



British Embassy  
Tokyo

## **Information Pack for British Prisoners in Japan**

### ***Trial***

**Author**                      **British Embassy Tokyo**

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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: [Support for British nationals abroad](#).

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: <https://www.gov.uk/government/publications/japan-prisoner-pack>. We welcome feedback to help us improve the information we can provide to others.

## 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

Released

Deported

### Formal trial – custodial sentence

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

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

Please refer to the “Appeal” flowchart

Deported

Released

Please refer to the “Appeal” flowchart

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

# The Japanese Judicial System

- There are 5 types of ordinary courts in Japan (see right).
- Japan utilizes a three-tiered judicial system.
- In most cases, a summary, family, or district court will be the court of first instance depending on the nature of the matter.

## Supreme Court (Tokyo)

- The highest and final court
- Handles *jokoku*<sup>2</sup> appeals and certain special *kokoku*<sup>3</sup> appeals that are prescribed under the procedural laws.

## High Courts

- *Kouso*<sup>1</sup> appeals against a final judgment rendered by a lower court (e.g.: the first instance at a district court, a final judgment rendered by a family court, and the first instance of a criminal case at a summary court)

## Family Courts

- Lawsuits related to personal status, adjudications and conciliations for family affairs cases, adjudications for juvenile cases, and other similar cases.

## District Courts

- First instance of most types of civil, criminal, and administrative cases
- *Kouso*<sup>1</sup> appeals against a final judgment of the first instance of civil cases rendered by summary courts.

## Summary Courts

- Civil lawsuits involving claims which do not exceed 1.4 million
- Civil conciliation cases and demands for payment
- Criminal cases related to relatively minor offenses

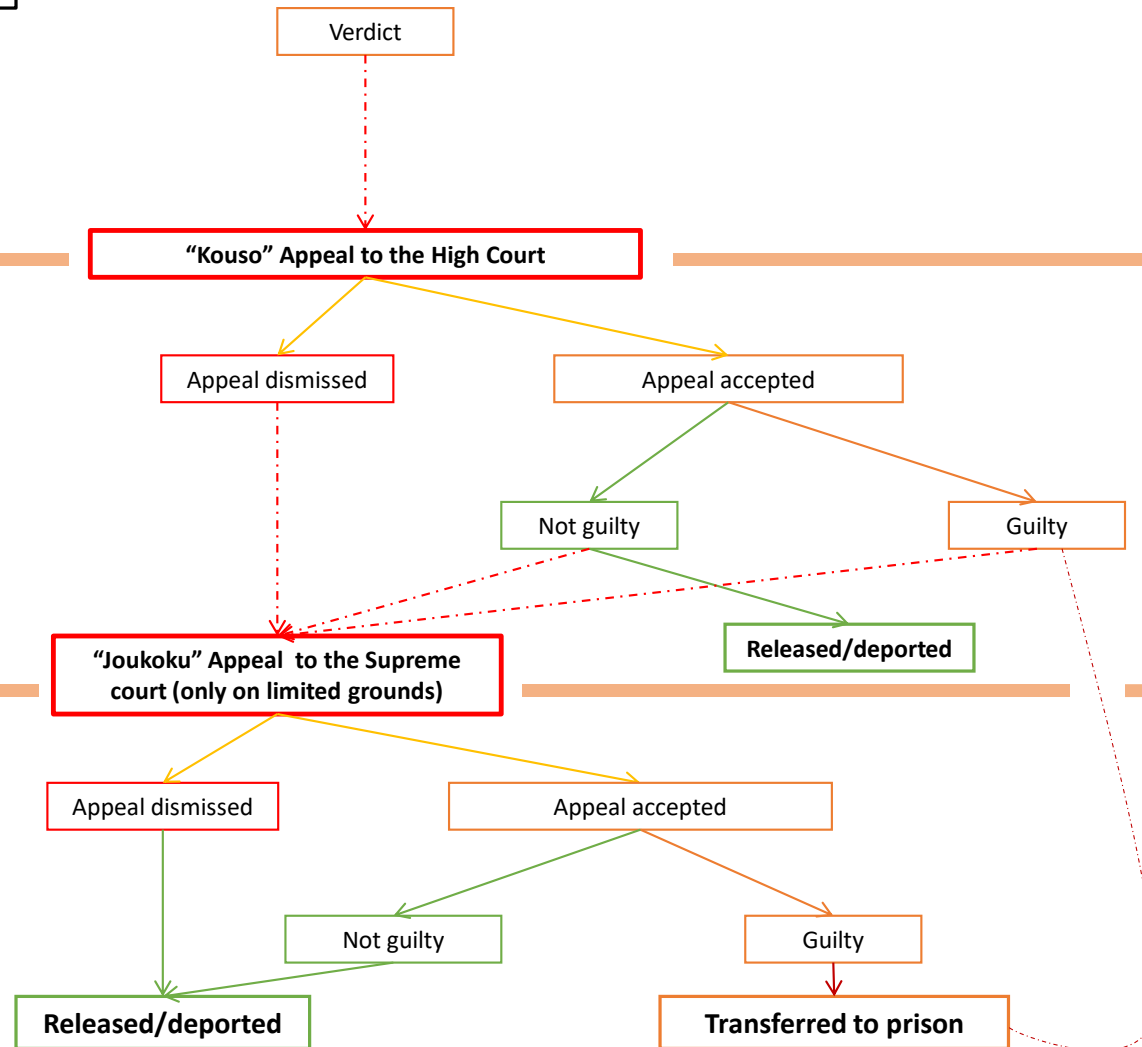
1 - Kouso = legal appeal (but usually used to specifically refer to appeals filed against a final judgement rendered by a lower court).

