison officers may confine the inmate in an observation cell without any order. In this case, the prison officers must report this promptly to wardens of penal institutions.

(3) Confinement in an observation cell may be for seventy-two hours or less; provided, however, that wardens of penal institutions may renew the period of confinement every forty-eight hours after its expiration if it is found to be particularly necessary to do so.

(4) When it is no longer necessary to confine an inmate in an observation cell, wardens of penal institutions must immediately order the suspension of confinement, even during the period set forth in the preceding paragraph.

(5) Wardens of penal institutions must, if they have confined an inmate in an observation cell or renewed the period of confinement, promptly obtain the opinion of a medical doctor on the staff of the penal institution concerning the condition of the health of the inmate.

(6) The standards for the structure and facilities of observation cells are provided for by Ministry of Justice Order.

(Bearing and Using Weapons)

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

(2) When an inmate falls under any of the following items, prison officers may

use a weapon to the extent that is considered reasonable in accordance with the situation:

(i) cases where the inmate raises a riot with other inmates, or is about to do so;

(ii) cases where the inmate inflicts serious injury on others, or is about to do so;

(iii) cases where the inmate seizes a weapon from a prison officer or one kept in the penal institution, or is about to do so;

(iv) cases where the inmate refuses to give up a dangerous weapon after being ordered to do so by a prison officer;

(v) cases where the inmate escapes, intends to escape, or assists another inmate's escape against a prison officer's order to cease doing so, or does so by assaulting or by using group force on prison officers.

(3) When a person other than an inmate falls under any of the following items, prison officers may use a weapon to the extent that is considered reasonable in accordance with the situation:

(i) cases where inmates riot or are about to do so, and the person participates or aids in doing so at the time;

(ii) cases where the person inflicts serious injury on inmates, or is about to do so;

(iii) cases where the person seizes a weapon from a prison officer or one kept in the penal institution, or is about to do so;

(iv) cases where the person, armed with or using firearms, explosives, or other dangerous weapons, breaks into or damages the facilities of the penal institution, or is about to do so;

(v) cases where the person takes or releases inmates from the penal institution through assault or intimidation, or is about to do so.

(4) In the event of using a weapon pursuant to the provisions of the preceding two paragraphs, no prison officer may inflict injury on a person except in either of the cases falling under the provisions of Article 36 or 37 of the Penal Code (Act No. 45 of 1907), or the cases falling under any of the following items:

(i) cases where there are reasonable grounds on the part of a prison officer that is sufficient for believing that no other means are available to deter an inmate's act prescribed in the items of paragraph (2);

(ii) cases where there are reasonable grounds for a prison officer to believe that no other means are available to deter the actions of a person other than an inmate prescribed in the items of the preceding paragraph; provided, however, in cases other than those set out under item (ii) of the same paragraph, that this is limited cases where the person commits the act while ignoring a prison officer's order to cease it.

(Bringing Inmates Back into Custody)

Article 81 Prison officers may bring inmates back into custody when they fall

under any of the following items, and only if the prison officers start to do so within forty-eight hours after the points of time prescribed in the respective items:

(i) cases where the inmate has escaped: The point of time of the escape;

(ii) cases of a work pursuant to the provisions of Article 96, paragraph (1) or a day release or a furlough pursuant to the provisions of Article 106, paragraph (1) where the inmate has failed to return to the penal institution by the date and time specified by wardens of penal institutions: That date and time.

(Emergency Work during Disasters)

Article 82 (1) In case of earthquakes, fires, or any other disaster, wardens of penal institutions may, if deemed necessary for the protection of lives and person of those inside the penal institution, assign inmates to firefighting, rescue, or any other emergency work either inside or in the area surrounding the penal institution.

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

(Evacuation and Release during Disasters)

Article 83 (1) In cases of earthquakes, fires, or any other disaster where there are no means of evacuation inside the penal institution, wardens of penal institutions must escort inmates to an appropriate location.

(2) In the case prescribed in the preceding paragraph, if escorting inmates is not feasible, then wardens of penal institutions may release them from the penal institution. The same applies in case of earthquakes, fires, or any other disaster where escorting inmates to an appropriate location outside the penal institution for the evacuation is not feasible.

(3) Persons who have been released pursuant to the provisions of the preceding paragraph must appear at the penal institution or a location specified by wardens of penal institutions promptly after the conditions which entailed the evacuation have ceased to exist.

Section 10 Implementation of Correctional Treatment

Subsection 1 Common Provisions

(Correctional Treatment)

Article 84 (1) Sentences persons are assigned the work prescribed in Article 92 or 93 as correctional treatment, and they are given the guidance prescribed in Articles 103 and 104.

(2) Correctional treatment is to be conducted based on treatment guidelines (guidelines determined for each sentenced person which provides the objective, the content, and the means of correctional treatment; hereinafter the same applies in this Article).
(3) Wardens of penal institutions are to, pursuant to Ministry of Justice Order, determine the treatment guideline on the basis of the investigation results with regard to the personality and circumstances of the sentenced person.
(4) A treatment guideline is to be determined, if necessary, after taking into consideration the sentenced person's wishes. The same applies when it is intended to be revised.
(5) Correctional treatment is to be conducted by applying medical, psychological, pedagogic, sociological, or other expert knowledge and techniques if necessary.

(Guidance at the Commencement of Execution of Sentences)
Article 85 (1) In addition to the implementation of correctional treatment, sentenced persons are given the guidance as specified in the following items during the period as set forth respectively in those items:
(i) a period following the commencement of the execution of the sentence which is specified by Ministry of Justice Order: Guidance with regard to both the matters fundamental to the implementation of correctional treatment such as the significance of serving time, or life and activities in the penal institution;
(ii) a period preceding their release which is specified by Ministry of Justice Order: Guidance to bestow the knowledge required in life in society immediately after release or with regard to the matters concerning returning home and the life after release.
(2) Treatment of sentenced persons during the period set forth in item (ii) of the preceding paragraph is to, as much as it is practical to do so, be conducted in a place with the appropriate facilities and environment and, if necessary, measures such as day leave or furlough pursuant to the provisions of Article 106, paragraph (1) or other measures necessary for smooth re-integration into society are to be taken.
(3) Wardens of penal institutions are to, in accordance with the standards provided for by Ministry of Justice Order, decide on the days and times in which to conduct the guidance prescribed in the items of paragraph (1).

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

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

(Treatment Outside of Penal Institutions)

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

(Loosening of Restrictions)

Article 88 (1) In order to foster self-control and self-reliance in sentenced persons, restrictions on their life and activities for maintaining discipline and order of the penal institution are to, pursuant to Ministry of Justice Order, be loosened in order of precedence as the expectation of achieving the objective prescribed in Article 30 increases.

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

(Privileges)

Article 89 In order to evoke sentenced persons' willingness for reformation and rehabilitation, wardens of penal institutions are to, pursuant to Ministry of Justice Order, utilize a privilege system with regard to the treatments set out as follows in accordance with a periodic assessment of their attitudes toward the punishment:

(i) lending or supplying articles pursuant to the provisions of Article 40, paragraph (2);

(ii) permitting the use or consumption of self-supplied articles pursuant to the provisions of Article 41, paragraph (1);

(iii) deciding on the time or the number of visits prescribed in Article 111;

(iv) other treatment specified by Ministry of Justice Order.

(The Cooperation of Society)

Article 90 (1) Wardens of penal institutions are to, if deemed necessary for treatment of sentenced persons, request the cooperation of their relatives, nongovernmental volunteers, relevant administrative organs, or others.

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

(Inquiry of Public Offices or of Public or Private Organizations)

Article 91 Wardens of penal institutions may, if necessary for the investigation of the nature and circumstances of a sentenced person, request reports on necessary matters from public offices, or from public or private organizations.

Subsection 2 Work

(Work of Persons Sentenced to Imprisonment)

Article 92 Wardens of penal institutions are to assign work to individual persons sentenced to imprisonment (limited to those committed to a penal institution; hereinafter the same applies in this Section).

(Work of Persons Sentenced to Imprisonment without Work or Penal Detention)

Article 93 When either persons sentenced to imprisonment without work (limited to those committed to a penal institution; hereinafter the same applies in this Section) or persons sentenced to penal detention (and limited to those committed to a penal institution) request to engage in the work wardens of penal institutions assigns, wardens of penal institutions may, pursuant to Ministry of Justice Order, permit them to do so.

(Implementation of Work)

Article 94 (1) Work is to, as much as is possible, be implemented in a way as to encourage sentenced persons to work and help them acquire vocationally-useful knowledge and skills.

(2) When it is necessary in order to help a sentenced person to obtain a vocational license or a qualification, or to acquire knowledge and skills necessary for an occupation, if deemed appropriate, relevant training will be assigned to them as a work.

(Working Conditions)

Article 95 (1) Wardens of penal institutions are to determine both the working hours per day and the days without work in accordance with the standards provided for by Ministry of Justice Order.

(2) Wardens of penal institutions must take necessary measures for ensuring the health and safety of sentenced persons who engage in work.

(3) Sentenced persons must observe the necessary matters in accordance with the

measures taken by wardens of penal institutions pursuant to the provisions of the preceding paragraph.

(4) The Minister of Justice is to provide the measures to be taken by wardens of penal institutions pursuant to the provisions of paragraph (2) and the matters which must be observed by sentenced persons pursuant to the provisions of the preceding paragraph, according to the measures to be taken by businesses and the matters which must be observed by workers prescribed in the Industrial Health and safety Act (Act No. 57 of 1972) or other laws and regulations.

(Outside Work with Commutes)

Article 96 (1) If either a person sentenced to imprisonment or a person sentenced to imprisonment without work has served the period of time for parole qualification pursuant to the provisions of Article 28 of the Penal Code (including cases where it is applied by replacing the terms pursuant to Article 21 of the Act on the Transnational Transfer of Sentenced Persons), Article 58 of the Juvenile Code, or Article 22 of the Act on the Transnational Transfer of Sentenced Persons and falls under cases specified by Ministry of Justice Order, such as being placed in an open-type institution pursuant to the provisions of Article 88, paragraph (2), wardens of penal institutions may, if necessary for smooth re-integration into society, permit them to commute to a business establishment outside the penal institution (hereinafter referred to as "outside business establishment" in this Article) without an escort of staff members of the penal institution.

(2) The work pursuant to the provisions of the preceding paragraph (hereinafter referred to as "outside work with commutes") is carried out either by engaging work for an outside business establishment or by undergoing a vocational training given by an outside business establishment.

(3) Upon assigning outside work with commutes to a sentenced person, wardens of penal institutions must, pursuant to Ministry of Justice Order, make an arrangement with the director of the outside business establishment (hereinafter referred to as "outside business director") with regard to the kind of work, working hours, necessary measures for ensuring health and safety of the sentenced person, and other matters necessary for the implementation of outside work with commutes.

(4) Wardens of penal institutions are to, prior to assigning outside work with commutes to a sentenced person, determine the rules which the sentenced person must comply with concerning the outside work with commutes (hereinafter referred to as "special compliance rules") and notify the sentenced person of them.

(5) Special compliance rules are to stipulate the following in a specific manner:

(i) the sentenced person must travel by a specified route and means of

transport;
(ii) the sentenced person must return to the penal institution by a specified time;
(iii) no sentenced person must, without just cause, enter a place other than the place where they engage in outside work with commutes;
(iv) the sentenced person must obey work-related instructions from the outside business director;
(v) no sentenced person must, without just cause, come in contact with a person with criminal tendencies, or those who would hinder adequate carrying out of correctional treatment.

(6) If a sentenced person on outside work with commutes has failed to obey either the compliance rules or the special compliance rules, or when it is deemed that there is a reason for judging them as inappropriate for outside work with commutes, wardens of penal institutions may suspend this work.

(Income from Work)

Article 97 Income from work is to be allocated to the National Treasury.

(Work Incentives)

Article 98 (1) Wardens of penal institutions are to pay sentenced persons who have engaged in work the incentive remuneration equivalent to the calculated amount of incentive remuneration at the time of their release (or when a sentenced person has become an inmate other than a sentenced person).

(2) Wardens of penal institutions are to each month, pursuant to Ministry of Justice Order, add the amount of money calculated by taking into consideration a sentenced person's results in the workplace and other factors related to the work in accordance with the standards provided for by the Minister of Justice as the amount of money corresponding to the work which the sentenced person accomplished in the previous month to the calculated amount of incentive remuneration; provided, however, that additions in relation to work in the same month as in which the day of release falls are to be carried out by wardens of penal institutions at the time of release.

(3) The standards prescribed in the preceding paragraph are determined by taking into consideration relevant factors such as the kind and content of the work or the knowledge and skills required for it.

(4) Notwithstanding the provisions of paragraph (1), when a sentenced person requests to receive incentive remuneration before their release, if it is deemed that the intended use of the incentive remuneration is reasonable, such as the purchase of self-supplied articles, etc., support for their relatives, or appropriation for victim compensation, then wardens of penal institutions may, pursuant to Ministry of Justice Order, pay them all of or a part of the amount

in the request within the limit of the amount equivalent to the expected amount of incentive remuneration at the time of payment. In this case, wardens of penal institutions are to deduct the amount equivalent to the payment from the expected amount of incentive remuneration due.

(5) When a sentenced person falls under any of the following items, if the sentenced person has not been committed to the penal institution until the day on which six months starting from the day stipulated in each respective item expires, then the calculated amount of incentive remuneration is zero:

(i) cases where the sentenced person has escaped: The day of the escape;

(ii) cases where the inmate has been released pursuant to the provisions of Article 83, paragraph (2) but failed to appear at the location prescribed in paragraph (3) of the same Article promptly after the conditions which entailed the evacuation ceased to exist: The day the conditions which entailed the evacuation ceased to exist;

(iii) cases of outside work with commutes, or a day leave or a furlough pursuant to the provisions of Article 106, paragraph (1) where the inmate has failed to return to the penal institution by the date and time specified by wardens of penal institutions: That date.

(Payment to Bereaved Families, etc.)

Article 99 Upon the death of a sentenced person, wardens of penal institutions are to, pursuant to Ministry of Justice Order, pay to the bereaved family, etc. the amount equivalent to the incentive remuneration which should have been paid to the sentenced person supposing that they had been released at the time of death.

(Compensation)

Article 100 (1) If a sentenced person dies in the course of work (including cases where a sentenced person who suffered an injury or illness in the course of work became an inmate other than a sentenced person and has then died due to the injury or illness), wardens of penal institutions are to, pursuant to Ministry of Justice Order, pay compensation for the death to the bereaved family, etc.

(2) When a sentenced person who suffered an injury or illness in the course of work still remains physically disabled after recovery (including cases where a sentenced person who suffered an injury or illness in the course of work became an inmate other than a sentenced person still remains physically disabled after recovery), wardens of penal institutions are to, pursuant to Ministry of Justice Order, pay compensation for disabilities to the sentenced person; provided, however, that where the sentenced person has suffered an injury or illness intentionally or through gross negligence, wardens of penal

institutions may opt not to pay at all or in part.
(3) The amount of compensation paid pursuant to the preceding two paragraphs is calculated in accordance with the standards Ministry of Justice Order provides for by taking into consideration standards on the amount of accident compensation pursuant to the Labor Standards Act (Act No. 49 of 1947).
(4) If a sentenced person suffered an injury or illness in the course of work and has yet to recover from the injury or illness at the time of release (including cases where a sentenced person suffered an injury or illness in the course of work and then became an inmate other than a sentenced person and not yet recovered from the injury or illness at the time of release), and if it is deemed reasonable by taking into consideration the nature, degree and other aspects of the injury or illness, then wardens of penal institutions are to, pursuant to Ministry of Justice Order, pay special compensation to the sentenced person.

(Adjustment of Compensation for Damages)
Article 101 (1) When the State is responsible for the damages pursuant to the State Redress Act (Act No. 125 of 1947), the Civil Code (Act No. 89 of 1896), or other laws, if compensation prescribed in the preceding Article has been paid, then the State is exempt, up to the amount of such payments, from the responsibility for damages based on the same grounds.
(2) In the case prescribed in the preceding paragraph, if a sentenced person to whom compensations prescribed in the preceding Article is paid received the compensation for the damages pursuant to the State Redress Act, the Civil Code, or other laws, based on the same grounds, then the State is exempt, up to the amount of such payments, from the obligation to pay compensation prescribed in the same Article.

(Protection of the Right to Receive Compensation)
Article 102 (1) The right to receive compensation as prescribed in Article 100 must not be transferred, mortgaged, or seized.
(2) The amount of money received as the compensation prescribed in Article 100 must be free of taxes or other types of public charges.

Subsection 3 Other Guidance

(Guidance for Reforms)
Article 103 (1) Wardens of penal institutions are to provide sentenced persons with necessary guidance in order to make them aware of taking responsibility for their crimes, fostering a healthy mind and body, and acquiring the knowledge and lifestyle necessary for adapting themselves to life in society.
(2) Upon providing the guidance prescribed in the preceding paragraph to a

sentenced person who is deemed to be hindered from reformation and rehabilitation or from smooth re-integration into society due to circumstances such as those set out under the following items, wardens of penal institutions must pay special attention to helping them to improve their situation:
(i) being dependent on drugs such as narcotics or stimulants;
(ii) being a gangster as prescribed in Article 2, item (vi) of the Act on Prevention of Unjust Acts by Organized Crime Groups (Act No. 77 of 1991);
(iii) other circumstances specified by Ministry of Justice Order.

(Guidance in School Courses)

Article 104 (1) Wardens of penal institutions are to provide guidance in school courses (i.e. guidance in content equivalent to that of school curriculum based on the School Education Act (Act No. 26 of 1947); the same applies in the following paragraph) for the sentenced person who has been deemed to be hindered from reformation and rehabilitation or from smooth re-integration into society due to a lack of academic background fundamental to life in society.

(2) Beyond what is prescribed in the preceding paragraph, wardens of penal institutions may provide a sentenced person for whom an improvement in academic ability is especially conductive for smooth re-integration into society with the guidance in school courses suited to their academic ability.

(Date and Time of Guidance)

Article 105 Wardens of penal institutions are to determine the date and time of the guidance prescribed in the preceding two articles in accordance with the standards provided for by Ministry of Justice Order.

Subsection 4 Day Leave and Furloughs

(Day Leave and Furloughs)

Article 106 (1) If either a person sentenced to imprisonment or a person sentenced to imprisonment without work has served the period of time for parole qualification pursuant to the provisions of Article 28 of the Penal Code (including cases where it is applied by replacing the terms pursuant to Article 21 of the Act on the Transnational Transfer of Sentenced Persons), Article 58 of the Juvenile Code, or Article 22 of the Act on the Transnational Transfer of Sentenced Persons, and falls under cases specified by Ministry of Justice Order, such as being placed in an open-type institution pursuant to the provisions of Article 88, paragraph (2), if it is deemed necessary that the sentenced person, for smooth re-integration into society, goes outside the penal institution to settle important personal matters such as securing their residence and employer following their release, visiting people relevant to their rehabilitation

and to their guardianship, or acquire other useful experience for life in society following their release, then wardens of penal institutions may permit them day leave or a furlough for a specific period up to seven days without an escort of accompanying staff members of the penal institution; provided, however, that furloughs are limited to cases where a sentenced person has been serving their sentence for not less than six months.

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

(Exclusion from the Term of Sentence)

Article 107 If a sentenced person on the furlough under the provisions of the preceding Article has failed to return to the penal institution by the date and time wardens of penal institutions specified, the days of furlough must not be included as part of the term of their sentence; provided, however, that this does not apply where their failure to return is not attributable to their own negligence.

(Expenses for Day Leave and Furloughs)

Article 108 With regard to the expenses required for a day leave or a furlough pursuant to the provisions of Article 106, paragraph (1), if a sentenced person is unable to bear them, or if wardens of penal institutions find it appropriate, then all or a part of the expenses will be borne by the National Treasury.

Subsection 5 Sentenced Persons with Status as a Detainee Awaiting a Judicial Decision

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

(2) The provisions of Articles 86 through 88 and Article 96, and the provisions of the preceding Subsection do not apply to sentenced persons with status as a detainee awaiting a judicial decision.

Section 11 Contact with the Outside World

Subsection 1 Attention with Regard to Sentenced Persons

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

Subsection 2 Visits

Division 1 Sentenced Persons

(Visitors)

Article 111 (1) When any of the persons set forth in the following items requests to visit a sentenced person (except those classified as a detainee awaiting a judicial decision; hereinafter the same applies in this Division), wardens of penal institutions are to permit the sentenced person to receive the visit except for when it is prohibited pursuant to the provisions of Article 148, paragraph (3) or the provisions of the next Section:

(i) persons who are a relative of the sentenced person;

(ii) persons who require to visit in order to carry out business personally, legally, or occupationally important in nature in relation to the sentenced person, such as reconciliation of marital relations, pursuance of a lawsuit, or maintaining a business;

(iii) persons whose visit is deemed instrumental to the reformation and rehabilitation of the sentenced person, such as a person associated with rehabilitation services to and guardianship of the sentenced person or a person who intends to employ the sentenced person after their release.

