

Criminal complaints

May 10, 2016

June 12, 2015

Tokyo District Public Prosecutor's Office

Complainant

〒 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

Respondent

Civil service official abuse of official abuse

Receiving the enclosed letter of appeal and accusation at the Senior Petition to Tokyo

High Public Prosecutor's Office Attorney General

I brought back the complaint letter / letter of accusation and made it unacceptable,

Tokyo High Prosecutor 's Office public prosecutor (unknown name)

Chapter 1 . Purport of complaint

The complainant was a person who abused the authority and obstructed the exercise of the right of the complainant despite the fact that the crime of the special civil servant

and its assistant was clear as described below.

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

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

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

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

In the case of the aid to violate the Immigration Control Act that occurred in 2010, I did more criminal acts. Although we had not dispose of illegal workers as "illegal employment promotion crime", but only foreigners who illegally worked were punished

by "illegal employment crime" and were exiled from abroad, "illegal employment promotion In order to pretend to be an equally disposal of an "assistant" of a third party in lieu of the employer of "crime", he criminalized a third party and sentenced the foreign national who worked illegally to "imprisonment punishment "And expelled it from abroad. A third party is a Chinese "Kin Gungaku" under former employee who was convicted with a complainant who offered an employment contract to the former offender to be hired.

"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.

As well as us, as far as I can tell, in 2014, the Embassy officials and diplomats of the Philippines have been criminalized by "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 offense of special officials is the criminal law "false charge" and is "a crime of special officials' misconduct."

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." I am

not doing the act prescribed in "illegal employment promotion crime" so that regular chief officers, police officers, prosecutors can also admit.

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

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

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

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

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

Article 31 of the Constitution stipulates that "No person shall be deprived of its life or liberty unless it is based on the procedures prescribed by the law, or can not impose any other punishment" (The provision of the law refers to the law established in the Diet In light of the provision of local councils), submission of employment contracts is not required by law or ministerial ordinance, but is requested by foreigners for submission by section manager and cooperated as a business operator, Even if it is false, there is no legal basis to impose criminal penalties on the case that the Minister of Justice gives at discretion. The only thing is that the Minister of Justice can cancel the status of residence as immigration by the Immigration Control Act.

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

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

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

discretionary authority of both Ministers.

In addition,

As a fact, since the Minister of Justice grants the status of residence at the discretion, complainants were explained and operated as follows on the status of residence as a result of questioning with immigration.

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

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

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

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

As stated above, even if you obtain the status of residence of technology and humanities internationally at the discretion of the Minister of Justice with "content false employment contract", if you work within the scope of the status of residence of

technology and humanities internationally, you will not be illegally employed. It is obvious that it is not self-evident that "content false employment contracts" and illegal work are irrelevant.

It is self-explanatory that they were illegal workers because of the responsibility of employers who employed and worked foreigners with status of residence without the qualification to work.

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

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

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

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

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

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

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

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

In addition,

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

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

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

Therefore, the offense of special officials involved in the case is the "criminal charges of false charges" of the criminal law and it is "crime of abuse of the official authority of special civil servants". Also, the mass media and lawyers and others promoted criminal offenses, so it is aided to assist them.

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.

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."

The procedure for that purpose is to complain and accuse crimes committed by police officers and prosecutors involved in the case, but defendants' complainants will not accept complaints or accusations for reasons such as no crime being identified .

Therefore, I will submit a complaint to you a couple of times.

As a proof that the Japanese judiciary undertakes governance under the law, respect for fundamental human rights, and compliance with international law, the prosecution recognizes the mistake of the applicable law and requests voluntary request for retrial I hope.

However, if the prosecution exploits prosecution monopolism and even refuses to accept complaints and charges, it is only by borrowing the power of the international community including the UN Human Rights Council. In addition,

Because the reason for the following complainant is deemed to be a criminal offense for civil servant official abuse of the criminal law 193 criminal law, we prosecute to punish complainant for severe punishment.

Chapter 2. Complaint fact

This complaint treats that complaints and complaints issued to the special prosecutors' office of the Tokyo High Public Prosecutors Office are all backed out, so that all

complaints and accusations are reasons for returning .

