

Subversive Activities Prevention Act

(Act No. 240 of July 21, 1952)

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Chapter I General Provisions

(Purpose of this Act)

Article 1 The purpose of this Act is to prescribe necessary control measures for an Organization which has committed a Terroristic Subversive Activity as an Organizational activity, and to prescribe penalties for Terroristic Subversive Activities, thereby contributing to securing public security.

(Interpretation and Application of this Act)

Article 2 Due to the fact that this Act has a grave bearing upon the fundamental human rights of the citizens, it shall be applied only to the minimum extent necessary to secure public security, and shall not under any circumstances be subject to an expanded interpretation.

(Control Standards)

Article 3 (1) Controls and investigations for controls under this Act shall be conducted only to the minimum extent necessary to achieve the purpose prescribed in Article 1, and shall not under any circumstances be carried out, in deviation from the prescribed authority, to unreasonably restrict freedom of thought, freedom of religion, freedom of assembly and association, freedom of expression, academic freedom, the right of workers to organize and act collectively, or any other liberty or right of the citizens which is guaranteed by the Constitution of Japan.

(2) Controls and investigations for controls under this Act shall not under any circumstances be abused or used to restrict or interfere with any lawful activity by labor union or other Organization.

(Definitions)

Article 4 (1) In this Act, the term "Terroristic Subversive Activity" means:

- (i) (a) committing an act prescribed in Article 77 (Insurrection), Article 78 (Preparations; Plots), Article 79 (Accessoryship to Insurrection), Article 81 (Instigation of Foreign Aggression), Article 82 (Assistance to the Enemy), Article 87 (Attempts) or Article 88 (Preparations; Plots) of the Penal Code (Act No. 45 of 1907);
- (b) Inducing an act prescribed in (a) above;
- (c) with the intent to cause an act prescribed in Article 77, 81 or 82 of the Penal Code to be committed, inciting the act;
- (d) with the intent to cause an act prescribed in Article 77, 81 or 82 of the Penal Code to be committed, printing, distributing to a number of persons or posting openly any document or picture asserting the propriety or necessity of the commitment of the act; or
- (e) with the intent to cause an act prescribed in Article 77, 81 or 82 of the Penal Code to be committed, communicating any assertion of the propriety or necessity of the performance of the act via wireless communications or wire broadcasting.
- (ii) with the intent to promote, support or oppose any political doctrine or policy, performing any of the following acts:
 - (a) an act prescribed in Article 106 of the Penal Code (Disturbance);
 - (b) an act prescribed in Article 108 (Arson of Inhabited Buildings) or Article 109, paragraph (1) (Arson of Uninhabited Buildings) of the Penal Code;
 - (c) an act prescribed in the first sentence of Article 117, paragraph (1) of the Penal Code (Detonating of Explosives);
 - (d) an act prescribed in Article 125 of the Penal Code (Endangering Traffic);
 - (e) an act prescribed in Article 126, paragraph (1) or (2) of the Penal Code (Overturning of Trains);
 - (f) an act prescribed in Article 199 of the Penal Code (Homicide);
 - (g) an act prescribed in Article 236, paragraph (1) of the Penal Code (Robbery);
 - (h) an act prescribed in Article 1 of the Criminal Regulations to Control Explosives (Cabinet Ordinance No. 32 of 1884) (Criminal Use of Explosives);
 - (i) an act prescribed in Article 95 of the Penal Code (Obstructing or Compelling Performance of Public Duty), committed collectively by carrying any deadly weapon or poison, against any person engaged in prosecutorial or police duties, any assistant to the person, any person who guards or escorts persons in legal custody, or any person engaged in an investigation under this Act; or

- (j) preparing, plotting or inducing any of the acts prescribed in (a) through (i) above, or Inciting any of the acts prescribed in (a) through (i) above with the intent to cause the acts to be committed.
- (2) In this Act, the term "Incite" means, with the intent to cause a particular act to be committed, allowing a person, by means of any document, picture, speech or action, to decide to commit the act, or to be provided with a stimulus of sufficient power to promote a decision already in the process of being made.
- (3) In this Act, the term "Organization" means a continuous association of persons, or a federation of such associations, organized to achieve any particular common objective. Any branch, chapter or subsidiary body of an Organization, in case it comes within the purview of this definition, may be subject to control under this Act.

