

Information Pack for British Prisoners in Japan

After being arrested – the first 72 hours and beyond

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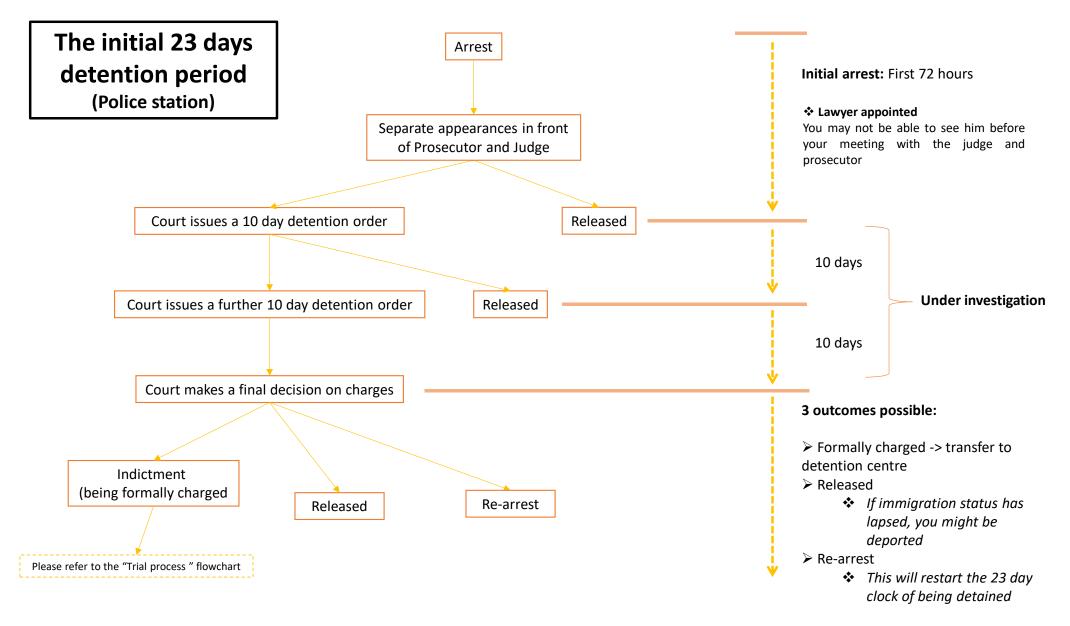
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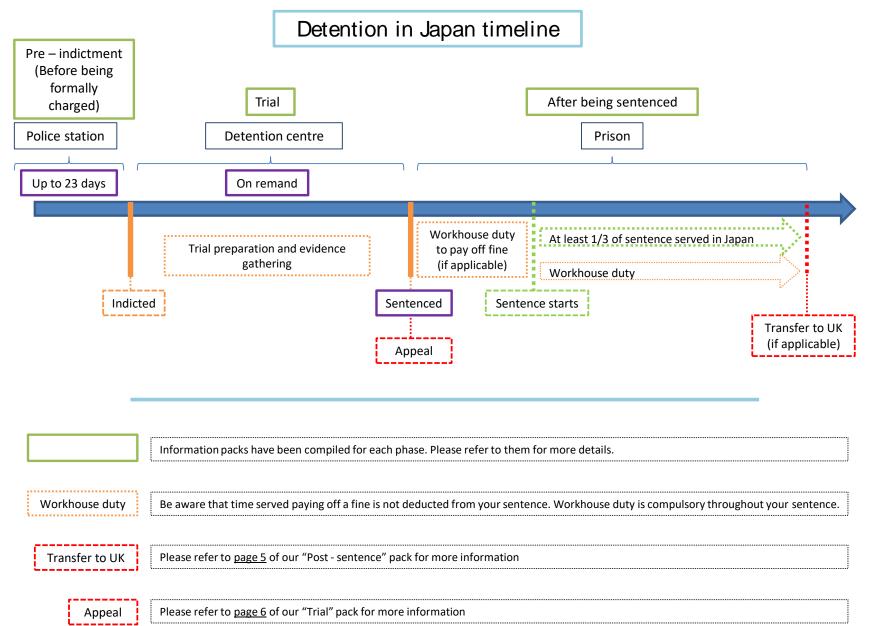
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Overview

If you are a British national, and are arrested or detained in another country, consular staff will do what they can to help you, but they cannot interfere with the local justice system, get you out of jail, or pay for services such as a lawyer. Information about who we can help, including the circumstances in which we can assist dual nationals, is available at: <u>Support for British nationals</u> <u>abroad</u>.

