

Criminal charges

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Tokyo District Public Prosecutor's Office

Accuser

〒 261 - 0003

Address 6-18-9 Takahama Mihama Ward, Chiba City

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

Both professionals in China occupied the Metropolitan Police Department Organized

Crime Measures Division Organized Crime Measures Section 1 Justice Police Officer

Name and unknown name, members of the joint investigation team of Setagaya

Department and

They are responsible (name unknown) and policemen 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 Office Interrogation Prosecutor Attorney Prosecutor All four Chinese are Tokunaga National University and their prosecutors

2) Tokyo District Public Prosecutors Office Prosecutor Public Prosecutor Attorney Prosecutors refer to information on four Chinese people and those concerned with the prosecution

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

1) Tokyo District Public Prosecutor Office Interrogation Prosecutor Attorney Prosecutor All four Chinese are Tokunaga National University and their prosecutors

2) Tokyo District Public Prosecutors Office Prosecutor Public Prosecutor Attorney Prosecutors refer to information on four Chinese people and those concerned with the prosecution

judge

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

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

2) Judge of the Tokyo District Court (Surname Name unknown) who approved the detention request and issued a detention notice

3) Tokyo district court who made a trial by arrest / detention and refer to information of 4 Chinese

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 case of a violation of Immigration Control Act occurred in 2010, I did a criminal act more viciously. 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. A third party is a Chinese "Kin Gungaku" under former employee who was convicted with a whistleblower accused of assisting violation of Immigration Act as providing an employment contract for the former employee who is planning to adopt.

Therefore, an assistant who points to the counsel of the former offender is not a business operator for promoting illegal employment, so it can be called a false complaint. Illegal employment is established because there are operators who can work illegally. It is equitable under the law that it is impossible for illegal workers to exist because businesses who made illegal workers illegal workers and made illegal workers have not been punished for promoting illegal employment, Since it is observance, both the primary offense are innocent.

"Kin Gungaku" 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 "Kin Gungaku" 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, prosecutor can also appreciate, accusers and money martial arts do not do the act prescribed in "illegal employment promotion crime". The assistant of illegal work is an assistant 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.

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.

Although granting of status of residence is at the discretion of the Minister of Justice, the Minister of Justice is "Ministerial Ordinance", and for the technical and humanities international, we stipulate that we have expertise by graduating from universities, junior colleges, etc. as a granting policy, Although it can be inferred 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 due to questioning with immigration etc. as follows.

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 encouraging aiding work against illegal work is unjustifiable as stipulated in "illegal employment promotion crime", and the application of assistance charges for providers of employment contracts. It is illegal and the former offender is "innocent" because businesses of "illegal employment promotion crime" are not subject to any punishment and can not be said to be equal under the law and contravene international law.

It is absolutely innocent because illegal employment can not be done without a person making illegal work, that is, a business that makes illegal work.

4. It is human rights violation against foreigners to assert that a foreigner will be in a

criminal offense 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 "arguing 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.

For the above reasons

- 1) Since employers are not disposed of by illegal employment promotion crime, it is innocent to criminalize only foreigners who are not fair under the law and are illegally worked because they are against international law.
- 2) Illegal work consists of illegal workers and illegal workers. There can not be only criminals who have worked illegally, even though there are no offenders who have made illegal work. So he is innocent.
- 3) The offense is not an assistant to illegal employment promotion, but a person who provided a false employment contract is illegal worker and illegal worker's offense is applied, but the provider of employment contract Since there is no causal relation with illegal employment, it is false arrest, prosecution, judgment and innocent.

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.

In addition,

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

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. Police officers of the accused, in around May and June 2010, the Chinese worked in non-qualified activities at eating and drinking establishments, respectively, but contrary to the Immigration Control Act, the illegal work by illegal workers who illegally worked Arbitrary interrogation by arresting for promotion without arbitrary arrest, contrary to equality under the law, despite being arbitrary in international law, arresting only Chinese alone unlawfully for illegal employment, in the city of China Under the alleged infringement of the Immigration Control Act (activity outside the status of qualification), the Tokyo Appellant Court clearly illegally claims the arrest warrant, the accused himself abuses his / her own authority and presses freedom of decision making with an unfair arrest warrant I made an unreasonable arrest / confinement and investigated it.

Or each Chinese worked in a restaurant inside the city by activities other than the status of qualifications, but contrary to the Immigration Control Law, businesses that illegally

worked were not illegally arrested for promoting illegal employment, but only Chinese were unjustly The accused who arrested for illegal work and criminal charges illegally abuses the official authority that he has illegally worked, unlike usual countermeasures against the illegal workers, is severely imprisoned with violation of immigration law (activity outside the status of qualification) To plan for punishment and to do it against international law, we must punish the employer who is the assistant of the Immigration Act by penalty for illegal employment promotion, but because we do not want to punish by the sentence, the truth is to stay Although it is an act of cancellation of qualification, as a violation of immigration law (activity outside the status of qualification) content as a lie and false criminal name, that is, a criminal law aid assistant as an alternate aid assistant, provision of a false employment contract from a criminal law aid Because I was accepted, I got the status of residence Because I was able to stay in Japan, I stayed in Japan, because I was able to stay illegally because I was able to stay, because there are assistants who are causal relationships of illegal employment, I am going to scenario that I am illegally working Assuming, illegally claiming the arrest warrant to the Tokyo Simple Court on suspicion of a violation of immigration law (activity outside the status of qualification) by the Chinese in Tokyo, the accused who abused the official authority and illegal arrest warrant , Pressured the freedom of decision making, and conducted an unjust arrest / confinement and interrogation.

As mentioned above, for each of the Chinese, one accusation fact (criminal fact)

The following supplements the purpose of arrest and detention

For details, Chapter 1. Since I stated in the purpose of complaint, the following will

the law and to not contravene international law, the accused persons are called false helpers. In order to pretend that both parties with illegal work were fairly criminalized, 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 Justice 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.

Since Refco is a large company with capital of 16,492,000 yen established in October 1988, Refco is believed that the criminal has great impact on society because it has a great impact on society.

Probably the purpose of the crime was that it was not possible for senior police officers, prosecutors, and judges to be criminals by making both offenders who worked illegally and accused of assisting criminal law of illegal employment criminal, probably due to a violation of Immigration Control Act To prepare achievements that can criminalize foreigners who have illegally worked by disposing the assistant of cancellation of status of residence without first criminalizing the business owner due to the illegal employment promotion crime, is.

