



British Embassy  
Tokyo

**Information Pack for Families of  
British Prisoners in Japan**

***Frequently Asked Questions***

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I)	Detained (Police Station and Detention Centre)		Sentenced
	Police station	Detention centre	Prison
Contacts/visits	<p>Visits and letters from the embassy and lawyer are allowed.  <u>No communication ban</u>: visits and letters from family and friends are allowed, however if visits are not conducted in Japanese, an interpreter is required.  <u>Communication ban</u>: no visits/letters allowed from family or friends, but correspondence with Embassy/lawyer cannot be restricted<sup>1</sup>  <i>*In some cases, a police officer/prison guard will sit with visiting friends/family. An interpreter will also be required. Visits are usually limited between 15-30 mins.</i></p>		<p>Letters to/from the embassy are freely allowed.</p> <p>They can write a limited number of letters a month to people on your friend and family list. They are not restricted in the number of letters they can receive.<sup>2</sup></p>
Telephone calls	Not allowed		
Food	Meals and in some cases, food items sold at the police station/detention centre shop (food brought from outside is <u>not</u> allowed)		Food given during meal times only
Work	None		Yes - almost all sentences come with working in a factory etc.
Clothing	<p>Normal clothes + possibility to receive clothes from family/friends that meet station rules.  <i>*Some police stations require you to wear a grey tracksuit uniform.</i></p>		Uniform only. Other clothing, such as underwear and socks must be bought at the prison shop
Medical	<p>Access to doctor upon arrest. A doctor will also visit the police station/detention centre <u>every 2 - 4 weeks</u>. They can ask to see a doctor by filling in a written request ('<i>moushide</i>' at the police station or '<i>gansen</i>' at the detention centre/prison).</p>		Medical check upon arrival. They can ask to see a doctor by filling in a "gansen" (application form)
Drugs / alcohol / cigarettes	Not allowed and not available illegally.		
Classroom Learning	No provisions from the authority but textbooks can be sent to a detainee		Sometimes allowed with permission
Money	Family/friends can send cash for personal use through Foreign, Commonwealth and Development Office in London. Sometimes, lawyers can offer to do transactions if an out of court settlement is an option.		
Parcels	<p>Books, magazines and some clothing can be sent directly to those on non-restricted detention.                      Books, magazines and clothing can be sent via the embassy for those on restricted detention.</p>		Only books, magazines can be sent directly
Shower / bath / shaving	<p>Twice a week (three times in summer).                      Facial shaving is allowed (no electric shaver though).</p>		
Laundry/clean clothes	They can change their clothes. They will be given information on how to wash their clothes		They can change their uniform. They will be given information on how to wash their clothes
Heating/ Air con	These facilities either do not have or use air conditioning and heating. Some facilities might use them but only during pre-determined dates. They may be able to use paper fans in summer		
Personal items	<p>The police will keep their personal items in a locker, and they may request them each day. The police will also look after money and they can request access by submitting a "<i>moushidein</i>" request. In serious cases (i.e. drugs importation arrests at the airport) their belongings (including money) that they had at the time of their arrest can be held as evidence by the prosecutors and will not be returned until they are released or until after their trial is over.</p>		<p>They need to submit a "<i>gansen</i>" request to access their personal items that they brought from the UK. Access varies depending on the prison but electronic items are generally forbidden whereas books and undergarments are generally allowed. Ultimately, access rights are dependent on their warden.</p>

<sup>1</sup>They may be subject to a communications ban especially if the charges are drug related. This means they will only be allowed to speak to their lawyer and the embassy.

<sup>2</sup>The number of family visits allowed depends on ranking. Embassy visits are not restricted.

## **I) Police station and detention centre**

### **1. Will they get a visit from the Embassy?**

A consular officer will aim to visit as soon as possible after their initial arrest if they want us to and will be able to talk to their consular representative in English without the presence of any police personnel. Consular officers are based in Tokyo only, so it may take us some time before we are able to visit police stations situated far from us.