This detention information pack is designed to give you, and your family and friends, information about the local system in Japan and who can help. A printed copy is provided to those in prison or in custody, and an online version is available at: <u>https://www.gov.uk/government/publications/japan-prisoner-pack</u>. We welcome feedback to help us improve the information we can provide to others.





I) <u>Arrival at police station</u>

You will usually be held at the police station nearest to where you were arrested, unless that police station is full. If you were arrested with another person, you may be held at separate police stations . Not all police stations have holding cells for females.

Please note that in Japan, anyone under 20 is considered a minor (different from the UK where minors are persons aged 18 and under). Despite the revision of civil codes in 2022 defining 18 as an adult in Japan, under the 2022 Juvenile Act, 18 and 19 year olds are still considered children under criminal codes. Juvenile cases are heard in a Family Court first to determine whether the offender is to be transferred to undergo criminal proceedings (if the person is 16 years of age or more and commits an offence punishable with the death penalty or penal servitude or imprisonment).

No juvenile may be detained unless absolutely necessary; if the person is to be detained, the Juvenile Classification Home may serve as a detention house. This decision is made by the Family Court, and the term of protective detention does not exceed four weeks. The decision may, however, be changed or cancelled during the term.

1. Initial arrest – the first 72 hours

Under Japanese law, you can be arrested and detained for 48 hours by the police on suspicion of having committed a crime. During this time, the police are required to inform you of the crime, of your right to remain silent, of your right to hire a lawyer at your own expense. The police are required to notify the Embassy of your arrest and will ask you if you want to have a visit from the Embassy (consular visit). You will usually be taken to see the judge and prosecutor during the first three days of your arrest, so the Embassy is usually unable to make an appointment to see you until the first three days have passed.

If the police think they have enough evidence to detain you, they must present this evidence to a public prosecutor within the initial 48-hour detention period.

If the prosecutor agrees, a warrant of detention will be requested from a judge within the next 24 hours. You may have to appear before the judge at this time.

A case can be dropped at either of these stages for lack of evidence. The first 72 hours are therefore very important.

2. Under investigation - the next 20 days

If the judge determines there is probable cause to believe a crime has been committed, the court will issue a ten-day detention order. This permits the police to continue their investigation. At the end of this ten-day period, the prosecutor can, and often does, request a second ten-day detention period for the investigation to be continued.

At the end of the 20-day detention period, the prosecutor must either decide to press charges (known in Japan as filing a formal indictment to the court), re-arrest or release the detainee. The public prosecutor can ask for the indictment (formal charge) earlier if they think they have enough evidence. Alternatively, you may be released earlier if there is not enough evidence, or a settlement is reached with the injured party (e.g. in the case of assault or criminal damage). This means that someone can be held for a maximum of 23 days in police detention before being charged, re-arrested or released. If you are re-arrested for a separate crime, the 20 day cycle begins again.

3. What happens if I am prosecuted?

There are two main forms of prosecution: formal and summary.

- <u>Formal</u>: If the alleged offence is serious and imprisonment is a possibility, the prosecutor asks for a formal trial. This will happen even if you admit guilt.
- <u>Summary</u>: A summary prosecution is one in which the suspect faces a fine not exceeding ¥1,000,000, admits guilt, and accepts a fine. In general, this applies to minor offences such as traffic violations, or in cases where the suspect is accused of assault or bodily injury but admits guilt and is able to compensate the victim.

If the prosecutor believes there is sufficient evidence, they must charge the detainee by filing charges with the court.

Prosecutors in Japan generally do not take a case to trial unless they are convinced they can win. In 2021 67% of all cases were dropped before indictment (formal charge) and with criminal cases 77% were dropped. However, after indictment, the conviction rate in Japan is over 99%.

4. Bail

In principle, there is no bail before being charged. For minor crimes, bail may be possible. However, for serious crimes, e.g. drug smuggling, it is rare to be granted bail.

It is usually only granted if someone is resident in Japan and has a guarantor. You will need to discuss bail with your lawyer.

5. What kind of legal assistance is available?

There are three systems, which cover legal advice for detainees:

- Duty lawyers
- Private lawyers
- Court appointed lawyers.