I . Criminal fact of civil servant abuse of official authority of office

As stated in the purport of complaint, a non-complainant who is an investigative institution that accepts complaints and accusations, in response to complaints and accusations filed on February 6, 2015, filed by the complainant, On 14th January Tokyo District Public Prosecutor's Office public prosecutors sent a message saying, "I had a submission from you, I read and inscribed documents with a statement as" complaint ". In case of complaint, it is necessary to specify and describe criminal facts as specific as possible based on concrete evidence. However, regarding the above documents, the facts of the specific crime are not determined and the facts of the complaint are specified I can not. Therefore, we will return all of the above documents etc, which have been submitted by you. "We will not accept complaints and accusations.

However, the facts on the criminal facts of the prosecution, which is evidence, are already illegal, so it is a criminal offense.

The clear point of criminal facts is Chapter 1. I stated in the purpose of complaint.

Criminal facts describe criminal facts for each criminal and applicable law, so the reason for returning is not valid.

Regarding the above complaint facts (criminal facts), the following supplements the fact of abuse of official abilities

The criminal fact of evidence "prosecution letter" is Chapter 1. Because it is illegal as stated in the spirit of complaints, the act of non acceptance obstructs the exercise of the right of the complainant.

1. As this case is a case of misappropriation of the applicable law which established the applicable law, we believe that it is sufficient that there is a complaint and an immigration law as evidence.

In the case of complaints and accusations, a complaint of a complainant's violation of immigration law immigration case is attached.

This is a indictment for seeking punishment of complainants and money martial arts for the ausal of criminal law against the Immigration Control Act violation (activity outside the status of qualification) that the Chinese official has made.

Creator is TOKYO Declaration Prosecutor Office Prosecutor Attorney Tokunaga National University.

Therefore, it is made by a professional, it can not help being said that it is perfect compared with a complaint letter, a letter of accusation, it can be said that it is a letter of charge against a judge.

If you look at the indictment, it is likely that the fact of the crime in this case was obvious.

2. Although it is understood that the preceding paragraph refers to the violation of the

Immigration Control and Refugee Recognition Law violation, Article 70, paragraph 1, item 4 of the same law, Article 19 1, item 1, but the description of the person who assisted illegal employment is missing.

Because illegal work is possible because there are people who illegally work foreigners who are not eligible to work and make them illegal workers. It is impossible for 100% to have illegal workers, even though no one has made illegal work.

Under the Immigration Control Act, punitive provisions are earned for those who have made illegal work by "illegal employment promotion crime (Article 73 2)". Therefore, it is illegal as a letter of appeal because the description of the person who punishes with illegal employment promotion crime (Article 73 2) "and the applicable law are not stated.

In fact, if you do not punish those who let you work illegally by "illegal employment promotion crime (Article 73 2)", foreigners who have been illegally worked will be sent to the immigration office as a non-prosecution, so under the law Because of contrary to equality and contrary to international law, this indictment is a criminal act. As a non-complainant's way of saying, criminal facts must be treated as unspecified. Therefore, this indictment is a criminal act.

Regarding crimes committed by special public officials, Chapter 1. I stated in the purpose of complaint. If this is "independent interpretation of the law", for this reason it should not be prosecuted. Therefore, the complainant pointed out that the qualities of the Tokyo District Public Prosecutors Office were insufficient.

3. The latter part is a fact that there is no causal relation directly, and it refers to the disposition act and the aid act of the cancellation of the status of residence (24 4 - 4 of the 24) and it is fact that it is not directly causal relation, if it dares to say it charges the Minister of Justice with the disposition of foreign exit (Notice), so if it is the way the non-complainant speaks, it must be treated as if criminal facts are not specified.

It is a trivial idea that the Immigration Control Act, cancellation of the status of residence (Article 4 4 of 24) takes precedence over the application of the Immigration Act than the application of the criminal law aide. Therefore, this indictment is a criminal act.

Four. As a result of the above, non-complainants are obliged to prosecute crimes committed by prosecutors who have written this indictment.

