

Peace Preservation Law
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Part
Paragraph III Public Peace and Manners

○ National Defense and Public Peace Security Law

Law No. 49 dated Mar. 7, 1941

We ^(and promulgate) sanction hereby the National Defense and Public Peace

~~Security Law~~ following the approval of
Security Law approved by the Diet and order the same

the Imperial Diet

to be promulgated. (Countersigned by ^{the} Premier, Home

Minister, Minister of Overseas Affairs, War Minister, Naval

Minister and Minister of Justice.)

National Defense and Public Peace Security Law

Chapter I Crime

Art. 1 The word "state ^{state} secret" used in this law

means ^{the} ~~well~~ those matters which are concerned ^{ing} im-

important diplomatic, financial, economic, and other State affairs ^{which}

shall ~~to~~ be kept secret from foreign countries for the sake

of national defense ^{at the same time} and ~~which~~ ^{any} coming under ~~and~~ of the

following items, ^{as well as} ~~the~~ books and other ^{things} ~~articles~~ ^{indicating} expressing

the above.

1. Matters referred ^{to} to the Imperial Conference,

Privy Council, Cabinet Conference, and any other confer-

ence of the similar kind; and proceedings of those

conferences;

2. Matters referred to the secret meetings of the

Imperial Diet and proceedings of those meetings;

3. Matters prepared for the conferences ^{mentioned} shown.

in the above two items and ~~5~~ other important confidential
executive departments,
matters of administrative organs

Art. 2 ^{provisions} Penal ~~regulations~~ prescribed in this chapter shall
~~be~~ ^{also} applied to any person who commits a crime outside
of the enforcement area of this law.

Art. 3 Any person, in case he reveals
a ^{state} ~~national~~ secret he has learned or ^{possessed} ~~owned~~ on his business
to a foreign country, (including those who act in the
interests of a foreign country and foreigners, ^{and its meaning} ~~as~~ is the
same in the ^{articles} following) or publishes it, shall be ^{liable} sentenced to death
~~or to life~~ or more than three years' penal servitude.

Art. 4 Any person who detects or collects ^{a state} ~~national~~

for the purpose of
~~secret~~ ~~with the intention of revealing~~ it to a foreign country or ~~of~~

~~publishing~~ ~~Publication~~ liable shall be sentenced to more than one year's penal servitude.

Any person who has detected or collected ^{a state} ~~national~~ secret

for the purpose ^{preceding paragraph} ~~with the intention~~ mentioned in the ~~above~~ clause, ~~in case~~

he reveals it to a foreign country or publishes it, shall

^{by ~~means~~} liable be sentenced to death or to life or more than three years'

penal servitude.

Art. 5 Any person, who has learned or ^{possessed a} ~~owned~~ national

secret for some ^{reasons} ~~other~~ than the reasons prescribed

in the preceding two articles, ^{if} ~~in case~~ he reveals it to

a foreign country or publishes it, shall be ^{liable} ~~sentenced~~ to.

life ^{imprisonment} or more than one year's penal servitude.

Art. 6 Any person, who has learned or ^{possessed a state} owned ~~national~~

secret ^{thru} ~~his~~ business; ~~in case~~ ^{if} he reveals it to another ^{person},

shall be ^{liable} sentenced to less than five years' penal servitude

or ~~be punished~~ with a fine of less than five thousand yen.

Art. 7 Any person, who has learned or ^{possessed a state} owned ~~national~~

secret on his business, ~~in case~~ ^{if} he reveals it to a

foreign country or publishes it ^{through ~~negligence~~} ~~by accident~~ shall be ^{liable} ~~sen-~~

~~tenced~~ to less than three years' imprisonment or ~~be punish-~~

~~ed~~ with a fine less than three thousand yen.

Art. 8 Any person, who detects or collects diplomatic,

financial, economic or other informations ^{for the purpose} with the intention

~~of~~ offering them ~~to~~ a use ^{for} ~~injurious~~ ^{prejudicial} to the interests of
 our national defense or ~~with the intention of~~ ^{for the purpose of} reporting them
 to a foreign country in spite of his knowledge of the
 danger that they may be offered ~~to~~ ^{for} such use, shall be
 liable
 sentenced to less than ten years' penal servitude.

Art. 9 Any person, who set abroad the matters ^{prejudicial} ~~injurious~~
 to public peace in ^{collusion} ~~conspiracy~~ with a foreign country or ~~with the~~ ^{for}
^{purpose of} ~~intention of~~ affording benefits to a foreign country, shall
 be ^{liable} sentenced to life or more than one year's penal
 servitude.

Art. 10. Any person, ^{who in collusion with a foreign} ~~whose action, conspired with a foreign~~
 country or ^{for its purpose of} ~~intended to~~ affording benefits to
 country or ~~intended to~~ afford benefits to it,

a foreign country commits any act that may severely
~~may severely hamper the operation of national economy~~
 hamper the operation of national economy by disturbing
~~by means of disturbing the financial circle or impeding~~
~~the~~ ~~by~~

production or distribution of important materials or
~~the~~ ~~country~~
 by ^{taking} some other means, shall be ^{liable} sentenced to life or
 more than one year's penal servitude.

According to circumstances, those who commit
 a fine less than one
 hundred thousand yen in addition to the above punishment
~~a crime prescribed in the preceding clause, may be~~
 may be imposed upon any person who has committed
 punished with a fine of less than one hundred thousand
 a crime mentioned in the preceding paragraph.
 yen concurrently.

Art. 11 An attempt to commit a crime prescribed
 in Art. 3 to Art. 5, Art. 8, Art. 9 and ^{paragraph} Clause 1 of the preceding
 Article shall be punished.

Art. 12 Any Person, who has instigated another to ^{commit} a ~~crime~~

crime prescribed in Art. 3 to Art. 5, Art. 9 or in Art. 10,

^{paragraph} clause 1, in case the instigated ~~person begins to commit the~~ ^{does not commit} ~~crime~~ ^{has not committed a}

^{criminal act,} ~~crime,~~ shall be ^{liable} sentenced to less than ten years' penal

servitude

The penalty to be imposed upon ^{any person} ~~those~~ who tempt or

^{incite} ~~agitate~~ another ^{person} in order to let him commit the crime

prescribed in Art. 3 to Art. 5, Art. 9 or in Art. 10 ^{paragraph} clause 1,

shall be the same as that of the above ^{paragraph} clause.

