

## **Criminal charges**

May 10, 2016

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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

Criminal law 194 Paragraph of special criminal officials abuse of official abilities and  
criminal law 172 False charges Criminal law Article 62 (1) Assistance for assistance

1) Chang Shu Hai Zhang Zhiyu's defense counsel defense counsel Kenji Saruyama  
(country selection)

2) Hoba Oguan What a treasure counsel counsel Noriko Ogura

3) Lynn Horley Lin defendant counselor No name

4. Limon Li Wei's counsel There is no record and unknown

### **Chapter 1 . Purport of accusation**

The accused brought psychological promotion of conducting acts against the following

crimes made by the former offender.

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, the offense that was illegally hired was also innocent of not blaming.

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,

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 technical and humanistic international status at the discretion of the Minister of Justice under the "Contents of False Employment Contract", if you work within the scope of the status of residence of international or technical skills and humanities, you are illegal. It is obvious that there is no relationship between 'false employment contract' and illegal work.

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 guilty" are not subject to any punishment and can not be said to be equal under the law and contrary to international law.

It is "absolutely innocent" because illegal work 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 office if it is in Japan. And if foreigners are to be in Japan, it is abuse of assistance to assume that foreigners commit criminal offense if they commit a criminal act, people can not live with peace of mind.

Residents who are not criminal punishment due to causality that they made a crime because they made it possible to live in Japan rather than "illegal employment promotion crime" which stipulated the punishment of the aid acts against foreigners illegal employment. It is illegal to apply the "assistance crime" of the criminal law on the grounds of aiding the deletion of an act of qualification for abuse of assistance crime.

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-making argument if wind blows". If the wind blows, why will the tuya be profitable ...? If you talk about



causality, it is long. And there are various scenarios. In other words, the cause-and-effect relationship is "frustration".

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

In addition,

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

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

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

Therefore, the offense of the defendant appellant's offenses is the "criminal charges of false charges" of the criminal law and it is "a 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 accuser though it will be several times.

In addition,

The following acts of the accused shall be deemed to be persons falling under the penal code of Article 62, paragraph 1 of the criminal law against the crime criminal law 194 special officials abuse of the official authority and 172 criminal charges of criminal law so that the accused is severely punished I will accuse you to treat it.

## **Chapter 2 Accrual Facts**

### **Chapter 2 -1. Criminal facts aided in assisting criminal offenses of special public servants**

1. Police officers of former offenders, police officers of the former offenders, in around May and June 2010, each Chinese worked at a restaurant at a non-qualification activity, but contrary to the Immigration Control Act, the Chinese were illegally promoting illegal work promotion Arbitrary interrogation without arresting unfairly and arrested only Chinese on unlawful illegal work despite being arbitrary also under international law contrary to the equality under the law and making the Chinese in Tokyo Under the alien invasion law violation (activity other than the status of qualification), the Tokyo Simplified Court clearly illegally claimed the arrest warrant, the accused issued an abusive authority to abuse the official authority and pressured freedom of decision making, The acts of the police officers were conducted under injustice arrest / detention and investigation, which corresponds to the crime of abuse of the special public officer's office of the criminal law 194 criminal law.

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, 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 , Pressure on the freedom of decision making, investigated and investigated illegally arrested and captured, and the acts of police officers fall under criminal offense abuse of the special public servant official authority 194 criminal law.

The defense counsel defends criminal acts made by the offender, against the Article 37 (1) of the basic provisions of lawyers, investigating laws and regulations, defending the accusers by pointing out the criminal facts of the former offenses contrary to the lawyers law It did not point out criminal acts made by the former criminal act as a legal expert as an unnecessary accident, promoting the act of conduct psychologically, that is, it aided the crime.

Incidentally, if the accused issued a criminal fact, he was forced to admit the criminal facts, the Chinese were immediately released, it is clear that the incident was over.

2. A prosecutor of the former offender said that 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 Chinese invited illegal employment promotion. Despite the fact that he did not detain himself with crime and contrary to equality under the law, despite being arbitrary under international law, he arrested only the Chinese unjustly for illegal work and was imprisoned in the police station in Tokyo. Under the Immigration Control Law violation (activity outside the status of qualification), the Tokyo District Court clearly illegally requested the detention letter, the accused issued an abusive abuse of his / her official abilities and oppressed freedom of decision making with an improper detention letter. Arrested and captured and interrogated, the prosecutor's office falls under the criminal offense abusing the ex officio authority of the special civil servant 194 criminal law.

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 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 It abused and illegal detention, pressure on freedom of decision, arrested and confiscated and interrogated and interrogated, the prosecutor's offense falls under the criminal offense abuse of the special public officer 's office 194 criminal law.

The defense counsel defends criminal acts made by the offender, against the Article 37 (1) of the basic provisions of lawyers, investigating laws and regulations, defending the accusers by pointing out the criminal facts of the former offenses contrary to the lawyers law It did not point out criminal acts made by the former criminal act as a legal expert as an unnecessary accident, promoting the act of conduct psychologically, that is, it aided the crime.

Incidentally, if the accused issued a criminal fact, he was forced to admit the criminal facts, the Chinese were immediately released, it is clear that the incident was over.

3. Prosecutors of the former offenders were handed over from the interrogation prosecutor, and around 5 or June 2010, although the truth is an act of canceling the status of residence, as a violation of immigration law (activity outside the status of qualification), that is, Because I got the provision of more false employment agreement, I got the status of residence, I got the status of residence, so I was able to stay in Japan, so I was illegally working, so illegal employment Because there are assistants who are causal relationships, they are illegally released as illegal workers and criminals who are imprisoned in the immigration detention house (or police station in Tokyo) as a criminal of immigration law (activity outside the status of qualification) Without any obligation, illegal arrest detention and detention, around 5 or June of that same year, trial started illegal content false indictment in trial, oppress the freedom of decision making, what obligation Those who tried illegal arrest detention and trial , Deed of the prosecutor, is what corresponds to the Criminal Code 194 Article special malpractice.