5. According to Article 239, Paragraph 1 of the Criminal Code, the grounds that the basis law is "to be able to make an accusation when thinking that there is a crime," and in paragraph 2, "a civil officer or a public official shall do his / her duties If you think that there is a crime by you, you have to accuse you. "

Here, "By doing its duties" does not necessarily mean that the finding of the criminal fact itself is the content of the duties, but it is a common theory that it is widely understood as "when performing the duties".

Here, "By doing its duties" does not necessarily mean that the finding of the criminal fact itself is the content of the duties, but it is a common theory that it is widely understood as "when performing the duties".

If the criminal facts declaring the criminal facts are unclear and not declared to be criminal declarations, if they are not prosecuted, they will be considered at the prosecution review board, but they are not accepted It is abuse of official authority.

Therefore, non-prosecutors obstructed prosecution, accusing special accident offenders, accusing special officials who complain, for the purpose of concealing the crimes of the special public officials being accused by information, clashing complaints and accusations Thing.

Illegal official abuse of the accused persons is not mere negligence but maliciously deliberate criminal activity (see below).

It is obvious that the action of the complainant made it impossible to accept special officials despite the fact that the criminal justice was charged only with the attached indictment and despite the decision of non-prosecution , And it interfered with the exercise of the right, and the act of the complainant falls under the crime of abuse of the officials of the public servant 193 criminal law. Illegal official abuse of the accused persons is not mere negligence but maliciously deliberate criminal activity (see below).

Crime constituent crimes with criminal acts of non-acceptance are satisfied!

Criminal Procedure Code Article 230 A person who has suffered a harm caused by a crime can file a complaint. There was a complaint and accusation because it was, but the complainant did a non-acceptance act.

Crime is a criminal offense abuse of civil servants' authority 193 criminal law.

Abuse of official abuse of civil servants is a type of crime prescribed in Article 193 of the Penal Code and civil servants abuse their authority and act to obligate persons not to be obliged or obstruct the exercise of rights Thing.

The actor was a national civil servant (a prosecutor of the Tokyo High Public Prosecutors Association, an investigation agency). The act of conducting was a misappropriation of the official authority and obstruction of the complaints, which are the rights of citizens, as being unacceptable, which obstructed the exercise of the right is.

Subjectivity is a deliberate offense (at least there is unnecessary as a judicial expert) and the resultant criminal (who failed to accept the accusation / accusation which is regarded as a crime).

If the purpose of the complaint, the criminal facts are unfair, and if the criminal facts are not accepted as mistaken errors as applicable law errors, they should not be prosecuted for that purpose.

In order to abuse official authority by a civil servant, the civil servant must have general job function (ex officio). According to the precedent, the "official authority" referred to in this crime is not necessarily accompanied by legal enforcement, and if it is abused, let the opponent who exercises authority do no obligation It is said that sufficient authority is sufficient for disturbing the right to do.

(Supreme Court Second Petty Bench Decision Penalty January 28, 1987 1 page 1).

In addition,

"Abuse" means to conduct "substantive, concretely illegal, unfair act" with respect to

matters within the scope of the official authority of the civil servant.

As described above, the crime constitution condition is satisfied, and it is obvious that the non-complainant interferes with the exercise of the right of the complainant by refusing the complaint / accusation letter due to the obstruction of special public officials ,

Therefore, the accusation of the complainant falls under the crime of abuse of the civil servant's office of Article 193 of the criminal law.

II . Malicious deliberate criminal act (about the intention of the complaint)

The pointed out problem is an ambiguous and unfair crime that exploited prosecution monopolisticism.

1. Criminal constitution requirements are met, so non-complainants' indication is illegal.

Accusation and accusation is an intention to declare crime and request punishment to investigation agency.

A criminal victim declares a case to file a complaint (Article 230 of the Criminal Procedure Code), and a case where a third party who is not a victim is declaring is charged (Criminal Procedure Code Article 239, Paragraph 1).

Both are classified as one of the beginnings of the investigation under the Code of Criminal Procedure.

Civil servants shall assume the obligation to prosecute to the extent specified by law (Article 239 (2)).

