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RULES FOR
THE ADMINISTRATION OF
PRISONS

TRANSLATION

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CONTENTS

CHAPTERS	Pages
I. GENERAL PROVISIONS.....	1
II. ADMISSION OF PRISONERS.....	4
III. IMPRISONMENT AND DETENTION.....	6
IV. PRECAUTIONARY AND EMERGENCY MEASURES.....	7
V. LABOR	10
VI. MORAL INSTRUCTION AND EDUCATION..	14
VII. FEEDING OF PRISONERS AND SUPPLIES..	15
VIII. SANITATION AND MEDICAL TREATMENT.....	16
IX. VISITS AND CORRESPONDENCE	19
X. DEPOSIT OF PRISONER'S EFFECTS.....	20
XI. REWARDS AND PUNISHMENTS.....	22
XII. PARDON AND CONDITIONAL RELEASE.....	25
XIII. RELEASE	27
XIV. DEATH	28
SUPPLEMENTARY PROVISION.....	30

ERRATA

1. Table of contents, under chapter X the word "prisoner's" should be "prisoners".
2. P. 2, 4th line from the bottom, add " ," after "days".
3. P. 5, line 9, "case" should be "care".
4. P. 6, line 5, " ," after "Article" to be omitted.
5. P. 7, last line, "jacket" should be "jackets"; 5th line from the bottom, no " ." after "suicide".
6. P. 8, line 12, "threats" should be "threatens".
7. P. 9, line 10, after "same" should be "to"; line 12, after "or" add "an"; line 13, before "may" add "authorities".
8. P. 10, line 13, "escaped prisoner" should be "the prisoner who has escaped". Again, line 16, before "Ministry" add "the".
9. P. 14, line 5, add "the" before "circumstances"; line 14, "above 18 years" should be "18 or more years".
10. P. 15, line 14, add "the" before "necessary"; third line from the bottom, "with the exception of" should be "Besides".
11. P. 16, line 14, "of" should be "for"; line 18, "ard" should be "and"; line 21, "bathes" should be "baths".
12. P. 17, line 5, "Prisoner" should be "Prisoners".
13. P. 18, line 8 should be indented.
14. P. 19, second line from the bottom, "jurtify" should be "justify".
15. P. 20, line 4, "days;" should be "days, and"; line 6, the " ; " after month should be " , "; line 8, "fron" should be "from"; second line from the bottom, "Prisoner' s" should be "Prisoners'".

RULES FOR THE ADMINISTRATION OF PRISONS

Promulgated by Order of the Ministry of Justice,
October, 1928

CHAPTER I

GENERAL PROVISIONS

Article 1. Prisons shall be subject to the control of the
Ministry of Justice.

Article 2. Prisons are of two kinds, namely,

(1) Servitude Prisons, where those sen-
tenced to penal servitude are kept,

(2) Detention Prisons, where those sen-
tenced to detention are kept.

In case of necessity, those sentenced to penal
servitude or detention may temporarily be
kept in a detention house.

Article 3. Prisoners under the age of 18 shall be kept in
a juvenile prison; but on their attaining
that age, if the remaining term of imprison-
ment will expire within three months, they
may still be kept in the juvenile prison for
such remaining term.

16. P. 21, line 12, "maintenence" should be "maintenance"
second line from the bottom, "fron" should be "from".
17. P. 22, line 1, "and" should be "or".
18. P. 23, line 2, "repentence" should be "repentance".
19. P. 26, lines 4 & 5, "repentence" should be "repentance"
line 14, "Arficle" should be "Article"; line 17, after
"occu" add a hyphen.
20. P. 27, line 10, the comma should be a period.
21. P. 28, line 16, add "the" before "prison".
22. P. 29, line 5, "deceased" should be "disease".

In case of necessity due to the mental or physical development of a prisoner, the provision of the foregoing paragraph shall apply *mutatis mutandis* notwithstanding the age of the prisoner.

Article 4. In all prisons the male section and the female section shall be effectually separated.

Where the servitude prison and the detention prison are established in the same district, they shall be effectually kept apart from each other. The same rule shall apply *mutatis mutandis* in the case of a juvenile prison.

Article 5. The Ministry of Justice shall, once in every two years, appoint officials to inspect the different prisons.

Article 6. Procurators may go their rounds of inspection to the different prisons.

