

aimed at persons who carry out judicial or penitentiary or public security responsibilities during their duties or as a result of their responsibilities”);

*Article 289 bis: Abduction of persons with the aim of terrorism or subversion*

“Whoever, with the aim of terrorizing or subverting the democratic order, abducts a person shall be punished with imprisonment for a period of twenty-five to thirty years. If the abduction results in the death of the person, even if death was not intended by the culprit, he/she shall be imprisoned for thirty years. If the culprit causes the death of the abductee a life-sentence shall be imposed. The sentence shall be reduced if the culprit dissociates him/herself and contributes to the freedom of the abductee.”

1.2 As regards the financing of terrorism, this is not formally considered to be a specific criminal offence. However, financing a person with the intent of making that person commit any kind of crime (mass-killings, murders, bomb attacks, armed robberies, thefts, abductions, etc.) creates joint criminal liability for that crime and the culprit is punished accordingly. Anyone financing an individual or an organisation that commits a crime for terrorist or subversive purposes – e.g. an attack falling under Article 280 of the penal code—is treated as an accomplice and is likely to receive a heavier sentence as a consequence.

## XXIV. JAPAN<sup>63</sup>

### 1. PENAL CODE (LAW NO. 45, APRIL 24, 1907)

Amendments:

- (1) Law No. 77, April 16, 1921
- (2) Law No. 61, Mar. 12, 1941
- (3) Law No. 124, Oct. 26, 1947
- (4) Law No. 195, Aug. 10, 1953
- (5) Law No. 57, April 1, 1954
- (6) Law No. 107, April 30, 1958
- (7) Law No. 83, May 16, 1960
- (8) Law No. 124, June 30, 1964
- (9) Law No. 61, May 21, 1968
- (10) Law No. 30, April 30, 1980

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<sup>63</sup> Transmitted to the Secretariat by that Government on 1 November 2000. The following pieces of legislation have also been provided by the Government to the Secretariat and are available for consultation from the Codification Division, Office of Legal Affairs: International Criminal Investigation Assistance Law (Law No. 69 of 1980) and the Law of Extradition (Law No. 68 of 1953, as amended by Law No. 163 of 1954, Law No. 86 of 1964 and Law No. 70 of 1978).

(11) Law No. 52, June 2, 1987

BOOK I  
GENERAL PROVISIONS

*Chapter I Scope of Application*

*Crimes within Japan (3) (5)*

*Article 1.* This Code shall apply to every person who commits a crime within the territory of Japan.

2. It shall also apply to every person who commits a crime on board a Japanese vessel or a Japanese aircraft outside the territory of Japan.

*Crimes outside Japan (3) (11)*

*Article 2.* This Code shall apply to every person who commits any of the following crimes outside the territory of Japan:

- (1) Deleted;
- (2) Crimes specified in Article 77 to 79 inclusive;
- (3) Crimes specified in Articles 81, 82, 87 and 88;
- (4) Crimes specified in Article 148 and attempts thereof;
- (5) Crimes specified in Articles 154, 155, 157, 158, and Article 161-2 relating to the electromagnetic record to be made by offices or members of the public services;
- (6) Crimes specified in Articles 162 and 163;
- (7) Crimes specified in Articles 164 to 166 inclusive and attempts of crimes specified in Article 164 paragraph 2, 165 paragraph 2 and Article 166 paragraph 2.

*Crimes by Japanese outside Japan (3) (11)*

*Article 3.* This Code shall apply to a Japanese national who commits any of the following crimes outside the territory of Japan:

- (1) Crimes specified in Article 108 and Article 109 paragraph 1, crimes to be dealt with along the lines of Article 108 and Article 109 paragraph 1, and attempts of those crimes;
- (2) Crimes specified in Article 119;

- (3) Crimes specified in Articles 159 to 161 inclusive, Article 161-2 relating to the electromagnetic record other than mentioned in item (5) of the preceding Article;
- (4) Crimes specified in Article 167 and attempts of the crime specified in paragraph 2 of same Article;
- (5) Crimes specified in Articles 176 to 179 inclusive, Articles 181 and 184;
- (6) Crimes specified in Articles 199 and 200 and attempts thereof;
- (7) Crimes specified in Articles 204 and 205;
- (8) Crimes specified in Articles 214 to 216 inclusive;
- (9) Crimes specified in Article 218 and the crime of killing or injuring a person as the result of perpetrating those crimes;
- (10) Crimes specified in Article 220 and 221;
- (11) Crimes specified in Articles 224 to 228 inclusive;
- (12) Crimes specified in Article 230;
- (13) Crimes specified in Articles 235 to 236 inclusive, Articles 238 to 241 inclusive and Article 243; (7)
- (14) Crimes specified in Articles 246 to 250 inclusive;
- (15) Crimes specified in Article 253;
- (16) Crimes specified in Article 256, paragraph 2.