In fact, the Philippine Embassy staff and diplomats have been made a criminal in this manner.

Because the purpose of the investigation is to assist the criminal aid aid, it received a false employment contract for lying in the aid act of withdrawing the status of residence, so it got the status of residence, so I was able to stay, so Illegal work It is an impossible

investigation to investigate to the Tokyo District Public Prosecutors Office and take the record, but the act that received the provision of a false employment contract is an act of withdrawing the status of residence, illegal employment and There is no cause and effect, it is not a crime, and it is illegal to investigate the flow of money etc. which is not a criminal act.

Equality under the law means that Japan's Constitution Article 14

Every citizen is equal under the law, by race, creed, gender, social status or entrance,

It is not discriminated in political, economic or social relations.

The term "under the law" under the Constitution can be considered to mean only the equality of law application, but if the contents are unequal, even if it is applied equally, generally it is not law It is thought that the content is equal.

Against the legal guarantee and violation of the Universal Declaration of Human Rights adopted at the UN General Assembly resolution of 1945

Conventions for the protection of human rights and fundamental freedom adopted by the European Council for the purpose of legal remedy

Article 26 of the International Covenant on Civil and Political Rights by the General Assembly of the United Nations clearly states "equalities under the law"

Article 2 clarifies the guarantee of enjoyment of the right to guarantee the contract without any discrimination,

Two younger brothers of the International Covenant on economic, social and cultural rights adopted at the same time

It ensures that you enjoy enjoying the social rights provided by that convention without discrimination.

Illegal employment became illegal because there was a business to make illegal work. Therefore, it is illegal under the law of the law to punish only the justice without punishing (arresting) the business that illegally worked.

The causal relationship of illegal workers' crime is prescribed by illegal employment promotion crime, which is clearly different from causality, and it is illegal.

The outline shows that an illegal worker is an offender for illegal employment of Chinese who has been illegally worked and an aid assistant who provided false employment contracts as an assistant for illegal employment but it is also largely deviated from the purpose of the Immigration Act , The act of providing a false contract of employment is an act of aiding to cancel the status of residence, it is not a criminal offense, it is not a reason for assisting the illegal worker's crime under the Immigration Act, but the act of rescission of the status of residence and its aiding The reason is.

It is illegal act that illegal content illegitimate content of illegal content and illegal employment aiding acts and illegal employment aiding acts and actions for cancellation of status of residence, which are not criminal dispositions, administrative penalties for deportation are illegal acts.

Both of the Chinese have submitted a false contract of employment to submit a stalemate employment contract, because the Minister of Justice has not received the deportation of the foreign country because of the cancellation of the status of residence

(Article 22-44) It is absolutely false to say that acquiring qualifications.

Four Chinese should not be criminalized by the Immigration Control Law to the extent of attention to the employer who made illegal work in order to not contravene international law, such as the purpose of Immigration Control Act, equality under the law, illegal employment. Even though the Chinese should be treated as a caution, arresting and confinement acts are merely arresting only Chinese who have been illegally worked contrary to the Immigration Control Act, and oppressing the freedom of decision making by unfair means. It is a malicious and deliberate criminal act (described later), not negligence.

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. Police officers of the accused, in around May and June Heisei 20, the Chinese worked in non-qualified activities at eating and drinking establishments in Tokyo, respectively, but contrary to the Immigration Control Act, the illegal workers who illegally worked. An accused who does not arrest illegally by promotion crime, arrests only the Chinese unjustly for illegal employment crime and illegally obtains his hands illegally abuses the official authority which he has illegally abused the illegal Chinese to normal. Unlike countermeasures, we plan to strictly imprisonment imprisonment with Immigration Control Act (non-qualification activity), and for that purpose do not contravene international law, punish employers who are assistants of Immigration Control Act with a

crime to promote illegal employment Because I do not want to punish by information, truth is an act of cancellation of the status of residence, but as a violation of Immigration Act (activity outside the status of qualification) content as a false criminal name, that is, as a substitute assistant to the imposter of criminal law Concealed, offering false employment contract form from criminal law aid Because I was victimized, I got a status of residence, I got a status of residence, so I was able to stay in Japan, so I was able to stay illegally because I was able to stay in illegal work, because an assistant who is a causal relationship of illegal work Assuming a scenario that it is an illegal employment crime, assuming a scenario that it is an illegal worker's criminal, the Chinese under arrest and detention at the police station in Tokyo is charged with the Tokyo District Public Prosecutors Office for alleged infringement of the Immigration Act I filed an illegal false accusation (inspection).

In addition, even after the criminal law aid assistant was arrested and submitted for assistance for assisting violation of immigration law (activity outside the status of qualification), it also proves the assumption of the scenario.

As described above, for each of the Chinese people, for each case of accusation facts (criminal facts), the following supplements the purpose of false accusations

The summary is as described in I . It is the same as the criminal fact of police officials' false charges.

The examination calls for four Chinese people to criminal punishment as a violation of immigration law (activity outside the status of qualification).

Therefore, the four Chinese should not criminalize the employer who illegally worked, with the attention degree by the Immigration Control Act, in order not to comply with the purpose of Immigration Act, equality under the law, international law, illegal work The Chinese who was forced to take care as a disposition, but has arbitrarily disguised himself as an imposter of criminal law and criminalizes only those illegally worked, criminal with illegal illegal means Therefore, illegal false accusations of the accused persons is not mere negligence, but a maliciously deliberate criminal act (described later).

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. A prosecutor of the accused, in around May and June 2010, the Chinese worked in non-qualified activities at eating and drinking establishments, respectively, but contrary to the intention of the Immigration Control Act, the business people who illegally worked

were illegally Despite being detained for promoting employment and contrary to the equality under the law, despite being arbitrary under international law, arresting only the Chinese unjustly for illegal employment and being imprisoned at the police station in Tokyo Under the allegation of a violation of immigration law (activity outside the status of qualification), the court unlawfully requested a detention letter from the Tokyo District Court on charges of the Immigration Control Act, the accused who abused the official authority having abused, and has freedom of decision making We pressed down, arrested and captured and interrogated.

