

Criminal charges

May 10, 2016

June 1, 2015

Tokyo District Public Prosecutor's Office

Accuser

〒 261 - 0003

Address Chiba City Mihama Ward Takahama 6-18-9

Telephone 090-4824-7899

Occupation Joint Venture Company Future Representative

Birth date September 9, Showa 24 Showa

Name Nagano Yasuhiro

Accused person

A policeman

Address 1 - 1 2 - chome Kasumigaseki, Chiyoda - ku, Tokyo 100 - 8929

Occupational Metropolitan Police Department of Organized Crime Measures Department
of Organization Crime First Section,

And the police officer of the members of the joint investigation team of Setagaya

Department name full name unknown

(Name unknown) and policeman who provided information to the outside

(name unknown)

Public prosecutor

Person who falls under crime of 194 criminal law special officials ex officio authority

1) Tokyo District Public Prosecutor's Office Inquiring Prosecutor Attorney Tokunaga
National University and those concerned with prosecution

2) Tokyo District Public Prosecutors Office trial prosecutor prosecutor name unknown
name and prosecutor concerned

Criminal law 172 A person falling under the crime of false accusation

1) Tokyo District Public Prosecutors Offices Inquest Prosecutor Attorney Tokunaga
National University and related prosecutors

2) Tokyo District Public Prosecutors Office trial prosecutor prosecutor name unknown
name and prosecutor concerned

judge

1) Approve arrest request

The judge of the Tokyo Simplified Court who approved the arrest request and issued an
arrest warrant (first and last name unknown)

The judge of the Tokyo Simplified Court who approved the re-arrest request and issued
an arrest warrant (first and last name unknown)

2) Approve the detention request

The judge of the Tokyo District Court who approved the detention request and issued the
detention notice (name unknown)

The judge of the Tokyo District Court (Surname Name unknown) who approved the
detention request and issued a detention letter

3) Tokyo District Court Detective Part III Judge Okabe Australia who arrested and
detained and tried.

Chapter 1 . Purport of accusation

Japan criminalized foreigners who illegally worked against "illegal employment" as "Immigration and Refugee Recognition Act (hereinafter referred to as" Immigration Act")" Article 70 "Illegal Working Crime" and employed illegally worked employment By equality criminal disposition of both parties under Article 2 of the Immigration Act 73, "illegal employment promotion crime", it is prohibited to dispose of foreigners arbitrarily "equal under the law" of the Constitution of Japan We are legislating not to violate the international law.

However, in reality, we do not dispose of (illegally worked employers) as "illegal employment promotion crime", but criminalize (illegal workers only) criminalized themselves as "illegal workers," and ban them from the world.

This is contrary to international law which prohibited foreign discrimination arbitrarily. It is contrary to equality under the law of the Constitution of Japan.

If you do not dispose of businesses with "illegal employment promotion crime" that illegally worked, foreign nationals who were made illegally worked are also innocent (innocent) the logic of law. If so, of course, there is no one to help anyone to work illegally. This is governance under the law, respect for fundamental human rights, compliance with international law.

In the case of the aid to violate the Immigration Control Act that occurred in 2010, I did more criminal acts. Although we had not dispose of illegal workers as "illegal employment promotion crime", but only foreigners who illegally worked were punished by "illegal employment crime" and were exiled from abroad, "illegal employment promotion In order to pretend to be an equally disposal of an "assistant" of a third party in lieu of the employer of "crime", he criminalized a third party and sentenced the foreign

national who worked illegally to "imprisonment punishment "And expelled it from abroad. The third party is a Chinese "Kin Gungaku" who was a complaint with the whistleblower who offered an employment contract to the primary offender who is going to be employed.

"Kin Gungaku Academy" conceived with me is a special law that established for compliance with international law against a illegal act against Chinese illegal employment and aimed at aiding acts against illegal work and encouraging acts It was not illegal employment promotion crime, but illegally provided "false employment contract", so the status of residence was easily obtained. So I was in Japan. I was illegally working because I was in Japan. In the cause-and-effect relationship with, I was imprisoned with imprisonment (imprisonment punishment) abused the "criminal sin" of the criminal law which is the general law.

Aside from "Gold Marty" and I, as far as I can tell, in 2015, the Philippine Embassy staff and diplomat were also applied with criminal charges with "illegal guilty" with similar illegal logic.

My argument is that criminal acts aimed at assisting criminal laws are criminal acts in violation of applicable law for the following reasons. The charges of the accused are "criminal charges of false charges" of the criminal law, and it is "crime of abuse of the special public officer's authority."

1. The aid for assisting illegal employment is stipulated in Article 2, Article 73 of the Immigration Control Act, "Special Law", "Crime of Promoting Illegal Employment." As a formal offender, police officer, and public prosecutor also accept, "Kin Gungaku" does not do the act prescribed in "illegal employment promotion crime".

2. None of the businesses hiring a former offender has been disposed of as an "illegal employment promotion crime" prescribed by the Immigration Control Law without the accusation. If so, then the husband who was hired was also acquitted without injustice. And there is no assistant of any kind.

3. Next, it can not be said that the provision of "Contents false employment contract" made it easier to acquire the status of residence.

In addition,

Although it is said that they have acquired the status of residence easily, the conditions for granting status of residence are not stipulated by law, the conditions of granting are unpublished, they are given at discretion by the Minister of Justice and have made the status of residence easier I can not say.

As stipulated in the cancellation of the status of residence as stipulated in Article 22-4 of the Immigration Act as long as you have acquired your status of residence under "Contents of False Employment Contract" it is separate from illegal employment.

Even if you obtain the status of residence of international or technical skills from the Minister of Justice for "content false employment contract", if you work within the scope of the status of residence of international or technical skills or humanities, you will not become illegal (non-qualified) activities It is a trivial idea. Therefore, acquisition of status of residence and illegal work are not related at all.

Article 31 of the Constitution stipulates that "No person shall be deprived of its life or liberty unless it is based on the procedures prescribed by the law, or can not impose any

other punishment" (The provision of the law refers to the law established in the Diet In light of the provision of local councils), submission of employment contracts is not required by law or ministerial ordinance, but is requested by foreigners for submission by section manager and cooperated as a business operator, Even if it is false, there is no legal basis to impose criminal penalties on the case that the Minister of Justice gives at discretion. The only thing is that the Minister of Justice can cancel the status of residence as immigration by the Immigration Control Act.

The granting of status of residence is at the discretion of the Minister of Justice, but the Minister of Justice is not a law "ministerial ordinance" of the Ministry of Justice, and for technical and humanities international, it is stipulated as granting policy that you have specialized knowledge after graduating from university, junior college etc. As we can guess that "diploma" is a major factor of granting status of residence, it can not be said that employment contracts make it easier to obtain a status of residence.

I was in Japan because I got my status of residence. Although he said that he was in Japan, he said he was able to work illegally, but the status of residence is provided by the Minister of Justice at the discretion for undisclosed conditions.

Even after receiving the status of residence, furthermore the immigration permission (seal on the passport) is also unpublished permission conditions, allowing the foreign minister to reside (enter) by giving permission at the discretion. Therefore, even if the employment contract is false, it can not be said that it is easy to influence the discretionary authority of both Ministers.

In addition,

As a fact, since the Minister of Justice gives the status of residence at the discretion,

accused persons were explained and operated as follows on the status of residence, such as by questioning with immigration.

1) If the status of residence qualification is satisfied in "diploma" and expert knowledge is found, if employment company is inappropriate or employment contract is false etc, please let foreigners change employment contract company and reapply I am doing.

2) Foreign residents who have engaged in employment contracts will be granted a status of residence to foreign individuals even if they do not enter the company with their status of residence, and after granting, they will work anywhere within the scope of status of residence (skills and humanities) This is free.

3) After acquiring the status of residence, even if you can not join the employment contract company, you can find employment in the range of your status of residence and work within a certain period of time, rather than immediately rescission of your status of residence.

Therefore, it can not be said that the provision of false employment contracts made it easy to acquire the status of residence, and there is no causal relation between acquisition of status of residence and illegal employment.

As stated above, even if you obtain the status of residence of technology and humanities internationally at the discretion of the Minister of Justice with "content false employment contract", if you work within the scope of the status of residence of technology and humanities internationally, you will not be illegally employed It is obvious that it is not self-evident that "content false employment contracts" and illegal work are irrelevant.

It is self explanatory that they were illegal workers being the responsibility of employers

who employed and worked foreigners with status of residence without the qualification to work.

As described above, according to the purpose of legislation of Immigration Control Act, aiding and promoting acts against illegal employment are unjustifiable as stipulated in "illegal employment promotion crime" and the application of assistance charges is illegal.

In 2015, a Chinese international student in Osaka hosted a hostess, was disposed of as "illegal work" and became "deportation", but it is fraudulent in trial as being unjust and has been innocent.

The reason for the judgment at this time is that it is not a main rule (law) of the immigration law, but a by-law (ministerial ordinance), because it is not permitted to work within 28 hours of work hours per week or work in sex business as a non-qualification activity, There was no indictment rejected.

Four. It is human rights violation against foreigners to assert that a foreigner will be in a criminal office if it is in Japan. And if foreigners are to be in Japan, it is abuse of assistance to assume that foreigners commit criminal offense if they commit a criminal act, people can not live with peace of mind.

Residents who are not criminal punishment due to causality that they made a crime because they made it possible to live in Japan rather than "illegal employment promotion crime" which stipulated the punishment of the aid acts against foreigners illegal employment Applying the criminal law "assistance crime" for the reason of assisting the deletion、 It is illegal for abuse of assistance sins.

Since we provided "(false) employment contract" to the former offender (requested by the section manager in charge of illegal employment), it was possible to obtain the status of residence easily (at the discretion of the Minister of Justice) at discretion. Since the status of residence was obtained, I was able to live in Japan (the foreign immigrant visa was obtained at the discretion of the foreign minister). I was able to work illegally because I was able to live in Japan. As stated earlier, even if it is "content false employment contract", obtaining acquisition of residence status and permission of immigration visa is nothing more than legal. It is a vicious discrimination against foreigners that it is criminal that there is no basis, there is no causal relation clearly and because it was in Japan, it is a vicious discrimination against a foreigner, it is a human rights violation, and it is illegal because of abuse of assistance crime is.

In Japan, we refer to such a far-cryptic reasoning theory as "argue-making argument if wind blows". If the wind blows, why will the tuya be profitable ...? If you talk about causality, it is long. And there are various scenarios. In other words, the cause-and-effect relationship is "frustration".

If such a custom of applying assistance crime is rooted in a distant causal relationship, it is a terrible Japanese society. People can not live with peace of mind.

In addition,

I made it possible to live in Japan, so I was able to "work illegally". Therefore, although it says that the causal relationship is obvious, I lent a room of apartment to a foreigner so that I could live in Japan. As being able to live in Japan, it is possible for homicide to be able to be applied to the owner of the apartment, the aiding crime of "murder guilt" can be applied? What? What? As this answer,

The interrogation police officer said, "President, because the Chinese have worked illegally, we can financially assist illegal work ... but if the Chinese were murderers, it would be an aid for murder guilt! Please put on! " We are already applying "murder guilt" of murder to the owner of the apartment.

If you think that Japanese who treat foreigners equally is not interesting, we are doing the murder as an assistant to this Japanese in discretion. The root of human rights abuses is because arbitrary foreign exclusion habits are rooted.

Therefore, the offense of the accused's offenders is "criminal charges of false charges" of the criminal law, "crime of abuse of the special public officer's authority".

Regarding individuals, we will state the facts of the complaint in Chapter 2, but the "crime of abuse of the special public officer's authority" is a crime established by abusing its authority and arresting and imprisoning others. Criminal constitution requirements of official abuses of special public officials As to the suitability,

① The principal is a special civil servant, . . . facts It is police officers, prosecutors and judges.

② Having arrested and confined a person . . . It was arrested and confined as a fact.

③ abuse of authority, established by. . . . Whether abusing official authority, but abuse is the illegal exercise of authority on duties, so that means and methods are not only violent and threatening but also victimized in practice It is said that it suffices if it is enough to oppose the freedom of decision making to the extent that the result can not be accepted to the person.

As for the police officer, Article 189 of the Code of Criminal Procedure, the police officers shall be appointed by other laws or the National Public Safety Commission or the prefectural public safety commissioner I will perform the duties as judicial police officials, as determined by the Association.

2 When a judicial police official thinks that there is a crime, it shall investigate the perpetrator and evidence. It is stipulated.

Therefore, it is illegal to conduct investigation, arrest and confinement, even though crime is not imagined, that is, it is not in violation of any law, it is a crime of abuse of the special public officer's authority.

As stated in the complaint facts, we urge freedom of decision making by exercising illegal content lie and arrest warrant etc, exercise authority on duties.

Criminal offense is established because this obvious illegal act is abuse of official abilities, since crimes of abusing ex official authority of special civil servants does not require deliberation.

In addition,

Means for restoring honor is 'request retrial.' However, we can not request a re-trial of "mistake in application law". However, it can prosecute crimes of police officials and prosecutors involved in the case, and if the crime is confirmed, you can request "retrial."

I hope that the prosecution will voluntarily request a retrial as a proof that Japan's judiciary realizes governance under the law, respect for basic human rights, and compliance with international law.

Therefore, I will submit a letter of accuser though it will be several times.

In addition,

Because the following acts of deemed persons are deemed to be criminal charges of 172 false charges of criminal law and 194 criminal offenses of special civil servants, criminal prosecution is urged to be punished for severe punishment.

Chapter 2 . Accusation fact

Chapter 2 -1. A policeman

I . Police officers' special public servants abuse of their own authority Criminal facts of criminal penal code

1. The accused's police officers illegally abused their own authority around mid-June, 2010, although Kin Gungaku is not doing any criminal thought or criminal act, the truth is that The fact that it provided false employment contracts to the former offenders who illegally worked in falsely, pointing to the aid acts of Article 22 of Article 22 of the Immigration Control Act and providing them with a false claim is considered to be a crime, In falsely claiming the arrest warrant to the Tokyo Simplified Court on suspicion of assisting the Immigration Act violation (activity outside the status of qualification), the accused issued a false claim and the accused issued abuse of the official authority and content illegal arrest warrant , Pressured the freedom of decision-making, did not have any obligation in gold martial law, illegal arrest / detention conducted and interrogated.

2. In addition, the police officers of the accused person illegally abused the official authority which it has around the beginning of July, 2010, the Kin Gungaku academy does not believe any crime is considered, and despite the fact that the criminal act is not done, the truth The fact that it provided a false employment contract to a former

For the above two cases of accusations (criminal facts), the following supplements the purpose of arrest and detention

This case is a crime prescribed by the Immigration Act.

