Rules of Criminal Procedure

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

Part I General Provisions

(Construction and Operation of These Rules)

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

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

Chapter I Jurisdiction of the Courts

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

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

(Notice of a Request for Designation or a Change of Jurisdiction)

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

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

Article 4 (1) In cases where a public prosecutor files a request for a change of jurisdiction for a case pending before a court based on any of the grounds prescribed in the items of Article 17, paragraph (1) of the Code of Criminal

Procedure (Act No. 131 of 1948; hereinafter referred to as the "Code"), he/she shall promptly deliver a copy of the written request to the accused.

(2) The accused may submit a written opinion to the court with jurisdiction within three days of the day on which he/she receives delivery of the copy of the written request.

(Request for a Change of Jurisdiction by the Accused)

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

(2) When the court set forth in the preceding paragraph receives such a written request, it shall promptly notify the public prosecutor in the public prosecutor's office corresponding to said court to that effect.

(Stay of Court Proceedings)

Article 6 When a request for designation or a change of jurisdiction is filed for a case pending before a court, court proceedings shall be stayed until an order is issued thereon; provided, however, that this shall not apply in cases of urgency.

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

Article 7 In filing a request for a transfer under the provisions of Article 19 of the Code, the requester shall submit a written request containing the reasons therefor to the court.

(Hearing of Opinions)

Article 8 (1) When a request for a transfer under the provisions of Article 19 of the Code has been filed, the court shall issue an order thereon after hearing the opinions of the adverse party or his/her defense counsel.

(2) In order for the court to issue an ex officio order to transfer a case under the provisions of Article 19 of the Code, it shall hear the opinions of the public prosecutor and of the accused or his/her defense counsel.

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

(Motion to Challenge)

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

(2) In filing a motion to challenge, the movant shall indicate the grounds therefor.

(3) Within three days from the day on which a motion to challenge is filed, a

prima facie showing shall be made in writing as to the grounds for the challenge, and if applicable, as to the fact that the person filing the motion to challenge did not know of the existence of the grounds for the challenge when he/she made any request or statement with regard to the case, or as to the fact that the grounds for the challenge occurred after he/she made a request or statement with regard to the case.

(Written Opinion on the Motion)

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

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

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

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

(Stay of Court Proceedings)

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

(Judicial Decision on Disqualification)

Article 12 (1) The court that would issue an order with regard to a motion to challenge shall issue an ex officio order of disqualification if it finds that a judge falls under any of the items of Article 20 of the Code.

(2) In issuing the order set forth in the preceding paragraph, the court shall first hear the opinion of the judge concerned.

(3) A judge who has been challenged may not participate in issuing the order set forth in paragraph (1).

(4) When the court is unable to issue the order because of the withdrawal of the judge who has been challenged, the order shall be issued by the next higher court.

(Recusal)

Article 13 (1) A judge shall recuse himself/herself if he/she considers there to be grounds for challenge.

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

is assigned.
(3) The court that would issue an order with regard to a motion to challenge shall issue an order with regard to a motion for recusal.
(4) The provisions of paragraphs (3) and (4) of the preceding Article shall apply mutatis mutandis to recusal.

(Service of a Judicial Decision of Disqualification or Recusal)
Article 14 The orders set forth in the preceding two Articles shall not be served.

(Application Mutatis Mutandis)
Article 15 (1) The provisions of this Chapter shall apply mutatis mutandis to court clerks.
(2) A motion to challenge a court clerk assigned to an authorized judge shall be filed with said judge.

Chapter III Competence to Stand Trial

(Request for Appointment of a Special Agent for a Suspect)
Article 16 A request for the appointment of a special agent for a suspect shall be filed with the district court or summary court which has jurisdiction over the location of the public agency to which the public prosecutor or judicial police officer handling said suspect's case is assigned.

Chapter IV Counsel and Assistants

(Appointment of Defense Counsel for a Suspect)
Article 17 The appointment of defense counsel before the institution of prosecution shall remain effective in the first instance, only in cases where a document jointly signed by the suspect and the defense counsel has been submitted to the public prosecutor or judicial police officer handling said suspect's case.

(Method of Appointing Defense Counsel for the Accused)
Article 18 The appointment of defense counsel after the institution of prosecution shall be made by submitting a document jointly signed by the accused and the defense counsel.

(Appointment of Defense Counsel for Subsequently Prosecuted Cases)
Article 18-2 The appointment of defense counsel to a certain case by a person specified in Article 30 of the Code shall remain effective in any other case in which prosecution is instituted in the same court after the institution of

prosecution of said case and which is consolidated with said case; provided, however, that this shall not apply when the accused or the defense counsel indicates otherwise.

(Notice to the Accused or to the Suspect)

Article 18-3 (1) A notice under the provisions of Article 31-2, paragraph (3) of the Code to the accused or to a suspect committed to or detained in a penal detention facility (meaning a penal institution, detention facility, or coast guard detention facility; the same shall apply hereinafter) shall be given to the warden of the penal institution, the detention services manager (meaning a detention services manager as defined in Article 16, paragraph (1) of the Act on Penal Detention Facilities and Treatment of Inmates and Detainees (Act No. 50 of 2005); the same shall apply hereinafter), or the coast guard detention services manager (meaning a coast guard detention services manager as defined in Article 26, paragraph (1) of said Act; the same shall apply hereinafter).

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

(Chief Defense Counsel)

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

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

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

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

(Method of Designating or Changing the Chief Defense Counsel)

Article 20 When the accused or all defense counsel designate the chief defense counsel or make a change thereof, they shall submit a document to the court; provided, however, that, when changing the designation of the chief defense counsel on a trial date, it shall be sufficient to indicate orally to that effect.

(Chief Defense Counsel Designated by the Presiding Judge)

Article 21 (1) In cases where there is more than one defense counsel for the

accused, if no chief defense counsel has been designated, the presiding judge shall designate the chief defense counsel.

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

(3) A chief defense counsel as set forth in the preceding two paragraphs shall perform his/her duties until a chief defense counsel as set forth in Article 19 is designated.

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

Article 22 With regard to the designation of the chief defense counsel or a change thereof, when the accused makes such a designation or change, he/she shall immediately notify the public prosecutor and the person designated as the chief defense counsel to that effect, and when all defense counsel or the presiding judge makes such a designation or change, the public prosecutor and the accused shall be immediately notified to that effect.

(Deputy Chief Defense Counsel)

Article 23 (1) In cases where the chief defense counsel is unable to perform his/her duties, the presiding judge may designate one person from among the other defense counsel as the deputy chief defense counsel.

(2) In cases where the chief defense counsel notifies the court in advance of the person who is to serve as the deputy chief defense counsel, said person shall be designated as the deputy chief defense counsel.

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

(4) The provisions of the second half of the preceding Article shall apply mutatis mutandis to the designation of the deputy chief defense counsel and to a change thereof.

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

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

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

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

Article 25 (1) The chief defense counsel or deputy chief defense counsel shall represent all other defense counsel in the receipt of notices and the delivery of

documents to other defense counsel.

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

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

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

(2) The order of limitation set forth in the preceding paragraph shall become effective by notifying the accused to that effect.

(3) In cases where the court limits the number of defense counsel for the accused, if the number of defense counsel exceeds the limit, the court shall immediately notify each defense counsel and the person who has appointed said defense counsel to that effect. In this case, notwithstanding the provisions of the preceding paragraph, the order of limitation shall become effective when seven days have elapsed from the day said notification was given.

(4) In cases where the order of limitation set forth in the preceding paragraph has become effective and the number of defense counsel still exceeds the limit, the appointment of the defense counsel shall cease to be effective.

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

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

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

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

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

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

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

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

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

Article 28-3 (1) In order for a suspect committed to or detained in a penal detention facility to file the request set forth in Article 37-2 or Article 350-3, paragraph (1) of the Code, he/she shall submit a written request and a report on his/her financial resources as set forth in Article 36-2 of the Code to the judge via the warden of the penal institution, the detention services manager, the coast guard detention services manager, or a deputy of such person, except in the case where said request is filed in the presence of a court clerk.

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

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

(4) When the documents set forth in paragraph (1) have been sent under the provisions of the preceding paragraph, said documents shall be deemed to have been submitted at that time.

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

(Judge Who Is to Rule on the Appointment of Defense Counsel)

Article 28-4 The ruling on the appointment of defense counsel under the provisions of Article 37-4 of the Code shall be made by the judge who has received the request for detention, a judge of the district court which has jurisdiction over the location of the court to which said judge is assigned, or a judge of the summary court in the same location as said district court (including the same location as a branch of said district court).

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

(Appointment of Court-Appointed Defense Counsel)

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

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

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

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

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

several accused persons or suspects.

(Judge Who Is to Rule on the Dismissal of Defense Counsel)

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

(Notice of Appointment of Court-Appointed Defense Counsel, etc.)

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

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

(Interview, etc. at the Court)

Article 30 In cases where the accused or a suspect in custody is within the court precincts, if it is necessary to prevent the flight of such person, the concealment or destruction of evidence, or the passing or receiving of articles which may hinder safe custody, the court may designate the dates, times, places, and durations of interviews between such person and his/her defense counsel or any person who intends to serve as his/her defense counsel in response to the request of a person entitled to appoint defense counsel, and may prohibit the passing or receiving of documents or articles between such persons.

(Inspection, etc. of Documents by Defense Counsel)

Article 31 With the permission of the presiding judge, defense counsel may have his/her employee or any other person inspect or copy documents and articles of evidence related to the suit.

(Method of Notification for Assistants in Court)

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

Chapter V Judicial Decisions

(Proceedings for Issuing an Order or Direction)

Article 33 (1) When issuing an order in open court, or when issuing an order on a motion filed in open court, such an order shall be issued after hearing the statements of the persons concerned in the case. In other cases, an order may be issued without hearing the statements of the persons concerned in the case; provided, however, that this shall not apply when there are special provisions providing otherwise.

(2) A direction may be issued without hearing the statements of the persons concerned in the case.

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

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

(Announcement of a Judicial Decision)

Article 34 The announcement of a judicial decision shall be made by pronouncement of said judicial decision if in open court, and by service of a copy of the written judicial decision in any other case; provided, however, that this shall not apply if there are special provisions providing otherwise.

(Pronouncement of a Judicial Decision)

Article 35 (1) Pronouncement of a judicial decision shall be carried out by the presiding judge.

(2) In pronouncing judgment, the presiding judge shall read aloud the main text of the judgment and the reasons therefor, or read aloud the main text of the judgment and convey a summary of the reasons therefor at the same time.

(3) When an order set forth in Article 290-2, paragraph (1) or (3) of the Code is issued, the pronouncement of judgment under the provisions of the preceding paragraph shall be made by a method whereby matters that identify the victim are not disclosed.

(Sending of a Copy or an Extract)

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

(2) When an extract sent pursuant to the provisions of the preceding paragraph is an extract of a written judgment or a record containing a judgment under

the provisions of Article 57, paragraphs (2) through (4) that is required in order for the public prosecutor to direct the execution of a sentence of imprisonment with or without work, an extract of the written judgment or the record containing the judgment which contains the facts constituting the crime shall be sent subsequently to the public prosecutor in a prompt manner.

Chapter VI Documents and Service

(Preparer of Court Documents)

Article 37 Documents relating to court proceedings shall be prepared by a court clerk, except when there are special provisions providing otherwise.

(Witness, etc. Examination Record)

Article 38 (1) A record shall be made of the examination of witnesses, expert witnesses, interpreters, and translators.

(2) The following matters shall be recorded in each examination record:

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

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

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

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

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

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

(vii) if, with the consent of the witness, the questions asked during examination thereof, the statement given thereby, and the circumstances thereof were recorded on a recording medium (media) (meaning a substance or object which is able to record images and sounds simultaneously; the same shall apply hereinafter), pursuant to the provisions of Article 157-4, paragraph (2) of the Code, that fact, and the type and quantity of said recording medium (media);

(viii) if the measures prescribed in Article 316-39, paragraph (1) of the Code have been taken, that fact, and the name of any person who accompanied the participating victim (meaning a participating victim as defined in Article 316-33, paragraph (3) of the Code; the same shall apply hereinafter) as well as his/her relationship to the participating victim; and

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

(3) The court shall have the person who gave the statement verify the contents of the examination record (excluding the recording medium onto which the questions asked during examination of the witness, the statement given thereby, and the circumstances thereof were recorded pursuant to the provisions of Article 157-4, paragraph (2) of the Code; the same shall apply in the following paragraph and paragraph (5)) by having the court clerk read back the contents of the examination record to the person who gave the statement, or by having the person who gave the statement inspect the contents of the examination record.

(4) If the person who gave the statement makes a motion for any addition, removal, or alteration, such statement shall be included in the examination record.

(5) If the public prosecutor, the accused, the suspect, or the defense counsel who attended the examination raises an objection as to the accuracy of the contents of the examination record, a summary of said objection shall be included in the examination record. In this case, the presiding judge or the judge who conducted the examination may have his/her opinion on said objection included in the examination record.

(6) The presiding judge or the judge who conducted the examination shall have the person who gave the statement affix his/her signature and seal to the examination record.

(7) If the examination record has attached to it any recording medium that is deemed to constitute a part thereof pursuant to the provisions of Article 157-4, paragraph (3) of the Code, such fact shall be clarified in the examination record.

(Record of Statements by the Accused or the Suspect)

Article 39 (1) A record shall be made when informing the accused or a suspect of the charged facts or the alleged facts of the crime and hearing his/her statement thereon.

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

(Stenographic Notes and Sound Recordings)

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

using a sound recorder.

(Record of Inspection or Seizure)

Article 41 (1) A record shall be made of any inspections or seizures carried out without a seizure warrant having been issued.

(2) An inspection record shall contain the following matters:

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

(ii) the fact that the measures prescribed in Article 316-39, paragraph (1) of the Code have been taken, and the name of any person who accompanied the participating victim as well as his/her relationship to the participating victim; and

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

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

(Descriptive Requirements for Examination, Inspection, and Seizure Records)

Article 42 (1) In the examination record set forth in Article 38, the record set forth in Article 39, and the inspection or seizure record set forth in the preceding Article, the court clerk shall enter the date on which and the place where the examination was conducted or the inspection or seizure was carried out, and shall affix his/her signature and seal thereto, and the person who conducted the examination or carried out the inspection or seizure shall affix his/her seal of approval thereto; provided, however, that when the court has conducted the examination or carried out the inspection or seizure, the presiding judge shall affix his/her seal of approval.

(2) The time that the inspection or seizure was carried out shall be included in the inspection or seizure record set forth in the preceding Article.

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

Article 43 (1) With regard to the execution of a seizure warrant or a search warrant or with regard to a search of the accused or of a suspect in the case of executing a bench warrant or a detention warrant, the person carrying out the execution of the warrant or the search shall personally make a record thereof.

(2) The record shall contain the following matters:

(i) the date, time, and place that the execution of the warrant or the search was carried out; and

(ii) if the execution of the warrant was not possible, the circumstances thereof.

(3) The provisions of Article 41, paragraph (2), item (i) and Article 41, paragraph (3) shall apply mutatis mutandis to the record set forth in paragraph (1).

(Descriptive Requirements for Trial Records)

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

(i) the name of the case under public prosecution and the name of the accused;

(ii) the court carrying out the trial and the date of the trial;

(iii) if the court session has been held at a different place pursuant to the provisions of Article 69, paragraph (2) of the Court Act, said place;

(iv) the official titles and names of the judge(s) and the court clerk(s);

(v) the official title(s) and name(s) of the public prosecutor(s);

(vi) the name(s) of the accused, defense counsel(s), agent(s), and assistant(s) in court who appeared;

(vii) the fact that the presiding judge made an announcement under the provisions of Article 187-4;

(viii) the names of the participating victim(s) and any attorney(s) at law entrusted thereby who appeared;

(ix) if the measures prescribed in Article 316-39, paragraph (1) of the Code have been taken, that fact, and the name of any person who accompanied the participating victim as well as his/her relationship to the participating victim;

(x) if the measures prescribed in Article 316-39, paragraph (4) or (5) of the Code have been taken, that fact;

(xi) if a public trial was prohibited, that fact, and the grounds therefor;

(xii) if the presiding judge implemented any ruling to maintain order in court, such as having the accused leave the courtroom, that fact;

(xiii) statements which the accused and the defense counsel made with regard to the case under public prosecution upon the opportunity set forth in Article 291, paragraph (3) of the Code;

(xiv) any request for examination of evidence or any other motion;

(xv) the relationship between the evidence and the facts to be proved (excluding cases where such relationship is clear from the list of the evidence);

(xvi) when the evidence of which examination is requested is evidence as set forth in Article 328 of the Code, an entry to that effect;

(xvii) the raising of any objections as set forth in Article 309 of the Code and the grounds therefor;

(xviii) any indication of making a change to the designation of chief defense counsel;

(xix) questions asked of the accused and the statement given thereby;

(xx) the names of the witness(es), the expert witness(es), the interpreter(s), and the translator(s) who appeared;

(xxi) if any witness was exempted from swearing under oath, that fact, and the

circumstances thereof;

(xxii) questions asked during examination of the witness(es), the expert witness(es), the interpreter(s), and the translator(s), and the statement given thereby;

(xxiii) if any witness or any other person refused to swear under oath, to testify, or to carry out any other act, that fact, and the circumstances thereof;

(xxiv) if the measures prescribed in Article 157-2, paragraph (1) of the Code have been taken, that fact, and the name of the person who accompanied the witness(es) as well as his/her relationship to the witness;

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

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

(xxvii) if, with the consent of the witness(es), the questions asked during examination thereof, the statement(s) given thereby, and the circumstances thereof were recorded on a recording medium (media), pursuant to the provisions of Article 157-4, paragraph (2) of the Code, that fact, and the type and quantity of said recording medium (media);

(xxviii) if the presiding judge has taken the measures set forth in Article 202, that fact;

(xxix) any consent as set forth in Article 326 of the Code;

(xxx) a list of evidence examined and the order of examination;

(xxxi) any inspection or seizure carried out in open court;

(xxxii) if the proceeding set forth in Article 316-31 of the Code has been carried out, that fact;

(xxxiii) any argument as set forth in Article 335, paragraph (2) of the Code;

(xxxiv) any matters concerning the addition, withdrawal, or alteration of the counts against the accused or applicable penal statutes (including matters concerning correction of the charge sheet);

(xxxv) the name of any person who stated his/her opinion pursuant to the provisions of Article 292-2, paragraph (1) of the Code;

(xxxvi) a summary of the opinion stated by the person prescribed in the preceding item;

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

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

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

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

(xli) a summary of opinions stated by the public prosecutor, the accused, and the defense counsel after the completion of the examination of evidence;

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

(xliii) a summary of the closing argument of the accused or his/her defense counsel;

(xliv) the fact that judgment has been pronounced;

(xlv) any order or direction issued; provided, however, that the following shall be excluded:

(a) permission for the accused or his/her defense counsel to make an opening statement (Article 198);

(b) an order determining or changing the scope, order, or method of the examination of evidence (Article 297 of the Code);

(c) permission for the accused to leave the court (Article 288 of the Code);

(d) permission for defense counsel other than the chief defense counsel or deputy chief defense counsel to carry out an act such as filing a motion, filing a request, or asking a question (Article 25);

(e) a direction to present evidence so as to issue an order on the examination of evidence (Article 192);

(f) permission to take stenographic notes, make sound recordings, take videos or photographs, etc. (Articles 47 and 215);

(g) an order to the effect that the questions asked during examination of the witness, the statements given thereby, and the circumstances thereof shall be recorded on a recording medium (Article 157-4, paragraph (2) of the Code); and

(h) permission to produce copies of documentary evidence or articles of evidence (Article 310 of the Code); and

(xlvi) if the trial procedure has been renewed, an entry to that effect and the following matters:

(a) if the accused or his/her defense counsel has made a statement that differs from a previous statement with regard to the case under public prosecution, said statement; and

(b) documents or articles for which an order not to examine has been issued.

(2) Any matter other than those listed in the preceding paragraph which the

presiding judge orders to be entered, ex officio or upon the request of a person concerned in the case, during the court proceedings on the trial date, shall also be entered in the trial record.

(Simplified Entry of Statements in the Trial Record)

Article 44-2 If the persons concerned in the case give their consent and the presiding judge finds it to be appropriate, in lieu of entering the questions asked of the accused, the statement given thereby, and the questions asked during examination of a witness, an expert witness, an interpreter, or a translator, and the statement given thereby, the court may enter a summary of these persons' statements in the trial record. In this case, an entry to the effect that the persons concerned in the case have given their consent shall be included in said trial record.

(Procedures for Creating the Trial Record)

Article 45 (1) Proceedings under the provisions of Article 38, paragraphs (3), (4), and (6) shall not be required with regard to a trial record.

(2) If there is a request by the person who gave the statement, the court shall have the court clerk read back to said person the parts of the trial record relating to the statement given by said person. If a person examined makes a motion for any addition to or removal or alteration of his/her statement, the court shall have his/her statement included in the trial record.

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

Article 46 (1) The court clerk shall affix his/her signature and seal to the trial record, and the presiding judge shall affix his/her seal of approval thereto.

(2) If the presiding judge is unable to affix his/her seal of approval, one of the other judges shall affix his/her seal of approval and indicate the grounds therefor in a supplementary note.

(3) If a single judge of a district court or a judge of a summary court is unable to affix his/her seal of approval, the court clerk shall affix his/her signature and seal and indicate the grounds therefor in a supplementary note.

(4) If the court clerk is unable to affix his/her signature and seal, the presiding judge shall affix his/her seal of approval and indicate the grounds therefor in a supplementary note.

(Stenographic Notation and Sound Recording in Open Court)

Article 47 (1) The provisions of Article 40 shall apply mutatis mutandis to the questions asked during examination of a witness, an expert witness, an interpreter, or a translator, the statement given thereby, the questions asked of and the statement given by the accused, and the motions and statements

made by any person concerned in the case.
(2) The public prosecutor, the accused, or the defense counsel may take the measures under the provisions of the preceding paragraph with the permission of the presiding judge.

(Entry of Objections Raised)
Article 48 If an objection is raised as to the accuracy of a summary of the statement given by a witness on a trial date or as to the accuracy of the contents of a trial record, the date on which the objection is raised and a summary thereof shall be entered into the trial record. In this case, the court clerk shall enter the opinion of the presiding judge regarding said objection into the trial record and affix his/her signature and seal thereto, and the presiding judge shall affix his/her seal of approval thereto.