Under Japanese law, you do not have the right to have a lawyer present while you are being interviewed by the police. Interviews are also not generally recorded.

1. Duty lawyer* Touban Bengoshi		
Cost	Free of charge	
Frequency	One visit only	
How to apply	Ask the police	

You could appoint a duty lawyer to represent you but you will need to appoint them as your private lawyer (see below)**2. Private lawyer** *Shisen bengoshi*

Cost	Costs will rise depending on the number of visits made by the lawyer pre- trial, the number of court appearances, the amount of work involved and the seriousness of the charge. A retaining fee may be required.
Frequency	According to the detainee's budget.
How to apply	Ask the police to call.

If you live in Japan, you may be entitled to Legal Aid, however this is limited to civil cases, domestic relations and administrative cases only. This can help pay for a lawyer before a court-appointed lawyer is made available. If you wish to use Legal Aid, you should tell the lawyer your intention at your first meeting.

3. Court appointed lawyer Kokusen bengoshi

	OFFICIAL
CostThe Japanese Government usually meets the costs of court appointed lawyers and interpreters, but the judge, can make the defendant pay costs (if they have money).	
Frequency	Varies from lawyer to lawyer, but usually infrequent.
How to apply	If you do not have a private lawyer (and cannot afford one) the court will appoint a lawyer for you. These are private lawyers who are asked by the bar association to represent people who cannot afford to pay. The lawyer may be appointed at the first court appearance. If you want a court appointed lawyer you can request one from the judge when you are taken to a court.

6. Will I have a criminal record in the UK?

You should be aware that if you have been convicted for some serious offences, such as sexual assault or serious drugs crimes, we are legally obliged to notify the UK authorities. Information about this offence may appear if a prospective employer carried out a Criminal Records Bureau check.

II) Life in Detention

	Detained (Police Station and D	Detention Centre)	Sentenced
)	Police station	Detention centre	Prison
	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		Letters to/from the embassy are freely allowed. You can write a limited number of
Contacts/visits	<u>Communication ban:</u> no visits/letters allow but correspondence with Embassy/lawyer *In some cases, a police officer/prison gua friends/family. An interpreter will also be r limited between 15-30 mins.	cannot be restricted ¹ rd will sit with visiting	letters a month to people on your friend and family list. You are not restricted in the number of letters you can receive. ²
Telephone calls		Not allowed	
Food	Meals and in some cases, food iter station/detention centre shop (food br allowed)	-	Food given during meal times only
Work	None		Yes- almost all sentences come with working in a factory etc.
Clothing	Normal clothes + possibility to receive clot meet the station r *Some police stations require you to wea	ules.	Uniform only. Other clothing, such as underwear and socks must be bought at the prison shop
Medical	Access to doctor upon arrest. A doctor will also visit the police station/detention centre <u>every 2 - 4 weeks</u> . You 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).		Medical check upon arrival. You 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 person London. Sometimes, lawyers can off	er to do transactions if an out	
Parceis		Only books, magazines can be sent directly	
Shower / bath /		a week (three times in summe	
shaving	Facial shaving	g is allowed (no electric shave	
		will be given information on how to wash your clothes	
Heating/ Air con	These facilities either do not have or use air conditioning and heating. Some facilities might use them but onl during pre-determined dates. You may be able to use paper fans in summer.		paper fans in summer.
Personal itemsrequest them each day. They will also look after money and you can request access by submitting a <i>"moushide"</i> request. In serious cases (i.e. drugs importation arrests at the airport) your belongings (including money) that you had with you at the time of your arrest can be held as evidence by the prosecutors and will not be returned untilrequest to access your por items that you brought with from the UK. Access varies on on the prison but electronic generally forbidden where and undergarments are generally forbidden where and undergarment are generally		You need to submit a "gansen" request to access your personal items that you brought with you 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	
1	iect to a communications han especially		are dependent on your warden.

¹You may be subject to a communications ban especially if the charges are drug related. This means you will only be allowed to speak to your lawyer and the Embassy.

²The number of family visits allowed depends on ranking. Embassy visits are not restricted.