### **2. Can we visit the police station?**

Most police stations impose a limit of one visit of up to three people per day for detainees who are not under a communications ban. Rules for visiting to and from detention centres are normally the same as at police stations. You may need to let the police station know in advance if you intend to visit. Visits are usually limited to between 15-30 minutes and you will need an interpreter if you do not speak Japanese.

### **3. What are we allowed to give?**

Visitors to **police stations** and **detention centres** can normally bring clothes (type of clothes varies on the facility) and photographs. Visitors may be able to leave books, though these may be declined if they are written on, torn or damaged or with inscriptions. If the police station accepts the books, they may ask you what kind of book, or genre the novel is. You are only able to send cards or letters of plain white paper. You can also deposit money in Yen (please see question n. 5). Hardback books are not accepted. Letters cannot be brought to a detention facility and they have to be sent by post.

### **4. Can we speak on the phone?**

Making/receiving phone calls is not allowed for detainees in police stations or those awaiting trial. In exceptional circumstances where consular visits are not allowed, consular officers may be able to schedule a call with the detainee at a prison in lieu of a visit. This is subject to whether the service is available at the facility.

### **5. Can we send money?**

They can receive cash in Japanese Yen. You can either deposit money at the police station, or transfer money through the FCDO to buy toiletries, snacks, stationary and other items from a list supplied by the detaining authorities. Police stations often impose a limit on how much money family can give in person per day. Any money sent in cash directly to the Embassy cannot be accepted or forwarded. Please refer to Annex A for instructions on how to send funds.

### **6. Can we send parcels?**

You can send parcels directly to the facility unless they are on restricted communication. In this case, you will need to send the parcel to the consular section to pass it on (check allowed items).

### **7. Why are there limitations on communication during this period?**

Communication restrictions or bans are usually imposed by the judge on alleged drug offenses, however, communication bans are not limited to those arrested for drug related offenses. A communications ban is usually issued when a court judges there is a risk of destructing evidence.

### **8. Can they send letters?**

They are permitted to send an unlimited number of letters, though these letters are subject to being read by the police. The detainee can write to the Embassy as often as needed. All letters will be read

by the police. Unlike English translators, Cantonese translators are not readily available therefore it can take longer to get to a detainee if letters are written in Cantonese

**9. How long will they be detained at the police station for?**

They can be detained for 23 days. If charged (known as “indicted” in Japan), they will stay at the police station until they are moved to the detention centre, where they will stay until the trial is concluded. Police can rearrest individuals on suspicion of a separate crime. This has been known to happen at the end of the first 23 days, and can mean the individual will spend up to another 23 days in police custody.

**10. Are they being held in a cell?**

Yes, detainees are held in a cell in all detention facilities.

**11. Are they alone in the police station cell?**

While at the police station, they may share a cell with other people.

**12. Is violence an issue in Japan?**

The risk of violence in police stations/detention centre/prison is very low in Japan.

**13. Can they get fresh air?**

Exercise time outside is very limited. There is usually around one hour a day maximum allocated to exercise.

**14. What is their food and diet like?**

They will be served Japanese style food which is a rice-based diet. A specific diet can be requested for religious or allergy provisions as well. Additionally, they can buy food at the police station/detention centre shop if they have money to do so (Please refer to question 5). Prisons do not let prisoners buy food and prisoners are expected to eat what they are served.

**15. How are different needs accommodated?**

In Japan, the concept of equal treatment means that everyone is to be treated in the exact same manner with very little exception. Unfortunately, in the case of police stations, detention centres and prisons, this means that different needs are often not adequately accommodated to, if at all.

If they have different needs such as physical disabilities, mental health needs, literacy needs and/or are transgender, they may have difficulties in obtaining special consideration for their unique circumstances. In those cases, they can raise their issues with their consular officer who may then raise it with the appropriate authorities.

