

**BY ORDER OF THE COMMANDER
HEADQUARTERS, UNITED STATES FORCES, JAPAN**

USFJ INSTRUCTION 51-102

1 August 2001



Law

WITNESS FEES

COMPLIANCE WITH THIS PUBLICATION IS MANDATORY

OPR: USFJ/J06 (Mr. Thomas J. Perham) Certified by: USFJ/J06 (Col Dwight D. Creasy)
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It is the established practice in both United States and Japanese courts that witnesses are paid travel expenses, per diem and lodging expenses. This practice is followed for Japanese nationals appearing as witnesses in US military courts. According to US-Japan Joint Committee Agreed View Number 26, approved 22 October 1953, the rates and scales used by the US armed forces will be the same as those used by the Japanese courts.

SUMMARY OF REVISIONS

This instruction updates per diem fees and is redrafted in instruction format.

1. Purpose

This instruction prescribes standard reimbursement rates for Japanese Nationals attending United States (US) military court proceedings in Japan as witnesses.

2. Rates

2.1. Japanese nationals who are not Master Labor Contract (MLC), Mariners Contract, or Indirect Hire Agreement (IHA) employees shall be paid according to Japanese law and consistent with Japanese custom and practice. Foreign nationals, including non-SOFA US citizens, living in Japan will also be paid according to Japanese law and consistent with Japanese custom and practice. Current Japanese law provides for the following reimbursements for witness fees:

2.1.1. Travel Expenses: reimbursement of the expense actually incurred.

2.1.2. Per diem when required to be present before the courts:

2.1.2.1. Less than two hours, ¥4,100

2.1.2.2. Two hours or more but less than four hours ¥6,200

2.1.2.3. Over four hours, ¥8,200

2.1.3. Lodging Expense:

2.1.3.1. Area "A" (In Tokyo-to: the 23 wards of central Tokyo, Hachioji-shi, Tachikawa-shi, Musashino-shi, Mitaka-shi, Fuchu-shi, Chofu-shi, Koganei-shi, Kokubunji-shi, Kunitachi-shi, Nishi Tokyo-shi, and Komae-shi; In Kanagawa-ken: Yokohama-shi, Kawasaki-shi, Yokosuka-shi, and Kamakura-shi; In Aichi-ken: Nagoya-shi; In Kyoto-fu: Kyoto-shi; In Osaka-fu: Osaka-shi, Toyonaka-shi, Ikeda-shi, Suita-shi, Takatsuki-shi, Moriguchi-shi, Hirakata-shi, Ibaragi-shi, Yao-shi, Neyagawa-shi, Minoo-shi, and Takaishi-shi; In Hyogo-ken: Kobe-shi, Amagasaki-shi, Nishinomiya-shi, Ashiya-shi, Itami-shi, and Takarazuka-shi). ¥8,700

2.1.3.2. Area "B" includes all geographic locations not contained in Area "A." ¥7,800

2.2. Japanese nationals who are MLC, Mariners Contract, or IHA employees who attend a US court as witnesses shall be considered to be on official business of the US and paid according to the travel and transportation provisions of the pertinent contract or agreement relating to their employment.

// Signed //
GARY H. HUGHEY
Major General, U.S. Marine Corps
Deputy Commander