(Quotation in a Record)
Article 49 Any document, photograph, or other material which the court or the judge finds appropriate may be deemed to constitute a part of a record by quoting it or using it in that record and attaching it to the case record.

(Binding of Records That Are Categorized by the Matters Contained Therein)
Article 49-2 Records may be categorized by the matters contained therein and bound into a case record. In this case, it shall be made clear in such categorized records that they constitute a unified body.

(Inspection of the Trial Record by the Accused)
Article 50 (1) Any inspection of a trial record by an accused person who has no defense counsel shall be carried out at the courthouse.
(2) The reading aloud of a trial record to be carried out when an accused person as set forth in the preceding paragraph is unable to read or see shall be carried out by the court clerk as ordered by the presiding judge.

(Announcement of a Summary, etc. of Witness Statements)
Article 51 In order for the court clerk to announce, outside a trial date, a summary of the statements given by witnesses on the previous trial date or important matters concerning the proceedings carried out on the previous trial date, he/she shall make such announcement in the presence of the presiding judge.

(Completion of the Trial Record)
Article 52 With respect to the period for raising an objection as to the accuracy of the contents of the trial record, in cases where a trial record has been

completed pursuant to the provisions of the proviso to Article 48, paragraph (3) of the Code, said trial record shall be deemed to have been completed on the final day by which the trial record is supposed to have been completed.

(Witness, etc. Examination Record in Trial Preparation)

Article 52-2 (1) In cases where the court, an authorized judge, or a commissioned judge examines a witness, an expert witness, an interpreter, or a translator during trial preparation, an examination record may be made according to the following rules, if the accused or his/her defense counsel is present at the examination and if the persons concerned in the case who are present and the person who gives the statement consent thereto:

(i) only a summary of the statement given by the witness or any other person shall be entered into the examination record in lieu of entering the questions asked during examination of such person and the statement given thereby; and/or

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

(2) In cases where an examination record is made according to the rules set forth in the items of the preceding paragraph, an entry to the effect that the persons concerned in the case and the person who gave the statement have given their consent thereto shall be included in said examination record.

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

(4) In the case set forth in the preceding paragraph, if the public prosecutor, the accused, or the defense counsel raises an objection as to the accuracy of the summary of a statement, the date on which the objection is raised and a summary thereof shall be entered in the examination record. In this case, the court clerk shall enter the opinion of the presiding judge, the authorized judge, or the commissioned judge regarding said objection into the examination record and affix his/her signature and seal thereto, and the presiding judge, the authorized judge, or the commissioned judge shall affix his/her seal of approval thereto.

(5) In cases where an examination record made according to the rule set forth in paragraph (1), item (ii) is examined on a trial date, if the public prosecutor, the accused, or the defense counsel raises an objection as to the accuracy of the contents of said examination record, the provisions of the preceding paragraph shall apply mutatis mutandis.

(Creation of a Stenographic Record)

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

(Quotation from the Stenographic Record in a Witness Examination Record, etc.)

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

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

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

(2) In the case set forth in the preceding paragraph, the following rules shall be observed:

(i) the court or any judge shall have the person who gave the statement verify the contents of the stenographic notes by having the court stenographer orally translate from the stenographic notes;

(ii) if the person who gave a statement makes a motion for any addition, removal, or alteration, the court or any judge shall have such a statement taken down in the stenographic notes;

(iii) if the public prosecutor, the accused, the suspect, or the defense counsel who was present at the examination raises an objection as to the accuracy of the stenographic notes, the court or any judge shall have his/her objection

taken down in the stenographic notes; in this case, the presiding judge or the judge who conducted the examination may have his/her opinion on said objection taken down in the stenographic notes; and

(iv) the court or any judge shall have the court clerk include an entry in the examination record to the effect that the proceeding specified in item (i) has been carried out, and shall have the person who gave the statement affix his/her signature and seal to the examination record.

(3) If the person who gave the statement indicates that there is no need to orally translate from the stenographic notes, and the public prosecutor and the accused, the suspect, or the defense counsel who was present at the examination raises no objection, the proceedings set forth in the preceding paragraph shall not be carried out. In this case, the court or any judge shall have the court clerk include an entry to that effect in the examination record, and shall have the person who gave the statement affix his/her signature and seal to the examination record.

(4) In the case where it is deemed that the stenographic record of the questions asked during examination of a witness, an expert witness, an interpreter, or a translator and the statement given thereby during the trial preparation constitute a part of the examination record, the provisions of the preceding two paragraphs shall not apply; provided, however, that the proceedings specified in paragraph (2), items (i) and (ii) shall be carried out when the person who gave the statement requests an oral translation of the stenographic notes.

Article 52-6 (1) In cases where an examination record created according to the rules set forth in the preceding Article has not been completed, if there is a request from the public prosecutor, the accused, the suspect, or the defense counsel who was present or who could have been present at the examination, the court clerk shall have the court stenographer orally translate from the stenographic notes.

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

(3) If an objection is raised as set forth in the preceding paragraph, the court clerk shall enter the date on which the objection was raised and a summary thereof in the examination record, and shall enter the opinion of the presiding judge, the authorized judge, or the commissioned judge regarding said objection therein and affix his/her signature and seal thereto, and the presiding judge, the authorized judge, or the commissioned judge shall affix his/her seal of approval thereto.

(4) Where an examination record has attached to it any stenographic record of

the questions asked and the statements given during trial preparation that is deemed to constitute a part thereof pursuant to the rules set forth in the preceding Article, in cases where said examination record is examined on a trial date, if the public prosecutor, the accused, or the defense counsel raises an objection as to the accuracy of said examination record, the provisions of the preceding paragraph shall apply mutatis mutandis.

(Quotation from the Stenographic Record in the Trial Record)

Article 52-7 In the case of having a court stenographer take stenographic notes of the questions asked during examination of a witness, an expert witness, an interpreter, or a translator, the statement given thereby, the questions asked of and the statement given by the accused, and the motions and statements made by any person concerned in the case in open court, the stenographic record shall be deemed to constitute a part of the trial record by quoting it in the trial record and attaching it to the case record; provided, however, that this shall not apply when the court finds it to be inappropriate for the stenographic record to be quoted after hearing the opinions of the public prosecutor and the accused, the suspect, or the defense counsel.

(Quotation from Stenographic Notes in the Trial Record)

Article 52-8 In cases where a court stenographer takes stenographic notes as set forth in the preceding Article, if the court finds it to be appropriate and the persons concerned in the case give their consent, the stenographic notes may be deemed to constitute a part of the trial record by quoting it in the trial record and attaching it to the case record. In this case, an entry to the effect that the persons concerned in the case have given their consent shall be included in said trial record.

(Oral Translation of Stenographic Notes, etc.)

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

Article 52-10 (1) In the case where a stenographic record or stenographic notes are deemed to constitute a part of a trial record pursuant to the provisions of the main clause of Article 52-7 or Article 52-8, if said trial record is not

completed by the next trial date, the court clerk shall, upon the request of the public prosecutor, the accused, or the defense counsel, have the court stenographer orally translate, on or by the next trial date, from the stenographic notes of the questions asked during examination of a witness and the statement given thereby on the previous trial date. In this case, if the public prosecutor, the accused, or the defense counsel raises an objection as to the accuracy of said stenographic notes, the provisions of Article 48 shall apply mutatis mutandis.

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

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

(2) In the case set forth in the preceding paragraph, if an objection is raised as to the accuracy of the stenographic notes, the provisions of Article 48 shall apply mutatis mutandis.

(Transcription of Stenographic Notes, etc.)

Article 52-12 (1) In any of the following cases, the court shall have the court stenographer promptly transcribe any stenographic notes that are deemed to constitute a part of the trial record pursuant to the provisions of Article 52-8 and create a stenographic record:

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

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

(iii) in any other cases where it is considered necessary.

(2) The court stenographer shall attach the stenographic record set forth in the preceding paragraph to the case record, shall clarify such fact in the case record, and shall notify the persons concerned in the case to that effect.

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

(Period for Objections to Be Raised Against an Attached Stenographic Record)

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

(Witness Examination Records, etc. Created by Transcribing a Sound Recording)

Article 52-14 In the event that a sound recording has been made of the questions asked during examination of a witness, an expert witness, an interpreter, or a translator, the statement given thereby, and the motions and statements made by any person concerned in the case, if the court or any judge finds it to be appropriate, the examination record shall be created by transcribing the sounds recorded (hereinafter referred to as the "sound recording").

(Measures in the Case of Transcribing a Sound Recording)

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

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

(i) the court or any judge shall have the person who gave the statement verify the contents of the sound recording by having the court clerk play back the sound recording;

(ii) if the person who gave the statement makes a motion for any addition, removal, or alteration to the sound recording, the court or a judge shall have a sound recording made of such a statement;

(iii) if the public prosecutor, the accused, the suspect, or the defense counsel who was present during the examination raises an objection as to the accuracy of the sound recording, the court or any judge shall have a sound recording made of his/her objection; in this case, the presiding judge or the

judge who conducted the examination may have a sound recording made of his/her opinion on said objection; and

(iv) the court or any judge shall have the court clerk include in the examination record an entry to the effect that the proceeding set forth in item (i) has been carried out, and shall have the person who gave the statement affix his/her signature and seal to the examination record.

(3) If the person who gave the statement indicates that there is no need to play back the sound recording, and the public prosecutor and the accused, the suspect, or the defense counsel who were present at the examination raise no objection, the proceeding set forth in the preceding paragraph shall not be carried out. In this case, the court or any judge shall have the court clerk enter such a fact in the examination record, and shall have the person who gave the statement affix his/her signature and seal to the examination record.

(4) In the event that the examination record has been created by transcribing a sound recording of the questions asked during examination of a witness, an expert witness, an interpreter, or a translator and the statement given thereby during trial preparation, the provisions of the preceding two paragraphs shall not apply; provided, however, that the proceedings set forth in paragraph (2), items (i) and (ii) shall be carried out when the person who gave the statements requests that the sound recordings be played back to him/her.

Article 52-16 (1) In cases where an examination record as prescribed in paragraph (1) of the preceding Article has not been completed, if there is a request from the public prosecutor, the accused, the suspect, or the defense counsel who was present or who could have been present at the examination, the court clerk shall play back the sound recording.

(2) In the case set forth in the preceding paragraph, if the sound recording is of the questions asked and the statements given during the trial preparation, the public prosecutor, the accused, or the defense counsel may raise an objection as to the accuracy of the sound recording.

(3) If an objection as prescribed in the preceding paragraph is raised, the court clerk shall enter the date on which the objection was raised and a summary thereof in the examination record, and shall also enter the opinion of the presiding judge, the authorized judge, or the commissioned judge regarding said objection in the examination record and affix his/her signature and seal thereto, and the presiding judge, the authorized judge, or the commissioned judge shall affix his/her seal of approval thereto.

(4) In cases where an examination record as prescribed in paragraph (4) of the preceding Article is examined on a trial date, if the public prosecutor, the accused, or the defense counsel raises an objection as to the accuracy of said examination record, the provisions of the preceding paragraph shall apply

mutatis mutandis.

(Trial Record Created by Transcribing a Sound Recording)

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

(Measures for Transcribed Sound Recordings in the Trial Record)

Article 52-18 In the case of a trial record created pursuant to the provisions of the preceding Article, if the person who gave the statement so requests, the court shall have the court clerk play back the parts of the sound recording relating to the statements given by said person. If a person examined makes a motion for any addition, removal, or alteration of his/her statement, the court shall have a sound recording made of such a statement.

(Playback of a Sound Recording Where a Trial Record Has Not Been Completed, etc.)

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

(2) In cases where an opportunity for playback is provided pursuant to the provisions of the preceding paragraph, it may substitute for the announcement of a summary under the provisions of Article 50, paragraph (1) of the Code.

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

(Quotation from a Sound Recording in the Trial Record)

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

(Preparation of a Document Describing the Contents of a Sound Recording)

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

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

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

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

(Preparation of a Written Judicial Decision)

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

(Preparer of Written Judicial Decisions)

Article 54 Written judicial decisions shall be prepared by a judge.

(Affixation of Signature and Seal to a Written Judicial Decision)

Article 55 The judge(s) who issues a judicial decision shall affix his/her signature and seal to the written judicial decision. When the presiding judge is unable to affix his/her signature and seal to the written judicial decision, one of the other judges shall affix his/her signature and seal thereto and indicate the grounds therefor in a supplementary note, and when another judge is unable to affix his/her signature and seal to the written judicial decision, the presiding judge shall affix his/her signature and seal thereto and indicate the grounds therefor in a supplementary note.

(Descriptive Requirements for Written Judicial Decisions)

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

(2) In addition to the matters prescribed in the preceding paragraph, a written judgment shall contain the official title(s) and name(s) of the public prosecutor(s) who appeared on the trial dates.

(Copy or Extract of a Written Judicial Decision, etc.)

Article 57 (1) A copy or an extract of a written judicial decision or of a record containing a judicial decision shall be prepared based on the original or a copy thereof.

(2) An extract of a written judgment or a record containing a judgment may, if there is a need for urgency in cases where a judicial decision is to be executed, be prepared by entering the name, age, occupation, residence, and registered domicile of the accused, the charged offense, the main text of the judgment, the applicable penal statute, the date on which the judgment was pronounced, and the names of the court and the judge(s), notwithstanding the provisions of the preceding paragraph.

(3) The extract set forth in the preceding paragraph shall be effective only if the judge who issued the judgment affixes his/her seal of approval thereto and indicates, in a supplementary note, that he/she certifies the contents of said extract.

(4) The provisions of the second half of Article 55 shall apply mutatis mutandis to the case set forth in the preceding paragraph; provided, however, that a seal of approval may be affixed in lieu of a signature and seal.

(5) In cases where facts contained in the charge sheet or any other document are quoted in a written judgment, such facts contained in the charge sheet or any other document shall also be included in a copy or an extract of said written judgment; provided, however, that this shall not apply in cases where such facts contained in the charge sheet or other document need not be entered in an extract.

(6) In cases where a list of evidence contained in a trial record is quoted in a written judgment, if any person concerned in the case so requests, such list of evidence contained in the trial record shall also be included in a copy or an extract of said written judgment.

(Documents Prepared by a Public Officer)

Article 58 (1) With regard to a document to be prepared by a national public officer or any other public officer, except when there are special provisions providing otherwise, the public officer shall enter the date and affix his/her signature and seal thereto and indicate the public agency to which he/she is assigned.

(2) With regard to a written judicial decision, a record, or a copy or extract thereof to be prepared by a judge or any other court official, which is to be served on, sent to, or delivered to a person concerned in the case or any other person (excluding cases where said service, sending, or delivery is made to the court or a judge, and cases where said service, sending, or delivery is made due to the conclusion of the case under public prosecution or based on other grounds similar thereto), the court official shall mark each sheet with a seal(s) affixed over the boundary with the following sheet to show that the marked sheets constitute a single document, or take measures equivalent thereto in lieu of such marking of the sheets.

(3) With regard to a document (excluding a document concerning a motion, an assertion of an opinion, a notice, or other procedural act similar thereto against a judge or any other court official) to be prepared by a public prosecutor, a public prosecutor's assistant officer, a judicial police official, or any other public officer (excluding a judge or any other court official), such public officer shall mark each sheet with a seal(s) affixed over the boundary with the following sheet to show that the marked sheets constitute a single document; provided, however, that in the case of preparing a copy or an extract thereof, he/she may take measures equivalent thereto in lieu of such marking of the sheets.

(Correction of Documents Prepared by a Public Officer)

Article 59 When a national public officer or any other public officer prepares a document, he/she shall not alter any of the characters. If he/she adds, deletes, or enters in the margins any characters, he/she shall clarify the range thereof and affix his/her seal of approval to the part he/she revised; provided, however, that, in any deleted part, the deleted characters shall be left visible so that they can be read.

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

Article 60 With regard to a document to be prepared by a person other than a national public officer or other public officer, said person shall enter the date and affix his/her signature and seal thereto.

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

Article 60-2 (1) In cases where a judge or any other court official is to affix

his/her signature and seal, he/she may affix his/her seal next to his/her name in lieu of affixing his/her signature and seal; provided, however, that this shall not apply in cases where the judge is to affix his/her signature and seal to a written judgment.

(2) The provisions of the preceding paragraph shall also apply to cases where any of the following persons is to affix his/her signature and seal to a document concerning a motion, a statement of opinion, a notice, notification, or other procedural act similar thereto, or when said person is to affix his/her signature and seal to a copy or an extract of a document:

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

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

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

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

Article 61 (1) In cases where a person other than a national public officer or any other public officer is to affix his/her signature and seal, if he/she is unable to affix his/her signature (excluding a case where he/she is able to affix his/her seal next to his/her name pursuant to paragraph (2) of the preceding Article), he/she shall have another person write on his/her behalf, and if said person other than a national public officer or any other public officer is unable to affix his/her seal thereto, he/she shall affix his/her fingerprint.

(2) In cases where a person other than a national public officer or any other public officer has another person write on his/her behalf, the person writing on his/her behalf shall enter into the document the grounds therefor and shall affix his/her own signature and seal thereto.

(Notification for Receiving Service of Documents)

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

(2) The notification under the provisions of the preceding paragraph shall be effective for the courts of the respective instances within the same district.
(3) The provisions of the preceding two paragraphs shall not apply to a person committed to a penal institution.
(4) With regard to any service, a designated service recipient shall be deemed to be the intended recipient of the service, and the residence or office of the designated service recipient shall be deemed to be the residence of the intended recipient of service.

(Service by Registered Mail, etc.)
Article 63 (1) When a person who is to notify the court of his/her residence, office, or designated service recipient fails to make said notification, the court clerk may serve a document by registered mail or by any of the correspondence delivery services provided by a general correspondence delivery operator or a specified correspondence delivery operator, which are specified separately by the Rules of the Supreme Court as services equivalent to registered mail (referred to as "registered mail, etc." in the following paragraph); provided, however, that this shall not apply to the service of a copy of a charge sheet or a summary order.
(2) The service set forth in the preceding paragraph shall be deemed to have been made at the time when the document has been sent by registered mail, etc.

(Requirements for Service at the Workplace)
Article 63-2 A document may be served on an intended recipient at the residence or office of another person where said intended recipient works based on employment, entrustment, or any other legal act, but only if said intended recipient raises no objection thereto.

(Service on a Public Prosecutor)
Article 64 Service of a document on a public prosecutor shall be accomplished by sending the document to the public prosecutor's office.

(Personal Service)
Article 65 When the court clerk has delivered a document to be served to the intended recipient of the service, the document shall be deemed to have been served on said intended recipient.

Chapter VII Periods

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

Article 66 (1) When the court finds it appropriate to extend the statutory period in consideration of the distance between the location of the residence or office of the person who is to perform a procedural act in court and the location of the court, and any inconvenience with regard to transportation and communications, the court shall specify the extended period by an order.
(2) The provisions of the preceding paragraph shall not apply to the period for filing an appeal against a pronounced judicial decision.

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

Article 66-2 (1) When a public prosecutor finds it appropriate to extend a statutory period in consideration of the distance between the location of the residence or office of the person who is to perform a procedural act against the public prosecutor and the location of the public prosecutor's office, and any inconvenience with regard to transportation and communications, the public prosecutor shall request the judge to extend the period.
(2) When the judge finds the request set forth in the preceding paragraph to have grounds, he/she shall promptly specify the extended period.
(3) The judicial decision set forth in the preceding paragraph shall become effective by notifying the public prosecutor thereof.
(4) When the public prosecutor receives the notification of a judicial decision as set forth in the preceding paragraph, he/she shall immediately notify the person who is to perform the procedural act thereof.

Chapter VIII Summonses, Custody, and Detention of the Accused

(Grace Period between Service of Summons and Appearance)

Article 67 (1) A grace period of at least 12 hours shall be set between the time of the service of a writ of summons against the accused and the time of his/her appearance; provided, however, that this shall not apply when there are special provisions providing otherwise.
(2) It shall be possible to not set the grace period set forth in the preceding paragraph, if the accused raises no objection thereto.

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

Article 68 With regard to a custody or detention of the accused, due care shall be exercised to preserve the physical safety and reputation of the accused.

(Presence of the Court Clerk)

Article 69 When informing the accused of a case under public prosecution and

hearing his/her statements related thereto pursuant to the provisions of Article 61 of the Code, the court shall have a court clerk be present.

(Descriptive Requirements for a Detention Warrant)

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

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

Article 71 In cases where the presiding judge issues a writ of summons, bench warrant, or detention warrant pursuant to the provisions of Article 69 of the Code, he/she shall enter a statement to that effect in said writ of summons, bench warrant, or detention warrant.

(Sending the Original Bench Warrant or Detention Warrant)

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

(Delivery of Multiple Copies of a Bench Warrant)

Article 73 Multiple copies of a bench warrant may be prepared and delivered to a multiple number of the public prosecutor's assistant officers or judicial police officials.

(Request for the Delivery of a Copy of a Bench Warrant or Detention Warrant)

Article 74 An accused person against whom a bench warrant or detention warrant is executed may request the delivery of a copy thereof.

(Measures to Be Taken after the Execution of a Bench Warrant or Detention Warrant)

Article 75 (1) If the person in charge of execution executes a bench warrant or detention warrant, he/she shall enter the place and the date and time of the execution therein, and if he/she fails to execute such bench warrant or detention warrant, he/she shall enter the grounds for the failure therein, and affix thereto his/her seal next to his/her name in either case.

(2) Any documents relating to the execution of a bench warrant or detention warrant shall be submitted to the court or judge that has issued the bench warrant or detention warrant via the public prosecutor or judge who directed the execution thereof.

(3) The court or any judge that receives documents relating to the execution of a

bench warrant shall have the court clerk enter in the bench warrant the date and time on which the accused was brought to the designated place.

(Bench Warrant Issued through Delegation)

Article 76 (1) When a judge who has issued a bench warrant through delegation receives documents relating to the execution of the bench warrant, he/she shall have the court clerk enter in the bench warrant the date and time on which the accused was brought to the designated place.

(2) In cases where a judge who has issued a bench warrant through delegation refers the accused to the designated court, he/she shall enter in the bench warrant the period within which the accused is to arrive at the designated court, and shall affix his/her seal next to his/her name therein.