You can submit a document or you can file a verbal request (Article 241 (1))

In the case of verbal oral examination, an investigative agency is obliged to prepare a record (241 (2)).

In writing, the written matter is a complaint letter or letter of accusation.

And the items to be stated are the Tokyo District Public Prosecutor 's Office for Special Investigation Department' s Special Investigative Division written Doshisha Special Investigation No. 4584 on May 14, 2014, the complaint is a criminal case declaring to the investigation agency, the criminal As we are seeking punishment, we identify facts that fall under the constituent requirements regarding who, where, who, how, in what way, what we did, what kind of damage resulted, etc. as far as possible based on specific grounds It is necessary to describe it. It is stated.

As for the way of writing, there is no provision in the law, and even if you contact the Tokyo District Public Prosecutors Office, the form was free.

The complainant, after having served on March 19, 2013, ascertaining the facts of crime, while he / she is not feeling well,

We organize it as a complaint, a letter of accusation, enter May 2014, to the Tokyo District Public Prosecutors Office, attach the letter of appeal, complaint

It is one that submitted it in order.

"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.

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.

As for deliberate criminal being a policeman, a prosecutor, a judge, it is an expert of law, It is clear that the applicable law error is not mere negligence, but at least there is still unexpected accident.

1. Regarding the criminal fact of false accusation (special officials abuse of the official authority of office)

Criminal facts describe criminal facts for each criminal and applicable law, so the reason for returning is not valid.

I am a law specialist, you know that there is unexpected accident.

Criminal constitution requirements are met, so non-complainants' indication is illegal.

If it is a difference in opinion, despite the decision of non-prosecution, it was obviously to have dismissed the exercise of the right from the feeling of embarrassing special public officials, and the actions of the complainant Falls under the criminal offense abuse of civil service officials 193 criminal law.

2. The crime of assistance crime is a malicious crime of the formula where the barbari profits if the wind blows

The criminal intent of false accusations and arrest detention of accused persons is that the complainant can collaborate with the accomplice of the accomplice of the accomplice and provide the false employment contract with false employment contracts to acquire the primary criminal status 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.

Four Chinese were able to stay in Japan because their status of residence was obtained. 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.

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 complainant did not provide the false employment contract to the former official, but because he was unable to recruit regular employees in April that was scheduled for Lehman shock, he was canceled.

If there is no Lehman shock, the complainant can adopt it, if dispatched, it can pin the month about 100,000 yen a month, 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 complainant is a special civil servant who is unaware of changes in the economic situation such as the Lehman shock and so decides the regular employment contract as the false employment contract.

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

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

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

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

Before the arrest, the accused 's police officer goes to reconnaissance at a Kin Gungaku school store and knows that he is doing brokerage work, and since the shop is a big eater 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, we forcibly make up intention to forcibly flow to a complainant partly. In addition,

Prosecutor Makoto Nakano also insisted that in the trial prosecutor Nakano Mai was "Kim Mutualism" that was credited to Lefco Company under the name of "Kin" from the record of savings deposit.

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, etc. were reluctant to say thank you to the mediator, gifts, gifts and gifts by bank transfer, and only by "surname".

By doing this, we can prove that the non-complainant's offense is not mere negligence but clear obvious intention.

It is clear that a non-complainant has obstructed the exercise of the right of the complainant by refusing the complaints and accusations due to the obstruction of special public officials, so the action of the accused is criminal law 193 It falls under the criminal offense abuse of civil service officials.

3. By ignoring the illegal employment promotion crime of the Immigration Control Law, the offense illegally interpreted the status of residence granted at the

discretion of the Minister of Justice, and a malicious offense that abused the withdrawal

Below are reasons why crime is not considered and misconduct

For details, Chapter 1. Since I stated in the purpose of complaint, the following will describe the motives of the crime, the purpose of the crime and so on.

This case is a crime prescribed by the Immigration Act.

For illegal employment, we will dispose of foreigners who have illegally worked as "unreported employment crimes". It is stipulated that fair employees who illegally worked should be disposed of in a fair manner under the crime of promoting unlawful employment, which is an aid for illegal employment.