The defense counsel defends criminal acts made by the offender, against the Article 37 (1) of the basic provisions of lawyers, investigating laws and regulations, defending the accusers by pointing out the criminal facts of the former offenses contrary to the lawyers law It did not point out criminal acts made by the former criminal act as unlawful as a law expert, and promoted practice acts psychologically, that is, it aided the crime

Incidentally, if the accused issued a criminal fact, he was forced to admit the criminal facts, the Chinese were immediately released, it is clear that the incident was over.

4. About 5 or June Heisei 20, police officers, the Chinese were working 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 worked for promoting illegal employment. Contrary to equality under the law, despite being arbitrary also in international law, not only unduly arresting, unlawful incoming law violation (activity outside the status of qualification) or unlawful content lie. We illegally claimed an arrest warrant to Tokyo Simplified Court on suspicion of violation of Immigration Control Act (off-qualification activity) which is the offense of the offense. In addition,

The judge of the former offender acknowledges the illegitimate (illegal) arrest warrant claim by the police officer as appropriate or lawful (lawful), issues illegal arrest warrants, squeezes freedom of decision making, arrests and captures. The acts of the police officers fall under the criminal offense abusing the 194 special criminal officials of the Penal Code, and the judgment of the judge falls under the crime of abuse of the special public officer's official authority under Article 194 of the Penal Code.

The defense counsel defends criminal acts made by the offender, against the Article 37 (1) of the basic provisions of lawyers, investigating laws and regulations, defending the accusers by pointing out the criminal facts of the former offenses contrary to the lawyers law. It did not point out criminal acts made by the former criminal act as a legal expert as an unnecessary accident, promoting the act of conduct psychologically, that is, it aided the crime.

Incidentally, if the accused issued a criminal fact, he was forced to admit the criminal facts, the Chinese were immediately released, it is clear that the incident was over.

5. Prosecutors and prosecutors in the 5th and 6th month of Heisei 20th, each Chinese worked in a non-qualified activity at a restaurant, but contrary to the intention of the Immigration Control Act, the Chinese inevitably promoted illegal employment promotion. Even though it is not arrested under the law and contrary to the equality under the law, despite being arbitrary in international law, it is possible that only the Chinese are forfeited by an illegal immigration law (activity outside the status of qualification). We illegally charged a detention letter to the Tokyo Simplified Court on suspicion of a violation of Immigration Control Act (off-qualification activity) which is the offense of the offense. In addition,

The judge of the former official acknowledges the improper (illegal) detention waiver of the prosecutor as appropriate (lawful) according to the situation, issues a detention letter illegally (illegal), squeezes the freedom of decision making, arrests and confinement. The acts of the police officers correspond to criminal abuse of 194 special criminal officials in the criminal law, the cause of the judge falls under the criminal offense abuse of the special public servant 194 criminal law officials, the act of the judge is , It falls under the criminal offense abuse of 194 special criminal officials criminal law.

The defense counsel defends criminal acts made by the offender, against the Article 37 (1) of the basic provisions of lawyers, investigating laws and regulations, defending the accusers by pointing out the criminal facts of the former offenses contrary to the lawyers law. It did not point out criminal acts made by the former criminal act as a legal expert as an unnecessary accident, promoting the act of conduct psychologically, that is, it aided the crime.

In addition, if the accused issued a criminal fact, he was forced to admit the criminal

facts, the Chinese were immediately released and it is clear that the case was over.

6. Prosecutors in the fifth or June Heisei 20th, the Chinese were working in non-qualified activities at eating and drinking establishments, respectively, but do not arrest businesses illegally worked for promoting illegal employment, only unduly Chinese. Although the truth is an act of cancellation of the status of residence, arrested by illegal employment crime and illegally abusing the authority it has, as a violation of Immigration Act (activity outside the status of qualification) , Because it received the provision of false employment contract from the imposter of criminal law, it got the status of residence, got the status of residence, so that I was able to stay in Japan, so I have illegally worked, Because there are assistants who are causal relationships of illegal work, they are crimes of violation of immigration law (activities outside the status of qualification).

The judge of the former offender admitted illegal contents of the prosecutor illegitimate charges of false charges as legitimate according to the circumstances, did not release the Chinese while imprisoned in the immigration camp (or the police station in the city), and illegally tried the trial. The court and pressure on the freedom of decision making, the Chinese did not have any obligation, tried to make illegal arrest / confinement trial. The police officers 'acts were to criminal abuse of 194 special criminal officials' criminal offense. Applicable. The acts of police officers fall under criminal offense abusing exceptional officials of the criminal law 194, and the judgment of the judge falls under the criminal offense abusing the ex officio authority of 194 special criminal officials.

The defense counsel defends criminal acts made by the offender, against the Article 37 (1) of the basic provisions of lawyers, investigating laws and regulations, defending the accusers by pointing out the criminal facts of the former offenses contrary to the lawyers

law It did not point out criminal acts made by the former criminal act as a legal expert as an unnecessary accident, promoting the act of conduct psychologically, that is, it aided the crime.

In addition, if the accused issued a criminal fact, he was forced to admit the criminal facts, the Chinese were immediately released and it is clear that the case was over.

As mentioned above, for each of the Chinese, about six cases of accusation (criminal facts)

The following supplements the purpose of arrest and detention

Regarding the innocence of the former offender, Chapter 1. I stated in the purpose of complaint.

Although it seems to be a terrible thing, in this case, he does not criminalize the business who made illegal work, and criminalizes only foreigners who have illegally worked for illegal work criminality and wants to make a hand, truth is overseas Refers to the act of dismissal of the immigration status of the immigration law, which is the administrative penalty for exit (Article 22-4-4) and its aiding action,

Illegally made a person who illegally worked as a disposition act of cancellation of the status of residence of Immigration Control Act as "illegal employment crime", and for those who carried out an aid act of rescission of status of residence under the Immigration Act " It is a crime that I made a criminal assistance criminal offense against workers' crime.