(3) When a court or judge that has delegated the issuance of a bench warrant receives documents relating to the execution of the bench warrant, the court or judge shall have the court clerk enter in the bench warrant the date and time on which the accused arrived.

(Presence of a Court Clerk)

Article 77 When any court or judge makes a ruling set forth in Article 76 or 77 of the Code, said court or judge shall have a court clerk be present during said ruling.

(Preparation of Records)

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

(Notice of Detention)

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

(Transfer of the Accused)

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

(2) When the public prosecutor transfers the accused to another penal institution, he/she shall immediately notify the court and the defense counsel of such fact and of the name of said penal institution. When the accused has no defense counsel, the public prosecutor shall notify one person who has been designated by the accused from among his/her statutory agent, curator, spouse, lineal relative, or sibling of such fact and of the name of said penal institution.

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

(Method of Requesting Disclosure of the Grounds for Detention)

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

(2) When any of the persons listed in Article 82, paragraph (2) of the Code files a request as set forth in the preceding paragraph, he/she shall specifically clarify his/her relationship with the accused in writing.

(Dismissal of a Request for Disclosure)

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

(Proceedings for Disclosure)

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

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

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

(Disclosure on a Trial Date)

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

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

(Request for Disclosure and the Disclosure Date)

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

(Change of the Disclosure Date)

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

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

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

(Time Limit for Statements of Opinion on the Disclosure Date, etc.)

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

(2) A person set forth in the preceding paragraph may submit documents in lieu of or to supplement his/her statement of opinion.

(Record of the Disclosure Date)

Article 86 A record shall be made of the proceedings on the disclosure date, after which the court clerk shall affix his/her signature and seal and the presiding judge shall affix his/her seal of approval thereto.

(Service of a Judicial Order Denying a Request for Disclosure)

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

(Matters to Be Entered in a Bail Bond)

Article 87 A bail bond shall have recorded therein the amount of bail money and the fact that bail money can be posted at any time.

(Hearing of Opinions on Suspension of Execution)

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

Article 89 Deleted.

(Suspension of Execution by Entrustment)

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

(Refund of Bail Money)

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

(i) when the detention is rescinded or the detention warrant ceases to be effective;
(ii) when the accused is committed to a penal institution as a result of the bail being rescinded or ceasing to be effective; or
(iii) in the event that bail is rescinded or ceases to be effective, when, before the accused is committed to a penal institution, a new order of bail is issued and new bail money is posted or the execution of detention is suspended anew.

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

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

Article 92 (1) With regard to a case that is still within the period for filing an appeal but for which no appeal has yet been filed, in the event that the period of detention should be extended, the court of prior instance shall issue an order therefor.

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

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

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

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

Article 92-2 In committing the accused to a penal institution pursuant to the provisions of Article 98 of the Code as applied mutatis mutandis pursuant to Article 343 of the Code, it shall be sufficient to show the accused a copy of a detention warrant which shows the sentence rendered, the date on which the judgment was pronounced, and the court that pronounced the judgment, to which the presiding judge has affixed his/her seal of approval and certified that the contents have been verified in a supplementary note.

Chapter IX Search and Seizure

(Maintenance of Confidentiality and Reputation During Search and Seizure)

Article 93 With regard to search and seizure, due care shall be exercised to maintain the confidentiality of a person subject to a ruling therefor, and to not harm the reputation of said person.

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

Article 94 When considered necessary, the grounds for carrying out the search or seizure shall be included in the search warrant or the seizure warrant.

(Provisions Applied Mutatis Mutandis)

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

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

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

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

Article 97 A person who has executed a search warrant or a seizure warrant shall promptly submit any documents relating to the execution thereof, as well as the seized articles, to the court that issued the warrant. In the event that a public prosecutor has directed the execution of the warrant, said documents and articles shall be submitted via said public prosecutor.

(Treatment of Seized Articles)

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

(Entry of a Seizure Warrant in an Execution Record)

Article 99 When the person who has executed a seizure warrant has acted as set forth in Article 96, in the preceding Article, or in Article 121, paragraph (1) or (2) of the Code, he/she shall include an entry to that effect in the execution record.

(Presence at a Search or Seizure)

Article 100 (1) When a seizure is carried out without a seizure warrant having been issued, the court shall have the court clerk be present.

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

Chapter X Inspections

(Due Care at Inspection)

Article 101 Where an autopsy or an exhumation is carried out during an inspection, due care shall be exercised not to be disrespectful, and if the deceased had a spouse, lineal relatives, or siblings, such person(s) shall be notified of the autopsy or exhumation.

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

Article 102 A writ of summons or bench warrant for the accused to appear for a physical examination shall include a statement to the effect that the accused is being summoned or taken into custody for a physical examination.

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

Article 103 (1) A writ of summons for a person other than the accused to appear for a physical examination shall contain the name and residence of said person, the name of the accused, the charged offense, the date, time, and place to appear, a statement to the effect that said person is being summoned for a physical examination, and a statement to the effect that a non-penal fine or a criminal penalty may be imposed and a bench warrant may be issued if said person fails to appear without justifiable grounds, and the presiding judge shall affix his/her seal thereto next to his/her name.

(2) A bench warrant for a person other than the accused to appear for a physical examination shall contain the name and residence of said person, the name of the accused, the charged offense, the place where said person should be brought, a statement to the effect that said person is being taken into custody for a physical examination, the valid period, a statement to the effect that upon expiration of said valid period, the bench warrant may not be executed and shall be returned, as well as the date of issuance, and the presiding judge shall affix his/her seal thereto next to his/her name.

(Provisions Applied Mutatis Mutandis)

Article 104 The provisions of Articles 72 through 76 shall apply mutatis mutandis to taking into custody a person other than the accused for a physical

examination.

(Presence at Inspection)

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

Chapter XI Examination of Witnesses

(Statement of Matters for Examination)

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

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

(3) The matters to be included in the document set forth in the preceding two paragraphs shall cover all matters that the testimony of the witness aims to prove.

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

(5) In the event that a witness is examined on a date other than a trial date, the person who requests the examination of the witness shall promptly submit to the court a number of copies of the document set forth in paragraph (1) equal to the number of opponent(s) and his/her defense counsel(s).

(Dismissal of a Request)

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

(Announcement of Orders)

Article 107-2 (1) An order for the measures prescribed in Article 157-2, paragraph (1) of the Code, an order for the measures prescribed in Article 157-3 of the Code, an order for a witness to be examined by the method prescribed in Article 157-4, paragraph (1) of the Code, and an order to the effect that the

questions asked during examination of the witness, the statement given thereby, and the circumstances thereof shall be recorded on a recording medium pursuant to the provisions of paragraph (2) of said Article need not be served, even if said order is issued before the trial date.

(2) In the case set forth in the preceding paragraph, the court shall promptly notify the persons concerned in the case of the contents of such an order.

(Announcement of the Matters for Examination, etc.)

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

(2) The opponent or his/her defense counsel may request, in writing, that the witness be examined on other necessary matters in addition to the matters for examination prescribed in the preceding paragraph.

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

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

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

(Descriptive Requirements for a Writ of Summons or Bench Warrant)

Article 110 (1) A writ of summons issued to a witness shall contain the name and residence of the witness, the name of the accused, the charged offense, the date, time, and place of appearance, as well as a statement to the effect that a non-penal fine or a criminal penalty may be imposed and a bench warrant may be issued if said witness fails to appear without justifiable grounds, and the presiding judge shall affix his/her seal thereto next to his/her name.

(2) A bench warrant issued to a witness shall contain the name and residence of the witness, the name of the accused, the charged offense, the date and time on which and the place where said person should be brought, the valid period, a statement to the effect that after the expiration of said valid period the bench warrant may not be executed and shall be returned, and the date of issuance, and the presiding judge shall affix his/her seal thereto next to his/her name.

(Grace Period for a Summons)

Article 111 A grace period of at least 24 hours shall be set between the time of

the service of a writ of summons on a witness and the time of his/her appearance; provided, however, that this shall not apply in cases of urgency.

(Provisions Applied Mutatis Mutandis)

Article 112 The provisions of Articles 72 through 76 shall apply mutatis mutandis to taking a witness into custody.

(Due Care upon Examination and Witnesses Present in Court)

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

(2) When a witness is within the courthouse, said witness may be examined without a summons.

(Presence During Examination)

Article 114 The court shall have the court clerk be present during examination of all witnesses.

(Examination on a Witness' Identity)

Article 115 A witness shall first be examined to verify his/her identity.

(Explanation, etc. of the Meaning of Being Under Oath)

Article 116 When there is doubt as to whether a witness is able to understand the meaning of being under oath, the court shall examine this point before the witness is sworn under oath, and when it considers it to be necessary, shall explain the meaning of being under oath to the witness.

(Timing of Swearing-In)

Article 117 The court shall place a witness under oath before examination.

(Method of Swearing-In)

Article 118 (1) A witness shall be sworn in by way of a written oath.

(2) A written oath shall contain a statement to the effect that the witness swears to tell the truth according to the dictates of his/her conscience, neither concealing nor adding anything.

(3) The presiding judge shall have the witness read aloud the written oath and shall have him/her affix his/her signature and seal thereto. If a witness is unable to read the written oath aloud, the presiding judge shall have the court clerk do so.

(4) The swearing-in shall be carried out solemnly and while standing.

(Individual Swearing-In)

Article 119 The court shall place each witness under oath separately.

(Warning Against Perjury)

Article 120 Before examination, the court shall inform witnesses who are sworn under oath of the punishment for perjury.

(Announcement of the Right to Refuse to Testify)

Article 121 (1) Before examination, the court shall inform witnesses of the fact that they may refuse to give testimony which they are concerned could result in criminal prosecution or a conviction against themselves or against any of the persons prescribed in Article 147 of the Code.

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

(Refusal to Testify)

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

(2) If a person who refuses to give testimony fails to indicate the grounds for such refusal, the court shall order said person to testify and shall inform said person to the effect that a non-penal fine or any other sanction may be imposed on him/her.

(Individual Examination)

Article 123 (1) Witnesses shall be examined separately.

(2) When a witness who is to be examined later is present in court, said witness shall be ordered to leave the court.

(Simultaneous Examination)

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

(Examination by Means of a Document)

Article 125 When a witness is unable to hear, questions may be asked of said witness by means of a document, and when a witness is unable to speak, said witness may make responses by means of a document.

(Inspection, etc. of a Record of an Examination Conducted on a Date Other Than a Trial Date)

Article 126 (1) In the event that the public prosecutor, the accused, or the defense counsel did not attend the examination of a witness conducted on a

date other than a trial date, when the examination record for said witness is completed or upon the court's receipt thereof, the court shall promptly notify the person(s) who were not present at the examination to that effect.
(2) The accused may inspect an examination record as set forth in the preceding paragraph.
(3) When the accused is unable to read or see, he/she may request that an examination record as set forth in paragraph (1) be read aloud.
(4) The provisions of Article 50 shall apply mutatis mutandis to the cases set forth in the preceding two paragraphs.

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

Chapter XII Expert Opinions

(Swearing-In)
Article 128 (1) The court shall place an expert witness under oath before expert testimony.
(2) An expert witness shall be sworn in by way of a written oath.
(3) A written oath shall contain a statement to the effect that the expert witness solemnly swears to give expert testimony according to the dictates of his/her conscience.

(Expert Evaluation Report)
Article 129 (1) The court shall have the expert witness report orally or by means of a written expert opinion the progress and results of an evaluation he/she has conducted.
(2) When there are two or more expert witnesses, the court may have them report jointly.
(3) In the case of having the expert witness report the progress and results of an evaluation he/she has conducted by means of a written expert opinion, the court shall notify the expert witness of the fact that he/she may be examined with regard to the matters contained in the written expert opinion on a trial date.

(Expert Evaluations Conducted Outside the Court)
Article 130 (1) When it is necessary, the court may have the expert conduct his/her evaluation outside of court.

(2) In the case set forth in the preceding paragraph, the court may deliver any articles relating to said evaluation to the expert witness.

(Descriptive Requirements for a Writ of Confinement Pending Expert Evaluation)

Article 130-2 A writ of confinement pending expert evaluation shall contain the name and residence of the accused, the charged offense, a summary of the charged facts, the place for confinement, the period of confinement, the purpose of the expert evaluation, the valid period, a statement to the effect that after the expiration of said valid period, the writ of confinement may not be executed and shall be returned, and the date of issuance, and the presiding judge shall affix his/her seal thereto next to his/her name.

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

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

(Extension or Shortening of the Period of Confinement for Expert Evaluation)

Article 130-4 Any extension or shortening of the period during which the accused is confined for the expert evaluation shall be carried out by judicial order.

(Payment of Confinement Fees)

Article 130-5 (1) In cases where the accused is confined in a hospital or any other place for the expert evaluation, the court shall, upon the request of the administrator of said place, pay the hospital fees or any other fees required for the confinement.

(2) The amount of the fees to be paid pursuant to the provisions of the preceding paragraph shall be in accordance with what the court finds to be appropriate.

(Provisions Applied Mutatis Mutandis)

Article 131 Except as otherwise provided in these Rules, the provisions concerning detention shall apply mutatis mutandis to the confinement of the accused for an expert evaluation; provided, however, that this shall not apply to the provisions concerning bail.

(Provisions Applied Mutatis Mutandis)

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

(Descriptive Requirements for a Permit for Expert Evaluation)

Article 133 (1) The permit set forth in Article 168 of the Code shall include the valid period, a statement to the effect that after the expiration of said valid period the permitted action may not be undertaken and the permit shall be returned, and the date of issuance, and the presiding judge shall affix his/her seal thereto next to his/her name.
(2) In cases where conditions are attached to a physical examination to be conducted by an expert witness, such conditions shall be entered in the permit set forth in the preceding paragraph.

(Inspection, etc. for the Purpose of Expert Evaluation)
Article 134 (1) Where it is necessary for the expert evaluation, an expert witness may, with the permission of the presiding judge, inspect or copy documents and articles of evidence, and may be present during proceedings when questions are being asked of the accused or when any witness is being examined.
(2) Notwithstanding the provisions of the preceding paragraph, the recording medium prescribed in Article 157-4, paragraph (3) of the Code may not be copied.
(3) An expert witness may request that the accused be questioned or that a witness be examined, or may directly ask such persons questions with the permission of the presiding judge.

(Provisions Applied Mutatis Mutandis)
Article 135 Except for the provisions concerning cutody, the provisions of the preceding Chapter shall apply mutatis mutandis to expert evaluations.

Chapter XIII Interpretation and Translation

(Provisions Applied Mutatis Mutandis)
Article 136 The provisions of the preceding Chapter shall apply mutatis mutandis to interpretation and translation.

Chapter XIV Preservation of Evidence

(Judge Who Is to Make a Ruling)
Article 137 (1) Requests for the preservation of evidence shall be filed with a judge of the district court or summary court which has jurisdiction over the following locations:
(i) with regard to a seizure, the location of the article to be seized;
(ii) with regard to a search or inspection, the location of the place, body, or object to be searched or inspected;
(iii) with regard to the examination of a witness, the location of the witness at

the relevant time; and
(iv) with regard to an expert evaluation, the whereabouts or location of the subject of the evaluation at the relevant time.

(2) When requesting a ruling on an expert evaluation, if it is not possible to file a request pursuant to the provisions of item (iv) of the preceding paragraph, such a request may be filed with a judge of the district court or summary court that is considered to be the most convenient district court or summary court at which said ruling could be made.

(Method for Filing a Request)

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

(2) The following matters shall be entered into the written request set forth in the preceding paragraph:
(i) an outline of the case;
(ii) the facts to be proved;
(iii) evidence and the method of preservation thereof; and
(iv) the grounds for the need to preserve the evidence.

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

Chapter XV Court Costs

(Court with Which to File Requests)

Article 138-2 Requests as set forth in Article 187-2 of the Code shall be filed with the district court or summary court that has jurisdiction over the location of the public prosecutors office to which the public prosecutor who decided not to institute prosecution is assigned.

(Method of Filing Requests)

Article 138-3 Requests as set forth in Article 187-2 of the Code shall be filed by means of a document containing the following matters:
(i) the name, age, occupation, and residence of the person who is to bear the court costs;
(ii) when the person prescribed in the preceding item is not the suspect, the name and age of the suspect;
(iii) the charged offense and a summary of the alleged facts of the crime;
(iv) the fact that a decision was made not to institute prosecution;
(v) the grounds on which the relevant person should bear the court costs; and
(vi) the court costs to be borne.

(Provision of Materials)

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

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

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

(Submission and Service of Copies of a Written Request)

Article 138-5 (1) When filing a request as set forth in Article 187-2 of the Code, the public prosecutor shall, simultaneously with the filing of the request, submit to the court a number of copies of the written request equal to the number of persons who are being requested to bear the court costs.

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

(Hearing of Opinions)

Article 138-6 In the case of issuing an order with regard to a request as set forth in Article 187-2 of the Code, the court shall hear the opinions of the person(s) who is being requested to bear the court costs.

(Dismissal of a Request)

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

Chapter XVI Compensation for Costs

(Provisions Applied Mutatis Mutandis)

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

(Calculation by the Court Clerk)

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

Part II First Instance

Chapter I Investigation

(Method of Filing a Request for a Warrant)

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

(2) A written request for an arrest warrant shall have attached to it a single copy of the same.

(Dismissal of a Request for a Warrant)

Article 140 In order for the judge to dismiss a request for a warrant, it shall be sufficient to include an entry to that effect in the written request, and for the judge to affix his/her seal thereto next to his/her name and deliver it to the requester.

(Return of a Written Request for a Warrant)

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

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

Article 141-2 When the National Public Safety Commission or Prefectural Public Safety Commission designates the judicial police officers who may request an arrest warrant pursuant to the provisions of Article 199, paragraph (2) of the Code, the National Public Safety Commission shall notify the Supreme Court to that effect, and the Prefectural Public Safety Commission shall notify the district court which has jurisdiction over the location thereof to that effect. The same shall apply when there is a change in the contents so notified.

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

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

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

(ii) the charged offense and a summary of the alleged facts;

(iii) the grounds necessitating the suspect's arrest;

(iv) the official title and name of the requester;

(v) when the requester is a judicial police officer who is a police official, the fact that he/she is a person designated under the provisions of Article 199, paragraph (2) of the Code;

(vi) when a validity period in excess of seven days is required, an entry to that effect and the grounds therefor;

(vii) when a multiple number of arrest warrants is required, an entry to that effect and the grounds therefor; and

(viii) when any request has been made or an arrest warrant has been issued for the suspect previously with regard to the facts of the crime in question or facts of another crime under investigation at that time, an entry to that effect and the facts of said crime.

(2) When the name of the suspect is unknown, the suspect shall be designated by facial and physical descriptions and by any other sufficiently distinguishing characteristics.

(3) When the age, occupation, or residence of the suspect is unknown, it shall be sufficient to include an entry to that effect.

(Provision of Materials)

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

(Hearing of the Statements of a Requester of an Arrest Warrant, etc.)

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

(Cases Where There Is Clearly No Need for Arrest)

Article 143-3 Even in cases where a judge who receives a request for an arrest warrant finds that there are grounds for arrest, if he/she finds that there is clearly no need for an arrest, because, for example, there is no concern that the suspect would flee or conceal evidence, in light of the age and environment of the suspect, the gravity and mode of the offense, and various other circumstances, the judge shall dismiss the request for an arrest warrant.

(Descriptive Requirements for an Arrest Warrant)

Article 144 An arrest warrant shall include the official title and name of the requester.

(Preparation of an Arrest Warrant)

Article 145 An arrest warrant may be prepared by making use of the written request for said arrest warrant and the contents thereof.

(Multiple Copies of an Arrest Warrant)

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

(Descriptive Requirements for a Written Request for Detention)

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

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

(ii) the charged offense, a summary of the alleged facts of the crime, and when the suspect was arrested in flagrante delicto or immediately following the crime, the probable cause that led the arrester to believe that the arrestee had committed the crime;

(iii) the grounds specified in any of the items under Article 60, paragraph (1) of the Code;

(iv) when a public prosecutor or a judicial police officer is unable to comply with the time limitations specified by the Code due to unavoidable circumstances, the grounds therefor; and

(v) when the suspect has defense counsel, the name of the defense counsel.

(2) With regard to entry of the age, occupation, and place of residence of the suspect, the charged offense, and a summary of the alleged facts of the crime, if such matters are the same as those included in the written request for the arrest warrant, notwithstanding the provisions of the preceding paragraph, it shall be sufficient to include an entry to that effect in the written request for the detention of the suspect.

(3) The provisions of Article 142, paragraphs (2) and (3) shall apply mutatis mutandis to the case set forth in paragraph (1).

(Provision of Materials)

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

(i) when the suspect has been arrested pursuant to an arrest warrant, the written request for the arrest warrant, and the arrest warrant containing the date, time, and place of arrest, the date and time that the procedure for referring the suspect to a public prosecutor or a judicial police officer was carried out, and the date and time that said referral was made, with the seal of the relevant person affixed thereto next to his/her name for each entry;

(ii) when the suspect has been arrested in flagrante delicto or immediately following the crime, a record or any other document containing the matters prescribed in the preceding item; and

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

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

circumstances.

(Descriptive Requirements for a Detention Warrant)

Article 149 A detention warrant issued against a suspect shall include the date of the request for detention.

(Sending of Documents)

Article 150 When a judge detains a suspect, he/she shall promptly send the documents concerning said detention to a public prosecutor.

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

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

(Request for an Extension of Period)

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

(2) The written request set forth in the preceding paragraph shall contain the unavoidable circumstances and the requested period of extension.

(Provision of Materials, etc.)

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

(Judicial Decision on an Extension of Period)

Article 153 (1) When a judge finds that there are grounds for the request set forth in Article 151, paragraph (1), he/she shall enter the period of extension and the grounds for the extension in the detention warrant and affix his/her seal thereto next to his/her name, and have a court clerk deliver it to a public prosecutor.

(2) The judicial decision on the extension described in the preceding paragraph shall become effective through the delivery set forth in said paragraph.

(3) When a court clerk delivers a detention warrant to a public prosecutor, he/she shall enter the date of delivery therein, and affix his/her seal thereto next to his name.

(4) When a public prosecutor receives delivery of a detention warrant, he/she shall immediately have an official of a penal institution show it to the suspect.

(5) The provisions of Articles 140, 141, and 150 shall apply mutatis mutandis to a request as set forth in Article 151, paragraph (1).