Or each Chinese worked in a restaurant inside the city by activities other than the status of qualifications, but contrary to the Immigration Control Law, businesses that illegally worked were not illegally arrested for promoting illegal employment, but only Chinese were unjustly The accused who arrested for illegal work and criminal charges illegally abuses the official authority that he has illegally worked, unlike usual countermeasures against the illegal workers, is severely imprisoned with violation of immigration law (activity outside the status of qualification) To plan for punishment and to do it against international law, we must punish the employer who is the assistant of the Immigration Act by penalty for illegal employment promotion, but because we do not want to punish by the sentence, the truth is to stay Although it is an act of cancellation of qualification, as a violation of immigration law (activity outside the status of qualification) content as a lie and false criminal name, that is, a criminal law aid assistant as an alternate aid assistant, provision of a false employment contract from a criminal law aid Because I was accepted, I got the status of residence Since I was able to stay in Japan, I was able to stay in Japan, because I was able to stay illegally because I stayed in Japan, because

there are assistants who are causal relationships of illegal work, I will scenario that I am illegally working Assuming, the Chinese who is imprisoned at the police station in Tokyo is illegally charged to the Tokyo District Court for alleged detention by the Immigration Control Act violating the Immigration Act (activities outside the status of qualification), and the accused himself / herself I abused and illegally detained, oppressed freedom of decision making, arrested and captured and interrogated.

As mentioned above, for each of the Chinese, one accusation fact (criminal fact)

The following supplements the purpose of arrest and detention

The summary is as described in I . It is the same as the criminal fact of police officials' false charges.

Because the purpose of the investigation is to assist the criminal aid aid, it received a false employment contract for lying in the aid act of withdrawing the status of residence, so it got the status of residence, so I was able to stay, so Illegal work It is impossible to conduct a search to the Tokyo District Court for an investigation and take the record, but the act that received the provision of a false employment contract is an act of withdrawing the status of residence, illegal employment and There is no cause and effect, it is not a crime, and it is illegal to investigate the flow of money etc. which is not a criminal act.

Four Chinese should not be criminalized by the Immigration Control Law to the extent of attention to the employer who made illegal work in order to not contravene international

law, such as the purpose of Immigration Control Act, equality under the law, illegal employment Even though the Chinese should be treated as a caution, arresting and confinement acts are merely arresting only Chinese who have been illegally worked contrary to the Immigration Control Act, and oppressing the freedom of decision making by unfair means. It is a malicious and deliberate criminal act (described later), not negligence.

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. Prosecutors of the accused, in around May and June 2010, the Chinese worked in non-qualified activities at eating and drinking establishments, respectively, but did not arrest the illegal workers to arrest illegal employment, Chinese The accused who arrested only illegally by illegal worker's crime and illegally abuses his or her official authority and unlawfully abused the Chinese who illegally worked, unlike usual countermeasures, 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, because it does not want to punish by the sentence , The truth is an act of cancellation of the status of residence, but as a violation of Immigration Act (activity outside the status of qualification) content as a lie false criminal name, that is, as a substitute assistant by the criminal law assistant,

content false employment contract I was given a letter, so I got a status of residence Because I was able to stay in Japan, I was able to stay in Japan, so that I had illegally worked, so there are assistants who are causal relationships of illegal employment, so it is said that they are illegal workers, police in the city The court held illegal false charges (prosecuted) illegally with false charges in the Tokyo district court as a violation of Immigration Act (ineligible activities) due to violation of immigration law (illegal employment due to activities outside the status of qualification) Thing.

In addition, since the assistant criminal law assistant has been arrested and charged with assistance for assisting violation of immigration law (activity outside the status of qualification), it is a testimony of the crime of lying false accusation.

As mentioned above, for each of the Chinese, one accusation fact (criminal fact)

The following refills the purpose of false accusation

The summary is as described in I . It is the same as the criminal fact of police officials' false charges.

Prosecution is for seeking criminal punishment for four Chinese people as a violation of immigration law (activity outside the status of qualification).

Therefore, the four Chinese should not criminalize the employer who illegally worked, with the attention degree by the Immigration Control Act, in order not to comply with the purpose of Immigration Act, equality under the law, international law, illegal work The Chinese who was forced to take care as a disposition, but has arbitrarily disguised

himself as an imposter of criminal law and criminalizes only those illegally worked, criminal with illegal illegal means Therefore, illegal false accusations of the accused persons is not mere negligence, but a maliciously deliberate criminal act (described later).

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

III. Prosecutors of the trial of the Tokyo District Public Prosecutors office, special criminal facts of official abuse of official authority of office

1. The prosecutor of the accused was handed over from the interrogation prosecutor, and around 5 or June 2010, although the truth is an act of cancellation of the status of residence, as a violation of immigration law (activity outside the status of qualification), that is, criminal law Because the employer received the provision of false employment contract from the assistant, because the status of residence was obtained, because she got the status of residence, she was able to stay in Japan, so illegal employment was done, so it was illegal Because there are assistants who are causal relationships of employment, it is illegal to criminalize the Chinese who is imprisoned at the immigration detention center (or the police station in Tokyo) as a criminal of immigration law (activity outside the status of qualification) as an illegal employment crime. There is no obligation without releasing, illegal arrest detention and detention, around around May or June the same year, trial begins with illegal content false indictment in court, squeezing freedom of decision making, what There was no obligation of illegal arrest and detention and tried

it I. In addition,

As mentioned above, for each of the Chinese, one accusation fact (criminal fact)

The following supplements the purpose of arrest and detention

The summary is as described in I . It is the same as the criminal fact of police officials' false charges.

The examination calls for four Chinese people to criminal punishment as a violation of immigration law (activity outside the status of qualification).

Because the purpose of the trial was to aid criminal defense assistants, we received a false employment contract for lying in the aid of the cancellation of status of residence, so we got the status of residence, so we were able to stay, so illegal employment It is to make an illegal trial to ask the Tokyo district court office to declare a requisition.

Four Chinese should not be criminalized by the Immigration Control Law to the extent of attention to the employer who made illegal work in order to not contravene international law, such as the purpose of Immigration Control Act, equality under the law, illegal employment Chinese should also be treated as a caution, but illegally prosecute only the Chinese who was illegally worked contrary to the Immigration Control Act with a false criminal penalty, ask for a prosecution request, illegal means to freedom of decision making Under pressure, arrest / detention is not mere negligence, but a maliciously deliberate criminal act (see below).