With regard to illegal employment of the Immigration Control Act, this incident must be completed with both charges, but only criminal disposition of only the former offender with "unwilling worker's crime", illegal employment of businesses that illegally worked illegal employment ____ 0 ____ 0 ____ 0 ____ 0 ____ 0 ____ 0 ____ 0 ____ 0 It is illegal as stated in the purport of the complaint of the preceding paragraph, although it was deemed as the aiding crime of aid.

Traditionally, only foreigners who illegally worked were arbitrarily criminalized by "fine for illegal employment", etc., withdrawn from the country and removed from the country, and businesses that illegally worked were not disposed of as illegal employment promotion crimes, Because it is not fair under the law and it is an act contrary to international law, foreigners must also be innocent, but in this case the defendant who was familiar with Immigration Control Law who wants to get a hand was founded by other defendants And collapsed and planned a new way to dispose illegal workers without having to punish businesses illegally worked by their passion.

To pretend to dispose the former offender who arrested illegally by illegal work not as a fine but as imprisonment for imprisonment as a criminal punishment, in order to pretend to dispose equally under the law, and also against international law, the accusers are made false In order to pretend that both parties of unlawful employment were criminalized, by making it as an assistant, I made up as a criminal of the criminal law aiding criminal law for violation of immigration law (activity outside the status of qualification). Therefore, I tried a crime of false arrest and false sending.

In addition,

The conditions for granting status of residence are unpublished, and the status of residence is the one that the Minister of Just grants at the discretion. Then, if the former offender has submitted a false employment contract and has obtained the status of residence of international or technical skills, the Minister of Justice shall, pursuant to Article 4-4 of Immigration Act 22, "cancel the status of residence Since the Immigration Control Law stipulates that it can do, there is no causal relationship between illegal employment and false employment contracts under the Immigration Control Act.

Even if a former offender has submitted false contracts of employment and obtained status of residence of technology and humanities internationally, it is self-evident that if you work within the scope of your status of residence it will not be "illegal work" .

The truth is that illegal employment has been made because the former offense worked outside the scope of residence status. That is because some businesses hired formal offenders to make illegal work outside the status of qualification as stipulated by "illegal employment promotion crime".

Therefore, even if it is a false contract of employment, there is no causal connection with illegal employment, but it is a crime that a general public has abused by the immigration law or international law, and only foreigners are "illegal Working crime "as a criminal punishment as a criminal punishment and not only has a causal relationship with illegal work," In the argument that the tubers will blow if the wind blows ", illegal third parties irrelevant to illegal work are illegal I have made up as an assistant to work and abused the crime aiding criminal law.

Refco Co., Ltd. managed by accused who is an accomplice of the money martial arts was founded in October 1988 and was a large company with a capital of 164.92 million yen, so if it is a criminal the impact on society is great, so it is handy I thought.

The purpose of the investigation is to assist the illegal employment by making abuse of assistance crime and preparing false employment contract in aiding act of aiding elimination of the status of residence in order to make money investigate the money martial law, Tokyo District Public Prosecutor's Office Although it is to make an

investigation to make an unreasonable investigation to send to, to compel confessions, but to grant the status of residence at the discretion of the Minister of Justice instead of the law, so a false employment contract The act of proving deliberation is illegal, as it is not said that the act of providing the status of residence was easy.

The purpose of the crime was to exploit the purpose of cancellation of the status of residence to prevent the act of promoting illegal work founded in 2004 and to criminalize both the former offenders who worked illegally and the criminal law aiding criminal law against illegal work By doing so, senior police officers, prosecutors, judges could not do, even if the violation of Immigration Control Act, probably for the first time criminal disposal of businesses by crime of promoting illegal employment, we will dispose the assistant of cancellation of status of residence It is to make achievements that can criminalize foreigners who have worked illegally, so that they can produce their hands. In fact, the Philippine Embassy staff and diplomats have been made a criminal in this manner.

In addition, the former offender is completely false because it can not be said that it can be said to assist with cancellation of the status of residence, because the Minister of Justice has not accepted the deportation of foreign residents because of the cancellation of the status of residence (Article 22-44).

Therefore, illegal acts of arrest and confinement of the accused who have made money offense no criminal acts, make them criminals with a means of illegal acts, and oppress the freedom of decision making by illegal means It is not mere negligence but a maliciously deliberate criminal act (described later).

Therefore, the act of the accused is a criminal offense against abuse of the official authority of the special public servant 194 criminal law.

II . Criminal facts of police officials' false accusations

1. The accused's police officers illegally abused their own authority around mid-June, 2010, although Kin Gungaku is not doing any criminal thought or criminal act, the truth is that The accused who wants to obtain a handicap by falsely referring to the assistance action of Article 4-4 of Article 22 of the Immigration Control Act, unlike ordinary countermeasures against the illegal worker's regular dealing, violates the immigration law) To strictly imprisonment, and it is necessary to punish the employer who is the assistant of the Immigration Act as a crime of promoting illegal work, in order not to contravene international law, but because it does not want to be punished by the sentence , Planning to punish Kim Mutualists and others as an alternate assistant and to punish them with the criminal law and providing content to fictitious offenders who illegally employed a false employment agreement is said to be a crime was arrested and arrested in the police station in Tokyo Assistance for money military academy for violation of immigration law (activity outside the status of qualification) We sent false accusations (inspections) to the Tokyo District Public Prosecutor's office with a false criminal name due to charges of sin.

2. The accused 's police officers illegally abused their own authority around the beginning of July, 2010, although Kin Gungaku is not doing any criminal discipline and does not commit a criminal act, the truth is The accused who wants to obtain a handicap by

falsely referring to the assistance action of Article 4-4 of Article 22 of the Immigration Control Act, unlike ordinary countermeasures against the illegal worker's regular dealing, violates the immigration law) To strictly imprisonment, and it is necessary to punish the employer who is the assistant of the Immigration Act as a crime of promoting illegal work, in order not to contravene international law, but because it does not want to be punished by the sentence , Planning to punish Kim Mutualists and others as an alternate assistant and to punish them with the criminal law and providing content to fictitious offenders who illegally employed a false employment agreement is said to be a crime was arrested and arrested in the police station in Tokyo Assistance for money military academy for violation of immigration law (activity outside the status of qualification) It was a false accusation (additional shipping) by the Tokyo District Public Prosecutors Offices with a false crime name due to charges of sin.

For the above two cases of accusations (criminal facts), the following supplements the purpose of false accusations

"I do not think any crime is considered and I do not commit a criminal act" The same as criminal fact of criminal law of official abuse of officials of police officers and criminal offenses.

Prosecution requests criminal punishment as Kin Gungaku as an aid to violation of Immigration Act.

Therefore, since Kin Gungaku was made a criminal with a mean fashion, even though he did not do any criminal acts,

Illegal false accusations of the accused are not mere negligence but malicious and deliberate criminal activity (see below).

Therefore, the acts of the accused are those that fall under criminal law 172 false charges.

Chapter 2-2. Public prosecutor

I . Prosecutor of the interrogation prosecutor of the Tokyo District Public Prosecutor's Office Prosecutors of Tokunaga National College, a criminal fact of a special civil servant's abuse of his / her authority

1. The prosecutor of the accused is illegally abused the authority which it has about mid June, 2010, although Kin Gungaku academy is not doing any crime and is not doing criminal acts, the truth enters The fact that it provided a false employment contract to a former criminal who illegally worked falsely, referring to the assistance action of Article 4-4 of Article 22 of the Act, to provide a false employment contract falsely suggested that a crime would be considered a police station in Tokyo To illegally obtain a detention letter illegally by making a detention request illegally with alleged criminal charges such as violation of immigration law (activity outside the status of qualification) of Kin Gungaku academy under arrest / confinement to the illegal In detention, pressure on freedom of decision making, no obligation for Kin Gungaku science, illegal arrest detention and conducting interrogation.

2. A prosecutor of the accused is illegally abused the authority it has in about the beginning of July, 2010, although Kin Gungaku academy is not doing any criminal

discipline and is not doing criminal acts, the truth enters The fact that it provided a false employment contract to a former criminal who illegally worked falsely, referring to the assistance action of Article 4-4 of Article 22 of the Act, to the former offender who illegally worked, said that criminal offenses will be given to the Tokyo Metropolitan Police Station Illegally (____ ____ 0 ____ ____ 0 ____ ____ 0 ____ ____ ____ 0 ____ ____ 0 ____ ____ 1 ____ ____ 0 It was an illegal detention, oppressing freedom of decision making, no obligation for Kin Gungaku science, illegal arrest detention and interrogation conducted.

For the above two cases of accusations (criminal facts), the following supplements the purpose of arrest and detention

"I do not think any crime is considered and I do not commit a criminal act" The same as criminal fact of criminal law of official abuse of officials of police officers and criminal offenses.

The purpose of the detention fee claim is to assume illegal employment by making abuse of assistance crime and making false employment contracts in aiding act of aiding elimination of the status of residence to make a criminal offense for money martial law, Because it is to make an unreasonable investigation to send to the Tokyo District Public Prosecutors Offices and to get a record, to compel confessions, but since the status of residence is not granted by law but at the discretion of the Minister of Justice, it is a lie The act of providing an employment contract has not made it easy to obtain the status of residence, and the act of proofing willfulness is illegal.

Therefore, illegal acts of arrest and confinement of the accused who have made money

offense no criminal acts, make them criminals with a means of illegal acts, and oppress the freedom of decision making by illegal means It is not mere negligence but a maliciously deliberate criminal act (described later).

Therefore, the act of the accused is a criminal offense against abuse of the official authority of the special public servant 194 criminal law.

II . Tokyo District Prosecutor's Inquisition Prosecutor Attorney Tokunaga Criminal fact of criminal charges (172 articles) made by the national university

1. The prosecutor of the accused was illegally abused the authority which it has about late July, 2010, although Kin Gungaku is not doing any criminal discipline and is not doing criminal acts, the truth enters A disreputable person who wishes to obtain fidelity by falsely referring to the assistance action of Article 4-4 of Article 22 of the Act, unlike usual countermeasures against the illegal workers who are illegal, a violation of Immigration Control Act (activity outside the status of qualification) It is necessary to punish employers who are assistants of Immigration Control Act as offenses for promoting illegal work as they plan to strictly imprisonment, and do not contravene international law, but because they do not want to punish by their passion, As a crime, having planned to make Kim Mutualology a punishment as a substitute aid by the criminal law and to provide punishment for the false employment contract to illegal workers who committed illegal employment, as a crime, the Kin Gungaku academy under arrest / For assisting the violation (activity outside the status of qualification), Tokyo I filed a false accusation (prosecution) to the district court.

Regarding the above-mentioned facts (criminal facts) of one case, the following supplements the purpose of false accusations

"I do not think any crime is considered and I do not commit a criminal act" The same as criminal fact of criminal law of official abuse of officials of police officers and criminal offenses.

Prosecution is for seeking criminal punishment for financial aid as an aid to violation of Immigration Act.

Therefore, because Kin Gungaku has made no criminal acts, he made him a criminal with a means of illegal acts, so the illegal false charge of the accused is not mere negligence but a malicious deliberate criminal act (see below) .

Therefore, the acts of the accused are those that fall under criminal law 172 false charges.

**III . Prosecutor prosecutor of trial of the Tokyo District Public Prosecutor's Office
Prosecutors' name, unknown name, special public officials abuse of the authority
offense Criminal fact of crime**

1. The prosecutor of the accused was handed over from the interrogation prosecutor and from ____ 0 late 2010 until the end of October 20, 2010 illegally abusing the authority which he has, the criminal offense is no crime Despite being unexplored and not acting as a criminal, the truth pointed to the aid act of Article 22 of Article 22 of the Immigration Act revoking the status of residence, despite being a criminal act, illegally working a false employment contract with a lie What he offered to the former offender is

a crime and he did not release the Kin Gungaku academies imputed at the immigration detention center (or the police station in the city) as a defendant for assisting the immigration law (activities outside the status of qualification) and the same year 10 About the end of the month, the court ruled in court trial by illegal content false indictment in court trial started, trial started, press on freedom of decision, no obligation on gold martial law, illegal arrest detention.

In addition,

Regarding the above-mentioned facts of accusation (criminal facts), the following supplements the purpose of arrest and detention

"I do not think any crime is considered and I do not commit a criminal act" The same as criminal fact of criminal law of official abuse of officials of police officers and criminal offenses.

The purpose of the trial is to aid in the financial aid, so granting the status of residence is granted at the discretion of the Minister of Justice, but providing that a false employment contract has made it easier to acquire the status of residence It is to do the trial as it is to assist illegal work.

Therefore, illegal acts of arrest and confinement of the accused who have made money offense no criminal acts, make them criminals with a means of illegal acts, and oppress the freedom of decision making by illegal means It is not mere negligence but a maliciously deliberate criminal act (described later).

Therefore, the act of the accused is a criminal offense against abuse of the official

authority of the special public servant 194 criminal law.

**IV. Prosecutor 's Prosecutor' s trial at the Tokyo District Public Prosecutor 's Office
Prosecutors' criminal facts of false accusations (Article 172), whose name was
unknown**

1. A prosecutor of the accused is illegally abused by the end of October, 2010, the illegal abuse of his / her official authority, the Kin Gungaku academy has no criminal offense and despite not conducting criminal acts, the truth is the Immigration Act A respondent who wishes to get in touch with a prosecutor of interrogation by falsely referring to the assistance action of Article 4-4 of Article 22 of the Status of Residence, unlike ordinary countermeasures against a regular deal, Because it made it severely imprisonment with violation (activity other than the status of being engaged), it is necessary to punish the employer who is the assistant of the Immigration Act as a crime of promoting illegal work because it does not contravene international law, Since there is no plan, as a scenario, it was criminal that providing false labor contracts to the former offenders who illegally worked to make them punish as Kin Gungaku academy as an alternate aid assistant, the contents of the immigration camp (or the police in the city Immigrated Kin Gungaku entrance into the department It was a false accusation (argument request) to the Tokyo District Court for the aid of the law violation (activity outside the status of being engaged).

Regarding the above-mentioned facts (criminal facts) of one case, the following supplements the purpose of false accusations

"I do not think any crime is considered and I do not commit a criminal act" I . The same

as criminal fact of criminal law of official abuse of officials of police officers and criminal offenses.

Declarations · Requests are for seeking criminal penalties for Kim Military as an aid to violation of Immigration Act.

