

Law on Punishment of and Measures against Acts of Piracy

(Purpose)

Article 1

The purpose of this Law is to prescribe punishment of acts of piracy, to provide necessary legal grounds for appropriate and effective response of Japan to acts of piracy and to thereby maintain public safety and order at sea, in consideration of the facts that securing safe maritime navigation of vessels used for marine transportation and other vessels sailing on the sea is of vital importance to the economic society and lives of the people of Japan, where the importance of foreign trade is high because it is encircled by the sea and depends on import for the majority of main resources, and that the United Nations Convention on the Law of the Sea provides that all states shall co-operate to the fullest possible extent in the repression of piracy on the high seas or in any other place outside the jurisdiction of any State.

(Definition of Acts of Piracy)

Article 2

The term “acts of piracy” as used in this Law shall mean the acts falling under any of the following items committed for private ends on the high seas (including exclusive economic zone (EEZ) prescribed in the United Nations Convention on the Law of the Sea) or territorial sea as well as internal waters of Japan by crew or passengers of a ship (except for warships and other government ships):

- (i) seizing another ship in navigation or taking control of the operation of another ship by rendering persons irresistible by assault, intimidation or any other means;
- (ii) robbing property on board another ship in navigation or obtaining or causing others to obtain an unlawful profit by rendering persons irresistible by assault, intimidation or any other means;
- (iii) kidnapping a person on board another ship in navigation for the purpose of taking the person hostage to demand a third person to deliver any property or to take any other unobligated action or to waive that person’s right;
- (iv) demanding a third person to deliver any property or to take any other unobligated action or to waive that person’s right by taking a person, on board a robbed ship or a ship whose control is taken or kidnapped on board another ship in navigation, hostage;
- (v) breaking into or damaging another ship in navigation for the purpose of committing the acts of piracy as referred to in each preceding items;
- (vi) operating a ship and approaching in close proximity of, beleaguering, or obstructing the

- passage of another ship in navigation for the purpose of committing the acts of piracy as referred to in items (i) to (iv) above; and
- (vii) preparing weapons and operating a ship for the purpose of committing the acts of piracy as referred to in items (i) to (iv) above.

(Crimes Relating to Acts of Piracy)

Article 3

- (1) A person who commits the acts of piracy as referred to in items (i) to (iv) of the preceding Article shall be punished by imprisonment with work either for life or for a definite term of not less than 5 years.
- (2) A person who attempts to commit the crimes set forth in the preceding paragraph (except for the act of piracy as referred to in item iv of the preceding Article) shall be punished.
- (3) A person who commits the acts of piracy as referred to in item (v) or item (vi) of the preceding Article shall be punished by imprisonment with work for not more than 5 years.
- (4) A person who commits the acts of piracy as referred to in item (vii) of the preceding Article shall be punished by imprisonment with work for not more than 3 years; provided, however, that the person who surrenders him/herself before the person commits the crime as referred to in paragraph 1 or the preceding paragraph shall be reduced or exculpated.

Article 4

- (1) When a person who commits the crimes as referred to in paragraph 1 or 2 of the preceding Article causes another to suffer injury at the scene of the crimes, the person shall be punished by imprisonment with work either for life or for a definite term of not less than 6 years, and in the case of causing death, the death penalty or imprisonment with work for life shall be imposed.
- (2) A person who attempts to commit the crimes set forth in the preceding paragraph shall be punished.

(Measures by the Japan Coast Guard against Acts of Piracy)

Article 5

- (1) With regard to the measures against acts of piracy, the Japan Coast Guard shall take necessary measures pursuant to the provisions of this Law, Japan Coast Guard Law (Law No. 28 of 1953), and any other laws.
- (2) The provision set forth in the preceding paragraph shall not be construed as precluding the power of administrative police agencies prescribed in Article 5, item 17 of Japan Coast Guard Law to take necessary measures against acts of piracy pursuant to provisions of relevant laws.