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 . A criminal fact of a false accusation crime (Article 172) made by a public prosecutor of Tokyo District Prosecutors' Office

1. Prosecutors of the accused, in around May and June 2010, the Chinese worked in non-qualified activities at eating and drinking establishments, respectively, but did not arrest the illegal workers to arrest illegal employment, Chinese The accused who arrested only illegally with illegal worker's crime and illegally abuses his or her own authority and unlawfully abused the Chinese who illegally worked, unlike usual countermeasures, violates the immigration law) To strictly imprisonment, and it does not contravene international law, it is an act of cancellation of the status of residence, but as a violation of Immigration Act (activity outside the status of qualification) the content is a false criminal name, In other words, employers who are assistants of the Immigration Act must be punished for promoting illegal employment, but since they do not want to be punished by their sentiments, we will make up the criminal case aid as an alternate assistant, and the content false employment contract I was given a letter, so I got a status of residence Because I was able to stay in Japan, I was able to stay in Japan, so that I had illegally worked, so there are assistants who are causal relationships of illegal employment, so it is an illegal worker's crime and the immigration camp (Or police station in Tokyo) arrested and arrested Chinese as a criminal of Immigration Act (off-qualification activity) as a criminal, in Tokyo District Court, truth is an act of cancellation

of status of residence, Immigration Act violation (qualification Outside activities) The content was illegally false accusation (argument request) with content of false crime.

As mentioned above, for each of the Chinese, one accusation fact (criminal fact)

The following refills the purpose of false accusation

The summary is as described in I . It is the same as the criminal fact of police officials' false charges.

The requisition prosecution calls for four criminal punishments for four Chinese as violators of immigration law (activity outside the status of qualification).

Therefore, the four Chinese should not criminalize the employer who illegally worked, with the attention degree by the Immigration Control Act, in order not to comply with the purpose of Immigration Act, equality under the law, international law, illegal work The Chinese who was forced to take care as a disposition, but has arbitrarily disguised himself as an imposter of criminal law and criminalizes only those illegally worked, criminal with illegal illegal means Therefore, illegal false accusations of the accused persons is not mere negligence, but a maliciously deliberate criminal act (described later).

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 was a police officer in the case of a police officer in the case of a defendant who was working in a restaurant other than a restaurant at the restaurant, respectively, but contrary to the intention of the Immigration Act, the businessperson who illegally worked Without unreasonably arresting by illegal employment crime as a result of injustice, contrary to equality under the law, even though international law is also arbitrary, only the Chinese are suspected of misrepresentation of immigration laws (activities outside the qualifications) Or illegal content We charged illegal arrest warrants to Tokyo Simplified Court on suspicion of Immigration Law violation (illegal activity), which is a false crime name.

The accused issued an arrest warrant illegally (illegally) by acknowledging the illegitimate (illegal) arrest warrant claim by the police officer appropriately or lawfully (lawfully), pressured the freedom of decision making, arrested and captured It is what made it.

As mentioned above, for each of the Chinese, one accusation fact (criminal fact)

The following supplements the purpose of arrest and detention

The summary is as described in I . It is the same as the criminal fact of police officials' false charges.

Because the purpose of issuing the arrest warrant is to aid the criminal aid aid, we made an investigation to send it to the Tokyo District Court for the purpose of preparing and providing a false employment agreement in the auspicious action of canceling the status of residence It is illegal to investigate the flow of gifts that prove willfulness, such as the flow of Kin that is not a criminal act, because the aid act of creating and providing a false labor contract is not a crime.

Four Chinese should not be criminalized by the Immigration Control Law to the extent of attention to the employer who made illegal work in order to not contravene international law, such as the purpose of Immigration Control Act, equality under the law, illegal employment Chinese people should be treated as caution, but arresting only the Chinese who was illegally worked contrary to the Immigration Control Act arrested unjustly (illegal), squeezing freedom of decision making by unfair (illegal) means, Arrest / detention 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, in around May and June, 2010, the prosecutor, the Chinese were working in non-qualified activities at eating and drinking establishments,

respectively, but contrary to the intention of the Immigration Act, the companies that illegally worked Not detaining with illegal act of promoting illegal employment due to passion, contrary to equality under the law, even though international law is also arbitrary, only the Chinese are suspected of violating the unlawful immigration law (activity outside the qualifications) Or illegal content We charged illegal detention letters to the Tokyo Simplified Court on suspicion of Immigration Law violation (activity outside the status of qualification) which is a false criminal offense.

The accused instructs the prosecutor's improper (illegal) detention waiver according to circumstances as appropriate (lawful), issues a detention letter in an unjust manner (illegal), squeezes the freedom of decision making, causes arrest and detention It is.

As mentioned above, for each of the Chinese, one accusation fact (criminal fact)

The following supplements the purpose of arrest and detention

The summary is as described in I . It is the same as the criminal fact of police officials' false charges.

Since the purpose of issuing the detention warrant is to aid the criminal assistance aid, we made an investigation to prosecute to the Tokyo District Court on the grounds that he created and provided a false employment agreement in the auspicious action of canceling the status of residence It is illegal to investigate the flow of money, etc. that prove willfulness, such as the flow of Kin that does not commit a crime, because aid acts that created and provided false labor contracts are not guilty.

Four Chinese should not be criminalized by the Immigration Control Law to the extent of attention to the employer who made illegal work in order to not contravene international law, such as the purpose of Immigration Control Act, equality under the law, illegal employment Chinese people should be treated as caution, but arresting only the Chinese who was illegally worked contrary to the Immigration Control Act arrested unjustly (illegal), squeezing freedom of decision making by unfair (illegal) means, Arrest / detention 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 Metropolitan District Court trial judge special officials criminal offense abuse of authority

1. The judge of the accused, in about May and June, 2010, the prosecutor, the Chinese were arrested for illegal employment promotion for businesses that illegally worked, although the Chinese worked in non-qualified activities at eating and drinking establishments Although the truth is an act of cancellation of the status of residence, arresting only the Chinese unjustly by illegal worker's crime and illegally abusing the officials having it, the truth is a violation of immigration law (activities outside the status of qualification) In the offense of China, meaning that the Chinese received a provision of false employment contract from the aid of criminal law aid, he got the status of residence, got the status of residence, so he was able to stay in Japan, so illegal Because

it is an assistant who is a causal relationship of illegal work as having worked, it made it a crime of violation of immigration law (activity outside the status of qualification).