2 - Jokoku: appeal made to supreme court against judgements rendered by high courts.

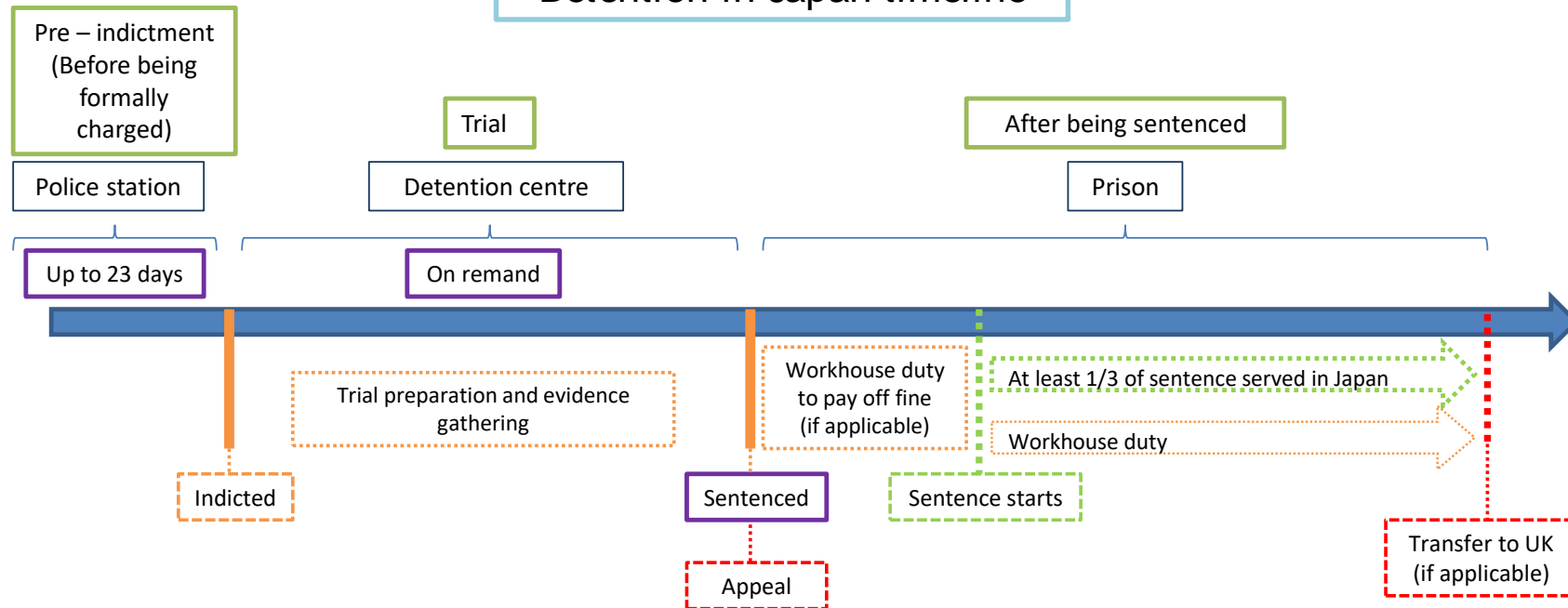
3 - Kokoku: appeal on a point of procedure and is provided for generally in the Codes of. In special instance, it can refer to an appeal where there has been a misinterpretation of the constitution.