(2) When a person other than those set forth in the items of the preceding paragraph requests to visit a sentenced person, if it is deemed that there is a circumstance where the visit is necessary for maintaining a good relationship with the person or for any other reason, and if it is deemed that there is no risk of causing either disruption of discipline and order in the penal institution or hindrance to the adequate pursuance of correctional treatment for the sentenced person, then wardens of penal institutions may permit the sentenced person to receive the visit.

(Attendance and Recording during Visits)

Article 112 When it is deemed necessary for maintaining discipline and order in the penal institution or adequate pursuance of correctional treatment of a sentenced person, or for any other reasons, wardens of penal institutions may

have designated staff members attend visits to the sentenced person or make an audio or video recording of it; provided, however, that this does not apply where the sentenced person receives a visit from any of the persons set forth in the following items, if there are special circumstances where it is deemed likely to cause disruption to discipline and order in the penal institution:

(i) national or local government officials who conduct an inquiry into the measures taken by wardens of penal institutions towards the sentenced person, or any other treatment the sentenced person received;

(ii) an attorney who discharges the duty prescribed in Article 3, paragraph (1) of the Attorney Act (Act No. 205 of 1949) with regard to the measures taken by wardens of penal institutions toward the sentenced person, or any other treatment the sentenced person received.

(Suspension and Termination of Visits)

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

(i) cases where the sentenced person or the visitor commits any act falling under either of acts set out under the following sub-items (a) or (b):

(a) an act breaching the restrictions stipulated pursuant to the provisions of paragraph (1) of the following Article;

(b) an act detrimental to discipline and order in the penal institution;

(ii) if the sentenced person or the visitor makes any oral statement and its content falls under any of the following sub-items (a) through (e):

(a) content which a staff member of the penal institution is unable to comprehend due to the use of specific kinds of communication such as code;

(b) content which conspire to, incite, or induce the commission of a crime;

(c) content likely to disrupt discipline and order in the penal institution;

(d) content likely to hinder adequate pursuance of correctional treatment of the sentenced person;

(e) in cases of a visit permitted by due to the visit being necessary in order to carry out specific business, and where the content of the visit clearly deviates from what is required to carry out the business.

(2) When a visit is suspended pursuant to the provisions of the preceding paragraph, if it is deemed inappropriate to continue the visit, then wardens of penal institutions may terminate the visit.

(Restrictions on Visits)

Article 114 (1) With regard to the visits a sentenced person receives, wardens of

penal institutions may, pursuant to Ministry of Justice Order, impose restrictions necessary for either maintaining discipline and order or the management and administration of the penal institution as to the number of visitors, the visiting site, date and time, duration and frequency of visits, and other conditions of visits.

(2) When wardens of penal institutions impose restriction on the frequency of visits pursuant to the provisions of the preceding paragraph, the frequency must be not less than twice per month.

Division 2 Detainees Awaiting a Judicial Decision

(Visitors)

Article 115 When a person requests to visit a detainee awaiting a judicial decision (except those classified as either a sentenced person or an inmate sentenced to death; hereinafter the same applies in this Division), wardens of penal institutions are to permit the detainee awaiting a judicial decision to receive a visit except for when it is prohibited pursuant to the provisions of Article 148, paragraph (3) or the provisions of the next Section; provided, however, that the foregoing does not apply where receiving a visit is not permitted by the provisions of the Code of Criminal Procedure.

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

Article 116 (1) Wardens of penal institutions are to have a designated staff member attend any of the visits to detainees awaiting a judicial decision, other than visits by a defense counsel, etc., or have the staff member make an audio or video recording of it; provided, however, when it is deemed that there is risk of neither disrupting discipline and order in the penal institution nor suppressing evidence, wardens of penal institutions may opt not to enforce the attendance or sound and video recording (referred to as "attendance, etc." in the following paragraph).

(2) Notwithstanding the provisions of the preceding paragraph, wardens of penal institutions must not enforce the attendance, etc. at a visit to a detainee awaiting a judicial decision of any of the persons set forth in Article 112, except for when there are special circumstances in which it is deemed likely to either disrupt discipline and order in the penal institution or lead to the destruction of evidence of a crime.

(Suspension and Termination on Visits)

Article 117 The provisions of Article 113 (except for paragraph (1), item (ii), sub-item (e)) apply mutatis mutandis to the visits an unsentenced inmate receives.

In this case, the phrase "under the following items" in the same paragraph is deemed to be replaced with "under the following items (limited to item (i), sub-item (b) in cases of a visit by a defense counsel, etc.)", the phrase "hinder adequate pursuance of correctional treatment for the sentenced person" in item (ii), sub-item (d) of the same paragraph is deemed to be replaced with "lead to the destruction of evidence of a crime."

(Restrictions on Visits)

Article 118 (1) The date and time of visits to an detainee awaiting a judicial decision by the defense counsel, etc. is during working hours of the penal institution for the day except Sunday and other days specified by Cabinet Order.

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

(3) Even when a defense counsel, etc. requests to visit a detainee awaiting a judicial decision not on the basis of the preceding two paragraphs, wardens of penal institutions are to permit the detainee awaiting a judicial decision the receiving of visit except for when it does hinder the management and administration of the penal institution.

(4) Wardens of penal institutions may, pursuant to Ministry of Justice Order, impose restrictions on the visiting site that are necessary for either maintaining discipline and order or the management and administration of the penal institution as to the visit prescribed in paragraph (1).

(5) The provisions of Article 114 apply mutatis mutandis to the visit to a detainee awaiting a judicial decision by a person other than a defense counsel, etc. In this case, the phrase "twice per month" in paragraph (2) of the same Article is deemed to be replaced with "once per day."

Division 3 Sentenced Persons with Status as a Detainee Awaiting a Judicial Decision

Article 119 The provisions of Articles 111, 113, 114, and 116, and paragraphs (1) through (4) of the preceding Article apply mutatis mutandis to the visits received by a sentenced person with status as a detainee awaiting a judicial decision. In this case, the phrase "the next Section" in Article 111, paragraph (1) is deemed to be replaced with "the next Section and where receiving a visit is not permitted by the provisions of the Code of Criminal Procedure"; the phrase "receive the visit" in paragraph (2) of the same Article is deemed to be replaced with "receive the visit except for when it is not permitted by the provisions of the Code of Criminal Procedure"; the phrase "under the following items" in Article 113, paragraph (1) is deemed to be replaced with "under the

following items (limited to item (i), sub-item (b) in cases of a visit by a defense counsel, etc.)"; the term "hinder" in item (ii), sub-item (d) of the same paragraph is deemed to be replaced with "cause the destruction of evidence of a crime or hinder"; and the term "receives" in Article 114, paragraph (1) is deemed to be replaced with "receives (except for visits by a defense counsel, etc.)."

Division 4 Inmates Sentenced to Death

(Visitors)

Article 120 (1) When any of the persons set forth in the following items requests to visit an inmate sentenced to death (except those classified as a detainee awaiting a judicial decision; hereinafter the same applies in this Division), wardens of penal institutions are to permit the inmate sentenced to death the receiving of visit except for when it is prohibited pursuant to the provisions of Article 148, paragraph (3) or the provisions of the next Section:

(i) a person who is a relative of the inmate sentenced to death;

(ii) a person who requires a visit in order to carry out business in relation to a personally, legally, or occupationally important concern of the inmate sentenced to death, such as reconciliation of marital relations, pursuance of a lawsuit, or maintaining a business;

(iii) a person whose visit is deemed instrumental in helping the inmate sentenced to death maintain peace of mind.

(2) When a person other than those set forth in the items of the preceding paragraph requests to visit an inmate sentenced to death, if it is deemed that there are circumstances where the visit is necessary for maintaining a good relationship with the person or for any other reasons, and if it is deemed that there is no risk of disrupting discipline and order in the penal institution, then wardens of penal institutions may permit the inmate sentenced to death to receive a visit.

(Attendance and Recording during Visits)

Article 121 Wardens of penal institutions are to have a designated staff member attend visits to an inmate sentenced to death, or make an audio or video recording of them; provided, however, that this does not apply when there are circumstances to be concluded that having no attendance or audio or video recording is appropriate in order to protect the interests of the inmate sentenced to death as arrangements for a lawsuit, and if such conclusion is deemed appropriate.

(Suspension and Termination of Visits)

Article 122 The provisions of Article 113 (except for paragraph (1), item (ii), sub-item (d)) and Article 114 apply mutatis mutandis to the visits received by an inmate sentenced to death. In this case, the phrase "twice per month" in paragraph (2) of the same Article is deemed to be replaced with "once per day."

Division 5 Inmates Sentenced to Death with Status as a Detainee Awaiting a Judicial Decision

Article 123 The provisions of Articles 113, 118, 120, and 121 apply mutatis mutandis to the visits received by an inmate sentenced to death with status as a detainee awaiting a judicial decision. In this case, the phrase "under the following items" in Article 113, paragraph (1) is deemed to be replaced with "under the following items (limited to item (i), sub-item (b) in cases of a visit by a defense counsel., etc.)"; the phrase "hinder adequate pursuance of correctional treatment for the sentenced person" in item (ii), sub-item (d) of the same paragraph is deemed to be replaced with "cause the destruction of evidence of a crime"; the phrase "the next Section" in Article 120, paragraph (1) is deemed to be replaced with "the next Section and where receiving a visit is not permitted by the provisions of the Code of Criminal Procedure"; the phrase "receive the visit" in paragraph (2) of the same Article is deemed to be replaced with "receive the visit except for when it is not permitted by the provisions of the Code of Criminal Procedure"; and the term "visit" in Article 121 is deemed to be replaced with "visit (except those by a defense counsel, etc.)."

Division 6 Unclassified Inmates

(Visitors)

Article 124 When a person requests to visit an unclassified inmate, wardens of penal institutions are to permit the unclassified inmate to receive a visit except for when it is prohibited pursuant to the provisions of Article 148, paragraph (3) or the provisions of the next Section.

(Attendance during Visits to Unclassified Inmates)

Article 125 The provisions of Articles 112, 113 (except paragraph (1), item (ii), sub-items (d) and (e)), and 114 apply mutatis mutandis to the visits an unclassified inmate receives. In this case, the phrase "adequate pursuance of correctional treatment of a sentenced person, or for any other" in Article 112, paragraph (1) is deemed to be replaced with "for any other"; the phrase "twice per month" in Article 114, paragraph (2) is deemed to be replaced with "once per day."

Subsection 3 Correspondence

Division 1 Sentenced Persons

(Letters Permitted to Be Sent or Received)

Article 126 Wardens of penal institutions are to permit a sentenced person (except those classified as a detainee awaiting a judicial decision; hereinafter the same applies in this Division) to be Sent and Received letters to and from another person, except for when this is prohibited by the provisions of this Division, Article 148, paragraph (3), and the next Section.

(Examination of Letters)

Article 127 (1) When it is deemed necessary for maintaining discipline and order in the penal institution or for the adequate conducting of correctional treatment for a sentenced person, or for any other reasons, wardens of penal institutions may have a designated staff member examine the letters the sentenced person sends and receives.

(2) With regard to the letters set out under the following items, designated staff members are to examine them to the extent necessary for ascertaining that the letters fall under any of the following items; provided, however, concerning the letters set forth in item (iii), this does not apply where there are special circumstances in which it is deemed likely to disrupt discipline and order in the penal institution:

(i) letters a sentenced person receives from a national or local government agency;

(ii) letters a sentenced person sends to a national or local government agency which conducts an inquiry into the measures taken by wardens of penal institutions toward the sentenced person, or any other treatment the sentenced person received;

(iii) letters a sentenced person sends to or receives from an attorney (including a legal professional corporation, hereinafter the same applies in this Subsection) who conducts the duty prescribed in Article 3, paragraph (1) of the Attorney Act with regard to the measures taken by wardens of penal institutions toward the sentenced person, or any other treatment the sentenced person received.

(Prohibition of Correspondence)

Article 128 With regard to the persons (except for relatives of the sentenced person) who have criminal tendencies or are likely to either disrupt discipline and order in the penal institution or hinder the adequate pursuance of correctional treatment for a sentenced person by receiving from or sending correspondence to the sentenced person, wardens of penal institutions may

prohibit the sentenced person from sending to or receiving correspondence from them; provided, however, that this does not apply where the sentenced person sends to or receives correspondence from the persons in order to carry out business of personally, legally, or occupationally important concern to the sentenced person, such as reconciliation of marital relations, pursuance of a lawsuit, or maintaining a business.

(Prohibition of Letters by Their Content)

Article 129 (1) When it is found, as the result of the examination pursuant to the provisions of Article 127, that all or a part of a letter a sentenced person sends or receives falls under the following items, wardens of penal institutions may prohibit the sending or receiving of letters, or remove or erase the relevant part of the letter. The same applies where all or a part of the letter set forth in paragraph (2) of the same Article is found, in the course of ascertaining that the letter falls under the items thereunder, to fall under the following items:

(i) cases where a staff member of the penal institution is unable to understand the content of the letter or a part thereof due to a use of specific kinds of communication such as a codes;

(ii) cases where there is a risk of either infringing on penal laws and regulations or causing infringement of penal laws and regulations by sending or receiving the letter or a part thereof;

(iii) cases where there is a risk of disrupting discipline and order in the penal institution by sending or receiving the letter or a part thereof;

(iv) cases where there is a risk of either causing the addressee considerable unease or inflicting a loss to the addressee because the content of the letter or a part thereof include intimidating descriptions or clearly false descriptions;

(v) cases where the content of the letter or a part thereof include insulting descriptions of the addressee;

(vi) cases where there is a risk of hindering adequate pursuance of correctional treatment for the sentenced person by sending or receiving the letter or a part thereof.

(2) Notwithstanding the provisions of the preceding paragraph, with regard to either letters a sentenced person sends to or receives from a national or local government agency and whose content includes the matters under the authority of the agency, or letters a sentenced person sends to or receives from an attorney who discharges the duty prescribed in Article 3, paragraph (1) of the Attorney Act with regard to the sentenced person, wardens of penal institutions may prohibit them being sent or received, or remove or erase the relevant part of them only when all or a part of the letter falls under any of items (i) through (iii) of the preceding paragraph.

(Restrictions on Letters)

Article 130 (1) Wardens of penal institutions may, pursuant to Ministry of Justice Order, impose restrictions necessary for the management and administration of the penal institution upon the manner of preparing letters, the date and time making a claim to send letters, the number of letters a sentenced person may make a claim to send, and the procedures for sending to or receiving letters from a sentenced person.

(2) When wardens of penal institutions impose restrictions on the number of letters a sentenced person may make a claim to send pursuant to the provisions of the preceding paragraph, the number must be not less than four per month.

(Expenses for Sending Letters)

Article 131 When a sentenced person is unable to bear the cost for sending letters the cost is to be borne by the National Treasury, if the warden of the penal institution finds it appropriate in light of the purpose of sending the letter.

(Handling of Prohibited Letters, etc.)

Article 132 (1) Wardens of penal institutions are to retain letters which they prohibit or block from being sent or received, pursuant to the provisions of Article 128 or 129 or Article 148, paragraph (3), or are to retain the removed part of letters which they remove pursuant to the provisions of Article 129.

(2) When wardens of penal institutions erase parts of descriptions in a letter pursuant to the provisions of Article 129, they are to make a copy of the erased part and retain it.

(3) Wardens of penal institutions are to deliver all or a part of the letter or the copy (hereinafter referred to as "prohibited letter, etc." in this Chapter) they retain pursuant to the provisions of the preceding two paragraphs to the sentenced person upon their release.

(4) If a sentenced person has died, wardens of penal institutions are to, pursuant to Ministry of Justice Order, deliver the prohibited letter, etc. to the bereaved family, etc. in accordance with a claim for its delivery.

(5) Notwithstanding the provisions of the preceding two paragraphs, when there is a risk of hindering maintaining discipline and order in the penal institution by delivering the prohibited letter, etc., wardens of penal institutions must not deliver them. The same applies to the following cases where there is a risk of hindering maintaining discipline and order in the penal institution by delivering the prohibited letter, etc.:

(i) cases where a released sentenced person requests delivery of the prohibited

letter, etc. after their release;

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

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

(7) Prohibited letters, etc. not being delivered pursuant to the provisions of paragraph (5) are to be allocated to the National Treasury on the day on which a period of three years starting either from the day of the release or the death of the sentenced person expires, or from the day on which the sentenced person has fallen under any of the items of Article 54, paragraph (1).

(Documents and Drawings Prepared by Sentenced Persons)

Article 133 When a sentenced person makes a claim to deliver a document or a drawing (except for letters) which they prepared to another person, wardens of penal institutions may conduct an examination or any take other measures in accordance with those for letters sent by sentenced persons.

Division 2 Detainee Awaiting a Judicial Decision

(Letters Permitted to Be Sent or Received)

Article 134 Wardens of penal institutions are to permit detainees awaiting a judicial decision (except those classified as either a sentenced person or an inmate sentenced to death; hereinafter the same applies in this Division) to be Sent and Received letters to and from another person, except for when it is prohibited pursuant to the provisions of this Division, Article 148, paragraph (3), or the next Section; provided, however, that this does not apply where sending or receiving letters is not permitted by the provisions of the Code of Criminal Procedure.

(Examination of Letters)

Article 135 (1) Wardens of penal institutions are to have a designated staff member examine letters a detainee awaiting a judicial decision sends and receives.

(2) With regard to the letters set out under the following items, a designated staff member is to examine them to the extent necessary for ascertaining that the letters fall under any of the following items; provided, however, concerning the letters set forth in item (iii), that this does not apply where there are

special circumstances in which it is deemed likely to either disrupt of discipline and order in the penal institution or suppress evidence:

(i) letters a detainee awaiting a judicial decision receives from a defense counsel, etc.;

(ii) letters a detainee awaiting a judicial decision receives from a national or local government agency;

(iii) letters a detainee awaiting a judicial decision receives from an attorney who discharges the duty prescribed in Article 3, paragraph (1) of the Attorney Act with regard to the measure taken by wardens of penal institutions toward the detainee awaiting a judicial decision, or any other treatment the detainee awaiting a judicial decision received.

(3) When it is deemed that there is no risk of either disrupting discipline and order in the penal institution or suppressing evidence, wardens of penal institutions may, notwithstanding the provisions of the preceding two paragraphs, not opt to command the examination set forth in paragraph (1).

(Prohibition of Letters by Their Content)

Article 136 The provisions of Articles 129 through 133 apply mutatis mutandis to the letters a detainee awaiting a judicial decision sends or receives. In this case, the term "Article 127" in) Article 129, paragraph (1) is deemed to be replaced with "Article 135"; the phrase "hindering adequate pursuance of correctional treatment for the sentenced person" in item (vi) of the same paragraph is deemed to be replaced with "suppressing evidence"; the phrase "through item (iii)" in paragraph (2) of the same Article is deemed to be replaced with "through item (iii), or item (vi)"; the phrase "the number of letters" in Article 130, paragraph (1) is deemed to be replaced with "the number of letters (except those for a defense counsel, etc.)"; the phrase "four per month" in paragraph (2) of the same Article is deemed to be replaced with "one per day"; the phrase "Article 128 or 129" in Article 132, paragraph (1) is deemed to be replaced with "Article 129"; the phrase "any of the items of Article 54, paragraph (1)" in paragraph (5), item (ii) and paragraph (7) of the same Article is deemed to be replaced with "Article 54, paragraph (1), item (i) or (ii)"; and the phrase " Article 54, paragraph (1)" in paragraph (6) of the same Article is deemed to be replaced with "Article 54, paragraph (1) (except for item (iii))."

Division 3 Sentenced Persons with Status as a Detainee Awaiting a Judicial Decision

(Letters Permitted to Be Sent or Received)

Article 137 Wardens of penal institutions are to permit a sentenced person with

status as an detainee awaiting a judicial decision to be Sent and Received letters to and from another person, except for when it is prohibited pursuant to the provisions of this Division, Article 148, paragraph (3), or the next Section; provided, however, that this does not apply where sending or receiving letters is not permitted by the provisions of the Code of Criminal Procedure.

(Prohibition of Correspondence)

Article 138 The provisions of Articles 128 through 133 and Article 135 apply mutatis mutandis to the letters which a sentenced person with status as a detainee awaiting a judicial decision sends or receives. In this case, the term "Article 127" in Article 129, paragraph (1) is deemed to be replaced with "Article 135 as applied mutatis mutandis pursuant to Article 138"; the term "hindering" in item (vi) of the same paragraph is deemed to be replaced with "suppressing evidence or hindering"; the phrase "of the preceding paragraph" in paragraph (2) of the same Article is deemed to be replaced with "of the preceding paragraph or is likely to lead to the destruction of evidence of a crime"; the phrase "the number of letters" in Article 130, paragraph (1) is deemed to be replaced with "the number of letters (except those for a defense counsel, etc.)"; the phrase "any of the items of Article 54, paragraph (1)" in Article 132, paragraph (5), item (ii) and paragraph (7) is deemed to be replaced with "Article 54, paragraph (1), item (i) or (ii)"; and the phrase "Article 54, paragraph (1)" in paragraph (6) of the same Article is deemed to be replaced with "Article 54, paragraph (1) (except for item (iii))."