*Crimes by public servants outside Japan (2) (3)*

*Article 4.* This Code shall apply to a Japanese public servant who commits any of the following crimes outside the territory of Japan;

- (1) Crimes specified in Article 101 and attempts thereof;
- (2) Crimes specified in Article 156;
- (3) Crimes specified in Article 193, Article 195 paragraph 2 and Articles 197 to 197-4 inclusive, and crimes of killing or injuring a person as the result of committing the crime specified in Article 195 paragraph 2. (6)

*Crimes committed outside Japanese territory to be governed by treaty (11)*

**Article 4-2.** Besides the preceding three Articles, this Law also applies to every person who has committed outside Japanese territory those crimes mentioned in Book II which are considered to be punishable by a treaty even if committed outside Japanese territory.

*Effect of judgment rendered by foreign court (3)*

**Article 5.** Even when an irrevocable judgment has been rendered in a foreign country, the imposition of penalty in Japan for the same act shall not be barred thereby. If however, the offender has undergone the execution, either in whole or in part, of the penalty pronounced abroad, the execution of penalty in Japan shall be reduced or remitted.

...

*Forgery of official documents*

**Article 155.** A person, who, for the purpose of uttering, forges a document or drawing which should be prepared by a public office or public servant, by using the seal or signature of such public office or public servant, or forges such document or drawing by using a counterfeit seal or forged signature of such public office or public servant, shall be punished with penal servitude for not less than one year nor more than ten years.

2. The same shall apply to a person who alters a document or drawing bearing a seal or signature of a public office or public servant.

3. In addition to the cases falling under the preceding two paragraphs, a person, who forges a document or drawing which should be prepared by a public office or public servant, or alters a document or drawing prepared by a public office or public servant, shall be punished with penal servitude for not more than three years or a fine of not more than three hundred yen.

...

*Untrue entry in an authenticated deed, etc. (2) (11)*

**Article 157.** A person, who makes a false statement before a public servant and thereby causes him to make untrue entries in the original of an authenticated deed relating to rights or duties and untrue record on the electromagnetic record to be the original of an authenticated deed relating to rights or duties, shall be punished with penal servitude for not more than five years or a fine of not more than one thousand yen.

2. A person, who makes a false statement before a public servant and thereby causes untrue entries to be made in a permit, license, or passport, shall be punished with penal servitude for not more than one year or a fine of not more than three hundred yen.

3. Attempts of the crimes mentioned in the preceding two paragraphs shall be punished.

*Uttering of false official document (11)*

*Article 158.* A person, who utters a document or drawing mentioned in the preceding four Articles or provides the electromagnetic record mentioned in paragraph 1 of the preceding Article for the use of the original of an authenticated deed, shall be punished with the same penalty as a person who forges or alters such document or drawing, makes a false document or drawing or causes untrue entries or record to be made therein.

2. Attempts of the crime mentioned in the preceding paragraph shall be punished.

*Forgery of private document*

*Article 159.* A person, who, for the purpose of uttering, forges a document or drawing relating to a right, duty, or to the certification of a fact, by using the seal or signature of another, or who forges a document or drawing relating to a right, duty, or to the certification of a fact, by using a counterfeit seal or forged signature of another, shall be punished with penal servitude for not less than three months nor more than five years.

2. The same shall apply to a person who alters a document or drawing relating to a right, duty, or to the certification of a fact which bears the seal or signature of another.

3. In addition to the cases falling under the preceding two paragraphs, a person, who forges or alters a document or drawing relating to a right, duty, or to the certification of a fact, shall be punished with penal servitude for not more than one year or a fine of not more than one hundred yen.

...

*Uttering forged private document*

*Article 161.* A person, who utters a document or drawing mentioned in the preceding two Articles, shall be punished with the same penalty as a person who forges or alters a document or drawing or makes a false entry therein.