Chapter II Control on Subversive Organizations

(Restriction on an Organization's Activities)

Article 5 (1) When the Public Security Examination Commission has sufficient reasons to believe that there is a clear danger that an Organization which has committed a Terroristic Subversive Activity as an Organizational activity will commit the Terroristic Subversive Activity again in the future, continuously or repeatedly, as an Organizational activity, the Public Security Examination Commission may issue any of the following dispositions to the Organization; provided that the disposition shall not exceed that which is necessary and reasonable to eliminate the danger:

- (i) in case the Terroristic Subversive Activity has been committed at a mass demonstration, procession or public assembly, prohibiting the Organization from performing any mass demonstration, procession or public assembly corresponding respectively at a specific area for a fixed period not exceeding six months;
- (ii) in case the Terroristic Subversive Activity has been committed by means of any periodical publication of the Organization (meaning any publication continuously issued by the Organization to advocate, communicate or propagate the objectives, doctrine or policy of the Organization), prohibiting the Organization from the continued printing and distribution of the publication for a fixed period not exceeding six months; or
- (iii) prohibiting the Organization from allowing a particular official (meaning a representative, chief officer or any other person engaged in the official work of the Organization, regardless of title; the same applies hereinafter) or member of the Organization who has taken part in the Terroristic Subversive Activity to perform any act in the interest of the Organization for a fixed period not exceeding six months.

(2) After a disposition under the preceding paragraph has become effective, no person shall perform any act against the objectives of the disposition as an official or member of the Organization; provided that this does not apply in the case of effectuation of the disposition under (iii) of the same paragraph, to any act by the official or member of the Organization which is deemed necessary for litigation involving the validity of the disposition.

(Prohibition of Evasion of Law)

Article 6 No official or member of an Organization which has become subject to a disposition prescribed in paragraph (1) of the preceding Article shall, under any name, perform any act to evade a prohibition under paragraph (2) of the same Article.

(Designation of Dissolution)

Article 7 When the Public Security Examination Commission has sufficient reasons to believe that there is a clear danger that an Organization coming under any of the following categories will commit any Terroristic Subversive Activity again in the future, continuously or repeatedly, as an Organizational activity and believes a disposition under Article 5, paragraph (1) would not effectively eliminate the danger, the Public Security Examination Commission may designate the Organization to be dissolved:

- (i) an Organization which has committed a Terroristic Subversive Activity listed in Article 4, paragraph (1), item (i) as an Organizational activity;
- (ii) an Organization which has committed a Terroristic Subversive Activity listed in Article 4, paragraph (1), item (ii), (a) through (i) as an Organizational activity, or which has set the activity in motion but not accomplished it, or which has induced or, with the intent to cause the activity to be performed, Incited persons to commit the activity; or
- (iii) an Organization which has become subject to a disposition under Article 5, paragraph (1), and which has again committed a Terroristic Subversive Activity as an Organizational activity.

(Prohibition from Engaging in Acts in the Interest of the Organization)

Article 8 After any disposition under the preceding Article has become effective, no person who was an official or member of the Organization on or after the date on which the Terroristic Subversive Activity occasioning the disposition was committed shall perform any act in the interest of the Organization; provided that this does not apply to any act which is deemed necessary for litigation involving the validity of the disposition or for the liquidation or winding up of the property or affairs of the Organization.

(Prohibition of Evasion of the Law)

Article 9 No person prescribed in the preceding Article shall, under any name , perform any act to evade a prohibition under the same Article.

(Liquidation of Property)

Article 10 (1) With regard to a juridical person, when a disposition under Article 7 becomes final and legal proceedings seeking withdrawal of the disposition are not possible, the person dissolve itself.

(2) When a disposition under Article 7 becomes final and legal proceedings seeking withdrawal of the disposition are not possible, the Organization shall promptly liquidate its property.

(3) When the liquidation of property under the preceding paragraph has been completed, a person who has been official of the Organization shall make a report to the Director-General of the Public Security Intelligence Agency.