Division 4 Inmates Sentenced to Death

(Letters Permitted to Be Sent or Received)

Article 139 (1) Wardens of penal institutions are to permit an inmate sentenced to death (except those classified as a detainee awaiting a judicial decision; hereinafter the same applies in this Division) to send or receive letters under the following items except for when it is prohibited by the provisions of this Division, Article 148, paragraph (3), and the next Section:

(i) letters the inmate sentenced to death sends to or receives from their relative;

(ii) letters which the inmate sentenced to death sends and receives in order to carry out business of personal, legal, or occupationally-important concern, such as reconciliation of marital relations, pursuance of a lawsuit, or maintaining a business;

(iii) letters deemed to be instrumental in helping the inmate sentenced to death maintain peace of mind.

(2) Wardens of penal institutions may permit an inmate sentenced to death to

send or receive letters other than those set forth in the preceding paragraph when it is deemed that there are circumstances where the sending or receiving is necessary for maintaining a good relationship with the addressee, or for any other reasons, and if it is deemed that there is no risk of disrupting discipline and order in the penal institution.

(Examination of Letters)

Article 140 (1) Wardens of penal institutions are to have a designated staff member examine the letters which an inmate sentenced to death sends or receives.

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

(Blocking of Letters by Their Content)

Article 141 The provisions of Article 129 (except for paragraph (1), item (vi)) and Articles 130 through 133 apply mutatis mutandis to the letters an inmate sentenced to death sends or receives. In this case, the term "Article 127" in Article 129, paragraph (1) is deemed to be replaced with "Article 140"; the phrase "four per month" in Article 130, paragraph (2) is deemed to be replaced with "one per day"; the phrase "Article 128 or 129" in Article 132, paragraph (1) is deemed to be replaced with "Article 129"; the phrase "any of the items of Article 54, paragraph (1)" in paragraph (5), item (ii) and paragraph (7) of the same Article is deemed to be replaced with "Article 54, paragraph (1), item (i) or (ii)"; and the term "Article 54, paragraph (1)" in paragraph (6) of the same Article is deemed to be replaced with "paragraph (1) (except for Article 54, item (iii))."

Division 5 Inmates Sentenced to Death with Status as a Detainee Awaiting a Judicial Decision

Article 142 The provisions of Articles 129 through 133, Article 135, paragraphs (1) and (2), and Article 139 apply mutatis mutandis to the letters which an inmate sentenced to death with status as a detainee awaiting a judicial decision sends or receives. In this case, the term "Article 127" in Article 129, paragraph (1) is deemed to be replaced with " Article 135, paragraphs (1) and (2) as applied mutatis mutandis pursuant to Article 142"; the phrase "hindering adequate pursuance of correctional treatment for the sentenced person" in item (vi) of the same paragraph is deemed to be replaced with "leading to the destruction of evidence of a crime"; the phrase "through item (iii)" in paragraph (2) of the same Article is deemed to be replaced with "through item (iii), or item (vi)"; the phrase "the number of letters" in Article

130, paragraph (1) is deemed to be replaced with "the number of letters (except those for a defense counsel, etc.)"; the phrase "four per month" in paragraph (2) of the same Article is deemed to be replaced with "one per day"; the phrase "Article 128 or 129" in Article 132, paragraph (1) is deemed to be replaced with "Article 129"; the phrase "any of the items of Article 54, paragraph (1)" in paragraph (5), item (ii) and paragraph (7) of the same Article is deemed to be replaced with "Article 54, paragraph (1), item (i) or (ii)"; and the phrase "Article 54, paragraph (1)" in paragraph (6) of the same Article is deemed to be replaced with "Article 54, paragraph (1) (except for item (iii))"; the phrase "in this Division" in Article 139, paragraph (1) is deemed to be replaced with "in the next Division," the phrase "the next Section" is deemed to be replaced with "the next Section and where it is not permitted by the provisions of the Code of Criminal Procedure," and the phrase "may permit" in paragraph (2) of the same Article is deemed to be replaced with "may, except for when it is not permitted by the provisions of the Code of Criminal Procedure, permit."

Division 6 Unclassified Inmates

(Letters Permitted to Be Sent of Received)

Article 143 Wardens of penal institutions are to permit unclassified inmates to be Sent and Received letters to and from another person, except for when it is prohibited pursuant to the provisions of this Division, Article 148, paragraph (3), or the next Section.

(Examination of Letters)

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

Subsection 4 Visits and Correspondence of Inmates who are Defendants or Suspects

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

Subsection 5 Communications by Telephone and Other Means of Telecommunication

(Communications by Telephone and Other Means of Telecommunication)

Article 146 (1) When a sentenced person (except those classified as a detainee awaiting a judicial decision; hereinafter the same applies in this Subsection) falls under the cases specified by Ministry of Justice Order, such as being placed in an open-type institution pursuant to the provisions of Article 88, paragraph (2), if it is deemed instrumental either for their reformation and rehabilitation or for their smooth re-integration into society, or if it is deemed appropriate, the wardens of penal institutions may permit them to communicate by telephone or by other means of telecommunication provided for by Cabinet Order.

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

(Examination of Communications)

Article 147 (1) When it is deemed necessary for maintaining discipline and order in the penal institution or for adequate pursuance of correctional treatment for the sentenced person, or for any other reasons, wardens of penal institutions may have a designated staff member monitor the communications set forth in paragraph (1) of the preceding Article or make a record of the content of the communication in order to examine it.

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

Subsection 6 Visits, etc. in Foreign Languages

Article 148 (1) When an inmate or other parties of visits, etc. (i.e. visits and the

communication prescribed in Article 146, paragraph (1); hereinafter the same applies in this Article) do not have a sufficient command of Japanese, wardens of penal institutions are to permit visits, etc. in a foreign language. In this case, if interpretation or translation is necessary in order to examine the oral statements or communication, wardens of penal institutions may, pursuant to Ministry of Justice Order, charge expenses to the inmate.

(2) When an inmate or other party in a correspondence does not have a sufficient command of Japanese, or when it is deemed appropriate, wardens of panel institutions are to permit the sending or receiving of letters in a foreign language. In this case, if translation is necessary in order to examine the contents of the letter, wardens of penal institutions may, pursuant to Ministry of Justice Order, charge expenses to the inmate.

(3) Visits, etc. or correspondence are not permitted when the inmate does not bear the expenses prescribed in the preceding two paragraphs.

Section 12 Rewards and Disciplinary Punishment

(Rewards)

Article 149 When an inmate falls under any of the following items, wardens of penal institutions may, pursuant to Ministry of Justice Order, reward them by giving money or objects as a reward, or by other means:

(i) cases where the inmate has saved the life of a person;

(ii) cases where the inmate has engaged in emergency work prescribed in Article 82, paragraph (1) and has performed a distinguished service;

(iii) cases where the inmate has acted in a way worthy of commendation beyond what is set forth in the preceding two items.

(Conditions of Disciplinary Punishments)

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

(2) In imposing disciplinary punishments on inmates, wardens of penal institutions must take into consideration conditions in relation to the inmate who committed the act (hereinafter referred to as the "disciplinary offense") such as their age, mental and physical condition, and behavior, as well as the nature, gravity, and motive of the disciplinary offense, and the impact which the disciplinary offense has had on the administration of the penal institution, the inmate's attitude after the disciplinary offense, and, in the case of

sentenced persons, the impact which the disciplinary punishment imposes on their prospective reformation and rehabilitation.

(3) Disciplinary punishments must not exceed what is necessary to deter the disciplinary offense.

(Categories of Disciplinary Punishments)

Article 151 (1) The categories of disciplinary punishments which may be imposed on sentenced persons are as follows:

(i) admonition;

(ii) suspension from work pursuant to the provisions of Article 93 for a period not exceeding ten days;

(iii) complete or partial suspension from the use or consumption of self-supplied articles pursuant to Article 41, paragraph (1) for a period not exceeding fifteen days;

(iv) complete or partial suspension of access to books, etc. (except those deemed necessary for the protection of the rights of defendants or suspects, or for the protection of rights such as making arrangements for a lawsuit; the same applies in paragraph (3), item (iii) and paragraph (1), item (iii) of the following Article) for a period not exceeding thirty days;

(v) reduction of up to one-third of the calculated amount of incentive remuneration;

(vi) confinement for a period not exceeding thirty days (for a person not less than twenty years of age at the time of imposing the disciplinary punishment, and if the circumstances are especially serious, for a period not exceeding sixty days).

(2) Disciplinary punishments set forth in items (ii) through (v) of the preceding paragraph may be imposed cumulatively; and the disciplinary punishment set forth in item (vi) of the same paragraph (hereinafter referred to as "disciplinary confinement" in this Section) and the disciplinary punishment set forth in item (v) of the same paragraph may be imposed cumulatively.

(3) The categories of disciplinary punishments which may be imposed on inmates other than sentenced persons are as are set out under the following items:

(i) admonition;

(ii) complete or partial suspension from the use or consumption of self-supplied articles pursuant to Article 41, paragraph (2) for a period not exceeding fifteen days;

(iii) complete or partial suspension of access to books, etc. for a period not exceeding thirty days;

(iv) disciplinary confinement.

(4) Disciplinary punishments set forth in item (ii) and item (iii) of the preceding paragraph may be imposed cumulatively.

(Content of Disciplinary Confinement)

Article 152 (1) Disciplinary confinement is comprised of the suspending an inmate from the following acts, and pursuant to Order of the Ministry of Justice, confining the inmate to their room:

(i) using or consuming self-supplied articles (except those specified by wardens of penal institutions) pursuant to Article 41;

(ii) participating in religious ceremonies or receiving religious teachings with other inmates;

(iii) access to books, etc.;

(iv) engaging in self-contracted work;

(v) receiving visits (except for when they receive a visit from a defense counsel, etc., and when it is deemed necessary for the protection of the rights of defendants or suspects, or for the protection of rights such as for making arrangements for a lawsuit);

(vi) sending or receiving letters (except for when the sending or receiving is to or from a defense counsel, etc., and when it is deemed necessary for the protection of the rights of defendants or suspects, or for the protection of rights such as for making arrangements for a lawsuit).

(2) Notwithstanding the provisions of Article 57, an inmate under disciplinary confinement is to, in accordance with the standards provided for by Ministry of Justice Order, be restricted from exercising as long as it does not hinder maintaining their good health.

(3) A sentenced person under disciplinary confinement is to be given correctional treatment, etc. to the extent the treatment is not inconsistent with the objective of the confinement.

(Allocation of Objects Related to Disciplinary Offenses to the National Treasury)

Article 153 Upon imposing disciplinary punishments, wardens of penal institutions may, if it is necessary for maintaining discipline and order in the penal institution, allocate the items set out under the following items in the National Treasury; provided, however, that this does not apply to items which belong to a person other than the inmate who committed the disciplinary offense:

(i) items which are part of a disciplinary offense;

(ii) items used or intended for use in the commission of a disciplinary offense;

(iii) items produced or acquired by means of a disciplinary offense or an item acquired as reward for a disciplinary offense;

(iv) items received in exchange for the item set forth in the preceding item.

(Inquiry into Disciplinary Offenses)

Article 154 (1) When it is suspected that an inmate has committed a disciplinary offense, wardens of penal institutions must, as promptly as it is practical to do so, inquire into whether or not the disciplinary offense has been committed, and the circumstances which must be taken into consideration pursuant to the provisions of Article 150, paragraph (2), and whether or not the conditions for the disposition pursuant to the provisions of the preceding Article exist.

(2) Wardens of penal institutions may, if necessary for carrying out the inquiry prescribed in the preceding paragraph, have prison officers physically search inmates, search their clothes, personal belongings, and room of inmates and deprive them of and temporarily take custody of their personal belongings.

(3) The provisions of Article 34, paragraph (2) apply mutatis mutandis to searches of the body and clothes of female inmates pursuant to the provisions of the preceding paragraph.

(4) When it is suspected that a sentenced person has committed a disciplinary offense, wardens of penal institutions may, if necessary, isolate them from the other inmates. In this case, the treatment of the sentenced person is to take place in the inmate's room both day and night except for in cases specified by Ministry of Justice Order, such as during exercise, bathing, or visits.

(5) The period of isolation pursuant to the provisions of the preceding paragraph is two weeks; provided, however, if a compelling reason is deemed to exist, then wardens of penal institutions may extend the period for no more than two weeks.

(6) If it is no longer necessary to isolate an inmate, then wardens of penal institutions must immediately suspend the isolation even during the period set forth in the preceding paragraph.

(Procedures for Imposing Disciplinary Punishments)

Article 155 (1) When wardens of penal institutions intend to impose disciplinary punishments on an inmate, wardens of panel institutions must, pursuant to Ministry of Justice Order, designate three or more staff members to conduct a hearing, and must provide the inmate with an opportunity for explanation. In this case, wardens of penal institutions must notify the inmate in writing of the date and time of, or the deadline for their explanation, as well as the summary of the facts forming the basis of disciplinary punishments (including the disposition pursuant to the provisions of Article 153; hereinafter the same applies in the following paragraph and the following Article), and at the same time designate a person in charge of assisting the inmate from among the staff of the penal institution.

(2) The staff members designated pursuant to the first sentence of the preceding paragraph must confer on both the propriety of imposing the disciplinary

punishments and the content of disciplinary punishments to be imposed, and then submit a written report which describes both the opinions on the matters so conferred and the content of the inmate's explanations, to the warden of the penal institution.

(Execution of Disciplinary Punishments)

Article 156 (1) In imposing a disciplinary punishment, wardens of penal institutions are to notify the inmate of the content of the disciplinary punishment and the summary of the facts forming the basis of the disciplinary punishment, and then execute it immediately; provided, however, when the inmate shows signs of remorse or there are other reasonable grounds, wardens of penal institutions may postpone the execution of or exempt all or a part of the disciplinary punishment.

(2) In implementing disciplinary confinement, wardens of penal institutions must obtain the opinion of a medical doctor on the staff of the penal institution about the condition of the health of the inmate concerned.

Section 13 Appeals

Subsection 1 Claim and Reclaims for Reviews

(Claims for Reviews)

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

(i) prohibition of use or consumption of self-supplied articles pursuant to the provisions of Article 41, paragraph (2);

(ii) prohibition of use of retained cash pursuant to the provisions of Article 49, or prohibition of delivery of retained personal effects, or retained cash and articles pursuant to the provisions of Article 50;

(iii) prohibition of receiving medical treatment pursuant to the provisions of Article 63, paragraph (1), or the suspension of medical treatment pursuant to the provisions of paragraph (4) of the same Article;

(iv) prohibition of or restriction on religious acts prescribed in Article 67;

(v) prohibition of or restriction on access to books, etc. pursuant to the provisions of Article 70, paragraph (1) or Article 71;

(vi) rulings of charging expenses pursuant to the provisions of Article 70, paragraph (2);

(vii) isolation pursuant to the provisions of Article 76, paragraph (1);

(viii) rulings with regard to the payment of work incentives pursuant to the

provisions of Article 98, paragraph (1);

(ix) rulings with regard to the payment of compensation for disabilities pursuant to the provisions of Article 100, paragraph (2) (including cases where it is applied mutatis mutandis pursuant to Article 82, paragraph (2));

(x) rulings with regard to the payment of special compensation pursuant to the provisions of Article 100, paragraph (4) (including cases where it is applied mutatis mutandis pursuant to Article 82, paragraph (2));

(xi) any prohibition or blocking of, or restriction on correspondence or delivery of documents and drawings pursuant to the provisions of Article 128 (including cases where it is applied mutatis mutandis pursuant to Article 138), or the provisions of Article 129, Article 130, paragraph (1), or Article 133 (including cases where these provisions are applied mutatis mutandis pursuant to Articles 136 (including cases where it is governed by the same rule pursuant to Article 145; the same applies in the following item), 138, 141, 142, and 144));

(xii) prohibition on the delivery of prohibited letters, etc. (limited to the delivery pursuant to provisions of Article 132, paragraph (3) (including cases where it is applied mutatis mutandis pursuant to Articles 136, 138, 141, 142, and 144) pursuant to the provisions of the first sentence of Article 132, paragraph (5) (including cases where it is applied mutatis mutandis pursuant to Articles 136, 138, 141, 142, and 144);

(xiii) rulings of charging expenses pursuant to the provisions of Article 148, paragraph (1) or paragraph (2);

(xiv) disciplinary punishments pursuant to the provisions of Article 150, paragraph (1);

(xv) rulings with regard to allocating objects to the National Treasury pursuant to the provisions of Article 153;

(xvi) isolation pursuant to the provisions of Article 154, paragraph (4).

(2) The person who files a claim for review pursuant to the preceding paragraph (hereinafter referred to simply as a "claim for review" in this Section) must act as their own agent in filing the claim.

(Filing Period of a Claim for a Review)

Article 158 (1) A claim for a review must be filed within thirty days from the day immediately following the day on which the notification of a ruling was made.

(2) When there are compelling reasons, such as natural disasters, for not having filed a claim for review within the deadline prescribed in the preceding paragraph, notwithstanding the provisions of the same paragraph, a claim for review may be filed within one week from the day immediately following the day on which the reasons have ceased to exist.

(3) If wardens of penal institutions have mistakenly informed an inmate of the

filing period as being longer than the statutory period, if the inmate files a claim for review within the instructed period, the claim is deemed as a claim which has been filed within the statutory period.

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

Article 159 The provisions of Article 15, Article 18, paragraph (3), Article 19, paragraphs (2) and (4), Article 22, paragraphs (1) and (5), Article 23, Article 25, paragraphs (1), (2) and (6), Articles 26, 27, and 39 of the Administrative Appeal Act (Act No. 68 of 2014) apply mutatis mutandis to the claim for review. In this case, the phrase "upon request of the applicant of the request for review or ex officio" in Article 25, paragraph (2) of the same Act is deemed to be replaced with "ex officio," and any other necessary technical replacement of terms is provided for by Cabinet Order.

(Inquiries)

Article 160 (1) The Superintendent of the Regional Correction Headquarters is to, ex officio, conduct necessary inquiries into the matters subject to claims for review.

(2) The Superintendent of the Regional Correction Headquarters may, if necessary for conducting an inquiry prescribed in the preceding paragraph, order wardens of penal institutions to make a reports or submit materials and other items, or have a designated staff member ask questions or request the submission of items for the claimant or other persons concerned, or keep the items those persons submitted and inspect them.

(Administrative Dispositions)

Article 161 (1) The Superintendent of the Regional Correction Headquarters is to, upon receiving a claim for review, endeavor to make an administrative disposition within ninety days as much as it is practical to do so.

(2) The provisions of Article 45, paragraphs (1) and (2), Articles 46, paragraphs (1) main clause and (2) (except for item (ii)), Article 47 (except for the proviso and item (ii)), Article 48, Article 50, paragraphs (1) and (3), Article 51, and Article 52, paragraph (1) of the Administrative Appeal Act apply mutatis mutandis to an administrative disposition on the claim for review. In this case, the phrase "by both posting the notice on a bulletin board and publishing in the official gazette or other official bulletin or in a newspaper at least once" in Article 51, paragraph (3) of the same Act is deemed to be replaced with "by posting the notice on a bulletin board," and any other necessary technical replacement of terms is provided for by Cabinet Order.

(Claims for Re-evaluation)

Article 162 (1) Any person who is dissatisfied with an administrative disposition on a claim for review may in writing, pursuant to Cabinet Order, file a claim for re-evaluation with the Minister of Justice.

(2) A claim for re-evaluation pursuant to the provisions of the preceding paragraph must be filed within thirty days from the day immediately following the day on which the notification of the administrative disposition on a claim for review has been made.

(3) The provisions of Article 157, paragraph (2), Article 158, paragraphs (2), Article 160, and paragraph (1) of the preceding Article of this Act, and Article 15, Article 18, paragraph (3), Article 19, paragraphs (2) and (4), Article 23, Article 25, paragraphs (1), (2) and (6), Article 26, 27 and 39, Article 46, paragraphs (1) main clause and (2) (except for item (ii)), Article 47 (except for the proviso and item (ii)), Article 48, Article 50, paragraph (1), Article 51, Article 52, paragraphs (1) and (2), Article 62, paragraph (2), and Article 64, paragraphs (1) through (3) of the Administrative Appeal Act apply mutatis mutandis to the claim for re-evaluation. In this case, the phrase "upon request of the applicant of the request for review or ex officio" in Article 25, paragraph (2) of the same Act is deemed to be replaced with "ex officio"; the phrase "by both posting the notice on a bulletin board and publishing in the Official Gazette or other official bulletin or in a newspaper at least once" in Article 51, paragraph (3) of the same Act is deemed to be replaced with "by posting the notice on a bulletin board," and any other necessary technical replacement of terms is provided for by Cabinet Order.