(Request for Delivery of a Copy)

Article 154 When the judicial decision set forth in paragraph (1) of the preceding Article is issued, the suspect may request delivery of a copy of the detention warrant that contains said judicial decision.

(Descriptive Requirements for a Written Request for a Warrant for Seizure, etc.)

Article 155 (1) A written request for a warrant for seizure, search, or inspection shall contain the following matters:

(i) the article to be seized, or the place, body, or object to be searched or inspected;

(ii) the official title and name of the requester;

(iii) the name of the suspect or the accused (if the suspect or the accused is a juridical person, the name of said juridical person);

(iv) the charged offense and a summary of the facts of the crime;

(v) when a validity period exceeding seven days is required, an entry to that effect and the grounds therefor; and

(vi) when there is a need to carry out a seizure, search, or inspection before sunrise or after sunset, an entry to that effect and the grounds therefor.

(2) In addition to the matters prescribed in the preceding paragraph, a written request for a warrant for physical examination shall contain the matters prescribed in Article 218, paragraph (4) of the Code.

(3) When the name of the suspect or the accused is unknown, it shall be sufficient to include an entry to that effect.

(Provision of Materials)

Article 156 (1) In filing the request set forth in paragraph (1) of the preceding Article, the requester shall provide materials based on which the suspect or the accused should be considered to have committed an offense.

(2) In filing a request for a warrant for the seizure of any postal item, piece of correspondence, or telegram that is being kept by or is in the possession of a person who handles communications business affairs based on the provisions of laws and regulations (excluding those sent by the suspect or the accused, or those sent to the suspect or the accused), the requester shall provide materials establishing that there are circumstances to sufficiently support said item's or document's relationship to the suspect's case or the accused's case.

(3) In filing a request for a warrant to search the body, an object, or the residence of a person other than the suspect or the accused, or any other location of such other person, the requester shall provide materials establishing that there are circumstances to sufficiently support the existence of the article to be seized.

(Descriptive Requirements for a Warrant for Physical Examination)

Article 157 A warrant for a physical examination shall include an entry to the effect that a non-penal fine or a criminal penalty may be imposed if the person who is to receive the physical examination refuses to be physically examined without justifiable grounds.

(Entry Concerning Return of the Arrest Warrant, etc.)

Article 157-2 An arrest warrant or the warrant set forth in Article 218, paragraph (1) of the Code shall include an entry to the effect that, even within the valid period, when there is no longer a need for the warrant, it shall be immediately returned.

(Request for a Penalty, etc.)

Article 158 A request for a non-penal fine to be imposed or for compensation of expenses to be ordered against a person who has refused a physical examination pursuant to the provisions of Article 222, paragraph (7) of the Code shall be filed with the district court or summary court that has jurisdiction over the public agency to which the requester is assigned.

(Descriptive Requirements for a Written Request for Confinement for Expert Evaluation)

Article 158-2 (1) A written request for the confinement of a suspect for expert evaluation shall contain the following matters:

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

(ii) the charged offense and a summary of the alleged facts of the crime;

(iii) the official title and name of the requester;

(iv) the place of confinement;

(v) the required period of confinement;

(vi) the purpose of the expert evaluation;

(vii) the name and occupation of the expert witness; and

(viii) if the suspect has defense counsel, the name of the defense counsel.

(2) The provisions of Article 142, paragraphs (2) and (3) shall apply mutatis mutandis to the case set forth in the preceding paragraph.

(Descriptive Requirements for a Written Request for Permission for Actions Undertaken in an Expert Evaluation)

Article 159 (1) A written request for permission as set forth in Article 225, paragraph (1) of the Code shall contain the following matters:

(i) the official title and name of the requester;

(ii) the name of the suspect or the accused (if the suspect or the accused is a

juridical person, the name of said juridical person);
(iii) the charged offense and a summary of the facts of the crime;
(iv) the name and occupation of the expert witness; and
(v) the residence, premises, building, or vessel to be entered by the expert witness, the person to be examined, the body to be autopsied, the grave to be exhumed, or the object to be destroyed; and
(vi) when a validity period exceeding seven days is required for the permit, an entry to that effect and the grounds therefor.

(2) The provisions of Article 155, paragraph (3) shall apply mutatis mutandis to the case set forth in the preceding paragraph.

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

Article 160 (1) Requests for the examination of a witness as set forth in Article 226 or 227 of the Code shall be filed by means of a document containing the following matters:
(i) the name, age, occupation, and place of residence of the witness;
(ii) the name of the suspect or the accused (if the suspect or the accused is a juridical person, the name of said juridical person);
(iii) the charged offense and a summary of the facts of the crime;
(iv) the facts to be proved;
(v) the matters for examination or the matters on which the witness should testify;
(vi) the grounds prescribed in either Article 226 or 227 of the Code; and
(vii) when the suspect has defense counsel, the name of the defense counsel.

(2) The provisions of Article 155, paragraph (3) shall apply mutatis mutandis to the case set forth in the preceding paragraph.

(Provision of Materials)

Article 161 In filing a request for the examination of a witness as set forth in Article 226 of the Code, the requester shall provide materials establishing the grounds prescribed in said Article.

(Presence During Examination of a Witness)

Article 162 When the judge who receives a request for the examination of a witness as set forth in Article 226 or 227 of the Code finds that there is no concern of the investigation being interfered with, he/she may allow the accused, the suspect, or his/her defense counsel to be present.

(Sending of Documents)

Article 163 When the judge examines a witness in response to a request as set forth in Article 226 or 227 of the Code, he/she shall promptly send the

documents concerning said examination to the public prosecutor.

Chapter II Prosecution

(Descriptive Requirements for a Charge Sheet)

Article 164 (1) In addition to the matters prescribed in Article 256 of the Code, a charge sheet shall contain the following matters:

(i) the name, age, occupation, place of residence, and registered domicile of the accused; provided, however, that if the accused is a juridical person, this shall be information concerning the office and the name and residence of the representative or manager of said juridical person; and

(ii) if the accused has been arrested or detained, an entry to that effect.

(2) When any matter listed in item (i) of the preceding paragraph is unknown, it shall be sufficient to include an entry to that effect.

(Submission of a Copy, etc. of a Charge Sheet, etc.)

Article 165 (1) The public prosecutor shall, on institution of prosecution, submit to the court a number of copies of the charge sheet equal to the number of accused persons; provided, however, that if he/she is unable to do so due to unavoidable circumstances, he/she shall submit the copies promptly after the institution of prosecution.

(2) The public prosecutor shall, upon institution of prosecution, submit to the court the written appointment of defense counsel that was submitted to the public prosecutor or judicial police officer. If he/she is unable to submit such written appointment upon institution of prosecution, he/she shall include an entry to that effect in the charge sheet, and shall promptly submit the written appointment of the defense counsel after prosecution is instituted.

(3) The public prosecutor shall, when a judge has appointed defense counsel prior to institution of prosecution based on the provisions of the Code, notify the court to that effect upon institution of prosecution.

(4) The provisions of paragraph (1) shall not apply when requesting a summary order.

(Submission of Materials for Proof)

Article 166 When, in instituting prosecution, it is necessary to prove that a copy of the charge sheet or of a summary order could not be validly served since the offender was outside Japan or he/she was concealing himself/herself, the public prosecutor shall submit to the court materials proving thusly promptly after institution of prosecution; provided, however, that he/she shall not submit any document or any other article which raises concerns of causing the judge to be biased with regard to the case.

(Submission of an Arrest Warrant and/or a Detention Warrant)

Article 167 (1) When a public prosecutor institutes prosecution against an accused person who has been arrested or who is being detained, the public prosecutor shall promptly submit the arrest warrant or the arrest warrant and detention warrant to a judge of the court with which prosecution has been instituted. The same shall apply when he/she institutes prosecution against an accused person who has been released after arrest or detention.

(2) The judge shall, in cases where a judge of another court makes a ruling concerning detention pursuant to the provisions of Article 187, immediately send the arrest warrant and detention warrant set forth in the preceding paragraph to said judge of the other court.

(3) When proceedings have been held on the first trial date, the judge shall promptly send the arrest warrant, detention warrant, and documents concerning any ruling on detention to the court.

(Method for Withdrawing Prosecution)

Article 168 Withdrawal of prosecution shall be carried out by means of a document containing the grounds therefor.

(Descriptive Requirements for a Written Request for Adjudication)

Article 169 A written request as set forth in Article 262 of the Code shall contain the facts of the crime and the evidence in the case to be referred to the court for adjudication.

(Method of Withdrawing a Request)

Article 170 Withdrawal of the request set forth in Article 262 of the Code shall be done in writing.

(Sending of Documents, etc.)

Article 171 When the public prosecutor finds a request as set forth in Article 262 of the Code to be without grounds, he/she shall, within seven days from the date of receiving such written request, send said written request to the court prescribed in said Article, attaching a written opinion, along with documents and articles of evidence. The written opinion shall contain the grounds for not instituting prosecution.

(Notice of a Request, etc.)

Article 172 (1) When documents and articles of evidence are sent pursuant to the preceding Article, the court clerk shall promptly notify the suspect to the effect that a request as set forth in Article 262 of the Code has been filed.

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

(Interrogation of a Suspect)

Article 173 (1) When the court that receives a request as set forth in Article 262 of the Code interrogates a suspect, it shall have the court clerk attend.

(2) In the case set forth in the preceding paragraph, a record shall be made, after which the court clerk shall affix his/her signature and seal and the presiding judge shall affix his/her seal of approval thereto.

(3) The provisions of the first half of Article 38, paragraph (2), item (iii) and Article 38, paragraphs (3), (4) and (6) shall apply mutatis mutandis to a record as set forth in the preceding paragraph.

(Ruling for Adjudication)

Article 174 (1) In issuing a ruling as set forth in Article 266, item (ii) of the Code, the matters to be entered in the charge sheet shall be entered in the written judicial decision.

(2) A copy of the ruling set forth in the preceding paragraph shall also be served on the public prosecutor and the suspect.

(Actions after a Ruling for Adjudication)

Article 175 In cases where the court issues a ruling as set forth in Article 266, item (ii) of the Code, it shall promptly take either of the following actions:

(i) when the court has referred the case to the same court for adjudication, it shall send documents and articles of evidence, excluding the written judicial decision, to the attorney at law who is to carry out the prosecution of the case; or

(ii) when the court has referred the case to another court for adjudication, it shall send the written judicial decision to said other court, and shall send any documents and articles of evidence to the attorney at law who is to carry out the prosecution of the case.

Chapter III Trial

Section 1 Trial Preparation and Trial Procedure

(Service of a Copy of the Charge Sheet, etc.)

Article 176 (1) When the court receives a copy of the charge sheet, it shall immediately serve said copy on the accused.

(2) When the court is unable to serve a copy of the charge sheet, it shall immediately notify the public prosecutor to that effect.

(Notice Concerning Appointment of Defense Counsel)

Article 177 When prosecution is instituted, the court shall, without delay, inform the accused to the effect that he/she may appoint defense counsel, and that he/she may file a request for the appointment of a defense counsel if he/she is unable to appoint defense counsel due to indigence or on any other grounds, and, for a case that is punishable by the death penalty, life imprisonment, or imprisonment with or without work for more than three years, the court shall also inform the accused to the effect that the trial may not begin in absence of defense counsel; provided, however, that this shall not apply when the accused has secured defense counsel.

(Measures to Be Taken for a Case With No Defense Counsel)

Article 178 (1) In cases where prosecution has been instituted, if the accused has no defense counsel, for a case that is punishable by the death penalty, life imprisonment, or imprisonment with or without work for more than three years, the court shall, without delay, confirm with the accused whether he/she will appoint defense counsel, and for any other case, the court shall confirm whether he/she intends to file a request for the appointment of defense counsel under the provisions of Article 36 of the Code.

(2) When taking the measures set forth in the preceding paragraph, the court may demand that the accused respond within a certain time limit designated by the court.

(3) If, in the case set forth in the first half of paragraph (1), no response is given or no defense counsel is appointed within the time limit set forth in the preceding paragraph, the presiding judge shall immediately appoint defense counsel for the accused.

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

Article 178-2 Prior to the first trial date, the persons concerned in the case shall make preparations to ensure speedy proceedings, by collecting and putting into order as much evidence as possible.

(Notification of the Names of the Public Prosecutor and Defense Counsel, etc.)

Article 178-3 In order to allow the public prosecutor and defense counsel to contact each other for trial preparations promptly after institution of prosecution, when the court finds it to be necessary, it shall order the court clerk to take appropriate measures, such as informing the public prosecutor and defense counsel of each other's name.

(Designation of the First Trial Date)

Article 178-4 When specifying the first trial date, trial preparations to be made

by the persons concerned in the case prior to said date shall be taken into consideration.

(Notification of the Amount of Time That Can Likely Be Allocated for the Proceedings)

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

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

Article 178-6 (1) The public prosecutor shall carry out the following prior to the first trial date:

(i) when there is documentary evidence or when there are articles of evidence which the accused or defense counsel is to be given an opportunity to inspect pursuant to the provisions of the main clause of Article 299, paragraph (1) of the Code, the public prosecutor shall give such opportunity for inspection as promptly as possible after institution of prosecution; and

(ii) with regard to documentary evidence or articles of evidence which the defense counsel has given him/her an opportunity to inspect pursuant to the provisions of paragraph (2), item (iii), the public prosecutor shall, as promptly as possible, notify the defense counsel of whether he/she will likely give consent as set forth in Article 326 of the Code, or whether he/she will likely object to a request for examination of a piece of documentary evidence or an article of evidence.

(2) Defense counsel shall carry out the following prior to the first trial date:

(i) defense counsel shall ascertain the facts through an appropriate method such as an interview with the accused and any other person concerned;

(ii) with regard to documentary evidence or articles of evidence which the public prosecutor has given him/her an opportunity to inspect pursuant to the provisions of item (i) of the preceding paragraph, the defense counsel shall, as promptly as possible, notify the public prosecutor of whether he/she will likely give consent as set forth in Article 326 of the Code, or whether he/she will likely object to a request for examination of a piece of documentary evidence or an article of evidence; and

(iii) when there is documentary evidence or when there are articles of evidence which the public prosecutor is to be given an opportunity to inspect pursuant to the provisions of the main clause of Article 299, paragraph (1) of the Code, defense counsel shall present them and shall give such opportunity as promptly as possible.

(3) In addition to what is listed in the preceding two paragraphs, the public prosecutor and defense counsel shall carry out the following prior to the first trial date, by contacting each other:

(i) in order to clarify the counts against the accused or applicable penal statutes described in the charge sheet or in order to clarify the issues of the case, they shall discuss those matters with each other to the furthest extent possible; and

(ii) they shall inform the court of matters necessary for the court to estimate the number of court sessions to be held, such as the amount of time that will likely be required for the examination of evidence and any other proceedings.

(Cases of Giving an Opportunity to Learn the Name and Residence of the Witness, etc.)

Article 178-7 In the event that a person concerned in the case gives his/her opponent an opportunity to learn the name and residence of a witness, etc. to the other party pursuant to the provisions of the main clause of Article 299, paragraph (1) of the Code prior to the first trial date, said person shall give such opportunity as early as possible.

(Appearance of a Witness on the First Trial Date)

Article 178-8 In cases where the public prosecutor or defense counsel intends to file a request to examine a person as a witness and it is likely for said person to be examined on the first trial date, the public prosecutor or defense counsel shall endeavor to have said person appear in court.

(Inquiry on the Progress of Preparation by the Public Prosecutor or Defense Counsel, etc.)

Article 178-9 The court may order the court clerk to make an inquiry to the public prosecutor or the defense counsel as to the progress of preparations for the proceedings or to take measures to urge the public prosecutor or the defense counsel to make such preparations.

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

Article 178-10 (1) When the court finds it to be appropriate, it may have the public prosecutor and the defense counsel appear prior to the first trial date, and discuss necessary matters concerning the designation of trial dates and any other processes in the proceedings; provided, however, that the discussion may not cover matters that risk raising prejudices with regard to the case.

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

(Utilization of the Provisions Concerning Return and Provisional Return)

Article 178-11 After the institution of prosecution, the public prosecutor shall give consideration to utilizing the provisions of Article 123 (Return and Provisional Return of Seized Articles) of the Code as applied mutatis mutandis pursuant to Article 222, paragraph (1) of the Code, in order to allow the accused and his/her defense counsel to use the articles that have been seized with regard to the case to the greatest extent possible in preparing for the proceedings.

(First Trial Date)

Article 179 (1) A writ of summons against the accused for the first trial date may not be served before the service of a copy of the charge sheet.

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

(3) If the accused raises no objection, the grace period set forth in the preceding paragraph may be omitted.

Article 179-2 Deleted.

(Measures to Be Taken Against a Person Who Fails to Appear on a Trial Date)

Article 179-3 In cases where the accused or any other person who has been summoned for a trial date fails to appear without justifiable grounds, the court shall give consideration to utilizing the provisions of Articles 58 (Custody of the Accused), 96 (Rescission of Bail, etc.), and 150 through 153 (Sanctions against a Witness, etc.) of the Code, and other provisions of a similar nature.

(Request to Change a Trial Date)

Article 179-4 (1) A person concerned in the case shall, when any grounds arise that require a trial date to be changed, immediately file a request for a change of the date with the court, specifically clarifying said grounds and the period during which said grounds are expected to exist, and making a prima facie showing thereof by a medical certificate or any other material.

(2) Unless the court finds the grounds set forth in the preceding paragraph to be unavoidable, it shall dismiss the request set forth in said paragraph.

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

Article 179-5 (1) Defense counsel appointed by any of the persons listed in Article 30 of the Code shall, when any grounds arise that require a trial date to

be changed, immediately carry out the procedures set forth in paragraph (1) of the preceding Article, as well as informing the accused and any appointer other than the accused of said grounds and the period during which said grounds are expected to exist.

(2) In cases where the court finds the grounds set forth in the preceding paragraph to be unavoidable, if it is concerned about said grounds causing a delay in the proceedings over the long term, it shall specify a definite time period and request that the accused and any appointer other than the accused under said paragraph respond therewithin as to whether they intend to appoint other defense counsel.

(3) If no response has been given or no defense counsel has been appointed within the period set forth in the preceding paragraph, the following rules shall be observed; provided, however, that this shall not apply when there is a concern that doing so would substantially harm the interests of the accused:

(i) in a case for which no court session may be held in absence of defense counsel, a court session may be held by appointing another defense counsel for the accused pursuant to the provisions of Article 289, paragraph (2) of the Code; and

(ii) in a case for which a court session may be held in absence of defense counsel, a court session may be held without waiting for defense counsel to be present.

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

Article 179-6 Defense counsel appointed by the court, the presiding judge, or a judge pursuant to the provisions of the Code shall, when any grounds occur that require a trial date to be changed, immediately carry out the procedure set forth in Article 179-4, paragraph (1), as well as informing the accused of said grounds and the period during which said grounds are expected to exist.

(Hearing of Opinions on a Change of Date)

Article 180 When changing a trial date, the court shall, in advance, hear the opinions of the public prosecutor and the accused or his/her defense counsel if making such change ex officio, and shall hear the opinions of the adverse party or his/her defense counsel if making such change upon a request; provided, however, that this shall not apply in cases of urgency.

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

Article 181 An order denying a request for the change of a trial date need not be served.

(Non-Change of a Trial Date)

Article 182 (1) Unless the court finds it to be unavoidable, it may not change a trial date.

(2) When the court changes a trial date in abuse of its powers, a person concerned in the case may file a written complaint with the court which has the power of supervision over the judge(s) concerned pursuant to the provisions of Article 80 of the Court Act.

(Materials to Be Submitted in the Event of Nonappearance)

Article 183 (1) When the accused has received a summons to appear on a trial date, if he/she believes he/she will be unable to appear due to a mental or physical illness or on any other grounds, he/she shall immediately submit to the court a document containing said grounds and a doctor's medical certificate or any other material for clarifying said grounds.

(2) In cases where the accused is to submit a doctor's medical certificate pursuant to the provisions of the preceding paragraph, if he/she is unable to acquire the doctor's medical certificate due to indigence, the court may commission a doctor to prepare a medical certificate for the accused.

(3) The medical certificate set forth in the preceding two paragraphs shall contain, in addition to the name and severity of the illness, the doctor's concrete opinion as to whether or not the accused, being in such state of mental or physical illness, is able to appear on a trial date, is able to appropriately exercise his/her right to defense independently or in cooperation with defense counsel, or if appearing in court or participating in proceedings would pose a substantial threat to his/her life or the condition of his/her health.

(Non-Acceptance of a Medical Certificate, etc.)

Article 184 (1) When a doctor's medical certificate as set forth in the provisions of the preceding Article is in violation of the form specified in said Article, the court shall not accept said doctor's medical certificate.

(2) Even in cases where the medical certificate set forth in the preceding Article is not in violation of the form specified in said Article, if the court finds the contents thereof to be doubtful, it shall take appropriate measures, such as summoning the doctor who prepared the medical certificate and examining him/her as a witness with regard to his/her qualifications and the contents of the medical certificate, or ordering another fair-minded, qualified doctor to conduct an expert evaluation on the state of the illness of the accused.

(Unjustified Medical Certificates)

Article 185 With regard to a doctor's preparation of a medical certificate under the provisions of Article 183, if the court finds that the doctor has intentionally

included false entries, violated the form specified in said Article, obfuscated the contents, or conducted any other inappropriate act, the court may notify the Minister of Health, Labour and Welfare or a doctors' association to that effect in order to allow said Minister or said association to take the measures that are found to be appropriate against said doctor, or the court may take any other appropriate measures allowed under laws and regulations.

(Provisions Applied Mutatis Mutandis)

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

(Judge Who Is to Rule on Detention)

Article 187 (1) Rulings on detention during the period from the institution of prosecution until the first trial date shall be made by a judge of the court with which the prosecution has been instituted; provided, however, that a judge who is to participate in the proceedings of the case may not make said ruling.

(2) In cases where the ruling set forth in the preceding paragraph may not be made in accordance with the provisions of said paragraph, the judge set forth in said paragraph shall request a judge of the district court or summary court within the same district to make said ruling; provided, however, that this shall not preclude him/her from making said ruling by himself/herself, notwithstanding the provisions of the proviso to said paragraph, in cases of urgency or in cases where there is no judge from another court who can be requested to make said ruling within the same district.

