

The formalities, conditions, and procedures to be applied in the exercise of the right to hold meetings and demonstration marches shall be prescribed by law.

## **XII. Right to property**

**ARTICLE 35-** Everyone has the right to own and inherit property.

These rights may be limited by law only in view of public interest.

The exercise of the right to property shall not contravene public interest.

## **XIII. Provisions on the protection of rights**

### **A. Freedom to claim rights**

**ARTICLE 36-** (As amended on October 3, 2001; Act No. 4709) Everyone has the right of litigation either as plaintiff or defendant and the right to a fair trial before the courts through legitimate means and procedures.

No court shall refuse to hear a case within its jurisdiction.

### **B. Principle of natural judge**

**ARTICLE 37-** No one may be tried by any judicial authority other than the legally designated court.

Extraordinary tribunals with jurisdiction that would in effect remove a person from the jurisdiction of his legally designated court shall not be established.

### **C. Principles relating to offences and penalties**

**ARTICLE 38-** No one shall be punished for any act which does not constitute a criminal offence under the law in force at the time committed; no one shall be given a heavier penalty for an offence other than the penalty applicable at the time when the offence was committed.

The provisions of the above paragraph shall also apply to the statute of limitations on offences and penalties and on the results of conviction.

Penalties, and security measures in lieu of penalties, shall be prescribed only by law.

No one shall be considered guilty until proven guilty in a court of law.

No one shall be compelled to make a statement that would incriminate himself/herself or his/her legal next of kin, or to present such incriminating evidence.

(Paragraph added on October 3, 2001; Act No. 4709) Findings obtained through illegal methods shall not be considered evidence.

Criminal responsibility shall be personal.

(Paragraph added on October 3, 2001; Act No. 4709) No one shall be deprived of his/her liberty merely on the ground of inability to fulfil a contractual obligation.

(Paragraph added on October 3, 2001; Act No. 4709, and repealed on May 7, 2004; Act No. 5170)

(As amended on May 7, 2004; Act No. 5170) Neither death penalty nor general confiscation shall be imposed as punishment.

The administration shall not impose any sanction resulting in restriction of personal liberty. Exceptions to this provision may be introduced by law regarding the internal order of the armed forces.

(As amended on May 7, 2004; Act No. 5170) No citizen shall be extradited to a foreign country because of an offence, except under obligations resulting from being a party to the International Criminal Court.

#### **XIV. Right to prove an allegation**

**ARTICLE 39-** In libel and defamation suits involving allegations against persons in the public service in connection with their functions or services, the defendant has the right to prove the allegations. A plea for presenting proof shall not be granted in any other case, unless finding out whether the allegation is true or not would serve the public interest, or unless the plaintiff consents.

#### **XV. Protection of fundamental rights and freedoms**

**ARTICLE 40-** Everyone whose constitutional rights and freedoms have been violated has the right to request prompt access to the competent authorities.