Therefore, because Kin Gungaku has made no criminal acts, he made him a criminal with a means of illegal acts, so the illegal false charge of the accused is not mere negligence but a malicious deliberate criminal act (see below) .

Therefore, the acts of the accused are those that fall under criminal law 172 false charges.

Chapter 2 -3. Judge's accusation fact

I . Criminal fact of offense abusing special public officials of the Tokyo Simple Court judge who issued arrest warrants

1. The judge of the accused issued an illegal abuse of his authority around the middle of June 2010, and although Kin Gungaku does not do any criminal thought or criminal act, the truth enters The fact that it provided false employment contracts to the former offenders who illegally worked as false, referring to the assistance acts of Article 4-4 of Article 22 of the Act of Residence, provided false employment contracts to the former offenders said that criminal cases are considered, I illegally issue a warrant of arrest, illegally issue arrest warrants, oppress the freedom of decision making, illegally seeking

illegal arrest warrant claims by police officers due to alleged infringement of offense (extra-qualification activity) There is no obligation of illegal arrest / detention.

2. The judge of the accused issued illegal abuses of his authority around the beginning of July, 2010, although Kin Gungaku has no criminal offense and is not doing any criminal activity, the truth enters The fact that it provided a false employment contract to a former criminal who illegally worked falsely, referring to the assistance action of Article 4-4 of Article 22 of the Act, to provide a false employment contract falsely suggested that a crime would be considered a police station in Tokyo The arrest warrant illegally issued an arrest warrant, recognizing the illegal (re) arrest warrant claim of the police officer as lawful due to alleged criminal charges such as violation of immigration law (activity outside the status of qualification) , Squeezing freedom of decision making, and having no duty to Kin Gungaku, illegal arrest detention.

For the above two cases of accusations (criminal facts), the following supplements the purpose of arrest and detention

"I do not think any crime is considered and I do not commit a criminal act" The same as criminal fact of criminal law of official abuse of officials of police officers and criminal offenses.

Because the purpose of issuing an arrest warrant is to aid in Kin Gungaku science, despite the granting of a status of residence at the discretion of the Minister of Justice, the fact that a false employment contract has been issued requires the acquisition of a status of residence As they made it easier to investigate to inspect the Tokyo District

Public Prosecutors and take a record and compel confessions, there is no causal relationship between the act of obtaining a status of residence and illegal work, and illegal work. It is evident that the assistant of the illegal worker is obvious and it is illegal to prove willfulness as aiding the illegal employment of aid acts for rescission of the status of residence without criminal penalties.

Therefore, illegal acts of arrest and confinement of the accused who have made money offense no criminal acts, make them criminals with a means of illegal acts, and oppress the freedom of decision making by illegal means. It is not mere negligence but a maliciously deliberate criminal act (described later).

Therefore, the act of the accused is a criminal offense against abuse of the official authority of the special public servant 194 criminal law.

II . Tokyo District Court judge who approved the detention claims Special officials of the Tokyo District Court Criminal fact of criminal offense

1. The judge of the accused issued an illegal abuse of his authority around the middle of June 2010, and although Kin Gungaku does not do any criminal thought or criminal act, the truth enters. The fact that it provided a false employment contract to a former criminal who illegally worked falsely, referring to the assistance action of Article 4-4 of Article 22 of the Act, to provide a false employment contract falsely suggested that a crime would be considered a police station in Tokyo. To prosecutors' illegal detention waiver due to allegations of violation of immigration law (activities outside the status of qualification) arrested / kept under arrest · confinement, illegally issuing detention letters

illegally by information, decision making It is a thing that illegally arrested and captured under the pressure of freedom of freedom and no obligation for money martial law.

2. The judge of the accused issued illegal abuses of his authority around the beginning of July, 2010, although Kin Gungaku has no criminal offense and is not doing any criminal activity, the truth enters The fact that it provided a false employment contract to a former criminal who illegally worked falsely, referring to the assistance action of Article 4-4 of Article 22 of the Act, to provide a false employment contract falsely suggested that a crime would be considered a police station in Tokyo The prosecutors 'illegal (re) detention fee claims by prosecutors' allegations of violation of immigration law (activities outside the status of qualification) arrested / kept under arrest · confinement are legally recognized as informational, illegal issuance of detention letters It was something that illegally arrested and captured, with no duty on Kin Gungaku academics, squeezing freedom of decision making.

For the above two cases of accusations (criminal facts), the following supplements the purpose of arrest and detention

"I do not think any crime is considered and I do not commit a criminal act" The same as criminal fact of criminal law of official abuse of officials of police officers and criminal offenses.

Because the purpose of issuing a detention warrant is to aid criminal scholarships, despite the granting of status of residence at the discretion of the Minister of Justice, doing a false labor contract renders the acquisition of a status of residence As they made

it easier to investigate to inspect the Tokyo District Public Prosecutors and take a record and compel confessions, there is no causal relationship between the act of obtaining a status of residence and illegal work, and illegal work It is evident that the assistant of the illegal worker is obvious and it is illegal to prove willfulness as aiding aiding the illegal employment of aid acts for rescission of the status of residence without criminal penalties.

Therefore, illegal acts of arrest and confinement of the accused who have made money offense no criminal acts, make them criminals with a means of illegal acts, and oppress the freedom of decision making by illegal means It is not mere negligence but a maliciously deliberate criminal act (described later).

Therefore, the act of the accused is a criminal offense against abuse of the official authority of the special public servant 194 criminal law.

III . Tokyo District Court Criminal Division 3 Judge Okabe Australian Special Civil Servant Criminal Fact of Criminal Prosecution

1. The judge of the accused issued an illegal abuse of his authority around the end of October, 2010, and Kin Gungaku academy did not criminalize any crime, nor did he commit a criminal act, but the truth entered To criminalize the fact that providing a false employment contract to a former offender who illegally worked with a false point, referring to the assistance action of Article 4-4 of Article 22 of the Act as a crime, the immigration detention center Illegal content of the prosecutor due to the aid of the immigration inspector's violation of the immigration law (imprisonment activities) in the Kin Gungaku academically imprisoned in the police station (department), not open the

trial, not releasing the lawful, false prosecution by sentiment, It pressed down freedom and tried to make illegal arrest / imprisonment without any obligation on Kin Gungaku science.

Incidentally, the judge, Osamu Okabe, who is the judge of the accused, is the reasoning that the trough is profitable if the wind blows, even in the cause-and-effect relationship between the accuser's judgment letter and the cause-effect relationship of the assistance crime is carried out and evidence of the crime. I made a bad judgment. Damage is being expanded day by day according to this precedent case. You should convict urgently.

Regarding the above-mentioned facts of accusation (criminal facts), the following supplements the purpose of arrest and detention

"I do not think any crime is considered and I do not commit a criminal act" The same as criminal fact of criminal law of official abuse of officials of police officers and criminal offenses.

Because the purpose of doing trial court is to aid in Kin Gungaku science, despite the granting of status of residence at the discretion of the Minister of Justice, doing a false employment contract signifies the acquisition of a status of residence As they made it easier to investigate to inspect the Tokyo District Public Prosecutors and take a record and compel confessions, there is no causal relationship between the act of obtaining a status of residence and illegal work, and illegal work It is evident that the assistant of the illegal worker is obvious, it is illegal to conduct a trial as an aid to illegal employment as an assisting act of revoking the status of residence without becoming a criminal punishment.

Therefore, illegal acts of arrest and confinement of the accused who have made money offense no criminal acts, make them criminals with a means of illegal acts, and oppress the freedom of decision making by illegal means It is not mere negligence but a maliciously deliberate criminal act (described later).

Therefore, the act of the accused is a criminal offense against abuse of the official authority of the special public servant 194 criminal law.

Chapter 2 -4. Malicious deliberate criminal act (about the intention of accusation fact)

I . The malignancy of the criminal of the accused

1. If the wind blows, Okaya will make profit The conclusion of the formula is a frightening theory of aid due to a brutal causal relationship.

The criminal spirit of the accused's false complaint and arrest detention can be obtained by accusers collusion with the accomplice of the accomplice of the accomplice and providing the funeral offenders who have illegally employed a false employment contract, It was. The proper criminal was able to stay in Japan because the status of residence was obtained. Since I stayed, I was able to work illegally.

Therefore, it was a crime that aided the aid of the Immigration Control Act violation (illegal work due to activities other than the status of qualification).

The causal relationship that is the reason is a clearly deliberate crime that apparently deprived the applicable law illegally, deviating largely from the intent of the Immigration Control Law, even the logic of assistance guilty.

If such a "wind blows, Okaya profitable" argument is permitted, I was able to work illegally because I was able to stay. The part of that, because he was able to stay, so that he could kill himself, it can also be a crime aid for murder charges.

Of course, because it is an assistance criminal act, we have to be intentional, but since we have decided the conclusion, we can make as many deliberations as we intend.

Even in this case, Kim Military says that we transferred the share of remuneration (reward) to the bank.

The whistleblower did not provide false contracts of employment to the former officials, because we stopped hiring because we were unable to recruit regular employees in April that we were planning at Lehman shock.

If there is no Lehman shock, whistleblower will adopt it, it will be able to pin about 100,000 yen a month by hiring, so if you are an industry person, you can understand immediately that it is not necessary to adopt false recruitment . However, since special public officials are paid by tax, they do not understand business sense at all. So, the accused is a special civil servant who is unaware of changes in the economic situation such as the Lehman shock and so decides the regular employment contract as the false employment contract.

With this, I made up the material for the conclusion, but since I am an assistant sin, "willful" is needed.

So, pay attention to receipt of gold meddling brokerage business, rewards for reward.

Since recruitment staff entrusted with recruitment are in an advantageous position, acceptance of reward will occur naturally in Chinese culture. Although I am not impressed with this act, it is natural in Chinese culture, but rather in Confucian culture it is the same feeling as a reward for matches.

It is the same as not being able to work without bribery in the Chinese business. Of course, it seems immoral to respondents who do not understand Chinese culture, even those who have never read a thesis. So, we make up that some of this remuneration has flown to the complainant.

Before arrest, the accused's policemen went to reconnaissance at a Kin Gungaku school store and knows that he is doing a brokerage work, and since the shop is a big restaurant with several employees, I understand that it is necessary to spend over 10 million yen to open a store.

Of course, this money is from funds for brokerage work, but even if we sum up all the rewards from four people it will not be 10 million yen. However, as forcibly a part has been flown to accusers, we will build up a willful intention. In addition,

Prosecutor Mai Nakano also insisted that in the trial prosecutor Nakano Mai is "Kin Gungaku" that is credited with the name of "Kin" from the record of ordinary deposits

deposited in Lefco.

Chinese say that it is not 100% to make a bank transfer with only "last name". I am not even a Japanese.

We also say that it is absolutely impossible to transfer money of remuneration (reward) to the bank, but police officers, prosecutors and others applied their own lifestyles to Chinese as they are.

However, Police officers, prosecutors, and others, it was shocking to say thank you to the mediator, gifts, gifts and gifts by bank transfer, and only by "surname".

As stated earlier, this case is not easy to obtain the status of residence because the Minister of Justice gives the status of residence at the discretion. Unlike graduation certificates prescribed by ministerial ordinance, the submission of employment contracts is provided as per the section manager's notice, there is no legal basis to impose punishment. It can be said that it is a clearly formed crime.

1. Misuses that the Immigration Control Act is primarily a law dealing with treatment of foreigners and is not generally known

(Supplementary supplementation of purpose of false complaint)

In the purpose of Immigration Act as measures to promote illegal employment, the direct causal relationship of illegal employment is the matter prescribed in illegal employment promotion charges.

Even if we obtain a status of residence such as technology, humanities international etc from the Minister of Justice with false contract of employment

If you work within the range of a qualification, you will not be illegally employed.

Working illegally becomes an illegal employment of non-qualification activities because I worked outside the status of residence. However, even if foreigners want illegal work anyway, unless there is a business operator who can work, they can not become illegal workers.

That is because businesses hired illegal foreign workers who are not eligible to work. If not employed,

It can not be 100% illegal workers. That is why the illegal employment promotion crime is created.

Since the conditions for granting status of residence are unpublished and the status of residence has been given at the discretion of the Minister of Justice, we give the Minister of Justice the authority to cancel the status of residence. In addition,

Even if we receive cancellation of the status of residence, it is an administrative punishment for deportation, and we can not let criminal disposition of the accused person to leave the country with the aid of the criminal law.

For this reason, foreigners who provided false documents to other foreign nationals and assisted them to obtain status of residence by amending the Immigration Control Law immediately before the prosecution on July 1, 2010 are administrative penalties for deportation (Formerly no disposal), it is well known that provision of a false labor contract will not be a crime, and the law on dealing with treatment of foreigners, mainly the intellectual law, is generally known as knowledge It is obvious that it was a deliberate crime that was calculated by misusing what is not done.

3. Using the mass media, fraudulent criminal justification by manipulating false information

In doing this crime, police officers conspired with the prosecutor Tokunaga National University who commanded the investigation and carefully prepared information carefully to the press by fake coverage.

To the general public, while giving the impression that it was arrested for illegal employment promotion which worked at a restaurant, which is a crime aid for illegal employment, on the other hand, in order to get visas that can stay for a long time, I have also reported that I submitted it to Tokyo immigration office. This crime is a crime committed to that extent.

In the lunch news immediately after arrest, all TV stations, including NHK, are sending the same content video and articles preliminarily created in advance at once. It is clear to everyone's eyes that it is not a coverage produced after receiving arrested facts.

In the morning paper the next day, the Yomiuri Shimbun etc. are falsely reporting fake lies, so it is clear that the source of information is the Metropolitan Police Department, and the prosecutor also plans to prepare the crime prematurely under the command of the investigative investigation under conspiracy It is obvious that there is something done, the will of the crime can not be hidden.

However, I think that it can not be denied that this false information gave prejudice to the judge.

As stated above, this case is a calculated crime committed with illegality at all, unlike the

case of just mistakenly mistakenly arresting the applicable law.

So, many police officers, prosecutors, judges, and counselors involved in this case have also committed crimes. It is just a judicial jailbreak incident.

In addition,

Therefore, this cleverly calculated offense of abuse of official abuse is said to be malignant willfulness.

The purpose of the crime was to allow foreigners who worked illegally by applying the criminal aid crime to a violation of Immigration Act (illegal employment due to activities outside the status of qualification), which a young prosecutor and the police conspired and no one was able to do, It is possible to criminal disposal as it is, in the history of the police, probably in the history of prosecutors, probably for the first time to raise a record to achieve a successful lifetime.