Chapter III Procedure for Control on Subversive Organizations

(Requests for Dispositions)

Article 11 Dispositions under Article 5, paragraph (1) and Article 7 are issued only at the request of the Director-General of the Public Security Intelligence Agency.

(Notification)

Article 12 (1) When the Director-General of the Public Security Intelligence Agency makes a request under the preceding Article, he/she shall in advance fix a date and place for an explanation with regard to the case, and shall notify the Organization of the date and place as well as the gist of the reasons for the request for the disposition at least seven days before the date.

(2) The notification under the preceding paragraph is given by publication in the Official Gazette. In this case, it is deemed to reach the Organization when seven days have elapsed after the date of such publication.

(3) When the domicile or residence of the representative or chief officer of the Organization is known, a written notification shall be sent to such person in addition to publication in the Official Gazette pursuant to the preceding paragraph.

(Agents)

Article 13 An Organization which has received a notification under paragraph (1) of the preceding Article may appoint a lawyer or lawyers or any other person or persons as an agent or agents with regard to the case.

(Statement of Opinion and Production of Evidence)

Article 14 A maximum of five officials, members or agents of the Organization may appear on a hearing date, state opinions on the facts and evidence, and submit favorable evidence to an official of the Public Security Intelligence Agency who is commissioned by the Director-General of the Agency (hereinafter referred to as "Commissioned Officer").

(Attendance)

Article 15 (1) The Organization may appoint a maximum of five persons as observers with regard to the case.

(2) When appointing an observer, the Organization shall report his/her name to the Director-General of the Public Security Intelligence Agency.

(3) On the date of explanation, observers and persons engaged in reporting for any newspaper or news or broadcasting service may attend the proceedings.

(4) When a person prescribed in the preceding paragraph performs conduct that interferes with the explanation, the Commissioned Officer may order such person to leave.

(Unnecessary Evidence)

Article 16 The evidence submitted under Article 14, if unnecessary, need not to be examined; provided that the Commissioned Officer shall not abuse his/her power by unlawfully curtailing the right of the Organization to a fair and full explanation.

(Record)

Article 17 (1) The Commissioned Officer shall make records of the process on the date of explanation.

(2) Regarding the record under the preceding paragraph, a person who has appeared under Article 14 shall be given opportunities to state opinions on its contents, which shall be supplemented by an indication of whether the person has any opinion about the contents, and if any, a gist of such an opinion.

(Delivery of a Copy of the Record, etc.)

Article 18 The Commissioned Officer, when requested by the Organization, shall deliver a copy of the record and documentary evidence examined to the Organization.

(Notification of Decision not to Request a Disposition)

Article 19 When the Director-General of the Public Security Intelligence Agency decides not to request a disposition under Article 11 with regard to a case in which he/she has given notification under Article 12, paragraph (1), he/she

shall promptly notify the Organization of the decision and publish the notification in the Official Gazette.

(Formalities of Requesting a Disposition)

- Article 20 (1) A request for a disposition under Article 11 shall be made by submitting a written request for a disposition to the Public Security Examination Commission detailing the facts which constitute the grounds for the request, the disposition to be issued pursuant to Article 5, paragraph (1) or Article 7, and other matters prescribed by the Rules of the Public Security Examination Commission.
- (2) A written request for a disposition shall be accompanied by evidence proving the facts which constitute the grounds for the request, all evidence submitted by the Organization and the record prescribed in Article 17.
- (3) Regarding the evidence under the preceding paragraph proving the facts which constitute the grounds for the request for a disposition, the Organization shall be given opportunities to state its opinion on the evidence.

(Notification of Request for a Disposition and Written Opinion)

- Article 21 (1) In case the Director-General of the Public Security Intelligence Agency has submitted a written request for a disposition to the Public Security Examination Commission, he/she shall notify the Organization of the contents of the request.
- (2) The notification under the preceding paragraph is given by publication in the Official Gazette. In this case, it is deemed to reach the Organization when seven days have elapsed after the date of the publication.
- (3) When the domicile or residence of the representative or chief officer of the Organization is known, a copy of the written request for a disposition shall be sent to such person in addition to publication in the Official Gazette pursuant to the preceding paragraph.
- (4) The Organization may, within fourteen days after the notification under paragraph (1) is reached, submit its written opinion about the request for a disposition to the Public Security Examination Commission.