# 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



## Detention in Japan timeline



	Information packs have been compiled for each phase. Please refer to them for more details.
Workhouse duty	Be aware that time served paying off a fine is not deducted from your sentence. Workhouse duty is compulsory throughout your sentence.
Transfer to UK	Please refer to <a href="#">page 5</a> of our “Post - sentence” pack for more information
Appeal	Please refer to <a href="#">page 6</a> of our “Trial” pack for more information



## I) What happens at the trial?

Evidence is gathered between indictment (being formally charged) and trial. Depending on the nature of the case, there can be long delays in this process. This can range from two months to 18 months or more depending on the nature of the crime.

Judges, prosecutors and defence lawyers conduct pre-trial discussions to plan for court hearings. Although the defendant is present, these discussions are not part of the trial itself.

Cases tend to be heard by a panel of three judges. Serious crimes tend to be heard under the “Saiban-In”, or lay judge system (see below), which includes members of the public as well as the three judges.

Whichever system is used, court sessions usually last several hours per day. Subsequent sessions could be held several days or even several weeks later, especially for trials without lay judges.

➔ *The Saiban-In (lay judge) system was introduced in May 2009 and consists of a panel of three professional judges and six lay judges (members of the public). Lay judges can decide sentences with an authority largely equivalent to that of the professional judges. The system is similar to a jury system. The following crimes will generally be tried under the Saiban-In system:*

- *Drug cases involving possession for commercial profit of significant amounts of stimulant drugs (i.e. more than 500g)*
- *Inflicting bodily injury resulting in death*
- *Dangerous driving resulting in death*
- *Negligence (as guardians) resulting in death*
- *Rape resulting in death*
- *Arson resulting in death*
- *Burglary resulting in death*
- *Murder*

*Please note that in Japan, anyone under 20 is considered a minor (different from the UK where minors are persons aged under 18). 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 until a verdict at a family court. 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.*

The following information is a general summary of court proceedings in Japan to help your understanding of the process. There may be differences in the process in individual cases.

### **1. Pre-trial discussion (*kouhanmae seiri tetsuzuki*)**

You may be asked to attend a meeting at court as part of the pre-trial procedures. These discussions are to establish what evidence will be used during the trial, how much time will be allotted to each part of the trial process, and to set the dates for the trial. There will often be several of these pre-trial discussions before the trial begins and you should not expect to attend each session. You will not be given a verdict during these discussions.

### **2. Opening proceedings**

A trial will typically begin by identifying the defendant (the person charged with a crime) and reading the charges. The defendant will be advised of the right to remain silent and of the right to refuse to answer individual questions. The defendant will be given an opportunity to make a statement about the charges but warned that the statement could be used against him/her. The defendant then enters a plea. Following this, the lawyer makes the opening statement for the defence followed by the prosecutor's opening statement.

### **3. Evidence**

In Japan, the prosecutor is not required to disclose all the evidence collected during the investigation. However, the trial court can order the prosecutor to disclose evidence of importance to the defence. Upon completion of the opening proceedings, the defendant may request disclosure of specific pieces of evidence. The court will decide whether to order disclosure after considering factors such as the nature and content of the evidence, the time, way and extent of disclosure, the nature of the crime, and the possibility of destroying or hiding evidence and threatening witnesses.

### **4. Examination of evidence**

At the beginning of the examination, the public prosecutor reads an opening statement, which outlines the detailed facts they expect to prove. This also notifies the defendant of the case against them. Additionally, the public prosecutor provides lists of documentary and other evidence that they plan to introduce. The court will then allow the defendant to produce its own evidence to disprove the prosecution's case. If the defendant does not consent to the introduction of documentary evidence, the public prosecutor may request the court to examine witnesses and/or the defendant instead. If such a request is granted, the court then determines who will be examined. The witness is first questioned by the party who requested the examination and is then cross examined by the other. After both parties have finished, the court questions the witness directly.