The accused himself admitted illegal content of the prosecutor illegitimate false charges lawfully according to the circumstances, did not release the Chinese while imprisoned in the immigration detention house (or the police station in the city), and illegally opened the trial illegally He pressured the freedom of decision making and tried to make the Chinese judge do illegal arrest / detention without any duty.

As mentioned above, for each of the Chinese, one accusation fact (criminal fact)

The following supplements the purpose of arrest and detention

The summary is as described in I . It is the same as the criminal fact of police officials' false charges.

The purpose of the trial court trial is to lie down on the Chinese, so that illegal employment under the provision of a false employment contract is a crime and to do trial.

Four Chinese should not be criminalized under the Immigration Control Law due to the attention degree of employers who illegally worked in order to not contravene international law, such as the purpose of Immigration Control Act, equality under the law, illegal employment Even though the Chinese should also be disciplined, it is illegal to trial only the Chinese who was illegally worked contrary to the Immigration Control Law with the false crime name and pressed the freedom of decision making by illegal means ,

Arrest / detention act 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 It is frightening the theory of assistance due to the aggressive causal relation with existence.

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 Kin 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 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.

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,

By illegally exercising authority on duties、 It is said that the means and methods are not limited to violence and intimidation, as long as they can press down on the freedom

of decision-making to the extent that it is legally and virtually impossible to accept the result to the victim.

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 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 charges 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,
they 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 A public prosecutor may conduct an investigation on 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)

Prosecutor (Criminal Procedure Act 191 (1))

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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, It is bound only by this constitution and law.

Chapter 4 Damage of 4 Chinese people

The complainants' violation of the Constitution of Japan and Immigration Control Act,
further governance under the law of the Japanese government,
Insulting international rules, due to malicious misconduct,
Four Chinese lost physical suffering, mental suffering, social trust.

By arrest, confinement and trial, Japan, the foundation of our lives, has been forcibly
removed as a criminal,
We lost all our credit, security deposits and household goods and income, the foundation
of our lives.

The imprisonment sentenced to four Chinese people 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.

In addition,

It is necessary to redo the trial. (The prosecution offers a retrial and withdraws
indictment)

And it is to pay damages. It is embarrassing internationally.

Chapter 5 Other

I . Verification method

1. Indictment

2. Japan Constitution, Immigration Control and Refugee Recognition Act, Penal Code etc.

3. Minutes of the Diet concerning revision of Immigration Control Act (Plenary Session and Committee etc)

(Creation of Law and Purpose of Amendment)

Four. Tokyo District Court Decision

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職業 中国人4名とも 警視庁組織犯罪対策部組織犯罪対策第1課 司法警察官

氏名 姓名不詳、および世田谷署の合同捜査チームのメンバー 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 中国人4名とも 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 中国人4名の情報 参照 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 中国人 4 名とも 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 中国人 4 名の情報 参照 及びその検察関係者

裁判官

刑法 194 条 特別公務員職権濫用罪に該当する者

- 1) 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 中国人 4 名の情報 参照

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年に発生した入管法違反事件では、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として、入管法違反幫助罪とされた告発人と共犯とされた元部下の中国人「金軍学」です。

したがって、正犯の訴因で指す幫助者は、不法就労助長罪の事業者ではないので、虚偽告訴といえます。

不法就労は、不法に働かせる事業者がいるから成立するものです。正犯を不法就労させて、不法就労者にした事業者が不法就労助長罪で処罰を受けていないので、不法就労者は存在しないとするのが、法の下での公平であり、国際法の遵守ですから、正犯はいずれも無罪です。

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、告発人や金軍学は、「不法就労助長罪」に規定する行為はしていません。不法就労の幫助者は「不法就労助長罪」で規定する幫助者です。

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。

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「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、雇用契約書の提供者への幫助罪の適用は不法であり、正犯は、「不法就労助長罪」の事業者が何ら処罰を受けないので、法の下で平等とは言えず、また国際法に反しますので「無罪」です。

不法就労をさせる者、つまり不法就労をさせる事業者なくして不法就労は絶対できませんので、「絶対に無罪」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」であつ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ができません。

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、不法な内容虚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。

正犯は、以上の理由で

- 1) 雇用者が不法就労助長罪でなんら処分されていないので、法の下で公平でなく、不法就労させられた外国人だけを刑事処分するのは国際法に反しますので無罪です。
- 2) 不法就労は不法就労をする者と不法就労させる者がいて成り立つものです。不法就労させた犯罪者がいないのに、不法就労した犯罪者だけがいるはずがありません。よって無罪です。
- 3) 正犯は、不法就労助長罪の幫助者でなく、内容虚偽の雇用契約書を提供した者を不法就労の幫助者として、不法就労罪が適用されていますが、雇用契約書の提供者は不法就労とは因果関係がないので内容虚偽の逮捕・起訴・判決であり無罪です。

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

I. 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5、6月頃、中国人はそれぞれ飲食店で資格外活動で働いていたが、入管法に反して、不法就労させた事業者を情により不法就労助長罪で不当に逮捕せず任意の取調べを行ない、法の下に平等に反し、国際法でも恣意的であるにも関わらず、中国人だけを不当に不法就労罪で逮捕し、都内において中国人を入管法違反（資格外活動）の容疑で、東京簡易裁判所に逮捕令状を明らかに不当請求し、被告発人は持っている職権を乱用し不当な逮捕令状で、意思決定の自由を圧迫し、不当な逮捕・監禁を行ない取調べ行ったものです。

若しくは、中国人はそれぞれ都内の飲食店で資格外活動で働いていたが、入管法に反して、不法就労させた事業者を不法就労助長罪で不法に逮捕せず、中国人だけを不当に不法就労罪で逮捕し、手柄を得たい被告発人は、持っている職権を不法に乱用して、不法就労した中国人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、真実は在留資格取消の行為であるのに、入管法違反（資格外活動）として内容虚偽の罪名で、つまり刑法幫助者を代わりの幫助者としてでっち上げ、刑法幫助者より内容虚偽の雇用契約書の提供を受けられたので、在留資格が得られた、在留資格を得られたので、日本に在留できた、在留できたので不法就労をやってしまったことは、不法就労の因果関係となる幫助者が存在するので、不法就労罪だとのシナリオを仮定して、都内において中国人を入管法違反（資格外活動）の容疑で、東京簡易裁判所に逮捕令状を明らかに不法請求し、被告発人は持っている職権を乱用し不当な逮捕令状で、意思決定の自由を圧迫し、不当な逮捕・監禁を行ない取調べ行ったものです。