Article 7. If a prisoner is dissatisfied with the treatment or decision of the prison, he may appeal to the supervising authority or to the inspector within ten days but before a decision is given thereon, such appeal will not have the effect of suspending the execution of the treatment or decision of the prison.

Article 8. If a prisoner is dissatisfied with the decision of the supervising authority or the inspector, he may be allowed to appeal once more to the Ministry of Justice; but the decision of the Ministry of Justice shall be final.

Article 9. With regard to the treatment of prisoners and other important affairs relating to prison administration, the prison chief shall ask for the opinions of the prison officers in a conference.

Article 10. When permission is asked for to visit the prisons, it shall be granted only when such applications are made for the purpose of scientific research or other proper purposes.

Article 11. Confiscations made under the provisions of these Rules shall be devoted to the use of prison charities.

Article 12. A confinement* house shall be established in

* Translator's Note. A confinement house is established for the purpose of confining persons other than those sentenced to penal servitude or detention. An insane person, for instance, may be kept in a confinement house, though he may not be punished (Criminal Code Art. 31). Again

connection with a prison.

Article 13. The provisions applying to persons sentenced to detention are applicable *mutatis mutandis* to those ordered to be confined in default of payment of fines.

Article 14. These Rules are not applicable to military or naval prisons.

A person who ought to be kept in a military or naval prison may, upon the request of the proper authority, be temporarily admitted to an ordinary prison.

CHAPTER II

ADMISSION OF PRISONERS

Article 15. The prison authority may not admit a person to the prison unless documents in proper form have been presented to him.

Article 16. When a female prisoner asks for permission to bring her child (or children) with her,

in default of payment of a fine, an offender is punished by confinement instead of fine. In such a case, one day's confinement will stand for one to three dollars. But the period of confinement may not exceed one year (Criminal Code Art. 55.).

such permission shall not be granted, unless it is considered a case of necessity.

Only a child under one year of age may be allowed to remain in the prison with his mother; the same rule is applicable *mutatis mutandis* to a child born in the prison.

When the child attains the age aforesaid, if no proper person can take him over, nor can any other means of taking care of him be found, the prison authority may prolong the time within which he is to remain with his mother; but such period may not be extended after the child has attained the age of two years.

Article 17. A person to be admitted to the prison shall be examined by the physician.

Article 18. Persons who are in any one of the following conditions may not be admitted to the prison:

1. Being insane,
2. Being so sick that the execution of the sentence might endanger their lives,
3. Being pregnant for over seven months,
4. Having just given birth to a child within one month,

5. Having contracted a contagious disease of a serious nature.

Article 19. Persons who are not admissible to a prison under any of the provisions of the preceding Article, may still be temporarily kept in the prison, if it is deemed necessary.

Article 20. The body, the clothes, and the personal belongings of a person to be admitted to the prison shall be examined, and his physical condition and personal status shall be investigated.

The provision of the foregoing paragraph is applicable *mutatis mutandis* to persons already admitted to the prison when such examination or investigation is considered necessary.

Article 21. During examination of the body and investigation of physical condition, a prisoner shall not be required to remain naked unless it is deemed absolutely necessary.

CHAPTER III

IMPRISONMENT AND DETENTION

Article 22. All prisoners shall be kept in separate cells except those whose mental or physical condi-

tion demands different treatment.

The period for imprisonment or detention in separate cells shall be fixed by the prison chief after due consideration being given to the circumstances and shall not be less than three months.

Article 23. The prison chief and the instructor shall visit the prisoners in separate cells at least once in every ten days, while the chief warden shall visit them at regular intervals.

Article 24. Prisoners kept in common cells, whether in the cells or in the workshops, shall be segregated according to the nature of their offences, their ages, the number of times of their commission of crime, their character, etc.

CHAPTER IV

PRECAUTIONARY AND EMERGENCY MEASURES

Article 25. Instruments of restraint may be put on a prisoner for whom it is possible to escape, to do some violent act, or to commit suicide, as well as a prisoner who is allowed to go outside the cells.

Instruments of restraint are of five kinds, namely, the strait jacket, fetters, hand-cuffs,

cords and chains.

Article 26. Instruments of restraint may not be employed except by order of the prison chief; but in case of emergency they may be employed subject to subsequent direction of the prison chief.