Subsection 2 Reporting of Case Facts

(Reporting of Case Facts to the Superintendent of Regional Correction Headquarters)

Article 163 (1) An inmate may, if the actions of a staff member of the penal institution taken against them fall under any of the following, pursuant to Cabinet Order, report the case in writing to the Superintendent of the Regional Correction Headquarters who has jurisdiction over the location of the penal institution:

(i) illegal use of physical force against the person;

(ii) illegal or unjust use of restraining ropes, handcuffs, or body restraint suits;

(iii) illegal or unjust confinement in an observation cell.

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

(3) The provisions of Article 157, paragraph (2), Article 158, paragraphs (2) and (3), and Article 160 of this Act, and the provisions of Article 18, paragraph (3),

Article 22, paragraphs (1) and (5), Articles 23, 27, and 39 of the Administrative Appeal Act apply mutatis mutandis to the report pursuant to the provisions of paragraph (1). In this case, the necessary technical replacement of terms is provided for by Cabinet Order.

(Notifications)

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

(2) If a report pursuant to the provisions of paragraph (1) of the preceding Article has been filed after the statutory period or is unlawful, the Superintendent of the Regional Correction Headquarters is to notify the person who filed the report to this effect. In this case, the provisions of the proviso of the preceding paragraph apply mutatis mutandis.

(3) The provisions of Article 161, paragraph (1) of this Act and the provisions of Article 50, paragraphs (1) and (3) of the Administrative Appeal Act apply mutatis mutandis to the notification pursuant to the provisions of the preceding two paragraphs. In this case, the necessary technical replacement of terms is provided for by Cabinet Order.

(4) The Superintendent of the Regional Correction Headquarters is to, when they find that the case prescribed in paragraph (1) of the preceding Article exists, if deemed necessary, take measures to prevent the reoccurrence of similar acts.

(Reporting Cases to the Minister of Justice)

Article 165 (1) Upon receiving a notification pursuant to the provisions of paragraph (1) or (2) of the preceding Article, if dissatisfied with its content, the inmate may, pursuant to Cabinet Order, report the case in writing prescribed in Article 163, paragraph (1) to the Minister of Justice.

(2) A report pursuant to the provisions of the preceding paragraph must be filed within thirty days from the day immediately following the day on which the inmate has received the notification pursuant to the provisions of paragraph (1) or (2) of the preceding Article has received.

(3) The provisions of Article 157, paragraph (2), Article 158, paragraph (2), Article 160, Article 161, paragraph (1), and paragraphs (1), (2), and (4) of the preceding Article of this Act, and the provisions of Article 18, paragraph (3), Articles 23, 27, and 39, and Article 50, paragraph (1) of the Administrative Appeal Act apply mutatis mutandis to reports pursuant to the provisions of paragraph (1). In this case, the necessary technical replacement of terms is provided for by Cabinet Order.

Subsection 3 Filing of Complaints

(Filing of Complaints with the Minister of Justice)

Article 166 (1) An inmate may file a complaint with the Minister of Justice in writing with regard to measures taken by wardens of penal institutions against them or any other treatment they have received.

(2) The provisions of Article 157, paragraph (2) apply mutatis mutandis to the filing of complaint set forth in the preceding paragraph.

(3) The Minister of Justice must, upon receiving a filed complaint, handle it in good faith and notify the complainant of the results they reach; provided, however, that this does not apply where the person has been released.

(Filing of Complaints with Inspectors)

Article 167 (1) An inmate may file a complaint with an inspector (hereinafter referred to simply as "inspector" in this Section) conducting the on-the-spot inspection pursuant to the provisions of Article 5 either orally or in writing, with regard to the measures taken by wardens of penal institutions against them or any other treatment they received.

(2) The provisions of Article 157, paragraph (2) apply mutatis mutandis to the filing of complaints set forth in the preceding paragraph.

(3) Upon receiving the filing of a complaint orally, the inspector must not allow the staff members of the penal institution to attend the filing.

(4) The provisions of paragraph (3) of the preceding Article apply mutatis mutandis to the case where the inspector has received a complaint.

(Filing of Complaints with Wardens of Penal Institutions)

Article 168 (1) An inmate may, either orally or in writing, file a complaint with regard to the measures taken by wardens of penal institutions against them or any other treatment they received.

(2) The provisions of Article 157, paragraph (2) apply mutatis mutandis to the filing of complaints set forth in the preceding paragraph.

(3) When an inmate intends to file a complaint set forth in paragraph (1) orally, wardens of penal institutions may have a designated staff member hear its content.

(4) The provisions of Article 166, paragraph (3) apply mutatis mutandis to the case where wardens of penal institutions have received the filing of a complaint.

Subsection 4 Miscellaneous Provisions

(Secrecy of Filings)

Article 169 (1) Wardens of penal institutions must take necessary measures so that inmates may, upon filing a claim for review, etc. (i.e. claim for review, claim for re-evaluation, or the report pursuant to the provisions of Article 163, paragraph (1) or Article 165, paragraph (1); hereinafter the same apply in the following paragraph and the following Article) or a complaint with the Minister of Justice or the inspector, keep their content secret from the staff members of the penal institution.

(2) Notwithstanding the provisions of Article 127 (including cases where it is applied mutatis mutandis pursuant to Article 144), 135 (including cases where it is applied mutatis mutandis pursuant to Articles 138 and 142), and 140, no document for filing a claim for review, etc. or for filing complaints may be examined.

(Prohibition of Adverse Treatment)

Article 170 Staff members of penal institutions must not treat inmates in an adverse manner due to filing a claim for review, etc. or complaints.

Section 14 Release

(Release of Sentenced Persons)

Article 171 Sentenced persons are released in accordance with the following cases at the earliest time possible within the period prescribed respectively in those items:

(i) cases where the day of release is determined in advance: The morning of the day;

(ii) cases of termination of an indeterminate sentence: The morning of the day following the day on which a notification prescribed in Article 44, paragraph (2) of the Offenders Rehabilitation Act (Act No. 88 of 2007) has arrived at the penal institution;

(iii) cases of pardon by Cabinet Order, where the day of release corresponds to the date of proclamation of the Cabinet Order: The day of release;

(iv) cases other than those set forth in the preceding three items: Ten hours starting at the time when the document serves as the basis for release has arrived at the penal institution.

(Release of Persons under Detention)

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

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

(Release of Other Inmates)
Article 173 Beyond what is provided for in the preceding two Articles, inmates are released immediately after circumstances emerge, that are specified by Cabinet Order as well as other laws and regulations.

(Staying in Penal Institution Due to Injury or Illness)
Article 174 (1) If an inmate to be released has been under medical treatment, wardens of penal institutions may, if the inmate's life is likely to be endangered, or develop a serious disorder beyond hope of recovery as a result of the release, permit them to stay in the penal institution temporarily.
(2) The provisions with regard to unclassified inmates are applied mutatis mutandis to the treatment of persons staying in the penal institution as prescribed in the preceding paragraph to the extent this is not inconsistent with the nature thereof.

(Payment of Travel Expenses and Supplying of Clothing)
Article 175 Wardens of penal institutions are to provide an inmate to be released with clothing or travel expenses necessary for returning home.

Section 15 Death

(Notification of Death)
Article 176 If an inmate dies, wardens of penal institutions must, pursuant to Ministry of Justice Order, promptly inform the bereaved family about the cause, the time and date of the inmate's death, and about left property, money equivalent to work incentives, compensation to be paid in the event of death, or prohibited letters, etc. to be delivered to the same, if any.

(Measures Regarding Corpses)
Article 177 (1) If an inmate dies, and there is nobody to cremate and inter the corpse, then wardens of penal institutions are to, notwithstanding the provisions of Article 9 of the Act on Cemetery and Interment (Act No. 48 of 1948), conduct such cremation and interment.
(2) Beyond what is provided for in the preceding paragraph, the measures taken for the corpses of inmates are provided for by Ministry of Justice Order.

Section 16 Conducting the Death Penalty

(Conducting the Death Penalty)

Article 178 (1) The death penalty is to be carried out at an execution site inside a penal institution.

(2) The death penalty must not be executed on Sundays, Saturdays, holidays prescribed in the Act on National Holidays (Act No. 178 of 1948), January 2nd, January 3rd, and from December 29th to December 31st.

(Unfastening of Nooses)

Article 179 Nooses are to be unfastened after five minutes have elapsed since confirmation of death when death penalty is carried out by hanging.

Chapter III Treatment of Detainees in Detention Facilities

Section 1 Commencement of Detention

(Notification upon Commencing Detention)

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

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

(ii) matters pertaining to the handling of money and other goods, such as retained personal effects prescribed in Article 195, paragraph (1);

(iii) matters pertaining to hygiene and medical care;

(iv) matters pertaining to religious acts;

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

(vi) matters pertaining to the compliance rules prescribed in Article 211, paragraph (1);

(vii) matters pertaining to visits and correspondence;

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

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

(x) matters pertaining to the filing of complaints.

(2) The notification pursuant to the preceding paragraph is made in writing, pursuant to Cabinet Office Order.

(Examinations for Physical Identification)

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

(2) The examination of female detainees pursuant to the provisions of the preceding paragraph must be conducted by female detention officers; provided, however, when female detention officers are unable to conduct the examination, a male detention officer may conduct it by directing female staff members whom the detention services manager designates.

Section 2 How Detainees Are to Be Treated

(How Detainees Are to Be Treated)

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

(2) Detainees awaiting a judicial decision need not be detained in isolation (limited to those detained in the detention facilities; hereinafter the same applies in this Chapter) only when it is deemed that there is no risk of hindering the prevention of the destruction of evidence of a crime.

(3) No detainee awaiting a judicial decision is permitted to mutually interact with others even outside of the detainee's room except in the cases prescribed in the preceding paragraph.

(Correctional Treatment in Detention Facilities)

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

Section 3 Schedules of Daily Activities

(Schedules of Daily Activities)

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

(Assistance for Activities)

Article 185 The detention services manager must, pursuant to Cabinet Office Order, endeavor to provide detainees with assistance in intellectual, educational, and recreational activities.

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

(Lending and Supplying of Articles)

Article 186 (1) Detainees are lent, or supplied with, the articles set forth in the following items (except for books, etc.; hereinafter the same applies in this Section) required for daily life in the detention facility (except for the articles set forth in the items of Article 188, paragraph (1)):

(i) clothing and bedding;

(ii) meals and drinking water or tea;

(iii) articles such as daily necessities, pens and erasers.

(2) Beyond what is provided for in the preceding paragraph, detainees may, pursuant to Cabinet Office Order, and as occasion demands, be lent articles used for daily life in the detention facility (except the articles set forth in the items of Article 188, paragraph (1)), or supplied with luxury items.

(Use and Consumption of Self-Supplied Articles)

Article 187 When a detainee requests to use or consume self-supplied articles such as those in the following articles (except the articles set forth in the items of paragraph (1) of the following Article), the detention services manager may, pursuant to Cabinet Office Order, permit them to do so, except in cases where there is a risk of hindering either maintaining discipline and order or the management and administration of the detention facility, cases where such permission is prohibited pursuant to the provisions of Article 190, and cases of the sentenced person under detention where such permission is likely to impose hindrance to the correction and rehabilitation on them:

(i) clothing;

(ii) food and bottled water;

(iii) luxury items;

(iv) daily necessities, stationery, and other articles used in daily life in the detention facility.

(Self-Supplying of Corrective Articles)

Article 188 (1) Detainees are to be permitted to use self-supplied articles such as the following articles except for when there is a risk of hindering either maintaining discipline and order or the management and administration of the

detention facility:
(i) corrective instruments such as eyeglasses;
(ii) articles necessary for sending letters, such as envelops;
(iii) other articles provided for by Cabinet Office Order.

(2) When a detainee is unable to use self-supplied articles as those set forth in the items of the preceding paragraph, if deemed necessary, they are to be lent, or supplied with those articles.

(Standard for Lending and Supplying Articles)

Article 189 The articles lent or supplied pursuant to the provisions of Article 186 or paragraph (2) of the preceding Article must both be sufficient for keeping inmates in good health and appropriate for inmates, while taking into consideration the living conditions of the public.

(Measures on Self-Supplied Articles upon Disciplinary Offenses)

Article 190 (1) Upon a detainee committing acts that are set forth under the following items (referred to as "disciplinary offences" in Article 208, paragraph (1)), the detention services manager,, if it is necessary for maintaining discipline and order in the detention facility, may opt not to allow the consumption of the items set out under Article 187, item (iii) for a period not exceeding three days:
(i) criminal acts;
(ii) behavior or statements made in a rude or outrageous manner, or any act causing trouble to others;
(iii) obstructing staff members who engage in detention-related affairs from performing their duties;
(iv) acts which may disrupt the security of the detention facility;
(v) acts which disrupt the hygiene of the detention facility.

(2) The provisions of Article 150, paragraphs (2) and (3), Article 153, Article 154, paragraphs (1) through (3), Article 155, and Article 156, paragraph (1) apply mutatis mutandis to the measures set out under the preceding paragraph taken for detainees by the detention services manager. In this case, the term "the administration of the penal institution" in Article 150, paragraph (2) is deemed to be replaced with "the administration of the detention facility"; the phrases "discipline and order in the penal institution" and "National Treasury" in Article 153 is deemed to be replaced with "discipline and order in the detention facility" and "prefecture to which the detention facility belongs" respectively; the term "prison officers" in Article 154, paragraph (2) is deemed to be replaced with "detention officers"; the phrase "Article 34, paragraph (2)" in paragraph (3) of the same Article is deemed to be replaced with "Article 181, paragraph (2)"; the term "Ministry of Justice Order" and "staff of the penal

institution" in Article 155, paragraph (1) is deemed to be replaced with "Cabinet Office Order" and "staff members who engage in detention-related affairs " respectively.

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

Section 5 Handling of Cash and Other Articles

(Examination of Cash and Other Articles)

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

(i) cash and articles a detainee carries at the time of detention;

(ii) cash and articles a detainee obtained while in custody (except for such articles as letters; the same applies in the following item) but not the cash and the articles set forth in the following item (except for the articles supplied by the detention services manager);

(iii) cash and articles a person other than the relevant detainee brought or sent to the detention facility to deliver to the detainee.

(Handling of Articles in Possession at the Time of Detention)

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

(i) cases where the article is inconvenient to keep in custody;

(ii) cases where the article is likely to be decomposed or perish;

(iii) cases where the article is likely dangerous.

(2) The provisions of Article 45, paragraph (2) apply mutatis mutandis to cases where the detention services manager requests the handling of articles to the detainee pursuant to the preceding paragraph.

(Request to Accept Articles from Outside)

Article 193 (1) When any of the cash or the articles set forth in Article 191, item (iii) falls under any of the following items, the detention services manager is to request the outside supplier to retrieve the article:

(i) cases where delivering the article to the detainee is likely to disrupt discipline and order in the detention facility;

(ii) cases where the recipient is a detainee awaiting a judicial decision, and the acceptance of the article is not permitted pursuant to the provisions of the Code of Criminal Procedure;

(iii) cases where the recipient of the article is a sentenced person under detention, and the outside supplier is not their relative, and delivering the article to them is likely to cause a hindrance to adequate pursuance of correctional treatment;

(iv) cases where the article is from an outside supplier whose name is anonymous;

(v) cases of the articles other than self-supplied articles, etc.;

(vi) cases where the article falls under any of the items of paragraph (1) of the preceding Article.

(2) When any of the cash or the articles prescribed in Article 191, item (iii) fall under any of items (i) through (iv) of the preceding paragraph, if it is not feasible to make a request pursuant to the provisions of the same paragraph because the outside supplier's whereabouts are unknown, the detention services manager must make a public notice to this effect by the methods prescribed by Cabinet Order.

(3) When the outside supplier does not retrieve the cash or the article prescribed in the preceding paragraph until the day on which expires the period of six months starting from the day on which the request pursuant to the provisions of paragraph (1) was made, or from the day on which the public notice was made pursuant to the provisions of the preceding paragraph, the cash or the article is to be allocated to the prefecture to which the detention facility belongs.

(4) The detention services manager may dispose of the article prescribed in paragraph (2) which falls under paragraph (1), item (vi) by sale and retain the proceeds even within the period set forth in the preceding paragraph; provided, however, that they may destroy the article if it is unsalable.

(5) When any of the cash or the articles prescribed in Article 191, item (iii) falls under paragraph (1), item (v) or (vi) (except such articles as those that falls under any of items (i) through (iv) of the same paragraph), if it is not feasible to make a request pursuant to the provisions of the same paragraph because the outside supplier's whereabouts are unknown, or if it is inappropriate to make the request, or if the outside supplier has refused to retrieve the cash or the article, then the detention services manager is to request the detainee to deliver the cash or the article to the detainee's relative or other appropriate persons, or to make other appropriate dispositions.

(6) The provisions of Article 45, paragraph (2) apply mutatis mutandis to cases where the detention services manager requests the handling of articles to the detainee pursuant to the preceding paragraph.

(7) When a detainee refuses to receive any of the cash or the articles prescribed in Article 191, item (iii) which does not fall under any of the items of paragraph (1), the detention services manager is to request the outside

supplier to retrieve the cash or the article. The provisions of paragraphs (2) and (3) apply mutatis mutandis to the cases set out in the foregoing.

(Delivery and Retention of Articles)

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

(i) articles set forth in Article 191, item (i) or (ii) which do not fall under any of the items of Article 192, paragraph (1);

(ii) articles set forth in Article 191, item (iii) which do not fall under any of the items of paragraph (1) of the preceding Article (except those the detainee refused to receive).

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

(i) articles set forth in the items of the preceding paragraph and are other than those permitted for the detainee to use or consume pursuant to the provisions of this Act;

(ii) the cash set forth in the items of Article 191 and does not fall under paragraph (1), item (i), (iii), or (iv) of the preceding Article.

(Retained Personal Effects)

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

(2) When the total volume of retained personal effects (except those specified by Cabinet Office Order) of a detainee (hereinafter referred to as "total volume of personal effects" in the following Article) exceeds the maximum self-retention volume (i.e. a volume determined by the detention services manager according to the respective status as a detainee as the volume of articles which may be self-retained by each detainee; hereinafter the same applies in the following Article), or when the total volume of articles (except those specified by Cabinet Office Order) retained for a detainee (hereinafter referred to as "total retention volume" in the following Article) exceeds the maximum retention volume (i.e. a volume determined by the detention services manager according to the respective status as a detainee as the volume of articles which may be retained; hereinafter the same applies in the following Article), the detention

services manager may request the detainee to render the excess portion of the articles to the detainee's relative or other persons considered to be appropriate, or to make other appropriate dispositions. The same applies to the articles which have decomposed or perished.

(3) The provisions of Article 45, paragraph (2), the provisions of Article 48, paragraph (4), and the provisions of paragraph (5) of the same Article apply mutatis mutandis to cases where the detention services manager requests the handling of articles to the detainee pursuant to the preceding paragraph, to the retained personal effects of detainees, and to the retained articles of detainees. In this case, the term "warden of the penal institution" in the respective provisions is deemed to be replaced with "detention services manager."

(Use of Retained Cash)

Article 196 When a detainee applies to expend the cash being retained in order to either purchase self-supplied articles, etc. or to apply it to the expenses to be incurred by them in the course of their daily life in the detention facility, the detention services manager is to permit them to expend the necessary amount of cash; provided, however, that this does not apply to cases where the expenditure of cash for the purchase of self-supplied articles, etc. falls under any of the following items:

(i) cases where the consequent total volume of personal effects is expected to exceed the maximum self-retention volume or the consequent total retention volume is expected to exceed the maximum retention volume after the purchase with expenses;

(ii) cases where the detainee is awaiting a judicial decision and they are not permitted to receive the self-supplied articles they purchase with expenses under the provisions of the Code of Criminal Procedure.

(Delivery of Retained Personal Effects, and Retained Cash or Articles)

Article 197 When a detainee applies to deliver either the retained personal effects or the cash and articles being retained (except such articles as those that fall under the documents and drawings prescribed in Article 133 (as applied mutatis mutandis pursuant to Article 227) to another person (except those being detained in the detention facility concerned) (except such delivery that falls under the delivery of a letter), the detention services manager is to permit the detainee to do so except cases falling under any of the following items:

(i) cases where there is a risk of disrupting maintaining discipline and order in the detention facility accrued by such delivery to the detainee (except for when the recipient of such delivery is the detainee's relative; the same applies in item (iii));

(ii) cases where the detainee is a detainee awaiting a judicial decision and such delivery of the article is not permitted pursuant to the provisions of the Code of Criminal Procedure;

(iii) cases where the detainee is a sentenced person and there is a risk of hindering the adequate pursuance of reformation and rehabilitation of the detainee because of such delivery to the detainee.