以上、中国人4人に対して、それぞれ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

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。よって、告訴（起訴）は内容虚偽であるので無罪である。

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らはた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。

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。

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。

犯行目的は、不法就労した正犯と不法就労の刑法幫助罪をした告発人らの両者を犯罪者とするこ
とで、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。

捜査の目的は、刑法幫助者を幫助罪とするので、在留資格取消の幫助行為における嘘偽の雇用契約書の提供を受けたので、在留資格を得られた、それで在留できたので、不法就労ができたとして、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ですが、嘘偽の雇用契約書の提供を受けた行為は、在留資格取消行為で、不法就労とは因果関係がなく、罪にならないので、また犯罪行為でない金の流れなどを捜査する行為は違法です。

法の下に平等とは、日本国憲法第 14 条

すべて国民は、法の下に平等であつて、人種、信条、性別、社会的身分又は門地により、政治的、経済的又は社会的関係において、差別されない。

憲法上の「法の下」という文言は、法適用の平等のみを意味するとも考えられるが内容が不平等であれば平等に適用しても適正な結果は得られないため一般的には法内容も平等であることを意味すると考えられている。

1945 年国連総会決議で採択された世界人権宣言の法的保障と違反に対する法的救済を目的に欧州評議会により採択された人権と基本的自由の保護のための条約や国連総会による市民的及び政治的権利に関する国際規約第 26 条は『法の下に平等』を明記し、第 2 条で如何なる差別なしに規約の保障する自由権の享受の保障を明記し、同時に採択された経済的、社会的及び文化的権利に関する国際規約の第 2 条も同規約の定める社会権を差別なく享受することを保障している。

不法就労は不法就労させる事業者がいたから不法就労になったのです。従って、不法就労させた事業者を処罰（逮捕）せずに正犯だけをを処罰するのは法の論理で不法です。

正犯の不法就労罪の因果関係は、不法就労助長罪で規定されており因果関係とは、明らかに異なるもので不法なのです。

外形は、不法就労させられた中国人を不法就労罪で、内容虚偽の雇用契約書を提供した刑法幫助者を不法就労の幫助者としているが、入管法の趣旨からも大きく外れたものであり、また内容虚偽の雇用契約書を提供した行為は在留資格取消の幫助行為であり、なんら刑事罪にならず、入管法の不法就労罪に対する幫助理由ではなく、在留資格取消及びその幫助行為の理由です。

なんら刑事処分ではない、国外退去の行政処分である、在留資格取消の行為及びその幫助行為を、不法就労行為及び不法就労幫助行為としたことは、不法な内容虚偽の罪名で違法行為です。

なお、中国人は4人とも、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、内容虚偽の雇用契約書を提出して在留資格を取得したとするのは全くの虚偽です。

中国人4人は、入管法の趣旨、法の下での平等、国際法に反しないためには、不法就労させた雇用者を注意程度で入管法で刑事処分しないのなら、不法就労させられた中国人も注意処分としなければならないが、入管法に反して不法就労させられた中国人だけを不当逮捕し、不当な手段で意思決定の自由を圧迫しての、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 5、6 月頃、中国人はそれぞれ都内の飲食店で資格外活動で働いていたが、入管法に反して、不法就労させた事業者を不法就労助長罪で不法に逮捕せず、中国人だけを不当に不法就労罪で逮捕し、手柄を得たい被告発人は、持っている職権を不法に乱用して、不法就労した中国人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、真実は在留資格取消の行為であるのに、入管法違反（資格外活動）として内容虚偽の罪名で、つまり刑法幫助者を代わりの幫助者としてでっち上げ、刑法幫助者より内容虚偽の雇用契約書の提供を受けられたので、在留資格が得られた、在留資格を得られたので、日本に在留できた、在留できたので不法就労をやってしまったことは、不法就労の因果関係となる幫助者が存在するので、不法就労罪だとのシナリオを仮定して、都内の警察署に逮捕監禁中の中国人を入管法違反（資格外活動）の容疑で、東京地方検察庁に内容虚偽の罪名で違法に虚偽告発（送検）したものです。

なお、刑法幫助者はその後、入管法違反（資格外活動）の幫助罪で逮捕され送検されていることから、シナリオの仮定を証左するものです。

以上、中国人 4 人に対して、それぞれ 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

要旨は 前記 I．警察官らの 虚偽告訴罪の犯罪事実 に同じ。

送検は、中国人 4 人を入管法違反（資格外活動）犯として刑事処罰を求めるものです。

したがって、中国人 4 人は、入管法の趣旨、法の下での平等、国際法に反しないためには、不法就労させた雇用者を注意程度で入管法で刑事処分しないのなら、不法就労させられた中国人も注意処分としなければならないが、恣意的に、刑法幫助者を偽装して、不法就労させられた中国人だけを刑事処分する、卑劣な違法な手口で犯罪者にしているので、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 5、6 月頃、中国人はそれぞれ飲食店で資格外活動で働いていたが、入管法の趣旨に反して、不法就労させた事業者を情により不法就労助長罪で勾留せず、法の下での平等に反し、国際法でも恣意的であるにも関わらず、中国人だけを不当に不法就労罪で逮捕し、都内の警察署に収監されている中国人を入管法違反（資格外活動）の容疑で、東京地方裁判所に勾留状を明らかに不当請求し、被告発人は持っている職権を乱用し不当な勾留状で、意思決定の自由を圧迫し、逮捕・監禁を行ない取調べ行ったものです。