The company of the accused person is also preparing to open and has capital of 160 million or more, it is a large company, so I did "I'm fired of the president of a large company".

This was a track record, and in February 2015 I did "I got fired by a Philippine diplomat."

We must make Japan a country governed under the law. To that end, the horrifying human rights violation damage will spread more and more unless it arrests and arrests the related person as soon as possible and investigates it.

III - II. Ideas of crimes of abusing special authority officials

1. Criminal composition requirement of criminal offense abuse of special civil servants

"Crime of abuse of the special public servant's authority" is a crime established by abusing its authority and arresting and imprisoning others. Criminal constitution requirements of official abuses of special public officials As to the suitability,

- ① The principal is a special civil servant, . . . facts It is a policeman, a prosecutor, a judge.
- ② Having arrested and confined a person . . . It was arrested and confined as a fact.
- ③ abuse of authority, established by.

Whether abusing the official authority or not,

Illegally exercise authority on duties It is said that the means and methods are not only violent and intimidated, but only if they can oppress the freedom of decision-making to the extent that it is legal and virtually impossible to accept the result against the victim It is.

As stated in the facts of complaints, we apply to the court the lie and arrest warrant, etc., illegal contents, etc. by presenting a warrant arrest warrant to oppose freedom of decision making and exercise authority on duties .

Criminal offense is established because this obvious illegal act is abuse of official abilities, since crimes of abusing ex official authority of special civil servants does not require deliberation.

2. Critical intentions (lie fake complaint) behind the offense of abuse of special public officials'

Police officers, prosecutors and others got arrest warrants (lying fake charges), claiming arrest warrants on the content of criminal being considered as false, pretending to reasons of arrest, in making illegal arrest / detention We arrested and arrested arrest / imprisonment so cleverly that it is necessary for the establishment of a false accusation to falsify a serious deliberate thing,

In addition to the malignancy of the criminal offense of said accused, I will further describe.

The case of a violation of Immigration Control Act (illegal employment due to activities outside the status of qualification) is not an unusual case.

It is an incident occurring on a daily basis.

As a fact, the police detention center charged with a complainant was overflowing with an arrest of illegal work. It is not uncommon for illegal stay for over 10 years. In many cases, we will not dispose of employers without even arresting illegal employment due to passion, so among illegal foreigners who are illegally working, illegal residents usually do not carry out criminal treatment, is.

In many cases, the regular staying qualifications are illegally made to criminalize themselves against fairness against the law under the law and to arbitrarily move away

from the country. However, in this case, because it is a regular staying qualification, in order to get a hand in imprisonment with a fine sentence as a penalty punishment, the conditions for granting a status of residence are not stipulated by the law and the Minister of Justice is unpublished granted Despite being awarded at discretion on the condition, the content is extremely malicious crime that applied fraudulent employment crime by forming false assistants with the provision of false employment contracts making it easy to obtain status of residence is.

Aside from that, Osaka's Chinese girls' international student worked as a hostess, was arrested for illegal work of non-qualification activities and became to leave the country, but this international student rarely tried.

As a result of the trial, I am innocent. It is because the Ministerial Ordinance is not the main regulation (Immigration Control Act) but decides the working hours of 28 hours a week, such as being unable to work as a customs activity as a non-qualification visa at a study abroad visa.

The conditions for giving a status of residence are not stipulated by law and can not be said that it was privately held at the discretion of the Minister of Justice and did not facilitate the status of residence, and I also know that the submission of false documents is administrative penalty for deportation, 100 is also aware that criminal facts are the reasons for assisting "cancellation of status of residence", with the primary criminal as the reason for arrest, and the criminal attitude of abusing the official abduction of the primary offender dealing with the Immigration Act is a clear intention (recognized negligence) .

Furthermore, after the arrest (June 14, 2010), the amendment to the Immigration Control Act, which came into effect on July 1, 2010, for the month to be prosecuted, to the other Canceled Status Foreigners who assisted out the submission of lies and false documents, as you can see from the fact that the clause for deportation has been added and enforced,

It is obvious that aiding false documents of the Immigration Law fake documentation assistance of the submission is not subject to criminal disposition,

It can be said that the criminal act of abusing the official authority of police officers dealing with the Immigration Act is intentional (recognized negligence).

With respect to illegal employment, in order to avoid violating the Immigration Control Act (illegal employment), foreigners who have illegally worked as illegal workers for illegal employment, so as not to contravene the laws and international laws under the law, To criminal disposal of illegal employment by criminal offense is the purpose of the Immigration Bureau Law, it is not reasonable to apply non - illegal employment promotion crime to aid for illegal employment by the Immigration Control Act Judicial police officers who handle violation (illegal employment) cases, of course, were familiar with it, so to make reasons for assisting cancellation of status of residence against the illegal employment crime as the reason for assisting the criminal law is a planned intentions It is said that it is recognition (negligence with recognition).

As a fact, many violations of immigration laws (illegal employment of activities outside the status of qualification)

Although arrested foreigners were working illegally, the employer without punishment in illegal employment conducive crime, foreigners are allowed to work illegally, in a fair and arbitrary disposal under the law of contrary to international law I knew that I was aware of it, criminalizing it with a small penalty and moving away from the country as an invitation letter, in terms of duties.

Therefore, illegal employment crimes related to the illegal employment of the Immigration Control Act, illegal employment conducive crime, because the law, such as visa cancellation is the crime of sufficiently understand, say that the criminal intent of the ex officio abuse is intentional (recognizing there is negligence) is.

A judicial police officer (Kaori) who thought that it would be released due to non-prosecution during interrogation said,

From now on, if you do not understand by the Immigration Control Law, please ask the police.

Where I do not understand, I have a specialist so I will listen and teach.

From this also police are familiar with Immigration Control Law and are clearly deliberately calculated.

A young prosecutor Tokunaga who conducted investigation,

At the time of interrogation, when the accuser said that the criminal law does not constitute any crime,

"I am a great person Who believes you, no one believes what you say"

"I am great, I can do it even if I am fine if I admit it, I can imprisonment if I do not approve of it"

"I am great, many Chinese will not be charged or will be sent to the immigration penalty with a small penalty and I will make a fine if I acknowledge you."

It is certain that no one believed it, but also from this it was deliberately calculated.

3. Unwillingness

I did not know the existence of the status of residence, the cancellation of the status of residence of the Immigration Control Act (Article 22-4) and the crime of promoting illegal employment (Article 73-2), because I had forgotten, so excusing that it was mere negligence The

As a judicial police officer dealing with illegal work related to immigration cases, conducting duties without neglecting laws and ordinance surveys such as the purpose of the Immigration Control Act, the creation of related provisions, the purpose of amendment and its contents,

Because it is said that the disastrous consequences of violating human rights violations that can not be irrevocably lost due to mistakes in application laws and bringing the victims to the bottom of society will be disastrously conceived in terms of the nature of the duties, I will.

Also, if a police officer dealing with a violation of Immigration Control Act says that he did not know the Immigration Control Act, it is not permissible as it does not constitute a body as a state of law.

Police officers, prosecutors, special public officials such as judges did not know the law, People can not live with peace of mind if we adopt a mistaken application law.

Therefore, in order to prevent human rights abuses caused by these application law errors, police organizations, prosecution organizations, and court organizations are judicial administrations with check function based on criminal law, which governs under the law. However, In fact, in this case, we do not function at all and have been sentenced to imprisonment due to misappropriation of applicable law. Furthermore, since we are squeezing without accepting complaints and accusations, it is obvious that governance under the law will not be realized unless we punish stakeholders with resolve with the help of the international community.

This problem is deeply rooted, so Japanese people alone can not solve it. The Japanese government (the judicial administration) does not rule over some Japanese and many foreigners under the law, causing serious and systematic human rights abuses. Help me. I am seeking relief from the United Nations Human Rights Council.

III. Willfulness of false accusation

In case of violation of Immigration Control Act, police officials and prosecutors are accused of lying false accusation in addition to the abuse of special public officials' abilities.

False accusation charges are the act of making false accusations for the purpose of causing others to be punished or disciplined.

Because it is a deliberate criminal, a desired criminal, and "a purpose to make a person receive criminal or disciplinary action" is necessary,

I stated firmly.

The "intentions" of false accusations are also the same as those stated in the official abuse of special public officials.

The following statement is related to the complaint.

Chapter 3. Annotative explanation

1. Job authority of police officers

Criminal Procedure Act

(Act No. 131 of July 10, 1947)

Chapter 1 investigation

Article 189 A police officer shall, respectively,

According to other laws or as stipulated by the National Public Safety Commission or Prefectural Public Safety Commission,

Job duties as judicial police officials.

○ **2 When judicial police officials think that there is a crime,**

The criminal and evidence shall be investigated.

Judicial police officers have all the power over the investigation that the judicial police office has.

Special judicial authorities held by judicial police officers are as follows.

About arrest

Usually orders for arrest warrant (Criminal Procedure Code 199 (2)).

Receiving suspects arrested (Article 202 of the same law, Article 215 (1)).

Abstract of criminal facts at the time of arrest of suspect · Notice of election of defense counsel, record of excuse, decision of release / sending (Article 203, 1, 211, 216 of the same law)

Seizure, search, request for verification warrant (Criminal Procedure Code Article 218 (3))

Sale and refund of evidences (Article 222, Paragraph 1 of the same law)

Request for appraisal detention disposition (Article 224, paragraph 1), request for permission for appraisal (Article 225, paragraph 2)

Proxy inspection (Article 229 (2) of the same law)

Prosecution / accusation, receipt of the self-registration / record preparation (Article 241 (1) (2), 243, 245)

Sending a case to a public prosecutor (text of Article 246 of the same law, Article 242, Article 245)

Investigation agency

The investigation is made by the investigation agency.

The following are examples of investigation institutions prescribed by the Criminal Procedure Code.

General judicial police official (= policeman) (criminal procedure law 189 (2))

Special judicial police officials (judicial police officials other than police officers) (Criminal Procedure Act Article 190)

Prosecutor (Criminal Procedure Act 191 (1))

Prosecution officer (Criminal Procedure Act 191 (2))

2. Job authority of prosecutor

Duties of public prosecutor

Prosecution Office law

(Act No. 61 of April 16, 1947)

Article 4 The public prosecutor conducts prosecution on the criminal,

I request the court to justify the law、 Also supervise the execution of the case,

In addition, when it is deemed necessary for other matters belonging to the authority of the court for duties,

Ask the court to notify or state opinions,

Also, as a representative of the public interest, do other affairs that other laws and ordinances belong to.

Article 6 The public prosecutor、 they can investigate any crime.

○ 2 The relationship between the public prosecutor and those who have the authority of investigation under other laws and regulations,

According to the provisions of the Code of Criminal Procedure.

Investigation agency

The investigation is made by the investigation agency.

The following are examples of investigation institutions prescribed by the Criminal Procedure Code.

General judicial police official (= policeman) (criminal procedure law 189 (2))

Special judicial police officials (judicial police officials other than police officers) (Criminal Procedure Act Article 190)

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Prosecutor (Criminal Procedure Act 191 (1))

Prosecution officer (Criminal Procedure Act 191 (2))

3. Judge's job authority

Duties and powers of judges Constitution Article 76 (3)

"Everything is judged by its judiciary, following his conscience and exercising its authority independently, being bound only by this constitution and law."

Article 76 All judicial powers belong to the Supreme Court and the lower courts

established pursuant to the provisions of law.

(2) The special court can not establish this.

Administrative agencies can not make a trial as the final judgment.

(3) All judges shall independently exercise their authority according to their conscience,
Bound only with this constitution and law.

Chapter 4 Damage to Kin Gungaku

Due to insulting the laws of the accused, malicious false charges and abuse of authority,
Kin Gungaku was imprisoned for 1 year and a half, suspended execution 3 years fine was
1 million yen.

Kin Gungaku science loses physical suffering, mental suffering, social trust,
I lost the Chinese restaurant I got at the 10 million yen we saved for the brokerage
reward.

And by arrest, detention, judgment, I was forcibly removed from Japan, the foundation
of my life,

I lost all my credit, wealth and income, the foundation of my life.

The imprisonment punishment received by Kin Gungaku is also a heavy burden to the life
in China.

As soon as possible, the prosecution 's office should request a retrial and withdraw the
prosecution and compensate.

If it were only Japanese, I can grasp it with the real intention the prosecutor said (I am great)

Because Japanese law is an explicit law, we can not squeeze it internationally.

He made innocent Chinese a sinner and rolled it up to gold (fine) and banished him from abroad.

It was something embarrassing internationally.

If you do not do the proper treatment as soon as possible, it will become an international problem of any comfort women and conscription workers.

Regarding this matter, the Chinese are paying close attention.