(Mutatis-Mutandis Application of Provisions on Penal Institutions)

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

Section 6 Hygiene and Medical Care

(Principles of Hygiene and Medical Care)

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

(Medical Examinations)

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

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

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

(Medical Treatment)

Article 201 (1) When a detainee falls under any of the following items, the detention services manager is to promptly give them medical treatment by a doctor commissioned by the detention services manager and other necessary medical measures; provided, however, in cases falling under item (i), if there is no risk of either endangering the detainee's life or infecting their disease to others, then the foregoing is limited to cases where the treatment is not given against the detainee's will:

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

(ii) cases where the detainee refuses to ingest food and drink, and may endanger their own life.

(2) When the detention services manager provides the opportunity of medical treatment pursuant to the provisions of the preceding paragraph, they may have the detainee visit a hospital or a clinic outside the detention facility, or, may commit the detainee to a hospital or a clinic outside the detention facility if it is unavoidable so to do.

(Medical Treatment by Appointed Doctor)

Article 202 (1) When a detainee who has sustained an injury or suffering from a disease applies to designate a doctor who is not commissioned by the detention services manager to receive a medical treatment, if such claim is deemed appropriate for the detainee's medical care in light of circumstances such as the type and degree of the injury or disease, and as the fact that the detainee had been visiting the doctor on the regular basis for medical treatments prior to the detention in the detention facility, then the detention services manager

may, pursuant to Cabinet Office Order, permit the detainee the receiving of medical treatment inside the detention facility or in a hospital or a clinic which the detention services manager recognizes as to be appropriate at their own expense.

(2) When the detention services manager permits the receiving of medical treatment prescribed in the preceding paragraph, if deemed necessary in order for them to examine the method of medical treatment by the doctor who provides the medical treatment set forth in the same paragraph (hereinafter referred to as "appointed doctor" in this Article), or if deemed necessary to conduct medical treatment afterwards, they may have a staff member who engages in the affairs of the detention attend the medical treatment, or ask the appointed doctor questions with regard to the medical treatment, or request the appointed doctor to submit materials on the medical treatment such as a copy of the detainee's case record.

(3) An appointed doctor must, upon the medical treatment, observe any instruction provided for pursuant to Cabinet Office Order by the detention services manager.

(4) When the detention services manager permits the receiving of medical treatment pursuant to the provisions of paragraph (1), if the appointed doctor refuses to comply with the measures taken by the detention services manager pursuant to the provisions of paragraph (2) or disobeys the rules provided by the detention services manager pursuant to the provisions of the preceding paragraph, or if it is inappropriate to continue the medical treatment, then they may suspend the medical treatment and thereafter may continuously refuse to permit the detainee the receiving of medical treatment by the appointed doctor.

(Haircuts and Shaves)

Article 203 When a detainee requests to have a haircut or a shave, the detention services manager is to, pursuant to Cabinet Office Order, permit them to do so.

(Mutatis-Mutandis Application of Provisions on Penal Institutions)

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

respectively; and the phrase "outside the penal institution" in Article 65, paragraph (2) is deemed to be replaced with "outside the detention facility."

Section 7 Religious Acts

Article 205 Worship and other religious acts which a detainee performs individually are not prohibited nor restricted; provided, however, that this does not apply where there is a risk of hindering either maintaining discipline and order or the management and administration of the detention facility.

Section 8 Access to Books, etc.

(Access to Self-Supplied Books, etc.)

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

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

(i) cases where there is a risk of disrupting discipline and order in the detention facility;

(ii) cases where the detainee is a detainee awaiting a judicial decision, and there is a risk of causing the suppression evidence;

(iii) cases where the detainee is a sentenced person and there is a risk of hindering the reformation and rehabilitation of the detainee by such delivery thereto.

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

(Measures on Self-Supplied Books upon Disciplinary Offenses)

Article 208 (1) Upon disciplinary offence of a detainee, the detention services manager may, if it is necessary for maintaining discipline and order in the detention facility, may opt not to allow the access to the self-supplied books, etc. set out under Cabinet Office Order (except those deemed necessary for the protection of the rights of defendant or suspect, or for the protection of rights such as to make arrangements for a lawsuit) for the period not exceeding three days.

(2) The provisions of Article 190, paragraphs (2) and (3) apply mutatis mutandis

to the measures taken for detainees under the preceding paragraph.

(Mutatis-Mutandis Application of Provisions on Penal Institutions)

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

Section 9 Maintaining Discipline and Order

(Discipline and Order in Detention Facilities)

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

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

(Compliance Rules)

Article 211 (1) The detention services manager is to determine the rules to be observed with by detainees (hereinafter referred to as "compliance rules" in the following paragraph.)

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

(i) prohibition against criminal acts;

(ii) prohibition against any behavior or statement made in a rude or outrageous manner, or any act causing trouble to others;

(iii) prohibition against self-harm activities;

(iv) prohibition against obstructing staff members who engage in detention-related affairs from performing their duties;

(v) prohibition against acts likely to hamper the secure custody of themselves

or the other detainees;
(vi) prohibition against the acts which may disrupt the security of the detention facility;
(vii) prohibition against the acts detrimental to hygiene or public morals inside the detention facility;
(viii) prohibition against the wrongful use, possession, transfer, etc. of cash and articles;
(ix) beyond what is set forth in the preceding items, matters necessary for maintaining discipline and order in the detention facility;
(x) prohibition against any attempt, incitement, inducement, or aid for the acts against the compliance rules which stipulate the matters set forth in the preceding items.

(3) Beyond what is provided for in the preceding two paragraphs, the detention services manager or a staff member designated by them may, if necessary for maintaining and order in the detention facility, give instructions to detainees with regard to their life and behavior.

(Body Searches)

Article 212 (1) Detention officers may, if necessary for maintaining discipline and order in the detention facility, physically search detainees, search their clothes, personal belongings, and room, and deprive detainees of and temporarily take custody of any of their personal belongings.

(2) The provisions of Article 181, paragraph (2) apply mutatis mutandis to physical searches of female detainees, and searches of their clothes, pursuant to the preceding paragraph.

(3) A detention officer may, if necessary for maintaining discipline and order in the detention facility, search clothes and personal effects, inside the detention facility, of a person other than a detainee (except for defense counsel, etc.), and deprive the person from and temporarily take custody of any of their belongings.

(4) No search set forth in the preceding paragraph must include the examination of the contents of documents and drawings.

(Use of Restraining Ropes, Handcuffs, Body Restraint Suits, and Gags)

Article 213 (1) Detention officers may, pursuant to Cabinet Office Order, use restraining ropes or handcuffs when either they escort detainees, or when a detainee is likely to commit any of such acts as set out in the following items:
(i) escaping;
(ii) committing self-harm or inflicting injury on others;
(iii) damaging facilities, the instruments, or any other property of the detention facility.

(2) Detention officers may use body restraint suit by order of the detention services manager when a detainee is likely to commit self-harm, if no other means are available; provided, however, that the Body Restraint Suits may not be used in combination with any arresting rope, handcuff, or gag.
(3) In cases of the detention facility without any observation cell, if a detainee persistently generates a loud voice against a detention officer's order to cease doing so, thereby disturbing peaceful community life thereof, detention officers may use a gag by order of the detention services manager, if no other means are available. In this case, if there exists necessity to prevent the detainee from detaching or destructing the gag, restraining ropes and handcuffs may be used in combination therewith.
(4) In the case prescribed in the preceding paragraph, if there is no time to wait for the order from the detention services manager, then detention officers may use a body restraint suit or gag (including the use of restraining ropes and handcuffs pursuant to the provisions of the latter part in the preceding paragraph) without the order. In this case, the detention officers must promptly report this to the detention services manager.
(5) The respective periods of use of body restraint suits and gags are three hours; provided, however, that with respect to the use of the body restraint suits, the detention services manager may, if they find that there is a particularly necessity to continue use, renew the period every three hours but not exceeding twelve hours in aggregate.
(6) When it is no longer necessary to use a body restraint suit or a gag, the detention services manager must immediately order to suspend it even during the period set forth in the preceding paragraph.
(7) The detention services manager must, if they have used a body restraint suit or gag on a detainee, or have renewed the period of the use of the restrain suit, promptly obtain the opinion of a doctor commissioned by them about the condition of the health of the detainee.
(8) The forms of restraining ropes, handcuffs, body restraint suits, and gag are provided for by Cabinet Office Order.

(Confinement in Observation Cells)
Article 214 (1) When a detainee falls under any of the following items, detention officers may confine them in an observation cell by order of the detention services manager:
(i) cases where the detainee is likely to self-harm;
(ii) cases falling under any of the following sub-items (a) through (c) where such confinement is especially necessary in order for maintaining discipline and order in the detention facility:
(a) cases where the detainee generates a loud voice or noise, against a

detention officer's order to cease doing so;

(b) cases where the detainee is likely to inflict injury on others;

(c) cases where the detainee is likely to damage or defile facilities, equipment, or any other property of the detention facility.

(2) The provisions of Article 79, paragraphs (2) through (6) apply mutatis mutandis to the confinement of a detainee in an observation cell. In this case, the term "warden of the penal institution" in the respective provisions of paragraphs (2) through (5) of the same Article is deemed to be replaced with "detention services manager,"; the term "prison officers" in paragraph (2) of the same Article is deemed to be replaced with "detention officers,"; the phrase "a medical doctor on the staff of the penal institution" in paragraph (5) of the same Article is deemed to be replaced with "a medical doctor commissioned by the detention services manager"; and the term "Ministry of Justice Order" in paragraph (6) of the same Article is deemed to be replaced with "Cabinet Office Order".

(Evacuation and Release during Disasters)

Article 215 (1) In cases of earthquakes, fires, or any other disaster where there is no means of evacuation available inside the detention facility, the detention services manager must escort detainees to an appropriate location.

(2) In the case prescribed in the preceding paragraph, if escorting detainees is not feasible, then the detention services manager may release them from the detention facility. The same applies in case of earthquake, fire, or any other disaster where escorting detainees to an appropriate location outside the detention facility for the objective of evacuation is not feasible.

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

Section 10 Contact with the Outside World

Subsection 1 Visits

(Visitors)

Article 216 When a person requests to visit any detainee other than the sentenced persons under detention, the detention services manager is to permit the detainee to receive the visit, except for when it is prohibited pursuant to the provisions of Article 228, paragraph (3); provided, however, that the foregoing does not apply where the detainee is an detainee awaiting a judicial decision and such visit is not permitted by the provisions of the Code of Criminal Procedure.

(Visitors of the Sentenced Person under Detention)

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

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

(ii) person who requires to visit in order to carry out business of personal, legal, or occupationally-important concern of the sentenced person under detention, such as reconciliation of marital relations, pursuance of a lawsuit, or maintaining a business;

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

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

(Attendance and Recording during Visits Other than Those from a Defense Counsel, etc.)

Article 218 (1) The detention services manager is to have a designated staff member attend any of the visits to detainees awaiting a judicial decisions (other than those visits by a defense counsel, etc.), or have the staff member make an audio or video recording of it.

(2) When it is deemed necessary for maintaining discipline and order in the detention facility or for any other reasons, the detention services manager may have a designated staff member attend visits (other than those visits by a defense counsel, etc.) for the detainees other than those awaiting a judicial decision, or make an audio or video recording of it.

(3) Notwithstanding the provisions of the preceding two paragraphs, and except

for when there are special circumstances in which it is deemed likely to disrupt discipline and order in the detention facility and the cases of an detainee awaiting a judicial decision where there are special circumstances in which it is deemed likely to cause the destruction of evidence of a crime, the detention services manager must not command the attendance, and audio or video recording of it with respect to the visits to a detainee by any of such persons as are set out under the following items:

(i) national or local government official who conducts an inquiry into the measures taken by the detention services manager toward the detainee, or any other treatment the detainee received;

(ii) attorney who discharges the duty prescribed in Article 3, paragraph (1) of the Attorney Act with regard to the measures taken by the detention services manager toward the detainee awaiting a judicial decision, or any other treatment the detainee received.

(Suspension and Termination of Visits)

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

(i) cases where the detainee or the visitor commits any act falling under either of acts set out under the following sub-items (a) or (b):

(a) an act breaching the restrictions stipulated pursuant to the provisions of paragraph (5) of the following Article;

(b) an act detrimental to discipline and order in the detention facility;

(ii) if the detainee or the visitor makes any oral statement whose contents fall under any of the following sub-items (a) through (c):

(a) content which a staff member who engages in the affairs of the detention is unable to comprehend due to a use of specific kinds of communication such as a code;

(b) content which conspire to, incite, or induce the commission of crime;

(c) content likely to disrupt discipline and order in the detention facility;

(iii) if the detainee awaiting a judicial decision or the visitor makes any oral statement that is likely to result in the destruction of evidence of a crime;

(iv) cases where the sentenced person under detention or the visitor makes any oral statement whose contents fall under either of the following sub-items (a) or (b):

(a) content likely to hinder the reformation and rehabilitation for the sentenced person under detention;

(b) in cases of a visit permitted by reason that the visit is necessary in order for carrying out a specific business, contents clearly deviates from what is required for carrying out the business.

(2) When a visit is suspended pursuant to the provisions of the preceding paragraph, if it is deemed inappropriate to continue the visit, then the detention services manager may terminate the visit.

(Restrictions on Visits)

Article 220 (1) The date and time of visits to a detainee by the defense counsel, etc. are during working hours of the detention facility for the day except Sunday and other days specified by Cabinet Order.

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

(3) Even when a defense counsel, etc. requests to visit a detainee not on the basis of the preceding two paragraphs, the detention services manager is to permit the detainee to receive the visit except for when it does hinder the management and administration of the detention facility.

(4) The detention services manager may, pursuant to Cabinet Office Order, impose restrictions on the visiting site that are necessary for either maintaining discipline and order or the management and administration of the detention facility as to the visit prescribed in paragraph (1).

(5) With respect to the visit to a detainee by a person other than a defense counsels, etc., the detention services manager may, pursuant to Cabinet Office Order, impose restrictions necessary for either maintaining discipline and order or the management and administration of the detention facility as to the number of visitors, the visiting site, date and time, duration and frequency of visits, and other conditions of visits.

(6) When the detention services manager imposes restrictions on the frequency of visits pursuant to the provisions of the preceding paragraph, the frequency must be not less than once per day.

Subsection 2 Correspondence

(Letters Permitted to Be Sent and Received)

Article 221 The detention services manager is to permit a detainee to send and receive letters to and from another person, except for when it is prohibited pursuant to the provisions of this Subsection or Article 228, paragraph (3); provided, however, that this does not apply in the cases of the detainee being an detainee awaiting a judicial decision where sending or receiving letters is not permitted by the provisions of the Code of Criminal Procedure.

(Examination of Letters)

Article 222 (1) The detention services manager is to have a designated staff member examine the letters a detainee awaiting a judicial decision sends and receives.

(2) When it is deemed necessary for maintaining discipline and order in the detention facility or for any other reasons, the detention services manager may have a designated staff member examine the letters the detainee who is not a detainee awaiting a judicial decision sends and receives.

(3) With regard to the letters set out under the following items, the designated staff member is to examine them to the extent necessary for ascertaining that the letters fall under any of the following items; provided, however, concerning the letters set forth in item (i), sub-item (c) and item (ii), sub-item (b), this does not apply to cases where there are special circumstances in which it is deemed likely to disrupt discipline and order in the detention facility and the cases of a detainee awaiting a judicial decision where there are special circumstances in which it is deemed likely to cause the destruction of evidence of a crime:

(i) letters received by the detainee from any of the persons set out in the following sub-items (a) through (c):

(a) defense counsel, etc.;

(b) national or local government agency;

(c) attorney (including a legal professional corporation, hereinafter the same applies in this Subsection) who discharges the duty prescribed in Article 3, paragraph (1) of the Attorney Act with regard to the measures taken by the detention services manager toward the detainee awaiting a judicial decision, or any other treatment the detainee received;

(ii) letters the detainee other than a detainee awaiting a judicial decision sends to any of the persons set out in the following sub-items (a) and (b):

(a) national or local government agency which conducts an inquiry into the measures taken by the detention services manager toward the detainee, or any other treatment the detainee received;

(b) attorney who discharges the duty prescribed in Article 3, paragraph (1) of the Attorney Act with regard to the measures taken by the detention services manager toward the detainee, or any other treatment the detainee received.

(Prohibition of Correspondence)

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

manager may prohibit the sentenced person under detention from sending to or receiving from them; provided, however, that this does not apply where the sentenced person sends to or receives from the persons in order to carry out business of personal, legal, or occupationally-important concern of the sentenced person under detention, such as reconciliation of marital relations, pursuance of a lawsuit, or maintaining a business.

(Prohibition of Letters by their Content)

Article 224 (1) When it is found, as the result of the examination pursuant to the provisions of Article 222, that all or a part of a letter a detainee sends or receives falls under the following items, the detention services manager may block the sending or receiving, or remove or erase the part of the letter. The same applies where all or a part of the letter set forth in the items of paragraph (3) of the same Article is found, in the course of ascertaining that the letter falls under the items thereunder, to fall under the following items:

(i) cases where the contents of the letter or a part thereof are the kind that a staff member who engages in the affairs of the detention is unable to understand due to a use of specific kinds of communication such as a code;

(ii) cases where there is a risk of either infringing penal laws and regulations or causing infringement of penal laws and regulations by sending or receiving the letter or a part thereof;

(iii) cases where there is a risk of disrupting discipline and order in the detention facility by sending or receiving the letter or a part thereof;

(iv) cases where there is a risk of either causing the addressee considerable unease or inflicting a loss to the addressee because the contents of the letter or a part thereof include intimidating descriptions or clearly false descriptions;

(v) cases where the contents of the letter or a part thereof include insulting descriptions of the addressee;

(vi) cases of the letters sent or received by detainees awaiting a judicial decision where there is a risk of causing the destruction of evidence of a crime;

(vii) cases of the letters sent or received by a sentenced person under detention where there is a risk of hindering of reformation and rehabilitation for the sentenced person under detention.

(2) Notwithstanding the provisions of the preceding paragraph, with regard to either letters a detainee sends to or receives from a national or local government agency and whose contents include the matters under the authority of the agency, or letters a detainee sends to or receives from an attorney and whose contents include the matters under the duty prescribed in Article 3, paragraph (1) of the Attorney Act with regard to the detainee, the

detention services manager may prohibit them being sent or received, or remove or erase the relevant part of them only when all or a part of the letter falls under any of items (i) through (iii) or item (vi) of the preceding paragraph.

(Restrictions on Letters)

Article 225 (1) The detention services manager may, pursuant to Cabinet Office Order, impose restrictions necessary for the management and administration of the detention facility upon the manner in preparing letters, the date and time to claim to send letters, the number of letters (except those claimed to send to a defense counsel, etc.) a detainee may make a claim to send, and the procedures for sending or receiving letters of the detainee.

(2) When the detention services manager imposes restrictions on the number of letters a detainee may make a claim to send pursuant to the provisions of the preceding paragraph, the number must be not less than one per day.

(Handling of Prohibited Letters, etc.)

Article 226 (1) The detention services manager is to retain the letter in case they prohibit or block the sending or receiving of it pursuant to the provisions of Article 223 or 224 or Article 228, paragraph (3), or is to retain the removed part of a letter in case they removes a part of a letter pursuant to the provisions of Article 224.

(2) When the detention services manager erases a part of descriptions in a letter pursuant to the provisions of Article 224, they are to make a copy of the part and retain it.

(3) The detention services manager is to deliver all or a part of the letter or the copy (hereinafter referred to as "prohibited letter, etc." in this Chapter) they retains pursuant to the provisions of the preceding two paragraphs to the detainee upon their release.

(4) If a detainee has deceased, the detention services manager is to, pursuant to Cabinet Office Order, deliver the prohibited letter, etc. to the bereaved family, etc. (i.e. persons such as the relatives of the deceased that are specified by Cabinet Office Order; the same applies in Article 239) upon claim thereof.

(5) Notwithstanding the provisions of the preceding two paragraphs, when there is a risk of hindering maintaining discipline and order in the detention facility by delivering the prohibited letter, etc., the detention services manager is not to deliver them. The same applies to the following cases where there is a risk of hindering maintaining discipline and order in the detention facility by the delivery thereof:

(i) cases where a released detainee requests delivery of the prohibited letter, etc. after release;

(ii) cases where a detainee who falls under either Article 54, paragraph (1),

item (i) or (ii) as applied mutatis mutandis pursuant to Article 198 requests delivery of the prohibited letter, etc.

(6) The provisions of Article 53, paragraph (1), Article 54, paragraph (1) (except for item (iii)), and Article 55, paragraphs (2) and (3) apply mutatis mutandis to the prohibited letter, etc. (except those not delivered pursuant to the provisions of the preceding paragraph) pertaining to a detainee. In this case, the term "National Treasury" in Article 53, paragraph (1), Article 54, paragraph (1), and Article 55, paragraph (3) is deemed to be replaced with "prefecture to which the detention facility belongs"; the phrase "Article 83, paragraph (2)" in Article 54, paragraph (1), item (ii) is deemed to be replaced with "Article 215, paragraph (2)"; the term "Article 176" in Article 55, paragraphs (2) and (3) is deemed to be replaced with "Article 239"; the term "warden of the penal institution" in Article 55, paragraph (2) is deemed to be replaced with "detention services manager"; and the phrase "claim set forth in paragraph (1)" in paragraph (3) of the same Article is deemed to be replaced with "claim set forth in Article 226, paragraph (4)".