### **5. Evidentiary rules – hearsay evidence**

*Hearsay evidence: evidence reported to a witness by others, rather than what they have themselves observed or experienced.*

Documentary or oral hearsay evidence is, as a rule, inadmissible. There are two exceptions to this principle: (i) the parties consent to the use of hearsay evidence provided the court deem it proper; and (ii), as prescribed by law concerning necessity and credibility.

(i) Consent - in practice, hearsay evidence is frequently submitted. When the defendant admits the charges, they usually consent to the admission of almost all the documentary evidence produced by the public prosecutor, including the defendant's confession during earlier investigations. In such cases, the trial proceedings move ahead very quickly through the examination of documentary evidence presented by both the public prosecutor and defence. This is followed by the questioning of witnesses and finally of the defendant.

(ii) Exceptions - the defendant can apply for an exception to the hearsay rule when an essential witness refuses to testify or testifies contrary to previous statements. These statements may still be admissible as evidence if the court finds they are more credible than the present testimony. However, the court will allow the admission of new statements if it feels the original was made under special circumstances. For example, if a witness is afraid of a defendant and does not feel able to tell the truth in their presence. Other exceptions may include the witness' deteriorating memory; threats, bribery or special relationship with the defendant. The court will examine the degree of credibility of such statements by comparing them with other evidence.

## **6. Confessions**

For confessions to be admissible in court, the Japanese Constitution and the Criminal Code of Procedure (CCP) require that they be made voluntarily. Confessions made under compulsion, torture or duress, or made after prolonged arrest or detention, are inadmissible. Moreover, CCP Article 319(1) rejects any confession suspected to have been made involuntarily. These provisions are to ensure that:

- the defendant's human rights are protected, especially the right to remain silent;
- false statements are excluded;
- illegally obtained confessions are excluded.

In addition, the exclusion of such confessions aims to restrain investigators from using coercive measures during their interrogations, such as: "If you confess to the crime, we'll have this matter sorted out quickly and then you can go home." Additionally, Article 38(3) of the Constitution and CCP Article 319(2) state that the accused cannot be convicted or punished if the only proof against them is their own confession. To prove a case, the public prosecutor must substantiate a confession with corroborating evidence. These provisions restrict the evidentiary value of confessions and apparently curtail a judge's free evaluation of evidence. In practice, however, prosecutors rely heavily on confessions in making their cases.

## **7. Exclusionary Rule**

According to a Supreme Court precedent, real evidence should not be admissible at trial when obtained through searches and seizures in violation of search warrant requirements. However, it

may be admissible if consideration has been given to the situation under which the illegal proceedings were conducted, the degree of violation of the law and the intentions of the investigators

## 8. Questioning

The defendant's right to remain silent entitles you to say nothing at trial unless you want to. You can refuse to answer at any time. However, in non-disputed cases, your testimony will enable the court to collect relevant information for sentencing. You should discuss with your lawyer the merits of choosing to answer or not answer questions.

## 9. Closing arguments

If the case is complex, subsequent sessions will be held for the prosecutor and the defence to present evidence. After examination of all the evidence is completed, the prosecutor and the defence make their closing arguments. The judges will then set a date to give their judgement and sentence.

## 10. What kind of legal assistance is available?

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

- Duty lawyers (only available at the first arrest at a police station)
- Private lawyers
- Court appointed lawyers.

Under Japanese law, you do not have the right to have a lawyer present while the police are interviewing you.

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### 1. Duty lawyer\* *Touban Bengoshi*

<b>Cost</b>	Free of charge
<b>Frequency</b>	one visit only at the time of arrest
<b>How to apply</b>	Ask the police

### 2. Private lawyer *Shisen Bengoshi*

<b>Cost</b>	Costs may 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. Retaining may be required.
<b>Frequency</b>	According to the detainee's budget.
<b>How to apply</b>	Ask the police to call.

If you are residing in Japan and you cannot afford to hire a private lawyer, you can apply for 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.

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### 3. Court appointed lawyer *Kokusen Bengoshi*

<b>Cost</b>	The Japanese Government <u>usually</u> meets the costs of court appointed lawyers and interpreters, but this is at the discretion of the judge, who can make the defendant pay court costs.
<b>Frequency</b>	Varies from lawyer to lawyer, but usually infrequent.
<b>How to apply</b>	If you do not have a private lawyer, the court will appoint one. They are private lawyers tasked with defending clients of no means. They may be appointed after being charged, but in more serious cases (i.e. drugs importation); a lawyer could also be appointed by the court when a judge orders a <b>warrant of detention</b> or any point after that. If you want a court appointed lawyer you should make this clear to the judge.