Therefore, with regard to illegal employment of the Immigration Control Act, this incident must be completed with both charges. However, only the principal offender is criminalized by "unreported employment crime" and businesses that illegally worked are not being disposed fairly with the "crime of promoting unreasonable employment" which is a crime aid for illegal employment. Contents As a false employment contract was submitted and it was easy to acquire the status of residence so that the former offender was able to work illegally, he made the complainant a crime of aiding the illegal employment, but as stated in the purport of the complaint in the previous chapter, It is illegal.

Traditionally, only foreigners who illegally worked were arbitrarily criminalized by "fine for illegal employment", etc., withdrawn from the country and removed from the country,

and businesses that illegally worked were not disposed of as illegal employment promotion crimes, Because it is not fair under the law, it is an act contrary to international law, so foreigners must also be acquitted, but in this case the defendant suede who is familiar with Immigration Law who wants to get a hand is conspired with the prosecutor, I planned a new way to dispose illegal workers without punishing the illegal workers by their passion.

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

In addition,

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

Even if a former offender has submitted false contracts of employment and obtained status of residence of technology and humanities internationally, it is self-evident that if

you work within the scope of your status of residence it will not be "illegal work" .

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

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

Since Refco is a large company with capital of 16,492,000 yen established in October 1988, Refco is considered to be great in its impact because it has a great impact on society if it is a criminal.

The criminal aim was probably caused by a senior policeman, a prosecutor, or a judge who failed to be a senior policeman, a prosecutor, or a judge by making both offenders who worked illegally and criminal law aiding criminal law for illegal work a 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.

Therefore, it is clear that a non-complainant interferes with the exercise of the right of the complainant by refusing the complaints and accusations due to the obstruction of special public officials, so the action of the complainant , It corresponds to criminal offense abuse of public officials 193 criminal law.

4. Even lawyers are complicit in the crime

A lawyer who illegally worked in China and a counselor of Kin Gungaku failed to investigate laws and regulations contrary to Article 37 (1) of the basic rule of the lawyer and pointed out the facts of the criminal offenses and illegal workers who illegally worked against the law of lawyers It did not defend the complainant and promoted practice acts psychologically, not to point out criminal acts made by Chinese and Kin Gungaku as legal experts at least as a matter of necessity, that is, to assist the crime.

Masato Murakami, a lawyer of the complainant, neglected the investigation of laws and ordinances against the criminal acts of the lawyer's job rule contrary to Article 37, paragraph 1 of the attorney's job duties, pointed out the fact of the criminal offense against the lawyers law, It does not defend and at least with the accident, it did not point out criminal acts made by the former offender as legal experts lawfully, and promoted execution acts psychologically, that is, it assisted the crime.

Ohara Seisaburo, a lawyer representing Mao Murakami lawyer affiliated with counsel Mr. Motomosuke Murakami, contrary to Article 55 of the basic provisions of lawyer's duties, Mr. Motomosuke Murakami, a lawyer that is required, is required to comply with the basic provisions of the lawyer's duties I can only say I neglected measures and I am the same sin.

If the defense counsel pointed out the criminal facts, it is obvious that the former offender had to admit the facts of the crime, the complainant was immediately released and the case was over.

Mr. Murao Murakami, a defense counsel, also ignored the request of the complainant to write an appeal brief on the basis of the penal code law principle even at the appeal trial, so that the Immigration Act understands rather than violate the Code of Criminal Procedure It was impossible for the defense counsel to point out the applicable law error, so even if the complainant pointed out the appeal brief, it was too late.

I think that it is only a lawyer to point out criminal facts and protect human rights violations against the crime of judicial administration not based on the criminal offense made by police officers, prosecutors, judges.

However, even if an attorney is obliged to do this duty, why should the general public ask for help if abandoning the lawyer's obligation? This complaint also seeks the answer.

By doing this, it is possible to prove that the crime of a non-complainant is not mere negligence, but involve even a defense counsel and is executed with a willful intention.

Therefore, it is clear that a non-complainant interferes with the exercise of the right of the complainant by refusing the complaints and accusations due to the obstruction of special public officials, so the action of the complainant , It corresponds to criminal offense abuse of public officials 193 criminal law.

