



REPLY TO
ATTENTION OF:

Department of the Army
Headquarters, United States Army Japan
Unit 45005
APO Area Pacific 96343-5005

SUBJECT: ADVICE TO PERSONS UNDER INVESTIGATION BY JAPANESE AUTHORITIES

MEMBERS OF THE US ARMED FORCES

I, _____, am presently in Japan attached to: _____ located at _____.

1. I have been advised that I am under investigation by Japanese authorities concerning an incident that occurred at _____ on _____ at _____ hours, wherein it is alleged that
2. I understand that I have been directed by my command to go to the first interview by Japanese law enforcement authorities. I will ensure that I am at the proper place at the appointed time.
3. I understand that I have the following rights:
 - a. Under the Status of Forces Agreement:
 - 1) To a speedy trial.
 - 2) To be informed, in advance of trial, of the specific nature of the charges against me.
 - 3) To be confronted with the witnesses against me.
 - 4) To have compulsory process for obtaining witnesses in my favor, if such witnesses are within the jurisdiction of Japan.
 - 5) To have legal representation of my own choice for my defense, or to have free or assisted legal representation under the conditions prevailing for the time in Japan.
 - 6) If I consider it necessary, to have the services of a competent interpreter.
 - 7) To communicate with a representative of the U.S. Government and to have such a representative present at my trial.
 - b. Under the Constitution of Japan:
 - 1) Not to be arrested or detained without being at once informed of the charge against me or without the immediate privilege of counsel; nor shall I be detained without adequate cause; and upon demand of any person, such cause must be immediately shown in open court in my presence and the presence of my counsel.
 - 2) Not to be compelled to testify against myself.
 - 3) To be permitted full opportunity to examine all witnesses.
 - 4) That no cruel punishments shall be imposed upon me.
 - c. Under Japanese Code of Criminal Procedure (unless I have been arrested or detained by the Japanese authorities):
 - 1) I have the right to inform the authorities of my desire to leave the interrogation at any time after I appear for the interrogation.
 - 2) The Japanese authorities must inform me that I may not be required to make any statement contrary to my will.
 - 3) Any statement I do make may be recorded in a written statement.
 - 4) The written statement shall be perused by me or read to me for my verification and in case I have any proposed additions or deletions or alterations, my statements with regard to those changes shall be entered in the written statement.
 - 5) I may, when I have affirmed that the contents of the written statement are correct, be asked to sign the written statement, but I may refuse to do so.
 - 6) I recognize that, if I elect to not cooperate with the Japanese authorities, they may seek an arrest warrant in my case and that they may use my refusal to cooperate as evidence of the necessity for the arrest warrant.
 - d. I understand that the Japanese authorities may arrest me if I leave the confines of US facilities and areas unless I am being escorted by command representatives or I am performing official duty off of the installation at the specific direction of my chain of command.
 - e. If I have been arrested or detained by the Japanese authorities, they may direct me to remain for the interrogation although I will continue to have the right to remain silent as set forth in the paragraph 3, below. If I am directed to remain, the Japanese authorities may continue to ask me questions even though I have indicated I do not want to answer their questions. Unlike under US law, if I want to exercise my right to remain silent I must do so with respect to each question asked of me.

4. I understand that I have the right to remain silent during questioning by Japanese authorities. I understand that should I make an oral or written statement to Japanese authorities, such statement may be used against me during the course of the investigation, and should I be indicted, at trial. Unlike under the laws of the United States, I understand that a Japanese prosecutor may use my refusal to speak, and any other refusal deemed to be uncooperative, against me at trial. I understand that Japanese authorities are usually favorably influenced by a cooperative attitude, but that anything I say may be used either for or against me.
5. I understand that Japanese authorities may question me and take my answers in English; however, they will likely reduce my statement to writing in Japanese and ask me to sign the statement. I have been cautioned not to sign any statements in the Japanese language, but I may, if I so desire, sign a statement in the English language, or such other language that I read and understand.
6. Japanese custom dictates that certain procedures be followed in the event of death, serious injury, or damage to property. Condolence or apology visits should be made by the person who is the immediate cause of the injury, death, or damage and demonstrate sincere regret, regardless of who is ultimately responsible for the mishap. Whether or not a visit is conducted with sincerity, may, in many cases, make the difference between a heavy, light, or suspended sentence, or a waiver of jurisdiction and dismissal of the case. I acknowledge that I may decline to participate in these procedures if I feel that such participation will adversely affect my best interest, or for any other reason.
7. I understand that my case may be disposed of through any of the following actions: waiver of jurisdiction by the Japanese authorities, summary court, or public trial at district court followed by appeal, should a verdict be rendered against me. I further understand that appropriate administrative or disciplinary action may be initiated against me by the United States authorities at any time, including after the Japanese authorities decide upon a disposition in my case.
8. I have been advised that the maximum punishment that may be imposed, should I be convicted, in public trial at district court, is as follows:
9. I understand that a trial observer, who is a lawyer, and an interpreter of the Japanese language will be appointed to observe each trial session, should I be tried in a Japanese court.
10. I understand that the Foreign Criminal Jurisdiction Office, including its representatives, acts as the liaison between the United States Army and the Japanese Government. As representatives of the US Army, the members of this office may not and will not act as my lawyer in this matter. Furthermore, any statements I make to representatives of this office will not be confidential. That means any statements I make to representatives of this office may later be used against me in judicial or administrative actions, if appropriate. Additionally, no attorney-client privilege is established between me and any representative of this office.
11. I acknowledge that I have the following rights to counsel:
 - a. I have the right to hire a Japanese lawyer at any time. (Article 30, Japanese Code of Criminal Procedure). Unlike under United States law, however, I have no right to have my lawyer present during questioning by the police. I have the right to speak with my lawyer without a guard present if I am in jail. (Article 39, Japanese Code of Criminal Procedure).
 - b. I may request counsel be provided, by the United States Government, to represent me in pretrial, trial, appellate, and post-trial proceedings. The selection of individual trial or appellate counsel will be made by me. Such counsel will represent me; not the U.S. Government. In order for the United States Government to pay counsel costs, I understand that my selection of counsel must be made from a U.S. Forces, Japan approved list of attorneys who are qualified, competent, and experienced in trial practice. These counsels are admitted for full practice before the courts of Japan.
 - c. Should I select a lawyer not on the approved list, I am aware that I must pay the entire cost of retaining the lawyer and the United States Government will be under no obligation to pay any part of the attorney fee.
12. As a result of my alleged involvement in this incident, I may be placed on International Legal Hold. Under the SOFA, the United States Government is required to assure my presence for interrogations and trial, if any. While on International Legal Hold I may not leave Japan (or any other limits set in the order placing me on International Legal Hold) for any reason unless authorized to do so in writing by the Component Commander, or designee. Failure to abide by the provisions of the International Legal Hold may well result in my arrest by the Japanese and possible incarceration. Additionally, failure to abide by the International Legal Hold will subject me to appropriate administrative or disciplinary action, including action under the UCMJ.
13. I fully realize that it is important to keep my parents and family informed of events during the course of my trial, if such trial should occur.

(Date)

(Suspect)

(Unit Representative or Sponsor)

(Judge Advocate or Personnel Rendering Briefing)