若しくは、中国人はそれぞれ都内の飲食店で資格外活動で働いていたが、入管法に反して、不法就労させた事業者を不法就労助長罪で不法に逮捕せず、中国人だけを不当に不法就労罪で逮捕し、手柄を得たい被告発人は、持っている職権を不法に乱用して、不法就労した中国人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、真実は在留資格取消の行為であるのに、入管法違反（資格外活動）として内容虚偽の罪名で、つまり刑法幫助者を代わりの幫助者としてでっち上げ、刑法幫助者より内容虚偽の雇用契約書の提供を受けられたので、在留資格が得られた、在留資格を得られたので、日本に在留できた、在留できたので不法就労をやってしまったことは、不法就労の因果関係となる幫助者が存在するので、不法就労罪だとのシナリオを仮定して、都内の警察署に収監されている中国人を入管法違反（資格外活動）の容疑で、東京地方裁判所に勾留状を明らかに不法請求し、被告発人は持っている職権を乱用し不法な勾留状で、意思決定の自由を圧迫し、逮捕・監禁を行ない取調べ行ったものです。

以上、中国人4人に対して、それぞれ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

要旨は 前記 I. 警察官らの 虚偽告訴罪の犯罪事実 に同じ。

捜査の目的は、刑法幫助者を幫助罪とするので、在留資格取消の幫助行為における虚偽の雇用契約書の提供を受けたので、在留資格を得られた、それで在留できたので、不法就労ができたとして、東京地方裁判所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ですが、虚偽の雇用契約書の提供を受けた行為は、在留資格取消行為で、不法就労とは因果関係がなく、罪にならないので、また犯罪行為でない金の流れなどを捜査する行為は違法です。

中国人4人は、入管法の趣旨、法の下での平等、国際法に反しないためには、不法就労させた雇用者を注意程度で入管法で刑事処分しないのなら、不法就労させられた中国人も注意処分としなければならないが、入管法に反して不法就労させられた中国人だけを不当逮捕し、不当な手段で意思決

定の自由を圧迫しての、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 5、6 月頃、中国人はそれぞれ飲食店で資格外活動で働いていたが、不法就労させた事業者を不法就労助長罪で逮捕せず、中国人だけを不当に不法就労罪で逮捕し、手柄を得たい被告発人は、持っている職権を不法に乱用して、不法就労した中国人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、真実は在留資格取消の行為であるのに、入管法違反（資格外活動）として内容虚偽の罪名で、つまり刑法幫助者を代わりの幫助者としてでっち上げ、刑法幫助者より内容虚偽の雇用契約書の提供を受けられたので、在留資格が得られたた、在留資格を得られたので、日本に在留できた、それで不法就労をやってしまったとして、不法就労の因果関係となる幫助者が存在するので、不法就労罪だとして、都内の警察署に逮捕監禁中の中国人を入管法違反（資格外活動による不法就労）で、東京地方裁判所に、入管法違反（資格外活動）として内容虚偽の罪名で違法に虚偽告発（起訴）したものです。

なお、刑法幫助者はその後、入管法違反（資格外活動）幫助罪で逮捕・起訴されているので、虚偽告発の犯行を証左するものです。

以上、中国人 4 人に対して、それぞれ 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

要旨は 前記 I. 警察官らの 虚偽告訴罪の犯罪事実 に同じ。

起訴は、中国人 4 人を入管法違反（資格外活動）犯として刑事処罰を求めるものです。

したがって、中国人 4 人は、入管法の趣旨、法の下での平等、国際法に反しないためには、不法就労させた雇用者を注意程度で入管法で刑事処分しないのなら、不法就労させられた中国人も注意処分としなければならないが、恣意的に、刑法幫助者を偽装して、不法就労させられた中国人だけを刑事処分する、卑劣な違法な手口で犯罪者にしているので、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。

Ⅲ. 東京地検の公判の検察官のなした、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 5、6 月頃、真実は在留資格取消の行為であるのに、入管法違反（資格外活動）として、つまり、刑法幫助者より内容虚偽の雇用契約書の提供を受けられたので、在留資格が得られたた、在留資格を得られたので、日本に在留できた、それで不法就労をやってしまったとして、不法就労の因果関係となる幫助者が存在するので、不法就労罪だとして、入国収容所（または都内の警察署）に収監中の中国人を入管法違反（資格外活動）の犯罪者として不法にも釈放せず何の義務もない、不法な逮捕監禁をして、そして同年 5、6 月頃頃、公判において不法な内容虚偽の起訴状で公判を開始し、意思決定の自由を圧迫し、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、中国人4人に対して、それぞれ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

要旨は 前記 I. 警察官らの 虚偽告訴罪の犯罪事実 に同じ。

送検は、中国人4人を入管法違反（資格外活動）犯として刑事処罰を求めるものです。

公判の目的は、刑法幫助者を幫助罪とするので、在留資格取消の幫助行為における虚偽の雇用契約書の提供を受けたので、在留資格を得られた、それで在留できたので、不法就労ができたとして、東京地方裁判所庁へ論告求刑するための不法な公判をすることです。

中国人4人は、入管法の趣旨、法の下での平等、国際法に反しないためには、不法就労させた雇用者を注意程度で入管法で刑事処分しないのなら、不法就労させられた中国人も注意処分としなければならないが、入管法に反して不法就労させられた中国人だけを内容虚偽の罪名で不法に起訴し、論告求刑し、不法な手段で意思決定の自由を圧迫しての、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5、6月頃、中国人はそれぞれ飲食店で資格外活動で働いていたが、不法就労させた事業者を不法就労助長罪で逮捕せず、中国人だけを不当に不法就労罪で逮捕し、手柄を得たい被告発人は、持っている職権を不法に乱用して、不法就労した中国人を通常の対

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、真実は在留資格取消の行為であるのに、入管法違反（資格外活動）として内容虚偽の罪名で、つまり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、刑法幫助者を代わりの幫助者としてでっち上げ、刑法幫助者より内容虚偽の雇用契約書の提供を受けられたので、在留資格が得られたた、在留資格を得られたので、日本に在留できた、それで不法就労をやってしまったとして、不法就労の因果関係となる幫助者が存在するので、不法就労罪だとして、入国収容所（または都内の警察署）に逮捕監禁中の中国人を入管法違反（資格外活動）の犯罪人として、東京地方裁判所に、真実は在留資格取消の行為であるのに、入管法違反（資格外活動）として内容虚偽の罪名で違法に虚偽告発（論告求刑）したものです。