## II) Sentences

Japanese courts examine evidence to prove guilt and determine sentence during the same trial procedures. When the court has been persuaded beyond all reasonable doubt that the defendant has committed the offence as charged, a sentence may be rendered directly, without a declaration of guilt. When the court thinks reasonable doubt remains, it will give “not guilty” judgement based on a failure to prove the crime. If found not guilty, the defendant must be compensated by the Japanese Government for their detention

However, a not guilty verdict **does not** necessarily secure a defendant’s release. Prosecutors can and do appeal not guilty verdicts, usually successfully, according to Japanese Government statistics. If the prosecutor requests an appeal, the defendant may be detained until the next trial date.

Prisoners normally receive partial credit for time served prior to the conviction, but there is no automatic right. The amount of credit awarded is announced during judgement.

### 1. Suspended sentences

Those found guilty of less serious offences may receive a sentence of imprisonment, which is then suspended for between 1 and 5 years. This is possible if:

- (i) the sentence to be suspended is less than three years in prison;
- (ii) the fine, if applicable, is less than ¥200,000;
- (iii) at least five years have elapsed since the completion or remission of any previous sentence.

If you are found guilty of another offence during the suspension period, both the original and new sentence will be served. It is not uncommon for Japanese immigration officials to attend your sentence hearing. If you are given a suspended sentence and residence status in Japan, Japanese immigration officials have the authority to remove this status. Please consult with a lawyer if this is the case.

### 2. Custodial sentences

From June 1<sup>st</sup> 2025, due to a revision of the penal code, custodial sentences will no longer include forced labour. Previous custodial sentences were split into two categories: “choeki” – imprisonment with labour and “kinko” imprisonment without labour. From June 1<sup>st</sup> 2025, the revision of the penal code introduces “kokinkei” – which gives the detainee the choice to work or not. If you are sentenced from June 1<sup>st</sup> onwards, you will not be obliged to work, but you will still be given the option to. This law revision does not affect those who received a sentence before June 1<sup>st</sup> 2025, who will likely be given a “choeki” sentence.

### **3. Fines**

Unpaid fines are translated into extra imprisonment (no more than 2 years). They are usually paid off at the rate of ¥10,000 per day, but this is set by the judge, and can vary. There are also Voluntary Fines. The judge sets these separately or in addition to the regular fine. They cannot be worked off. Family or friends have to pay if the prisoner cannot afford to do so himself.

### **4. Criminal record**

You should be aware that if you have been convicted for certain serious offences, such as sexual assault or serious drugs crimes, our staff have a legal obligation to inform relevant UK authorities. It is therefore possible that information about this offence will appear if a prospective employer carries out a Criminal Records Bureau check.

### III) Appeals

After conviction, the defendant and prosecutor have 14 days to submit a written request for an appeal. The grounds for appeal should be one or more of the following:

- (i) non-compliance with the procedural law in the trial proceedings;
- (ii) an error in the interpretation or application of law which clearly influenced the judgement of the first instance;
- (iii) excessive severity or leniency in sentence;
- (iv) an error in fact-finding in a guilty or not-guilty judgement.

If you decide to appeal your conviction, please note that the time served waiting for the result of your appeal will not be deducted from your sentence if your appeal is unsuccessful. The appeals process can take up to a year or more. Please consider this fact when deciding whether to appeal.

#### 1. *Kouso* (控訴) appeals

On receiving an appeal application, the higher court will set a deadline to submit a statement (*kouso-shuisho*) setting out the basis for the appeal. In a *kouso* appeal, the High Court examines the facts of the case and considers the arguments of the defendant and prosecutor. If necessary, the High Court can examine additional witnesses or re-examine trial witnesses. If the High Court cannot find an error in judgement, the appeal is dismissed. However, if there are grounds warranting a reversal of the original judgement, then the court must do so and return the case to a lower court for retrial or a new judgement directly.

The prosecutor also has the right to appeal a sentence if they believe it was too lenient or too harsh, or that the defendant should not have been acquitted. If the defendant appeals, the High Court will not impose a higher sentence.