(3) A judge who receives the request set forth in the preceding paragraph shall make a ruling as set forth in paragraph (1).

(4) When making a ruling as set forth in paragraph (1), the judge may order the public prosecutor, the accused, or the defense counsel to appear and hear his/her statements. If necessary, the judge may order such persons to submit documents or any other articles; provided, however, that a judge who is to participate in the proceedings of the case may not order the submission of any document or any other article which raises concerns of causing the judge to become biased with regard to the case.

(5) A branch of a district court shall be deemed to be a district court separate from said court with regard to the application of the provisions of paragraphs (1) and (2).

(Notice of Refusal to Appear)

Article 187-2 When an accused person who is in detention refuses to appear on a trial date for which he/she has been summoned, and is making it extremely

difficult for an official of the penal institution to bring him/her to court, the warden of the penal institution shall immediately notify the court to that effect.

(Examination on Refusal to Appear)

Article 187-3 (1) For trial proceedings to be carried out without waiting for the accused to appear as pursuant to the provisions of Article 286-2 of the Code, the court shall examine, in advance, whether or not there are grounds as specified in said Article.

(2) When it is found necessary in order to conduct an examination under the provisions of the preceding paragraph, the court may order an official of the penal institution or any other relevant party to appear and hear his/her statements, or order such persons to submit a report.

(3) The court may have a member of the judicial panel conduct an examination under the provisions of paragraph (1).

(Announcement to Carry On with Trial Procedure Without the Appearance of the Accused)

Article 187-4 In the event that trial procedure is carried out without waiting for the accused to appear pursuant to the provisions of Article 286-2 of the Code, the presiding judge shall make an announcement to that effect to the persons concerned in the case in open court.

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

Article 188 A request for the examination of evidence may be filed even prior to a trial date; provided, however, that this shall not apply prior to the first trial date, except in the case of filing such request during the pretrial conference procedure.

(Submission of Documents when Requesting the Examination of Evidence)

Article 188-2 (1) When filing a request for the examination of a witness, an expert witness, an interpreter, or a translator, the requester shall submit a document containing the name and residence of such person.

(2) When filing a request for the examination of documentary evidence or any other documents, the requester shall submit a document containing a list thereof.

(Notification of the Time for Examination of a Witness)

Article 188-3 (1) When filing a request for the examination of a witness, the requester shall notify the court of the time that will likely be required for the examination of the witness.

(2) The adverse party of the person who has filed a request for the examination of

a witness shall, when an order for the examination of such witness is issued, notify the court of the time that will likely be required for him/her to perform said examination.

(3) When an order for the examination of a witness has been issued ex officio, the public prosecutor and the accused or the defense counsel shall notify the court of the time that will likely be required for them to perform said examination.

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

Article 189 (1) Requests for the examination of evidence shall be filed with the requester having clearly indicated therein, in a concrete manner, the relationship between the evidence and the facts to be proved.

(2) In filing a request for the examination of a portion of documentary evidence or of any other documents, said portion shall have been specifically clarified.

(3) When the court finds it to be necessary, it may order a person filing a request for the examination of evidence to submit a document that clarifies the matters specified in the preceding two paragraphs.

(4) A request for the examination of evidence which is filed in violation of the provisions of the preceding paragraphs may be dismissed.

(Careful Selection of Evidence)

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

(Order on Examination of Evidence)

Article 190 (1) The examination of evidence or dismissal of a request for the examination of evidence shall be carried out by judicial order.

(2) When issuing the order set forth in the preceding paragraph, the court shall hear the opinions of the adverse party or his/her defense counsel if the order has been issued based on a request for the examination of evidence, and shall hear the opinions of the public prosecutor and the accused or his/her defense counsel if it has been issued ex officio.

(3) When the accused and his/her defense counsel do not appear on a trial date on which the examination of evidence may be conducted in absence of the accused, the order set forth in paragraph (1) may be issued without hearing the opinions of such persons, notwithstanding the provisions of the preceding paragraph.

(Service of an Order for the Examination of Evidence)

Article 191 (1) An order for the examination of a witness, an expert witness, an interpreter, or a translator need not be served, even in the event that said order is issued prior to a trial date.

(2) In the case set forth in the preceding paragraph, the court shall immediately notify the persons concerned in the case of the name of the person to be examined.

(Appearance of the Witness, etc.)

Article 191-2 When an order for the examination of a witness, an expert witness, an interpreter, or a translator has been issued, the person concerned in the case who has filed the request for said examination shall endeavor to have such person appear on the date for the examination.

(Preparation for Examination of a Witness)

Article 191-3 The public prosecutor or the defense counsel who has filed a request for the examination of a witness shall make preparations so as to be able to conduct the appropriate examination, by a method such as ascertaining the facts from the witness or any other relevant parties.

(Direction to Present Evidence for Issuing an Order for the Examination of Evidence)

Article 192 When the court finds it necessary for issuing an order to conduct the examination of evidence, it may direct the persons concerned in the case to present documentary evidence or articles of evidence.

(The Order in Which Requests for the Examination of Evidence Shall Be Filed)

Article 193 (1) First, the public prosecutor shall file a request for the examination of all the evidence that he/she considers necessary for the adjudication of the case.

(2) After a request as set forth in the preceding paragraph has been filed, the accused or his/her defense counsel may file a request for the examination of evidence that he/she considers necessary for the adjudication of the case.

Articles 194 and 195 Deleted.

(Questioning on the Identity of the Accused)

Article 196 Before the public prosecutor reads aloud the charge sheet, the presiding judge shall ask the accused for sufficient information to ascertain the identity of said person.

(Method of Giving Notice to the Effect That a Request as Set Forth in Article 290-2, Paragraph (1) of the Code Has Been Made)

Article 196-2 Notice under the provisions of the second half of Article 290-2, paragraph (2) of the Code shall be given in writing; provided, however, that

this shall not apply when there are unavoidable circumstances.

(Notification of Matters That Could Be Disclosed in Open Court)

Article 196-3 In cases where an order as set forth in Article 290-2, paragraph (1) or (3) of the Code has been issued, if, in consideration of the nature of the case, the status of the proceedings, and any other circumstances, there is information that identifies the victim, other than the name and domicile of the victim, which the public prosecutor considers could be disclosed in a court that is open to the public, the public prosecutor shall notify the court and the accused or his/her defense counsel.

(Specification of a Pseudonym)

Article 196-4 In cases where the court has issued an order as set forth in Article 290-2, paragraph (1) or (3) of the Code, if it finds it to be necessary, it may specify a pseudonym to use in lieu of the victim's name or any other name related to information that identifies the victim.

(Announcement of an Order)

Article 196-5 (1) When the court issues an order as set forth in Article 290-2, paragraph (1) or (3) of the Code or an order revoking such order pursuant to the provisions of paragraph (4) of said Article, except in the event that said order has been issued on a trial date, the court shall promptly notify the persons concerned in the case to that effect. The same shall apply when the court decides not to issue an order as set forth in paragraph (1) of said Article.

(2) When the court issues an order as set forth in Article 290-2, paragraph (1) of the Code or an order revoking such order pursuant to the provisions of paragraph (4) of said Article, it shall promptly notify the person who has made a request as set forth in paragraph (1) of said Article to that effect. The same shall apply when the court decides not to issue the order set forth in said paragraph.

(Matters of Which to Notify the Accused in Order to Protect His/Her Rights)

Article 197 (1) After the charge sheet has been read aloud, the presiding judge shall notify the accused to the effect that he/she may remain silent at all times and that he/she may refuse to make statements in response to particular questions, as well as that he/she may also make statements, and that any statements he/she does make will be held as evidence for or against him/her.

(2) In addition to the matters prescribed in the preceding paragraph, if the presiding judge finds it to be necessary, said judge shall explain to the accused any rights for his/her protection which he/she is not likely to have sufficiently understood.

(Measures to Be Taken for Summary Criminal Trial of a Case)

Article 197-2 In cases where the accused admits to the charged facts upon the opportunity set forth in Article 291, paragraph (3) of the Code, the presiding judge shall explain to the accused the meaning of a summary criminal trial, and shall ascertain whether the admission by the accused has been made of his/her own free will and whether such an admission falls under the category of the guilty plea specified in Article 291-2 of the Code; provided, however, that this shall not apply when the court is unable to, or finds it to be inappropriate to hold a summary criminal trial for the relevant case.

(Statements by Defense Counsel, etc.)

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

(2) In the case set forth in the preceding paragraph, the accused or his/her defense counsel may not state any matter that raises concerns of causing the court to become biased or prejudiced with regard to the case based on materials that cannot be used as evidence or materials for which he/she does not intend to request an examination.

(Examination of Evidence with Regard to Undisputed Facts)

Article 198-2 With regard to undisputed facts, the persons concerned in the case shall endeavor to have the examination of evidence conducted appropriately according to the contents and nature of said facts and evidence, by considering the utilization of leading questions, documents or statements as set forth in Article 326, paragraph (1) of the Code, and the document set forth in Article 327 of the Code, or by any other method.

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

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

(Proof of the Circumstances of Interrogation or Interview)

Article 198-4 With regard to statements made by the accused or by a person other than the accused, if the public prosecutor intends to prove the circumstances of the interrogation or the interview, he/she shall endeavor to

provide proof as speedily and as precisely as possible, through the use of documents in which the circumstances of the interrogation or interview have been recorded or any other such material, or by any other method.

(Order in Which Examination of Evidence Shall Be Carried Out)

Article 199 (1) When conducting an examination of evidence, the public prosecutor shall first examine all evidence for which he/she has requested examination and which he/she finds necessary for the adjudication of the case. After this process has been completed, the accused or his/her defense counsel shall examine the evidence for which he/she has requested examination and which he/she finds to be necessary for the adjudication of the case. However, when it is found to be appropriate, necessary evidence may be examined at any time.

(2) Even after the completion of the examination of evidence set forth in the preceding paragraph, further examination of evidence shall not be precluded if it is necessary.

(Order in Which Examination of Witnesses Shall Be Carried Out)

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

(i) examination by the person who has requested the examination of the witness (direct examination);

(ii) examination by the adverse party (cross examination); and

(iii) further examination by the person who has requested the examination of the witness (redirect examination).

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

(Direct Examination)

Article 199-3 (1) Direct examination shall be conducted on matters to be proved and any matters relevant thereto.

(2) During direct examination, questions may also be asked on matters necessary for challenging the probative value of the witness's testimony.

(3) During direct examination, no leading questions may be asked; provided, however, that leading questions may be asked in any of the following cases:

(i) when the question relates to a preparatory matter that needs to be clarified prior to commencing the substantial examination, such as the witness's social status, personal history, and relationships;

(ii) when the question relates to a matter that is clearly undisputed between the persons concerned in the case;

(iii) when there is a need to refresh the witness's memory with regard to a

matter on which his/her memory is unclear;
(iv) when the witness shows hostility or antagonism toward the person conducting the direct examination;
(v) when the question relates to a matter on which the witness is being evasive;
(vi) in cases where the witness gives testimony that conflicts with or substantially differs from his/her previous testimony, when the question relates to a matter to which the witness testified; and
(vii) when there is any other special circumstance based on which a leading question is necessary.

(4) When asking a leading question, due care shall be exercised to avoid reading aloud documents or using any other method that risks unduly influencing the witness's testimony.

(5) When the presiding judge finds leading questions to be inappropriate, he/she may restrict such questions.

(Cross Examination)

Article 199-4 (1) Cross examination shall be conducted on matters mentioned in the direct examination, any matters relevant thereto, and on matters necessary for challenging the probative value of the witness's testimony.

(2) Unless there are special circumstances, cross examination shall be conducted immediately following the completion of direct examination.

(3) During cross examination, leading questions may be asked when necessary.

(4) When the presiding judge finds leading questions to be inappropriate, he/she may restrict such questions.

(Examination of a New Matter on Cross Examination)

Article 199-5 (1) The adverse party of the person who requested the examination of a witness may, on cross examination, also examine such a witness on a new matter that supports his/her allegations, with the permission of the presiding judge.

(2) An examination under the provisions of the preceding paragraph shall be deemed to be direct examination with regard to the matter set forth in said paragraph.

(Examination of Necessary Matters for Challenging the Probative Value of Testimony)

Article 199-6 An examination of the matters necessary for challenging the probative value of a witness's testimony shall be conducted on matters concerning the credibility of the testimony such as the accuracy of the witness's observation, memory, or descriptions, and on matters concerning the credibility of the witness such as the witness's interests, biases, or prejudices; provided,

however, that the examination shall not cover a matter that harms the reputation of the witness without due cause.

(Redirect Examination)

Article 199-7 (1) Redirect examination shall be conducted on matters mentioned in the cross examination and any matters relevant thereto.

(2) When conducting redirect examination, the rules on direct examination shall be observed.

(3) The provisions of Article 199-5 shall apply mutatis mutandis in the case of redirect examinations.

(Supplementary Examinations)

Article 199-8 With regard to an examination that is conducted by the persons concerned in the case after the presiding judge or an associate judge has first examined the witness, the provisions of the preceding six Articles shall apply mutatis mutandis, according to the distinction between the person who has requested the examination of the witness, and the adverse party.

(Ex Officio, Supplementary Examination of a Witness)

Article 199-9 In cases where the court interviews a witness ex officio, when the persons concerned in the case examine the witness after the presiding judge or an associate judge has examined the witness, the rules on cross examination shall be observed.

(Presentation of Documents or Articles)

Article 199-10 (1) In cases where a person concerned in the case examines a witness about a document or article with regard to its formation, identity, or any matter equivalent thereto, if it is necessary, he/she may present said document or article.

(2) When a document or article as set forth in the preceding paragraph has not been examined as evidence, the person who wishes to present said document or article to the witness shall give the opponent an opportunity to inspect it; provided, however, that this shall not apply if the opponent raises no objection.

(Presentation of Documents, etc. to Refresh a Witness's Memory)

Article 199-11 (1) Where it is necessary for refreshing a witness's memory with regard to a matter on which his/her memory is unclear, a person concerned in the case may show the witness a document (excluding a document in which a statement is recorded) or article when examining him/her, with the permission of the presiding judge.

(2) When conducting an examination under the provisions of the preceding

paragraph, due care shall be exercised so that the contents of the document shall not unduly influence the witness's testimony.
(3) The provisions of paragraph (2) of the preceding Article shall apply mutatis mutandis to the case set forth in paragraph (1).

(Use of Drawings, etc.)
Article 199-12 (1) When it is necessary for clarifying a statement made by a witness, a person concerned in the case may use a drawing, photograph, model, apparatus, or the like, when examining the witness, with the permission of the presiding judge.
(2) The provisions of Article 199-10, paragraph (2) shall apply mutatis mutandis to the case set forth in the preceding paragraph.

(Method of Conducting the Examination of a Witness)
Article 199-13 (1) When examining a witness, persons concerned in the case shall ask questions that are as specific, concrete, and concise as possible.
(2) Persons concerned in the case shall not ask the following questions; provided, however, that, with regard to the questions listed in items (ii) through (iv), this shall not apply when there are justifiable grounds:
(i) intimidating or insulting questions;
(ii) questions that overlap with a question which has already been asked;
(iii) questions that seek an opinion or become argumentative; and
(iv) questions on facts of which the witness has no direct experience.

(Clear Indication of Relevancy)
Article 199-14 (1) In cases where a person concerned in the case conducts his/her examination on any matter that is relevant to a matter to be proved or a matter mentioned in direct examination or cross examination, he/she shall clarify the relevancy to the court through his/her line of questioning or by any other method.
(2) The provisions of the preceding paragraph shall also apply to the examination of any matter that is relevant to the credibility of a witness's testimony, such as the accuracy of his/her observation, memory, or descriptions, or any matter that is relevant to the credibility of the witness, such as the witness's interests, biases, or prejudices.

(Examination by an Associate Judge)
Article 200 For an associate judge to examine a witness, expert witness, interpreter, or translator, he/she shall notify the presiding judge to that effect in advance.

(Examination by the Presiding Judge)

Article 201 (1) When the presiding judge finds it to be necessary, he/she may have a person concerned in the case stop questioning a witness, expert witness, interpreter, or translator at any time, and ask a question with regard to such matter himself/herself.

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

(Having an Observer Leave the Court)

Article 202 When the presiding judge believes a witness, expert witness, interpreter, or translator to be unable to give sufficient testimony in the presence of a specific observer (with regard to a witness, this includes cases where the measures prescribed in Article 157-3, paragraph (2) of the Code have been taken, and cases where the method prescribed in Article 157-4, paragraph (1) of the Code is adopted), he/she may have said observer leave the court while said witness, expert witness, interpreter, or translator gives his/her testimony.

(Giving the Persons Concerned in the Case an Opportunity to Examine a Witness, etc.)

Article 203 In cases where the presiding judge examines a witness, expert witness, interpreter, or translator, he/she shall give the persons concerned in the case an opportunity to examine such persons.

(Method of Examining Documentary Evidence, etc.)

Article 203-2 (1) In lieu of the reading aloud of documentary evidence, or of writing on articles of evidence that serves as evidence, the presiding judge may, if he/she finds it to be appropriate after hearing the opinions of the persons concerned in the case, have the person who has requested the examination of said evidence, an associate judge, or the court clerk give a summary of the evidence, or may himself/herself give a summary thereof.

(2) In lieu of reading aloud documentary evidence, or writing on articles of evidence that serves as evidence, for ex officio examination, the presiding judge may, if he/she finds it to be appropriate after hearing the opinions of the persons concerned in the case, give a summary of said evidence himself/herself, or may have an associate judge or the court clerk give a summary of said evidence.

(Special Provisions on Summary Criminal Trial of a Case)

Article 203-3 The provisions of Articles 198 and 199 and the preceding Article

shall not apply to a case for which an order has been issued for a summary criminal trial of the case.

(Opportunity to Challenge the Probative Value of Evidence)

Article 204 The presiding judge shall make an announcement to the public prosecutor and the accused or his/her defense counsel, upon the opportunity that is found to be appropriate by the court, to the effect that they may challenge the probative value of evidence by requesting examination of rebuttal evidence or by any other method.

(Grounds for Raising an Objection)

Article 205 (1) An objection may be raised as set forth in Article 309, paragraph (1) of the Code based on grounds that the examination of evidence is in violation of a law or regulation or is inappropriate; provided, however, that no objection may be raised against an order concerning the examination of evidence based on grounds that the order is inappropriate.

(2) An objection may only be raised as set forth in Article 309, paragraph (2) of the Code based on the grounds that there was a violation of a law or regulation.

(Method and Timing of Raising an Objection)

Article 205-2 Objections shall be raised separately for individual acts, rulings, or orders, immediately, and by concisely indicating the grounds therefor.

(Timing of an Order on an Objection Raised)

Article 205-3 An order shall be issued without delay on any objection raised.

(Order on an Unlawful Objection)

Article 205-4 An objection raised belatedly, an objection obviously raised for the sole purpose of delaying the suit, and any other objection raised unlawfully shall be dismissed by judicial order; provided, however, that an objection raised belatedly shall not be dismissed based on the grounds that it had been raised belatedly when the matter is important and it is found appropriate to indicate a determination on said matter.

(Order on a Groundless Objection)

Article 205-5 When the court finds an objection which has been raised to be groundless, it shall dismiss said objection by judicial order.

(Order Where There Are Grounds for Objection)

Article 205-6 (1) When the court finds that there are grounds for an objection to be raised, it shall issue an order corresponding to said objection, such as

ordering the suspension, withdrawal, rescission, or change of the act against which the objection was raised.

(2) In cases where an objection is raised based on grounds that the evidence examined cannot be used as evidence, if the court finds that there are grounds for said objection, it shall issue an order to exclude said evidence in whole or in part.

(Prohibition on Repeated Objections)

Article 206 When an order has been issued on an objection which has been raised, no objection may be raised repeatedly with regard to the matter that has been determined by said order.

(Ex Officio Order to Exclude Evidence)

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

(Clarification, etc.)

Article 208 (1) When the presiding judge finds it to be necessary, he/she may request a person concerned in the case to provide clarification or urge such person to provide proof.

(2) An associate judge may take the measures prescribed in the preceding paragraph after notifying the presiding judge to that effect.

(3) A person concerned in the case may request that the presiding judge ask questions in order to obtain clarification.

(Addition, Withdrawal, or Alteration of Counts Against the Accused or Applicable Penal Statues)

Article 209 (1) Addition of, withdrawal of, or alteration of the counts against the accused or to the applicable penal statutes shall be made through submission of a document.

(2) The document set forth in the preceding paragraph shall be accompanied by the number of copies of said document equal to the number of persons accused.

(3) When the court receives the copies set forth in the preceding paragraph, it shall immediately serve said copies on the person(s) accused.

(4) After the service is made as set forth in the preceding paragraph, the public prosecutor shall, without delay, read aloud the document set forth in paragraph (1) on a trial date.

(5) When the order set forth in Article 290-2, paragraph (1) or (3) of the Code has been issued, the document read aloud under the provisions of the preceding paragraph shall be read aloud in a way that does not disclose information that

identifies the victim. In this case, the public prosecutor shall show the document set forth in paragraph (1) to the accused.

(6) Notwithstanding the provisions of paragraph (1), in open court where the accused is present, the court may permit counts against the accused or applicable penal statutes to be added, withdrawn, or altered orally.

(Separation of Trials)

Article 210 When the court finds it necessary for protecting the rights of the accused, on grounds that, for example, the accused persons' defenses conflict with each other, it shall issue an order for separate trials, upon the request of the public prosecutor, an accused person, or the defense counsel, or shall issue an order ex officio.

(Method of Notice of a Request to State Opinions)

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

(Notice of the Trial Date for Statements of Opinion)

Article 210-3 (1) The court shall notify a person who has filed a request to state his/her opinion of the trial date on which it will have said person state his/her opinion pursuant to the provisions of Article 292-2, paragraph (1) of the Code.

(2) When the court has given the notice set forth in the preceding paragraph, it shall notify the persons concerned in the case to the effect that it will have the person prescribed in the preceding paragraph state his/her opinion under the provisions of Article 292-2, paragraph (1) of the Code on said trial date.

(Duration of Time for Statements of Opinion)

Article 210-4 The presiding judge may specify the duration of the time that may be allocated to statements of opinion under the provisions of Article 292-2, paragraph (1) of the Code.