Chapter 5 Other

I . Verification method

1. 起訴状
2. 日本国憲法、出入国管理及び難民認定法並びに刑法等
3. 入管法改正にかかる国会議事録（本会議および委員会等）
（法の創設および改正趣旨）
4. 東京地裁判決

II . 関係情報

Indictment

(2010 Tohoku Agency Foreign Territory No. 6487, 6624

Heisei 22nd inspection, 17461, 17462, 29215, 29216)

III. Attached document

One indictment letter

Yasuhiro Nagano 6-18-9 Takahama, Mihama-ku, Chiba-shi 261-0003

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Mobile phone 090-4824-7899

告発状

平成28年 5月10日

平成27年 6月 1日

東京地方検察庁 御中

告発人

〒261-0003

住所 千葉県美浜区高浜6-18-9

電話 090-4824-7899

職業 合同会社未来 代表

生年月日 昭和24年9月9日生

氏名 長野恭博 印

被告発人

警察官

住所 〒100-8929 東京都千代田区霞が関2丁目1番1号

職業 警視庁組織犯罪対策部組織犯罪対策第1課 、

および世田谷署の合同捜査チームのメンバーの警察官 氏名不詳

およびその責任者(氏名不詳)や外部へ情報提供をした警察官(氏名不詳)ら

検察官

刑法194条特別公務員職権濫用罪に該当する者

1) 東京地方検察庁 取調べ 検察官検事 徳永国大及びその検察関係者

2) 東京地方検察庁 公判 検察官検事 姓名不詳及びその検察関係者

刑法172条虚偽告発罪に該当する者

- 1) 東京地方検察庁 取調べ 検察官検事 徳永国大 及びその検察関係者
- 2) 東京地方検察庁 公判 検察官検事 姓名不詳 及びその検察関係者

裁判官

- 1) 逮捕請求を承認

逮捕請求を承認し逮捕状を発行した東京簡易裁判所の裁判官（姓名不詳）

再逮捕請求を承認し逮捕状を発行した東京簡易裁判所の裁判官（姓名不詳）

- 2) 勾留請求を承認

勾留請求を承認し勾留状を発行した東京地方裁判所の裁判官（姓名不詳）

再勾留請求を承認し勾留状を発行した東京地方裁判所の裁判官（姓名不詳）

- 3) 逮捕・勾留をして公判を行った、東京地裁刑事第三部裁判官岡部豪

第1章. 告発の趣旨

日本は、「不法就労」に対して、不法就労した外国人を「出入国及び難民認定法（以下「入管法」と言う）」70条「不法就労罪」で刑事処分し、不法就労させた雇用者を入管法73の2条「不法就労助長罪」で、両者を平等に刑事処分することで、日本国憲法の「法の下での平等」や恣意的に外国人を処分することを禁じた「国際法」に反しないように立法しています。

しかし、実態は、（不法就労させた雇用者）を「不法就労助長罪」で処分せず、（不法就労した外国人だけ）を「不法就労罪」で刑事処分し、国外追放にしています。

これは、外国人を恣意的に差別することを禁じた国際法に反しています。日本国憲法の法の下での平等にも反しています。

不法就労させた「不法就労助長罪」で事業者を処分しないのであれば、不法就労させられた外国人も、処分なし（無罪）が法の論理です。そうであれば当然、如何なる、不法就労の幫助者もないと

ということです。これが法の下での統治であり、基本的人権の尊重であり、国際法の遵守です。

2010年に発生した当入管法違反幫助事件では、もっと悪質な、犯罪行為をしました。従来は不法就労させた事業者を「不法就労助長罪」で処分せず、不法就労した外国人だけを「不法就労罪」で罰金刑にして国外追放していたのですが、「不法就労助長罪」の雇用者にかわる、第三者の「幫助者」をでっち上げ、平等に処分したように見せかけるため、第三者を刑事処分して、不法就労した外国人を罰金刑でなく「懲役刑」にして国外追放したのです。第三者とは、採用予定の正犯に雇用契約書を提供した告発人と共犯とされた元部下の中国人「金軍学」です。

私と共犯とされた「金軍学」は、中国人の不法就労に対して、その幫助行為をしたとして、国際法を遵守するため創設された、不法就労に対する幫助行為や助長行為を規定した特別法である「不法就労助長罪」でなく、不法にも、「内容虚偽の雇用契約書」を提供したから、在留資格が容易に得られた。それで日本におられた。日本におられたから不法就労できた。との因果関係で、一般法である刑法の「幫助罪」を乱用され実刑（懲役刑）を受けました。

「金軍学」や私だけでなく、私の知る限り、2014年、2015年にはフィリピン大使館職員や外交官まで同様の不法な論理で「幫助罪」が適用され刑事処分されております。

私の主張は、刑法の幫助罪適用は、以下の理由により適用法違反による犯罪行為です。被告発人の罪名は刑法の「虚偽告訴罪」であり、「特別公務員職権乱用罪」です。

1. 不法就労に対する幫助罪は、特別法にあたる、入管法の73の2条「不法就労助長罪」で規定されています。正犯や警察官、検察官も認めるように、「金軍学」は、「不法就労助長罪」に規定する行為はしていません。

2. 正犯を雇用した事業者は何れも、お咎め無しで入管法が規定する「不法就労助長罪」で処分され

ていません。そうであれば雇用された正犯もお咎め無しの無罪です。そして如何なる幫助者も存在しないということです。

3. 次に、「内容虚偽の雇用契約書」の提供が在留資格の取得を容易にしたとは言えません。

在留資格を容易に取得させたというが、在留資格の付与条件は法律で規定されておらず、付与条件は未公開で、法務大臣が裁量で付与するものであり、在留資格を容易にしたとは言えません。

「内容虚偽の雇用契約書」で在留資格を得たのであれば、入管法 22 条の 4 の 4 在留資格取消で規定するとおり不法就労とは別個のものです。

仮に「内容虚偽の雇用契約書」で法務大臣より技術や人文国際の在留資格を得たとしても、技術や人文国際の在留資格の範囲で働いていれば、不法就労（資格外活動）にならないことは自明の理です。したがって在留資格の取得と不法就労とは何ら関係のないものです。

憲法 31 条に「何人も、法律の定める手続によらなければ、その生命若しくは自由を奪はれ、又はその他の刑罰を科せられない。」（法律の定めとは、国会で制定した法律を指します。地方議会で制定した条例も含む）に照らして、雇用契約書の提出は、法律でも、省令でもなく、課長通達で外国人に提出を求めるもので、事業者として協力したものであり、仮に虚偽であるとしても、法務大臣が裁量で与える事案について刑事罰を科す根拠法がありません。唯一あるのは、法務大臣は、その対処として入管法で在留資格を取消ことができるとしています。

在留資格の付与は法務大臣の裁量ですが、法務大臣は法律ではない法務省の「省令」で、技術や人文国際については、大学、短大等を卒業して専門知識をもっていることを付与方針として規定していますので、「卒業証書」であれば在留資格付与の大きな要因だと推測できますが、雇用契約書が在

留資格の取得を容易にするとは言えません。

在留資格を得られたから本邦におられた。本邦におられたから不法就労できたと言うが、在留資格は付与条件を未公開で法務大臣が裁量で与えるものです。

在留資格を受けても、更に入国許可（パスポートへの証印）も許可条件を未公開で、外務大臣が裁量で許可を与えて在住（入国）が可能になるものです。よって、雇用契約書が虚偽だとしても両大臣の裁量権限を容易に左右できるとは言えません。

事実として、在留資格は法務大臣が裁量で付与するものですから、告発人らは、入管との質疑などで在留資格について次のように説明され運用させられていました。

- 1) 「卒業証書」で在留資格要件が満たされ専門知識があれば、雇用会社が不適當若しくは雇用契約書が虚偽などの場合は、外国人に対して、雇用契約会社を変えさせて再申請させている。
- 2) 雇用契約書を交わした外国人が在留資格を受けて入社しなくとも、在留資格は外国人個人に付与するもので、付与後は、在留資格（技術や人文国際）の範囲でどこで働こうと自由である。
- 3) 在留資格を取得後、雇用契約会社に入社できなくとも、直ちに在留資格が取消されるのではなく、一定期間内に、在留資格の範囲で雇用先を見つけ就労できる。

よって、内容虚偽の雇用契約書の提供が在留資格の取得を容易にしたとはいえず、また、在留資格の取得と不法就労とは何ら、因果関係はありません。

前記したように「内容虚偽の雇用契約書」で法務大臣より裁量で、技術や人文国際の在留資格を得たとしても、技術や人文国際の在留資格の範囲で働いていれば不法就労にならないことは明白で、「内容虚偽の雇用契約書」と不法就労とは関係のないことは自明の理です。

彼等が不法就労者になったのは、働く資格のない在留資格の外国人を雇用して働かせた事業者の

責であることは自明の理であります。

以上により、入管法の立法趣旨どおり、不法就労に対する幫助・助長行為は「不法就労助長罪」に規定するとおりで処分しなければ不当であり、幫助罪の適用は不法です。

2015年、大阪で中国人留学生がホステスをして「不法就労罪」で処分され「国外退去」になりましたが、不当だとして裁判で争い、無罪になっています。

このときの判決理由は、資格外活動として、週に28時間の就業時間制限や風俗営業での就労を認めていないのは、入管法本則（法律）ではなく細則（省令）なので、法律違反ではないとして起訴を退けたのです。

4. 外国人は日本におられるようにしたら犯罪をすると断定するのは、外国人に対する人権侵害です。そして、外国人を日本におられるようにしたら、その外国人が犯罪行為を犯せば幫助罪だとするのは幫助罪の乱用で、国民は安心して生活できません。

外国人のした不法就労に対して、その幫助行為の処罰を定めた「不法就労助長罪」でなく、日本に在住できるようにしたから犯罪ができたとの因果関係で、何ら刑事罰にならない在留資格取消行為の幫助を理由にして、刑法の「幫助罪」を適用するのは、**幫助罪の乱用で違法です。**

不法就労の幫助理由に、（課長通達で要求された）「（内容虚偽の）雇用契約書」を正犯に提供したから、（法務大臣より裁量で）在留資格が容易に取得できた。在留資格が得られたから、（外務大臣より裁量で入国査証が得られ）日本に在住できた。日本に在住できたから不法就労ができた。との因果関係で刑法の幫助罪を適用していますが、前記したように、仮に「内容虚偽の雇用契約書」であっても在留資格の取得や入国査証の許可とは、何ら法的な根拠がなく、明らかに因果関係がなく、又、日本におられるようにしたから犯罪ができることは外国人に対する悪質な差別であり、

人権侵害であり、また、幫助罪の乱用で違法です。

日本では、こうした遠い因果関係の論法を「風が吹けば桶屋が儲かる論法」と言います。風が吹けば、何故、桶屋が儲かるのか・・・？因果関係を話せば長いのです。そしてシナリオは色々あります。つまり、因果関係は「こじつけ」なのです。

こうした、遠い因果関係で幫助罪を適用する習慣が根付いていれば、恐ろしい日本社会です。国民は安心して生活できません。

日本に在住できるようにしたから「不法就労」ができた。よって、因果関係は明白であると言うが、外国人にアパートの一室を貸して、日本に在住できるようにした。日本に在住できたから殺人ができたとしてアパートのオーナーに「殺人罪」の幫助罪が適用できるのでしょうか？？？この答えとして、

取調べの警察官は、「社長、中国人が不法就労したから、不法就労に対する幫助罪で済むけど・・・中国人が、殺人をしていたら、殺人罪に対する、幫助罪ですよ！気をつけてくださいよ！」と言いました。既に、アパートのオーナーに、殺人罪の「幫助罪」を適用しているのです。

外国人を平等に扱う日本人を面白く無いと思えば、この日本人に対して、裁量で殺人の幫助者にもしているのです。人権侵害の根本は、恣意的な外国人排除の習慣が根付いているからです。

よって被告発人らの罪名は刑法の「虚偽告訴罪」であり、「特別公務員職権乱用罪」です。

個々については、第2章 告訴事実記載しますが、「特別公務員職権濫用罪」は、その職権を濫用して、他人を逮捕、監禁することによって成立する罪です。特別公務員職権濫用罪の犯罪構成要件該当性については、

①主体が特別公務員であること、・・・事実 警察官、検察官や裁判官らです。

②人を逮捕・監禁したこと、・・・事実として逮捕・監禁されました。

③職権を濫用したこと、によって成立します。・・・職権を濫用したか否かですが、濫用とは、職務上の権限を不法に行使することで、その手段や方法は、暴行・脅迫だけでなく、法律上・事実上、被害者に対してその結果を受け入れざるえない程度に意思決定の自由を圧迫するものであれば足りるとされています。

職務権限については、第三章 注釈的説明で 記載しますが、警察官について言えば 刑事訴訟法 第百八十九条 警察官は、それぞれ、他の法律又は国家公安委員会若しくは都道府県公安委員会の定めるところにより、司法警察職員として職務を行う。

2 司法警察職員は、犯罪があると思料するときは、犯人及び証拠を捜査するものとします。と規定されています。

よって、犯罪が思料されない、つまり、なんら法に違反していないのに、捜査、逮捕、監禁することは、不法な行為であり、特別公務員職権乱用罪にあたります。

告訴事実に記載のとおり、不法な内容嘘偽の逮捕状等を提示するなどして意思決定の自由を圧迫し職務上の権限を行使しています。

特別公務員職権濫用罪は故意を必要としていませんので、この明らかな不法な行為は、職権乱用であるので、犯罪は成立します。

名誉回復のための手段は「再審請求」です。しかし、「適用法の誤り」は再審請求できません。しかし事件に関わった警察官や検察官の犯罪を起訴し、犯罪が確定すれば「再審請求」できます。

私は、日本の司法が、法の下での統治、基本的人権の尊重、国際法の遵守を実現する証として、検察が自主的に再審請求することを望んでいます。

よって、何度めかになります。 告発状を提出いたします。

以下の被告発人の所為は、刑法 172 条虚偽告訴罪および刑法 194 条 特別公務員職権濫用罪に該当する者と考えるので、被告発人を厳罰に処することを求め告発します。

第2章. 告発事実

第2章 – 1. 警察官

1. 警察官らの 特別公務員職権乱用罪刑法の犯罪事実

1. 被告発人の警察官らは、平成 22 年 6 月中旬頃、持っている職権を不法に乱用して、金軍学は何ら犯罪が思科されないし、犯罪行為をしていないにもかかわらず、真実は入管法の在留資格取消 22 条の 4 - 4 の幫助行為を指して、嘘偽に、内容虚偽の雇用契約書を不法就労した正犯に提供したことは、犯罪が思科されるとして、都内において金軍学を入管法違反（資格外活動）の幫助罪の容疑で、事前に東京簡易裁判所に逮捕令状を嘘偽請求し、被告発人は持っている職権を乱用し内容嘘偽の不法な逮捕令状で、意思決定の自由を圧迫し、金軍学には何の義務もない、不法な逮捕・監禁を行ない取調べを行ったものです。

2. また 被告発人の警察官らは、平成 22 年 7 月上旬頃、持っている職権を不法に乱用して、金軍学は何ら犯罪が思科されないし、犯罪行為をしていないにもかかわらず、真実は入管法の在留資格取消 22 条の 4 - 4 の幫助行為を指して、嘘偽に、内容虚偽の雇用契約書を不法就労した正犯に提供したことは、犯罪が思科されるとして、都内の警察署に留置中の金軍学を入管法違反（資格外活動）の幫助罪の容疑で、事前に東京簡易裁判所に（再）逮捕令状を嘘偽請求し、被告発人は持っている職権を乱用し内容嘘偽の不法な逮捕令状で、意思決定の自由を圧迫し、金軍学には何の義務も

ない、不法な逮捕・監禁を行ったものです。

以上 2 件の告発事実（犯罪事実）について、以下は逮捕監禁の目的を補充

「何ら犯罪が思科されないし、犯罪行為をしていないとは」詳しくは、第 1 章、告訴の趣旨で記載しましたので、以下は犯行の動機、犯行目的などを記載します。

この事件は、入管法で規定する犯罪である。

不法就労に対しては、不法就労をした外国人を「不報就労罪」で、また、不法就労させた事業者を、不法就労に対する幫助罪である「不報就労助長罪」で公平に処分することが規定されている。