Any Person, who has instigated another to ^{commit} a ~~crime~~ ^{person}

crime prescribed in Art. 8, in case the instigated does

~~not~~ ^{begin} ~~commit~~ ^{criminal act} the ~~crime~~ ^{liable}, shall be sentenced to

less than three years' penal servitude.

The penalty to be imposed upon those who

tempt or ^{incite} ~~agitate~~ another person in order to let

him commit the crime prescribed in Art. 8, shall

be the same as that of the above ^{paragraph} ~~clause~~.

Art. 13. Any person ^{arranges a preliminary or forms a} who ~~prepares or designs for~~
~~conspiracy for the purpose of committing~~

The crimes prescribed in Art. 3 to Art. 5, Art. 9 or Art. 10

Clause 1, shall be ^{liable} sentenced to less than five years'

penal servitude.

Any person who ^{arranges the preliminary or forms the} prepares or designs for the crime ^{conspiracy for the purpose of committing the crime;} prescribed in Art. 8 shall be ^{liable} sentenced to less than two years' penal servitude.

Art. 14 In case ^{of} any person who has committed the crime prescribed in Art. 4 ^{paragraph} Clause I, Art. 8, Art. 11 to

^{gives himself up} ~~gives himself up to~~ ^{makes self accusation prior to discovery by} authorities, the

penalty to be imposed upon him may be commuted or acquitted

Art. 15 Any ^{thing} ~~article~~, that composes the criminal acts

prescribed ^{used} in this chapter, that has been offered or

^{attempted to be used in the commission of} intended to offer ~~to~~ the criminal acts, or that has been

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produced or obtained by the criminal acts, shall be

owned by
confiscated, unless ~~it is in possession~~ of any person other

(In addition to the confiscation by ~~the~~ ^{court}

than the criminal. Public prosecutor may confiscate

these things irrespective
~~these articles~~ regardless of their owner, with the exceptions

~~of those which are confiscated by court.~~

Any ^{thing} article that has been obtained as a reward

for the criminal acts prescribed in the ^{preceding paragraph} ~~above clause~~

or as ^{consideration for things} an equivalent to the articles mentioned in the

^{paragraph} same ~~clause~~, shall be confiscated, unless ~~it is in possession~~ ^{owned by}

~~of any person other than the criminal.~~ ^{if} In case it is impossi-

ble to confiscate ^{them} ~~it~~ wholly or partly, ^{their value} its ~~balance~~ shall

be forfeited.

Chapter II Criminal Procedure

Art 16 ^{Provisions} Regulations prescribed in this chapter shall

be applied to any case pertaining to the following crimes:

1. Crimes prescribed in Art. 3 to Art. 13.

2. Crimes prescribed in the following ^{Articles} regulations:

^{inclusive} Art. 2 to Art. 7, of the Military ^{Protection} Secrecy Law and

^{inclusive} Art. 15 to Art. 17, relative to them; ^{inclusive} Art. 11 to Art. 15,

Art. 19 of the Military Resources ^{Protection} Secrecy Law; Book 2,

Chapter 3 of the Criminal Code; ^{inclusive} Art. 27 to Art. 29 of

the Military Penal Code and Art. 31, Art. 32, ^{and} Art. 34 relative to

^{inclusive} them; Art. 22 to Art. 24, of the Naval Penal Code and Art. 26,

^{and} Art. 27, Art. 29 relative to them; and Art. 44 of the National

Mobilization Law

Provisions

Regulations prescribed in this chapter shall be ~~also~~

also

applied to any case pertaining to the following crimes

committed in ~~conspiracy~~ ^{collusion} with a foreign country, or ~~with the~~ ^{for the}

~~intention~~ ^{purpose of} of affording benefits to a foreign country:

Crimes prescribed in the following regulations:

Protection

Military Secrecy Law (except the crimes mentioned in

the Item 2 of the preceding ^{paragraph} clause); Military Resources

Protection

Secrecy Law (except the crimes mentioned in the Item 2

of the preceding ^{para.} clause); Fortified Zone Law; Military

Supervision Law for Army Port Area; Law No. 83 of 1890,

(Matters concerning punishment of violators of the Naval

and Auxiliary Naval Port Regulations); Military Electric

Communication Law; Frontier Guard Law; Chapter 1,

Chapter 2, Chapter 4, Chapter 8 to Chapter 11, Chapter 15 to

Chapter 18, Chapter 26, Chapter 27 to Chapter 40 of ~~the~~ Book

2 of the Criminal Code; Art. 3 of the Korean Penal

Ordinance; Chapter 1, (except the crime mentioned in Item numbered

2 of the preceding Clause), Chapter 8 and ^{article} Chapter 99 of Book

2 of the Military Penal Code; Chapter 1 (except the crime

mentioned in the ^{numbered} Item 2 of the preceding clause), Chapter 8

and ^{Article} Chapter 100 of ~~the~~ Book 2 of the Naval Penal Law;

Public Peace Maintenance Law; Law No. 60 of 1926

(^{pertaining to} Law for Punishment for Violent Acts and others), Penal

Regulations for the Control of Explosives; Penal Ordinance.

for Bandits, (Formosan Governor-General's Ordinance No. 24 of
 1898); ^{Documents} Seditious ~~Circulars~~ Temporary Control Law; ^{for N} ✓
 Imitation Currency and Securities Control Law; Imitation
 Currency and Securities Control Regulations, (Formosan
 Governor-General's Ordinance No. 14 of 1903); Law No. 66
^{pertaining to}
 of 1905, (Law ~~for~~ Forgery, Counterfeiting, and Imitation
 of Coins, Bills, Bank-notes and Securities Circulating ~~is~~
 Abroad,); Peace Police Law; Korean Governor-General's
 Ordinance No. 7 of 1919, (Matters Concerning Punishment
 of Political Offences,); Foreign Exchange Control Law;
 Customs Law; Law No. 92 of 1937, ^{pertaining to} (Law ~~for~~ Temporary
 Measures for Import and Export Goods and others,);

Shipping law
Marine Act; Aviation Law; Telegraph Act; Wireless Telegra-

phy Act; and National Mobilization Law (except the crimes

mentioned, ^{numbered} ^{paragraph}
prescribed ⁱⁿ Item 2 of the preceding clause)

Translated by
Oki Hiroji (17)

Art. 17. The public ^{prosecutor} ~~prosecutor~~ may summon the
suspect or order the judicial police
official to summon him.

