

## **Criminal Procedure Law (1990)**

### **Part III**

#### *Investigation-Interrogation of Criminal Cases*

##### *Chapter 1. Commencement of investigation-Interrogation in Criminal Cases*

#### **Article 26: Events and Basis for the Comment of Investigation-Interrogation in Criminal Cases**

Cases for the commencement of investigation-interrogation in criminal cases consist of

1. A citizen, office, enterprise, organization or an employee's suit or a complaint regarding an offense. Such suit or complaint is to be submitted to an investigating-interrogation official or the public prosecutor.
2. The voluntary submission of the offender;
3. The discovery of evidence of wrong doing by the investigating-interrogating office, public prosecutor, or court.

There shall be commencement of the investigation-interrogation of a criminal case only if there is a sufficient basis which demonstrates the elements of an offense.

##### ***Chapter 2. Investigation-Interrogation***

#### **Article 32. Term for Investigation-Interrogation**

The investigating-interrogating official must proceed with investigation-interrogation, with a summary of the investigation-interrogation and the compilation of the case dossier as well as objective information to be sent to the public prosecutor within a period no later than at least two months from the date that investigation-interrogation has commenced.

If the term for the investigation-interrogation is close to being terminated, more investigation-interrogation is required, then the public prosecutor may extend the time period for more investigation-interrogation for additional two month periods in accordance with the request of the investigation-interrogation agency.

In the case that there is a return of the case dossier to the investigation-interrogation agency for additional investigation-interrogation, that addition term for investigation-interrogation shall not exceed two months from the date that the investigating-interrogating official has received the case dossier, In the case that there is a reopening of a suspended case or a closed case, the investigation-interrogation shall be performed in accordance with the time limits referred to in paragraph 1 and paragraph 2 of this Article from the date of such reopening of the case.

In the authorization or non-authorization of a time extension for that investigation- Interrogation, the public prosecutor must issue an order in writing along with his reasons [for doing so].

#### **Article 42. Seizure and Sequestration of Assets**

In the case that it is clearly known of the type, quantity, and location of materials related to [the case ] and such can be used beneficially in the processing of the case, the investigating- interrogating

official or civil servant interrogator must issue an order to seize such. For materials which are immovable, there shall be an order to sequester such.

The method for seizures and sequestration and the documentation of such seizure or Sequestration shall be performed in accordance with Article 41 of this Law.

#### **Chapter 4. Preventative Measures**

##### **Article 46. Preventative Custody**

After locating a suspect and if necessary, an investigating-interrogating official or a civil Servant interrogator may detain the concerned individual for three days in order to conduct an investigation-interrogation, however, such detention must be reported to the public prosecutor within twenty-four hours from the time of the detention.

Within those three days, the investigating-interrogating official or the civil servant-interrogator must take the statement of the detainee and make his decision as follows:

1. If it is deemed that there is no basis for the issuance of an order to commence investigation-interrogation, the investigating-interrogating official or the civil servant-interrogator must release the detainee and immediately report it to the public prosecutor;
2. If it is deemed that there is no basis for the issuance of an order to commence Investigation-interrogation and if it is deemed necessary to imprison the detainee, the investigating-interrogating official must issue an order to commence investigation-interrogation and request an order to imprison from the public prosecutor For the civil servant interrogator, he must request an order to commence investigation-interrogation and an order to imprison from the public prosecutor.

After having received the request for imprisonment of the investigation-interrogation official and the civil servant interrogator, the public prosecutor must make his decision within twenty-four hours of whether to release or to imprison the detainee.

##### **Article 47. Arrests**

The arrest of any individual must be accompanied by an order in writing from the public Prosecutor or the court, except in cases where an offense is seen being committed or in urgent cases.

Before the issuance of an order to arrest, the public prosecutor or the court must reference the following conditions:

1. The wrong doing must be a criminal offense upon which the law determines the Penalty to be the deprivation of personal freedom [liberty]:
2. The evidence which comprises the case must be weighty [a preponderance of evidence]:

Additionally, there must be reference to other conditions such as: the suspect may flee, destroy evidence, hurt the injured party or witnesses or will do further wrongful acts or the suspect may be hurt by the injured party or by other individuals.

If there is to be an arrest of a bike or a seminarian, the temple administrator must be notified for

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For arrests in normal cases, the arrest order along with the case of such arrest must be declared to the arrest.

In all case after an arrest of an accused, the investigating-interrogating official must report to the public prosecutor with twenty four hours and must take a statement from the arrested no later than within forty-eight hours while also rendering an opinion of whether to release or to imprison the arrested.

In the case where the arrested is released or must be imprisoned, the investigating-interrogating official or civil servant interrogator must request a release order or an imprisonment order from the public prosecutor.

After there has been receipt of the request to release or imprison the arrest from the investigating-interrogating official or the interrogating civil servant, the public prosecutor must make his decision within twenty-four hours of whether to release or imprison the arrested.

In the case that it is not the investigating-interrogating official who conducts the arrest himself, the arrested must be handed over to the investigating-interrogating official immediately. For arrests in remote areas, the arrested shall be handed over to the investigating-interrogating official from the date of the arrest.

Arrests must be conducted methodically and in a manner appropriate to the offense and the arrested.

Beatings and torture of the arrested are prohibited.

Arrests, in any case must be notified to the family, office, agency or enterprise at which the concerned individual is located within forty-eight hours and his place of imprisonment must be notified if it is deemed that such will not interfere with the case proceedings.

**Article 48: Arrests in the Case of Offenses Committed within the sight [of Officials]and in Urgent Cases**

Arrests in cases where there is an offense being committed within the sight [of officials] or in urgent cases do not require an arrest order from the public prosecutor the court.

Individuals who shall be arrested in cases where there is an offense being sighted have demonstrated the following:

1. Individuals in the act of committing an offense who are being pursued or individuals who have directly seen an incident and an injured party has identified them as the homes at the
2. Individuals who have committing an offense who are being pursued or individuals who have directly seen an incident and an injured party has identified them as the offender.
3. Individuals who have evidence of an offense on their person or in their homes at the time which such an offense arose.

Individuals who shall be arrested in urgent cases have demonstrated the following:

1. Individuals who are suspected of an offense who have a dubious background or an uncertain residence;
2. Individuals who are suspected of an offense who are in the act of fleeing.

**Article 50: Imprisonment**

Imprisonment must be accompanied by an order from the public prosecutor or the court and must reference conditions as provided for in article 47 of this Law the time limits of imprisonment shall not exceed three months from the date of the issuance of the order to imprison. If it is deemed necessary, the public prosecutor shall extend the time limit for imprisonment for an additional period of three months however the total period of imprisonment shall not exceed one year. If [imprisonment has extended] beyond that period and there not sufficient evidence for a court case, the public prosecutor must issue an order to release the accused immediately.