Article 6

In the course of deterring acts of piracy prescribed in paragraph 3 of Article 3 (limited to the crime as referred to in item (vi) of Article 2 actually committed, a Coast Guard Official and an Assistant Coast Guard Official may use their weapons, provided that the perpetrator or the ship disobeys other measures to deter and continues the acts of piracy and that there is probable cause to believe in the lack of any other appropriate measures to stop the navigation of that ship, to the extent reasonably necessary and according to the situation, in addition to the case that a Coast Guard Official may use weapons as stipulated in Article 7 of the Law concerning the Execution of Duties of Police Officials (Law No. 136 of 1948), as applied, *mutatis mutandis*, pursuant to paragraph 1 of Article 20 of Japan Coast Guard Law.

(Anti-Piracy Response Operations)

Article 7

- (1) The Minister of Defense, with the approval of the Prime Minister, may order units of the Japan Self-Defense Forces to take necessary actions against acts of piracy at sea in the case where there is extraordinary necessity to take measures against acts of piracy; in this case, the provision of Article 82 of the Self-Defense Forces Law (Law No. 165 of 1954) shall not apply.
- (2) In obtaining the approval set forth in the preceding paragraph, the Minister of Defense, after consultation with the heads of the relevant administrative organizations, shall draw up and submit to the Prime Minister the guidelines for response operations stipulating the following items; provided, however, that if the Minister of Defense requires urgency in order to take measures against the acts of piracy actually committed, it is sufficient only to notify the outline of the necessary actions to the Prime Minister:
 - (i) Necessity of the action set forth in the preceding paragraph (hereinafter referred to as "the Anti-Piracy Response Operations").
 - (ii) Area of the sea where the Self-Defense Forces take the Anti-Piracy Response Operations.
 - (iii) Scale, formation, equipment, and term of the unit of the Self-Defense Forces which the Minister of Defense orders to take the Anti-Piracy Response Operations.
 - (iv) Other important matters relevant to the Anti-Piracy Response Operations.
- (3) In cases listed in each of the following items, the Prime Minister shall report to the Diet without delay the matters prescribed in such items:
 - (i) When he/she has given the approval prescribed in paragraph 1, statement to the effect and the matters listed in each item of the preceding paragraph.
 - (ii) When the Anti-Piracy Response Operations have ended, the result of the operations.

(Competence of the Japan Self-Defense Forces in the Anti-Piracy Response Operations)

Article 8

- (1) The provisions of Article 16, paragraph 1 of Article 17 and Article 18 of Japan Coast Guard Law shall apply, *mutatis mutandis*, to the execution of the duties of Maritime Self-Defense officials at the rank of Petty Officer 3rd Class or higher of Maritime Self-Defense Forces which is ordered to take the Anti-Piracy Response Operations.
- (2) The provisions of Article 7 of the Law concerning the Execution of Duties of Police Officials and the provisions prescribed in Article 6 shall apply, *mutatis mutandis*, to the execution of the duties of Self-Defense officials of Japan Self-Defense Forces which is ordered to take the Anti-Piracy Response Operations. In this case, the term “paragraph 1 of Article 20 of Japan Coast Guard Law” in the same article shall be deemed to be replaced with “paragraph 2 of Article 8.”
- (3) The provisions of paragraph 2 of Article 89 of Self-Defense Forces Law shall apply, *mutatis mutandis*, to the case that Self-Defense officials may use their weapons pursuant to the provision of Article 7 of the Law concerning the Execution of Duties of Police Officials, as applied, *mutatis mutandis*, pursuant to the preceding paragraph and Article 6, as applied, *mutatis mutandis*, pursuant to the same paragraph.

(Application of Japanese Laws)

Article 9

With regard to the execution of the duties by Japanese public officials outside Japan related to measures against acts of piracy prescribed in Article 5 to the preceding paragraph and precluding act of this execution, Japanese laws (including penal provisions) shall apply.

(Cooperation of the Relevant Administrative Organizations)

Article 10

The heads of the relevant administrative organizations shall cooperate with the Commandant of the Japan Coast Guard and the Minister of Defense on measures against acts of piracy in order to achieve the objective of Article 1.

(Responsibilities of National Government and Other Entities)

Article 11

- (1) The state shall endeavor to conduct the collection, compilation, analysis, and provision of information necessary for preventing damage by acts of piracy.
- (2) The carrier who operates the vessel and other persons who participate in navigation of the

vessels prescribed in Article 23-3, paragraph 2 of Marine Transportation Law (Law No. 187 of 1949) shall make their own efforts towards prevention of damage by acts of piracy and endeavor to provide the state with appropriate information on acts of piracy.