**16. How strict are the detention rules?**

Prison rules in Japan are stricter than in UK prisons. Detainees are expected to follow the rules and privileges will be removed if they are not abided by. Foreign nationals can find the transition to a Japanese detention centre difficult, particularly pre-trial if they are held in isolation

**17. What is the process of arrest, detention and custody?**

Regarding the process, please refer to the flowcharts “23 days detention” (p.7) and “Trial” (p.8). More details can be found in the “After being arrested – the first 72 hours and beyond” pack.

**II) General questions**

**18. Where is their passport?**

It is common for the police or a lawyer to hold onto their passport whilst awaiting trial.

**19. Do they have legal representation?**

Detainees will be appointed a court appointed lawyer if they cannot afford a private lawyer. However, they cannot have their lawyer present during questioning by the police.

**20. Can the lawyers speak English?**

Court appointed lawyers do not always speak English but they will use an interpreter. The British Embassy in Tokyo has compiled a list of English speaking lawyers.

**21. What are penal institutions in Japan like?**

You can find out more information from the below link about what prisoners go through in their daily routines in prison in Japan. The document, produced by the Ministry of Justice in Japan, goes into detail about food, activities available and schedules for prisoners.

<https://www.moj.go.jp/content/001314589.pdf>

**22. What are the main differences between a detention centre and a prison?**

Once they have been charged, people on remand are held in detention centres. If they are sentenced, they will then be transferred to a prison facility. Those in a detention centre have the freedom to buy food, but this is not possible once sentenced and moved to a prison facility.

**23. What medical facilities are there in detention/prison?**

Doctors visit Japanese **police stations** periodically (usually every two weeks) and **detention centres/prisons** more often (usually twice a week). Some detention centre/prison facilities have a dedicated medical wing where treatment can be administered, however if the treatment you need is not available at the facility, the authorities may deem it necessary that you receive treatment at an outside medical facility. This can take a considerable amount of time. Detainees need to request to see a doctor and explain why they need medical attention (via what is known as a “*moushide*” at the police stations and “*gansen*” at detention centres/prisons). They may have to wait for a few days until they can have an appointment. If they need urgent medical attention, the authority should call a doctor or take them to a hospital.

**24. How do they get an appointment with the doctor?**

Detainees will need to make a request (“*gansen*”) for an appointment and explain why they need medical attention.

**25. Can they access medication?**

All medication must be prescribed by the facility’s doctor. They may not be the same as previously taken. In these cases, they are likely to be the nearest suitable equivalent. Police stations have been known to offer simple medications in the past, such as treating those with constipation.

**26. How can the Embassy help?**

- We will contact detainees and visit them if they want us to as soon as possible.
- Provide information about prison conditions, the legal system and provide a list of English speaking lawyers.
- Make sure the detention facility is aware of any medical issues.
- Contact friends and family and forward short messages, particularly if they are on a communications ban

- Forward money from friends and family.
- Consider approaching the local authorities if we feel they are not being treated in line with internationally accepted standards regarding fair trials and prisoners' rights.
- Speak to their lawyer for updates. We can also put you in contact with the lawyers.

**27. Can they see an external doctor?**

Detainees can see an external doctor for specialist or emergency treatment. They will need to submit a "gansen" and it may take some time to arrange for a specialist doctor.

**28. How often will the Embassy visit them?**

Consular officials will visit detainees once upon arrest if they want us to. If charged, consular officials will visit a detainee regularly when they move facilities. The frequency of visits will vary according to an individual's needs.