In the Immigration Control Act, in order to criminalize a former offender who has worked illegally by a violation of immigration law (activity outside the status of qualification), a company that is an assistant who illegally worked will be violated by the immigration law (Article 73 of the crime of promoting illegal employment and employment) , But since I do not want to punish a business owner due to the circumstances, the perfect offense familiar with the law,

In order to criminalize the Chinese arrested for illegal employment, to pretend to dispose equally under the law, and to assume that it does not contravene international law, to provide those who illegally worked a false employment contract Because he received a status of residence, he was able to stay there, so that he was able to work illegally as "illegal employment crime", provided a person with a false employment contract to "illegal workers guilty" By doing so, it seemed as if the criminal disposition of both of illegal work was fairly carried out, and was made arbitrarily as a criminal of violation of Immigration Act (extra-qualification activity).

In addition,

As an aid to the illegal employment promotion offense against the illegal employment promotion abuse by public citizens and Chinese people public accusations on the grounds of assistance of the cancellation of the status of residence (Article 22-44) not accused of any crime I thought that people and money military academics would not notice even if I changed my name as a criminal assistance criminal penalty for violation of immigration law (activity outside the status of qualification).

Then, because he worked with illegal Chinese employment with a status of residence as a false employment contract, he provided a false employment contract with a "illegal

employment crime" as a violation of immigration law (activity outside the status of qualification) I decided to dispose of it with "assistance crime" of.

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.

Because the purpose of billing such as arrest warrant and detention warrant is to aid criminal charges, we made investigation to prosecute to Tokyo District Court for the purpose of preparing and providing a false employment contract in aiding action to withdraw residence status It is to compose a record in the scenario of the accused and to compel confessions, but the act of proveing willfulness is illegal because the aid act of creating and offering a false employment contract is not a crime. .

The purpose of the criminal offense was to exploit the purpose of cancellation of the status of residence to prevent the act of promoting illegal work founded in 2004 and to combat both illegal workers who committed illegal work and those who accused the criminal law of illegal work and money martial arts By making it a criminal, seniors could not do, even if they do not criminalize the business with the illegal employment promotion crime, probably for the first time in violation of Immigration Control Act, by dispose of the assistant of cancellation of status of residence, it is illegal It is to make achievements that can criminalize a foreigner who has worked and to create a hand. In fact, the Philippine Embassy staff and diplomats have been made a criminal in this manner.

The accused issued psychological promotion of conducting acts, not instructing criminal

acts made by the former criminal act as unlawful as a law expert.

Below, under the law equality,

Article 14 of the Constitution of Japan All citizens are equal under the law and are not discriminated against in terms of political, economic or social relations by race, creed, gender, social status or entrance.

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.

Therefore, it is illegal under the law of law to punish (arrest) only Chinese people without

punishing (arresting) the principal undertakers of illegal workers.

In addition, the causal relationship of illegal workers' offenses of China is regulated by illegal employment promotion crime and is clearly different from causality, 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 was an act of aiding the cancellation of the status of residence, it was not a criminal offense, it was not the 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 That's why.

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 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).

Because the defendant points out the offense of the offender with the above-mentioned intention and is a false charge, if the immediate release is sought, the former offender must admit the crime, and it is obvious that the Chinese were immediately released It is.

However, the accused himself fails to investigate laws and regulations against criminal acts made by the former offender against the Article 37, paragraph 1 of the basic provisions of lawyers, points out the criminal facts of the former offenders against the lawyers law, defends the accusers In fact, it did not point out criminal acts made by the former criminal act as unwilling to be a law expert, and prompted the act of conduct psychologically, that is, it aided the crime.

Therefore, the acts of the accused are those that assist the criminal act Article 62 (1) criminal offense against the criminal law abuses of 194 criminal law special civil servants who constitute the above-mentioned six police officers, prosecutors, judges and others.

## **II . Criminal fact of assisting false charges of charges**

Police officers of former offenders, police officials of the former offenders, in around May

and June 2010, the Chinese worked in non-qualified activities at eating and drinking establishments in Tokyo respectively, but contrary to the Immigration Control Act, the Chinese were illegal employment promotion offenses. An accused who does not arrest illegally and arrests only Chinese on illegal employment crime and illegally abuses the official authority that he has a hand, to cope with illegal Chinese workers as usual. Unlike the Immigration Control Act violating the Immigration Act (activities outside the status of qualification), we plan to impose severe imprisonment, and to do so does not contravene international law, we must punish the employer who is the assistant of the Immigration Act by promoting illegal employment. However, because the truth does not want to be punished 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), the content of lie and falsehood, that is, the imposter of criminal law is formed as an alternate assistant. We received provision of false employment contract form from criminal law aid. Because I got a status of residence, I got a status of residence, so I stayed in Japan, so I got illegally employed because I stayed in Japan, there are assistants who are causal relationships of illegal work. Assuming the scenario that it is an illegal employment criminal, the Chinese who arrested and arrested in the police station in Tokyo under the allegation of immigration law (activity outside the status of qualification) on the charge of the Tokyo District Public Prosecutors Office illegally with contents of false crimes. The acts of police officers are those that fall under criminal law Article 172 false charges.

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.

The defense counsel defends criminal acts made by the offender, against the Article 37 (1) of the basic provisions of lawyers, investigating laws and regulations, defending the accusers by pointing out the criminal facts of the former offenses contrary to the lawyers law It did not point out criminal acts made by the former criminal act as a legal expert as an unnecessary accident, promoting the act of conduct psychologically, that is, it aided the crime.

In addition, if the accused issued a criminal fact, he was forced to admit the criminal facts, the Chinese were immediately released and it is clear that the case was over.