There are eight High Courts in Japan: Tokyo (for the Kanto area), Nagoya (for the Chubu area), Osaka (for Kansai), Fukuoka (for Kyushu and Okinawa), Hiroshima (for Chugoku), Takamatsu (for Shikoku), Sendai (for Tohoku) and Sapporo (for Hokkaido). Detainees lodging an appeal are held at the Detention Centre nearest the High Court hearing the appeal, which may involve a transfer from one Detention Centre to another. Those appealing to the Supreme Court are held at Tokyo Detention Centre.

#### 2. *Joukoku* 上告 appeals

If unsatisfied with the High Court judgement, the parties can lodge a *joukoku* appeal with the Supreme Court within 14 days. The *joukoku* appeal system functions mainly to ensure proper interpretation of the Constitution and the Law. The grounds for appeal are limited:

- (i) a violation of the Constitution or an error in interpretation or application of the Constitution;
- (ii) contradiction with the Supreme Court precedent;
- (iii) contradiction with High Court precedent, when no Supreme Court precedent exists.

The Supreme Court has the power to reverse the following erroneous judgements:

- (i) a serious error in interpretation or application of the law;
  - (ii) an extremely unjust sentence;
  - (iii) a grave fact-finding error which is material to the judgement;
- any reason, which would support reopening of procedures.

The Supreme Court only examines the record and never examines witnesses or defendants. When the Supreme Court concludes that there is no ground for reversal, it dismisses the appeal. If grounds exist, the Court initiates adjudication similar to a *Kouso* appeal.

### **3. Compensation**

If you are found not guilty, the Japanese Government must compensate you for your detention. The amount is set by the court. In addition, the Japanese Government may give compensation if the public prosecutor decided not to prosecute. When a person has suffered damage due to mistakes and errors by police or the public prosecutor, they are entitled to claim from the prefectural government to which the police officer is assigned, or from the Japanese Government. Although compensation in these circumstances is obligatory, it is not granted automatically and an application still has to be made to the court.

## **IV) Sentence reductions**

### **1. What provision is there for reduction of sentence (remission) e.g. for good behaviour?**

Your behaviour in prison may affect the likelihood of your receiving parole (see below) but prisoners cannot earn remission.

### **2. What provision is there for early release e.g. on parole?**

You will become theoretically eligible for parole after serving one third of your sentence. However, most prisoners serve at least 80-90% of their sentences and often parole may not be granted at all. Prisons make recommendations regarding parole, but Regional Parole Boards managed by the Ministry of Justice make decisions about whether it is granted.

### **3. What provision is there for clemency or pardon?**

If prisoners become so sick that their life is in imminent danger, it is sometimes possible for the enforcement of their sentence to be suspended. They can then be released and can leave Japan.

### **4. What about any financial penalties?**

See 'fines' p.7.



## V) Life in a Detention Centre

I)	Detained (Police Station and Detention Centre)		Sentenced
	Police station	Detention centre	Prison
Contacts/visits	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>		Letters to/from the embassy are freely allowed.  You can write a limited number of letters a month to people on your friend and family list. You are not restricted in the number of letters you can receive. <sup>2</sup>
Telephone calls	Not allowed (prison may allow in an exceptional circumstances)		
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	Normal clothes + possibility to receive clothes from family/friends that meet the station rules. <i>*Some police stations require you to wear a grey tracksuit uniform.</i>		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 " <i>gansen</i> " (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	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.		Only books, magazines can be sent directly
Shower / bath / shaving	Twice a week (three times in summer). Facial shaving is allowed (no electric shaver though).		
Laundry/clean clothes	You can change your clothes. You will be given information on how to wash your clothes		You can change your uniform. You 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 only during pre-determined dates. You may be able to use paper fans in summer		
Personal items	The police will keep your personal items in a locker, and you may request 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 until you are released or until after your trial is over.		You need to submit a " <i>gansen</i> " request to access your personal items. 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 your warden.

<sup>1</sup>You 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.

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

You may be transferred to a detention centre while your case is being investigated and tried. You will generally be kept in a single cell and given a schedule advising when you must sit quietly and read, when you can exercise and when you can lie down on your *futon* (mattress). If you have been on a communications ban while awaiting trial, this may be lifted during the trial although this is at the discretion of the court.