(7) The prohibited letter, etc. not being delivered pursuant to the provisions of paragraph (5) is to be allocated to the prefecture to which the detention facility belongs on the day on which expires the period of three years starting either from the day of the release or the death of the detainee, or from the day on which the detainee has fallen under Article 54, paragraph (1), item (i) or (ii) as applied mutatis mutandis pursuant to the preceding paragraph.

(Mutatis-Mutandis Application of Provisions on Penal Institutions)

Article 227 The provisions of Article 131 and the provisions of Article 133 apply mutatis mutandis to the letters of a detainee and the documents and drawings of a detainee respectively. In this case, the term "warden of the penal institution" in the respective provisions is deemed to be replaced with "detention services manager," and "National Treasury" in Article 131 is deemed to be replaced with "prefecture to which the detention facility belongs" respectively.

Subsection 3 Visits and Correspondence in Foreign Languages

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

(2) When a detainee or the other party of correspondence does not have a

sufficient command of Japanese, or when it is deemed appropriate, the detention services manager is to permit the sending or receiving of a letter in a foreign language. In this case, if translation is necessary in order to examine the contents of the letter, then the detention services manager may, pursuant to Cabinet Office Order, charge the expenses thereby incurred to the detainee.

(3) When the detainee does not bear the expenses prescribed in the preceding two paragraphs, the visit or the correspondence must not be permitted.

Section 11 Appeals

Subsection 1 Claims for Review and Claims for Re-evaluation

(Claims for Review)

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

(i) prohibition of use or consumption of self-supplied articles pursuant to the provisions of Article 187 or Article 190, paragraph (1);

(ii) ruling of allocating objects to the prefecture pursuant to the provisions of Article 153 as applied mutatis mutandis pursuant to Article 190, paragraph (2) (including cases where it is applied mutatis mutandis pursuant to Article 208, paragraph (2));

(iii) prohibition of use of retained cash pursuant to the provisions of Article 196, or prohibition of delivery of retained personal effects, or retained cash and articles pursuant to the provisions of Article 197;

(iv) prohibition of receiving a medical treatment pursuant to the provisions of Article 202, paragraph (1), or suspension of medical treatment pursuant to the provisions of paragraph (4) of the same Article;

(v) prohibition of or restriction on religious acts prescribed in Article 205;

(vi) prohibition of or restriction on access to books, etc. pursuant to the provisions of Article 207, paragraph (1) or Article 208, paragraph (1), or Article 71 as applied mutatis mutandis pursuant to Article 209;

(vii) ruling of charging expenses pursuant to the provisions of Article 207, paragraph (2);

(viii) prohibition or blocking of, or restriction on correspondence or delivery of documents and drawings pursuant to the provisions of Article 223 or 224, or Article 225, paragraph (1), or Article 133 as applied mutatis mutandis pursuant to Article 227;

(ix) prohibition on the delivery of prohibited letters, etc. (limited to the delivery pursuant to provisions of paragraph (3) of the same Article) pursuant to the provisions of the first sentence of Article 226, paragraph (5);

(x) ruling of charging expenses pursuant to the provisions of paragraph (1) or (2) of the preceding Article.

(2) A claim for review pursuant to the preceding paragraph (hereinafter referred to simply as "claim for review" in this Section) must be filed within thirty days from the day immediately following the day on which the notification of a ruling has been made.

(3) The provisions of Article 157, paragraph (2), Article 158, paragraphs (2) and (3), Article 160, and Article 161, paragraph (1) of this Act, and the provisions of Article 15, Article 18, paragraph (3), Article 19, paragraphs (2) and (4), Article 22, paragraphs (1) and (5), Article 23, Article 25, paragraphs (1), (2) and (6), Articles 26, 27 and 39, Article 45, paragraphs (1) and (2), Article 46, paragraphs (1) main clause and (2) (except for item (ii)), Article 47 (except for the proviso and item (ii)), Article 48, Article 50, paragraphs (1) and (3), Articles 51, and Article 52, paragraphs (1) and (2) of the Administrative Appeal Act apply mutatis mutandis to the claim for review. In this case, the term "warden of the penal institution" in Article 158, paragraph (3) and Article 160, paragraph (2) is deemed to be replaced with "detention services manager"; the phrase "Superintendent of the Regional Correction Headquarters" in Article 160 and Article 161, paragraph (1) is deemed to be replaced with "Chief of Police"; the phrase "upon request of the applicant of the request for review or ex officio" in Article 25, paragraph (2) of the same Act is deemed to be replaced with "ex officio"; and the phrase "by both posting the notice on a bulletin board and publishing in the Official Gazette or other official bulletin or in a newspaper at least once" in Article 51, paragraph (3) of the same Act is deemed to be replaced with "by posting the notice on a bulletin board," and any other necessary technical replacement of terms is provided for by Cabinet Order.

(Claims for Re-Evaluation)

Article 230 (1) Any person who is dissatisfied with the administrative disposition on a claim for review may, pursuant to Cabinet Order, in writing, file a claim for re-evaluation with the public safety commission.

(2) A claim for re-evaluation pursuant to the provisions of the preceding paragraph (hereinafter referred to simply as "claim for re-evaluation" in this Section) must be filed within thirty days from the day immediately following the day on which the notification of the administrative disposition on a claim for review has been made.

(3) The provisions of Article 157, paragraph (2), Article 158, paragraph (2), Article 160, and Article 161, paragraph (1) of this Act, and the provisions of Article 15, Article 18, paragraph (3), Article 19, paragraphs (2) and (4), Article 23, paragraphs (1), (2), and 6 of Article 25, Articles 26, 27 and 39, Article 46, paragraphs (1) main clause and (2) (except for item (ii)), Article 47 (except for

the proviso and item (ii)), Article 48, Article 50, paragraph (1), Article 51, Article 52, paragraphs (1) and (2), Article 62, paragraph (2), and Article 64, paragraphs (1) through (3) of the Administrative Appeal Act apply mutatis mutandis to the claim for re-evaluation. In this case, the term "Superintendent of the Regional Correction Headquarters" in Article 160 and Article 161, paragraph (1) is deemed to be replaced with "public safety commission"; the term "warden of the penal institution" in Article 160, paragraph (2) is deemed to be replaced with "detention services manager"; the phrase "upon request of the applicant of the request for review or ex officio" in Article 25, paragraph (2) of the same Act is deemed to be replaced with "ex officio"; and the phrase "by both posting the notice on a bulletin board and publishing in the Official Gazette or other official bulletin or in a newspaper at least once" in Article 51, paragraph (3) of the same Act is deemed to be replaced with "by posting the notice on a bulletin board," and any other necessary technical replacement of terms is provided for by Cabinet Order.

Subsection 2 Reports of Cases

(Report of Cases to the Chief of Police)

Article 231 (1) A detainee may, if the acts of a staff member who engages in the affairs of the detention taken against them fall under any of the following acts, pursuant to Cabinet Order, report the case in writing to the Chief of Police:

(i) illegal use of physical force against body;

(ii) illegal or unjust use of restraining ropes, handcuffs, body restraint suits, or gags;

(iii) illegal or unjust confinement in an observation cell.

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

(3) The provisions of Article 157, paragraph (2), Article 158, paragraphs (2) and (3), Article 160, Article 161, paragraph (1), and Article 164, paragraphs (1), (2), and (4) of this Act, and the provisions of Article 18, paragraph (3), Article 22, paragraphs (1) and (5), Articles 23, 27, and 39, and Article 50, paragraphs (1) and (3) of the Administrative Appeal Act apply mutatis mutandis to the report pursuant to the provisions of paragraph (1). In this case, the term "warden of the penal institution" in Article 158, paragraph (3) and Article 160, paragraph (2) is deemed to be replaced with "detention services manager"; the term "Superintendent of the Regional Correction Headquarters" in Article 160, Article 161, paragraph (1), and Article 164, paragraphs (1), (2), and (4) is deemed to be replaced with "Chief of Police"; the phrase "paragraph (1) of the preceding Article" in the same paragraphs of Article 164 is deemed to be

replaced with "Article 231, paragraph (1)" and any other necessary technical replacement of terms is provided for by Cabinet Order.

(Reports of Cases to the Public Safety Commission)

Article 232 (1) Upon receiving a notification pursuant to the provisions of Article 164, paragraph (1) or (2) as applied mutatis mutandis pursuant to paragraph (3) of the preceding Article, if dissatisfied with its contents, the detainee may, pursuant to Cabinet Order, report the case prescribed in paragraph (1) of the preceding Article in writing to the public safety commission.

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

(3) The provisions of Article 157, paragraph (2), Article 158, paragraph (2), Article 160, Article 161, paragraph (1), and Article 164, paragraphs (1), (2), and (4) of this Act, and the provisions of Article 18, paragraph (3), Articles 23, 27, and 39, and Article 50, paragraph (1) of the Administrative Appeal Act apply mutatis mutandis to the report pursuant to the provisions of paragraph (1). In this case, the term "Superintendent of the Regional Correction Headquarters" in Article 160, Article 161, paragraph (1), and Article 164, paragraphs (1), (2), and (4) is deemed to be replaced with "public safety commission"; the term "warden of the penal institution" in Article 160, paragraph (2) is deemed to be replaced with "detention services manager"; the phrase "paragraph (1) of the preceding Article" in Article 164, paragraph (4) is deemed to be replaced with "Article 231, paragraph (1)," and any other necessary technical replacement of terms is provided for by Cabinet Order.

Subsection 3 Filing of Complaints

(Filing of Complaints with the Chief of Police)

Article 233 (1) A detainee may, in writing, file a complaint with the Chief of Police with regard to the measures taken by the detention services manager against them or any other treatment they received.

(2) The provisions of Article 157, paragraph (2) and Article 166, paragraph (3) apply mutatis mutandis to the filing of complaints with the Chief of Police set forth in the preceding paragraph.

(Filing of Complaints with the Inspector)

Article 234 (1) A detainee may, either orally or in writing, file a complaint with the inspector conducting the on-the-spot inspection pursuant to the provisions of Article 18 (hereinafter referred to simply as "inspector" in this Section) with regard to the measures taken by the detention services manager against them

or any other treatment they received.
(2) The provisions of Article 157, paragraph (2), Article 166, paragraph (3), and Article 167, paragraph (3) apply mutatis mutandis to the filing of complaints with the inspector set forth in the preceding paragraph. In this case, the term "staff members of the penal institution" in paragraph (3) of the same Article is deemed to be replaced with "staff members who engage in detention-related affairs"

(Filing of Complaints with the Detention Services Manager)
Article 235 (1) A detainee may, either orally or in writing, file a complaint with the detention services manager with regard to the measures taken by the detention services manager against them or any other treatment they received.
(2) The provisions of Article 157, paragraph (2), Article 166, paragraph (3), and Article 168, paragraph (3) apply mutatis mutandis to the filing of complaints with the detention services manager set forth in the preceding paragraph.

Subsection 4 Miscellaneous Provisions

(Secrecy of Filing)
Article 236 (1) The detention services manager must take necessary measures so that detainees may, upon filing claim for review, etc. (i.e. claim for review, claim for re-evaluation, or the report pursuant to the provisions of Article 231, paragraph (1) or Article 232, paragraph (1); hereinafter the same applies in the following paragraph and the following Article) or a complaint with the Chief of Police or the inspector, keep their contents secret to the staff members who engage in detention-related affairs.
(2) Notwithstanding the provisions of Article 222, no document for filing claim for review, etc. or for filing of complaints must be examined.

(Prohibition of Adverse Treatment)
Article 237 A staff member who engages in the affairs of the detention must not treat detainees in an adverse manner for the reason of filing claim for review, etc. or complaints.

Section 12 Release

Article 238 The provisions of Articles 171 through 173 and the provisions of Article 175 apply mutatis mutandis to the release of detainees and the detainees to be released respectively. In this case, the term "penal institution" in Article 171, items (ii) and (iv) is deemed to be replaced with "detention facility."

Section 13 Death

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

Section 14 Consultation with the Minister of Justice

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

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

Section 1 Commencement of Detention

(Notification upon Commencing Detention)

Article 241 (1) The Coast Guard detention services manager must, at the commencement of detention in the Coast Guard detention facility, notify Coast Guard detainees of the following matters in accordance with their status as a Coast Guard detainee:

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

(ii) matters pertaining to the handling of money and other goods, such as retained personal effects prescribed in Article 250, paragraph (1);

(iii) matters pertaining to hygiene and medical care;

(iv) matters pertaining to religious acts;

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

(vi) matters pertaining to the compliance rules prescribed in Article 262, paragraph (1);

(vii) matters pertaining to visits and correspondence;

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

(ix) matters pertaining to the report pursuant to the provisions of Article 277, paragraph (1), such as the acts against which a report may be filed pursuant to the provisions of the same paragraph, the destination of the report, and

the reporting period;

(x) matters pertaining to the filing of complaints.

(2) The notification pursuant to the preceding paragraph is made in writing, pursuant to Order of the Ministry of Land, Infrastructure, Transport, and Tourism.

(Examination for Physical Identification)

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

(2) The examination of female Coast Guard detainees pursuant to the provisions of the preceding paragraph must be conducted by female Coast Guard detention officers; provided, however, when female Coast Guard detention officers are unable to conduct the examination, a male Coast Guard detention officer may conduct it by directing female staff members whom the Coast Guard detention services manager designates.

Section 2 How Detainees Are to Be Treated

Article 243 (1) Treatment of Coast Guard detainees (except for the cases specified by Order of the Ministry of Land, Infrastructure, Transport, and Tourism, such as cases of exercise, bathing, or visits) is conducted in a Coast Guard detainee's room (i.e. a room which the Coast Guard detention services manager assigns as a place used by Coast Guard detainees mainly for rest and sleep; the same applies in this Article and Article 264) both day and night, except for when it is deemed appropriate to conduct it in the outside of the Coast Guard detainee's room.

(2) Coast Guard detainees awaiting a judicial decision need not be detained in isolation (limited to those detained in Coast Guard detention facilities; hereinafter the same applies in this Chapter) only when it is deemed that there is no risk of hindering the prevention of destruction of evidence of a crime.

(3) No detainee awaiting a judicial decision may be permitted to make mutual contact even outside of their room except for in the case prescribed in the preceding paragraph.

Section 3 Schedules of Daily Activities

Article 244 The Coast Guard detention services manager is to, pursuant to Order of the Ministry of Land, Infrastructure, Transport, and Tourism, establish the daily schedule of meals, sleeping, and other daily routine

activities and notify the Coast Guard detainees thereof.

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

Article 245 The provisions of Articles 186 through 189 apply mutatis mutandis to the matters pertaining to lending, supplying, and self-supplying of articles concerning the Coast Guard detainees detained at a Coast Guard detention facility. In this case, the term "Cabinet Office Order" in Article 186, paragraph (2), Article 187, and Article 188, paragraph (1), item (iii) is deemed to be replaced with "Order of the Ministry of Land, Infrastructure, Transport, and Tourism"; the term "detention services manager" in Article 187 is deemed to be replaced with "Coast Guard detention services manager"; and the phrase ", cases where such permission is prohibited pursuant to the provisions of Article 190, and the cases of the sentenced person under detention where such permission is likely to impose hindrance to the correction and rehabilitation on them" in Article 187 is to be deleted.

Section 5 Handling of Cash and Other Articles

(Examination of Cash and Other Articles)

Article 246 Coast Guard detention officers may examine the following cash and other articles:

(i) cash and articles a Coast Guard detainee carries at the time of detention;

(ii) cash and articles a Coast Guard detainee obtained while in custody (except for such articles as letters; the same applies in the following item) but not the cash and the articles set forth in the following item (except for the articles supplied by the Coast Guard detention services manager);

(iii) cash and articles a person other than the Coast Guard detainee concerned brought or sent to the Coast Guard detention facility to deliver to the Coast Guard detainee.

(Handling of Articles in Possession at the Time of Detention)

Article 247 (1) When any of the articles set forth in item (i) or (ii) of the preceding Article falls under any of the following items, the Coast Guard detention services manager is to request the Coast Guard detainee to deliver the article to the Coast Guard detainee's relative or other persons deemed appropriate, or to make other appropriate dispositions:

(i) cases where the article is inconvenient to keep in custody;

(ii) cases where the article is likely to be decomposed or perish;

(iii) cases where the article is likely dangerous.

(2) The provisions of Article 45, paragraph (2) apply mutatis mutandis to cases

where the Coast Guard detention services manager requests the handling of articles to the Coast Guard detainee pursuant to the preceding paragraph.

(Request to Accept Articles from Outside)

Article 248 (1) When any of the cash or the articles set forth in Article 246, item (iii) falls under any of the following items, the Coast Guard detention services manager is to request the outside supplier to retrieve the article:

(i) cases where delivering the article to the Coast Guard detainee is likely to disrupt discipline and order in the Coast Guard detention facility;

(ii) cases where the recipient is a detainee awaiting a judicial decision, and the acceptance of the article is not permitted pursuant to the provisions of the Code of Criminal Procedure;

(iii) cases where the article is from an outside supplier whose name is anonymous;

(iv) cases of the articles other than self-supplied articles, etc.;

(v) cases where the article falls under any of the items of paragraph (1) of the preceding Article.

(2) When any of the cash or the articles prescribed in Article 246, item (iii) falls under any of items (i) through (iii) of the preceding paragraph, if it is not feasible to make a request pursuant to the provisions of the same paragraph because the outside supplier's whereabouts are unknown, the Coast Guard detention services manager must make a public notice to this effect by the means prescribed by Cabinet Order.

(3) When the outside supplier does not retrieve the cash or the article prescribed in the preceding paragraph until the day on which six months starting from the day on which the request pursuant to the provisions of paragraph (1) was made expires, or from the day on which the public notice was made pursuant to the provisions of the preceding paragraph, the cash or the article is to be allocated to the National Treasury.

(4) The Coast Guard detention services manager may dispose of the article prescribed in paragraph (2) which falls under paragraph (1), item (v) by sale and retain the proceeds even within the period set forth in the preceding paragraph; provided, however, that they may destroy the article if it is unsalable.

(5) When any of the cash or the articles prescribed in Article 246, item (iii) falls under paragraph (1), item (iv) or (v) (except such articles as those that fall under any of items (i) through (iii) of the same paragraph), if it is not feasible to make a request pursuant to the provisions of the same paragraph because the outside supplier's whereabouts are unknown, or if it is inappropriate to make the request, or if the outside supplier has refused to retrieve the cash or the article, then the Coast Guard detention services manager is to request the

Coast Guard detainee to deliver the cash or the article to the Coast Guard detainee's relative or other appropriate persons, or to make other appropriate dispositions.

(6) The provisions of Article 45, paragraph (2) apply mutatis mutandis to cases where the Coast Guard detention services manager requests the handling of articles to the Coast Guard detainee pursuant to the preceding paragraph.

(7) When a Coast Guard detainee refuses to receive any of the cash or the articles prescribed in Article 246, item (iii) which does not fall under any of the items of paragraph (1), the Coast Guard detention services manager is to request the outside supplier to retrieve the cash or the article. The provisions of paragraphs (2) and (3) apply mutatis mutandis to the cases set out in the foregoing.

(Delivery and Retention of Articles)

Article 249 (1) Such articles set forth hereunder that are permitted for a Coast Guard detainee to use or consume pursuant to the provisions of this Act are delivered to the Coast Guard detainee:

(i) articles set forth in Article 246, item (i) or (ii) which do not fall under any of the items of Article 247, paragraph (1);

(ii) articles set forth in Article 246, item (iii) which do not fall under any of the items of paragraph (1) of the preceding Article (except those the Coast Guard detainee refused to receive).

(2) The Coast Guard detention services manager is to retain the following cash or articles:

(i) articles set forth in the items of the preceding paragraph other than those permitted for the Coast Guard detainee to use or consume pursuant to the provisions of this Act;

(ii) the cash set forth in the items of Article 246 and does not fall under paragraph (1), item (i) or (iii) of the preceding Article.

(Retained Personal Effects)

Article 250 (1) The Coast Guard detention services manager may, pursuant to Order of the Ministry of Land, Infrastructure, Transport, and Tourism, impose restrictions necessary for the management and administration of the Coast Guard detention facility on the means of retention of retained personal effects (articles retained by a Coast Guard detainee following the receipt thereof pursuant to the provisions of paragraph (1) of the preceding Article (including the articles retained following the receipt thereof pursuant to the provisions of Article 48, paragraph (5) as applied mutatis mutandis pursuant to paragraph (3)) and letters received and retained by the Coast Guard detainee; hereinafter the same applies in this Chapter).