2. A prosecutor of a former offender said that 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 worker who promoted illegal work as a Chinese official only The accused who arrested unfairly for illegal worker's crime and who wishes to obtain illegal conduct illegally abuses his or her official authority and unlike usual coping with illegal Chinese workers, in violation of Immigration Control Act (activities outside the status of qualification) We plan to strictly imprisonment, and to do so, we must punish the employer who is the assistant of the Immigration Act against penalty for illegal employment, because it does not contravene international law, but because we do not want to punish under the circumstances, the truth Although it is an act of cancellation of the status of residence, as a violation of Immigration Control Act (activity outside the status of qualification) content as a lie false criminal name, that is, as a substitute aid assistant to the criminal law assistant, the content of false employment contract Because I was offered the offer, I got a status of residence , Since he was able to stay in Japan,

he was able to stay in Japan, so that he had taken illegal work, so there are assistants who are causal relationships of illegal employment, so that it is an illegal worker's crime, and they are sent to the police station in Tokyo. The person who arrested and arrested Chinese was illegally accused (prosecuted) illegally with false criminal name as a violation of Immigration Act (extra-qualification activity) to the Tokyo District Court due to violation of Immigration Act (illegal employment due to activities outside the status of qualification) , The prosecutor's office falls under criminal law 172 false charges.

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.

The defense counsel defends criminal acts made by the offender, against the Article 37 (1) of the basic provisions of lawyers, investigating laws and regulations, defending the accusers by pointing out the criminal facts of the former offenses contrary to the lawyers law. It did not point out criminal acts made by the former criminal act as a legal expert as an unnecessary accident, promoting the act of conduct psychologically, that is, it aided the crime.

In addition, if the accused issued a criminal fact, he was forced to admit the criminal facts, the Chinese were immediately released and it is clear that the case was over.

3. A prosecutor of a former offender, around May and June 2010, Chinese people worked in restaurants other than non-qualification activities, respectively.

An accused who wants to arrest a Chinese businessman unfairly for illegal employment

and does not arrest a business operator who illegally worked for the purpose of promoting illegal employment illegally abuses its own authority and illegal Unlike ordinary countermeasures, we planned to strictly imprisonate a Chinese who worked, with a violation of Immigration Control Act (activity outside the status of qualification). To do so, because the truth is an act of cancellation of the status of residence, it is illegal for the employer who is the assistant of the Immigration Act as a violation of immigration law (activity outside the status of qualification) I have to punish for employment promotion crime, but since I do not want to punish because of my passion, I made up the criminal law aid as an alternate assistant. Since I was given a contract of false employment contract from an imposter of criminal law, I was able to stay in Japan because I got the status of residence, I got the status of residence. He said that he was illegally working, and because there are assistants who are causal relationships of illegal work, they are said to be illegal workers. Then, as a criminal of immigration detention center (or police station in Tokyo) arrested and arrested as a criminal of immigration law (activity outside the status of qualification) as a criminal in the Tokyo District Court, truth is an act of cancellation of the status of residence, As a violation of the law (activity other than the status of qualification) The content of illegal false accusation (argument requisition) with content of false crime, the prosecutor's offense falls under criminal law 172 false charges.

The defense counsel defends criminal acts made by the offender, against the Article 37 (1) of the basic provisions of lawyers, investigating laws and regulations, defending the accusers by pointing out the criminal facts of the former offenses contrary to the lawyers law It did not point out criminal acts made by the former criminal act as a legal expert as an unnecessary accident, promoting the act of conduct psychologically, that is, it aided

the crime.

In addition, if the accused issued a criminal fact, he was forced to admit the criminal facts, the Chinese were immediately released and it is clear that the case was over.

As mentioned above, for four Chinese people, about three cases of accusations (criminal facts)

The following refills the purpose of false accusation

I . It is the same as the criminal fact of assisting the special officials abuse of their own authority.

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).

Because the accused person pointed out the offense of the offender with the above-mentioned intention and asked for immediate release as it is a false criminal, the former offender is forced to admit the crime, the fact that the Chinese were released immediate is self-evident It is.

However, the accused himself fails to investigate laws and regulations against criminal acts made by the former offender against the Article 37, paragraph 1 of the basic provisions of lawyers, points out the criminal facts of the former offenders against the lawyers law, defends the accusers In fact, it did not point out criminal acts made by the former criminal act as unwilling to be a law expert, and prompted the act of conduct psychologically, that is, it aided the crime.

Therefore, the acts of the accused are those corresponding to the penal code of Article 62, paragraph 1 of the Penal Code against the criminal law 172 false charges filed by the former offenders including the above-mentioned three policemen and prosecutor.

### **III. Malicious deliberate criminal act (about the intention of accusation fact)**

**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.**

Primary criminal false accusation · The criminal intent of arrest detention and detention was able to acquire the primary criminal status by accusers collusion with accomplishment Kin Gungaku and providing false employment contracts to the offenders who illegally worked. In addition,

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 considered as a crime that committed the assistance of a violation of Immigration Control Act (illegal employment due to activities outside 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.

The Chinese were able to stay in Japan because of their status of residence. I was able to borrow a room in the apartment, so I stayed in Japan. Because I stayed, I was able to work illegally ... I could kill myself because I was able to stay ... All the crimes that it takes to be able to stay can be a crime for assistance.

In this way, an assistant criminal assistant was made up, and the former offender was quite different from the causal relation of the crime of illegal employment of the Immigration Act, which was invented as an illegal worker in the presence of the assistant.

The accused himself seems to have felt that the relationship of providing false labor contracts to illegal work by seeing arrest warrants and indictment seems to be a logical method of "If the wind blows, the barbarians make money" why the causal relationship If



I pursue whether it will become or not, I think that the trick of cancellation of the status of residence is also found, so I feel the willingness beyond the unexpected accident.

The accuser does not pursue a complete criminal at all why employers (restaurants) are not arrested for promoting illegal employment, even if those who provided false labor contracts are aided by criminal law, I feel deliberateness beyond the unexpected accident.