In a writ of summons to be issued
by the judicial police official in obedience

to the public ^{prosecutor's} ~~prosecutor's~~ order, shall

be included ^(rank and duty) the position and name of the

latter who has given the order and the

^{to the effect} description ~~to the effect~~ that the writ of

summons is issued in obedience to his

order.

judicial ^{and policeman} ~~prosecutor~~
The ~~prosecutor~~

may perform those duties concerning

the delivery of a writ of summons

which are to be discharged by

the court clerks and bailiffs.

Art. 18. In case ^{of} the suspect, without a ^{reasonable} just cause, [↑]

does not obey the summons issued according

to the provisions ^(mentioned) in the preceding article,

or, ^{if} ~~in case~~ there exists a cause prescribed

in each item of paragraph 1, Art. 87

of the Law of Criminal Procedure, the

public ^{prosecutor} ~~procurator~~ may place him under

arrest, ^{commission} ~~entrust~~ another public ^{prosecutor} ~~procurator~~

with his arrest, or order the judicial
police official to ~~do it.~~ ^{arrest him.}

The provisions ^{mentioned} ~~shown~~ in paragraph 2
of the preceding article shall be applied
~~with necessary modifications~~
to ^{the} warrant of arrest to be issued by the
judicial police official in obedience to the
public ^{prosecutor's} procurator's order.

Art. 19. The public ^{prosecutor} ~~procurator~~ or the
judicial police official shall ~~not~~ examine
the arrested suspect within 48 hours
after his being taken to a designated
place. ^{if} ~~In case~~ a warrant of detention

is not issued within ^{the said} ~~those~~ hours,

the public ^{prosecutor} ~~procurator~~ shall release

the suspect or ^{have} ~~let~~ the judicial police

officially release him.

Art. 20. ^{if} In case there exists a cause

prescribed in each item of paragraph 1,

Arts. 87 of the Law of Criminal

Procedure, the public ^{prosecutor} ~~procurator~~ may

place the suspect in detention or order

the judicial police official to ^{detain him} ~~do it~~.

The provisions ^{mentioned} shown in Art. 17, paragraph

~~with necessary modifications~~

2, shall be applied to a warrant of

detention to be issued by the judicial police official
in obedience to the public ^{prosecutors'} procurators
order.

Art. 21. For detention, the detention-houses
of the police offices or of the gendarmerie
may be substituted for prison.

Art. 22. The term of detention shall be two
months. ^{If} ~~In case~~ there is ^a ~~special~~ need
~~for~~ continued detention, the public ^{prosecutor} procurator of a local
court, by permission of the chief public ^{prosecutor} procurator
of a district court, and the public ^{prosecutor} procurator
of a district court, by permission of the chief

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26)
pub. ^{prosecutor} public ~~procurator~~ of a court of appeal,

may renew the term of detention every

month, but the total length of the term

must not exceed four months.

~~In case~~ ^{if} there is ^a ~~special~~ need to

continue detention ~~in case of an offence~~ ^{for a crime}

mentioned in

~~against~~ the Law for the Maintenance

of the Public Peace, the term of detention

may be renewed every month by permission

of the chief public ^{prosecutor} ~~procurator~~ of a court of appeal, but

the total length of the term must not

exceed one year.

~~In case~~ ^{if} there is ^a ~~special~~ need

to continue the term of detention for
 the search of offences prescribed
 in Art. 73, Art. 75 or Art. 77-79 ^(inclusive) of
 the Criminal Law; the Attorney-general
 or the public ^{prosecutor} ~~prosecutor~~ commanded by
 the former may renew
 the term of detention every month,
 but the total length of the term
 must not exceed six months.

Art. 23. In case the cause for detention has
 become extinct ~~extinguished~~ or
~~become extinct~~ otherwise ^{if} in case it
 is deemed ^{unnecessary} that there is ~~no need~~

to continue detention, the public
prosecutor ~~procurator~~ shall release the suspect
immediately or ^{have} ~~let~~ the judicial
police official ~~do it~~ release him

Art. 24. The public ^{prosecutor} ~~procurator~~ may be
suspend the execution of detention
by placing a limitation on the
abode of the suspect.

In case there is a
cause prescribed in paragraph 1,

Art. 119 of the Law of Criminal
Procedure, the public ^{prosecutor} ~~procurator~~

rescind
may cancel the suspension of the
execution of detention.

Art. 25. The public ^{prosecutor} ~~procurator~~ may

~~cross~~-examine the suspect or

order the judicial police official

to ~~do it~~ ^{examine him}.

the institution of prosecution
Only before ~~starting arraignment~~,

the public ^{prosecutor} ~~procurator~~ may

~~cross~~-examine ^a witness, ^{or commission} ~~entrust~~ another

public ^{prosecutor} ~~procurator~~ with the ~~cross~~-

examination or order the judicial

police official to ~~do it~~ ^{examine him}.

~~In case~~ ^{If} the judicial police official has

~~cross~~ examined the suspect or witness

in obedience to an order of the public

~~procurator~~ ^{prosecutor}, there shall be included

in the interrogatory, ^{the rank and duty} the position and

name of the public ~~procurator~~ ^{prosecutor} who

gave the order and the description

~~to the effect~~ ^{to the effect} that the ~~cross~~ examination

has been done in obedience to his order.

The provisions ^{mentioned} ~~shown~~ in paragraph

2 and 3 of Art. 17 shall be applied

~~with necessary modifications~~

ⁱⁿ ~~to~~ the ~~cross~~ examination of witness.

Art. 26. ^{institution of prosecution} Only before ~~starting arraignment,~~

the public ^{prosecutor} ~~prosecutor~~ may carry out

^{seizure} ~~confiscation~~, search or ^{authentication} ~~verification~~; or

^{commission} ~~entrust~~ another public ^{prosecutor} ~~prosecutor~~ with

the disposition of those matters; or order

the judicial police official to dispose of

them.

^{institution of prosecution} Only before ~~starting arraignment,~~

the public ^{prosecutor} ~~prosecutor~~ may order

^{expert testimony} ~~legal advice~~, interpretation or

translation, ^{or, commission} ~~entrust~~ another public ~~prosecutor~~

^{prosecutor} ~~prosecutor~~ with the disposition of them;

or order the judicial police official to dispose of
them.

The provisions ^{mentioned} ~~shown~~ in paragraph 3

of the preceding article shall be applied

~~with necessary modifications~~
to the protocols of ^{seizure} ~~confiscation~~, search or
authentication.

~~verification~~, and to the interrogatories of

~~an expert, an~~
~~legal adviser, interpreter or~~ ^a translator.

The provisions ^{mentioned} ~~shown~~ in paragraphs

2 and 3 of Art. 17 shall be applied

~~with necessary modifications~~
to legal advice, interpretation and
~~expert testimony~~

translation.

