KNOW YOUR RIGHTS IN JAPAN

A Practical Guide for U.S. Service Members Under the SOFA

25 questions and answers to learn before anything happens

Read this now, not later. This is a plain-language summary of rights that apply if Japanese authorities ever investigate you. It is not a substitute for a lawyer. Rules for dependents, civilian employees, and contractors can differ. If something actually happens, contact your command and a Judge Advocate immediately.

Why this matters

Q1. If I live or serve in Japan under the SOFA, whose law applies if I get in trouble off duty?

A. Japan has the primary right to investigate and prosecute most off-duty offenses against Japanese law. The Status of Forces Agreement (SOFA) does not put you above Japanese law. It does give you specific protections if Japan investigates or tries you, and it requires the United States to help make sure you appear when required.

Q2. If Japanese police want to interview me, do I have to go?

A. Your command will normally direct you to attend the first interview and to be there on time. Going to that first interview is not the same thing as giving up your right to remain silent.

Q3. Can Japanese police arrest me just because I walk off base?

A. If you are under investigation, they may arrest you if you leave U.S. facilities and areas unless you are escorted by command representatives or you are off the installation on official duty at the specific direction of your chain of command. Do not assume you can wait it out in town.

Rights under the SOFA

Q4. What rights does the SOFA guarantee me if Japan takes my case?

A. You have the right:

- To a speedy trial.
- To be told, before trial, the specific nature of the charges.
- To be confronted with the witnesses against you.
- To compulsory process for witnesses in your favor if those witnesses are in Japan.
- To a lawyer of your choice, or free or assisted counsel under the conditions then prevailing in Japan.
- To a competent interpreter if you need one.
- To communicate with a U.S. Government representative and to have that representative present at your trial.
- You do not have to sign a statement written in Japanese.

Rights under Japanese law

Q5. What does the Constitution of Japan protect?

A. You have the right:

- Not to be arrested or detained without being told the charge at once, or without the immediate privilege of counsel.
- Not to be detained without adequate cause. If demanded, that cause must be shown immediately in open court, in your presence and with your counsel present.
- Not to be compelled to testify against yourself.

- To a full opportunity to examine all witnesses.
- Not to have cruel punishment imposed on you.

Q6. If I have not been arrested or detained, can I leave a police interview?

A. Yes. Under the Japanese Code of Criminal Procedure you may tell them you want to leave at any time after you appear. They must also tell you that you cannot be required to make a statement against your will.

Q7. If I have been arrested or detained, can I still stay silent?

A. Yes, but the setting changes. They may order you to remain for questioning and may keep asking questions even after you say you do not want to answer. Unlike U.S. law, you generally must invoke the right to remain silent on each question.

Q8. Do I have a right to remain silent?

A. Yes. You do not have to answer Japanese authorities. Anything you do say, spoken or written, can be used against you in the investigation and, if you are indicted, at trial.

Q9. Can they use my silence against me?

A. Yes. This is a major difference from U.S. law. A Japanese prosecutor may use your refusal to speak, and other conduct treated as uncooperative, against you at trial. Cooperation is often viewed favorably, but anything you say can still be used for or against you.

Q10. If I refuse to answer questions, can that lead to an arrest warrant?

A. Yes. If you choose not to cooperate, Japanese authorities may seek an arrest warrant and may use that refusal as a reason the warrant is necessary.

Statements and language

Q11. Will they write my statement in English?

A. They may question you in English, then write the statement in Japanese and ask you to sign the Japanese version.

Q12. Do I get to check a written statement before it is treated as mine?

A. Yes. The written statement must be read by you or to you. If you want additions, deletions, or other changes, those comments must be entered in the statement.

Q13. Do I have to sign a written statement?

A. No. After they ask you to confirm it is correct, they may ask you to sign. You may refuse.

Q14. Should I sign a statement written in Japanese?