(Announcement of an Order on Measures, etc. in Lieu of Statements of Opinion)

Article 210-5 The order set forth in Article 292-2, paragraph (7) of the Code need not be served, even in the event that said order was issued prior to the trial date. In this case, the court shall promptly notify the person who has filed a request to state his/her opinion under the provisions of Article 292-2, paragraph (1) of the Code and the persons concerned in the case of the contents of the order set forth in paragraph (7) of said Article.

(Notice of Submission of a Document Containing an Opinion)

Article 210-6 When a document containing an opinion has been submitted pursuant to the provisions of Article 292-2, paragraph (7) of the Code, the court shall promptly notify the public prosecutor and the accused or his/her defense counsel to that effect.

(Provisions Applied Mutatis Mutandis)

Article 210-7 (1) The provisions of Articles 115 and 125 shall apply mutatis mutandis to statements of opinion under the provisions of Article 292-2 of the Code.

(2) The provisions of Article 107-2 shall apply mutatis mutandis to an order for the measures prescribed in Article 157-2 of the Code as applied mutatis mutandis pursuant to Article 292-2, paragraph (6) of the Code. The same shall apply to an order for the measures prescribed in Article 157-3 of the Code as applied mutatis mutandis pursuant to Article 292-2, paragraph (6) of the Code and to an order to state opinions by the methods prescribed in Article 157-4, paragraph (1) of the Code as applied mutatis mutandis pursuant to Article 292-2, paragraph (6) of the Code.

(Closing Argument)

Article 211 The court shall give the accused or his/her defense counsel an opportunity to make a closing argument.

(Timing of Oral Arguments)

Article 211-2 The public prosecutor, the accused, or defense counsel shall make his/her argument, if any, as promptly as possible after the examination of evidence.

(Manner of Oral Arguments)

Article 211-3 When the public prosecutor, the accused, or the defense counsel makes his/her argument with regard to any disputed fact after the examination of evidence, he/she shall indicate clearly and concretely the relationship between his/her argument and the evidence.

(Time Limit for Oral Arguments)

Article 212 When the presiding judge finds it to be necessary, he/she may limit the duration of time during which the public prosecutor, the accused, or defense counsel may make his/her argument after the examination of evidence, insofar as this does not violate the essential rights of such persons.

(Renewal of Trial Procedure)

Article 213 (1) In cases where, after a trial has begun, a trial procedure has been stayed due to the insanity of the accused, the trial procedure shall be renewed.
(2) In cases where, after a trial has begun, no court session has been held for a long time, if it is found to be necessary, the trial procedure may be renewed.

(Procedure for Renewal)
Article 213-2 In renewing a trial procedure, the following rules shall be observed:
(i) the presiding judge shall first have the public prosecutor enter a statement summarizing the charged facts based on the charge sheet (including written corrections to the charge sheet or documents for adding or changing the counts against the accused or applicable penal statutes); provided, however, that he/she may have the public prosecutor omit all or part of said statement if no objection is raised by the accused and his/her defense counsel;
(ii) after the completion of the proceeding set forth in the preceding item, the presiding judge shall give the accused and the defense counsel an opportunity to make statements with regard to the case under public prosecution;
(iii) any document in which has been recorded any statement given by the accused or a person other than the accused on a trial date before the renewal, any document containing the results of an inspection by the court conducted on a trial date before the renewal, or any document or article examined on a trial date before the renewal shall be examined ex officio as documentary evidence or as an article of evidence; provided, however, that, with regard to any document or article that the court finds may not be examined and to any document or article that the court finds to be inappropriate for use as evidence, where the persons concerned in the case raise no objection to such a document or article not being examined, the court shall issue an order not to examine said document or article;
(iv) when any of the documents or articles listed in the main clause of the preceding item are examined, if the persons concerned in the case give their consent, the presiding judge may, in lieu of reading aloud or presenting all or part of such documents or articles, examine such documents or articles by a method that it finds appropriate; and
(v) the presiding judge shall hear the opinions and explanations of the persons concerned in the case with regard to the individual pieces of evidence examined.

(Service of an Order Denying a Request to Reopen Proceedings)
Article 214 An order denying a request to reopen proceedings which have been concluded need not be served.

(Limitation on the Taking of Photographs, etc. in Open Court)

Article 215 No photographs may be taken, no sound recordings may be made, and there may be no broadcasting in an open court without the permission of the court; provided, however, that this shall not apply when there are special provisions providing otherwise.

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

Article 216 (1) A writ of summons for a trial date on which only the pronouncement of judgment is to be given in a case as set forth in Article 284 or 285 of the Code shall include an entry to the effect that judgment is to be pronounced on said trial date.

(2) When the accused is summoned in a case as set forth in the preceding paragraph by notifying an official of a penal institution of the trial date set forth in said paragraph, said official shall also be notified to the effect that judgment is to be pronounced on said trial date. In this case, the official of the penal institution shall also notify the accused to that effect.

(Proceedings After Reversal)

Article 217 In cases where a case has been remanded or transferred from an appellate court, the following rules shall be observed:

(i) rulings on detention during the period until the first trial date shall be made by the court;

(ii) the provisions of the proviso to Article 188 shall not apply; and

(iii) requests may not be filed for the preservation of evidence or for the examination of a witness as set forth in Article 226 or 227 of the Code.

Section 2 Proceedings to Arrange Issues and Evidence

Subsection 1 Pretrial Conference Procedure

Division 1 General Rules

(Formulation of a Proceedings Schedule)

Article 217-2 (1) In a pretrial conference procedure, the court shall formulate a proceedings schedule for the trial so that productive trial proceedings may be conducted successively, systematically, and speedily.

(2) The persons concerned in the case shall cooperate in the formation of a proceedings schedule as set forth in the preceding paragraph by performing the obligations specified by the Code and these Rules.

(Service of an Order for a Pretrial Conference Procedure)

Article 217-3 An order making a case subject to a pretrial conference procedure

needs not be served.

(Notice to the Effect that Defense Counsel Is Needed)

Article 217-4 When having made a case subject to a pretrial conference procedure, the court shall, without delay, inform the accused to the effect that no pretrial conference procedure may be conducted in absence of defense counsel and, if the relevant case is not a case as prescribed in Article 177, the court shall also inform the accused to the effect that no court session may be held in the absence of defense counsel; provided, however, that this shall not apply when the accused has secured defense counsel.

(Designation of the Dates of a Pretrial Conference Procedure)

Article 217-5 When specifying the dates of a pretrial conference procedure, consideration shall be given to the preparations which the persons concerned in the case will need to make before said dates.

(Request to Change the Dates of a Pretrial Conference Procedure)

Article 217-6 (1) A person concerned in a case shall, when any grounds occur that require the dates of a pretrial conference procedure to be changed, immediately file a request for a change of dates with the presiding judge, specifically clarifying said grounds and the period during which said grounds are expected to exist.

(2) Unless the presiding judge finds the grounds set forth in the preceding paragraph to be unavoidable, he/she shall dismiss requests as set forth in said paragraph.

(Hearing of Opinions on Changing the Dates of a Pretrial Conference Procedure)

Article 217-7 In changing the dates of a pretrial conference procedure, the presiding judge shall, in advance, hear the opinions of the public prosecutor and the accused or his/her defense counsel if making such change ex officio, and shall hear the opinions of the adverse party or his/her defense counsel if making such change upon a request.

(Service of a Direction on Changing the Dates of a Pretrial Conference Procedure)

Article 217-8 A direction on changing the dates of a pretrial conference procedure shall need not be served.

(Non-Change of the Dates of a Pretrial Conference Procedure)

Article 217-9 Unless the presiding judge finds it to be unavoidable, he/she may

not change the dates of a pretrial conference procedure.

(Notice Concerning Appearance of the Accused on the Dates of a Pretrial Conference Procedure)

Article 217-10 When the court requests that the accused appear on the dates of a pretrial conference procedure, it shall promptly notify the public prosecutor and the defense counsel to that effect.

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

Article 217-11 An order for a member of the judicial panel to conduct a pretrial conference procedure shall need not be served.

(Announcement of Orders, etc. Issued on the Date of a Pretrial Conference Procedure)

Article 217-12 Orders and directions issued on the date of a pretrial conference procedure shall need not be served on or announced by a notice to persons concerned in the case who have attended the procedure.

(Announcement of an Order)

Article 217-13 In cases where the court has issued any of the orders listed in Article 316-5, items (vii) through (ix) of the Code during a pretrial conference procedure, it shall notify the public prosecutor and the accused or his/her defense counsel to that effect.

(Descriptive Requirements for Records of a Pretrial Conference Procedure)

Article 217-14 (1) The following matters shall be included in the record of a pretrial conference procedure:

(i) the name of the case under public prosecution and the name of the accused;

(ii) the court or the authorized judge who conducted the pretrial conference procedure, and the date on which and the place where the pretrial conference procedure was conducted;

(iii) the official title(s) and name(s) of the judge(s) and the court clerk(s);

(iv) the official title(s) and name(s) of the public prosecutor(s) who was present;

(v) the names of the accused, defense counsel(s), agent(s), and assistant(s) in court who were present;

(vi) the name of the interpreter(s) who was present;

(vii) the questions asked during examination of and statements made by the interpreter(s);

(viii) the facts to be proved and any other factual or legal allegations to be made on a trial date;

(ix) any request for the examination of evidence and any other motion;
(x) the relationship between the evidence and the facts to be proved (excluding cases where such relationship is clear from the list of the evidence);
(xi) when the evidence for which examination is requested is evidence as set forth in Article 328 of the Code, an entry to that effect;
(xii) the raising of any objection as set forth in Article 309 of the Code and the reason therefor;
(xiii) consent as set forth in Article 326 of the Code;
(xiv) any matters concerning the addition, withdrawal, or alteration of the counts against the accused or applicable penal statutes (including matters concerning correction of the charge sheet);
(xv) matters concerning rulings on the disclosure of evidence;
(xvi) any order or direction; provided, however, that the following shall be excluded:
(a) an order specifying the order in which to examine evidence and the method therefor (Article 316-5, item (viii) of the Code);
(b) permission for defense counsel other than the chief defense counsel and deputy chief defense counsel to file a motion, file a request, ask a question, etc. (Article 25); and
(c) a direction to present evidence so that an order may be issued on the examination of evidence (Article 192); and
(xvii) an entry to the effect that the results of the arrangement of the issues and evidence of the case have been confirmed, and the contents thereof.

(2) Any matter other than those listed in the preceding paragraph, which the presiding judge or an authorized judge has ordered to be entered in the record of the pretrial conference procedure upon the request of a person concerned in the case or ex officio during the proceeding on a date of the pretrial conference procedure, shall be entered in the record of the pretrial conference procedure.

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

Article 217-15 (1) The court clerk shall affix his/her signature and seal to the record of a pretrial conference procedure, and the presiding judge or an authorized judge shall affix his/her seal of approval thereto.

(2) If the presiding judge is unable to affix his/her seal of approval, one of the other judges shall affix his/her seal of approval and indicate the grounds therefor in a supplementary note.

(3) If a single judge of a district court, a judge of a summary court, or an authorized judge is unable to affix his/her seal of approval, the court clerk shall affix his/her signature and seal and indicate the grounds therefor in a supplementary note.

(4) If the court clerk is unable to affix his/her signature and seal, the presiding judge or an authorized judge shall affix his/her seal of approval and indicate the grounds therefor in a supplementary note.

(Completion of the Record of a Pretrial Conference Procedure)

Article 217-16 A record of a pretrial conference procedure shall be completed promptly after each date of the pretrial conference procedure, and by no later than the first trial date.

(Raising of an Objection, etc. to the Contents of the Record of a Pretrial Conference Procedure, etc.)

Article 217-17 The provisions of Article 51, paragraph (1) of the Code, the main clause of Article 51, paragraph (2) of the Code, Article 52 of the Code, and Article 48 of these Rules shall apply mutatis mutandis to the record of a pretrial conference procedure. In this case, the phrase "court proceedings on the trial dates" in Article 52 of the Code shall be deemed to be replaced with "proceedings on the dates of the pretrial conference procedure" and the term "presiding judge" in Article 48 shall be deemed to be replaced with "presiding judge or an associate judge."

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

Article 217-18 The provisions of Article 178-6, paragraph (1), Article 178-6, paragraph (2), items (ii) and (iii), and Articles 178-7, 178-8, and 193 shall not apply when an order subjecting a case to a pretrial conference procedure has been issued.

Division 2 Arrangement of Issues and Evidence

(Method of Clarifying the Facts to be Proved, etc.)

Article 217-19 (1) When the public prosecutor enters the facts to be proved in a document as prescribed in Article 316-13, paragraph (1) of the Code or Article 316-21, paragraph (1) of the Code, he/she shall clearly indicate, in a concrete and concise manner, the matters necessary for arranging the issues and evidence of the case.

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

(Matters to Be Considered in Clearly Indicating the Facts to be Proved)

Article 217-20 When clarifying the facts to be proved, the public prosecutor and the accused or his/her defense counsel shall endeavor to allow the arrangement of issues and evidence in the case to be conducted smoothly, by clearly indicating, in a concrete manner, the relationship between the facts and the primary evidence used for proving said facts, or by any other appropriate method.

(Notification of Time Limits)

Article 217-21 In cases where, in a pretrial conference procedure, a time limit as prescribed in Article 316-13, paragraph (4) of the Code, Article 316-16, paragraph (2) of the Code (including the cases where applied mutatis mutandis pursuant to Article 316-21, paragraph (4) of the Code), Article 316-17, paragraph (3) of the Code, Article 316-19, paragraph (2) of the Code (including the cases where applied mutatis mutandis pursuant to Article 316-22, paragraph (4) of the Code), Article 316-21, paragraph (3) of the Code, or Article 316-22, paragraph (3) of the Code has been set, the public prosecutor and the accused or his/her defense counsel shall be notified thereof.

(Strict Observance of Time Limits)

Article 217-22 In cases where a time limit as prescribed in the preceding Article has been set, the persons concerned in the case shall strictly observe said time limit so as not to interfere with the arrangement of the issues and evidence of the case.

(Measure to Be Taken When the Time Limit Has Not Been Observed)

Article 217-23 In cases where, in a pretrial conference procedure, a time limit has been set as prescribed in Article 316-16, paragraph (2) of the Code (including the cases where applied mutatis mutandis pursuant to Article 316-21, paragraph (4) of the Code), Article 316-17, paragraph (3) of the Code, Article 316-19, paragraph (2) of the Code (including the cases where applied mutatis mutandis pursuant to Article 316-22, paragraph (4) of the Code), Article 316-21, paragraph (3) of the Code, or Article 316-22, paragraph (3) of the Code, if the court finds it to be appropriate to commence trial proceedings even when opinions or allegations have not been clarified or when the examination of evidence has not been requested by said time limit, it may close said pretrial conference procedure.

Division 3 Rulings on the Disclosure of Evidence

(Notification of Grounds for Non-Disclosure of Evidence)

Article 217-24 In cases where the public prosecutor decides not to disclose evidence for which a request for disclosure has been made by the accused or his/her defense counsel pursuant to the provisions of Article 316-15, paragraph (1) of the Code (including the cases where applied mutatis mutandis pursuant to Article 316-21, paragraph (4) of the Code), or Article 316-20, paragraph (1) of the Code (including the cases where applied mutatis mutandis pursuant to Article 316-22, paragraph (5) of the Code), he/she shall notify the accused or his/her defense counsel of the grounds for not disclosing said evidence.

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

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

(2) A person who has filed a request as set forth in the preceding paragraph shall promptly send a copy of the written request set forth in said paragraph to the opponent or his/her defense counsel.

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

(Matters to Be Entered in a List of Evidence)

Article 217-26 The list set forth in Article 316-27, paragraph (2) of the Code shall contain, for each piece of evidence, the type of evidence, the name of the person who made the statement or the person who prepared the evidence, and the date of preparation, as well as matters that are found to be necessary for determining whether or not the presentation of evidence should be ordered pursuant to the provisions of paragraph (1) of said Article.

Subsection 2 Interim Conference Procedure

(Provisions Applied Mutatis Mutandis)

Article 217-27 With regard to an interim conference procedure, the provisions of the preceding Subsection (excluding Article 217-18) shall apply mutatis mutandis. In this case, the terms "date(s) of a pretrial conference procedure" and "record of a pretrial conference procedure" in these provisions (including the titles thereof) shall be deemed to be replaced with "date(s) of an interim conference procedure" and "record of an interim conference procedure" respectively, and the term "Code" in the titles of Articles 217-2 through 217-11, Article 217-13 (including the title thereof), the title of Article 217-14, and paragraph (1), item (xvi), (a) of said Article, the titles of Articles 217-15 through 217-17, Article 217-19 (including the title thereof), the title of Article

217-20, Article 217-21 (including the title thereof), the title of Article 217-22, Articles 217-23 and 217-24 (including the titles thereof), the title of Article 217-25, and paragraph (1) of said Article, and the preceding Article (including the title thereof) shall be deemed to be replaced with "Code as applied mutatis mutandis pursuant to Article 316-28, paragraph (2) of the Code," and the term "first trial date" in Article 217-16 shall be deemed to be replaced with "first trial date after the completion of the interim conference procedure."

Subsection 3 Special Provisions on Trial Procedure

(Progress of Trial Proceedings According to the Proceedings Schedule)

Article 217-28 (1) With regard to a case that has been made subject to a pretrial conference procedure or an interim conference procedure, the court shall endeavor to have trial proceedings progress according to the schedule that has been specified in said pretrial conference procedure or interim conference procedure.

(2) The persons concerned in the case shall cooperate with the court so that trial proceedings progress according to the schedule that has been specified in a pretrial conference procedure or an interim conference procedure.

(Proceedings for Clarifying the Results of a Pretrial Conference Procedure, etc.)

Article 217-29 (1) With regard to a case subject to a pretrial conference procedure or an interim conference procedure, in order for the court to clarify the results of the pretrial conference procedure or the interim conference procedure, it shall read aloud the record of the pretrial conference procedure or the record of the interim conference procedure, or shall announce a summary thereof. The same shall apply to a document as prescribed in Article 316-2, paragraph (2) of the Code (including the cases where applied mutatis mutandis pursuant to Article 316-28, paragraph (2) of the Code).

(2) When the results of a pretrial conference procedure or an interim conference procedure are clarified pursuant to the provisions of the preceding paragraph, the court may order the court clerk to carry out such clarification.

(3) When an order as set forth in Article 290-2, paragraph (1) or (3) of the Code has been issued, the reading aloud of the record of the pretrial conference procedure or the interim conference procedure or the announcement of a summary thereof under the provisions of the preceding two paragraphs shall be carried out by a method that does not disclose any information that identifies the victim. The same shall apply to a document as prescribed in Article 316-2, paragraph (2) of the Code (including the cases where applied mutatis mutandis pursuant to Article 316-28, paragraph (2) of the Code).

(Prima Facie Showing of Unavoidable Grounds)

Article 217-30 With regard to a case subject to a pretrial conference procedure or an interim conference procedure, in filing a request for the examination of evidence for which examination was not requested in the pretrial conference procedure or the interim conference procedure, the requester shall make a prima facie showing to the effect that he/she was unable to file a request for said examination of evidence due to unavoidable grounds.

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

Article 217-31 With regard to a case subject to a pretrial conference procedure or an interim conference procedure, requests for the examination of evidence for which examination could not be requested in the pretrial conference procedure or the interim conference procedure due to unavoidable grounds shall be filed as promptly as possible after said grounds have ceased to exist.

Section 3 Victim Participation

(Method for Notice of a Request for a Victim's Participation)

Article 217-32 Notice under the provisions of the second sentence of Article 316-33, paragraph (2) of the Code shall be given in writing; provided, however, that this shall not apply when there are unavoidable circumstances.

(Notification of Entrustment, etc.)

Article 217-33 (1) A participating victim who has entrusted an attorney at law with any of the acts prescribed in Articles 316-34 and 316-36 through 316-38 of the Code shall, when having said attorney at law carry out any of said acts, notify the court to that effect, in advance, in a document jointly signed by said participating victim and said attorney at law.

(2) Notification under the provisions of the preceding paragraph shall be given separately for each instance.

(3) When the contents of a document as set forth in paragraph (1) do not specify the act that has been entrusted, all of the acts prescribed in Articles 316-34 and 316-36 through 316-38 of the Code shall be deemed to have been entrusted.

(4) Notification under the provisions of paragraph (1) shall also be effective in cases for which proceedings have been consolidated and in whose proceedings said participating victim has been permitted to participate; provided, however, that this shall not apply to a case in whose proceedings said participating victim has been permitted to participate, if said participating victim indicates that said notification shall not be effective for said case.

(5) When a participating victim who has made a notification under the provisions

of paragraph (1) rescinds all or part of the entrustment, he/she shall notify the court to that effect in writing.

(Recording of Requests to Select a Representative(s))

Article 217-34 When it has been requested that a representative(s) appear for a trial date or during trial preparation pursuant to the provisions of Article 316-34, paragraph (3) of the Code (including the cases where applied mutatis mutandis pursuant to paragraph (5) of said Article; the same shall apply in the following Article), the court clerk shall clarify said request in the record.

(Notice to be Given by the Selected Representative(s))

Article 217-35 A person(s) who has been selected as a representative(s) who is to appear for a trial date or during trial preparation pursuant to the provisions of Article 316-34, paragraph (3) of the Code, shall promptly notify the court to that effect.

(Timing for Statements of Opinion)

Article 217-36 Statements of opinion under the provisions of Article 316-38, paragraph (1) of the Code shall be made promptly after the public prosecutor's argument under the provisions of Article 293, paragraph (1) of the Code.

(Duration of Time for Statements of Opinion)

Article 217-37 The presiding judge may specify the duration of time that may be allocated to the statements of opinion under the provisions of Article 316-38, paragraph (1) of the Code.

(Announcement of an Order)

Article 217-38 (1) When the court issues an order on a request as set forth in Article 316-33, paragraph (1) of the Code or an order revoking an order as set forth in said paragraph, it shall promptly notify the person who made a request as set forth in said paragraph to that effect.

(2) When the court issues an order not to permit the appearance of a person(s) for a trial date or during trial preparation pursuant to the provisions of Article 316-34, paragraph (4) of the Code (including the cases where applied mutatis mutandis pursuant to paragraph (5) of said Article; the same shall apply in paragraph (4)), it shall promptly notify the person(s) who shall not be permitted to appear to that effect.