よって、入管法の不法就労に関しては、両罪でこの事件は完結しなければならないが、正犯のみを「不報就労罪」で刑事処分し、不法就労させた事業者を、不法就労に対する幫助罪である「不報就労助長罪」で公平に処分せずに、内容虚偽の雇用契約書を提出し、在留資格の取得を容易にしたので正犯は不法就労ができたとして、告発人を不法就労の幫助罪としたが、前章の告訴の趣旨で記載したとおり、不法である。

従来は、不法就労した外国人だけを恣意的に「不法就労罪」で罰金などで刑事処分し国外退去させ、不法就労させた事業者を「不法就労助長罪」で処分していないが、法の下で公平でなく、国際法に反する行為であるので、外国人も無罪としなければならないが、この事件では、手柄を得たい入管法に熟知した被告発人は他の被告発人らと共謀し、不法就労させた事業者を情により処罰せずとも、不法就労者を処分する新たな手口を画策したのです。

先に不法就労で逮捕した正犯を罰金刑ではなく懲役刑として刑事処分するため、法の下で平等に処分するように見せかけ、また国際法にも反しないとするため、告発人らを虚偽の幫助者とするこ
とで、不法就労の両者を公平に刑事処分したように見せかけるため、入管法違反（資格外活動）の

刑法幫助罪の犯罪者として、でっち上げたのです。そのため虚偽逮捕、虚偽送検の犯罪を企てたのです。

在留資格の付与条件は未公開で、在留資格は法務大臣が裁量で付与するものです。そして、仮に正犯が、内容虚偽の雇用契約書を提出して、技術や人文国際の在留資格を得ていた場合には、法務大臣は、入管法22の4条の4により「在留資格の取消」を行うことができると入管法は規定しているので、入管法では不法就労と内容虚偽の雇用契約書との因果関係は全く無い。

仮に正犯が、内容虚偽の雇用契約書を提出して、技術や人文国際の在留資格を得ていたとしても、在留資格の範囲内で働いていれば「不法就労」とならないことは自明である。

真実は、正犯が、在留資格の範囲外で就労したので、不法就労となったものである。それは「不法就労助長罪」で規定するように、正犯を雇用して資格外の不法就労をさせた事業者がいたからである。

よって、仮に内容虚偽の雇用契約書であったとしても、不法就労とはなんら因果関係はないが、一般国民が入管法や国際法に疎いことを悪用した犯罪で、外国人だけを「不法就労罪」で懲役刑として刑事処分して手柄を立てたいばかりに、不法就労とは因果関係のない、「風が吹けば桶屋が儲かる論法」で、不法就労とは関係ない第三者を不法就労の幫助者としてでっち上げ、刑法の幫助罪を乱用しているのである。

金軍学の共犯者である告発人の経営するレフコ社は、昭和58年10月設立、資本金16,492万円あり大会社だったので、犯罪者にすれば社会に与えるインパクトが大きいので、手柄が大きいと考えたのです。

捜査の目的は、金軍学を幫助罪とするため、幫助罪を乱用し、在留資格取消の幫助行為における嘘

偽の雇用契約書を作成し提供したことは、不法就労の幫助だとして、東京地方検察庁へ送検するための無理のある捜査をして調書を取ること、自白を強要するためであるが、在留資格は法律でなく法務大臣の裁量で付与するものであるから、嘘偽の雇用契約書を提供した行為は在留資格の取得を容易にしたとは言えず、故意を立証する行為は違法です。

犯行目的は、平成16年に創設された不法就労の助長行為を防止する在留資格取消の趣旨を悪用して、不法就労した正犯と不法就労の刑法幫助罪をした金軍学らの両者を犯罪者とする事で、先輩警察官、検察官、裁判官ができなかった、入管法違反事件でおそらくはじめての、不法就労助長罪で事業者を刑事処分しなくとも、在留資格取消の幫助者を処分することで、不法就労した外国人を刑事処分することが出来る実績を作り、手柄をたてるためです。

事実、この後フィリッピン大使館職員や外交官は、この手口で犯罪人にされています。

なお、正犯は、法務大臣より在留資格取消（第22条の4 4項）を理由として、国外退去の処分さえ受けていないので、在留資格取消の幫助とも言えないので全くの虚偽です。

したがって、金軍学は何ら犯罪行為をしていないのに、卑劣な違法行為の手口で犯罪者にし、不法な手段で意思決定の自由を圧迫しての、被告発人の不法な逮捕・監禁行為は単なる過失ではなく悪質な故意のある犯罪行為（後述）です。

よって、被告発人の所為は、刑法194条 特別公務員職権濫用罪に該当するものです。

II. 警察官らの 虚偽告発罪の犯罪事実

1. 被告発人の警察官らは、平成22年6月中旬頃、持っている職権を不法に乱用して、金軍学は何ら犯罪が思科されないし、犯罪行為をしていないにもかかわらず、真実は入管法の在留資格取消2

2条の4-4の幫助行為を指して、嘘偽に、手柄を得たい被告発人は、不法就労した正犯を通常の対処と異なり、入管法違反（資格外活動）で厳しく懲役刑にすることを画策し、それには国際法に反しないために、入管法の幫助者である雇用者を不法就労助長罪で処罰せねばならないが、情により処罰したくないので、金軍学らを代わりの幫助者としてでっち上げ刑法で処罰させることを画策し、内容虚偽の雇用契約書を不法就労した正犯に提供したことは、犯罪であるとして、都内の警察署に逮捕監禁中の金軍学を入管法違反（資格外活動）の幫助罪の容疑などで、東京地方検察庁に内容嘘偽の罪名で虚偽告発（送検）したものです。

2. 被告発人の警察官らは、平成22年7月上旬頃、持っている職権を不法に乱用して、金軍学は何ら犯罪が思科されないし、犯罪行為をしていないにもかかわらず、真実は入管法の在留資格取消2条の4-4の幫助行為を指して、嘘偽に、手柄を得たい被告発人は、不法就労した正犯を通常の対処と異なり、入管法違反（資格外活動）で厳しく懲役刑にすることを画策し、それには国際法に反しないために、入管法の幫助者である雇用者を不法就労助長罪で処罰せねばならないが、情により処罰したくないので、金軍学らを代わりの幫助者としてでっち上げ刑法で処罰させることを画策し、内容虚偽の雇用契約書を不法就労した正犯に提供したことは、犯罪であるとして、都内の警察署に逮捕監禁中の金軍学を入管法違反（資格外活動）の幫助罪の容疑などで、東京地方検察庁に内容嘘偽の罪名で虚偽告発（追加送検）したものです。

以上2件の告発事実（犯罪事実）について、以下は虚偽告発の目的を補充

「何ら犯罪が思科されないし、犯罪行為をしていないとは」は 前記 I. 警察官らの 特別公務員職権乱用罪刑法の犯罪事実 に同じ。

送検は、金軍学を入管法違反幫助犯として刑事処罰を求めるものです。

したがって、金軍学は何ら犯罪行為をしていないのに卑劣な手口で犯罪者にされたので、被告発人らの不法な虚偽告発は、単なる過失ではなく悪質な故意のある犯罪行為（後述）です。

よって、被告発人の所為は、刑法 172 条 虚偽告発罪に該当するものです。

第 2 章 – 2. 検察官

I. 東京地検の取調べ検察官検事徳永国大のなした、特別公務員職権乱用罪の犯罪事実

1. 被告発人の検察官は、平成 22 年 6 月中旬頃、持っている職権を不法に乱用して、金軍学は何ら犯罪が思科されないし、犯罪行為をしていないにもかかわらず、真実は入管法の在留資格取消 22 条の 4-4 の幫助行為を指して、嘘偽に、内容虚偽の雇用契約書を不法就労した正犯に提供したことは、犯罪が思科されるとして、都内の警察署に逮捕・監禁中の金軍学を入管法違反（資格外活動）の幫助罪の容疑などで、不法に勾留請求を行ない、勾留状を不法に取得して、職権を乱用し内容嘘偽の不法な勾留状で、意思決定の自由を圧迫し、金軍学には何の義務もない、不法な逮捕監禁を行ない取調べを行ったものです。

2. 被告発人の検察官は、平成 22 年 7 月上旬頃、持っている職権を不法に乱用して、金軍学は何ら犯罪が思科されないし、犯罪行為をしていないにもかかわらず、真実は入管法の在留資格取消 22 条の 4-4 の幫助行為を指して、嘘偽に、内容虚偽の雇用契約書を不法就労した正犯に提供したことは、犯罪が思科されるとして、都内警察署に逮捕・監禁中の金軍学を入管法違反（資格外活動）の幫助罪の容疑などで、不法に（再）勾留請求を行ない、勾留状を不法に取得して、職権を乱用し内容嘘偽の不法な勾留状で、意思決定の自由を圧迫し、金軍学には何の義務もない、不法な逮捕監禁を行ない取調べを行ったものです。

以上 2 件の告発事実（犯罪事実）について、以下は逮捕監禁の目的を補充

「何ら犯罪が思科されないし、犯罪行為をしていないとは」は 前記 I. 警察官らの 特別公務員職権乱用罪刑法の犯罪事実 に同じ。

勾留状請求の目的は、金軍学を幫助罪とするため、幫助罪を乱用し、在留資格取消の幫助行為における嘘偽の雇用契約書を作成し提供したことは、不法就労の幫助だとして、東京地方検察庁へ送検するための無理のある捜査をして調書を取ることに、自白を強要するためであるが、在留資格は法律でなく法務大臣の裁量で付与するものであるから、嘘偽の雇用契約書を提供した行為は在留資格の取得を容易にしたとは言えず、故意を立証する行為は違法です。

したがって、金軍学は何ら犯罪行為をしていないのに、卑劣な違法行為の手口で犯罪者にし、不法な手段で意思決定の自由を圧迫しての、被告発人の不法な逮捕・監禁行為は単なる過失ではなく悪質な故意のある犯罪行為（後述）です。

よって、被告発人の所為は、刑法 194 条 特別公務員職権濫用罪に該当するものです。

II. 東京地検の取調べ検察官検事徳永国大のなした虚偽告発罪（172 条）の犯罪事実

1. 被告発人の検察官は、平成 22 年 7 月下旬頃、持っている職権を不法に乱用して、金軍学は何ら犯罪が思科されないし、犯罪行為をしていないにもかかわらず、真実は入管法の在留資格取消 22 条の 4-4 の幫助行為を指して、嘘偽に、手柄を得たい被告発人は、不法就労した正犯を通常の対処と異なり、入管法違反（資格外活動）で厳しく懲役刑にすることを画策し、それには国際法に反しないために、入管法の幫助者である雇用者を不法就労助長罪で処罰せねばならないが、情により処罰したくないので、金軍学を代わりの幫助者としてでっち上げ刑法で処罰させることを画策し、内

容虚偽の雇用契約書を不法就労した正犯に提供したことは犯罪として、都内の警察署に逮捕・監禁中の金軍学を入管法違反（資格外活動）の幫助罪で、東京地方裁判所に虚偽告発（起訴）をしたものです。

以上1件の告発事実（犯罪事実）について、以下は虚偽告発の目的を補充

「何ら犯罪が思科されないし、犯罪行為をしていないとは」は 前記 I. 警察官らの 特別公務員職権乱用罪刑法の犯罪事実 に同じ。

起訴は、金軍学を入管法違反幫助犯として刑事処罰を求めるものです。

したがって、金軍学は何ら犯罪行為をしていないのに卑劣な違法行為の手口で犯罪者にしたので、被告発人の不法な虚偽告発は単なる過失ではなく悪質な故意のある犯罪行為（後述）です。

よって、被告発人の所為は、刑法172条 虚偽告発罪に該当するものです。

Ⅲ. 東京地検の公判の検察官検事 姓名不詳 のなした、特別公務員職権乱用罪の犯罪事実

1. 被告発人の検察官は、取調べの検察官より引き継ぎを受け、平成22年7月下旬頃より、平成22年10月末日頃まで、持っている職権を不法に乱用して、金軍学は何ら犯罪が思科されないし、犯罪行為をしていないにもかかわらず、真実は入管法の在留資格取消22条の4-4の幫助行為を指して、嘘偽に、内容虚偽の雇用契約書を不法就労した正犯に提供したことは、犯罪であるとして、入国者収容所（又は都内の警察署）に収監中の金軍学を入管法違反（資格外活動）の幫助罪の被告として釈放せず、そして同年10月末頃、公判において不法な内容虚偽の起訴状を読み上げ公判を開始し、意思決定の自由を圧迫し、金軍学には何の義務もない、不法な逮捕監禁をして公判を行った

ものです。

以上 1 件の告発事実（犯罪事実）について、以下は逮捕監禁の目的を補充

「何ら犯罪が思科されないし、犯罪行為をしていないとは」は 前記 I. 警察官らの 特別公務員職権乱用罪刑法の犯罪事実 に同じ。

公判の目的は、金軍学を幫助罪とするので、在留資格の付与は法務大臣の裁量で付与するものであるが、嘘偽の雇用契約書を提供したことが在留資格の取得を容易にしたとして不法就労の幫助だとして、公判を行うためです。

したがって、金軍学は何ら犯罪行為をしていないのに、卑劣な違法行為の手口で犯罪者にし、不法な手段で意思決定の自由を圧迫しての、被告発人の不法な逮捕・監禁行為は単なる過失ではなく悪質な故意のある犯罪行為（後述）です。

よって、被告発人の所為は、刑法 194 条 特別公務員職権濫用罪に該当するものです。

IV. 東京地検の公判の検察官検事 姓名不詳 のなした、虚偽告発罪（172 条）の犯罪事実

1. 被告発人の検察官は、平成 22 年 10 月末頃、持っている職権を不法に乱用して、金軍学は何ら犯罪が思科されないし、犯罪行為をしていないにもかかわらず、真実は入管法の在留資格取消 22 条の 4-4 の幫助行為を指して、嘘偽に、取調べの検察官に同調し手柄を得たい被告発人は、不法就労した正犯を通常の対処と異なり、入管法違反（資格外活動）で厳しく懲役刑にしたので、それには国際法に反しないために、入管法の幫助者である雇用者を不法就労助長罪で処罰せねばならないが、情により処罰したくないので、画策通り、金軍学を代わりの幫助者としてでっち上げ刑法で処罰

させるため、内容虚偽の雇用契約書を不法就労した正犯に提供したことは犯罪であるとして、入国者収容所（又は都内の警察署）に収監中の金軍学を入管法違反（資格外活動）の幫助罪で、東京地方裁判所に虚偽告発（論告求刑）をしたものです。