(Decision by the Public Security Examination Commission)

- Article 22 (1) The Public Security Examination Commission shall examine the written request for a disposition, the evidence and the record submitted by the Director-General of the Public Security Intelligence Agency and the written opinion submitted by the Organization. In this case, the Public Security Examination Commission may carry out interrogations as necessary.
- (2) In order to carry out interrogations under the preceding paragraph, the Public Security Examination Commission may issue the following dispositions:

- (i) requesting that a relevant person or witness voluntarily appear before the Public Security Examination Commission and interrogating the person, or seeking opinions or reports from the person;
 - (ii) requesting that an owner, possessor or keeper of books, documents or other articles submit them voluntarily, or placing such voluntarily submitted articles in the custody of the Public Security Examination Commission;
 - (iii) with the consent of a caretaker or tenant, or any other proper substitute, entering the office of the Organization or any other necessary place and inspecting the status of the business or books, documents or other articles; and
 - (iv) requesting that a public office or public or private Organization submit necessary reports or materials.
- (3) The Public Security Examination Commission, when it deems appropriate, may have a member or official of the Public Security Examination Commission issue any of the dispositions under the preceding paragraph.
- (4) In issuing any of the dispositions under paragraph (2), a member or official of the Public Security Examination Commission, when demanded by a relevant person, shall present his/her certificate of identification indicating his/her official status.
- (5) The Public Security Examination Commission shall, based on the results of the examination under paragraph (1), make a decision within one of the following categories on the case:
- (i) a decision denying the request for a disposition when the request is found unlawful;
 - (ii) a decision dismissing the request for a disposition when there are found to be reasons for the request; or
 - (iii) a decision issuing the requested disposition when there are found to be reasons for the request.
- (6) Even in case the Public Security Examination Commission is unable to issue a disposition under Article 7 in a case involving a request for dissolution, when the Organization falls under Article 5, paragraph (1), the Public Security Examination Commission shall make a decision on any of the dispositions under Article 5, paragraph (1), notwithstanding the provisions of item (ii) of the preceding paragraph.

(Decision Making Form)

Article 23 A decision shall be made in writing, and accompanied by a statement of the reason, and shall bear the signatures and seals of the chairman and members who took part in the decision.

(Notification and Publication of a Decision)

Article 24 (1) The Director-General of the Public Security Intelligence Agency and the Organization shall be notified of a decision.

(2) The notification under the preceding paragraph is given by a copy of the written decision being sent to the Director-General of the Public Security Intelligence Agency and the Organization.

(3) A decision shall be published in the Official Gazette.

(Timing of a Decision's Entry into Effect)

Article 25 (1) A decision becomes effective at the time prescribed in each of the following items:

(i) a decision denying or dismissing the the request for a disposition: when a copy of the written decision is sent to the Director-General of the Public Security Intelligence Agency; or

(ii) a decision issuing a disposition under Article 5, paragraph (1) or Article 7: when the decision is published in the Official Gazette pursuant to the provisions of paragraph (3) of the preceding Article.

(2) The court shall attempt to promptly commence the trial in a suit seeking withdrawal of a decision under the preceding paragraph, and to pass judgment within one hundred days from the date of acceptance of the suit, regardless of the order of other cases.

(Detailed Regulations on Procedure for Disposition)

Article 26 Beyond what is prescribed in this Chapter, detailed regulations on the Public Security Examination Commission's procedures are set forth in the Rules of the Public Security Examination Commission.

Chapter IV Investigation

(Investigative Authority of the Public Security Intelligence Officers)

Article 27 A Public Security Intelligence Officer may conduct necessary investigations with regard to the controls under this Act, within the limits of the standards prescribed in Article 3.

(Inspection of Documents and Evidence)

Article 28 (1) A Public Security Intelligence Officer may, when there is a need for an investigation with regard to the controls under this Act, request that the public prosecutor or judicial police officer allow him/her to inspect the documents, papers or evidence regarding related cases.

(2) Unless the request under the preceding paragraph interferes with the performance of his/her duties, the public prosecutor or judicial police officer complies with such request.