Art. 27. Those provisions concerning

summary of the accused, arrest and

detention, ~~and~~ examination of the

accused and witness, ^{seizure} ~~confession~~,

authentication, expert testimony
search, ~~verification~~, legal advice

interpretation and translation, which

^{prescribed} are in the Law of Criminal Procedure,

~~with necessary modifications~~

shall be applied to the ^{cases which are} ~~suspicion~~
not yet indicted, unless otherwise provided by laws and

~~ordinance, with exception of~~

~~cases especially provided for.~~

The provisions concerning

provisional liberation of the criminal by
bailment and ~~placing them~~ ^{placing them} in custody of a

relative, however, shall not be applied.

Art. 28. In case where in contravention of

the prohibition or limitation ^{imposed by} ~~under~~ laws,

ordinances ^{delegated from} or ~~orders issued~~ in conformity with

laws a foreign ship or a foreign

^{aircraft} flying machine has intruded into the

area subject to the said prohibition

or limitation, the public ^{prosecutor} ~~procurator~~

may order it to ^{come} go round to a

designated place, intern it, or

order its headman, crew and

passengers to stay at a designated

place, if there is a need for search.

The public ^{prosecutor} ~~procurator~~ may order
the judicial police official ^{of} the disposition
prescribed in the preceding paragraph.

The provisions ^{mentioned} ~~shown~~ in the
foregoing two paragraphs shall also
be applied ~~also~~ to the cases concerning
^{crimes other than} ~~other offences than~~ those prescribed in Art. 16.

Art. 29. ^{defence counsel} ~~The attorney~~ shall be appointed by
~~selected from~~
^{the attorneys-at-law} ~~among these attorneys~~ designated in
advance by the Minister of Justice.

This, however, shall not ^{preclude} ~~affect~~ the
application of the provisions ^{mentioned} ~~shown~~.

in paragraph 2, Art. 40 of the Law of
Criminal Procedure.

Art. 30. ^(defence counsels) The number of ~~attorneys~~ shall not
exceed two per ^{one} ~~an~~ accused person.

~~In case~~ If ten days have elapsed after
the delivery of a writ of summons in
which the ^{initial} ~~firstly~~ decided date of
^{the appointment of defence}
a public trial is shown ~~it shall not~~
counsels shall not be ^{admissible.} ~~appoint defence counsels~~
~~to be allowed to nominate attorneys.~~

This, however, shall not be applied
when an approval has been given

from the court owing to the existence

of unassailable causes

Art. 31. In case ^{defense counsel} ~~the attorney~~ ~~delivers~~ ~~delivers~~
arguments orally ^{an open}
~~oral proceedings~~ at the ~~court~~ ~~where~~

~~the trial, is open to public,~~ he shall
^{to make statements concerning}
not be allowed ~~to state~~ ~~state~~

secret, military secret, military

resource secret or those governmental

secrets concerning the general mobilization

^{businesses}
~~services~~ which have been designated by the

government offices. In this case,

^{counsel}
the ~~attorney~~ may submit as a

substitute for statements a document

in which those matters are ~~written~~ ^{contained}.

Art. 32. ~~In case the attorney wants~~ ^{if a defence counsel wishes} to transcribe

documents concerning the lawsuit, ~~he~~

it is necessary to obtain

required to get a permission ~~from the~~ ^{must be granted by}

from the ^{preliminary} chief judge or the ~~examining~~ judge.

^{defence counsell}
The attorney's perusal of

documents concerning the lawsuit

shall be done at a place designated

by the chief judge or the ^{preliminary} ~~examining~~

judge.

Art. 33. ~~An appeal to the second~~

trial court shall not be

admissible ~~allowed~~ against ~~that~~ decision ^{rendered} ~~given~~

in ~~by~~ the first trial which has judged

~~that~~ the accused ^{of crimes} committed ~~an offence~~ ^{mentioned} ~~shown~~

in paragraph 1 of Art. 16 or ^{when} ~~that~~ he

collusion in ~~conspiracy~~ with a foreign country

or for the purpose of benefiting a

foreign country ^{his} committed ^{crimes} ~~an offence~~

^{mentioned} ~~shown~~ in paragraph 2 of the same

article.

Demand for revision is
An appeal to the Supreme Court
admissible directly against the decision
Court may be directly made against the
of first trial mentioned in the
first trial decision which is

~~prescribed in the previous paragraph.~~

Demand for revision
~~An appeal to the Supreme Court~~

admissible
may be allowed in case there is ~~that~~ ^{sufficient}

~~cause enough to do~~ ^{so} ~~it~~ against the

second trial decision as prescribed

in the Law of Criminal Procedure

The Court of revision
~~The Supreme Court shall~~

~~so~~ ~~the~~ **HIGH COURT**
~~administer justice in conformity~~

with the procedure concerning the

of revision ^{brought}
case ~~brought as an appeal to it~~ against

the second trial decision.

Article 34. In case where the
 Court judges that, in ~~purpose to com-~~ ^{collusion with a}
~~foreign country~~ ^{for the purpose of}
~~communicate secretly with or~~ ^{best a interest}
~~benefitting~~
~~a foreign country~~ the accused has committed

a crime prescribed in Paragraph 2 of Article
 16, the Court shall ^{include such description} ~~specify that judgement in~~
~~in~~ ^{ITS} ~~the court~~ decision.

If ⁱⁿ ~~in~~ case where the accused has appealed
 has been made
 to the Supreme Court against the decision in
 the first trial in which ^{contained description} ~~was specified~~ the judgement
 mentioned in the foregoing paragraph, ^{at the Supreme Court}
~~at the Supreme Court~~ ^{obviously sufficient}
 there is ~~no~~ ^{to} ~~cause~~
 judges that the accused has pleaded a cause strong

~~ought to admit~~ ^{admit} of a suspicion that the accused
~~of~~ collusion with
 did not commit a crime ~~purpose to~~
 a foreign country ~~for the purpose of~~
~~secretly with or~~ ~~for the purpose of~~
 benefitting
~~a foreign country,~~ the ~~Supreme~~ Court shall

give a decision annulling the original
 decision and ~~transfer~~ ^{refer} ^(competent) the case to the Court
 of Appeal, which has the jurisdiction.