## **2. Unwillingness**

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

As a lawyer handling immigration cases related to illegal work, doing duties without neglecting laws and ordinances 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 it is fully recognized in terms of the nature of the duty that an application error law can not be pointed out, a human rights violation that can not be irrevocably performed, and a victim is dragged down to the bottom of society is a disastrous result, so " You can say that.

Also, if a lawyer handling a violation of the Immigration Control Act says that he did not know the Immigration Control Act, it is not permissible because he does not form a body as a state of law.

Since the lawyer did not know the law, the people can not live with peace of mind if it is said that the applicable law was mistaken.

Failing to investigate laws and ordinances contrary to Article 37, paragraph 1 of the Attorney Duties Basic Act, failing to defend the accusers by noting the facts of the criminal offense against the lawyers law contrary to the Attorney Law, criminal acts made by the former offender with unexpected accidents as legal experts It did not point out as legitimate as a law, promoting the act of conduct psychologically, that is, it assisted the crime.

Even if the accuser points out criminal facts, it is inevitable that the former offender must admit the facts of the crime, the Chinese are immediately released and the case is obvious as it is self-evident You can prove it.

And I think that neither the accusers nor the criminal assault incident for the Kin Gungaku occurred, or I think that the aid crime case was also over.

**3. The Immigration Control Act violation (activity outside the status of qualification) incident is not an unusual case. The unwillingness of a lawyer is abnormal.**

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.

As an aside, I think that I saw the following article if I read the newspaper every day.

Osaka 's Chinese girls' international student worked as a hostess, was arrested for illegal employment of activities outside the status of qualification, falls under the "cancellation of status of residence" so it was administrative disposition of deportation,  
This international student rare trial.

As a result of the trial, the disposition has been canceled and won.

It is not ordinary rule but ministerial ordinance that we decided not to work in customs on study abroad visa.

Moreover, the reason that the academic achievement also often interferes with studies has been rejected.

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, 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 violators of immigration law (illegal employment) arrest foreigners who have worked illegally but do not arrest the business in many cases, so when you do not punish an employer for illegal employment promotion, you are illegal Foreigners who worked were fully aware of the fact that they were not sentenced or sent a minor penalty and were transferred to the immigration office.

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.

However, it is because lawyers, law experts who are law experts, that we can not see the crime are unreasonable accident, just did not check the immigration law "Reset of status of residence".

I think that there are no judges, prosecutors, lawyers who memorize all the laws.

So the stakeholders are opening the Six Laws each time and checking related laws.

In addition,

Since the police officer, the prosecutor, and the judge must always investigate the applicable laws and arrest them, the accused is not mistaken about the applicable law, thinking the case easily, without taking time, efficiently making money It is a defense.

It is abnormal as a counsel.

It is a crime that loses trust in lawyers without even observing the basic rules of lawyers' duties.

### **Chapter 3. Annotative explanation**

## **1. Mission and duties of lawyers lawyers**

### Chapter 1 Mission and duties of lawyers

(Mission of lawyers)

Article 1 A lawyer who is the accused is mission to defend fundamental human rights and realize social justice.

(2) A lawyer who is the accused shall conduct its duties in good faith based on the mission set forth in the preceding paragraph, strive to maintain the social order and improve the legal system.

## **2. Basic Lawyer's Duties Regulations**

(Investigation of laws and regulations)

Article 37 A lawyer who is the accused shall invalidate the investigation of necessary laws and ordinances when processing the case.

2 The attorney who is the accused will endeavor to investigate necessary and possible factual relationships in processing the case

(Measures for compliance)

Article 55 In cases where multiple lawyers together with a law office (except when it is a law office of a lawyers corporation) (hereinafter referred to as "joint office" in this law office), the joint office A lawyer with the authority to supervise the attorney to which he belongs (hereinafter referred to as "affiliated attorney") shall endeavor to ensure that the attorneys in charge shall take necessary measures to comply with these regulations.

## **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 arresting, confinement and trial, Japan has been forced to leave as a criminal from  
Japan, the foundation of life,  
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 will request a retrial and withdraw the prosecution  
and should 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)

4. Tokyo District Court Decision

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

Email nagano@miraico.jp

Mobile phone 090-4824-7899

## 告発状

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東京地方検察庁 御中

告発人

〒261-0003

住所 千葉市美浜区高浜6-18-9

電話 090-4824-7899

職業 合同会社未来 代表

生年月日 昭和24年9月9日生

氏名 長野恭博 印

被告発人

正犯の成す、刑法194条 特別公務員職権濫用罪および刑法172条 虚偽告訴罪に対する、刑法  
62条1項幫助罪

- |              |       |     |         |           |
|--------------|-------|-----|---------|-----------|
| 1) チャン シューホイ | 張 述輝の | 弁護人 | 弁護人     | 猿山賢治 (国選) |
| 2) ホーバオグアン   | 何 宝光の | 弁護人 | 弁護人     | 小倉典子      |
| 3) リン ホウリー   | 林 厚立の | 弁護人 | 記名なし    |           |
| 4. リモン       | 李萌 の  | 弁護人 | 調書が無く不明 |           |

### 第1章. 告発の趣旨

被告発人は正犯の成す下記犯罪に対し心理的に実行行為を促進したものである。

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。そうであれば不法に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 0 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」であっても在留資格の取得や入国査証の許可とは、何ら法的な根拠がなく、明らかに因果関係がなく、又、日本におられるようにしたから犯罪ができるとす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。

よって被告訴人正犯らの罪名は刑法の「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、正犯の成す、刑法 194 条 特別公務員職権濫用罪および刑法 172 条

虚偽告訴罪に対する、刑法 62 条 1 項幫助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. 特別公務員職権乱用罪 幫助の犯罪事実