(2) When the total volume of retained personal effects (except those specified by Order of the Ministry of Land, Infrastructure, Transport, and Tourism) of a Coast Guard detainee (hereinafter referred to as "total volume of personal effects" in the following Article) exceeds the maximum self-retention volume (i.e. a volume determined by the Coast Guard detention services manager according to the respective status as a Coast Guard detainee as the volume of articles which may be self-retained by each Coast Guard detainee; hereinafter the same applies in the following Article), or when the total volume of articles (except those specified by Order of the Ministry of Land, Infrastructure, Transport, and Tourism) retained for a Coast Guard detainee (hereinafter referred to as "total retention volume" in the following Article) exceeds the maximum retention volume (i.e. a volume determined by the Coast Guard detention services manager according to the respective status as a Coast Guard detainee as the volume of articles which may be retained; hereinafter the same applies in the following Article), the Coast Guard detention services manager may request the Coast Guard detainee to render the excess portion of the articles to the Coast Guard detainee's relative or other persons considered to be appropriate, or to make other appropriate dispositions. The same applies to the articles which have decomposed or perished.

(3) The provisions of Article 45, paragraph (2), the provisions of Article 48, paragraph (4), and the provisions of paragraph (5) of the same Article apply mutatis mutandis to cases where the Coast Guard detention services manager requests the handling of articles to the Coast Guard detainee pursuant to the preceding paragraph, to the retained personal effects of Coast Guard detainees, and to the retained articles of Coast Guard detainees respectively. In this case, the term "warden of the penal institution" in the respective provisions is deemed to be replaced with "Coast Guard detention services manager."

(Use of Retained Cash)

Article 251 When a Coast Guard detainee applies to spend the cash being retained in order to either purchase self-supplied articles, etc. or to apply it to the expenses to be incurred by them in the course of their daily life in the Coast Guard detention facility, the Coast Guard detention services manager is to permit them to spend the necessary amount of cash; provided, however, that this does not apply to cases where the spending of cash for the purchase of self-supplied articles, etc. falls under any of the following items:

(i) cases where the consequent total volume of personal effects is expected to exceed the maximum self-retention volume, or the consequent total retention volume is expected to exceed the maximum retention volume after the purchase;

(ii) cases where the Coast Guard detainee is a detainee awaiting a judicial

decision and they are not permitted to receive self-supplied articles they purchase under the provisions of the Code of Criminal Procedure.

(Delivery of Retained Personal Effects, and Retained Cash or Articles)

Article 252 When a Coast Guard detainee applies to deliver either the retained personal effects or the cash and articles being retained (except such articles as those that fall under the documents and drawings prescribed in Article 133 as applied mutatis mutandis pursuant to Article 273) to another person (except those being detained in the Coast Guard detention facility concerned) (except such delivery that falls under the delivery of a letter), the Coast Guard detention services manager is to permit the Coast Guard detainee to do so except cases falling under any of the following items:

(i) cases where there is a risk of disrupting maintaining discipline and order in the Coast Guard detention facility accrued by such delivery to the Coast Guard detainee (except for when the recipient of such delivery is the Coast Guard detainee's relative);

(ii) cases where the Coast Guard detainee is a detainee awaiting a judicial decision and such delivery of the article is not permitted pursuant to the provisions of the Code of Criminal Procedure.

(Mutatis-Mutandis Application of Provisions on Penal Institutions)

Article 253 The provisions of Article 51 apply mutatis mutandis to the restrictions on the delivery and the purchase of articles by the Coast Guard detention services manager, and the provisions of Article 52 apply mutatis mutandis to the delivery of retained cash and articles by the Coast Guard detention services manager, and the provisions of Articles 53, 54 (except for paragraph (1), item (iii)), and 55 apply mutatis mutandis to the left property by Coast Guard detainees (i.e. cash and articles left in the Coast Guard detention facility; the same applies in Article 285). In this case, the phrase "this Section" in Article 51 is deemed to be replaced with "Section 5 of Chapter IV"; the term "Ministry of Justice Order" in the same Article and Article 55, paragraph (1) is deemed to be replaced with "Order of the Ministry of Land, Infrastructure, Transport, and Tourism"; the terms "inmates" and "inmate" in Articles 51 and 52 is deemed to be replaced with "Coast Guard detainees" and "Coast Guard detainee" respectively; the phrase "management and administration of the penal institution" in Article 51 is deemed to be replaced with "management and administration of the Coast Guard detention facility"; the term "warden of the penal institution" in Article 53, paragraph (2), and Article 55, paragraph (2) is deemed to be replaced with "Coast Guard detention services manager"; the phrase "Article 83, paragraph (2)" in Article 54, paragraph (1), item (ii) is deemed to be replaced with "Article 263, paragraph (2)"; and the term "Article

176" in Article 55, paragraphs (2) and (3) is deemed to be replaced with "Article 285."

Section 6 Hygiene and Medical Care

(Principles of Hygiene and Medical Care)

Article 254 At Coast Guard detention facilities, efforts are to be made to understand the physical and mental conditions of the Coast Guard detainees, and hygienic and medical measures adequate in light of the public standards of hygiene and medical care are to be taken in order to maintain the health of the Coast Guard detainees and the hygiene inside the Coast Guard detention facilities.

(Physical Exercise)

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

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

Article 256 The provisions of Articles 58 and 59, Article 200, paragraph (1), and Articles 201 through 203, and the provisions of Articles 64 and 65 apply mutatis mutandis to the Coast Guard detainees and the measures toward the Coast Guard detainees by the Coast Guard detention services managers respectively. In this case, the terms "Ministry of Justice Order" in Articles 59 and 64, and "Cabinet Office Order" in Article 202, paragraphs (1) and (3) and Article 203 is deemed to be both replaced with "Order of the Ministry of Land, Infrastructure, Transport, and Tourism"; The terms "penal institution" in Article 59 and "detention facility" in Article 200, paragraph (1) and Article 202, paragraph (1) is deemed to be replaced with "Coast Guard detention facility"; the phrases "inside the penal institution" and "medical examination pursuant to the provisions of Article 61 or the medical treatment pursuant to the provisions of Article 62" in Article 64 is deemed to be replaced with "inside the Coast Guard detention facility" and "medical treatment pursuant to the provisions of Article 201 as applied mutatis mutandis pursuant to Article 256" respectively; the phrase "outside the penal institution" in Article 65, paragraph (2) is deemed to be replaced with "outside the Coast Guard detention facility"; the term "detention services manager" in Article 200, paragraph (1) and Articles 201 through 203 is deemed to be replaced with "Coast Guard detention services manager"; and the term "detention officers" in Article 200, paragraph (1) and the term "a staff member who engages in the affairs of the detention "

in Article 202, paragraph (2) is deemed to be replaced with "Coast Guard detention officer" respectively.

Section 7 Religious Acts

Article 257 Worship and other religious acts which a Coast Guard detainee performs individually are not prohibited nor restricted; provided, however, that this does not apply where there is a risk of hindering either maintaining discipline and order or the management and administration of the Coast Guard detention facility.

Section 8 Access to Books, etc.

(Access to Self-Supplied Books, etc.)

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

Article 259 (1) The Coast Guard detention services manager may prohibit a Coast Guard detainee's access to self-supplied books, etc., if the access leads to any of the following:

(i) cases where there is a risk of disrupting discipline and order in the Coast Guard detention facility;

(ii) cases where the Coast Guard detainee is a detainee awaiting a judicial decision, and there is a risk of causing the destruction of evidence of a crime.

(2) When a translation of self-supplied books, etc. is necessary in order to examine whether or not to prohibit the access pursuant to the preceding paragraph, the Coast Guard detention services manager may, pursuant to Order of the Ministry of Land, Infrastructure, Transport, and Tourism, charge the expenses to the Coast Guard detainee. In this case, if the Coast Guard detainee has refused to incur the expenses, access to the books, etc. is prohibited.

(Mutatis-Mutandis Application of Provisions on Penal Institutions)

Article 260 The provisions of Article 71 and the provisions of Article 72, paragraph (1) apply mutatis mutandis to the restrictions on the newspapers by the Coast Guard detention services manager and the measures such as the provision of opportunity to access to news report on current affairs by the Coast Guard detention services manager respectively. In this case, the term "Ministry of Justice Order" in Article 71 is deemed to be replaced with "Order of the Ministry of Land, Infrastructure, Transport, and Tourism"; the term

"inmates" in the same Article and Article 72, paragraph (1) is deemed to be replaced with "Coast Guard detainees"; and the phrase "management and administration of the penal institution" in Article 71 is deemed to be replaced with "management and administration of the Coast Guard detention facility".

Section 9 Maintaining Discipline and Order

(Discipline and Order in Coast Guard Detention Facilities)

Article 261 (1) Discipline and order in the Coast Guard detention facility must be maintained appropriately.

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

(Compliance Rules)

Article 262 (1) Coast Guard detention services managers are to determine the rules to be observed by Coast Guard detainees (hereinafter referred to as "compliance rules" in this Chapter).

(2) Compliance rules are to stipulate in a specific manner matters such as those set out under the following items in accordance with respective status as a Coast Guard detainee:

(i) prohibition against criminal acts;

(ii) prohibition against any behavior or statement made in a rude or outrageous manner, or any act causing trouble to others;

(iii) prohibition against self-harm;

(iv) prohibition against obstructing Coast Guard detention officers from performing their duties;

(v) prohibition against acts likely to hamper the secure custody of themselves or other Coast Guard detainees;

(vi) prohibition against acts which may disrupt the security of the Coast Guard detention facility;

(vii) prohibition against acts detrimental to hygiene or public morals inside the Coast Guard detention facility;

(viii) prohibition against the wrongful use, possession, transfer, etc. of cash and articles;

(ix) beyond what is set forth in the preceding items, matters necessary for maintaining discipline and order in the Coast Guard detention facility;

(x) prohibition against any attempt to commit, incitement, inducement, or aid of acts against the compliance rules which stipulate the matters set forth in the preceding items.

(3) Beyond what is provided for in the preceding two paragraphs, the Coast Guard detention services manager or a Coast Guard detention officer may, if necessary to maintain discipline and order in the Coast Guard detention facility, give instructions to Coast Guard detainees with regard to their life and behavior.

(Evacuation and Release during Disasters)

Article 263 (1) In cases of earthquakes, fires, or any other disaster where there is no means of evacuation available inside the Coast Guard detention facility, the Coast Guard detention services manager must escort Coast Guard detainees to an appropriate location.

(2) In the case prescribed in the preceding paragraph, if escorting Coast Guard detainees is not feasible, then the Coast Guard detention services manager may release them from the Coast Guard detention facility. The same applies in cases of earthquakes, fires, or any other disaster where escorting Coast Guard detainees to an appropriate location outside the Coast Guard detention facility for the objective of evacuation is not feasible.

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

(Mutatis-Mutandis Application of Provisions on Penal Institutions)

Article 264 The provisions of Article 75 apply mutatis mutandis to body searches, searches of clothes, personal belongings, and rooms as well as the keeping in custody of personal belongings of Coast Guard detainees, and searches of clothes and personal belongings as well as the keeping in custody of personal belongings of persons other than the Coast Guard detainees, and the provisions of Article 78 apply mutatis mutandis to the use of the restraining ropes, handcuffs, and body restraint suits by the Coast Guard detention officers respectively. In this case, the term "penal institution" in Article 75, paragraphs (1) and (3) and Article 78, paragraph (1), item (iii) is deemed to be replaced with "Coast Guard detention facility"; the phrase "Article 34, paragraph (2)" in Article 75, paragraph (2) is deemed to be replaced with "Article 242, paragraph (2)"; the terms "inmate" and "inmates" in Article 78, paragraphs (1), (2), and (6) is deemed to be replaced with "Coast Guard detainee" and "Coast Guard detainees"; the term "Ministry of Justice Order" in paragraphs (1) and (7) of the same Article is deemed to be replaced with "Order of the Ministry of Land, Infrastructure, Transport, and Tourism"; the term "warden of the penal institution" in paragraphs (2) through (6) of the same Article is deemed to be replaced with "Coast Guard detention services manager"; and the term "a

medical doctor on the staff of the penal institution" in the same paragraph is deemed to be replaced with "a medical doctor commissioned by the Coast Guard detention services manager".

Section 10 Contact with the Outside World

Subsection 1 Visits

(Visitors)

Article 265 When a person requests to visit a Coast Guard detainee, the Coast Guard detention services manager is to permit the Coast Guard detainee to receive the visit, except for when it is prohibited pursuant to the provisions of Article 274, paragraph (3); provided, however, that the foregoing does not apply where the Coast Guard detainee is an detainee awaiting a judicial decision and such visit is not permitted by the provisions of the Code of Criminal Procedure.

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

Article 266 (1) Coast Guard detention services managers are to have a Coast Guard detention officer attend the visits to detainees awaiting a judicial decisions (other than those visits by a defense counsel, etc.), or have the officer make an audio or video recording of it.

(2) When it is deemed necessary for maintaining discipline and order in the Coast Guard detention facility or for any other reasons, the Coast Guard detention services manager may have a Coast Guard detention officer attend visits (other than those visits by a defense counsel, etc.) to Coast Guard detainees other than those awaiting a judicial decision, or make an audio or video recording of them.

(3) Notwithstanding the provisions of the preceding two paragraphs, and except for when there are special circumstances in which it is deemed likely to disrupt discipline and order in the Coast Guard detention facility and cases regarding a detainee awaiting a judicial decision under detention where there are special circumstances in which it is deemed likely to cause the destruction of evidence of a crime, the Coast Guard detention services manager must not demand attendance of visits by any of the following persons to Coast Guard detainees, and the audio or video recording of visits:

(i) national or local government officials who conduct inquiries into the measures taken by the Coast Guard detention services manager toward the Coast Guard detainee, or any other treatment the Coast Guard detainee received;

(ii) attorneys who discharge the duty prescribed in Article 3, paragraph (1) of

the Attorney Act with regard to the measures taken by the Coast Guard detention services manager toward the Coast Guard detainee, or any other treatment the Coast Guard detainee received.

(Suspension and Termination of Visits)

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

(i) cases where the Coast Guard detainee or the visitor commits any act falling under either of acts set out under the following sub-items (a) or (b):

(a) an act breaching the restrictions stipulated under Article 220, paragraph (5) as applied mutatis mutandis pursuant to the provisions of the following Article;

(b) an act detrimental to discipline and order in the Coast Guard detention facility;

(ii) if the Coast Guard detainee or the visitor makes any oral statement whose contents fall under any of the following sub-items (a) through (c):

(a) contents which the Coast Guard detention officer is unable to comprehend due to the use of specific kinds of communication such as code;

(b) content which conspire to, incite, or induce the commission of crime;

(c) Content likely to disrupt discipline and order in the Coast Guard detention facility;

(iii) if the detainee awaiting a judicial decision or the visitor makes any oral statement that is likely to result in the destruction of evidence of a crime.

(2) When a visit is suspended pursuant to the provisions of the preceding paragraph, if it is deemed inappropriate to continue the visit, then the Coast Guard detention services manager may terminate the visit.

(Mutatis-Mutandis Application of Provisions on Detention Facilities)

Article 268 The provisions of Article 220 apply mutatis mutandis to visits received by Coast Guard detainees. In this case, the term "detention facility" in paragraph (1) and paragraphs (3) through (5) of the same Article is deemed to be replaced with "Coast Guard detention facility" the term "detention services manager" in paragraphs (3) through (5) of the same Article is deemed to be replaced with "Coast Guard detention services manager"; and the term "Cabinet Office Order" in paragraphs (4) and (5) of the same Article is deemed to be replaced with "Order of the Ministry of Land, Infrastructure, Transport, and Tourism."

Subsection 2 Correspondence

(Letters Permitted to Be Sent and Received)

Article 269 The Coast Guard detention services manager is to permit a Coast Guard detainee to be sent and receive letters to and from another person, except for when it is prohibited pursuant to the provisions of this Subsection or Article 274, paragraph (3); provided, however, that this does not apply in the cases of the Coast Guard detainee being a detainee awaiting a judicial decision where sending or receiving letters is not permitted by the provisions of the Code of Criminal Procedure.

(Examination of Letters)

Article 270 (1) Coast Guard detention services managers are to have a Coast Guard detention officer examine the letters a detainee awaiting a judicial decision sends and receives.

(2) When it is deemed necessary for maintaining discipline and order in the Coast Guard detention facility or for any other reasons, the Coast Guard detention services manager may have a Coast Guard detention officer examine the letters the Coast Guard detainee who is not a detainee awaiting a judicial decision sends and receives.

(3) With regard to the letters set out under the following items, Coast Guard detention officers are to examine them to the extent necessary for ascertaining that the letters fall under any of the following items; provided, however, concerning the letters set forth in item (i), sub-item (c) and item (ii), sub-item (b), that this does not apply to cases where there are special circumstances in which it is deemed likely to disrupt discipline and order in the Coast Guard detention facility and cases of a detainee awaiting a judicial decision where there are special circumstances in which it is deemed likely to cause the destruction of evidence of a crime:

(i) letters received by Coast Guard detainees from any of the persons set out in the following sub-items (a) through (c):

(a) defense counsel, etc.;

(b) national or local government agency;

(c) attorney (including a legal professional corporation, hereinafter the same applies in this Subsection) who discharges the duty prescribed in Article 3, paragraph (1) of the Attorney Act with regard to the measures taken by a Coast Guard detention services manager toward a Coast Guard detainee, or any other treatment the Coast Guard detainee received;

(ii) letters the Coast Guard detainee other than a detainee awaiting a judicial decision sends to any of the persons set out in the following sub-items (a) and

(b):

(a) national or local government agency which conducts an inquiry into the measures taken by a Coast Guard detention services manager toward a Coast Guard detainee, or any other treatment received by a Coast Guard detainee who is not a detainee awaiting a judicial decision;

(b) attorney who discharges the duty prescribed in Article 3, paragraph (1) of the Attorney Act with regard to the measures taken by a Coast Guard detention services manager toward a Coast Guard detainee, or any other treatment the Coast Guard detainee received.

(Prohibition of Letters by Their Content)

Article 271 (1) When it is found, as the result of the examination pursuant to the provisions of the preceding Article, that all or a part of a letter a Coast Guard detainee sends or receives falls under the following items, the Coast Guard detention services manager may block the sending or receiving, or remove or erase the part of the letter. The same applies where all or a part of the letter set forth in the items of paragraph (3) of the same Article is found, in the course of ascertaining that the letter falls under the items thereunder, to fall under the following items:

(i) cases where the content of the letter or a part thereof are the kind that the Coast Guard detention officer is unable to understand due to a use of specific kinds of communication such as code;

(ii) cases where there is a risk of either infringing on penal laws and regulations or causing infringement of penal laws and regulations by sending or receiving the letter or a part thereof;

(iii) cases where there is a risk of disrupting discipline and order in the Coast Guard detention facility by sending or receiving the letter or a part thereof;

(iv) cases where there is a risk of either causing the addressee considerable unease or inflicting a loss to the addressee because the content of the letter or a part thereof includes intimidating descriptions or clearly false descriptions;

(v) cases where the content of the letter or a part thereof is insulting to the addressee;

(vi) cases of the letters sent or received by detainee awaiting a judicial decision where there is a risk of causing the destruction of evidence of a crime.

(2) Notwithstanding the provisions of the preceding paragraph, with regard to either letters a Coast Guard detainee sends to or receives from a national or local government agency and whose content includes matters under the authority of the agency, or letters a Coast Guard detainee sends to or receives from an attorney and whose content include matters under the duty prescribed in Article 3, paragraph (1) of the Attorney Act with regard to the Coast Guard

detainee, the Coast Guard detention services manager may prohibit them from being sent or received, or remove or erase the relevant part of them only when all or a part of the letter falls under any of items (i) through (iii) or item (vi) of the preceding paragraph.

(Handling of Prohibited Letters, etc.)

Article 272 (1) Coast Guard detention services managers are to retain letters when they prohibit or block the sending or receiving of them pursuant to the provisions of the preceding Article or Article 274, paragraph (3), or are to retain the removed part of the letter when they remove a part of a letter pursuant to the provisions of the preceding Article.

(2) When a Coast Guard detention services manager erases a part of descriptions in a letter pursuant to the provisions of the preceding Article, they are to make a copy of the relevant part and retain it.

(3) Coast Guard detention services managers are to deliver all or a part of the letter or the copy (hereinafter referred to as "prohibited letter, etc." in this Chapter) they retain pursuant to the provisions of the preceding two paragraphs to the Coast Guard detainee upon their release.

(4) If a Coast Guard detainee dies, the Coast Guard detention services managers are to, pursuant to Order of the Ministry of Land, Infrastructure, Transport, and Tourism, deliver the prohibited letter, etc. to the bereaved family, etc. (i.e. persons such as the relatives of the deceased that are specified by Order of the Ministry of Land, Infrastructure, Transport, and Tourism; the same applies in Article 285) upon claim thereof.

(5) Notwithstanding the provisions of the preceding two paragraphs, when there is a risk of hindering maintaining discipline and order in the Coast Guard detention facility by delivering the prohibited letter, etc., the Coast Guard detention services manager is not to deliver them. The same applies to the following cases where there is a risk of hindering maintaining discipline and order in the Coast Guard detention facility by the delivery thereof:

(i) cases where a released Coast Guard detainee requests delivery of the prohibited letter, etc. after release;

(ii) cases where a Coast Guard detainee who falls under either Article 54, paragraph (1), item (i) or (ii) as applied mutatis mutandis pursuant to Article 253 requests delivery of the prohibited letter, etc.

