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# Help for American Victims of Crime In Japan

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[Please click on this link to read the Department of State's brochure for victims of crime.](#)

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If you are a victim of a crime in a foreign country it can be a devastating and traumatic experience. While no one can undo the emotional trauma, physical injury, or financial loss you may have experienced, the U.S. Embassy in Tokyo and Consulates in Fukuoka, Naha, Osaka, and Sapporo are ready to help. We are very concerned about violent crimes committed against U.S. citizens in Japan. We will assist you in managing the practical consequences of being a crime victim and provide you with information about accessing the local criminal justice system, as well as other resources for crime victims abroad and the United States. This office can assist you to find appropriate medical care, contact family or friends on your behalf and explain how funds can be transferred. We can also help you to better understand the criminal justice system in Japan, which is very different from the system in the United States.

The information included in this guide relating to the legal requirements in Japan is provided for general information purposes only. The information may not be accurate or relevant to a particular case. Questions involving interpretation of Japanese laws should be addressed to legal counsel licensed to practice law in Japan. The investigation and prosecution of the crime are solely the responsibility of local authorities. The Federal Bureau of Investigation (FBI) may assist local authorities in certain cases of kidnapping, hostage-taking and terrorism.

**REPORTING CRIMES:** If you are a victim of a crime, you can file a report or register a complaint at the nearest police station, preferably the police station that has jurisdiction over the crime scene. In major cities, the police may be able to provide an interpreter from the police headquarters to assist non-Japanese speaking victims. However, in rural cities, you may need an interpreter to communicate with the police. Generally, there is no time limit to file police reports; however, it is important to file a report as soon as possible after being victimized.. For a crime to be indictable upon a complaint, you must file a criminal complaint within six months from the date when you became aware of the perpetrator's identity. However, in certain sexual assault cases or rape cases, a complaint can be filed more than six months from the date the perpetrator's identity became known to the victim, and within six months after the statute of limitations (10 years for rape; 7 years for sexual assault) has expired. Police reports can be filed by a person who has a power of attorney from the victim. Only you or your family member can file a criminal complaint; the U.S. Embassy cannot file a report or a complaint on your behalf. You will never be given a copy of the police report or the criminal complaint made to the police. However, for insurance claim purposes, the police may be able to issue you a certificate of confirmation stating that the police report or the criminal complaint was filed.

There is no system to report crimes to Japanese police from overseas. If you are not in Japan, someone who has a power of attorney may be able to file a police report on your behalf. However, the

police are often not willing to accept such reports because the police are unable to directly interview you while you're located outside of Japan.

If you have difficulties filing your police report with an official, please contact the American Citizen Services Branch in the U.S. Embassy or consulate immediately. While we are not authorized to act as your legal representative, prosecutor or investigator, our office can help you track the progress of your case and advise you of any developments.

**INVESTIGATIONS:** The police are responsible for investigating crimes in Japan. If the police decide to open a case, it will be referred to the public prosecutor who then directs necessary investigation. If police cannot find sufficient evidence, they will not initiate a criminal investigation. You should expect that forensic evidence from you will be collected by the police, and that you will be interviewed by police officers and representatives of the prosecutor's office. The police officer in charge will usually contact you to provide updates on the status of the investigation. You should report any threat, harassment or intimidation by the accused or his/her family or friends to the police. If there is no arrest, the case can remain open until the statute of limitations expires.

**ARRESTS:** Under Japanese laws, a suspect may be arrested and detained by the police for 48 hours without bail on suspicion of having committed a crime. If the police believe they have enough evidence to detain the suspect, they must present this evidence to a public prosecutor within the initial 48-hour detention period. The suspect appears before the prosecutor when the police present the evidence. If the prosecutor concurs, he/she must then obtain a warrant of detention from a judge within 24 hours following appearance before a prosecutor. If the judge agrees there is probable cause to believe a crime has been committed, the court will normally issue an initial ten-day detention order to permit the police to continue their investigation. At the end of this ten-day period, the prosecutor can request a second ten-day detention period to complete the investigation. You will be notified by the police when a perpetrator is arrested and you may be asked to identify the perpetrator from a photo, or from a police lineup.