以上1件の告発事実（犯罪事実）について、以下は虚偽告発の目的を補充

「何ら犯罪が思科されないし、犯罪行為をしていないとは」は 前記 I. I. 警察官らの 特別公務員職権乱用罪刑法の犯罪事実 に同じ。

論告・求刑は、金軍学を入管法違反幫助犯として刑事処罰を求めるものです。

したがって、金軍学は何ら犯罪行為をしていないのに卑劣な違法行為の手口で犯罪者にしたので、被告発人の不法な虚偽告発は単なる過失ではなく悪質な故意のある犯罪行為（後述）です。

よって、被告発人の所為は、刑法172条 虚偽告発罪に該当するものです。

第2章－3. 裁判官の告発事実

I. 逮捕状を発行した東京簡易裁判所の裁判官の 特別公務員職権濫用罪の犯罪事実

1. 被告発人の裁判官は、平成22年6月中旬頃、持っている職権を不法に乱用して、金軍学は何ら犯罪が思科されないし、犯罪行為をしていないにもかかわらず、真実は入管法の在留資格取消22条の4-4の幫助行為を指して、虚偽に、内容虚偽の雇用契約書を不法就労した正犯に提供したことは、犯罪が思科されるとして、金軍学を入管法違反（資格外活動）の幫助罪などの容疑による、警察官の不法な逮捕状請求を、情により適法と認め、逮捕状を不法に発行し、意思決定の自由を圧迫し、

金軍学には何の義務もない、不法な逮捕・監禁を行なわせたものです。

2. 被告発人の裁判官は、平成22年7月上旬頃、持っている職権を不法に乱用して、金軍学は何ら犯罪が思科されないし、犯罪行為をしていないにもかかわらず、真実は入管法の在留資格取消22条の4-4の幫助行為を指して、嘘偽に、内容虚偽の雇用契約書を不法就労した正犯に提供したことは、犯罪が思科されるとして、都内の警察署に逮捕・監禁中の金軍学を入管法違反（資格外活動）の幫助罪などの容疑による、警察官の不法な（再）逮捕状請求を、情により適法と認め、逮捕状を不法に発行し、意思決定の自由を圧迫し、金軍学には何の義務もない、不法な逮捕監禁を行なわせたものです。

以上2件の告発事実（犯罪事実）について、以下は逮捕監禁の目的を補充

「何ら犯罪が思科されないし、犯罪行為をしていないとは」は 前記 I. 警察官らの 特別公務員職権乱用罪刑法の犯罪事実 に同じ。

逮捕状を発行した目的は、金軍学を幫助罪とするので、在留資格の付与は法務大臣の裁量で付与しているにも関わらず、嘘偽の雇用契約書をしたことは在留資格の取得を容易にしたとして、東京地方検察所へ送検するための捜査をして調書を取ることと、自白を強要するためであるが、在留資格の取得行為と不法就労とは因果関係がなく、不法就労の幫助者は不法就労させた事業者であることは明白であり、刑事罰にならない在留資格取消の幫助行為を不法就労の幫助として故意を立証する行為は違法です。

したがって、金軍学は何ら犯罪行為をしていないのに、卑劣な違法行為の手口で犯罪者にし、不法な手段で意思決定の自由を圧迫しての、被告発人の不法な逮捕・監禁行為は単なる過失ではなく悪質な故意のある犯罪行為（後述）です。

よって、被告発人の所為は、刑法 194 条 特別公務員職権濫用罪に該当するものです。

Ⅱ．拘留請求を承認した東京地裁の裁判官の 特別公務員職権濫用罪の犯罪事実

1. 被告発人の裁判官は、平成 22 年 6 月中旬頃、持っている職権を不法に乱用して、金軍学は何ら犯罪が思科されないし、犯罪行為をしていないにもかかわらず、真実は入管法の在留資格取消 2 条の 4-4 の幫助行為を指して、嘘偽に、内容虚偽の雇用契約書を不法就労した正犯に提供したことは、犯罪が思科されるとして、都内の警察署に逮捕・監禁中の金軍学を入管法違反（資格外活動）の幫助罪の容疑などによる、検察官の不法な勾留状請求を、情により適法と認め、勾留状を不法に発行し、意思決定の自由を圧迫し、金軍学には何の義務もない、不法な逮捕・監禁を行なわせたものです。

2. 被告発人の裁判官は、平成 22 年 7 月上旬頃、持っている職権を不法に乱用して、金軍学は何ら犯罪が思科されないし、犯罪行為をしていないにもかかわらず、真実は入管法の在留資格取消 2 条の 4-4 の幫助行為を指して、嘘偽に、内容虚偽の雇用契約書を不法就労した正犯に提供したことは、犯罪が思科されるとして、都内の警察署に逮捕・監禁中の金軍学を入管法違反（資格外活動）の幫助罪の容疑などによる、検察官の不法な（再）勾留状請求を、情により適法と認め、勾留状を不法に発行し、意思決定の自由を圧迫し、金軍学には何の義務もない、不法な逮捕・監禁を行なわせたものです。

以上 2 件の告発事実（犯罪事実）について、以下は逮捕監禁の目的を補充

「何ら犯罪が思科されないし、犯罪行為をしていないとは」は 前記 I. 警察官らの 特別公務員職権乱用罪刑法の犯罪事実 に同じ。

勾留状を発行した目的は、金軍学を幫助罪とするので、在留資格の付与は法務大臣の裁量で付与しているにも関わらず、嘘偽の雇用契約書をしたことは在留資格の取得を容易にしたとして、東京地方検察所へ送検するための捜査をして調書を取ることと、自白を強要するためであるが、在留資格の取得行為と不法就労とは因果関係がなく、不法就労の幫助者は不法就労させた事業者であることは明白であり、刑事罰にならない在留資格取消の幫助行為を不法就労の幫助として故意を立証する行為は違法です。

したがって、金軍学は何ら犯罪行為をしていないのに、卑劣な違法行為の手口で犯罪者にし、不法な手段で意思決定の自由を圧迫しての、被告発人の不法な逮捕・監禁行為は単なる過失ではなく悪質な故意のある犯罪行為（後述）です。

よって、被告発人の所為は、刑法 194 条 特別公務員職権濫用罪に該当するものです。

Ⅲ. 東京地裁刑事第三部裁判官岡部豪の 特別公務員職権乱用罪の犯罪事実

1. 被告発人の裁判官は、平成 22 年 10 月末頃頃、持っている職権を不法に乱用して、金軍学は何ら犯罪が思科されないし、犯罪行為をしていないにもかかわらず、真実は入管法の在留資格取消 2 条の 4-4 の幫助行為を指して、嘘偽に、内容虚偽の雇用契約書を不法就労した正犯に提供したことは犯罪として、入国者収容所（又は都内の警察署）に収監中の金軍学を入管法違反（資格外活動）の幫助罪による、検察官の不法な内容虚偽の起訴を、情により適法と認め、釈放せず、公判を開廷し、意思決定の自由を圧迫し、金軍学には何の義務もない、不法な逮捕・監禁を行なわせ公判を行ったものです。

尚、被告発人の裁判官岡部豪は、告発人の判決書の因果関係でも、風が吹けば桶屋が儲かるの論法で、幫助罪の因果関係をのべており犯罪を証左するものです。悪しき判例を作ったものです。この判

例により、被害は日々拡大されているのです。早急に断罪すべきです。

以上 1 件の告発事実（犯罪事実）について、以下は逮捕監禁の目的を補充

「何ら犯罪が思科されないし、犯罪行為をしていないとは」は 前記 I. 警察官らの 特別公務員職権乱用罪刑法の犯罪事実 に同じ。

公判開廷を行った目的は、金軍学を幫助罪とするので、在留資格の付与は法務大臣の裁量で付与しているにも関わらず、嘘偽の雇用契約書をしたことは在留資格の取得を容易にしたとして、東京地方検察所へ送検するための捜査をして調書を取ることと、自白を強要するためであるが、在留資格の取得行為と不法就労とは因果関係がなく、不法就労の幫助者は不法就労させた事業者であることは明白であり、刑事罰にならない在留資格取消の幫助行為を不法就労の幫助として公判を行うことは不法です。

したがって、金軍学は何ら犯罪行為をしていないのに、卑劣な違法行為の手口で犯罪者にし、不法な手段で意思決定の自由を圧迫しての、被告発人の不法な逮捕・監禁行為は単なる過失ではなく悪質な故意のある犯罪行為（後述）です。

よって、被告発人の所為は、刑法 194 条 特別公務員職権濫用罪に該当するものです。

第 2 章 – 4. 悪質な故意のある犯罪行為 （告発事実の故意について）

I. 被告発人の犯罪の悪質性

1. 風が吹けば桶屋が儲かる式の結論ありきの強引な因果関係による幫助論はぞっとします。

被告発人の嘘偽告訴・逮捕監禁の犯罪趣旨は、告発人が共犯者の金軍学と共謀し、内容虚偽の雇用契約書を不法就労した正犯に提供することで、正犯は在留資格を取得できた。正犯は在留資格が得られたので日本に在留できた。在留できたので不法就労することが出来た。

よって、入管法違反（資格外活動による不法就労）の幫助行為をした犯罪であるとしたのです。

理由とした因果関係は、入管法の趣旨を大きく逸脱し、また幫助罪論理さえ逸脱した、明らかに適用法を違法にこじつけた明らかに故意のある犯罪です。

こういう「風が吹けば桶屋が儲かる」論法が許されるのであれば、在留できたので不法就労することが出来た。の部分、在留できたので殺人ができたとして、殺人罪の幫助罪にも出来るのです。

もちろん、幫助罪ですから、故意がなければなりません、結論が決まっていますから、故意はいくらでもでっち上げることができます。

この事件でも、金軍学が報酬（謝礼）の分け前をを銀行振り込みしたとしています。

告発人は、内容虚偽の雇用契約書を正犯に提供したわけではなく、リーマンショックで予定していた4月の定期入社の採用ができなくなったので、採用を中止したためです。

告発人は、リーマンショックがなければ、採用して、派遣で、一人あたり月10万円くらいはピンはね出来ますので、虚偽の採用をする必要のないことは、業界の者でしたらすぐにわかります。しかし、特別公務員は税金で給与を貰っているのでビジネス感覚がまったくわからないのです。それで、被告発人は、リーマンショックなどの経済状況変化のわからない特別公務員なので、正規の雇用契約書を内容虚偽の雇用契約書と決めつけるのです。

これで、でっち上げの材料はできたのですが、幫助罪ですから「故意」が必要になります。
それで、採用を任せた金軍学のブローカー業務的な、謝礼の受け取りに着目するのです。

求人任せられた採用担当は、有利な立場に立ちますから、中国文化では当然、謝礼の受け取りが発生します。この行為は感心しませんが中国文化では当たり前、むしろ儒教文化では、仲人などへの謝礼と同じ感覚なのです。

中国ビジネスで賄賂なしでは仕事ができないのと同じです。もちろん、中国文化を理解しない、論語さえ読んだことのない被告本人には、不道德に見えるのです。それで、この謝礼の内、一部が告訴人に流れたとでっち上げるのです。

被告本人の警察官は逮捕前に金軍学の経営する店に偵察に行き、彼がブローカー業務をやっていることも知っているし、居抜きのお店は従業員が数人いる大きな飲食店ですから、開店には1000万円以上の資金が必要なことくらい分かります。

当然、この金は、ブローカー業務でためた資金からですが、4人からの謝礼を全部合計しても1000万円にはなりません。しかし、強引に一部が告訴人に流れたとして故意論をでっち上げるのです。

公判でも検察官中野麻衣は、レフコ社に入金された普通預金の記録から「キン」の名前で入金されているのは「金軍学」であると断定したのです。

中国人が、「姓」のみで銀行振込することは100%ないと中国人はいいます。日本人でもしません。

また報酬（謝礼）の金を銀行振込することも絶対ないと言いますが、警察官、検察官らは、自らの生活習慣をそのまま中国人にあてはめたのです。

しかし、警察官、検察官らが、仲人さんへの謝礼やお中元、お歳暮を銀行振込で、しかも「姓」だけで行っているとは、衝撃でした。

当事件は、前記しましたように、在留資格の付与は法務大臣が裁量で与えていますので、在留資格の取得を容易にしたとは言えません。省令で規定する卒業証書と違い、雇用契約書の提出は課長通達ごときで提供するものであり、刑罰を課される法的根拠は全くありません。明らかにでっち上げの犯罪といえます。

2. 入管法が主として外国人の処遇を扱う法律であり一般に知られていないことを悪用

（虚偽告訴の目的を追加補充）

不法就労の助長行為対策として入管法の趣旨では、不法就労の直接的因果関係は、不法就労助長罪に規定する事項です。

仮に内容虚偽の雇用契約書で法務大臣より、技術や人文国際などの在留資格を得たしても、在留資格の範囲内で就労すれば、不法就労にはなりません。

不法就労になるのは、在留資格外で働いたので資格外活動の不法就労になるのです。しかし、外国人が、いくら不法就労したくとも、働かせる事業者がいなければ不法就労者になりえません。

それは、事業者が働く資格のない外国人を雇用した不法就労させたからです。雇用されなければ、

100%不法就労者にはなりえないのです。それで不法就労助長罪が創設されているのです。

在留資格の付与条件は未公開であり、在留資格は法務大臣が裁量で与えたものですから、法務大臣には、在留資格の取消権限を与えています。

もし在留資格取消を受けたとしても、退去強制の行政処分であり、告発人を刑法の幫助罪で国外退去の刑事処分をさせることは出来ません。

このため、起訴直前の平成 22 年 7 月 1 日施行の入管法改正で、他の外国人に嘘偽の書類を提供、幫助して在留資格を得させた外国人は、国外退去の行政処分となった（以前は処分なし）ことから、嘘偽の雇用契約書の提供がなんら犯罪にならないことは充分承知の上で、入管法という主として、外国人の処遇を扱う法律が、一般に知られていないことを悪用し計算された故意の犯行であることは明白です。

3. マスコミを使って、虚偽の情報操作で、犯罪を正当化した

この犯行をするにあたっては、警察官は捜査を指揮した検察官徳永国大と共謀し用意周到にマスコミに嘘偽報道の情報操作までしております。

一般の国民には、不法就労に対する幫助罪である、飲食店で働かせた不法就労助長罪で逮捕されたような印象を与える一方、長期滞在できるビザを取らせるため、ウソの雇用契約書などを東京入管に提出させたとも報道しています。この犯罪は、そこまで計算され尽くした犯行なのです。

逮捕直後のお昼のニュースで、NHK はじめ全ての TV 局が、一斉に事前に作成された同じ内容の映像と記事をニュースとして流しております。逮捕事実を受けてからの制作した報道でないことは、誰の目にも明らかです。