^{also} ~~also~~
 The foregoing paragraph shall be applied,
 if, in case ^a demand for revision has been made
~~to the case where the accused has appealed to the~~
~~Supreme Court~~ against the decision of the
~~first trial in which~~ ^(the Court judged) ~~was judged~~ that the accused
 had committed a crime prescribed in Article 16,

The Court of revision
~~and the Supreme Court judges that the~~
 there is ^{obviously sufficient} ~~cause strong~~
 enough to admit of a suspicion that he
 did not commit ^{the} ~~a~~ crime prescribed in the
 same article.

Article 35. In regard to the noti-
 fication of the date of a ^{public trial} ~~court session~~, the
~~Court of revision~~
~~Supreme Court~~ may exempt itself from observ-
 ing the ^{term} ~~fixed period~~ provided by Paragraph 1
 of Article 422 of the Criminal Procedure Law.

Article 36. Irrespective ^{of} ~~the~~ ^{process} ~~of~~ ^{procedure} ~~the~~
~~of~~ other lawsuits, the court shall promptly

put on trial the lawsuit ~~of~~^{or} a crime to

which are applied the provisions of this Chapter.

Article 37. The cases on the crime pro-
vided by Article 16 (except the cases
provided by Article 4 of the Jury Law) shall
not be referred to the deliberation of the
~~inquired of a jury.~~

Article 38. In regard to criminal pro-
cedure, ordinary regulations shall be applicable

unless (provided otherwise) by ~~special regulations~~
^{special} laws and ordinance.

Article 39. Except Articles 21, 22, 28,

30 para. 1,
~~and 29, Paragraph 1 of Article 30, and Articles~~

33, 34 and 37, the provisions of this Chapter

(correspondingly) shall be applied to the criminal procedure in the court-martial. In this case, Paragraph 1 of Article 87 of the Criminal Procedure Law shall correspond to Article 143 of the Military Court Martial Law or Article 143 of the Naval Court Martial Law; Paragraph 1 of Article 422 of the Criminal Procedure Law, to Paragraph 1 of Article 444 of the Military Court Martial Law or Paragraph 1 of Article 446 of the Naval Court Martial Law; and the clause "in case where there is a reason prescribed in Paragraph 1 of Article

119 of the Criminal Procedure Law" pre-
scribed in Paragraph 2 of Article 24
shall be replaced with "at any time."

Article 40. In KOREA and FORMOSA,
^{mentioned}
the laws ~~prescribed~~ in this Chapter shall in-
clude the laws which are enforced there in
accordance with Governor-General of KOREA's
ordinances or Governor-General of FORMOSA's
ordinances.

In KOREA, "Articles 73, 75 or 77 to 79^{inclusive}
of the Criminal Law" ~~prescribed~~ in Paragraph
3 of Article 22 shall be replaced with "Articles

(inclusive)
 73, 75, 77 to 79, of the Criminal Law or
 Article 3 of the Criminal Ordinance ~~of~~ⁱⁿ KOREA;
 and Paragraph 1 of Article 422 of the Criminal
 Procedure Law" in Article 35, with "Article 31 of
 the Criminal Ordinance ~~of~~ⁱⁿ KOREA".

In KOREA, "the Minister of Justice" in this
 Chapter shall correspond to "the Governor-General
 of KOREA"; "the ^{Attorney} Prosecutor-General" to "the Chief
 Prosecutor of the Supreme Court in KOREA";
 "the ^{Prosecutor} Chief Prosecutor of a Court of Appeal or of a
 District Court" to "the Chief ^{Prosecutor} Prosecutor of a Court
 of Appeal in KOREA"; and "the ^{Prosecutor} Prosecutor of a

District Court or of a Local Court" to "the
^{Prosecutor}
~~Prosecutor~~ of a District Court in KOREA."

In FORMOSA, "the Minister of Justice"
in this chapter shall correspond to "the
Governor-General of FORMOSA; "the ^{attorney} ~~Prosecutor~~

^{Prosecutor}
General or the Chief ~~Prosecutor~~ of a Court of Appeal"

to "the ^{Prosecutor} ~~Chief Prosecutor~~ in the Higher Court in

FORMOSA"; "the ^{Prosecutor} ~~Chief Prosecutor~~ of a District Court"

~~to "the Chief Prosecutor of a District Court" to~~

^{Prosecutor}
"the Chief ~~Prosecutor~~ of a District Court in FORMOSA);

^{Prosecutor}
"the ~~Prosecutor~~ of a District Court or of a Local

^{Prosecutor}
Court" to "the ~~Prosecutor~~ of a District Court in

applicable
be ~~applied~~ to a case where prosecution
will have been ^{instituted prior to} ~~raised before~~ the
enforcement of this Law.

The search proceedings conducted in ac-
cordance with Articles 12 to 15, ^(inclusive) of the Criminal
Ordinance in KOREA before ~~before~~ the enforce-
ment of this Law shall remain valid even
after the enforcement of this Law.

Of the search proceedings mentioned in the
foregoing paragraph, those which correspond to the
provisions in this Law shall be ^{deemed} regarded
as done in accordance with this Law.

~~REGULATIONS concerning ENFORCEMENT of the~~
~~Operation~~
Enforcement Regulations
NATIONAL DEFENCE SECURITY LAW

Imperial Ordinance No. 542

7 May, 1941

We hereby
~~by the Emperor~~ sanction and promulgate

~~the Regulations concerning the Enforcement of the~~
Enforcement ~~Operation~~

National Defence Security Law. (countersigned

by the Princes, the Home, the Overseas Affairs,

(Minister) the War, the Navy Minister and the Minister

of Justice)

~~Enforcement~~ ~~Operation~~
~~Regulations concerning the Enforcement~~

of the National Defence Security Law

Article 1. ^{With regard to} ~~the matters pertaining to a~~

^{Various} ~~state secret~~ ^{matters,} the competent Ministers of State shall

give necessary instructions to the persons

in charge of them or the persons particularly

(instructions necessary)

concerned for the measures to be taken to ^{for the}

preservation of ~~maintain~~ secrets, and other dealings to be done.

~~with respect to~~

~~In the matters pertaining to~~ state secrets

^{matters} ~~in~~ ⁱⁿ provided by Paragraph 1 or 2 of Article 1 of

the National Defence Security Law, the provisions

of the foregoing paragraph shall be applied, in

the case of the Imperial Conference, to the Prime

Minister, and in the cases of other conferences,

to their president or chairmen of the ~~respective~~
respective conferences.

Article 2. The keeper of ~~the~~ ^{documentary} books
and articles ~~papers~~ ^{which} ~~manifests~~ ^{indicates} a matter

pertaining to a state secret ^{instructed} ~~in~~ the
preceding ~~Article~~ shall ^{inscribe a mark on the said} ~~put on it a mark~~

^{article} ~~document~~ ^{as} which is provided by the attached illustration.