Article 27. Rifles and swords carried by the prison officers may be used under any one of the following circumstances:

1. When a prisoner does some dangerous and violent act against the body of another or when he threatens to do such act,
2. When a prisoner carries an article that may be used to accomplish dangerous and violent acts and refuses to give it up,
3. When prisoners meet together and proceed to make disturbances,
4. When people outside the prison attempt to effect the escape of the prisoners by dangerous and violent acts or assist them to do violent acts or to make escape,
5. When a prisoner attempting to make

escape resists the arresters by violence or persists in the attempt to make escape in spite of all the efforts to keep him in order.

Article 28. After rifles or swords have been used by the prison officers in accordance with the provisions of the preceding Article, the prison chief shall immediately submit a report containing the exact facts to the supervising authority who shall transmit the same to the Ministry of Justice in turn.

Article 29. In case of necessity due to *vis major* or unexpected event, the prison may order the prisoners to undertake such duties as are required by the emergency and may ask for the help of the military or police authorities.

Article 30. In case of *vis major* when it is impossible to avoid the danger resulting therefrom in the prison, the prisoners may, under proper care, be escorted to a place of safety. If the danger is so imminent as to render impossible such a step, they may be temporarily released.

Those who are temporarily released are required to report themselves at the prison or

the police office within twenty-four hours from the time of their release; failure to so report themselves shall be construed as escape from prison to be dealt with according to the provisions of the Criminal Code.

Article 31. The prison officers may arrest any prisoner who has escaped within ten days of his escape.

Article 32. When a prisoner has made his escape, particulars of the escape together with a chart describing the physical features of the prisoner shall be supplied to all police authorities in the place where the prison is situated and where the escaped prisoner is supposed to pass in order to arrest him.

Article 33. Particulars of the escape shall be reported to Ministry of Justice by the prison chief through the supervising authority. The same rule is applicable *mutatis mutandis* in the case of the re-arrest of a prisoner who escaped.

CHAPTER V

LABOR

Article 34. The labor a prisoner is required to do shall be assigned to him after due consideration of his offense, his term of imprisonment, his

social standing, his skill, his profession, his future prospect of making a living and the condition of his health.

Article 35. The prison chief may cause prisoners other than those whose terms of imprisonment are less than one year to work outside of the prison premises when it is deemed necessary.

Article 36. The labor assigned to a prisoner may not be suspended, stopped, or changed except by order of the prison chief.

Article 37. The working hours shall be fixed according to seasons, local conditions, construction of the prison, and the kinds of labor, provided that they shall not be more than ten hours nor less than eight hours per day.

Time spent in moral instruction and education, interviews, inquiries, medical examination, and physical exercise shall be counted as part of the working hours.

Article 38. For prisoners required to do labor, a proper curriculum shall be formulated. The curriculum for each kind of work shall be uniformly formulated, taking as basis the working hours set forth in the preceding Article and the average amount of labor which can be

done by an ordinary workman.

Article 39. The days on which prisoners are exempted from working are as follows:

1. National Holiday
2. Commemoration days
3. Festival days
4. The last day of December
5. The first three days of January
6. Sunday after-noons
7. Seven days for mourning after the death of a prisoner's parents or grandparents
8. Any other days on which it is deemed necessary to exempt the prisoners from working.

Article 40. The provision set forth in the preceding Article with the exception of the seventh item does not apply in case of such work as cooking, cleansing of house, or other matters which, for the sake of necessity, are required to be done.

Article 41. All profits derived from the labor done by prisoners belong to the national treasury.

Article 42. Prisoners required to do labor may be given due monetary rewards, the amount of which is

to be fixed according to their behavior, the nature of their offence, the number of times of their commission of crime and the merit of their work done.

Article 43. Monetary reward granted to a prisoner sentenced to penal servitude may not exceed 30 % of the local rate of wages for an ordinary laborer; that granted to a prisoner sentenced to detention may not exceed 50 %.

Article 44. If a prisoner does damages to the instruments, the manufactured articles, materials or other articles because of gross negligence or wilfulness, such damages shall be made good with the monetary reward due to him.

After a prisoner has escaped from the prison, the monetary reward due to him may be confiscated in part or in whole.

Article 45. The monetary reward shall be paid to the prisoner upon his discharge; but when a prisoner requests that the monetary reward be drawn upon for the maintenance of his family or for the compensation of some person injured by such prisoner, if the amount of his savings exceeds ten dollars, a third of the total sum may be paid.