(Exchange of Information between the Public Security Intelligence Agency and the Police)

Article 29 The Public Security Intelligence Agency, and the National Police Agency or prefectural police shall mutually exchange information or material with regard to enforcement of this Act.

(Attendance by the Public Security Intelligence Officer)

Article 30 The Public Security Intelligence Officer may, when there is a need for an investigation with regard to the controls under this Act, attend the seizure of property, search and inspection by the judicial police officer in an offense involving a Terroristic Subversive Activity.

(Retaining of Articles)

Article 31 The Public Security Intelligence Officer may retain any articles submitted voluntarily by a relevant person or witness. In this case, the Public Security Intelligence Officer shall prepare an inventory of such articles and deliver it to the person who submitted the articles.

(Custody of Articles)

Article 32 If it is inconvenient for the Public Security Intelligence Officer to transport or keep any of the articles retained under the preceding Article, he/she may assign a guard for such articles or have the owner of such articles, or any other competent person, keep them with the consent of such person.

(Return of Articles)

Article 33 (1) Among the articles retained by the Public Security Intelligence Officer under Article 31, if there are ones which need not be kept in his/her custody, he/she shall return such articles to the person who submitted them.
(2) In the case under the preceding paragraph, when the articles cannot be returned because the domicile of the person to whom they are to be returned is unknown or for any other reason, the Public Security Intelligence Officer shall publish such fact in the Official Gazette.
(3) When, within six months after the date of publication in the Official Gazette, the article is not claimed, it belongs to the national treasury.
(4) Even within the period under the preceding paragraph, articles that have no value may be scrapped and those that are inconvenient to keep may be sold by public auction and the proceeds kept in custody.

(Presentation of Certificate of Identification)

Article 34 In performing his/her official duties, the Public Security Intelligence

Officer shall, when demanded by a relevant person, present his/her certificate of identification indicating his/her official status.

Chapter V Miscellaneous Provisions

(Publication of Judicial Decisions)

Article 35 When a court revokes all or part of a decision by the Public Security Examination Commission to issue a disposition under Article 5, paragraph (1) or Article 7, the Director-General of the Public Security Intelligence Agency shall publish the judicial decision in the Official Gazette.

(Report to Diet)

Article 36 The Minister of Justice shall report to the Diet once a year through the Prime Minister on the status of the control of Organizations under this Act.

(Exclusion from Application of the Administrative Procedure Act)

Article 36-2 The provisions of Chapter III of the Administrative Procedure Act (Act No. 88 of 1993) do not apply to dispositions issued by the Public Security Examination Commission based on the provisions of this Act (including a disposition by a member or official of the Public Security Examination Commission pursuant to the provision of Article 22, paragraph (3)).

(Restriction on Appeal)

Article 36-3 No appeal under the Administrative Appeals Act (Act No. 160 of 1962) may be entered against a disposition issued by the Public Security Examination Commission based on the provisions of this Act (including a disposition by a member or official of the Public Security Examination Commission pursuant to the provision of Article 22, paragraph (3)).

(Detailed Regulations for Enforcement)

Article 37 Unless otherwise specifically provided in this Act, procedures for the implementation of this Act and other detailed regulations necessary for its enforcement are set forth by Ordinance of the Ministry of Justice.

Chapter VI Penal Provisions

(Inducement to the Crime of Insurrection and Foreign Aggression)

Article 38 (1) A person who has induced a crime under Article 77, 81 or 82 of the Penal Code or Incited others to commit the crime with the intent to cause the crime to be committed is punished by imprisonment with or without work for a term not exceeding seven years.

- (2) A person who falls under any of the following items is punished by imprisonment with or without work for a term not exceeding five years:
- (i) a person who has induced a crime under Article 78, 79 or 88 of the Penal Code;
 - (ii) a person who has printed, distributed to a number of persons or posted openly any document or picture asserting the propriety or necessity of committing a crime under Article 77, 81 or 82 of the Penal Code, with the intent to cause the crime to be committed; or
 - (iii) a person who has communicated any assertion of the propriety or necessity of committing a crime under Article 77, 81 or 82 of the Penal Code via wireless communications or wire broadcasting, with the intent to cause the crime to be committed.
- (3) In case a person has committed any of the crimes under the preceding two paragraphs pertaining to a crime under Article 77, 78 or 79 of the Penal Code and has surrender himself/herself before the riot occurs, his/her sentence is reduced or remitted.

