

“Diet Member Hinokida --- An exceptional proposal in Diet”
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During the “government accounting oversight commission” on April 20th, Jin Hinokida, a LDP member of the House of Representatives had asked about the violation of human right and the freedom of religion. Setsuo Tanaka, Commissioner-General of the National Police Agency (NPA), gave a comment. "acts of abduction and confinement shall be punished rigidly based on the equality under the law without exception, no matter if the parents/children or relatives had done it." It is the first time that the abduction and confinement issue was discussed in the Diet. The summary of this Q & A is as follows:

Hinokida: I would like to confirm that Investigation right does not violate Article 14 in the Constitution saying "All of the people are equal under the Law", and also Article 20, Freedom of Religion. I want your opinion about this as the top of NPA.

Setsuo Tanaka, Commissioner-General of NPA: Every officer takes the oath of service to protect the Constitution of Japan and law, and to perform one's duties neutrally, equally and rightfully and being fair. It is no doubt that our tasks to protect should not violate any of provisions of Constitution of freedom of religion and the equality under the law.

Hinokida: If an act such as abduction, confinement, physical abuse, or injury which is against the law is done by one's parents or child/children or a spouse, is there any possibility that the cases sometimes are not charged?

Tanaka: If it is an act of self-defense or urgent refuge, or is done by a child under age 14 or by a person lack of competency, or without enough evidence to criminate, then the one will not be charged. However, no matter who caused the case, such as parents, child or relative(s), if there's any criminal act, we shall strictly deal with it in accordance with the laws of Japan and the evidences.

Hinokida: That very common thing is not guaranteed in Japan. In the US State Department's International Human Right Report in 1999, it's reported that Japanese police does not work on casualty(injury) cases such as abduction, confinement and violence, and that is bringing the very serious situation that Japanese police might lose its confidence in an international society. In addition, in the National Conference of Chiefs of Police in 1992, it was decided to identify any abduction and confinement case as guilty throughout the world and determined to prevent those cases. Have you known about these facts?

Tanaka: I haven't known about the case of National Conference of Chiefs of Police, but I know about the Report by US State Department. To be more precise, I have heard that Unification Church members complained that police does not take any action on compulsory conversion cases toward their members, and because of that, an arbitrary confinement term of the victims are extended. However, as the National Police, if there's any criminal act, we are strictly dealing it in accordance with the laws of Japan and the evidences. I shall continue dealing with those cases in the same manner.

Hinokida: I think that subjecting someone to a beating by means of punishment or abducting or confining or injuring someone is absolutely unacceptable.

Tanaka: Those are unacceptable in law-governing state.

Hinokida: Today, I shall submit the evidence that Police is dealing and accepting the abduction and confinement cases. Criminal who abducted and confined UC member had made a plan sheet. I have that original. In the sheet, it is written with the date to do what, and also how to respond if the victim resists. Moreover, the criminal Ishikawa something or other contacted Akishima police station on May 14th, 1998 before carrying out the plan, and made the plan "authorized", then carried it out. Is there any case that the police permitted the abduction and confinement?

Tanaka: We are not permitting any criminal act to be carried out with the police involved directly.

Hinokida: On June 7th, 1997, in Tottori-city, a retired police officer worked in Tottori police station for forty years attacked UC branch building with five ex-policemen and tax office clerks, as a party of about twenty people in all. They armed with stun guns, iron pipes, chains etc. Four church members were hurt by the attack. But none of the attackers were arrested nor investigated. I'm suspicious that the National Police Agency concealed the case because the retired officer worked for forty years in the Police. How do you think about this case?

Norikiyo Hayashi, Detective Superintendent of NPA: Tottori prefectural police investigated and found no stun guns nor iron pipes. However, we cannot overlook the collective guilt. Tottori prefectural police had sent the report of six suspects on forcible entry and injury to Tottori District Public Prosecutors Office.

Hinokida: The victim is saying that there was no investigation for a year, and when she was kidnapped to Himeji, the police did not put any emergency deployment on its Route. Didn't the police receive a report?

Hayashi: Local police officers had conducted the investigation and inspection. I heard that Tottori prefectural police knew about the case with the emergency call and put the emergency deployment for two hours, made efforts to find criminals and her.

Hinokida: This victim was missing, being abducted and confined, for a year and three months. After that, she went to Higashi-Yodogawa police station to ask for help. However, when I consulted with the National Police Agency, they said that the offense report is not filed. Is it true?

Hayashi: A victim's lawyer visited Osaka Prefectural Police by proxy. I understand that Osaka prefectural police took an appropriate action upon confirming the victim's will to apply the case and damage situation.

Hinokida: I asked the National Police Agency about that, and they said no offense report was submitted from Higashi-Yodogawa police station. Here, I have a copy of the offense report submitted on June 14th, 1999. Is it a fake?

Hayashi: I haven't confirmed about the offense report you showed.

Hinokida: That's outrageous! I asked, so a storm blew up. You reported that there's no offense report submitted, thinking that you can cloud the issue. You should correct your remark.

Hayashi: This lawyer had a letter from the victim. The lawyer said that he/she shall leave the document(s) to the police, not immediately the offense report, and asked to consider the case as a confinement. We didn't hear anything from them after that, and on

November 1st, 1999, suddenly he sent us the judgment document of Tottori affair, civil suit claim of damages caused on June 7th, 1997 by certified mail.

Hinokida: Is abduction and confinement case complaints? The victim was abducted and confined for around one year and three months. In this case is the accusation required?

Hayashi: No, it's not.

Hinokida: "Tottori incident" was turned over to Tottori District Public Prosecutors Office, but responsible prosecutor is saying that he wouldn't arrest suspects. Is such attitude acceptable?

Furuta, Director-General of the Criminal Affairs Bureau of Ministry of Justice: I have heard the prosecutor had replied that there's less possibility for suspects to escape, so he is not thinking of arresting them at the moment. Since the case is sensitive, he is planning to investigate and judge carefully.

Hinokida: I have only heard that the responsible prosecutor said something like he would never arrest suspects, although there was a forcible entry, obstruction of operations, damage to property and injurious assault. Such kind of his attitude should be charged of the abuse of authority by special public officers stipulated in Article 194 of Penal Code, isn't it?

Furuta: In general, the abuse of authority by special officers to be identified, the party would misuse his/her authority to force someone to do something that is not his/her duty, or to interfere someone to his/her right. I understand that the comment of that prosecutor meant to say that the possibility of the suspects to escape is quite less, so he is not thinking of arresting them at the moment.

Hinokida: I have questioned about these cases today for two reasons. One is my concern that police authority might be against the equality under the law in Japan. Another is an existence of a group committing abduction and confinement unsuitable to a will of members' parents. The group systematically conducts the crime, and about 300 people are abducted and confined every year. What if I disappear for a year and three months? You wouldn't search for me? This confinement group is run by a part of Christian ministers in a countrywide basis. I take this situation as a challenge to the nation and the police.

Tanaka: I know some cases that UC members filed the damages or consulted with prefectural police. Since it is a mission of police to protect people's lives and property, if there's any illegal act against the criminal laws and regulations, we shall strictly deal it in accordance with the laws of Japan and the evidences.

Hinokida: It is very serious problem that the police ignoring the violation of human rights, and leaving those abducted and confined victims. Not only that, the police is involved in the cases and neglecting that involvement as it is. This is so serious, and challenge to the nation. These cases are taking places for twenty years, and about 4,000 people are victims. All of them are adults. I strongly desire each Japanese citizen to be treated equally under the Law, to be safe physically, and enjoy the freedom of religion and live freely.