Article 46. In case a prisoner falls sick because of an injury received when engaged in work so that he is disabled to make a living, or he dies thereof, he shall be compensated according to circumstances.

The compensation above referred to shall be fixed by the supervising authority upon the application of the prison chief.

CHAPTER VI

MORAL INSTRUCTION AND EDUCATION

Article 47. All prisoners shall be given moral instruction.

Article 48. All prisoners shall be given education except those who are above 18 years of age and whose terms of imprisonment or detention are less than three months and those to whom the prison chief deems it unnecessary to give any education.

Article 49. Not more than twenty-four hours per week shall be devoted to the purpose of education; and reading, penmanship, arithmetic, composition, and other necessary subjects shall be taught in accordance with the standard of a primary school. For those who have had such

education, supplementary courses shall be given according to their standard.

Article 50. Prisoners shall be allowed to read books; but the reading of privately owned books may not be permitted unless it is otherwise provided for by these Rules or unless it is permitted by the prison chief.

Article 51. When a prisoner requests to use paper, ink, pen, and inkstone in the prison room, such request may be granted according to circumstances.

CHAPTER XII

FEEDING OF PRISONERS AND SUPPLIES

Article 52. Prisoners shall be given necessary food, drinking, clothes and other articles with due regard to their physical constitution, age, labor, and the climate of the place.

Article 53. Prisoners shall be prohibited from the use of tobacco and intoxicating liquors.

Article 54. Prisoners shall be provided with gray prison garments.

With the exception of the prison garments which are required to be worn, the prisoners may be permitted to have their own clothes

and bedding, provided that such clothes and bedding are not detrimental to the discipline and sanitation of the prison.

Article 55. Cells, workshops, sick wards, and other places of the prison shall be heated so as to keep up a proper degree of warmth during the cold days.

The time and method of heating provided for in the foregoing paragraph shall be decided by the prison chief after due consideration being given to the local conditions.

Article 56. Children brought in by the female prisoners may have their own clothes, food, and other necessary articles of daily use.

CHAPTER VIII

SANITATION AND MEDICAL TREATMENT

Article 57. Prison premises shall be made clean by wiping and sweeping; cells, clothing, utensils, water-closets, and ordure buckets shall be cleaned at regular intervals.

Article 58. Prisoners shall be required to take bathes.

The number of times for bathing shall be fixed by the prison chief after due consideration of the kind of labor assigned to the

prisoners and other conditions, but it shall not be less than once in three days from April to September, and once in seven days from October to March.

Article 59. Prisoner shall be required to take physical exercise for half an hour each day, unless something irresistible prevents them from doing so. This, however, does not apply to a prisoner whose labor is of such a nature as to render physical exercise unnecessary.

Article 60. When a prisoner becomes ill, he shall be given medical treatment at once, and in case of necessity, be sent to a sick ward.

Article 61. When a prisoner contracts some contagious disease, he shall be strictly kept in isolation from other inmates; but this does not apply to nurses.

Article 62. Articles and utensils used by a prisoner infected with a contagious disease shall be disinfected or sterilized before they are given to other prisoners for use.

Article 63. Whenever there is prevalent an epidemic of a radical nature, necessary restrictions may be placed upon persons coming in or going out of the prison and also upon things sent

to prisoners.

Article 64. A prisoner who falls sick may, with the consent of the prison chief, send for a medical doctor at his own expense.

Article 65. In cases of special diseases where the prison physician requests to call on the assistance of a specialist, such request may be granted. The provision of the preceding paragraph shall apply *mutatis mutandis* in the case of a female prisoner in childbirth.

Article 66. In case a prisoner is stricken with a mental disease, a contagious disease, or some other kind of diseases which cannot be properly treated within the prison, the prison chief may after due consideration of the circumstances ask for the permission of the supervising authority to release such prisoner on bail for medical treatment or to send him to a hospital.

Article 67. A pregnant woman, a woman in childbirth, an aged or weak person, or an invalid shall be treated as a sick person.

CHAPTER IX

VISITS AND CORRESPONDENCE

Article 68. A prisoner is only allowed to receive the members of his own family; but where there are special reasons to justify the exception, he may be allowed to receive persons other than the members of his family.