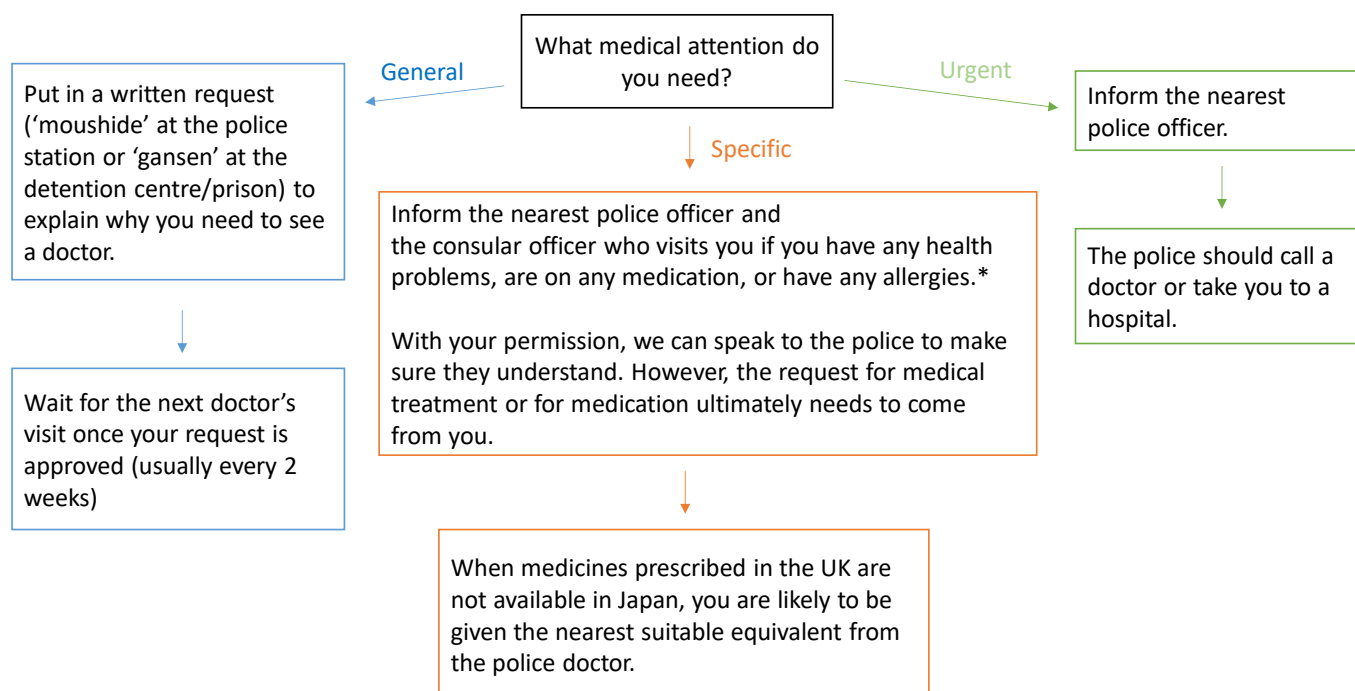
### **1. How can I receive money?**

You can receive cash in Japanese Yen at detention centres. If your family or friends are in Japan, they can go to the detention facility directly to deposit the money. Police stations and detention centres 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. They 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 the 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.**

All penal institutions in Japan are equipped with medical departments as required by law. Some prison facilities have a dedicated medical wing (known as Medical Priority Facilities) where treatment for more complex medical issues can be administered. Tokyo Detention Centre (TDC) is considered a Medical Priority Facility.

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 detention centre, you may be able to buy additional food to supplement your diet. Once 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.

#### **4. Mail and Parcels**

You are permitted to receive and send an unlimited number of letters while detained at a police station (though these letters are subject to being read by the police). The detainee can write to the Embassy as often as needed. The police will read all letters. If you are moved to a detention centre to await your trial, the facility may impose a limit on how many letters you can send or receive.

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).

If you have any issues, please raise them with an officer at the detention centre by yourself (through a “*gansen*”) 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 police stations or those awaiting trial in a detention centre. 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 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 authorities.

In addition to the above process, please note that Japanese law provides several ways for convicted prisoners to raise concerns about the way they have been treated:



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.