(3) When the court issues an order on a request as set forth in Article 316-36, paragraph (1) of the Code, Article 316-37, paragraph (1) of the Code, or Article 316-38, paragraph (1) of the Code, it shall promptly notify the person who made said request to that effect.

(4) When the court issues an order on a request as set forth in Article 316-33, paragraph (1) of the Code or an order revoking an order as set forth in said paragraph, an order to the effect that it shall not permit appearance for a trial date or during trial preparation under the provisions of Article 316-34, paragraph (4) of the Code, an order on a request as set forth in Article 316-36, paragraph (1) of the Code, Article 316-37, paragraph (1) of the Code, or Article 316-38, paragraph (1) of the Code, an order for measures as prescribed in Article 316-39, paragraph (1) of the Code or an order revoking an order as set forth in said paragraph, or an order for measures as prescribed in paragraph (4) or (5) of said Article, except in the case of having issued said order on a trial date, it shall promptly notify the persons concerned in the case to that effect.

Section 4 Judicial Decisions During the Course of the Trial

(Quotation in a Written Judgment)

Article 218 A district court or a summary court may quote, in a written judgment, the charged facts contained in the charge sheet or facts contained in a document for adding or changing the counts against the accused or the applicable penal statutes.

Article 218-2 A district court or a summary court may specify and quote, in a written judgment for a case tried in a summary criminal trial or in an expedited trial procedure, a list of evidence contained in the trial record.

(Written Judgment Contained in a Record)

Article 219 (1) A district court or a summary court may, in cases where no appeal is filed, have the court clerk enter the main text of the judgment, a summary of the facts constituting the crime, and the penal statutes applied at the end of the record for the trial date on which the judgment was pronounced, and may substitute this for a written judgment; provided, however, that this shall not apply if a request for a copy of the written judgment has been filed within 14 days of the pronouncement of the judgment and before the judgment has become final and binding.

(2) The judge(s) who rendered the judgment and the court clerk shall jointly affix their signatures and seals to the entry set forth in the preceding paragraph.

(3) The provisions of Article 46, paragraphs (3) and (4) and the second half of Article 55 shall apply mutatis mutandis to the case set forth in the preceding paragraph.

(Special Provisions on Service of an Order Dismissing Prosecution)

Article 219-2 (1) An order dismissing prosecution under the provisions of Article

339, paragraph (1), item (i) of the Code need not be served on the accused.
(2) In the event that an order as set forth in the preceding paragraph has been issued, if the accused has a defense counsel, the court shall notify the defense counsel to that effect.

(Notification of the Period for Filing an Appeal, etc.)
Article 220 In the event that a judgment of conviction has been rendered, the court shall notify the accused of the period for filing an appeal and of the court to which any written motion for an appeal is to be submitted.

(Explanation of the Meaning of Probation, etc.)
Article 220-2 In the event that a judgment to place the accused on probation has been rendered, the presiding judge shall explain to the accused the meaning of probation and any other matters that he/she finds to be necessary.

(Admonition After Rendering the Judgment)
Article 221 After rendering a judgment, the presiding judge may appropriately admonish the accused with regard to his/her future.

(Notice of a Judgment)
Article 222 In cases where the court has rendered its judgment in absence of the accused for a case as set forth in Article 284 of the Code, the court shall immediately notify the accused to that effect and of the main text of the judgment; provided, however, that this shall not apply in cases where the agent or defense counsel of the accused appears on the trial date on which the judgment is pronounced.

(Notice of a Judgment of Probation, etc.)
Article 222-2 (1) When the court pronounces a judgment to place the accused on probation, it shall promptly send a copy or an extract of the written judgment or a document containing the name, age, and residence of the person to be placed on probation, the charged offense, the main text of the judgment, a summary of the facts of the crime, and the date that the judgment was rendered to the director of the probation office which is to be in charge of said person's probation. In this case, the court shall attach thereto a document containing an opinion on any special matters with which said person is to comply during the probation period.
(2) The document set forth in the first sentence of the preceding paragraph may have attached thereto a document containing any opinion of the court other than the opinion prescribed in the second sentence of said paragraph and any other matters that should serve as data for the person's probation.

(Report on the Performance of the Person on Probation)

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

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

Article 222-4 Requests to revoke suspension of the execution of a sentence shall be filed by submitting a document in which the grounds for revocation are concretely described.

(Submission of Materials)

Article 222-5 In filing a request to revoke suspension of the execution of a sentence, the requester shall submit materials establishing the grounds for such revocation. When said request asks for the revocation of a suspended sentence under the provisions of Article 26-2, item (ii) of the Penal Code, the requester shall also submit materials establishing that such request is being made by the director of the probation office.

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

Article 222-6 (1) When filing a request to revoke the suspension under the provisions of Article 26-2, item (ii) of the Penal Code, the public prosecutor shall submit a copy of the written request to the court at the same time that he/she files said request.

(2) When the court receives the copy set forth in the preceding paragraph, it shall, without delay, serve said copy on the person who was given the suspended sentence.

(Notice of the Right to Request Oral Arguments, etc.)

Article 222-7 (1) When the court receives a request to revoke the suspension under the provisions of Article 26-2, item (ii) of the Penal Code, it shall, without delay, inform the person who was handed the suspended sentence to the effect that he/she may file a request for oral arguments and that he/she may appoint defense counsel in the event he/she does file said request, and it shall confirm with said person whether or not he/she intends to file a request for oral arguments.

(2) When confirming whether or not the person who was given the suspended sentence intends to file a request for oral arguments pursuant to the provisions of the preceding paragraph, the court may demand that said person respond within a certain time limit designated by the court.

(Order to Appear)

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

(Oral Arguments)

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

(i) the presiding judge shall specify the date for oral arguments;

(ii) the court shall order the person who was given the suspended sentence to appear on the date for oral arguments;

(iii) the court shall notify the public prosecutor and defense counsel of the date for oral arguments;

(iv) the court may, upon the request of the public prosecutor, the person who was given the suspended sentence or his/her defense counsel, or ex officio, change the date for oral arguments;

(v) the oral arguments shall be conducted in a court that is open to the public; the court session shall be held in the presence of a judge and a court clerk as well as the public prosecutor;

(vi) the court session may not be held if the person who was given the suspended sentence fails to appear on the date for oral arguments; provided, however, that this shall not apply when said person fails to appear without justifiable grounds;

(vii) it shall be possible not to open the oral argument to the public when there is a request from the person who was given the suspended sentence or when opening oral arguments to the public raises concerns of harming public policy; and

(viii) a record shall be made of the oral arguments.

(Provisions Applied Mutatis Mutandis)

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

Chapter IV Expedited Trial Procedure

Section 1 Motions for Expedited Trial Procedure

(Attachment of a Document)

Article 222-11 A written motion for an expedited trial procedure shall have attached thereto a document for clarifying that the proceedings specified in

Article 350-2, paragraph (3) of the Code have been carried out.

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

Article 222-12 Requests as set forth in Article 350-3, paragraph (1) of the Code shall be filed with a judge of the district court or the summary court which has jurisdiction over the location of the public prosecutor's office to which the public prosecutor making a confirmation as set forth in Article 350-2, paragraph (3) of the Code is assigned, or with a judge of the summary court in the same location as said district court (including the same location as a branch of said district court).

(Request for Appointment of Private Defense Counsel for Confirmation of Consent)

Article 222-13 In cases where a suspect whose financial resources (meaning the financial resources prescribed in Article 36-2 of the Code; the same shall apply in Article 280-3, paragraph (1)) are equal to or greater than the base amount (meaning the base amount prescribed in Article 36-3, paragraph (1) of the Code; the same shall apply in Article 280-3, paragraph (1)) files a request as set forth in Article 350-3, paragraph (1) of the Code, the bar association to which requests as set forth in Article 31-2, paragraph (1) of the Code are to be filed pursuant to the provisions of Article 37-3, paragraph (2) of the Code as applied mutatis mutandis pursuant to Article 350-3, paragraph (2) of the Code shall be a bar association within the jurisdictional district of the district court with jurisdiction over the location of the public prosecutor's office to which the public prosecutor who is making a confirmation as set forth in Article 350-2, paragraph (3) of the Code is assigned, and the district court to which said bar association is to give notice pursuant to the provisions of Article 37-3, paragraph (3) of the Code as applied mutatis mutandis pursuant to Article 350-3, paragraph (2) of the Code shall be the district court with jurisdiction over the location of said public prosecutor's office.

Section 2 Special Provisions on Trial Preparation and Trial Procedure

(Dismissal of a Motion for an Expedited Trial Procedure)

Article 222-14 (1) With regard to a case for which a motion for an expedited trial procedure has been filed, if any of the items of Article 350-8 of the Code apply, the court shall dismiss said motion by judicial order. The same shall apply in the event that, during the proceedings set forth in Article 291, paragraph (3) of the Code, the accused has not asserted that he/she is guilty of a count contained in the charge sheet.

(2) The order set forth in the preceding paragraph need not be served.

(Notice on Appointment of Defense Counsel)

Article 222-15 With regard to a case other than one punishable by the death penalty, life imprisonment, or imprisonment with or without work for more than three years, if a motion for an expedited trial procedure has been filed, notwithstanding the provisions of Article 177, the court shall, without delay, inform the accused to the effect that the accused may appoint defense counsel, and that he/she may file a request for defense counsel to be appointed if he/she is unable to do so due to indigence or on any other grounds, and that trial dates for carrying out the proceedings set forth in Article 350-8 of the Code and trial dates for the expedited trial procedure may not be held in the absence of defense counsel; provided, however, that this shall not apply when the accused has secured defense counsel.

(Measures to Be Taken for a Case With No Defense Counsel)

Article 222-16 (1) In cases where a motion for an expedited trial procedure has been filed, if the accused has no defense counsel, notwithstanding the provisions of Article 178, the court shall, without delay, confirm with the accused whether or not he/she intends to appoint defense counsel.

(2) When taking the measures set forth in the preceding paragraph, the court shall demand that the accused respond within a certain time limit designated by the court.

(3) If no response is made or no defense counsel is appointed within the time limit set forth in the preceding paragraph, the presiding judge shall immediately appoint defense counsel for the accused.

(Designation of Trial Dates)

Article 222-17 In specifying trial dates as set forth in Article 350-7 of the Code, dates within 14 days of the day on which prosecution was instituted shall be specified to the greatest extent possible.

(Special Provisions for Cases Tried in an Expedited Trial Procedure)

Article 222-18 The provisions of Articles 198, 199, and 203-2 shall not apply when an order has been issued to try the case in an expedited trial procedure.

Article 222-19 (1) With regard to the trial record of a case that has been tried in an expedited trial procedure and for which judgment was rendered within one day, it shall be sufficient to complete the record within 21 days of the trial date on which the judgment was rendered.

(2) In the case set forth in the preceding paragraph, as it relates to the period for

raising an objection as to the accuracy of the contents of the trial record, the trial record shall be deemed to have been completed on the final day by which said trial record is supposed to have been completed.

Article 222-20 (1) With regard to a case that has been tried in an expedited trial procedure and for which the judgment was rendered within one day, with the permission of the presiding judge, the court clerk may omit all or part of the matters to be entered in the trial record that are listed in Article 44, paragraph (1), items (xix) and (xxii); provided, however, that this shall not apply to cases where an appeal to the court of second instance has been filed.
(2) Before the presiding judge gives permission as set forth in the preceding paragraph, the public prosecutor and defense counsel may make their arguments thereon.

Part III Appeals

Chapter I General Rules

(Court for Filing a Motion to Waive Appeal)
Article 223 Motions to waive appeal shall be filed with the court of prior instance.

(Court for Filing a Motion to Withdraw Appeal)
Article 223-2 (1) Motions to withdraw appeal shall be filed with the appellate court.
(2) When withdrawing an appeal prior to sending the case record to the appellate court, a written motion to withdraw appeal may be submitted to the court of prior instance.

(Method of Filing a Motion to Withdraw Appeal)
Article 224 A motion to withdraw appeal shall be filed in writing; provided, however, that an oral motion may be filed in open court. In this case, said motion shall be entered into the record.

(Submission of Written Consent)
Article 224-2 When any of the persons prescribed in Article 353 or 354 of the Code is waiving or withdrawing an appeal, he/she shall submit a document indicating the consent of the accused at the same time.

(Method of Filing a Request to Restore the Right to Appeal)
Article 225 Requests to restore the right to appeal shall be filed in writing.

(Prima Facie Showing of Grounds for a Request to Restore the Right to Appeal)

Article 226 A prima facie showing shall be made of facts that serve as the grounds for restoring the right to appeal.

(Appeal by an Accused Person Committed to a Penal Institution)

Article 227 (1) For an accused person who has been committed to a penal institution to file an appeal, he/she shall submit a written motion for appeal via the warden of the penal institution or a deputy thereof.

(2) The warden of the penal institution or a deputy thereof shall send the written motion for appeal to the court of prior instance, and shall notify said court of the date of receipt of the written motion.

Article 228 When an accused person who has been committed to a penal institution submits a written motion for appeal to the warden of the penal institution or a deputy thereof within the period for filing an appeal, the appeal shall be deemed to have been filed within the period for filing an appeal.

(Waiver of Appeal, etc. by an Accused Person Committed to a Penal Institution)

Article 229 In the event that an accused person who has been committed to a penal institution waives or withdraws an appeal or requests that his/her right to appeal be restored, the provisions of the preceding two Articles shall apply mutatis mutandis.

(Notice of Appeal, etc.)

Article 230 When there is an appeal, a waiver or withdrawal of an appeal, or a request to restore the right to appeal, the court clerk shall promptly notify the adverse party to that effect.

Articles 231 through 234 Deleted.

Chapter II Appeal to the Court of Second Instance

(Sending of the Case Record, etc.)

Article 235 Except in cases where a motion for appeal to the court of second instance has obviously been filed after the right to appeal to the court of second instance has expired, the court of first instance shall, promptly after the passage of the time limit for raising an objection as to the accuracy of the contents of the trial record, send the case record and articles of evidence to the court of second instance.

(Period for Submission of a Statement of the Reasons for Appeal)

Article 236 (1) When the court of second instance receives the case record that it has been sent, it shall promptly designate the final day by which a statement of the reasons for appeal is to be submitted, and shall notify the appellant thereof. When the appellant has defense counsel, said notice shall also be given to his/her defense counsel.
(2) Notice as set forth in the preceding paragraph shall be given through service of a written notice.
(3) The final day set forth in paragraph (1) shall be no earlier than the 21st day after the day on which service is made on the appellant as set forth in the preceding paragraph.
(4) When written notice as set forth in paragraph (2) has been served, if the designation of the final day set forth in paragraph (1) was made in violation of the provisions of the preceding paragraph, notwithstanding the provisions of paragraph (1), the 21st day after the day following service on the appellant shall be deemed to be said final day.

(Notice of Arrival of the Case Record)
Article 237 When giving the notice set forth in the preceding Article, the court of second instance shall simultaneously notify the public prosecutor or the accused who is not the appellant to the effect that the case record has arrived. If the accused has defense counsel, said notice shall be given to his/her defense counsel.

(Statement of the Reasons for Appeal after the Passage of the Period for Submission)
Article 238 Even in cases where the court of second instance receives a statement of the reasons for appeal after the passage of the period for submitting a statement of the reasons for appeal, if it finds that said delay is due to unavoidable circumstances, it may carry out the proceedings by deeming the statement to have been submitted within said period.

(Statement of the Reasons for Appeal Submitted by Defense Counsel Other Than the Chief Defense Counsel)
Article 239 Defense counsel other than the chief defense counsel may also submit a statement of the reasons for appeal.

(Contents of a Statement of the Reasons for Appeal)
Article 240 In a statement of the reasons for appeal, the grounds for the appeal to the court of second instance shall be indicated clearly and concisely.

(Copies of the Statement of the Reasons for Appeal)

Article 241 A statement of the reasons for appeal shall have attached a number of copies of said statement equal to the number of adverse parties.

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

Article 242 When the court of second instance receives a statement of the reasons for appeal, it shall promptly serve the copies thereof on the adverse parties.

(Written Answer)

Article 243 (1) The adverse party to an appeal may submit a written answer to the court of second instance within seven days of having been served a copy of the statement of the reasons for appeal.

(2) When the public prosecutor is the adverse party, he/she shall submit a written answer with regard to what he/she finds to be the material grounds for the appeal.

(3) When the court finds it to be necessary, it may order the adverse party to an appeal to submit a written answer within a certain time limit designated by the court.

(4) A written answer shall have attached thereto a number of copies of said written answer equal to the number of adverse parties.

(5) When the court of second instance receives a written answer, it shall promptly serve the copies thereof on the appellant(s).

(Transfer of the Accused)

Article 244 (1) In cases where the accused has been committed to a penal institution, if a trial date is to be designated, the court of second instance shall notify a public prosecutor in the corresponding public prosecutors office to that effect.

(2) When a public prosecutor receives the notice set forth in the preceding paragraph, he/she shall promptly transfer the accused to a penal institution for the location of the court of second instance.

(3) When the accused has been transferred to a penal institution for the location of the court of second instance, the public prosecutor shall promptly notify the court of second instance of the penal institution to which the accused has been transferred.

(Written Report by an Authorized Judge)

Article 245 (1) The presiding judge may have a member of the judicial panel censor the written motion for appeal to the court of second instance, the statement of the reasons for appeal, and the written answer, and have said member prepare a written report.

(2) On a trial date, an authorized judge shall read aloud any such written report prior to oral arguments.

(Contents of a Written Judgment)

Article 246 A written judgment shall contain a summary of the reasons for the appeal and any material answer. In this case, if the court finds it to be appropriate, it may quote facts contained in the statement of the reasons for appeal or the written answer.

(Transfer to the Supreme Court)

Article 247 With regard to a case for which the motion to appeal to the court of second instance was filed solely on the grounds of a Constitutional violation or a misinterpretation of the Constitution, if the court of second instance finds it to be appropriate, it may transfer the case to the Supreme Court by judicial order, after hearing the opinions of the persons concerned in the case.

(Request for Permission to Transfer)

Article 248 (1) Judicial orders as set forth in the preceding Article shall be issued after having received the Supreme Court's permission.

(2) Requests for the permission set forth in the preceding paragraph shall be made through the submission of a written document.

(3) The document set forth in the preceding paragraph shall have attached thereto a transcript of the judgment of prior instance and a copy of the statement of the reasons for appeal.

(Effectiveness of an Order for Transferral)

Article 249 When an order as set forth in Article 247 has been issued, it shall be deemed that a motion for final appeal has been filed, based on the grounds contained in the statement of the reasons for appeal, as of the time that the motion for appeal to the court of second instance was filed.

(Provisions Applied Mutatis Mutandis)

Article 250 Except when there are special provisions providing otherwise, the provisions of Part II which are related to trials shall apply mutatis mutandis to proceedings in the second instance.

Chapter III Final Appeal

(Sending of the Case Record)

Article 251 Except in cases where a motion for a final appeal has obviously been filed after the expiration of the right to final appeal, the court of prior instance

shall, promptly after the passage of the period for raising an objection as to the accuracy of the contents of the trial record, send the case record to the final appellate court.

(Period for Submission of a Statement of the Reasons for Final Appeal)

Article 252 (1) The final day by which a statement of the reasons for final appeal is to be submitted shall be no earlier than the 28th day after the day following service on the appellant of the written notice designating such final day.

(2) In cases where written notice of the final day has been served under the provisions of the preceding paragraph, if the designation of such a day was made in violation of the provisions of said paragraph, the 28th day after the day following service on the appellant shall be deemed to be said final day.

(Indication of Precedents)

Article 253 In cases where a motion for a final appeal has been filed based on grounds that the determination that was made was inconsistent with precedents, the appellant in the final appeal shall concretely indicate said precedents in the statement of the reasons for a final appeal.

(Direct Appeal to the Supreme Court)

Article 254 (1) A final appeal against a judgment in first instance that has been rendered by a district court or a summary court may be filed with the Supreme Court, based on grounds that in rendering its judgment, the court of first instance unjustly found any law, order, regulation, or ruling to be in violation of the Constitution, or unjustly found any ordinance or regulation of a local public entity to be in violation of the law.

(2) The public prosecutor may file a final appeal with the Supreme Court against a judgment in first instance that has been rendered by a district court or a summary court, based on grounds that in such judgment, the court of first instance unjustly found any ordinance or regulation of a local public entity to be in compliance with the Constitution or with any law.

(Direct Appeal to the Supreme Court and Appeal to the Court of Second Instance)

Article 255 When a motion for appeal to the court of second instance has been filed, a final appeal as set forth in the preceding Article shall cease to be effective; provided, however, that this shall not apply when the appeal to the court of second instance is withdrawn or when there is a judicial decision to dismiss the appeal to the court of second instance.

(Prioritized Adjudication of Cases with Findings of Unconstitutionality)

Article 256 With regard to a case for which a final appeal has been filed based on grounds that in the judgment, the court unjustly found any law, order, regulation, or ruling to be in violation of the Constitution, the Supreme Court shall prioritize the adjudication of said case above any and all other cases in which no finding of that sort was made in the judgment of prior instance.

(Motion for the Supreme Court to Accept a Case as the Final Appellate Court)

Article 257 If a case in which judgment in first or second instance was rendered by a high court is found to contain matters of material import concerning the interpretation of a law or ordinance (including court rules), the appellant of a final appeal may file a motion for the Supreme Court to accept the case as the final appellate court, but only within the period for filing a final appeal against said judgment; provided, however, that the grounds prescribed in Article 405 of the Code shall not be the reason for said motion.

(Method of Filing a Motion)

Article 258 In filing motions as set forth in the preceding Article, they shall be submitted to the court of prior instance in writing.

(Delivery of a Transcript of the Judgment of Prior Instance)

Article 258-2 (1) When the motion set forth in Article 257 has been filed, a request for the delivery of a transcript of the judgment under the provisions of Article 46 of the Code shall be deemed to have been filed with the court of prior instance; provided, however, that this shall not apply when the movant has received delivery of a transcript of the judgment prior to filing said motion.

(2) In the case set forth in the main clause of the preceding paragraph, the court of prior instance shall deliver a transcript of the judgment to the movant without delay.

(3) In the cases set forth in the proviso to paragraph (1) and in the preceding paragraph, the court clerk shall make a clear entry in the record as to the date on which a transcript of the judgment was delivered.