Article 69. A prisoner sentenced to detention is allowed to receive visitors once in every month. The duration of an interview shall not exceed thirty minutes, unless in the opinion of the prison chief there exists a special circumstance which necessitates an extension of the time.

Article 70. An interview shall be conducted under the supervision of the prison officers; where it is suspected that collusion or some other act inconsistent with the discipline of the prison is under way, the interview may be interrupted.

Article 71. A prisoner is only allowed to correspond with the members of his own family, but where there are special reasons to justify the exception, he may be allowed to correspond with

persons other than the members of his family.

Article 72. A prisoner sentenced to detention may carry on correspondence once in ten days; a prisoner sentenced to penal servitude, once in every month; unless the prison chief considers that there exists a special circumstance which necessitates a deviation from the rule.

Article 73. Letters to be sent or received by a prisoner shall be examined by the prison chief. Where letters are considered of a collusive nature or inconsistent with the discipline of the prison, their dispatch by and delivery to such prisoner may be prohibited.

Article 74. Expenses incidental to letters sent or received by a prisoner shall be born by the prisoner himself; but expenses on letters sent to or received from the supervising authority, the court, and other governmental offices shall be paid by the prison, provided that the prisoner himself is unable to bear such expenses.

CHAPTER X

DEPOSIT OF PRISONER'S EFFECTS

Article 75. The personal effects brought in by a prison-

er shall be examined and taken into the depository.

Article 76. Money and valuable securities in deposit shall under no circumstances be placed in the possession of a prisoner.

Article 77. Articles not worthy of safe-keeping or not fit for safe-keeping may not be taken into the depository.

If the owner does not properly dispose of the articles above referred to they may be abandoned and destroyed.

Article 78. A request for the delivery of the personal effects in deposit to the prisoner's family for its maintenance or for any other proper use may be granted by the prison chief after due consideration of the circumstances.

Article 79. A prisoner may be allowed to accept money or articles sent to him from outside which do not menace the discipline of the prison.

Money or articles received under the foregoing provision shall be taken into the depository in accordance with the provision of Article 75.

Article 80. If money or articles sent in from outside are considered objectionable, or if the name

and address of the sender is not clearly indicated, or if they are rejected by the prisoner they are sent to, they may be confiscated or abandoned and destroyed.

The foregoing rule shall apply *mutatis mutandis* to those personal effects which are possessed by a prisoner without the permission of the prison chief.

Article 81. Personal effects deposited for safe-keeping shall be restored to the prisoner upon his discharge.

Article 82. Personal effects left by a deceased prisoner shall, upon application of the members of his family, be handed over to them.

Personal effects of a deceased prisoner shall go into the national treasury, if within one year from his death, no such applicant as referred to in the preceding paragraph claims them. The same rule applies *mutatis mutandis* to the personal effects of a prisoner who has escaped and has not been apprehended within one year after his escape.

CHAPTER XI

REWARDS AND PUNISHMENTS

Article 83. Rewards and punishments shall be dispensed

by the prison chief.

Article 84. When a prisoner shows signs of repentance he may be rewarded in one of the following ways:

1. By being given one to three additional chances to receive visitors or to carry on correspondence with the outsiders as provided for in these Rules,
2. By being permitted to read his own books,
3. By being given extra monetary reward not exceeding two dollars per month,
4. By being given an additional dish for not more than three times every ten days, provided that the cost of such additional dish does not amount to more than ten cents each time.

Article 85. A prisoner who renders any one of the following services shall receive a reward in a sum of money not exceeding twenty dollars.

1. Revealing privately another prisoner's plan of escape or violence or another prisoner's escape or violence which is about to take place,
2. Saving life or arresting an escaping

prisoner,

3. Showing merit by his service during the happening of events due to *vis major* or the prevalence of epidemics.

Article 86. A prisoner who violates the discipline of the prison may be punished in any one of the following ways:

1. To be reprimanded,
2. To be suspended from enjoying the privileges given him as his reward, for a period not to exceed three months,
3. To be deprived of the privileges given him as his reward,
4. To be suspended from carrying on correspondence with outsiders or receiving visitors for not more than three times,
5. To be suspended from reading for a period not to exceed three months,
6. To be suspended from taking physical exercise for a period not to exceed seven days.
7. To suffer a reduction or deprivation of his monetary reward in part or in whole,
8. To be kept in a separate penitentiary

cell for a period not to exceed two months,

9. To be confined in a dark cell for a period not to exceed five days.

These punishments may be inflicted at one and the same time.