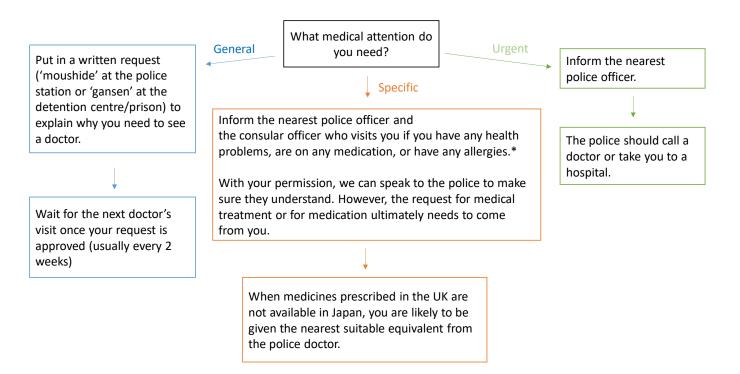
1. How can I receive money?

You can receive cash in Japanese Yen at police stations. If your family or friends are in Japan, they can go to the detention facility directly to deposit the money. Police stations have been known to impose a daily limit on how much money family can give you.

If your family or friends are in the UK, the Foreign, Commonwealth and Development Office can help them transfer money to you. We can receive up to £100 once a month and send you the cash in Japanese Yen without charging a fee, but for higher amounts or payments that are more frequent, we charge fees on a sliding scale. Your family or friends should call the Foreign, Commonwealth and Development Office on +44 (0)20 7008 1500 asking for the consular desk officer for Japan for further details.

If your family live in a country other than Japan or the UK, they should contact the nearest British Embassy for advice on how to send money. We cannot accept or forward any cash sent directly to an Embassy.

2. Can I receive medical and dental treatment?



*Please note that on receiving notification of your arrest, we will ask the police officers about any medical needs you may have.

If your request for medical or dental treatment is delayed or you have other concerns, let a consular officer know, and with your permission, we can raise your concerns by following up on your behalf with the relevant local authorities.

On receiving medical treatment, if the general doctor cannot treat the problem, you may be referred to a specialist doctor. If the specialist doctor cannot perform the treatment in the police station/detention centre/prison, you will be taken to a hospital. Waiting times are usually long unless the treatment is considered urgent.

Please also be aware that whenever you leave the facility, e.g. to attend court or hospital for medical treatment, by law you must be handcuffed with no exceptions.

3. Food and Diet

While held at a **police station or a detention centre** you may be able to buy additional food to supplement your diet. If convicted, however, you will no longer be able to do this. Nobody detained in Japan is able to receive food or drink from visitors or through the post. A specific diet can be requested for religious or allergy provisions.

You may also be expected to drink water using your hands. If you want a cup, submit a request to the police station ("moushide").

4. Mail and Parcels

You are permitted to receive and send an unlimited number of letters while detained at a **police station** (though all letters are subject to being read by the police). You can write to the Embassy as often as needed. There can be a delay between sending and receiving letters depending on availability of translators or English-speaking staff at the police station you are being held at.

Immediately after your arrest, if you are subject to a communication ban, or if your postal address is likely to change at short notice, we can pass some messages to a limited number of friends and family for you. In other circumstances, we will ask you to write to your friends and family directly.

Our consular staff will reply to your written correspondence within our target of 20 working days (excluding postage time and time required for translation by detention facilities).

If you have any issues, please raise them with a police officer at the police station yourself (through a "moushide") in the first instance. You can also raise issues with your consular officer via written correspondence or during consular visits.

5. Can I make telephone calls?

Making or receiving phone calls is not allowed for detainees in Japan.. Consular officers are also not able to speak to you on the phone.

6. Drugs

Cigarettes and alcohol are strictly forbidden in all Japanese detention facilities.

7. 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., In the case of police stations, detention centres and prisons, this means that different mental and physical health needs are often not adequately accommodated, if at all.

Mental Health	There are no legal provisions for transferring patients with severe mental
	health needs/disorders from prisons to psychiatric hospitals. Once sentenced
	to imprisonment, offenders with mental health needs/disorders are treated
	almost exclusively within the prison system.
	However, access to a psychiatric doctor may take a long time. With your
	permission, we can help by raising your issues with the authorities.