**PRETRIAL PERIOD:** At the end of the pre-indictment detention period, a maximum of 23 days, the prosecutor must either ask the court for a formal indictment or release the suspect. An indictment can be sought sooner if enough evidence is readily available. Suspects can be released sooner if adequate evidence is not forthcoming. During this period, you will be interviewed by investigators. Once a suspect is indicted, the case is remanded for trial at the nearest district court. Usually, suspects remain in detention throughout the investigation period and trial. There is no plea bargaining system in Japan; however, attorneys for defendants often attempt to negotiate a private settlement in exchange for you to drop charges against their client. Prosecutors often agree to drop criminal charges if you have been satisfied. If desired, you can be represented by a private attorney.

**TRIAL:** Trials often last several months, and can take up to a year to complete. The prosecutor will decide whether or not you should return to Japan to testify. On May 21, 2009, Japan introduced a lay judge system that allows ordinary citizens to take part in criminal proceedings as judges. The lay judge system applies only to certain serious criminal cases. Six lay judges randomly selected from among eligible voters, together with three professional judges at district courts, will examine serious criminal cases such as murder, robbery resulting in bodily injury or death, bodily injury resulting in death, unsafe driving (such as drunken driving) resulting in death, arson of an inhabited building, kidnapping for ransom, and abandonment (of a child) by a person responsible for protection resulting in death. This system is different from the jury system in the United States. Lay judges will participate in determining both guilt/innocence and the sentence, including the death penalty. Trials are usually open to the public. The court provides interpreters for the defendant and witnesses who do not speak Japanese and the judge may decide that such fees have to be paid by the defendant. The prosecutor's office will provide you with an interpreter. There is a system in which you can express your opinion and question

the defendant at trials. The judge has to approve your participation. At trials, there is no required protocol; however, people in the courtroom are requested to stand up when the judge enters.

**SENTENCING:** Sentencing takes place in a court room. You do not have input at sentencing. In certain serious criminal cases, lay judges will participate in determining the sentence. The defendant has 14 days to decide whether he/she will appeal the sentence. If the defendant does not appeal, after 14 days the convict immediately starts serving sentence. You will be notified when the perpetrator is transferred, paroled, or released following completion of sentence.

**APPEALS:** The accused has a right to appeal. Once the appeal is submitted, the high court will examine the facts of the case to determine the correctness of the verdict. You are not necessarily expected to testify during appeals. An appeal will usually take several months before the court renders its decision. The defendant can also submit an appeal to the highest court, the Supreme Court, in which judges examine the applicability of the laws and procedures applied in the lower court decision rather than the facts of the case. The prosecution 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 found innocent.

**ATTORNEYS:** You may want to consider hiring a local attorney to secure appropriate legal guidance. Local legal procedures differ from those in the United States. Although the public prosecutor is responsible for prosecuting your case, an attorney you hire can promote your interests with the police and the court. While our office cannot recommend specific attorneys, we can provide you with a list of attorneys who have expressed interest in representing U.S. citizens. This list is available on the Internet at <http://japan.usembassy.gov/e/acs/tacs-7113.html> .

**VICTIM COMPENSATION IN JAPAN:** There is a crime victim assistance office at the National Police Agency. Each prefectural police department and the public prosecutor's office have crime victim assistance offices. Information on the victim assistance program including hotline contact information is available from any of these offices and also from the internet <http://www.moj.go.jp/ENGLISH/CRAB/crab-02.html> and [http://www.npa.go.jp/english/kyuuyo1/Police Support for Crime Victims.pdf](http://www.npa.go.jp/english/kyuuyo1/Police%20Support%20for%20Crime%20Victims.pdf) .

Japan's victim compensation program provides financial compensation to victims of violent crime such as murder. It provides only lump sum payments to victims of violent crime and dependents of deceased victims. To be eligible, you must be a legal resident of Japan at the time of the crime. Tourists/visitors are not eligible for compensation. Information on this program is available at Article 3.3 of [http://www.npa.go.jp/english/kyuuyo1/Police Support for Crime Victims.pdf](http://www.npa.go.jp/english/kyuuyo1/Police%20Support%20for%20Crime%20Victims.pdf)

**EMBASSY LOCATION:** If you are going to live or visit Japan you are encouraged to enroll with the nearest U.S. Embassy or Consulate through the [State Department's Smart Traveler Enrollment Program \(STEP\)](#) so that you can obtain updated information on travel and security within Japan. Those without Internet access may enroll directly with the nearest U.S. Embassy or Consulate. If you enroll, we can keep you up-to-date with important safety and security announcements. It will also help your friends and family get in touch with you in an emergency. The U.S. Embassy is located 1-10-5 Akasaka, Minato-ku, Tokyo, Japan; Tel: (03) 3224-5000, American Citizen Services fax number (03) 3224-5856, <http://japan.usembassy.gov/acs> .