A. It depends on whether you believe the statement that you read or has been read to you is accurate and correct. You do not have to sign a statement at all. You may not feel comfortable signing a statement in Japanese unless you fully read and understand Japanese legal writing. You may sign a statement in English, or in another language you actually read and understand.

Apology visits and how cases are decided

Q15. What is a condolence or apology visit?

A. If someone is killed, seriously hurt, or property is damaged, Japanese custom often expects the person who immediately caused the harm to visit and show sincere regret, even before fault is legally settled. How sincere that visit appears can affect whether a sentence is heavy, light, or suspended, or whether Japan waives the case. You may decline if you believe a visit would hurt your interests, or for any other reason. Talk to a Judge Advocate before you go.

Q16. How can a Japanese case end?

A. Japan may waive jurisdiction. The case may go to summary court. Or it may go to public trial at district court, with a right of appeal if you are convicted.

Q17. What is the lay judge system?

A. Serious crimes such as murder, rape, and robbery are decided by three judges and six Japanese citizens sitting as jurors. They decide guilt and sentence. Less serious cases are decided by one judge or a three-judge panel.

Q18. If Japan handles the case, can the military still punish me?

A. Yes. The United States may take administrative or disciplinary action at any time, including after Japan decides what to do. That can include action under the UCMJ.

Q19. How severe can a Japanese sentence be?

A. It depends on the offense under Japanese law. If a case actually goes forward, you should be told the maximum punishment that could be imposed if you are convicted at district court. Do not guess from American sentencing ranges.

Q20. If I am tried in a Japanese court, will anyone from the U.S. side be there?

A. A trial observer who is a lawyer, and a Japanese-language interpreter, are appointed to observe each trial session.

Lawyers and U.S. offices

Q21. Is the Foreign Criminal Jurisdiction Office (FCJO) my lawyer?

A. No. FCJO is the liaison between the U.S. Army and the Japanese Government. Its people will not act as your lawyer. What you tell them is not confidential and can later be used against you. There is no attorney-client privilege with that office.

Q22. Can I hire a Japanese lawyer, and can that lawyer sit with me during police questioning?

A. You may hire a Japanese lawyer at any time. Unlike U.S. law, you have no right to have that lawyer in the room during police questioning. If you are in jail, you do have the right to speak with your lawyer without a guard present.

Q23. Can the United States pay for a lawyer?

A. You may request U.S.-provided counsel for pretrial, trial, appeal, and post-trial work. You choose the lawyer, and that lawyer represents you, not the U.S. Government. For the United States to pay, you must pick from the U.S. Forces Japan approved list of attorneys who are qualified, competent, experienced in trial work, and admitted to full practice in Japanese courts. **Note:** The U.S. will not pay for attorneys for contractors.

Q24. What if I hire a lawyer who is not on the approved list?

A. You pay the entire fee. The United States is not required to pay any part of it.

Travel limits and family

Q25. What is International Legal Hold?

A. If you are tied to an incident, you may be ordered not to leave Japan (or other limits in the order) unless the Component Commander or a designee authorizes it in writing. The United States has to be able to produce you for interviews and trial. Breaking the hold can lead to Japanese arrest and to U.S. discipline, including under the UCMJ. If a case develops, keep your family informed and get legal help early.

Remember these points

- The SOFA is not a free pass. Japanese law still applies.
- You have the right to remain silent. If detained, say so question by question.
- Silence or not cooperating can be used against you in Japan.
- Do not sign a statement written in Japanese.
- A lawyer usually cannot sit with you during police questioning.
- FCJO is not your lawyer, and talks with that office are not private.
- U.S.-funded defense counsel must come from the approved list.
- Do not leave Japan on International Legal Hold without written permission.
- If something happens, call your command and a Judge Advocate before you talk, sign, or make an apology visit.

Drawn from the U.S. Army Advice to Persons Under Investigation by Japanese Authorities materials used for service members in Japan (January 2026 edition). This handout restates those points for general education. It is not an official form and does not create new rights