(Sincere Implementation of International Agreements)

Article 12

In the enforcement of this Law, care shall be taken not to preclude the sincere implementation of treaties and other international agreements Japan has signed, and established laws of nations shall be observed.

(Delegation to Cabinet Order)

Article 13

In addition to what is provided in this Law, procedure for execution of this Law and other matters necessary for the enforcement of this Law shall be prescribed by Cabinet Order.

Supplementary Provisions

(Effective Date)

Article 1

This Law shall come into effect as of the day on which thirty days have elapsed from the date of promulgation; provided, however, that the provision of Article 6 of this supplementary provisions shall come into effect as of one day later than either the date of the enforcement of the Law for Partial Revision of the Penal Code, etc. to Respond to Increase in International and Organized Crimes and Advancement of Information Processing (Law No. of 2009) or the date of the enforcement of this Law.

(Transitional Measures)

Article 2

In case that the date of the enforcement of the Law for Partial Revision of the Penal Code, etc. to Respond to Increase in International and Organized Crimes and Advancement of Information Processing comes after the date of the enforcement of this Law, with regard to the application of the provisions of the Law on Punishment of Organized Crimes and Control of Crime Proceeds (Law No. 136 of 1999) during the period from the date of the enforcement of this Law until the day preceding the date of the enforcement of the Law for Partial Revision of the Penal Code, etc. to Respond to Increase in International and Organized Crimes and Advancement of Information

Processing, the crime prescribed in paragraph 1 of Article 3 and Article 4 (limited to acts of piracy pertaining to item 4 of Article 2) shall be deemed to be the crime prescribed in Article 13, paragraph 2 of the same law, and the crime prescribed in paragraph 1 to 3 of Article 3 and Article 4 shall be deemed to be the crime listed in the appended table of the same law.

Article 3

The provisory clause of paragraph 4 of Article 3 shall also apply to the acts committed prior to the enforcement of this Law by a person who has surrendered him/herself after the enforcement of this Law.

Article 4

With regard to the acts of units of the Japan Self-Defense Force which is ordered to act pursuant to the provision of Article 82 of the Self-Defense Force Law at the time of the enforcement of this Law, the provision of the second sentence of paragraph 1 of Article 7 shall not apply.

(Partial Revision of the Self-Defense Forces Law)

Article 5

The Self-Defense Forces Law shall be partially revised as stated below.

“Paragraph 1 of Article 82-2” in paragraph 2 of Article 22 shall be revised to read “Anti-Piracy Response Operations prescribed in Article 82-2, paragraph 1 of Article 82-3.”

Article 82-2 shall be revised to read Article 82-3, and the following article shall be added as the article following Article 82.

(Anti-Piracy Response Operations)

Article 82-2

The Minister of Defense may order units of Japan Self-Defense Forces to take the Anti-Piracy Response Operations pursuant to the provision of Law on Punishment of and Measures against Acts of Piracy (Law No. of 2009).

“Paragraph 1 of Article 82-2” in Article 86 shall be revised to read “paragraph 1 of Article 82-3”

“Paragraph 1 of Article 82-2” in Article 93-2 shall be revised to read “paragraph 1 of Article 82-3,” the same Article shall be revised to Article 93-3, and the following article shall be added as the article following Article 93.

(Competency at the Anti-Piracy Response Operations)

Article 93-2

Pursuant to Law on Punishment of and Measures against Acts of Piracy, Self-Defense officials ordered to take Anti-Piracy Response Operations prescribed in Article 82-2 may exercise authority prescribed in the same Law.

“Paragraph 1 of Article 82-2” in paragraph 4 of Article 107 shall be revised to “paragraph 1 of Article 82-3.”

(Partial Revision of the Law on Punishment of Organized Crimes and Control of Crime Proceeds)

Article 6

The Law on Punishment of Organized Crimes and Control of Crime Proceeds shall be partially revised as stated below.

The following item shall be added as the item following paragraph 2 of Article 13.

- (xii) the crime prescribed in the paragraph 1 of Article 3 and Article 4 (demand by a hostage, wounding and killing of a hostage) pertaining to the acts of piracy pertaining to item (iv) of Article 2 of Law on Punishment of and Measures against Acts of Piracy (Law No. of 2009).