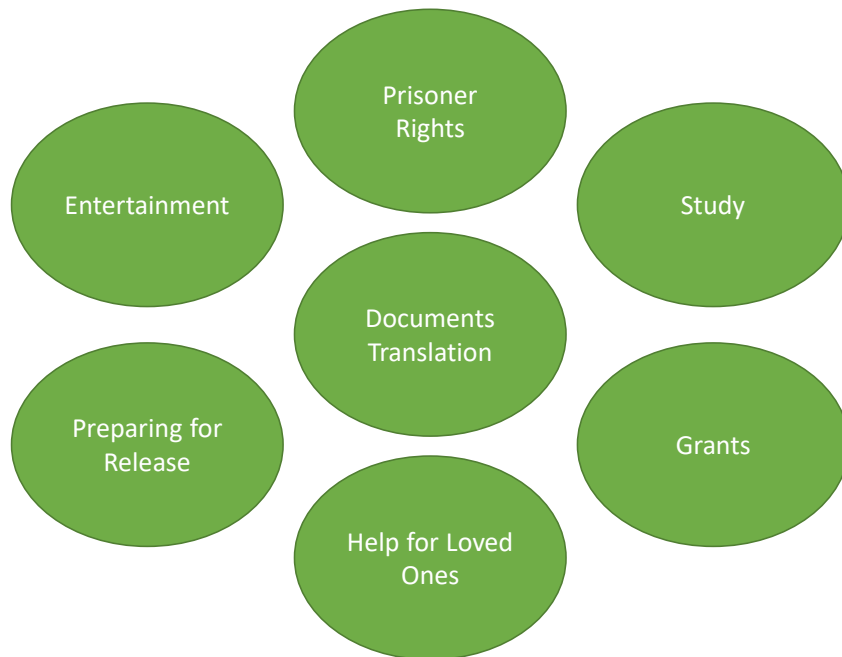
## 8. Prisoners Abroad

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 also 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:

- Your rights as a prisoner and issues that may affect you such as health or transfer to the UK

- Send books, magazines, newspapers and Prisoner Abroad newsletters  
- Provide international freepost envelopes so that you can keep in touch with family and friends in the UK



- Learning the language of your country of imprisonment

- Grants for essential medicines and toiletries if you don't have funds from other sources  
(medical grants are available in Japan)

- Help for your loved ones, including information, family 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 to Fridays 9.30 am to 4.30 pm, UK time)

**Email:** [info@prisonersabroad.org.uk](mailto:info@prisonersabroad.org.uk)

**Website:** [www.prisonersabroad.org.uk](http://www.prisonersabroad.org.uk)

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

## **VI) 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 Her 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 prison. 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**

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?**

The Japanese police inform the Embassy automatically whenever they arrest a British national. We are informed of most arrests within 24 hours.

### **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 prison 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;
- 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). However, the frequency of visits may vary depending on the individual's needs;
- 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
- 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.



## Glossary of Terms

### Key phrases – English into Japanese

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)
I 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) / たすけてください (TASU-KEH-TE KUDASAI)
I want to write a letter	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)
I 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)
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)
January	いちがつ (ICHI GATSU)
February	にがつ (NI GATSU)
March	さんがつ (SAN GATSU)
April	しがつ (SHI GATSU)
May	ごがつ (GO GATSU)
June	ろくがつ (ROKU GATSU)
July	しちがつ (SHICHI GATSU)
August	はちがつ (HACHI GATSU)
September	くがつ (KU GATSU)
October	じゅうがつ (JU GATSU)
November	じゅういちがつ (JUICHI GATSU)
December	じゅうにがつ (JUNI GATSU)

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 (NICHIOUBI)
<b>DAY</b>	
<b>English</b>	<b>Japanese (Pronunciation)</b>
Morning	あさ (ASA)
Noon	ひる (HIRU)
Afternoon	ごご (GOGO)
Evening	ゆうがた (YUGATA)
Night	よる (YORU)

Basic Numerals			
Numerals	Japanese Pronunciation	Numerals	Japanese Pronunciation
0	Zero/rei	10	Ju
1	ichi	11	ju ichi
2	ni	12	ju ni
3	san	13	ju san
4	Yon/shi	14	ju yon/ju shi*

<b>5</b>	go	<b>15</b>	ju go
<b>6</b>	roku	<b>16</b>	ju roku
<b>7</b>	Nana/shichi*	<b>17</b>	ju nana/ju shichi*
<b>8</b>	hachi	<b>18</b>	ju hachi
<b>9</b>	Kyu/ku*	<b>19</b>	ju kyu/ju ku*

\*Can be pronounced two different ways

## **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 [GOV.UK - Help for British people abroad](https://www.gov.uk/help-for-british-people-abroad)

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.