(Statement of the Reasons for a Motion for the Supreme Court to Accept a Case)

Article 258-3 (1) A movant shall submit a statement of reasons to the court of prior instance within 14 days from the day of receiving delivery of a transcript under the provisions of paragraph (2) of the preceding Article if he/she has received said delivery, and within 14 days of the day on which the motion set forth in Article 257 was filed in the case set forth in the proviso to paragraph (1) of the preceding Article. In this case, the statement of reasons shall have attached thereto a number of copies of said statement of reasons and

transcripts of the judgment in prior instance equal to the number of adverse parties.

(2) In the statement of reasons set forth in the preceding paragraph, the reasons for the motion shall be described as concretely as possible, by such a method as giving the details of the judgment in first instance.

(Order Issued by the Court of Prior Instance Denying a Motion)

Article 259 When the motion set forth in Article 257 has clearly been filed after the expiration of the right to make a motion or when the statement of reasons set forth in paragraph (1) of the preceding Article has not been submitted within the time limit set forth in said paragraph, the court of prior instance shall dismiss the motion by judicial order.

(Sending of a Written Motion, etc.)

Article 260 (1) When the court of prior instance receives the statement of reasons and the attached documents set forth in Article 258-3, paragraph (1), except in the cases set forth in the preceding Article, it shall promptly send them to the Supreme Court along with the written motion set forth in Article 258.

(2) When the Supreme Court receives documents under the provisions of the preceding paragraph, it shall promptly notify the public prosecutor of the date of receipt.

(Ruling to Accept a Case)

Article 261 (1) When the Supreme Court finds it to be reasonable to accept a case as the final appellate court, it shall issue a ruling to that effect within 14 days of receipt of the documents under the provisions of the preceding Article. In this case, if the Supreme Court finds any of the reasons for the motion to be immaterial, it may exclude said reasons.

(2) When the Supreme Court has issued the ruling set forth in the preceding paragraph, it shall notify the public prosecutor thereof within the period set forth in said paragraph.

(Notice of a Ruling to Accept a Case)

Article 262 When the Supreme Court issues the ruling set forth in paragraph (1) of the preceding Article, it shall promptly notify the court of prior instance to that effect.

(Effectiveness of a Ruling to Accept a Case, etc.)

Article 263 (1) When the ruling set forth in Article 261, paragraph (1) has been issued, the statement of reasons set forth in Article 258-3, paragraph (1) shall

be deemed to be a statement of the reasons for a final appeal, and said reasons (excluding any reason that has been excluded pursuant to the provisions of the second sentence of Article 261, paragraph (1)) shall be deemed to be the reasons for the final appeal.

(2) When a copy of the statement of reasons set forth in the preceding paragraph is served on the adverse party, if any reason has been excluded pursuant to the provisions of the second sentence of Article 261, paragraph (1), a copy of the order excluding them shall also be served at the same time.

(Effectiveness of a Motion)

Article 264 The motion set forth in Article 257 shall have the effect of preventing the judgment in prior instance from becoming final and binding; provided, however, that this shall not apply when an order denying the motion has been issued or when the period set forth in Article 261, paragraph (1) has elapsed without the issuance of the order set forth in said paragraph.

(Transfer of the Accused)

Article 265 In the final appellate instance, the accused need not be transferred even when a trial date is to be designated.

(Provisions Applied Mutatis Mutandis)

Article 266 Except when there are special provisions providing otherwise, the provisions of the preceding Chapter shall apply mutatis mutandis to the adjudication of the final appeal.

(Method for Filing a Motion to Amend Judgment, etc.)

Article 267 (1) Motions to amend judgment shall be filed through the submission of a written document.

(2) In the document set forth in the preceding paragraph, the reasons for the motion shall be indicated clearly and concisely.

(3) The provisions of the preceding two paragraphs shall apply mutatis mutandis to a motion to extend the period for filing a motion to amend judgment.

(Notice of a Motion to Amend Judgment)

Article 268 When the motion set forth in paragraph (1) of the preceding Article has been filed, the final appellate court shall promptly notify the adverse party to that effect.

(Service of an Order Denying a Motion)

Article 269 An order denying a motion for the extension of the period for filing a motion for the correction of a judgment need not be served.

(Judicial Decision on a Motion to Amend Judgment)

Article 270 (1) A court consisting of all of the judges who made up the court which issued the judgment in prior instance shall issue the judicial decision on a motion to amend judgment; provided, however, that this shall not apply where any of the judges have died or where there are any other unavoidable circumstances.

(2) Even in the case set forth in the proviso to the preceding paragraph, the judicial decision set forth in said paragraph may not be issued by a court when the majority of its judges expressed a dissenting opinion to the judgment rendered in prior instance.

Chapter IV Appeal Against an Order

(Sending of the Case Record, etc.)

Article 271 (1) When the court of prior instance finds it to be necessary, it shall send the case record and articles of evidence to the court in charge of an appeal against an order.

(2) The court in charge of an appeal against an order may request that the case record and articles of evidence be sent thereto.

(Notice of an Order Issued by the Court Presiding Over an Appeal Against an Order)

Article 272 When the court presiding over an appeal against an order issues an order, it shall notify the court of prior instance thereof.

(Provisions Applied Mutatis Mutandis)

Article 273 The provisions of the preceding two Articles shall apply mutatis mutandis to cases where a request as set forth in Article 429 or 430 of the Code has been filed.

(Contents of a Written Motion for a Special Appeal Against an Order to the Supreme Court)

Article 274 In a written motion for appeal against an order as set forth in Article 433 of the Code, the object of the appeal against an order shall be concisely described.

(Scope of Examination on Appeal Against an Order)

Article 275 With regard to an appeal against an order as set forth in Article 433 of the Code, the Supreme Court shall only conduct an examination on the object of the appeal against an order as stated in the written motion; provided,

however, that examination may be conducted ex officio on the grounds prescribed in Article 405 of the Code.

(Provisions Applied Mutatis Mutandis)

Article 276 The provisions of Articles 256, 271 and 272 shall apply mutatis mutandis to cases where a motion for appeal against an order as set forth in Article 433 of the Code has been filed.

Part IV Special Procedure for Juvenile Cases

(Policy of Proceedings)

Article 277 With regard to the proceedings in a juvenile case, efforts shall be made to examine, insofar as it is possible, the evidence that has been examined by family court, in order to ensure that consideration is shown as well as to reveal the true facts of the case.

(Descriptive Requirements for a Warrant for Referral to a Juvenile Diagnostic Center)

Article 278 (1) A warrant issued pursuant to the provisions of Article 44, paragraph (2) of the Juvenile Act shall contain the name, age, and residence of the juvenile, the charged offense, a gist of the alleged facts of the crime, the grounds specified in any of the items of Article 60, paragraph (1) of the Code, the juvenile diagnostic center to which the juvenile is to be committed, the valid period, and the fact that after the expiration of said valid period, the warrant may not be executed and is to be returned, as well as the date of the request and the date of the issuance, and a judge shall affix his/her name and seal thereto.

(2) Warrants as set forth in the preceding paragraph shall be executed in accordance with those provisions of the Code and of these Rules which are related to the execution of a detention warrant.

(Court-Appointed Defense Counsel)

Article 279 When the accused is a juvenile and has no defense counsel, the court shall, insofar as it is possible, appoint defense counsel ex officio.

(Effect of an Order to Place a Juvenile in Protective Detention Supervised by a Judicial Research Official of the Family Court)

Article 280 The measures set forth in Article 17, paragraph (1), item (i) of the Juvenile Act shall cease to be effective when a judicial decision to close the case becomes final and binding.

(Request for Appointment of Court-Appointed Defense Counsel in Cases Where Protective Detention Is Deemed to Be Detention, etc.)

Article 280-2 (1) In cases where a detention warrant is deemed to have been issued against the suspect pursuant to the provisions of Article 45, item (vii) of the Juvenile Act (including the cases where applied mutatis mutandis pursuant to Article 45-2 of said Act; the same shall apply in paragraph (1) of the following Article) the request set forth in Article 37-2, paragraph (1) of the Code shall be filed with the judge of the family court which issued the order set forth in Article 19, paragraph (2) of said Act (including the cases where applied mutatis mutandis pursuant to Article 23, paragraph (3) of said Act; the same shall apply in the following paragraph and paragraph (1) of the following Article) or in Article 20 of said Act, a judge of the district court which has jurisdiction over the location of the family court to which said judge is assigned, or a judge of the summary court in the same location as said district court (including the same location as a branch of said district court).

(2) In the case prescribed in the preceding paragraph, appointment of defense counsel under the provisions of Article 37-4 of the Code shall be made by the judge of the family court which issued the order set forth in Article 19, paragraph (2) or Article 20 of the Juvenile Act, a judge of the district court which has jurisdiction over the location of the family court to which said judge is assigned, or a judge of the summary court in the same location as said district court (including the same location as a branch of said district court).

(3) When the suspect set forth in paragraph (1) has been committed to a penal institution outside the jurisdictional district of the district court set forth in said paragraph, notwithstanding the provisions of said paragraph, the request set forth in Article 37-2, paragraph (1) of the Code shall be filed with a judge of the district court which has jurisdiction over the location of said penal institution, or a judge of the summary court in the same location as said district court (including the same location as a branch of said district court).

(4) Notwithstanding the provisions of paragraph (2), in the case prescribed in the preceding paragraph, appointment of a defense counsel under the provisions of Article 37-4 of the Code shall be made by a judge of the district court which has jurisdiction over the location of the penal institution set forth in the preceding paragraph or a judge of the summary court in the same location as said district court (including the same location as a branch of said district court). The same shall apply to the appointment of defense counsel under the provisions of Article 37-5 of the Code and Article 38-3, paragraph (4) of the Code.

(Request for the Appointment of Private Defense Counsel in Cases Where Protective Detention Is Deemed to Be Detention)

Article 280-3 (1) When a suspect for whom a detention warrant is deemed to

have been issued pursuant to the provisions of Article 45, item (vii) of the Juvenile Act whose financial resources are equal to or above the base amount files a request as set forth in Article 37-2, paragraph (1) of the Code, the bar association to which the request set forth in Article 31-2, paragraph (1) of the Code is to be filed pursuant to the provisions of Article 37-3, paragraph (2) of the Code shall be a bar association within the jurisdictional district of the district court which has jurisdiction over the location of the family court which issued the order set forth in Article 19, paragraph (2) of the Juvenile Act or Article 20 of said Act, and the district court to which said bar association is to give a notice pursuant to the provisions of Article 37-3, paragraph (3) of the Code shall be the district court which has jurisdiction over the location of said family court.

(2) In cases where the suspect set forth in the preceding paragraph has been committed to a penal institution outside the jurisdictional district of the district court set forth in said paragraph, and said suspect intends to file a request as set forth in Article 37-2, paragraph (1) of the Code, notwithstanding the provisions of the preceding paragraph, the bar association to which the request set forth in Article 31-2, paragraph (1) of the Code is to be filed pursuant to the provisions of Article 37-3, paragraph (2) of the Code shall be a bar association within the jurisdictional district of the district court which has jurisdiction over the location of said penal institution, and the district court to which said bar association is to give notice pursuant to the provisions of Article 37-3, paragraph (3) of the Code shall be the district court which has jurisdiction over the location of said penal institution.

(Request for Measures in Lieu of Detention)

Article 281 The provisions of Articles 147 through 150 shall apply mutatis mutandis to cases where the public prosecutor files a request with the judge for the measures set forth in Article 17, paragraph (1) of the Juvenile Act in lieu of a request for detention in a juvenile case.

(Provisions Applied Mutatis Mutandis)

Article 282 The provisions of these Rules which are related to penal institutions shall apply mutatis mutandis to cases where the accused or the suspect is committed to or confined to a juvenile diagnostic center.

Part V Retrial

(Procedure for Filing a Request)

Article 283 In filing a request for a retrial, the requester shall submit a statement of the reasons therefor to the court with jurisdiction, along with a

transcript of the judgment in prior instance, documentary evidence, and articles of evidence.

(Provisions Applied Mutatis Mutandis)

Article 284 The provisions of Articles 224, 227, 228, and 230 shall apply mutatis mutandis to a request for a retrial or the withdrawal of such request.

(Conflict of Requests)

Article 285 (1) When a request for a retrial has been filed against a judgment in first instance and against the dismissal of an appeal to the court of second instance which have become final and binding, the court of second instance shall, by judicial order, stay any of its related court proceedings until the court proceedings in the court of first instance have been concluded.

(2) When a request for a retrial has been filed against a judgment in first or second instance and against a judgment to dismiss a final appeal which have become final and binding, the final appellate court shall, by judicial order, stay any of its related court proceedings until the court proceedings in the court of first instance or the court of second instance have been concluded.

(Hearing of Opinions)

Article 286 When issuing an order with regard to a request for a retrial, the court shall hear the opinions of the requester and the adverse party. Where said request was filed by the statutory agent or curator of a person against whom a judgment of conviction was rendered, the court shall also hear the opinion of the person against whom said judgment of conviction was rendered.

Part VI Summary Proceedings

Article 287 Deleted.

(Attachment of a Document)

Article 288 A written request for a summary order shall have attached thereto a document for clarifying that the proceedings specified in Article 461-2, paragraph (1) of the Code have been carried out.

(Submission of Documents, etc.)

Article 289 The public prosecutor shall, at the same time that he/she files a request for a summary order, submit to the court the documents and articles of evidence that he/she considers necessary for the issuance of a summary order.

(Timing of the Issuance of a Summary Order, etc.)

Article 290 (1) A summary order shall be issued no later than within 14 days of the day a request therefor was filed.
(2) When the court was unable to serve a copy of the summary order, it shall immediately notify the public prosecutor to that effect.

(Provisions Applied Mutatis Mutandis)
Article 291 The provisions of Article 219-2 shall apply mutatis mutandis to the order set forth in Article 463-2, paragraph (2) of the Code.

(Submission of Copies of the Charge Sheet, etc.)
Article 292 (1) When the public prosecutor receives the notice set forth in Article 463, paragraph (3) of the Code, he/she shall promptly submit to the court a number of copies of the charge sheet equal to the number of accused persons.
(2) The provisions of Article 176 shall apply to the case set forth in the preceding paragraph.

(Return of Documents, etc.)
Article 293 When the court gives the notice set forth in Article 463, paragraph (3) of the Code or Article 465, paragraph (2) of the Code, it shall immediately return the documents and articles of evidence set forth in Article 289 to the public prosecutor.

(Provisions Applied Mutatis Mutandis)
Article 294 The provisions of Articles 224 through 228 and Article 230 shall apply mutatis mutandis to a request for a formal trial or the withdrawal of such request, and to a request for the restoration of the right to request a formal trial.

Part VII Execution of Judicial Decisions

(Motion to Waive Payment of Court Costs, etc.)
Article 295 (1) Motions to waive the execution of judicial decisions to impose court costs, motions requesting the explanation of judicial decisions, and objections to the execution of judicial decisions shall be filed in writing. The same shall apply to the withdrawal of such motion or objection.
(2) The provisions of Articles 227 and 228 shall apply mutatis mutandis to the motion or objection set forth in the preceding paragraph and to the withdrawal thereof.

(Court for Filing a Motion to Waive Court Costs)
Article 295-2 (1) A motion to waive the execution of a judicial decision to impose

court costs shall be filed with the court which has rendered said judicial decision; provided, however, that in cases where the case has concluded in an appellate instance, the motion shall be filed with the appellate court for all court costs.

(2) A court which has received the motion set forth in the preceding paragraph shall issue an order on said motion; provided, however, that a court which has received a motion under the provisions of the proviso to the preceding paragraph may, if it finds it to be inappropriate for said court to issue an order on said motion, have the lower court that rendered the judicial decision on the imposition of court costs issue an order on said motion. In this case, said court shall send a document stating to that effect, and to which the presiding judge has affixed his/her seal of approval, along with the written motion and the related documents, to the lower court.

(3) When a court has sent documents under the provisions of the proviso to the preceding paragraph, it shall immediately notify the public prosecutor to that effect.

(Cases Where a Written Motion Has Been Submitted to a Court Other Than the Court with Which the Motion Is to Be Filed)

Article 295-3 When a written motion has been submitted to a court (limited to a court before which the case was heard) other than the court with which the motion is to be filed pursuant to the provisions of paragraph (1) of the preceding Article, said court shall promptly send the written motion to the court with which the motion is to be filed. In this case, if the written motion was submitted within the period for filing a motion, said motion shall be deemed to have been filed within the period for filing a motion.

(Descriptive Requirements for a Written Motion)

Article 295-4 In a written motion to waive the execution of a judicial decision to impose court costs, the court which has rendered said judicial decision shall be indicated, and the grounds for not being able to pay the court costs in full shall be concretely described.

(Notice Given to the Public Prosecutor)

Article 295-5 When a written motion to waive the execution of a judicial decision to impose court costs has been submitted, the court shall immediately notify the public prosecutor to that effect.

Part VIII Auxiliary Provisions

(Method for Entering a Motion or Statement)

Article 296 (1) Motions or statements entered with the court or a judge shall be made in writing or orally; provided, however, that this shall not apply when there are special provisions providing otherwise.
(2) An oral statement shall be entered in the presence of the court clerk.
(3) In the case set forth in the preceding paragraph, the court clerk shall make a record thereof.

(Motion or Statement by the Accused or by a Suspect Who Has Been Committed to or Detained in a Penal Detention Facility)

Article 297 The warden of the penal institution, the detention services manager, or the coast guard detention services manager, or a deputy of any such persons shall, when an accused person or suspect who has been committed to or detained in a penal detention facility intends to enter a motion or statement with the court or a judge, provide assistance to that end insofar as it is possible, and when the accused or the suspect is unable to prepare a written motion or written statement by himself/herself, said person shall write it or have an official of said facility write it on behalf of the accused or suspect.

(Dispatch and Acceptance of Documents, etc.)

Article 298 (1) The dispatch and acceptance of documents shall be handled by the court clerk.
(2) When giving a notice to a person concerned in the case or any other person, the court may have the court clerk give said notice.
(3) In cases where a notice has been given to a person concerned in the case or any other person, the fact that said notice was given shall be made clear in the record.

(Request for the Interview, etc. of a Judge)

Article 299 (1) A public prosecutor, a public prosecutor's assistant officer, or a judicial police official shall file a request for the interview of or a ruling or warrant against a judge with a judge of the district court or summary court which has jurisdiction over the location of the public agency to which said person is assigned, irrespective of the jurisdiction of the case in question; provided, however, that the request may be filed with a judge of the nearest lower court if there are unavoidable circumstances.
(2) For a juvenile case, the request set forth in the preceding paragraph may also be filed with a judge of the family court which has jurisdiction over the location of the public agency to which the person prescribed in said paragraph is assigned, notwithstanding the provisions of the main clause of said paragraph.

(Valid Period of a Warrant)

Article 300 A warrant's valid period shall be seven days from the date of issuance; provided, however, that if the court or judge finds it to be appropriate, said court or judge may specify a period exceeding seven days.

(Inspection, etc. of Documents and Articles of Evidence)

Article 301 (1) The presiding judge or a judge may designate the date, place, and time for the inspection or copying of documents and articles of evidence relating to court proceedings.

(2) When the presiding judge or a judge finds it to be necessary for preventing the destruction of documents or any other unlawful acts with regard to the inspection or copying of documents and articles of evidence relating to the trial, he/she shall have a court clerk or any other court official attend the inspection or copying, or shall take any other appropriate measure.

(Authority of a Judge)

Article 302 (1) An authorized judge, a commissioned judge, or any other judge who is deemed to have the same authority as the court or the presiding judge, who is subject to the application mutatis mutandis of the provisions concerning rulings to be made by the court, or who may make a ruling that is to be made by the court or the presiding judge, under the Code, shall be deemed to have the same powers under these Rules with regard to said ruling.

(2) A judge who has received a request as set forth in Article 224 or 225 of the Code shall have the same authority as the court or the presiding judge with regard to the ruling thereon.

(Measures to Be Taken Against an Act Committed by a Public Prosecutor or Defense Counsel to Delay the Court Proceedings)

Article 303 (1) In cases where a public prosecutor or defense counsel who is an attorney at law obstructs the speedy progress of proceedings, a pretrial conference procedure, or an interim conference procedure, in violation of law or court rules on court proceedings, the court may demand that said public prosecutor or defense counsel explain the reason therefor.

(2) In the case set forth in the preceding paragraph, if the court finds it to be particularly necessary, it shall, in the case of a public prosecutor, notify the person who has the power of control and supervision over said public prosecutor, and in the case of defense counsel, notify the bar association to which said attorney at law belongs or the Japan Federation of Bar Associations, of such fact and request that appropriate measures be taken.

(3) A person who has received a request under the provisions of the preceding paragraph shall notify the court of the measures said person has taken.

(Sending of the Case Record after the Conclusion of a Case under Public Prosecution)

Article 304 (1) After the conclusion of a case under public prosecution, the court shall promptly send the case record to the public prosecutor of the public prosecutor's office corresponding to the court of first instance.

(2) In cases where a case under public prosecution has concluded in an appellate instance, the case records shall be sent under the provisions of the preceding paragraph via the lower court before which said case under public prosecution was heard.

(Application of Provisions to Alternate Detention)

Article 305 A person who has been detained in a detention facility pursuant to the provisions of Article 15, paragraph (1) of the Act on Penal Detention Facilities and Treatment of Inmates and Detainees shall be subject to the application of the provisions of Article 62, paragraph (3), Article 80, paragraphs (1) and (2), Article 91, paragraph (1), items (ii) and (iii), Article 92-2, Article 153, paragraph (4), Article 187-2, Article 187-3, paragraph (2), Article 216, paragraph (2), Article 227 (including the cases where applied mutatis mutandis pursuant to Articles 138-8, 229, 284, and 294, and Article 295, paragraph (2)), Article 228 (including the cases where applied mutatis mutandis pursuant to Articles 138-8, 229, 284, and 294, and Article 295, paragraph (2)), Article 229, Article 244, Article 280-2, paragraphs (3) and (4), and Article 280-3, paragraph (2), by deeming the detention facility to be the penal institution, the detention services manager to be the warden of the penal institution, and the detention officers (meaning detention officers as prescribed in Article 16, paragraph (2) of the Act on Penal Detention Facilities and Treatment of Inmates and Detainees) to be the officials of the penal institution.