2. Attempts of the crimes mentioned in the preceding paragraph shall be punished.

## CHAPTER XXVII CRIMES OF INFLICTING INJURY

### *Inflicting injury*

*Article 204.* A person, who inflicts an injury upon the person of another, shall be punished with penal servitude for not more than ten years or a fine of not more than five hundred yen or a minor fine.

### *Injury resulting in death*

*Article 205.* A person, who inflicts an injury upon the person of another and thereby causes the latter's death, shall be punished with penal servitude for a limited period of not less than two years.

2. When the crime is committed against a lineal ascendant of the offender or of the spouse thereof, the offender shall be punished with penal servitude for life or not less than three years.

...

### *Violence (3)*

*Article 208.* A person, who uses violence against another without injuring him, shall be punished with penal servitude for not more than two years or a fine of not more than five hundred yen, penal detention, or a minor fine.

### *Unlawful assembly with dangerous weapons (6)*

*Article 208-2.* When two or more persons assemble for the purpose of causing jointly an injury to the life, body or property of another person, any member of this assembly, who has prepared dangerous weapons or assembled knowing that dangerous weapons have been prepared, shall be punished with penal servitude for not more than two years or a fine of not more than five thousand yen.

2. In the case of the preceding paragraph, a person who, having prepared dangerous weapons or knowing that dangerous weapons have been prepared, causes other persons to assemble, shall be punished with penal servitude for not more than three years.

...

## CHAPTER XXXI CRIMES OF ARREST AND CONFINEMENT

### *Arrest and confinement*

*Article 220.* A person, who illegally arrests or confines another, shall be punished with penal servitude for not less than three months nor more than five years.

2. When the crime is committed against a lineal ascendant of the offender or of the spouse thereof, the offender shall be punished with penal servitude for not less than six months nor more than seven years.

### *Arrest and confinement resulting in death or injury*

*Article 221.* A person, who kills or injures another by committing the crime mentioned in the preceding Article, shall be punished with the penalties for the crimes of inflicting injury, if they be the graver.

## CHAPTER XXXII CRIMES OF INTIMIDATION

### *Intimidation (3)*

*Article 222.* A person, who intimidates another with injury to his life, person, liberty, reputation, or property, shall be punished with penal servitude for not more than two years or a fine of not more than five hundred yen.

2. The same shall apply to a person who intimidates another with injury to the life, person, liberty, reputation, or property of a relative of the latter.

### *Compulsion*

*Article 223.* A person, who intimidates another with injury to his life, person, liberty, reputation or property, or uses violence against another, and thereby causes the latter to perform an act which he is not bound to perform or obstructs him from exercising a right to which he is entitled, shall be punished with penal servitude for not more than three years.

2. The same shall apply to a person who intimidates another with injury to the life, person, liberty, reputation or property of a relative of the latter and thereby causes the performance of an act which he is not bound to perform or obstructs him from exercising a right to which he is entitled.

3. Attempts of the crimes mentioned in the preceding two paragraphs shall be punished.

## CHAPTER XXXIII CRIMES OF KIDNAPPING BY FORCE OR ALLUREMENT

...

### *Kidnapping procuring surrender of property (8)*

*Article 225-2.* A person, who kidnaps another by force or allurement for the object of procuring, by taking advantage of the anxiety of the relative or other fellow who feels anxiety on the safety of the kidnapped, surrender of their property, shall be punished with penal servitude for life or not less than three years.

2. The same shall apply when a person who kidnaps another by force or allurement has, by taking advantage of the anxiety of the relative or other fellow who feels anxiety on the safety of the kidnapped, procured surrender of their property or effected an action of requesting said property.

...

## CHAPTER XXXVI CRIMES OF THEFT AND ROBBERY

### *Damage or destruction of a structure*

*Article 260.* A person, who damages or destroys a building or vessel belonging to another, shall be punished with penal servitude for not more than five years. If he thereby kills or injures a person, he shall be punished with the penalties for the crimes of inflicting injury, if they be the graver.

### *Damage or destruction of things in general*

*Article 261.* A person, who damages, destroys or otherwise makes useless an object other than those mentioned in the preceding three Articles, shall be punished with penal servitude for not more than three years or a fine of not more than five hundred yen or a minor fine.

## 2. THE LAW FOR THE REGULATIONS OF NUCLEAR SOURCE MATERIAL, NUCLEAR FUEL MATERIAL AND REACTORS<sup>64</sup>

(Law No. 166, June 10, 1957)

Partially revised by Law No. 161, May 20, 1958

Law No. 103, April 4, 1959

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<sup>64</sup> The Chapters indicated in square brackets have not been reproduced. The full text of the Law is available for consultation from the Codification Division, Office of Legal Affairs.