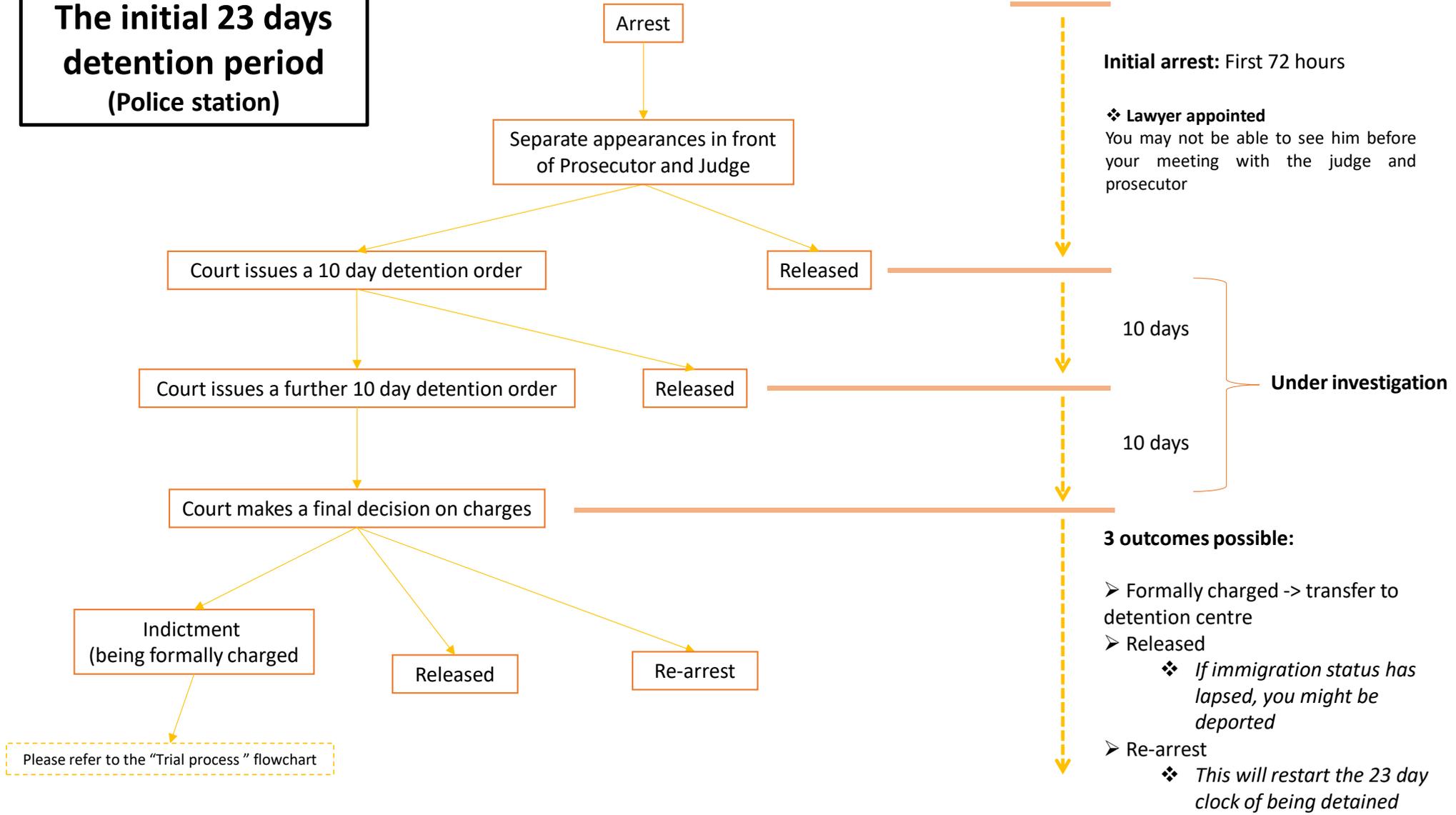
**29. When will they find out about their trial?**

Evidence is gathered between being formally charged and trial. Depending on the nature of the case, there can be long delays.. This can range from two months to over 18 months depending of the nature of the crime. The detainee's lawyer can advise on this.