1. 正犯の警察官らは、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、警察官らの所為は、刑法 194 条特別公務員職権濫用罪に該当するものです。

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法な逮捕令状で、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、警察官らの所為は、刑法 194 条 特別公務員職権濫用罪に該当するものです。

被告発人の弁護士 は、正犯のなす犯罪行為を、弁護士職務基本規定第 37 条 1 項に反し法令等の調査を怠り、弁護士法に反して正犯の犯罪事実を指摘して告発人を弁護せず、未必の故意で正犯のなす犯罪行為を法律の専門家として適法として指摘せず、心理的に実行行為を促進したもので、つまり犯罪を幫助したものです。

尚、被告発人が、犯罪事実を指摘していれば、正犯は犯罪事実を認めざるを得ず、中国人は、即時に釈放され、事件は終了していたことは明らかであります。

2. 正犯の検察官は、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、検察官の所為は、刑法 194 条 特別公務員職権濫用罪に該当するものです。

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、検察官らの所為は、刑法 194 条 特別公務員職権濫用罪に該当するものです。

被告発人の弁護士 は、正犯のなす犯罪行為を、弁護士職務基本規定第 37 条 1 項に反し法令等の調査を怠り、弁護士法に反して正犯の犯罪事実を指摘して告発人を弁護せず、未必の故意で正犯のなす犯罪行為を法律の専門家として適法として指摘せず、心理的に実行行為を促進したもので、つまり犯罪を幫助したものです。

尚、被告発人が、犯罪事実を指摘していれば、正犯は犯罪事実を認めざるを得ず、中国人は、即時に釈放され、事件は終了していたことは明らかであります。

3. 正犯の検察官は、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、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、検察官の所為は、刑法 194 条 特別公務員職権

濫用罪に該当するものです。

被告発人の弁護士 は、正犯のなす犯罪行為を、弁護士職務基本規定第 3 7 条 1 項に反し法令等の調査を怠り、弁護士法に反して正犯の犯罪事実を指摘して告発人を弁護せず、未必の故意で正犯のなす犯罪行為を法律の専門家として適法として指摘せず、心理的に実行行為を促進したもので、つまり犯罪を幫助したものです

尚、被告発人が、犯罪事実を指摘していれば、正犯は犯罪事実を認めざるを得ず、中国人は、即時に釈放され、事件は終了していたことは明らかであります。

4. 平成 2 2 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。

正犯の裁判官は警察官の不当（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の警察官らの所為は、刑法 1 9 4 条 特別公務員職権濫用罪に該当するもので、裁判官の所為は、刑法 1 9 4 条 特別公務員職権濫用罪に該当するものです。

被告発人の弁護士 は、正犯のなす犯罪行為を、弁護士職務基本規定第 3 7 条 1 項に反し法令等の調査を怠り、弁護士法に反して正犯の犯罪事実を指摘して告発人を弁護せず、未必の故意で正犯のなす犯罪行為を法律の専門家として適法として指摘せず、心理的に実行行為を促進したもので、つまり犯罪を幫助したものです。

尚、被告発人が、犯罪事実を指摘していれば、正犯は犯罪事実を認めざるを得ず、中国人は、即時に釈放され、事件は終了していたことは明らかであります。

5. 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勾留状を不当（不法）請求したのです。

正犯の裁判官は検察官の不当（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の警察官らの所為は、刑法194条 特別公務員職権濫用罪に該当するもので、裁判官の所為は、刑法194条 特別公務員職権濫用罪に該当するもので、裁判官の所為は、刑法194条 特別公務員職権濫用罪に該当するものです。

被告発人の弁護士 は、正犯のなす犯罪行為を、弁護士職務基本規定第37条1項に反し法令等の調査を怠り、弁護士法に反して正犯の犯罪事実を指摘して告発人を弁護せず、未必の故意で正犯のなす犯罪行為を法律の専門家として適法として指摘せず、心理的に実行行為を促進したもので、つまり犯罪を幫助したものです。

尚、被告発人が、犯罪事実を指摘していれば、正犯は犯罪事実を認めざるを得ず、中国人は、即時に釈放され、事件は終了していたことは明らかであります。

6. 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

して内容虚偽の罪名で、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。

正犯の裁判官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の警察官らの所為は、刑法 194 条 特別公務員職権濫用罪に該当するものの警察官らの所為は、刑法 194 条 特別公務員職権濫用罪に該当するもので、裁判官の所為は、刑法 194 条 特別公務員職権濫用罪に該当するものです。

被告発人の弁護士 は、正犯のなす犯罪行為を、弁護士職務基本規定第 37 条 1 項に反し法令等の調査を怠り、弁護士法に反して正犯の犯罪事実を指摘して告発人を弁護せず、未必の故意で正犯のなす犯罪行為を法律の専門家として適法として指摘せず、心理的に実行行為を促進したもので、つまり犯罪を幫助したものです。

尚、被告発人が、犯罪事実を指摘していれば、正犯は犯罪事実を認めざるを得ず、中国人は、即時に釈放され、事件は終了していたことは明らかであります。

以上、中国人 4 人に対して、それぞれ 6 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

正犯の無罪については、第 1 章、告訴の趣旨で記載しました。

くどいようですが、この事件は、不法就労させた事業者を刑事処分せずに、そして、不法就労した

外国人だけをを不法就労罪で刑事処分して手柄を立てたいばかりに、真実は国外退去の行政処分である、入管法の在留資格取消（第22条の4の4）の処分行為とその幫助行為を指して、

不法に、不法就労した者を、入管法の在留資格取消の処分行為をしたとして、「不法就労罪」にして、そして、在留資格取消の幫助行為をした者を、前記の入管法の「不法就労罪」に対する「刑法幫助罪」にした犯罪です。

入管法では、不法就労した正犯を入管法違反（資格外活動）で刑事処分するためには、不法就労させた幫助者である事業者を入管法違反（不法就労就労助長罪73条の2）で処罰しなければならないが、情により事業者を処罰したくないので、法律に熟知した正犯は、