以上、中国人4人に対して、それぞれ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

要旨は 前記 I. 警察官らの 虚偽告訴罪の犯罪事実 に同じ。

論告求刑は、中国人4人を入管法違反（資格外活動）犯として刑事処罰を求めるものです。

したがって、中国人4人は、入管法の趣旨、法の下での平等、国際法に反しないためには、不法就労させた雇用者を注意程度で入管法で刑事処分しないのなら、不法就労させられた中国人も注意処分としなければならないが、恣意的に、刑法幫助者を偽装して、不法就労させられた中国人だけを刑事処分する、卑劣な違法な手口で犯罪者にしているので、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－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5、6月頃、警察官は、中国人はそれぞれ飲食店で資格外活動で働いていたが、入管法の趣旨に反して、不法就労させた事業者を情により不法就労助長罪で不当に逮捕せず、法の下での平等に反し、国際法でも恣意的であるにも関わらず、中国人だけを不当な入管法違反（資格外活動）の容疑で、または不法な内容虚偽の罪名である入管法違反（資格外活動）の容疑で東京簡易裁判所に逮捕令状を不当（不法）請求したのです。

被告発人は警察官の不当（不法）逮捕状請求を情により適当または適法（適法）と認め、逮捕状を不当（不法）に発行し、意思決定の自由を圧迫し、逮捕・監禁を行なわせたものです。

以上、中国人4人に対して、それぞれ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

要旨は 前記 I．警察官らの 虚偽告訴罪の犯罪事実 に同じ。

逮捕状を発行した目的は、刑法幫助者を幫助罪とするので、在留資格取消の幫助行為における虚偽の雇用契約書を作成し提供したとして、東京地方裁判所へ送検するための捜査をして調書を取ることであるが、虚偽の雇用契約書を作成し提供した幫助行為が罪にならないので、故意を立証する、犯罪行為でない金の流れなどを捜査する行為は違法です。

中国人4人は、入管法の趣旨、法の下での平等、国際法に反しないためには、不法就労させた雇用

者を注意程度で入管法で刑事処分しないのなら、不法就労させられた中国人も注意処分としなければならないが、入管法に反して不法就労させられた中国人だけを不当（不法）逮捕し、不当（不法）な手段で意思決定の自由を圧迫しての、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 5、6 月頃、検察官は、中国人はそれぞれ飲食店で資格外活動で働いていたが、入管法の趣旨に反して、不法就労させた事業者を情により不当に不法就労助長罪で勾留せず、法の下に平等に反し、国際法でも恣意的であるにも関わらず、中国人だけを不当な入管法違反（資格外活動）の容疑で、または不法な内容虚偽の罪名である入管法違反（資格外活動）の容疑で東京簡易裁判所に勾留状を不当（不法）請求したのです。

被告発人は検察官の不当（不法）な勾留状請求を情により適当（適法）と認め、勾留状を不当（不法）に発行し、意思決定の自由を圧迫し、逮捕・監禁を行なわせたものです。

以上、中国人 4 人に対して、それぞれ 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

要旨は 前記 I．警察官らの 虚偽告訴罪の犯罪事実 に同じ。

勾留状を発行した目的は、刑法幫助者を幫助罪とするので、在留資格取消の幫助行為における虚偽の雇用契約書を作成し提供したとして、東京地方裁判所へ起訴するための捜査をして調書を取る

ことであるが、嘘偽の雇用契約書を作成し提供した幫助行為が罪にならないので、故意を立証する、犯罪行為でない金の流れなどを捜査する行為は違法です。

中国人 4 人は、入管法の趣旨、法の下での平等、国際法に反しないためには、不法就労させた雇用者を注意程度で入管法で刑事処分しないのなら、不法就労させられた中国人も注意処分としなければならないが、入管法に反して不法就労させられた中国人だけを不当（不法）逮捕し、不当（不法）な手段で意思決定の自由を圧迫しての、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．東京地裁の公判裁判官の 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 5、6 月頃、検察官は、中国人はそれぞれ飲食店で資格外活動で働いていたが、不法就労させた事業者を不法就労助長罪で逮捕せず、中国人だけを不当に不法就労罪で逮捕し、持っている職権を不法に乱用して、真実は在留資格取消の行為であるのに、入管法違反（資格外活動）として内容嘘偽の罪名で、つまり中国人は、刑法幫助者より内容虚偽の雇用契約書の提供を受けられたので、在留資格が得られた、在留資格を得られたので、日本に在留できた、それで不法就労をやってしまったとして、不法就労の因果関係となる幫助者が存在するので、入管法違反（資格外活動）の犯罪としたのです。

被告発人は検察官の違法な内容虚偽の罪名である起訴を情により適法と認め、中国人を入国収容所（または都内の警察署）に収監したまま釈放せず、そして不法に公判を開廷し、意思決定の自由を圧迫し、中国人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。

以上、中国人4人に対して、それぞれ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

要旨は 前記 I. 警察官らの 虚偽告訴罪の犯罪事実 に同じ。

公判開廷を行った目的は、中国人を嘘偽の雇用契約書の提供をうけての不法就労は犯罪だとして、
公判を行うためです。

中国人4人は、入管法の趣旨、法の下での平等、国際法に反しないためには、不法就労させた雇用者を注意程度で入管法で刑事処分しないのなら、不法就労させられた中国人も注意処分としなければならないが、入管法に反して不法就労させられた中国人だけを内容嘘偽の罪名で不法に公判し、不法な手段で意思決定の自由を圧迫しての、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告訴人には、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。

被告発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、強引に一部が告発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としても、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。

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、嘘偽に、犯罪が思科される内容で逮捕令状を請求し（嘘偽告訴）、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、嘘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、他の外国人に対し虚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、

入管法の虚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、不起訴で釈放される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)、鑑定処分許可の請求(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

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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 中国人4人の被害

被告発人らの、日本国憲法および入管法に違反し、さらに日本政府の法の下での統治や、国際ルールを侮辱する、悪質な職権濫用により、中国人4人は、肉体的苦痛や精神的苦痛、社会的信用を失いました。

逮捕、監禁そして裁判により、生活の基盤である日本から、犯罪者として強制退去をさせられ、すべての信用、敷金や家財などの財産や収入、生活の基盤などを失うことになったのです。

中国人 4 人のうけた懲役刑は、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。

裁判のやり直しが必要です。（検察が再審を申し出て、起訴を取り下げる）
そして損害賠償をすることです。国際的には恥ずかしいことです。

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）
4. 東京地裁判決

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