	OFFICIAL	
You may be held in a protection cell for your own safety during a mental l episode. Use of gags as a restraint is also legal if a facility (usually police stations) does not have a protection cell.		
Physical	Many facilities are old and have limited facilities for those with physical	
disabilities	disabilities.	
Literacy	If you have literacy needs that make it difficult to digest the information in this pack, submit written requests while detained and/or communicate with us in writing, please raise it with your consular officer. We can consider a more frequent visitation schedule, adjust our written communication and make sure the facility is aware (with your consent).	
Treatment of	If you have not legally transitioned, you will be placed in a detention	
Transgender	centre/prison based on your gender at birth. Gender dysphoria is generally	
Offenders	considered a mental illness in Japan so there is a prevalent lack of sensitivity on transgender rights.	
	However, Article 34.2 of Act on Penal Detention requires that the examination of female detainees be conducted by female prison officers, and this practice was extended to transgender women regardless of whether they have undergone gender confirmation surgery. However, this does not include transgender male detainees and the treatment of individual detainees is often at the discretion of each detention centre and prison.	
	Prisons and detention centres often do not allow transgender detainees to continue hormone treatment as well. If this poses a serious threat to your health, please raise it with your consular officer.	

8. How can I make a complaint about mistreatment?

If you have been tortured or mistreated, please inform Consular staff as soon as it is safe for you to do so. If you do not wish to inform a consular officer via letter, please request a consular visit and you can raise your concerns confidentially.

We will then do our best to visit you; to check on your welfare; discuss the allegations; and inform you of any local complaints procedures and supportive organisations that you may wish to consider. With your permission, and where appropriate, we may be able to raise your allegations of torture and/or mistreatment with the authorities. Please note that we cannot investigate allegations ourselves, nor can we question outcomes of investigations carried out by the local authorities.

You can also:

• Make a complaint (苦情の申出 – *kujo no moushide*) to either the warden of the institution, to an inspector conducting an on-the-spot inspection, or to the Minister of Justice.

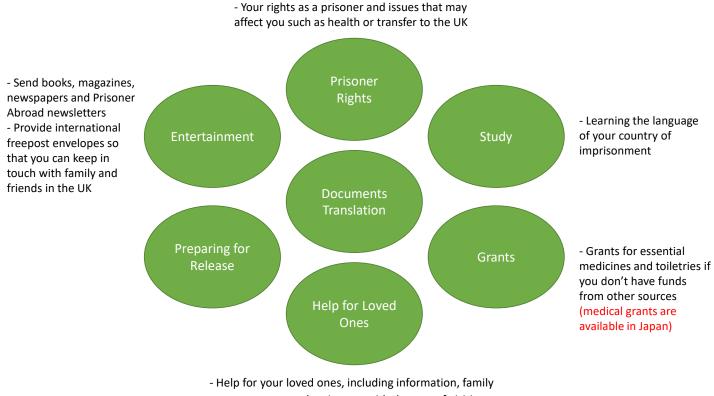
It is prohibited by law for a prison officer to treat you adversely because you have complained.

9. Prisoners Abroad

Since 1978, the charity Prisoners Abroad has offered practical support and advice to British citizens imprisoned overseas. It is the only UK charity providing this service and it is available to all British Nationals*, whether guilty or innocent, convicted or on remand. Prisoners Abroad is concerned with your health and welfare, both during your imprisonment and on your return to the UK, through their resettlement service (if you have registered whilst in

prison). They can also provide support and advice to your family during your imprisonment. In order to access any services, prisoners must first register with Prisoners Abroad by signing and returning their authorisation form.

Information on Prisoners Abroad is sent with this pack. If you have any questions, please ask a consular officer by letter or during a visit. Once you seek help from Prisoners Abroad, the Prisoner & Family Support Service will be your point of contact for advice and information. The type of assistance they can offer will vary from country to country, but generally, they can support you as follows:



support groups and assistance with the cost of visiting

Prisoners Abroad 89 – 93 Fonthill Road London N4 3JH UK

Telephone: 00 44 (0)20 7561 6820 or, for your relatives in the UK, Freephone 0808 172 0098 (Mondays, Wednesdays and Fridays 9.30 am to 1:00 pm, Tuesdays and Thursdays 9:30 am to 4:30 pmUK time) Email: info@prisonersabroad.org.uk Website: www.prisonersabroad.org.uk

* Please note that those with British Nationals (Overseas) status are not eligible to receive support from Prisoners Abroad.

IV) Consular assistance

Who can help?

The Foreign, Commonwealth and Development Office (FCDO):

Its Embassies and Consulates (High Commissions in Commonwealth Countries) represent the FCDO overseas. Both employ consular officers, and one of their duties is to provide help and advice to any British National who gets into difficulty in a foreign country.