不法就労で逮捕した中国人を刑事処分するため、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、不法就労した者を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「不法就労罪」に、嘘偽の雇用契約書を提供した者を「不法就労罪」の刑法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、恣意的に入管法違反（資格外活動）の犯罪者として、でっち上げたのです。

一般の国民や中国人が法律に疎いことを悪用し、不法就労助長罪にかわる、幫助者として、なんら罪に問われない在留資格取消（第22条の4 4項）の幫助理由で、告発人と金軍学を入管法違反（資格外活動）の刑法幫助罪として罪名をすり替えても気が付かないと考えたのです。

そして、不法就労した中国人を、嘘偽の雇用契約書で在留資格を得て働いたので「不法就労罪」で、嘘偽の雇用契約書を提供した者を入管法違反（資格外活動）の「幫助罪」で処分することにしましたのです。

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。

逮捕状、勾留状等の請求目的は、告発人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被告発人のシナリオで調書を取ることと、自白を強要するためであるが、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、故意を立証する行為は違法です。

正犯の犯行目的は、平成16年に創設された不法就労の助長行為を防止する在留資格取消の趣旨を悪用して、不法就労した正犯と不法就労の刑法幫助罪をした告発人と金軍学の両者を犯罪者とする事で、先輩ができなかった、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。

被告発人は、未必の故意で正犯のなす犯罪行為を法律の専門家として適法として指摘せず、心理的に実行行為を促進したものです。

以下、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『法の下での平等』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。

従って、不法就労の主たる根本の事業者を処罰（逮捕）せずに中国人だけをを処罰（逮捕）するのは法の論理で不法です。

なお、中国人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なのです。

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内容虚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。

被告発人が、前記の趣旨で正犯の犯罪を指摘し、冤罪であるので、即時釈放を求めれば、正犯は、犯罪を認めざるを得ず、中国人は即時釈放されたことは自明の理であります。

しかし、被告発人は、正犯のなす犯罪行為を、弁護士職務基本規定第37条1項に反し法令等の調査を怠り、弁護士法に反して正犯の犯罪事実を指摘して告発人を弁護せず、未必の故意で正犯のなす犯罪行為を法律の専門家として適法として指摘せず、心理的に実行行為を促進したもので、つまり犯罪を幫助したものです。

よって、被告発人の所為は、前記6件の警察官、検察官、裁判官ら正犯のなす 刑法194条 特別公務員職権濫用罪に対する 刑法62条1項幫助罪に該当するものです。

## Ⅱ. 虚偽告訴罪 幫助の犯罪事実

正犯の警察官らは、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、警察官らの所為は、刑法 172 条 虚偽告訴罪に該当するものです。

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。

被告発人の弁護士 は、正犯のなす犯罪行為を、弁護士職務基本規定第 37 条 1 項に反し法令等の調査を怠り、弁護士法に反して正犯の犯罪事実を指摘して告発人を弁護せず、未必の故意で正犯のなす犯罪行為を法律の専門家として適法として指摘せず、心理的に実行行為を促進したもので、つまり犯罪を幫助したものです。

尚、被告発人が、犯罪事実を指摘していれば、正犯は犯罪事実を認めざるを得ず、中国人は、即時に釈放され、事件は終了していたことは明らかであります。

2. 正犯の検察官は、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、検察官の所為は、刑法 172 条 虚偽告訴罪に該当するものです。

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。

被告発人の弁護士 は、正犯のなす犯罪行為を、弁護士職務基本規定第 37 条 1 項に反し法令等の調査を怠り、弁護士法に反して正犯の犯罪事実を指摘して告発人を弁護せず、未必の故意で正犯のなす犯罪行為を法律の専門家として適法として指摘せず、心理的に実行行為を促進したもので、つまり犯罪を幫助したものです。

尚、被告発人が、犯罪事実を指摘していれば、正犯は犯罪事実を認めざるを得ず、中国人は、即時に釈放され、事件は終了していたことは明らかであります。

3. 正犯の検察官は、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、検察官の所為は、刑法172条 虚偽告訴罪に該当するものです。

被告発人の弁護士 は、正犯のなす犯罪行為を、弁護士職務基本規定第37条1項に反し法令等の調査を怠り、弁護士法に反して正犯の犯罪事実を指摘して告発人を弁護せず、未必の故意で正犯のなす犯罪行為を法律の専門家として適法として指摘せず、心理的に実行行為を促進したもので、つまり犯罪を幫助したものです。

尚、被告発人が、犯罪事実を指摘していれば、正犯は犯罪事実を認めざるを得ず、中国人は、即時に釈放され、事件は終了していたことは明らかであります。

以上、中国人4人に対して、それぞれ3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

前記 I. 特別公務員職権乱用罪 幫助の犯罪事実 に同じです。

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。

被告発人が、上記の趣旨で正犯の犯罪を指摘し、冤罪であるので、即時釈放を求めれば、正犯は、犯罪を認めざるを得ず、中国人は即時釈放されたことは自明の理であります。

しかし、被告発人は、正犯のなす犯罪行為を、弁護士職務基本規定第37条1項に反し法令等の調査を怠り、弁護士法に反して正犯の犯罪事実を指摘して告発人を弁護せず、未必の故意で正犯のなす犯罪行為を法律の専門家として適法として指摘せず、心理的に実行行為を促進したもので、つまり犯罪を幫助したものです。

よって、被告発人の所為は、前記3件の警察官、検察官ら正犯のなす 刑法172条 虚偽告訴罪に対する刑法62条1項 幫助罪に該当するものです。

### Ⅲ. 悪質な故意のある犯罪行為 （告発事実の故意について）

#### 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。

正犯の虚偽告発・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）の幫助所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。