(Preparation of the Crime of Arson for Political Purposes)

Article 39 A person who, with the intent to promote, support or oppose any political doctrine or policy, has prepared, plotted or induced a crime under Article 108, Article 109, paragraph (1), the first sentence of Article 117, paragraph (1), Article 126, paragraph (1) or (2), Article 199 or Article 236, paragraph (1) of the Penal Code, or Incited others to commit the crime with the intent to cause it to be committed, is punished by imprisonment with or without work for a term not exceeding five years.

(Preparation of the Crime of a Disturbance for Political Purposes)

Article 40 A person who, with the intent to promote, support or oppose any political doctrine or policy, has prepared, plotted or induced any of the following crimes, or Incited others to commit the crime with the intent to cause it to be committed, is punished by imprisonment with or without work for a term not exceeding three years:

- (i) a crime under Article 106 of the Penal Code;
- (ii) a crime under Article 125 of the Penal Code; or
- (iii) a crime under Article 95 of the Penal Code, committed collectively by carrying any deadly weapon or poison, against any person engaged in prosecutorial or police duties, any assistant to such official, any person who guards or escorts persons in legal custody, or any person engaged in an investigation under this Act.

(Inducement)

Article 41 The provisions of this Act related to inducement do not preclude the imposition of a penalty for inducement under the General Provisions of the Penal Code for any offense committed by any person induced to commit such offense. In this case, the sentences provided for by the Penal Code and this Act are compared and the heavier sentence is imposed.

(Crime of the Violation of Prohibition from Engaging in Acts in the Interest of the Organization)

Article 42 A person who has violated Article 8 or 9 is punished by imprisonment with work for a term not exceeding three years or a fine not exceeding fifty thousand yen.

(Crime of the Violation of Disposition Restricting an Organization's Activities)

Article 43 A person who has violated Article 5, paragraph (2) or Article 6 is punished by imprisonment with work for a term not exceeding two years or a fine not exceeding thirty thousand yen.

(Crime of the Violation of Order to Leave)

Article 44 A person who has violated an order under Article 15, paragraph (4) shall be punished by a fine not exceeding thirty thousand yen.

(Crime of the Abuse of Authority by a Public Security Intelligence Officer)

Article 45 When a Public Security Intelligence Officer has abused the authority prescribed in this Act by forcing a person to do anything which the person is not obliged to do or by interfering with the exercise of a person's rights, he/she is punished by imprisonment with or without work for a term not exceeding three years.

Supplementary Provisions [Extract]

- (1) This Act is enforced as of the day of promulgation.
- (2) The following Cabinet Orders is repealed:
 - (i) Organization Reformation Order (Cabinet Order No. 64 of 1949);
 - (ii) Cabinet Order Concerning the Custody and Disposition of Property of Dissolved Organizations (Cabinet Order No. 238 of 1948); and
 - (iii) Order Concerning the Sales Commission for Dissolved Organizations' Property (Cabinet Order No. 285 of 1948).
- (3) The penal provisions in the Cabinet Orders listed in item (i) or (ii) of the preceding paragraph then in force remain applicable to unlawful acts performed before the enforcement of this Act.
- (4) The provisions then in force remain applicable with regard to the custody and

disposition (including repayment of liabilities under Article 14 of the Cabinet Order Concerning the Custody and Disposition of Property of Dissolved Organizations) of the property of any organization dissolved under Article 4 of the Organization Reformation Order (including organizations prescribed in Article 23 of the Cabinet Order Concerning the Custody and Disposition of Property of Dissolved Organizations) which has belonged to the national treasury prior to the enforcement of this Act, and punishment for any irregularity relating to such matter. In this case, the business of the Sales Commission for Dissolved Organizations' Property is conducted by the Minister of Justice.

(5) Abbreviated

(6) The Code of Criminal Procedure (Act No. 131 of 1948) is amended in part as follows:

Add, immediately after "Articles 193 to 196 of the Penal Code" in the provisions of Article 262, paragraph (1), the words "or Article 45 of the Subversive Activities Prevention Act (Act No. 240 of 1952)."