About the Embassy

We are impartial; we are not here to judge you. We aim to make sure that you are treated properly and fairly in accordance with local regulations, and that you are treated no less favourably than other prisoners.

We can answer questions about your welfare and about prison regulations but you must ask your lawyer or the court about legal matters. A list of lawyers is provided by the British Embassy for your convenience, but neither His Majesty's Government, nor any official of the Embassy, take any responsibility for the competence or probity of any firm/advocate on the list or for the consequence of any legal action initiated or advice given.

We cannot get you out of prison, pay fines, stand bail, or interfere with local judicial procedures to get you out of detention. We cannot secure you an earlier trial date and we cannot investigate a crime.

We have tried to make sure that the information in this booklet is accurate and up to date, but the British Embassy cannot accept legal responsibility for any errors or omissions in the information. If in doubt, contact a lawyer.

Who are the consular representatives?

There is one consular office in Japan, based at the British Embassy Tokyo.

Contact information

Consular Section British Embassy Tokyo 1 Ichiban-cho Chiyoda-ku Tokyo 102-8381 Tel: +81 (0)3 5211 1100 Fax: +81 (0)3 5211 0346

Who will know I have been detained?

Under the Japan-UK Bilateral Consular Convention, the Japanese police have a duty to inform the Embassy whenever they arrest a British national. We are informed of most arrests within 24 hours. This includes British Nationals (Overseas) and dual nationals if you have declared that you have a British passport.

What will my family be told?

We will not tell your family about your detention without your permission. If you say you would like us to inform your family or friends of your arrest we can do so. If you are unable to communicate with your family directly we can pass on basic messages, but we cannot tell your family anything that is untrue. In some circumstances the police may try to contact your family directly as part of their investigation.

What will the Consulate do?

We will:

- aim to contact you as soon as possible after being told about your detention in practice in Japan this means that we will contact the facility in which you are being detained to check on your welfare and ask if you want a consular visit. This is because the police do not allow the Embassy to speak to detainees on the telephone;
- aim to visit you, if you want us to, as soon as possible;

- provide general information about detention conditions and the local legal system, including whether local legal aid is available;
- provide a list of local English speaking lawyers and interpreters;
- make sure any medical or dental problems are brought to the attention of the police or detention facility medical staff;
- take up any justified complaints about ill treatment, personal safety or discrimination;
- contact your friends and family, if you want us to. We can also forward short messages if you are unable to do so, especially if you are on a communications ban;
- forward money to you sent from families or friends;
- consider approaching the local authorities if we feel that you are not being treated in line with internationally accepted standards regarding fair trials and prisoners' rights.

In the longer term, we will:

- aim to visit you every three months (for those in pre-trial detention) or every four months (for those in post-trial detention);
- send you money from your family;
- provide information on how to apply for transfer to a UK prison and explain the eligibility criteria.

We cannot:

- get you out of prison or detention, or get you special treatment because you are British;
- post bail for you;
- accept custody of you or guarantee your appearance in court;
- investigate your case or pay legal fees;
- offer legal advice, start legal proceedings or investigate a crime;
- pay for any costs incurred as a result of being arrested;
- pass on money for an out-of-court settlement or legal fees
- prevent the local authorities from deporting you upon your release.

In summary, please refer to the following diagram for an example of the kind of issues you can raise with your consular officer.

If you been tortured or mistreated -If you have difficulty using established procedures to raise a complaint about _ mistreatment If you are not getting If you have health _ sufficient food and are problems, allergies, suffering from it medications you If you are not getting the need to take diet you had specified on If you have difficulty arrival in prison obtaining suitable Issues you can treatment raise with Consular Officers If you want _ information about prison conditions, If you have religious Communication local legal system based needs, we can and aid, English raise these with the speaking lawyers facilities to make sure and interpreters, they are aware and conditions and meeting them process on transfer to a UK prison If you want to contact If friends or families your friends and send money to you, we family, we can can forward it on. forward short messages on