中国人は在留資格が得られたので日本に在留できた。の部分は、アパートの一室を借りることができたので、日本に在留できた。在留できたので、不法就労できた・・・在留できたので殺人ができた・・・すべて在留することができたに掛かる犯罪は、幫助罪にできることになります。

こうして刑法幫助者がでっちあげられて、正犯は入管法の不法就労の犯罪の因果関係とはまったく違う、幫助者の存在で不法就労罪にでっち上げられたのです。

被告発人は、逮捕状や起訴状をみて、嘘偽の雇用契約書提供の関係が不法就労に結び付くのは「風が吹けば桶屋が儲かる」の論法と感じたと思いますが、なぜ因果関係になるのかを追求すれば、在留資格取消のトリックも判明したと思うので、未必の故意以上の故意を感じます。

被告発人は、嘘偽の雇用契約書を提供した者が刑法の幫助犯だとしても、なぜ雇用者（飲食店）が不法就労助長罪で逮捕されないのか、まったく正犯を追及していません、未必の故意以上の故意を感じます。

## 2. 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弁護士として、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らって、職務を行うことは、適用法誤りが指摘できず、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弁護士が、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。

弁護士が、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。

弁護士職務基本規定第37条1項に反し法令等の調査を怠り、弁護士法に反して正犯の犯罪事実を指摘して告発人を弁護せず、未必の故意で正犯のなす犯罪行為を法律の専門家として適法として指摘せず、心理的に実行行為を促進したもので、つまり犯罪を幫助したものです。

被告発人が、犯罪事実を指摘していれば、正犯は犯罪事実を認めざるを得ず、中国人は、即時に釈放され、事件は終了していたことは自明の理であることから証左できます。

そして告発人や金軍軍学の幫助罪事件もおきていなかった、若しくは、幫助罪事件も終了していたと思います。

### **3. 入管法違反（資格外活動）事件は珍しい事件ではありません。弁護士の未必の故意は異常です。**

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

正規の滞在資格は、多くの場合、不法にも法の下での平等に反し罰金刑などで刑事処分をして恣意的に国外退去をさせているのです。しかし、この事件では正規の滞在資格であるため、罰金刑で国外退去とするところを、懲役刑にして手柄を得るため、在留資格の付与条件は法律の定めがなく法

務大臣が未公開の付与条件で裁量により付与するものであるにも関わらず、内容虚偽の雇用契約書の提供が在留資格の取得を容易にしたとして虚偽の幫助者をでっちあげて不法就労罪を適用した、極めて悪質な犯罪です。

余談ですが、日々新聞をよんでいれば下記の記事を目にしたとおもいます。

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で逮捕され、「在留資格取消」に該当するので国外退去の行政処分になりましたが、この留学生は珍しく裁判をしました。

裁判の結果、処分取消になり勝訴しています。

留学ビザで風俗で働いてはいけないと決めているのは本則でなく省令だからです。

それに学業成績もよく学業に支障をきたすという理由もはねつけられています。

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（不法就労）では、不法就労した外国人を逮捕しますが、多くの場合事業者を逮捕しませんので、雇用者を不法就労助長罪で処罰しない時は、不法就労した外国人は、不起訴もしくは少額罰金で、入管送りとし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）であると言えます。

取調べの際、不起訴で釈放されと思った司法警察官（賀来）は、こう言ったのです。  
これからは、入管法でわからなければ、警察に聞いてくださいよ。  
私でわからないところは、専門の人がいるので聞いて教えますよ。  
このことから警察は入管法に熟知しており計算された明らかな故意です。

捜査指揮をした若い検察官徳永は、  
取調べの際、告発人が、罪刑法定主義では何の罪にもならないと言うと、  
「私は偉いのです。誰があなたのことを信じますか、誰もあなたの言うことを信じませんよ」  
「私は偉いのです。認めれば罰金、認めなければ懲役刑にでも出来るのです」  
「私は偉いのです。多くの中国人は不起訴または少額罰金で入管送りになります。貴方も認めれば罰金刑にします」と言ったのです。

誰も信じなかったのは確かですが、このことから計算された故意です。

しかし法の専門家である弁護士が、この犯罪を見破れないのは、未必の故意で、ただただ入管法「在留資格取消」を確認しなかったのが原因です。

法律をすべて丸暗記している、裁判官、検察官、弁護士はいないと思います。

だから関係者は、都度、六法を開いて関連法の確認をしているのです。

被告発人は、警察官、検察官、裁判官は必ず適用法調査をして逮捕するので、適用法に間違いのないとして、事件を安易に考え時間をかけずに、金儲け第一で効率的に弁護をしたものです。

弁護人としては異常です。

弁護士職務基本規定さえ守らないで、弁護士への信頼を失わせる犯罪です。

### **第3章. 注釈的説明**

#### **1. 弁護士法 弁護士の使命及び職務**

##### **第一章 弁護士の使命及び職務**

(弁護士の使命)

第一条 被告発人である弁護士は、基本的人権を擁護し、社会正義を実現することを使命とする。

2 被告発人である弁護士は、前項の使命に基き、誠実にその職務を行い、社会秩序の維持及び法律制度の改善に努力しなければならない。

#### **2. 弁護士職務基本規程**

(法令等の調査)

第三十七条 被告発人である弁護士は、事件の処理に当たり、必要な法令の調査を怠ってはならない。

2 被告発人である弁護士は事件の処理に当たり必要かつ可能な事実関係の調査を行うように努める

(遵守のための措置)

第五十五条 複数の弁護士が法律事務所（弁護士法人の法律事務所である場合を除く）を共にする場合（以下この法律事務所を「共同 事務所」という）において、その共同事務所に所属する弁護士（以下「所属弁護士」という）を監督する権限のある弁護士は、所属 弁護士がこの規程を遵守するための必要な措置をとるように努める。

#### 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

〒261-0003 千葉市美浜区高浜 6－18－9 長野恭博

Eメール    nagano@miraico.jp    携帯電話    090-4824-7899