

State Party¹ JAPAN

National Procedures for Transfer of sentenced persons

Updated on 2 March 2021

The Central Authority responsible for the transfer of sentenced persons	Ministry of Justice Correction Bureau Kasumigaseki, Chiyoda-ku, Tokyo 100-8977, Japan Tel : +81-(0)3-3592-7609 Fax : +81-(0)3-3592-8387 E-mail: kyosei-kokusai@i.moj.go.jp
If different from the Central Authority, the authority to which the request should be sent:	N/A
If different from the Central Authority, the Authority/ies in charge of coordinating and/or implementing the physical transfer of the person concerned:	N/A
Channels of communication for the request for the transfer of sentenced persons: (directly, through diplomatic channels or other)	In accordance with Article 5, paragraph 3, of the Convention, communications shall be done through diplomatic channels, Ministry of Foreign Affairs, except for in case of emergency or other extraordinary circumstances.
Means of communication (eg. by post, fax, e-mail ²):	By post (through diplomatic channel).
Language requirements:	In accordance with Article 17, paragraph 3, of the Convention, Japan requires that requests for transfer and supporting documents shall be accompanied by a translation into the Japanese or English language.

¹ Please indicate your state.

² Please indicate if encryption or electronic signature is required.

Documentation required:	N/A
Continued enforcement or conversion of the sentence³:	In accordance with Article 3, paragraph 3, of the Convention, Japan intends to exclude the application of the procedure provided in Article 9, paragraph 1(b), in cases when Japan is the administering State.
General rules on early release:	<p>According to the laws and regulations of Japan, parole can be granted to inmates who evince signs of substantial reformation after serving one-third of the definite term sentenced or 10 years in the case of a life imprisonment. With respect to “ s i g n s o f s u b s t a n t i a l r e f o r m a t i o n a l l b e g r a n t e d a f t e r a t h o r o u g h examination on the following points by the competent authority:</p> <ul style="list-style-type: none"> i. whether the inmate shows sense of remorse for the offense, ii. whether the inmate shows a willingness to reform himself, iii. whether the inmate shows no likelihood of re-offense, and iv. whether the social sentiment will be approving his parole.
Scope of application with regard to transfer of mentally disordered persons:	N/A
Scope of application with regard to nationals and/or residents:	In accordance with Article 3, paragraph 4, of the Convention, for the purposes of t h e C o n v e n t i o n , “ r e l a t i o n t o J a p a n , a J a p a n e s e n a t i o n a l o r a n “ s p e c i a l p e r s o n a r e t h e s t i p S p e c i a l A c t o n t h e I m m i g r a t i o n C o n t r o l o f , I n t e r A l i a , T h o s e W h o H a v e L o s t J a p a n e s e N a t i o n a l i t y P u r s u a n t t o t h e T r e a t y o f P e a c e w i t h J a p a n ” .
Other relevant information: (such as practice regarding time limits or revocation of consent)	<p>➤ Fine:</p> <p>If a foreign prisoner was imposed both a prison sentence and a fine, the transfer can take place only after the completion of the payment or workhouse duty as an alternative if unable to pay. During the workhouse term, the sentence is temporarily suspended, and after the completion of the workhouse duty, the sentence is re-started and new termination date of the sentence shall be fixed.</p> <p>➤ Pre-sentence term:</p> <p>In Japan, the pre-sentence detention term is decided based u p o n t h e discretion in accordance with the relevant law, which may be included in whole or IN PART into the sentence imposed. This term will be provided as the information based on Article 4 and as the supporting documents based on Article 6. The date of arrest may be provided on request by administering state.</p>

³ In case the sentence is converted, please specify whether this is done before or after the transfer has taken place.

Links to national legislation, national guides on procedure:	Act on the Transnational Transfer of Sentenced Persons : http://www.japaneselawtranslation.go.jp/law/detail/?id=1996&vm=04&re=01&new=1 (in English and Japanese) General procedures http://www.moj.go.jp/kyousei1/kyousei_kyouse29.html (only in Japanese)
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Link to information about the Convention (according to Article 4) in the official language(s) of the State Party (see also Rec. R (84) 11 of the Committee of Ministers concerning information about ETS ^o 112 and PC-OC INF 12):	http://www.mofa.go.jp/mofaj/gaiko/treaty/treaty_020411.html (only in Japanese)
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For Parties to the Additional Protocol

Information on the implementation of Article 2: (e.g. interpretation of "fleeing to")	N/A
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Information on the implementation of Article 3 (e.g. interpretation of the requirement of a consequential link between the decision on expulsion and the sentence)	N/A
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Documentation required:	N/A
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Other relevant information:	N/A
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