

**JAPAN**  
Last update: 24 January 2020

**RULES/GENERAL LAWS**

<b>General</b>	<p><b>Penal Code</b></p> <p><b>Act on Regulation and Punishment of Acts Relating to Child Prostitution and Child Pornography, and the Protection of Children</b></p> <p><a href="http://www.japaneselawtranslation.go.jp/?re=02">http://www.japaneselawtranslation.go.jp/?re=02</a></p> <p>There is neither military criminal law nor military justice system, while the general criminal laws and justice system apply also to Self-Defense Forces personnel (hereinafter referred to as "SDF personnel").</p> <p>SDF personnel are obliged to devote attention to duty only in their working hours and they are regarded as on duty only in their working hours. SDF personnel, who are deployed to the UN PKO missions, also work within the fixed working hours and they are regarded as not on duty during off-duty hours. The Japanese criminal law, however, may apply regardless of whether the offender is on duty or not.</p>
<b>SEA: military offence?</b>	<p>Japan has no military criminal law, but the criminal laws of Japan apply to any Japanese national or public official of Japan, including SDF personnel, who commits certain kinds of crimes outside the territory of Japan. Some of these crimes are considered sexual exploitation and abuse, including forcible sexual intercourse etc., forcible indecency, abuse of authority by public officers, kidnapping of minors, kidnapping for indecency, buying or selling of human beings, and child prostitution. (See Art. 3, 4, 176 through 181, 193 through 196, 224, 225 and 226-2 of <b>Penal Code</b>, Art. 4 and 10 of <b>Act on Regulation and Punishment of Acts Relating to Child Prostitution and Child Pornography, and the Protection of Children</b>)</p>
<b>Powers of the Commanding Officer (CO)</b>	<p>The commanding officer of the deployed unit may permit or forbid to go out or implement other measures, pursuant to relevant rules. (See Art. 32-34 of <b>Rules on Service Discipline of JGSDF</b>, Art. 62 of <b>Detailed Rules on Service Discipline of JGSDF</b>, Art. 3-5 of <b>Instructions on Landing etc. of JMSDF Officials</b>, Art. 21 of <b>Rules on Service Discipline in JASDF Base</b>)</p> <p>If a deployed SDF personnel commits a disciplinary offense, and the commanding officer of the deployed unit is not authorized to undertake any counter-measures, the commanding officer of a unit which is higher than the offender's one of origin may take a disciplinary action. (See Art. 46 of <b>Instructions on Appointive Power of the Ministry of Defense</b>).</p>

**INVESTIGATION**

<b>Who can investigate?</b>	<p>A judicial police official, including both military and civilian police, a public prosecutor or a public prosecutor's assistant officer can investigate offenses committed by a SDF personnel in accordance with the <b>Code of Criminal Procedure</b>.</p> <p>If deployed personnel, such as military police officers including assistant military police officers, perform their duty as judicial police officer in recipient countries, they should comply with the framework such as the status of forces agreement between the UN and the recipient countries. As for crimes that Japan has the authority to investigate and that falls under each item in Art. 96, para. (1) of <b>SDF Law</b>, military police officers including assistant military police officers who have the authority to investigate will perform their duty as judicial police officers by the Code of Criminal Procedure. (See Art. 96 of <b>SDF Law</b>, Art. 109 of <b>Order for Enforcement of SDF Act</b>).</p>
<b>National Investigation Officer (NIO)</b>	<p>Japan has made best efforts to dispatch military police officers, who investigate offenses in the Self-Defense Forces and arrest suspects.</p>

**PROSECUTION**

<b>Referral</b>	<p>The head of the military police must, when it has conducted the investigation of an offense, send the case together with the documents and articles of evidence to a public prosecutor. (See Art 246 of <b>Code of Criminal Procedure</b>, Art. 310 of <b>Rules on Service Discipline of JSDF Criminal Investigation</b>)</p>
<b>Who can charge?</b>	<p>Prosecution is filed by a civilian public prosecutor.(See Art. 247 of the <b>Code of Criminal Procedure</b>).</p>

## JUSTICE

**Military justice**

There is neither military criminal law nor military justice system, while the general criminal laws and justice system apply also to Self-Defense Forces personnel.

**Deployable Court Martial?**

There are no deployable court martials.

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