**30. Can they serve their sentence in the UK?**

Detainees are eligible to transfer to the UK after their fine is paid (if applicable) and at least one third of their sentence has been completed in Japan. However, the Japanese Ministry of Justice makes the final decision on when the transfer will take place. Information can be found online at <https://www.gov.uk/government/publications/in-prison-abroad/in-prison-abroad-transfer-to-a-uk-prison>

**The initial 23 days detention period (Police station)**



# Trial process (detention centre)

Indicted (Being formally charged)

**Summary trial – fine**

- Fine not exceeding 1,000,000 yen to be paid
- Guilt is admitted and monetary sentence is accepted

**Formal trial – custodial sentence**

- Serious offence
- Imprisonment sentence (even if guilt is admitted)

Released

Deported

Forms of prosecution

- ❖ Ongoing investigation and evidence gathering by prosecutor, judge and your lawyer
- ❖ Pre-trial discussions to plan for court hearings (not part of the trial themselves)

Trial preparation

- ❖ Judge-only system or “Saiban-In seido” (Lay judge – similar to a jury) system (for serious crimes)

Trial

- please refer to the pack for more details on the trial proceeding itself -

**Verdict**

Guilty

Not guilty

Appeal by defendant

Custodial Sentence

Suspended Sentence

Appeal by prosecutor

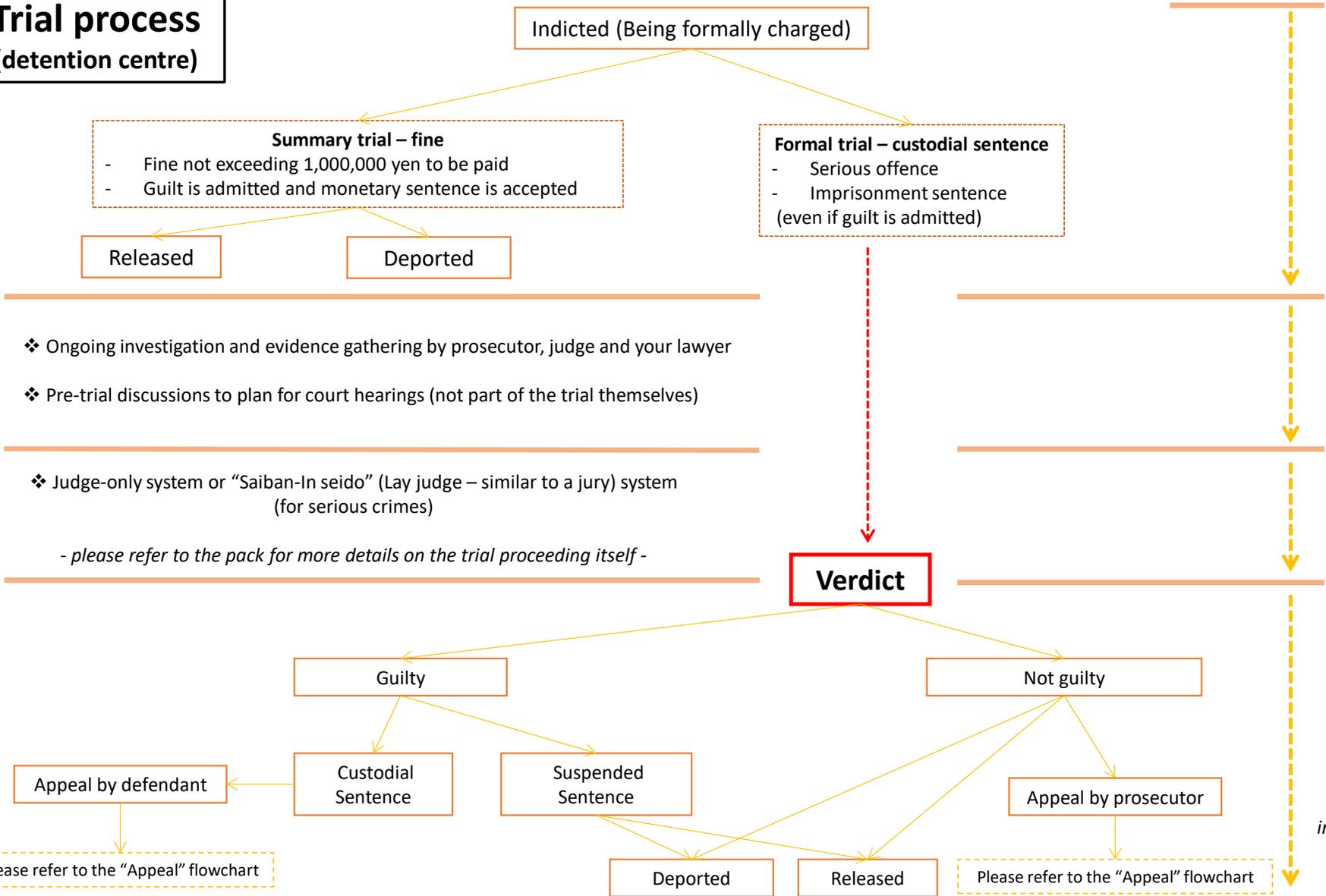
Deported

Released

Please refer to the “Appeal” flowchart

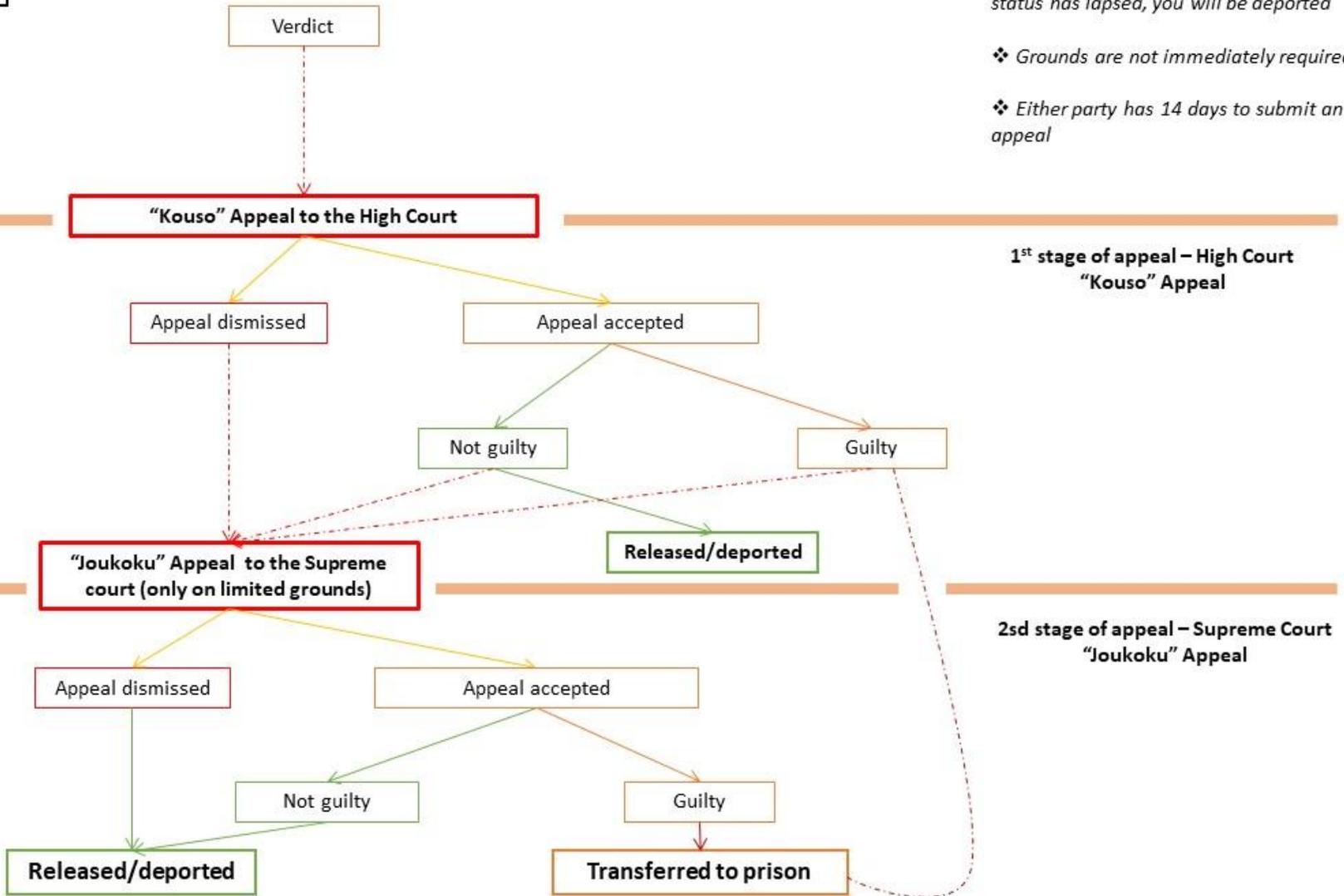