^{from the standpoint of} ~~for reasons of~~ national defence,
Article 3. In case where it has become

^{unnecessary} ~~needless~~ to keep ^{the} his appointed matters ^{of} pertaining
(instructed by them)

to a state secret, in secrecy from foreign
countries ~~for defensive reasons~~, the competent

and
Minister of State ~~or~~ the persons prescribed in

Paragraph 2 of Article 1 shall take

necessary measure to so inform the persons
concerned.

In ~~the~~^{the} case of the foregoing paragraph,

documents + articles
~~documentary nature~~

the keeper of ~~a book, a paper or a thing~~

mentioned in the foregoing article shall

cross out

~~cancel~~ the mark attached to the said,

~~document.~~ → documents + articles.

~~book, paper or thing.~~

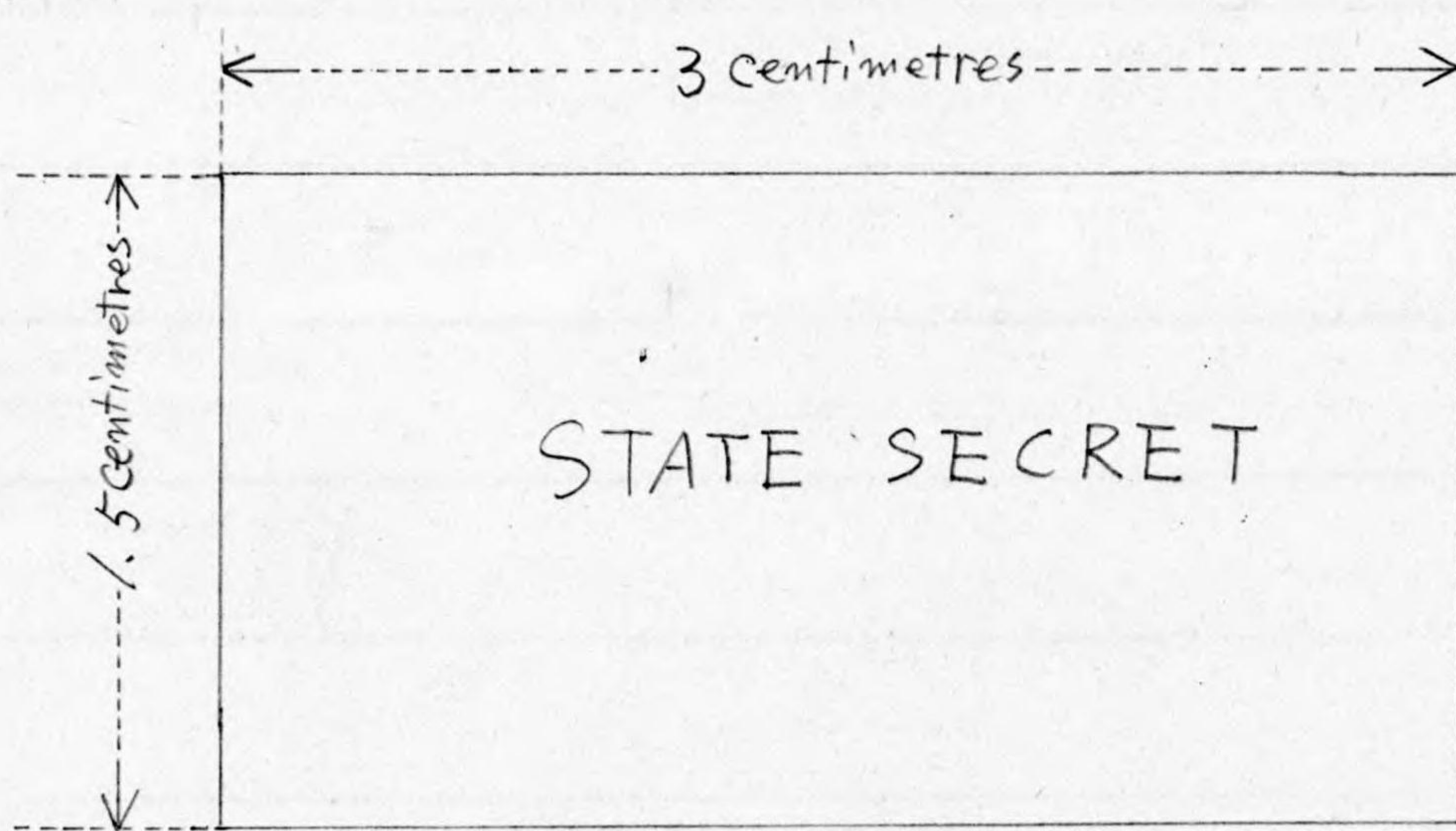
Supplementary provisions

This ordinance shall be ~~put into operation~~ enforced ~~on and after~~ as of

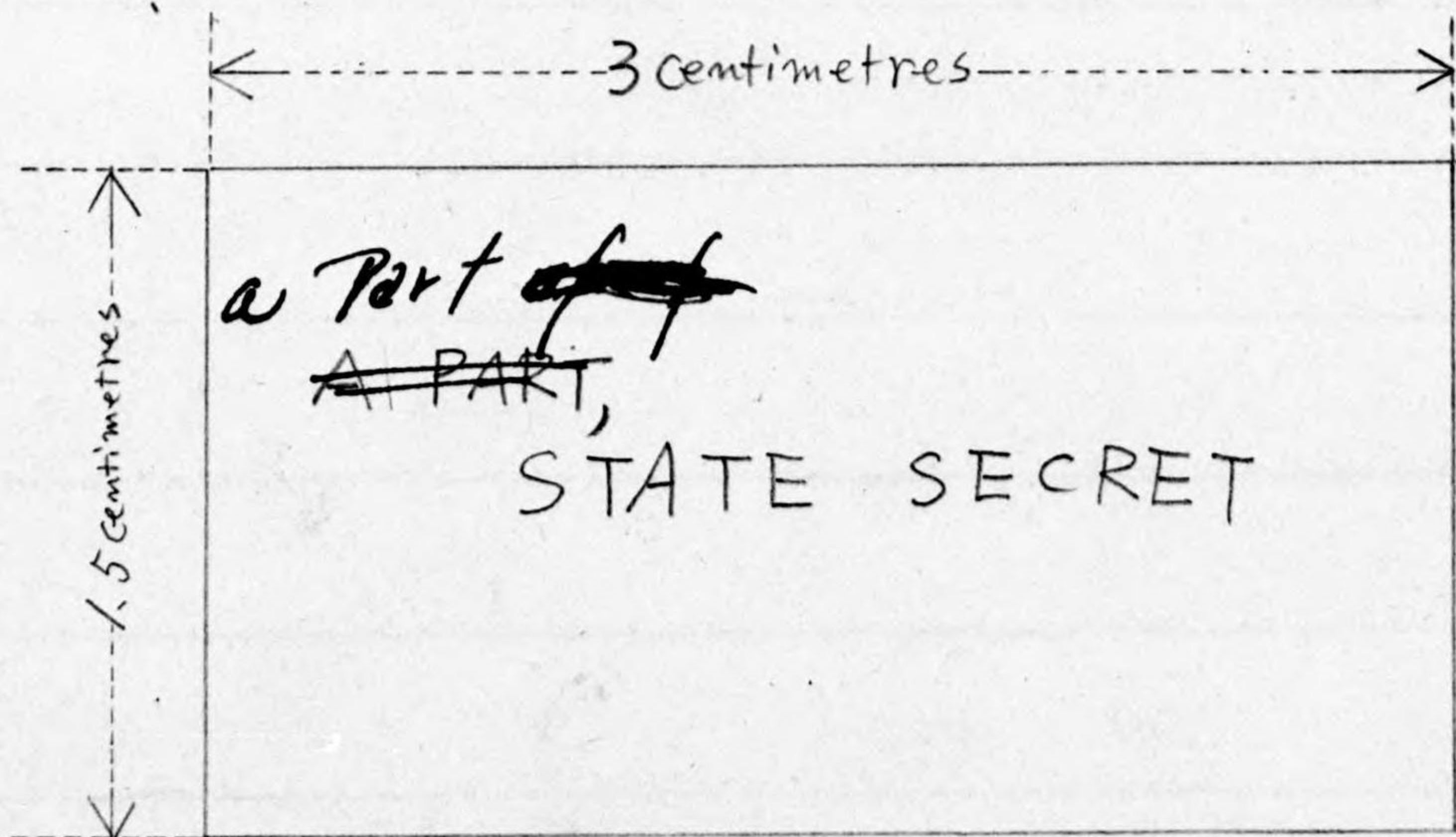
the day of the enforcement of the National
Defense Security Law.

Appended illustrations:

Pattern 1.



Pattern 2.

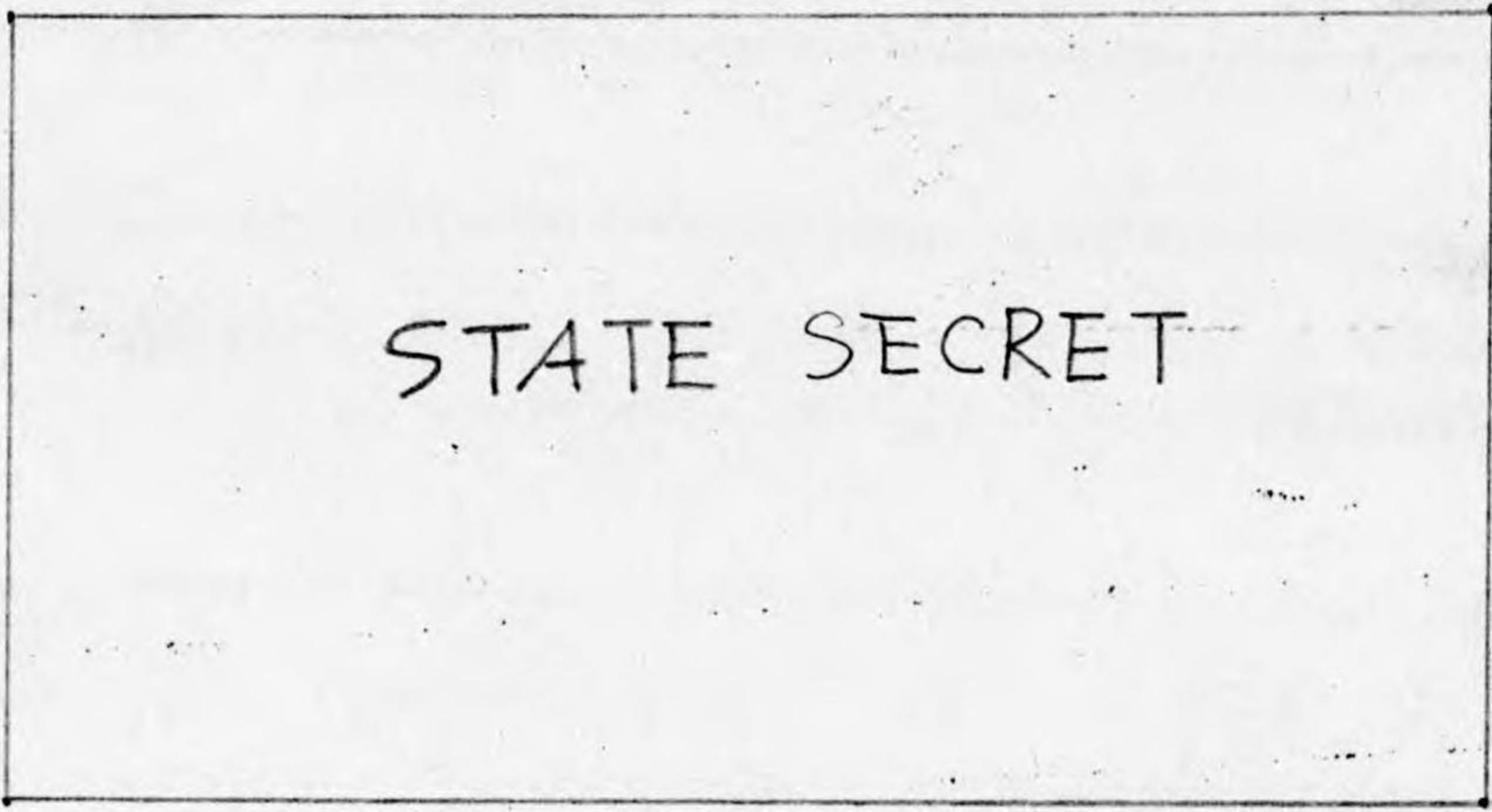


Pattern 3

~~not fixed size~~

Proper sized **SIZED** Appropriately

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Remarks:

1. Patterns 1 and 2 shall be ~~red colored~~ ^{colored red} as marks for the ~~books~~ ^{documents} and Pattern 3 ~~red colored~~ ^{colored red} as marks for the ~~things~~ ^{articles}.

