

Revision of the Act on Criminal Trials with the Participation of Saiban-in (Saiban-in Law): Overview

1. Revision background

(1) Discussion Panel for Saiban-in System meetings

May 2009: Saiban-in system started

September 2009 to June 2013: The status of the implementation of the saiban-in system became the topic of discussion for the Discussion Panel for the Saiban-in System, consisting of criminal law researchers, judges, public prosecutors, lawyers, victim support organizations, and other experts.

(2) Legislative Council deliberation

Based on the outcome of discussions of the Discussion Panel, in October 2013, the Legislative Council of the Ministry of Justice was asked to consider revision of the saiban-in system.

July 2014: The Council submitted a report in favor of revising the following four points.

(Reference)

Supplementary Provisions of the Saiban-in Law

Article 9: The government is to, after three years have elapsed from the date of enforcement of this Act, review the status of implementation of this Act and take appropriate measures, if it finds it necessary to do so based on the results of said review, to ensure that the system of criminal trials with the participation of saiban-in is capable of fully exercising its function as the basis of Japan's judicial system.

2. New rules: overview

(1) Exempting saiban-in from cases that are very long in duration

Article 3 – 2: Cases that will take a very long time to reach decisions or that have a very large number of court hearing dates, making the appointment of saiban-in difficult, will have their trials attended only by judges.

(2) Refusing appointment at times of disaster

Article 16, Item 8: Having to rebuild one's own life after suffering damage from serious disasters has been added as a valid reason to refuse appointment.

Example: One's house was crushed by a landslide caused by extreme rainfall

(3) Saiban-in shall not be summoned at times of extreme disaster

Article 27 – 2 and Article 97, paragraph 5: Saiban-in candidates living in areas with traffic cut off after abnormal and extreme disasters do not have to be summoned.

Example: Areas afflicted by the Great East Japan Earthquake of 2011

(4) Protecting victims' identities when appointing saiban-in

Article 33 – 2, paragraph 1: Judges, public prosecutors, defendants, and attorneys cannot disclose any victim's designated information* to saiban-in candidates without valid reason.

Article 33 – 2, paragraph 3: Citizens who are or were saiban-in candidates cannot make public any victim's designated information that they had come to know during their saiban-in appointment process.

*Victim's designated information includes name, address, or any other data that may identify the victim (Code of Criminal Procedure, Article 290 – 2).