Law No. 50, Mar. 31, 1961  
Law No. 147, June 17, 1961  
Law No. 140, May 16, 1962  
Law No. 170, July 11, 1964  
Law No. 78, May 22, 1965  
Law No. 73, July 20, 1967  
Law No. 120, Aug. 1, 1967  
Law No. 5, May 20, 1958  
Law No. 53, May 1, 1971  
Law No. 80, Nov. 25, 1977  
Law No. 86, July 5, 1978  
Law No. 52, June 29, 1979  
Law No. 43, May 7, 1980  
Law No. 73, May 27, 1986  
Law No. 69, May 27, 1988  
Law No. 89, Nov. 12, 1993  
Law No 91, May 12, 1995  
Law No. 80, June 14, 1996  
Law No. 80, June 13, 1997 (still not in force, refer to page 155-7) and  
Law No. 62, May 20, 1998.

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CHAPTER I  
GENERAL RULES

*Purposes*

*Article 1.* This Law, in accordance with the spirits of the Atomic Energy Basic Law (Law No. 186, 1955), is enacted for the purposes of providing the necessary regulations on the refining business, the fabricating business, the reprocessing business and the waste disposal business, as well as on the establishment and operation of reactors, and also for the purpose of providing necessary regulations on the uses of international controlled material to execute the agreements or other international arrangements concerning the research, development and use of atomic energy, in order to ensure that the uses of nuclear source material, nuclear fuel material and reactors are limited to peaceful ones and carried out in a planned manner, and at the same time, to ensure the public safety by preventing the hazards due to these materials and reactors and protecting nuclear fuel material.

*Definition*

*Article 2.* In this Law, "atomic energy" means atomic energy provided in Article 3, item (i) of the Atomic Energy Basic Law.

2. In this Law, "nuclear fuel material" means nuclear fuel provided in Article 3 item (ii) of the Atomic Energy Basic Law.

3. In this Law, "nuclear source material" means nuclear source material provided in Article 3 item (iii) of the Atomic Energy Basic Law.

4. In this Law, "reactor" means reactor provided in Article 3 item (iv) of the Atomic Energy Basic Law.

5. In this Law, "specified nuclear fuel material" means plutonium (excluding that having an isotopic concentration of plutonium 238 exceeding 80 per cent), uranium 233, uranium with a ratio of uranium 233 and uranium 235 to uranium 238 exceeding the ratio of natural composition and other nuclear fuel material defined by the Cabinet Order.

6. In this Law, "refining" means chemical processing of nuclear source material or nuclear fuel material in order to increase the content of uranium or thorium contained in nuclear source material or nuclear fuel.

7. In this law, "fabricating" means physical or chemical processing of nuclear fuel material, in order to change nuclear fuel material into such a form or composition that it may be used as fuel in a reactor.

8. In this Law, "reprocessing" means the processing of nuclear fuel material which has been used as fuel in a reactor or other nuclear fuel material which has been subjected to nuclear fission reaction (hereinafter referred to as "spent fuel"), in order to separate nuclear fuel material or other useful material from spent fuel.

9. In this Law, "international controlled material" means nuclear source material, nuclear fuel material, a reactor or other material or equipment applied safeguard or other control under agreements or other international arrangements concerning the research, development and use of atomic energy (hereinafter referred to as "international arrangement").

10. International controlled material provided in the preceding paragraph shall be notified by the Prime Minister.

...

## CHAPTER VIII PENAL RULES

*Article 76-2.* Any person who, through reckless handling of specified nuclear material, has caused the chain reaction of nuclear fission or the emission of radiation causing danger to the life, body or properties of a person shall be condemned to penal servitude of not more than 10 years.

2. An attempt to commit the crime mentioned in the preceding paragraph shall be punished.

*Article 76-3.* Any person who has threatened by telling that he would damage the life, body or properties of another person by using specified nuclear fuel material shall be condemned to penal servitude of not more than 3 years.

2. Any person who has threatened by telling that he would steal or extort specified nuclear fuel material and has demanded another person to do what he is not obliged to or not to do what he has right to do shall be condemned as provided by the preceding.

*Article 76-4.* The crimes mentioned in the preceding two Articles shall be treated in accordance with Article 4-2 of the Criminal Law.