2. As to ~~the books~~ ^{The documents} containing in part the ~~marks of~~ ^{indication} the matters pertaining to ~~state secret~~ ^{the mark of} Pattern 2 shall be ~~taken~~ ^{inserted} ~~to mark~~ ^{PUT} on their covers, and ~~Pattern 1,~~ ^{the mark of} ~~to mark~~ the parts indicating the above matters concerned.

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Imperial Ordinance No. 559 of 1941

(Matters concerning special ~~examples~~ instances

in the application of the National

Defense Security Law

and the Public Peace

Maintenance Law to be applied in the

area sphere where Japan exercises

its consular jurisdiction)

17 May, 1941, Imperial Ordinance
No. 595, ↓

~~Amended Ordinance~~
Revision No. 724 of 1942

We hereby sanction and order to be
promulgated the matters concerning special

instances

~~case~~ ⁱⁿ ~~examples~~ of the application of the National

4
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Defense Security Law and the

Public Peace Maintenance Law to be applied in

area

the sphere where Japan exercises its consular

jurisdiction (countersigned by the Prime Minister and

the Foreign Minister).

in area

As to the sphere where Japan exercises

its consular jurisdiction, "the Minister of

mentioned in the second chapter of the National Defense Security Law and the Public Maintenance Law

Justice" shall be ^{replaced with} ~~changed to~~ "the Minister of

Greater East Asia Affairs;" and "the Chief

^{prosecutor} public ~~procurator~~ of a court of appeal or the chief

^{prosecutor} public ~~procurator~~ of a district court" to "a consulate-

general or a consul ^{as a head of} who should lead the consulate," in

~~the second chapters of the National Defense~~

~~Security Law and the Public Peace Maintenance~~

~~Law.~~

In ^{area}
~~As to the sphere~~ mentioned in the
^{paragraph}
preceding ~~clause~~, the provisions of the third
chapter of the Public Peace Maintenance Law shall
not be applicable.

Supplementary provisions

This ordinance shall ^{be effective as of} ~~come into effect~~ on
~~and after~~ ^{the} day of promulgation.

~~Rules governing Designation of Attorneys-at-law.~~
~~The attorney nomination provisions~~

9 May, 1941

Ordinance No. 47 of the Ministry
of Justice Department ordinance
No. 47, 9 May, 1941.

The ~~attorney nomination~~ ^{(at-law) designation} rule provisions shall

be laid down as follows:

The ~~attorney nomination~~ ^{(at-law) designation} rule provisions

Article 1. The ~~attorney nomination~~ ^{(at-law) designation} under

art. 29 of the National Defense Security Law

and under art. 29 of

the Public Peace Maintenance Law shall be

made in accordance with this ^{rule,} ~~provisions,~~

Article 2. The Minister of Justice shall

~~in advance~~ designate ~~in advance~~ ^{previously} nominate the suitable number of

defence counsels
~~attorneys~~ every years From among those who
(been in the profession of attorney-at-law)
have ~~practised law~~ for more than ten years.

However, ^{if} in case an attorney ^{has declared in advance} reports that he does

not desire to be ^{designated and} ~~the Minister of Justice~~

if ~~he~~ finds ~~the reason~~ ^{it reasonable, he} shall not ^{designate} nominate him.

Article 3. Those who come under any of

the following items shall not be ^{designated} nominated.

1. Those who have been punished with

a fine, placed on probation or had

their prosecution suspended, or those

who have been prosecuted and whose decision

~~whose~~ ~~guilts~~ remain still uncorroborated after
is not final and conclusive

~~prosecuted~~, ^{with} regard to the ^{cases} matters

stipulated in ~~the 16th~~ ¹⁶ Article of the

National Defense Security Law,

or to the ~~breach~~ cases of ~~a~~ breach of the Public Peace Maintenance Law.

Of those who with regard to criminal
2. ~~Those who are found unfit to~~
~~cases other than those prescribed in the preceding~~
~~be nominated because they have been~~
~~items have been subject to the disposition men-~~
~~dealt with as in the preceding items as to~~
~~tioned in the preceding items, those whose~~
~~the other criminal cases than those stipu-~~
~~designation is deemed as unfit,~~
~~lated in the preceding items.~~

3. Those who are ~~found~~ ^{deemed} unfit
~~designated for reasons of~~
~~to be nominated because of their~~

ideas, careers and others.

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Article 4. ~~When~~ ^{if} a ~~nominated~~ ^{designated} attorney-at-law

comes to fall under any ~~of~~ ^{of} items of the preceding

article, his ~~nomination~~ ^{designation} shall be ~~cancelled~~ ^{rescinded}.

Article 5. The ~~nomination~~ ^{designation} shall ~~remain in~~ ^{be effective}

force for ~~a~~ ^a period of one year. However, ~~as~~ ^{with regard}

to the case ~~with~~ ^{to} which he ~~is entrusted~~ ^(has been appointed), his ~~nomi-~~ ^{designation}

~~nation~~ shall ~~remain in force~~ ^{be effective} until the ~~time of~~ ^{case become}

final and conclusive.

~~its final judgment.~~

Article 6. When an attorney is

~~nominated~~ ^{designated}, he shall be informed of it, and it

shall be published in the Official Gazette. In

case his ~~nomination~~ ^{designation} has been ~~cancelled~~ ^{rescinded}, ~~it shall~~ ^{the same}

~~10~~
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shall apply,
~~be done the same as the above.~~

Article 17. The Minister of Justice shall ^{prepare a} compile
a ^{list} register of the ^{designated} nominated attorneys, and keep
it in the Ministry of Justice.

In the register of the ^{designated} nominated attorneys
^{contained} shall be ~~written~~ their names, addresses, birth-
dates, registration-dates, registration numbers,
bar-associations, law-offices and other necessary
matters.

Supplementary provisions

The ^{parts} ~~matters~~ concerning the National Defense
Security Law in this \longrightarrow

ordinance shall come into ^{operation} force on the day

of the enforcement of the Law, and the ^{parts} ~~matters~~

concerning the Public Peace Maintenance Law,

~~shall come into force~~ on the day ^{of the enforcement of} ~~when the~~

~~revised law of the~~ Public Peace Maintenance Law

~~shall be enforced.~~

^{designation}
The ~~nominations~~ under this ordinance

may be made, in 1941 only, after its enforcement

^{designation}
The ~~nominations~~ made in 1941 under

this ordinance shall remain in force until

31 December, 1942.