(6) The provisions of Article 53, paragraph (1), Article 54, paragraph (1) (except for item (iii)), and Article 55, paragraphs (2) and (3) apply mutatis mutandis to the prohibited letter, etc. (except those not delivered pursuant to the provisions of the preceding paragraph) pertaining to a Coast Guard detainee. In this case, the phrase "Article 83, paragraph (2)" in Article 54, paragraph (1), item (ii) is deemed to be replaced with "Article 263, paragraph (2)"; the term "Article 176"

in Article 55, paragraphs (2) and (3) is deemed to be replaced with "Article 285"; the term "warden of the penal institution" in paragraph (2) of the same Article is deemed to be replaced with "Coast Guard detention services manager"; and the phrase "claim set forth in paragraph (1)" in paragraph (3) of the same Article is deemed to be replaced with "claim set forth in Article 272, paragraph (4)".

(7) The prohibited letter, etc. not being delivered pursuant to the provisions of paragraph (5) is to be allocated to the National Treasury on the day on which a period of three years starting either from the day of the release or the death of the Coast Guard detainee expires, or from the day on which the Coast Guard detainee has fallen under Article 54, paragraph (1), item (i) or (ii) as applied mutatis mutandis pursuant to the preceding paragraph.

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

Article 273 The provisions of Article 131, the provisions of Article 133, and the provisions of Article 225 apply mutatis mutandis to the letters of a Coast Guard detainee and the documents and drawings of a Coast Guard detainee, and the restrictions on the letters of a Coast Guard detainee by a Coast Guard detention services manager, respectively. In this case, the term "warden of the penal institution" in Articles 131 and 133 is deemed to be replaced with "Coast Guard detention services manager"; and the terms "Cabinet Office Order" and "detention facility" in Article 225, paragraph (1) are deemed to be replaced with "Order of the Ministry of Land, Infrastructure, Transport, and Tourism" and "Coast Guard detention facility" respectively.

Subsection 3 Visits and Correspondence in Foreign Languages

Article 274 (1) When a Coast Guard detainee or the other party of a visit does not have a sufficient command of Japanese, a Coast Guard detention services manager is to permit the visit in a foreign language. In this case, if translation is necessary in order to examine the oral statements, a Coast Guard detention services manager may, pursuant to Order of the Ministry of Land, Infrastructure, Transport, and Tourism, charge the expenses thereby incurred to the Coast Guard detainee.

(2) When a Coast Guard detainee or the other party of correspondence does not have a sufficient command of Japanese, or when it is deemed appropriate, the Coast Guard detention services manager is to permit the sending or receiving of a letter in a foreign language. In this case, if translation is necessary in order to examine the contents of the letter, then the Coast Guard detention services manager may, pursuant to Order of the Ministry of Land,

Infrastructure, Transport, and Tourism, charge the expenses thereby incurred to the Coast Guard detainee.

(3) When the Coast Guard detainee does not bear the expenses prescribed in the preceding two paragraphs, the visit or the correspondence must not be permitted.

Section 11 Appeal

Subsection 1 Claims for Review and Claims for Re-evaluation

(Claims for Review)

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

(i) prohibition of use or consumption of self-supplied articles pursuant to the provisions of Article 187 as applied mutatis mutandis pursuant to Article 245;

(ii) prohibition of use of retained cash pursuant to the provisions of Article 251, or prohibition of delivery of retained personal effects, or retained cash and articles pursuant to the provisions of Article 252;

(iii) prohibition of receiving a medical treatment pursuant to the provisions of Article 202, paragraph (1) as applied mutatis mutandis pursuant to Article 256, or suspension of medical treatment pursuant to the provisions of Article 202, paragraph (4) as applied mutatis mutandis pursuant to Article 256;

(iv) prohibition of or restriction on religious acts prescribed in Article 257;

(v) prohibition of or restriction on access to books, etc. pursuant to the provisions of Article 259, paragraph (1), or Article 71 as applied mutatis mutandis pursuant to Article 260;

(vi) ruling of charging expenses pursuant to the provisions of Article 259, paragraph (2);

(vii) prohibition or blocking of, or restriction on correspondence or delivery of documents and drawings pursuant to the provisions of Article 271, or Article 133 or 225 as applied mutatis mutandis pursuant to Article 273;

(viii) prohibition on the delivery of prohibited letters, etc. (limited to the delivery pursuant to provisions of paragraph (3) of the same Article) pursuant to the provisions of the first sentence of Article 272, paragraph (5);

(ix) ruling of charging expenses pursuant to the provisions of paragraph (1) or

(2) of the preceding Article.

(2) A claim for review pursuant to the preceding paragraph (hereinafter referred to simply as "claim for review" in this Section) must be filed within thirty days from the day immediately following the day on which the notification of a ruling has been made.

(3) The provisions of Article 157, paragraph (2), Article 158, paragraphs (2) and (3), Article 160, and Article 161, paragraph (1) of this Act, and the provisions of Article 15, Article 18, paragraph (3), Article 19, paragraphs (2) and (4), Article 22, paragraphs (1) and (5), Articles 23, Article 25, paragraphs (1), (2), and (6), Articles 26, 27 and 39, Article 45, paragraphs (1) and (2), Article 46, paragraphs (1) main clause and (2) (except for item (ii)), Article 47 (except for the proviso and item (ii)), Article 48, Article 50, paragraphs (1) and (3), Article 51, and Article 52, paragraphs (1) and (2) of the Administrative Appeal Act apply mutatis mutandis to the claim for review. In this case, the term "warden of the penal institution" in Article 158, paragraph (3) and Article 160, paragraph (2) is deemed to be replaced with "Coast Guard detention services manager"; the term "Superintendent of the Regional Correction Headquarters" in Article 160 and Article 161, paragraph (1) is deemed to be replaced with "Commander of the Regional Coast Guard Headquarters"; the phrase "upon request of the applicant of the request for review or ex officio" in Article 25, paragraph (2) of the same Act is deemed to be replaced with "ex officio"; and the phrase "by both posting the notice on a bulletin board and publishing in the Official Gazette or other official bulletin or in a newspaper at least once" in Article 51, paragraph (3) of the same Act is deemed to be replaced with "by posting the notice on a bulletin board," and any other necessary technical replacement of terms is provided for by Cabinet Order.

(Claim for Re-Evaluation)

Article 276 (1) Any person who is dissatisfied with the administrative disposition on a claim for review may, pursuant to Cabinet Order, file a claim for re-evaluation in writing with the Commandant, Japan Coast Guard.

(2) A claim for re-evaluation pursuant to the provisions of the preceding paragraph (hereinafter referred to simply as a "claim for re-evaluation" in this Section) must be filed within thirty days from the day immediately following the day on which the notification of the administrative disposition on a claim for review has been made.

(3) The provisions of Article 157, paragraph (2), Article 158, paragraph (2), Article 160, and Article 161, paragraph (1) of this Act, and the provisions of Article 15, Article 18, paragraph (3), Article 19, paragraphs (2) and (4), Article 23, Article 25, paragraphs (1), (2), and (6), Articles 26, 27 and 39, Article 46, paragraphs (1) main clause and (2) (except for item (ii)), Article 47 (except for

the proviso and item (ii)), Article 48, Article 50, paragraph (1), Article 51, Article 52, paragraphs (1) and (2), Article 62, paragraph (2), and Article 64, paragraphs (1) through (3) of the Administrative Appeal Act apply mutatis mutandis to the claim for re-evaluation. In this case, the term "Superintendent of the Regional Correction Headquarters" in Article 160 and Article 161, paragraph (1) is deemed to be replaced with "The commandant, Japan Coast Guard"; the term "warden of the penal institution" in Article 160, paragraph (2) is deemed to be replaced with "Coast Guard detention services manager"; the phrase "upon request of the applicant of the request for review or ex officio" in Article 25, paragraph (2) of the same Act is deemed to be replaced with "ex officio"; and the phrase "by both posting the notice on a bulletin board and publishing in the Official Gazette or other official bulletin or in a newspaper at least once" in Article 51, paragraph (3) of the same Act is deemed to be replaced with "by posting the notice on a bulletin board," and any other necessary technical replacement of terms is provided for by Cabinet Order.

Subsection 2 Reports of Cases

(Reports of Cases to the Commander of the Regional Coast Guard Headquarters)

Article 277 (1) A Coast Guard detainee may, if the actions of a Coast Guard detention officer taken against them fall under any of the following acts, pursuant to Cabinet Order, report the case in writing to the commander of a regional Coast Guard headquarters the jurisdiction of which covers the address of the Coast Guard detention facility (or, in cases of Coast Guard detention facilities established onboard a vessel, the address of the regional Coast Guard headquarters or the office of the regional Coast Guard headquarters where the vessel belongs):

(i) illegal use of physical force on the person;

(ii) illegal or unjust use of restraining ropes, handcuffs, or body restraint suits.

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

(3) The provisions of Article 157, paragraph (2), Article 158, paragraphs (2) and (3), Article 160, Article 161, paragraph (1), and Article 164, paragraphs (1), (2), and (4) of this Act, and the provisions of Article 18, paragraph (3), Article 22, paragraphs (1) and (5), Articles 23, 27 and 39, and Article 50, paragraphs (1) and (3) of the Administrative Appeal Act apply mutatis mutandis to the report pursuant to the provisions of paragraph (1). In this case, the term "warden of the penal institution" in Article 158, paragraph (3) and Article 160, paragraph (2) is deemed to be replaced with "Coast Guard detention services manager";

the term "Superintendent of the Regional Correction Headquarters" in Article 160, Article 161, paragraph (1), and Article 164, paragraphs (1), (2), and (4) is deemed to be replaced with "Commander of the Regional Coast Guard Headquarters"; the phrase "paragraph (1) of the preceding Article" in the same paragraph is deemed to be replaced with "Article 277, paragraph (1)" and any other necessary technical replacement of terms is provided for by Cabinet Order.

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

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

(2) A report pursuant to the provisions of the preceding paragraph must be filed within thirty days from the day immediately following the day on which the notification pursuant to the provisions of the same paragraph is received.

(3) The provisions of Article 157, paragraph (2), Article 158, paragraph (2), Article 160, Article 161, paragraph (1), and Article 164, paragraphs (1), (2) and (4) of this Act, and the provisions of Article 18, paragraph (3), Articles 23, 27 and 39, and Article 50, paragraph (1) of the Administrative Appeal Act apply mutatis mutandis to the report pursuant to the provisions of paragraph (1). In this case, the term "Superintendent of the Regional Correction Headquarters" in Article 160, Article 161, paragraph (1), and Article 164, paragraphs (1), (2) and (4) is deemed to be replaced with "Commandant, Japan Coast Guard"; the term "warden of the penal institution" in Article 160, paragraph (2) is deemed to be replaced with "Coast Guard detention services manager"; the phrase "paragraph (1) of the preceding Article" in Article 164, paragraph (4) is deemed to be replaced with "Article 277, paragraph (1)," and any other necessary technical replacement of terms is provided for by Cabinet Order.

Subsection 3 Filing of Complaints

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

Article 279 (1) A Coast Guard detainee may file a complaint with the Commandant, Japan Coast Guard in writing with regard to the measures taken by the Coast Guard detention services manager against them or any other treatment they received.

(2) The provisions of Article 157, paragraph (2) and Article 166, paragraph (3) apply mutatis mutandis to the filing of complaints with the Commandant,

Japan Coast Guard set forth in the preceding paragraph.

(Filing of Complaints with Inspectors)

Article 280 (1) A Coast Guard detainee may, either orally or in writing, file a complaint with the inspector conducting the on-the-spot inspection pursuant to the provisions of Article 28 (hereinafter referred to simply as "inspector" in this Section) with regard to the measures taken by the Coast Guard detention services manager against them or any other treatment they received.

(2) The provisions of Article 157, paragraph (2), Article 166, paragraph (3), and Article 167, paragraph (3) apply mutatis mutandis to the filing of complaints with the inspector set forth in the preceding paragraph. In this case, the term "staff members of the penal institution" in paragraph (3) of the same Article is deemed to be replaced with "Coast Guard detention officers."

(Filing of Complaints with Detention Services Managers)

Article 281 (1) A Coast Guard detainee may, either orally or in writing, file a complaint with a Coast Guard detention services manager with regard to the measures taken by the Coast Guard detention services manager against them or any other treatment they received.

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

Subsection 4 Miscellaneous Provisions

(Secrecy of Filing)

Article 282 (1) Coast Guard detention services managers must take necessary measures so that Coast Guard detainees must, upon filing a claim for review, etc. (i.e. claim for review, claim for re-evaluation, or the report pursuant to the provisions of Article 277, paragraph (1) or Article 278, paragraph (1); hereinafter the same applies in the following paragraph and the following Article) or a complaint with the Commandant, Japan Coast Guard or the inspector, keep their content secret between Coast Guard detention officers.

(2) Notwithstanding the provisions of Article 270, no document for filing a claim for review, etc. or for filing of complaints may be examined.

(Prohibition of Adverse Treatment)

Article 283 No Coast Guard detention officer must treat Coast Guard detainees in an adverse manner due to them filing a claim for review, etc. or complaints.

Section 12 Release

Article 284 (1) Coast guard detainees are to be released immediately after circumstances have emerged that are specified by Cabinet Order as well as other laws and regulations.

(2) The provisions of Article 175 apply mutatis mutandis to the Coast Guard detainees to be released.

Section 13 Death

Article 285 If a Coast Guard detainee dies, the Coast Guard detention services manager must, pursuant to Order of the Ministry of Land, Infrastructure, Transport, and Tourism, promptly inform the bereaved family about the cause, the time and date of the Coast Guard detainee's death, and about property left behind or prohibited letters, etc. to be delivered to the bereaved family, if any.

Part III Auxiliary Provisions

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

Article 286 In cases involving a person detained in a detention facility pursuant to the provisions of Article 15, paragraph (1), the detention facility, detention services manager, and detention officer is respectively deemed as the penal institution, warden of the penal institution, and staff member of the penal institution, and the provisions of Article 64, paragraph (1), Article 65, paragraph (3), Article 70, paragraph (2), Article 73, paragraph (2), Article 78, the second sentence of Article 80, Article 98, paragraphs (1) and (2), Article 286-2, Articles 366 and 367, and Article 481, paragraph (2) of the Code of Criminal Procedure, and the provisions of the first sentence of Article 13 (including cases where it is applied mutatis mutandis pursuant to Article 22, Article 25, paragraph (3), Article 36, paragraph (3) (including cases where it is applied mutatis mutandis pursuant to Article 39, paragraph (5)), Article 63, paragraph (10), Article 73, paragraph (5)), Article 27, paragraph (3), Article 33, Article 35, paragraph (2), Article 36, paragraph (2) (including cases where it is applied mutatis mutandis pursuant to Article 37, paragraph (3) (including cases where it is applied mutatis mutandis pursuant to Article 45), and Article 39, paragraph (5)), Article 39, paragraph (4), Article 44, Article 54, paragraph (2), Article 55, paragraph (2), Article 82, Article 86, paragraph (2) and (3), Article 90, paragraph (2), and Article 93 of the Offenders Rehabilitation Act, and the provisions of Article 102, paragraph (3) of the Code of Civil Procedure (Act No. 109 of 1996) apply thereto.

Chapter II Workhouses and Holding Cells

(Establishment of Workhouses and Holding Cells)

Article 287 (1) Workhouses and holding cells are to be respectively attached to the penal institutions which the Minister of Justice designates.

(2) When there is no holding cell nearby, or when nearby holding cells have no room to accommodate, a person upon whom a judicial decision of confinement in a holding cell is to be executed may be detained in a specially segregated place inside a penal institution.

(3) The provisions of Articles 5, 6, 11, and 12 apply mutatis mutandis to workhouses and holding cells.

(4) The Penal Institution Visiting Committee is to take charge of the affairs prescribed in Article 7, paragraph (2) with regard to the administration of work houses and holding cells. In this case, the provisions of Articles 9 and 10 apply mutatis mutandis.

(Treatment of Workhouse Detainees)

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

(Treatment of Detainees in Holding Cells)

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

(2) The provisions of Article 41 apply mutatis mutandis to the use and consumption of self-supplied articles by holding cell detainees. In this case, the phrase "(except the articles set forth in the items of paragraph (1) of the following Article; the same applies in the following paragraph)" in paragraph (1) of the same Article is deemed to be replaced with "(except clothing, daily necessities, stationeries, and the articles set forth in the items of paragraph (1) of the following Article)"; and the phrase "the articles set forth in the items of the preceding paragraph and bedding" in paragraph (2) of the same Article is deemed to be replaced with "clothing, daily necessities, and stationery (except the articles set forth in the items of paragraph (1) of the following Article)."

(3) The provisions of Division 1 of Subsection 2 and Division 1 of Subsection 3

under Section 11 of Chapter II under the preceding Part apply mutatis mutandis to the visits and correspondence of holding cell detainees (except those prescribed in the following paragraph) to the extent the provisions are not inconsistent with the nature thereof.

(4) The provisions of Division 3 of Subsection 2 and Division 3 of Subsection 3 under Section 1 of Chapter II under the preceding Part apply mutatis mutandis to the visits and correspondence of holding cell detainees (limited to those who have had a judicial decision of confinement in a holding cell made against them in the course of being under detention pursuant to the provisions of the Code of Criminal Procedure) to the extent the provisions are not inconsistent with the nature thereof.

(5) The provisions of the preceding three paragraphs, notwithstanding the provisions of Article 41, paragraph (2) under Division 6 of Subsection 2 and Division 6 of Subsection 3 under Section 11 of Chapter II under the preceding Part, apply mutatis mutandis to persons detained in the execution of confinement in a holding cell in a penal institution pursuant to the provisions of Article 287, paragraph (2).

(6) Notwithstanding the provisions of Section 10 under Chapter III of the preceding Part, the provisions with regard to the sentenced persons under detention in the Section apply mutatis mutandis to the visits and correspondence of the persons detained in the execution of confinement in a holding cell in a detention facility pursuant to the provisions of Article 15, paragraph (1) and Article 287, paragraph (2) to the extent the provisions are not inconsistent with the nature thereof.

(7) Notwithstanding the provisions of Section 10 under Chapter III of the preceding Part, the provisions with regard to the sentenced persons under detention with status as a detainee awaiting a judicial decision in the Section apply mutatis mutandis to the visits and correspondence of the persons (limited to those having been executed the judicial decision of the confinement in a holding cell during under detention pursuant to the provisions of the Code of Criminal Procedure) detained in the execution of the confinement in a holding cell in a detention facility pursuant to the provisions of Article 15, paragraph (1) and Article 287, paragraph (2) to the extent the provisions are not inconsistent with the nature thereof.

Chapter III Judicial Police Officials

Article 290 (1) Wardens of penal institutions are to carry out judicial police officer duties pursuant to the provisions of the Code of Criminal Procedure with regard to crimes which occur in a penal institution (including crimes which occur in a workhouse and holding cell; the same applies in the following

paragraph).

(2) A staff member of a penal institution (except for wardens of penal institutions) who has been designated by wardens of penal institutions, after consulting with the Chief Prosecutor of the District Public Prosecutors Office corresponding to the District Court which has jurisdiction over the location of the penal institution, is to carry out duties of the judicial police official pursuant to the provisions of the Code of Criminal Procedure.

Chapter IV Effect of Treaties

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

Chapter V Penal Provisions

Article 292 A person who has divulged secrets in violation of Article 21, paragraph (3) is to be punished by imprisonment for not more than one year or a fine of not more than 1,000,000 yen.

Article 293 (1) When an inmate (limited to those corresponds to the person prescribed in Article 97 of the Penal Code), a workhouse detainee or a holding cell detainee has been released pursuant to the provisions of Article 83, paragraph (2) (including cases where it is applied mutatis mutandis pursuant to Article 288 and Article 289, paragraph (1)) but failed to appear at the penal institution or the specified location violating the provisions of Article 83, paragraph (3) (including cases where it is applied mutatis mutandis pursuant to Article 288 and Article 289, paragraph (1)), imprisonment for not more than one year is imposed.

(2) The provisions of the preceding paragraph also apply when a sentenced person committed to a penal institution falls under any of the following:

(i) cases of outside work with a commute where the sentenced person has not returned to the penal institution after the expiration of the day with a commute;

(ii) cases of a day leave or a furlough pursuant to the provisions of paragraph (1), Article 106 where the sentenced person has not returned to the penal institution after expiration of the day of the day leave or after the day of the expiration of the furlough period.

(3) The provisions of paragraph (1) also apply if a detainee (limited to those which correspond to the person prescribed in Article 97 of the Penal Code) has been released pursuant to the provisions of Article 215, paragraph (2), and

subsequently has failed to appear at the detention facility or the specified location violating the provisions of Article 215, paragraph (3).