翌日朝刊では、読売新聞等が大きく嘘偽報道をしていますので、情報源は警視庁であることは明らかであり、検察官も共謀しての捜査指揮のもとに、犯行が用意周到に計画されたものあることは明白で、犯行の故意は隠せないものです。

しかし、この虚偽情報により、裁判官に予断を与えたことは、否定出来ないと思います。

上記のとおり、この事件は、単なる適用法を誤って誤認逮捕した事件とは、まったく異なり、不法を覚悟での計算された犯行であるのです。

ですから、この事件に関わった、数多くの、全ての警察官、検察官、裁判官、そして弁護士までもが犯罪を犯しているのです。まさに司法疑獄事件となっているのです。

よって、この巧妙に計算された職権濫用の犯意は 悪質な 故意 であると言えるのです。

犯行目的は、若い検察官と警察が共謀して、誰もできなかった、入管法違反（資格外活動による不法就労）に対し刑法幫助罪を適用することで、不法就労した外国人を入管法どおり刑事処分することが可能となり、警察史上、検察史上で、おそらくはじめての実績をあげることで立身出世を図るためと思われます。

被告発人の会社は公開準備中でもあり資本金は1億6千万以上あり、大会社ですので、「大会社の社長のクビとったぞ」とやったのです。

これが、実績となり、平成27年2月には「フィリッピン外交官のクビとったぞ」とやってしまったのです。

日本を法の下で統治される国にしなければなりません。そのためには、一刻もはやく関係者を逮捕監禁して捜査をしなければ、恐るべき人権侵害被害はますます拡散されていきます。

Ⅲ-Ⅱ．特別公務員職権濫用罪の故意

1. 特別公務員職権濫用罪の犯罪構成要件該当性

「特別公務員職権濫用罪」は、その職権を濫用して、他人を逮捕、監禁することによって成立する罪です。特別公務員職権濫用罪の犯罪構成要件該当性については、

- ①主体が特別公務員であること、・・・事実 警察官、検察官、裁判官です。
- ②人を逮捕・監禁したこと、・・・事実として逮捕・監禁されました。
- ③職権を濫用したこと、によって成立します。

職権を濫用したか否かですが、濫用とは、

職務上の権限を不法に行使することで、その手段や方法は、暴行・脅迫だけでなく、**法律上・事実上**、被害者に対してその結果を受け入れざるえない程度に意思決定の自由を圧迫するものであれば足りるとされています。

告訴事実に記載のとおり、内容虚偽の逮捕状等を裁判所に申請し、不法な内容虚偽の逮捕状を提示するなどして意思決定の自由を圧迫し職務上の権限を行使しています。

特別公務員職権濫用罪は故意を必要としていませんので、この明らかな不法な行為は、職権乱用であるので、犯罪は成立します。

2. 特別公務員職権濫用罪の裏にある、（虚偽告訴の）重大な故意

警察官、検察官らは、不法な逮捕・監禁をなすにあたって、正当な逮捕理由を装い、虚偽に、犯罪が思科される内容で逮捕令状を請求し（虚偽告訴）、逮捕令状を取得し、逮捕・監禁を巧妙に正当化していますので、虚偽告訴罪成立にも必要な、重大な故意のあることを、
前記 被告発人の犯罪の悪質性に加え更に述べます。

入管法違反（資格外活動による不法就労）事件は珍しい事件ではありません。

日常的に発生している事件です。

事実として、告訴人が収監された警察の留置所は、不法就労の逮捕者で溢れかえっていました。不法滞在10年以上も珍しくありません。多くの場合、情により雇用者を不法就労助長罪で逮捕さえせず処分しませんので、不法就労した外国人の内、不法滞在者は、通常は刑事処分はせずに入管送りで国外強制退去です。

正規の滞在資格は、多くの場合、不法にも法の下での平等に反し罰金刑などで刑事処分をして恣意的に国外退去をさせているのです。しかし、この事件では正規の滞在資格であるため、罰金刑で国外退去とするところを、懲役刑にして手柄を得るため、在留資格の付与条件は法律の定めがなく法務大臣が未公開の付与条件で裁量により付与するものであるにも関わらず、内容虚偽の雇用契約書の提供が在留資格の取得を容易にしたとして虚偽の幫助者をでっちあげて不法就労罪を適用した、極めて悪質な犯罪です。

余談ですが、大阪の中国人女子留学生がホステスとして働いていて、資格外活動の不法就労罪で逮捕され、国外退去のになりましたが、この留学生は珍しく裁判をしました。

裁判の結果、無罪になっています。留学ビザでは資格外活動として風俗で働いてはいけないとか、週に28時間の就業時間を「決めているのは本則（入管法）でなく省令だからです。

在留資格の付与条件は法律で規定されておらず非公開で法務大臣の裁量であり在留資格を容易にしたとも言えず、虚偽の書類提出は国外退去の行政処分であることも知っており、正犯を逮捕理由とした、犯罪事実が「在留資格取消」の幫助理由であることは100も承知しており、入管法事件を扱う正犯の職権濫用の犯意は 明らかな故意（認識有る過失） です。

さらに、逮捕され（平成22年6月14日）後、起訴される月の平成22年7月1日より施行された、入管法改正では、「在留資格取消」に、他の外国人に対し嘘偽の書類の提出を幫助したりした外国人は、国外退去とする条項が追加され施行されたことでもわかるように、

入管法の嘘偽の書類提出の幫助が刑事処分の対象でないことは明白であり、
入管法事件を扱う警察官らの職権濫用の犯意は 故意（認識有る過失） であると言えるのです。

不法就労に対しては、法の下での平等及び国際法に反しないように、入管法違反（不法就労）では、不法就労した外国人を不法就労罪とする時は、不法就労させた事業者を、不法就労助長罪で、平等に刑事処分することが、入管法の趣旨であることから、不法就労の幫助罪に、不法就労助長罪以外を適用することが相当でないことを、入管法違反（不法就労）事件を扱う司法警察官は、当然、熟知していたので、不法就労罪に対して、在留資格取消の幫助理由を刑法幫助罪の幫助理由とすることは、計画された故意（認識有る過失）であると言えます。

事実として、多くの入管法違反（資格外活動の不法就労）では、不法就労した外国人を逮捕しますが、雇用者を不法就労助長罪で処罰せず、不法就労させられた外国人を、法の下での公平や恣意的な処分で国際法に反するのを承知で、少額罰金で刑事処分し、入管送りとして国外退去させていたことも職務上、充分に知っていたのです。

従って、入管法の不法就労に関係する不法就労罪、不法就労助長罪、在留資格取消などの法律は充分理解しての犯行ですから、職権濫用の犯意は 故意（認識有る過失） であると言えるのです。

取調べの際、不起訴で釈放されと思った司法警察官（賀来）は、こう言ったのです。
これからは、入管法でわからなければ、警察に聞いてくださいよ。
私でわからないところは、専門の人がいるので聞いて教えますよ。

このことから警察は入管法に熟知しており計算された明らかな故意です。

捜査指揮をした若い検察官徳永は、

取調べの際、告発人が、罪刑法定主義では何の罪にもならないと言うと、

「私は偉いのです。誰があなたのことを信じますか、誰もあなたの言うことを信じませんよ」

「私は偉いのです。認めれば罰金、認めなければ懲役刑にでも出来るのです」

「私は偉いのです。多くの中国人は不起訴または少額罰金で入管送りになります。貴方も認めれば罰金刑にします」と言ったのです。

誰も信じなかったのは確かですが、このことから計算された故意です。

3. 未必の故意

在留資格の付与条件、入管法の在留資格取消（22条の4）や不法就労助長罪（73条の2）の存在を知らなかった、失念していたので、単なる過失だと言い訳するのであれば、

不法就労に関わる入管法事件を扱う司法警察官として、入管法の趣旨、関連条項の創設、改定趣旨やその内容などの法令調査を怠たって、職務を行うことは、

適用法誤りにより、取り返しがつかない人権侵害をおこし、被害者を社会のどん底に引きずり落とす悲惨な結果になることは、職務の性格上、充分認識していたとされるので、「未必の故意」といえます。

また、入管法違反事件を扱う警察官が、入管法を知らなかったと言うのであれば、法治国家としての体をなしていないので、許されることではありません。

警察官、検察官、裁判官らの特別公務員が、法律を知らなかったので、適用法を誤ったと平然とするのでは、国民は安心して生活できません。

よってこうした適用法誤りによる人権侵害がおきないように、警察組織、検察組織、裁判所の組織は法の下での統治を行う、罪刑法定主義によるチェック機能がついた司法行政になっていますが、事実、この事件では、なんら機能せず適用法誤りにより実刑を受けております。さらに告訴状・告発状を受理せず握りつぶしていますので、国際社会の力をかりて、毅然として関係者を処罰しなければ、法の下での統治が実現しないのは明白です。

この問題は根が深いので、日本人の私だけでは解決できません。日本政府（司法行政）は、一部の日本人や多くの外国人に対して、法の下で統治せず、深刻かつ組織的な人権侵害を引き起こしています。助けてください。として、国際連合人権理事会に救援を求めています。

Ⅲ. 虚偽告発罪の故意

入管法違反事件においては、警察官、検察官は、特別公務員職権乱用罪に加え虚偽告発罪で告発しています。

虚偽告発罪は、他人に刑罰や懲戒を受けさせる目的で、虚偽の告発をする行為を内容とする。故意犯、目的犯であり、「人に刑事又は懲戒の処分を受けさせる目的」が必要であるので、しっかり記載しました。

虚偽告発罪の「故意」についても、特別公務員職権乱用罪で記載した内容と同じです。

以下の記載は、当告訴に関する関連事項です。

第3章. 注釈的説明

1. 警察官の職務権限

刑事訴訟法

(昭和二十三年七月十日法律第百三十一号)

第一章 捜査

第百八十九条 警察官は、それぞれ、

他の法律又は国家公安委員会若しくは都道府県公安委員会の定めるところにより、
司法警察職員として職務を行う。

○2 司法警察職員は、犯罪があると思料するときは、

犯人及び証拠を捜査するものとする。

司法警察員は、司法巡査が有する捜査に関する権限を全て有する。

司法警察員が有する特別の権限としては、以下のようなものがあります。

逮捕に関して

通常逮捕状の請求（刑事訴訟法 199 条 2 項）。

逮捕した被疑者の受け取り（同法 202 条、215 条 1 項）。

被疑者逮捕時の犯罪事実の要旨・弁護人選任の告知、弁解録取、釈放・送致の決定(同法 203 条 1 項、
211 条、216 条)

差押、搜索、検証令状の請求（刑事訴訟法 218 条 3 項）

証拠品の売却・還付（同法 222 条 1 項但書）

鑑定留置処分 of 請求(同 224 条 1 項)、鑑定処分許可 of 請求(同 225 条 2 項)

代行検視（同法 229 条 2 項）

告発・告発、自首の受理・調書作成（同法 241 条 1 項 2 項、243 条、245 条）

検察官への事件送致（同法 246 条本文、242 条、245 条）

捜査機関

捜査は、捜査機関によってなされる。

刑事訴訟法が規定する捜査機関としては以下が挙げられる。

一般司法警察職員（＝警察官）（刑事訴訟法 189 条 2 項）

特別司法警察職員（警察官以外の司法警察職員）（刑事訴訟法 190 条）

検察官（刑事訴訟法 191 条 1 項）

検察事務官（刑事訴訟法 191 条 2 項）

2. 検察官の職務権限

検察官の職務

検察庁法

（昭和二十二年四月十六日法律第六十一号）

第四条 検察官は、刑事について、公訴を行い、

裁判所に法の正当な適用を請求し、且つ、裁判の執行を監督し、

又、裁判所の権限に属するその他の事項についても職務上必要と認めるときは、

裁判所に、通知を求め、又は意見を述べ、

又、公益の代表者として他の法令がその権限に属させた事務を行う。

第六条 検察官は、**いかなる犯罪についても捜査**をすることができる。

○2 検察官と他の法令により捜査の職権を有する者との関係は、
刑事訴訟法の定めるところによる。

捜査機関

捜査は、捜査機関によってなされる。

刑事訴訟法が規定する捜査機関としては以下が挙げられる。

一般司法警察職員（＝警察官）（刑事訴訟法 189 条 2 項）

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検察官（刑事訴訟法 191 条 1 項）

検察事務官（刑事訴訟法 191 条 2 項）

3. 裁判官の職務権限

裁判官の職務および権限 憲法 76 条 3 項

「すべて裁判官は、その良心に従ひ独立してその職権を行ひ、この憲法及び法律にのみ拘束される。」

第七六条 すべて司法権は、最高裁判所及び法律の定めるところにより設置する下級裁判所に属する。

(2) 特別裁判所は、これを設置することができない。

行政機関は、終審として裁判を行ふことができない。

(3) すべて裁判官は、その良心に従ひ独立してその職権を行ひ、

この憲法及び法律にのみ拘束される。

第4章 金軍学の被害

被告発人らの、日本国法を侮辱する、悪質な虚偽告訴及び職権濫用により、
金軍学は、懲役 1 年半、 執行猶予 3 年 罰金 1 0 0 万円であった。

金軍学は、肉体的苦痛や精神的苦痛、社会的信用を失い、
ブローカー業の謝礼で貯めた 1 0 0 0 万円で手にした中華料理店を失いました。

そして逮捕、拘留、判決により、生活の基盤である日本から強制退去をさせられ、
すべての信用、財産や収入、生活の基盤などを失うことになったのです。

金軍学のうけた懲役刑は、中国での人生にも大きく負担になります。
早急に、検察側が再審請求して起訴を取り下げ、賠償をすべきです。

日本人だけだったら、検察官が言った本音（私は偉いんです）で握り潰せますが、

日本法は明文法ですから、国際的に握りつぶすことは出来ません。

罪のない中国人を罪人にして、金（罰金）まで巻き上げて、国外追放処分にしたのです。

国際的にも恥ずかしいことをしてくれたものです。

早急に適切な処理をしないと、いずれ従軍慰安婦や徴用工なみの国際問題になります。

この件に関しては、中国人らが注意深く注目しています。

第5章 其の他

I. 立証方法

1. 起訴状
2. 日本国憲法、出入国管理及び難民認定法並びに刑法等
3. 入管法改正にかかる国会議事録（本会議および委員会等）
（法の創設および改正趣旨）
5. 東京地裁判決

II. 関係情報

起訴状

（平成22年東地庁外領第6487、6624

平成22年検第17461、17462、29215、29216）

III. 添付書類

起訴状 1 通

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