**SPECIAL INFORMATION FOR CASES OF SEXUAL ASSAULT AND RAPE:** Physical evidence is very important in sexual assault cases, and can deteriorate as time passes. As such, if you are a victim of a sexual assault you should not change clothes, avoid bathing if possible, and have a physical exam

at the first opportunity. You should take these steps even if you are unsure about whether to report the crime to police. If you decide to pursue a prosecution at a later time, these steps preserve evidence that will assist the prosecutor. A consular officer or after-hours duty officer from the U.S. Embassy may be able to accompany you for the medical exam.

Under the Japanese Penal Code, rape is defined as sexual intercourse with a female through assault or intimidation. Sexual assault involves forcible indecency which is defined as an indecent act upon a male or female through assault or intimidation. Therefore male rape is not considered as rape in Japan, but as forcible indecent assault. Acquaintance rape (date rape) is also taken seriously. To prosecute the perpetrator, you must file a criminal complaint at the police station.

You may be assigned a female police officer to investigate a sexual offense, interview you, collect evidence, accompany you to a hospital, and update you on the progress of your investigation. However, you can also be interviewed by multiple police officers who are not necessarily women. There is a high probability that the prosecutor in charge will be male.

Forensic exams involving a pelvic exam and vaginal/penile/anal swabs are usually arranged by police, and conducted by a private doctor at a hospital with your consent and at police expense. Doctors are not necessarily women. The police will not pay the expense of medical exams if you had an exam before contacting the police. Collection of other evidence such as head and pubic hair samples, fingernail scrapings, and saliva samples can be done at the police station. You are allowed to bring a support person when examined. If you decide not to have a medical exam, the lack of such physical evidence can affect the trial.

Although the media is usually requested not to release information which can lead to the identity of a victim, there are no laws that would protect your identity as a sexual assault survivor.

You should get medical attention to determine if you have been injured in any way and to discuss treatment and prevention options for pregnancy and sexually transmitted diseases. Emergency contraception (the morning-after pill) and HIV prophylaxis are available from doctors in Japan. A list of English speaking doctors/hospitals in Japan is available at <http://japan.usembassy.gov/e/acs/tacs-7119.html> .

We recommend mental health counseling if you have been a victim of crime, and particularly if it is a violent crime such as sexual assault. The Tokyo English Life Line (TELL) is one source of such counseling for foreigners”.

Each prefectural police department has a Sex Crime Hotline staffed by female officers; however, they are usually not English speaking. In addition to reporting to the police, you may want to speak to Tokyo English Life Line (TELL) which provides free telephone counseling in English, Tel: 03-5774-0992 between 09:00 and 23:00, Website: <http://www.telljp.com> .

**SPECIAL INFORMATION FOR CASES OF DOMESTIC VIOLENCE:** Whether domestic violence is considered a crime or not depends on circumstances. The police can and will intervene in domestic violence cases to protect victims. If you are a victim of spousal violence, you can consult with the police who can also refer you to the Domestic Violence Counseling and Support Center (DV Center).

You can obtain restraining orders from the nearest district court. When applying for a restraining order, you must provide proof that you consulted with the police or the DV Center. When a court order is violated, the police can arrest the offender based on your claim. Stalking is considered a crime in Japan.

Each prefectural police department has a Domestic Violence Counseling and Support Center (DV center); however, English speaking staff is usually not available. In addition to contacting the police,

you also may want to contact Tokyo English Life Line (TELL) which provides free telephone counseling in English, Tel: 03-5774-0992 between 09:00 and 23:00, website: <http://www.telljp.com>. Domestic violence shelters are available through the police, but the location and other information are not disclosed.

**SPECIAL INFORMATION FOR CASES OF CHILD ABUSE:** The Ministry of Health, Welfare, and Labor is responsible for the protection of children. Child abuse can be reported to the nearest child guidance center run by the local government or to the nearest police box (koban) or station. Children removed from the home are usually taken care of by the nearest child guidance center.

**SPECIAL INFORMATION FOR CASES OF HOMICIDE:** A judicial autopsy will be conducted based on a court order. Such an autopsy is usually conducted at a medical university where there is a forensic medicine department. The police never release a copy of the autopsy report, however, you can obtain a post-mortem report with the cause of death and the summary of the autopsy findings, for a fee from the doctor who conducted the autopsy. It will usually take months to a year to obtain it. There is a system called "Victim Participation System" whereby surviving family members can attend criminal trials and question defendants.