Please refer to the “Appeal” flowchart

❖ In case of release or suspended sentence, if immigration status has lapsed, you will be deported



# Appeal process

- ❖ In case of release, if immigration status has lapsed, you will be deported
- ❖ Grounds are not immediately required
- ❖ Either party has 14 days to submit an appeal



## ANNEX A

### OPTIONS TO TRANSFER FUNDS TO BRITISH NATIONALS OVERSEAS VIA THE FOREIGN, COMMONWEALTH AND DEVELOPMENT OFFICE

Please note that we can only advance funds to the person overseas once your payment has cleared in our account.

#### 1. Electronic bank transfers

Payment by electronic/internet bank transfer can be made either using online or telephone banking, or at your local bank or building society.

For all bank transfers, you will need to include the following details:

Bank:	National Westminster Bank
Account Name:	FCDO Multi Vote
Sort Code:	60-70-80
Account Number:	10012362
Reference:	FCDO <b>case reference number</b> (which can be found at the top of this letter), <b>surname and first name of the person</b> you are sending the funds for, plus country name if possible, e.g. 11-THB-123456 SMITH JOE - THAILAND or CON-1234 SMITH JOE – THAILAND
IBAN	GB56NWBK60708010012362
SWIFT/BIC	NWBKGB2L

You may also need our bank address which is: Government Banking Cst, Po Box 2027, Parklands, De Havilland Way, Horwich, Bolton, BL6, 4YU.

#### 2. By Post

Payments by **Postal Order, Bankers Draft, Building Society Cheque or personal cheque** should be crossed and made payable to "The Foreign, Commonwealth and Development Office". They should be sent to:

The Cashier  
Foreign, Commonwealth and Development Office  
PO Box 7654  
Milton Keynes  
MK11 9NQ

We recommend that you use Special Delivery.

Please ensure that you include a note briefly explaining who the money is for, why you are sending these funds and quoting the case reference number. You may wish to use the payment slip on the next page.

If you would like a receipt, please include a stamped addressed envelope.

Please note that it can take approximately 15 days for personal cheques to clear and for payment to be received. Please write the cheque guarantee number and expiry date, and the COMPASS reference number, on the back of the cheque.

We are unable to receive payment by credit or debit card, or by cash.

To: Foreign, Commonwealth and Development Office

CASEBOOK reference number:

Date:

Please find enclosed funds for:

Full Name:

Country/place the above is in:

Amount enclosed:

Fee to be deducted:

Payment method:

My name is:

My address is:

## **Disclaimer**

The Consular Section, British Embassy Tokyo, compiled this booklet. It is revised on a regular basis.

If you feel any of the information contained in this booklet is incorrect, please contact us at [www.gov.uk/contact-consulate-tokyo](http://www.gov.uk/contact-consulate-tokyo)

The British Embassy in Tokyo is not accountable for the information provided in this booklet. Local proceedings are subject to change at any time.

Thank you.