Article 87. The infliction of the punishments referred to in the foregoing article may be suspended in case the prisoner to be so punished is sick, or if there is any other special reason requiring such suspension.

CHAPTER XII

PARDON AND CONDITIONAL RELEASE

Article 88. The prison chief may, on behalf of a prisoner, make application for his pardon.

Such application shall be submitted to the Ministry of Justice through the court by which the prisoner is sentenced.

Article 89. The application for pardon shall be accompanied by a complete record of the prisoner.

Article 90. The provision set forth in Article 88 is applicable *mutatis mutandis* to a prisoner during his term of conditional release.

Article 91. Even when a prisoner has been kept in pri-

son for a time long enough for applying for conditional release, still no such application shall be made unless the prison chief considers that there are sufficient signs of his repentance and his release has been voted for by a majority at the conference of prison officials.

Article 92. The application for conditional release shall be submitted to the Ministry of Justice through the supervising authority together with a document showing the agreement reached by a majority vote at a conference of prison officials in addition to a complete record of the prisoner.

Article 93. A prisoner who has been conditionally released shall, during the term of such release, observe the following:

1. He shall be engaged in an honest occupation and conduct himself in an honest manner.
2. He shall be under the supervision of the prison, but such supervision may be entrusted to a police authority or some other proper person.
3. He shall get the permission of his supervisor, when he changes his residence

or sets out upon a journey which will last more than ten days.

Article 94. If it comes to the knowledge of the prison chief that the prisoner who has been conditionally released ought to be dealt with in accordance with the provisions of Article 94 of the Criminal Code, a written opinion shall be submitted to the supervising authority to be thereby transmitted to the Ministry of Justice,

Article 95. If in the opinion of the prison chief a prisoner who has been conditionally released has violated the provisions of any item of Article 93, the conditional release shall be revoked forthwith, and at the same time a report to that effect shall be submitted to the supervising authority to be thereby transmitted to the Ministry of Justice.

CHAPTER XIII

RELEASE

Article 96. All persons entitled to release shall be set free by the prison chief.

Article 97. Prisoners shall be released after the receipt of the order of pardon or conditional release

or on the forenoon of the day following the expiration of their term of imprisonment, as the case may be.

Article 98. In the case of pardon or conditional release, the release shall be effected in the manner prescribed by the law; in the case of conditional release, a certificate to that effect shall be issued to the prisoner so released.

Article 99. In the case of release on the expiration of the term of imprisonment, the prisoner shall be confined in a single cell for at least three days prior to his release.

Article 100. If a prisoner who has been released has no travelling expenses for going home or clothing, he may be supplied with such at the discretion of prison authority.

Article 101. If a prisoner to be released is seriously sick at the time of his release and requests to be treated in the prison hospital, such request may be granted after due consideration of the circumstances.

CHAPTER XIV

DEATH

Article 102. In the case of the death of a prisoner, the

corpse of the deceased shall be jointly examined by the prison chief and a procurator.

Article 103. When a prisoner dies of a disease, the physician shall enter on the book of deaths the name of the deceased, the development of the disease, the cause of his death, the date and hour of his death and also verify the same with his signature and seal.

Article 104. The family or relatives of a deceased shall be notified immediately of the name of the disease, the cause of his death, and the date and hour of his death and at the same time a death certificate shall be issued and submitted to the supervising authority who shall transmit the same to the Ministry of Justice.

Article 105. Where the family or relative of the deceased applies for the delivery of the corpse, such application shall be granted.

Article 106. In case no application is made for the delivery of the corpse of the deceased within twenty-four hours after the death, the corpse shall be temporarily buried and designated with a sign showing the name of the deceased and the date of his death.

After the corpse has been temporarily buried for ten years, it may be buried in a common burial ground.

Article 107. Before the corpse is sent to the common burial ground, if an applicant referred to in Article 106 asks for the delivery of the corpse or skeleton of the deceased, it shall be handed over to such applicant.

Article 108. Execution of a death sentence shall be carried out on the execution ground of the prison.

Execution of a death sentence shall not be carried out on the National Holiday, a commemoration day, a festival day, the 31st day of December and any of the first three days of January.

SUPPLEMENTARY PROVISION

Article 109. These Rules shall come into force on the day of promulgation.