Glossary of Terms

K	ey	phrases -	- English	into Ja	panese
		-			

SIMPLE / USEFUL EXPRESSIONS		
English	Japanese (Pronunciation)	
Yes	はい (HAI)	
No	いいえ (IIE)	
Excuse me:	すみません (SUMIMASEN)	
Thank you	ありがとう (ARIGATOU)	
l understand	わかりました (WAKARIMASHITA)	
I don't understand	わかりません (WAKARIMASEN)	
Is it OK?	いいですか?(IIDESUKA?)	
It is OK	いいです (IIDESU)	
Help / Please Help Me	ヘルプ (HEH-RU-PU) /	
I want to write a letter	たすけてください (TASU-KEH-TE KUDASAI) てがみをかきたい (TEGAMI O KAKITAI)	
I want to see my lawyer	べんごしとめんかいしたい (BENGOSHI TO MENKAI SHITAI)	
British Embassy Tokyo	いぎりすたいしかん (IGIRISU TAISHIKAN)	
Consular Officer	りょうじじむかん (RYOUJI JIMUKAN)	

SICKNESS			
English	Japanese (Pronunciation)		
It hurts	いたい (ITAI)		
l don't feel well	きぶんがわるい (KI-BOON GA WARUI)		
I have a fever	ねつがある (NETSU GA ARU)		
I have a headache	あたまがいたい (ATAMA GA ITAI)		
I have a stomach ache	おなかがいたい (ONAKA GA ITAI)		
I have a backache	こしがいたい (KOSHI GA ITAI)		

OFFICIAL			
I have toothache	はがいたい (HA GA ITAI)		
I am constipated	べんぴしています(BENPI SHI-TE-I-MASU)		
I have diarrhoea	げりしています(GERI SHI-TE-I-MASU)		

	MONTHS	
English	Japanese (Pronunciation)	English
January	いちがつ (ICHI GATSU)	Monday
February	にがつ (NI GATSU)	Tuesday
March	さんがつ (SAN GATSU)	Wednes
April	しがつ (SHI GATSU)	Thursday
May	ごがつ (GO GATSU)	Friday
June	ろくがつ (ROKU GATSU)	Saturday
July	しちがつ (SHICHI GATSU)	Sunday
August	はちがつ (HACHI GATSU)	,
September	くがつ (KU GATSU)	
October	じゅうがつ (JU GATSU)	English
November	じゅういちがつ (JUICHI	Morning
	GATSU)	Noon
December	じゅうにがつ (JUNI GATSU)	Afternoo

WEEK			
English	Japanese (Pronunciation)		
Monday	げつようび (GETSUYOUBI)		
Tuesday	かようび (KAYOUBI)		
Wednesday	すいようび (SUIYOUBI)		
Thursday	もくようび (MOKUYOUBI)		
Friday	きんようび (KINYOUBI)		
Saturday	どようび (DOYOUBI)		
Sunday	にちようび (NICHIYOUBI)		
	DAY		
English	Japanese (Pronunciation)		
Morning	あさ(ASA)		
Noon	ひる (HIRU)		
Afternoon	∠ౌ (GOGO)		
Evening	ゆうがた (YUGATA)		
Night	よる (YORU)		

Basic Numerals				
Numerals	Japanese Pronunciation	Numerals	Japanese Pronunciation	

		OFFICIAL		
0	Zero/rei	10	Ju	
1	ichi		ju ichi	*Can be pronounced
		11		two different
2	ni	12	ju ni	ways
3	san			_
		13	ju san	
4	Yon/shi			_
		14	ju yon/ju shi*	
5	go	15	ju go	
6	roku	16	ju roku	_
7	Nana/shichi*	17	ju nana/ju shichi*	_
8	hachi	18	ju hachi	_
9	Kyu/ku*	19	ju kyu/ju ku*	_

Disclaimer

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

Consular services are usually in English, so if you require assistance in a different language, please bear in mind this may mean delays in assistance.

If you feel any of the information contained in this booklet is incorrect, please contact us at <u>www.gov.uk/contact-consulate-tokyo</u>

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

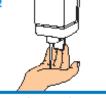
Thank you.



Hand-washing technique with soap and water



Wet hands with water



Apply enough soap to cover all hand surfaces



Rub hands palm to palm



Rub back of each hand with palm of other hand with fingers interlaced



Rub palm to palm with fingers interlaced



Rub with back of fingers to opposing palms with fingers interlocked



Rub each thumb clasped in opposite hand using a rotational movement



Rub tips of fingers in opposite palm in a circular motion



Rub each wrist with opposite hand



Rinse hands with water

13



Use elbow to turn off tap



Dry thoroughly with a single-use towel



Hand washing should take 15–30 seconds



O Crown copyright 2007 283373 1p 1k Sep07

Adapted from World Health Organization Guidelines on Hand Hygiene in Health Care