5 Malicious offense that gives prejudice to the general public and judges using public radio waves TV · public newspaper

The complainant was judged as a criminal of the case of assisting the immigration and refugee recognition law violation (aiding violation of Immigration Act), but in light of the "criminal law principle" prescribed by Article 31 of the Japanese Constitution, as a reason for assistance The reason for making it easy to acquire the status of residence is the first chapter. It is illegal as stated in the purport of complaint.

Therefore, since you have not committed any sin, you can not impose penalty.

Nonetheless, the stakeholders posted an article that justifies illegal arrests not based on the law, except for Article 4 of the Broadcast Law for the coverage of the truth and for the newspaper not to keep the Code of Ethics of the Japan Newspaper Association , Police officers, and public prosecutors.

Regarding article 4 of the Broadcast Law and the newspaper, it is still unwilling to be contrary to the Code of Ethics of the Japan Newspaper Association, which promoted actions psychologically, that is, it promoted and aided crime.

This lie fake information is giving great judgment to not only the general public but also the judges on TV, newspaper and the Internet. That is that all judges admit illegal crimes

as legitimate.

Newspapers and television news are trusted because they are backed up news so there is no doubt. Since the defense counsel said that he saw the news, we can not deny the possibility that the defense counselor gave prejudice.

Because it is so much a journalist, it can be inferred that the judge judged legal investigation to have been done by the media as well, because it is so much a report that police officers, prosecutors should not be disgraced, etc. I will.

In the case of a complainant, we are requesting bail, but despite the fact that the judge of the high court is a three-person council system, every judge is doing anything unnecessary every time.

The high court 's judge can not make the accident so unnecessarily easily, but the brainwashing power of today' s television and newspaper has a terrible power.

Of course, police officers and prosecutors used the power, but what seems to be the brainwashing power of television and newspapers seems to be uncontrollable under democracy any longer.

So I can not forgive. We must stop brainwashing power by the power of law.

Even in this incident the Chinese have suffered, but as aided by the success of the criminal offenses and criminal charges of the defendant appellants, as aided in violating similar immigration laws, the Philippine Embassy staff in 2014, in February 2015 Even even a Philippine diplomat has been criminalized with a similar lie false criminal just because he offered a false employment contract, and even in this case also an article as if the Yomiuri Shimbun is a big social justice indictment I will post it. Since the damage

has expanded, it is a serious matter that will undermine the national interests of Japan if we do not condemn it as soon as possible.

By doing this, it is possible to prove that the crime of a non-complainant is not mere negligence, but is executed obviously intentionally using television and newspaper.

It is clear that a non-complainant has obstructed the exercise of the right of the complainant by refusing the complaints and accusations due to the obstruction of special public officials, so the action of the accused is criminal law 193 It falls under the criminal offense abuse of civil service officials.

6. The crime committed to the Philippine Embassy, a diplomat and a vicious offense that still spreads false charges

Embassy of the Philippines Violation of immigration law

According to the morning edition dated February 20, 2015, such as the Yomiuri Shimbun, diplomats and officials of the Philippine Embassy reported criminal dispositions in violation of Immigration Control Act, it reported to the society as a whole.

The content of the article stipulates that the driver of the Embassy of the Philippine Embassy falsely tries to hire a Filipino in his home as a domestic servant, hands a false employment contract to the Filipino, a Filipino applying for immigration, Specific Activity ", but they worked at a landscaping company in Tokyo without working as a domestic servant, three of them were charged with violating the Immigration Act (activities outside the status of qualification) and the Embassy staff's operation Arrested and

indicted his hands in June 2014 with criminal law "assistance crime" of violation of immigration law (activity outside the status of qualification).

In court sentence was sentenced to imprisonment with suspended sentence, and was forcibly repatriated.

Furthermore, based on the story of two people convicted, based on documents such as employment contracts tied by the names of three male and female diplomats and embassy officials, apart from the driver, the status of residence Kanagawa Prefectural Police, in consultation with the National Police Agency, the Public Prosecutor's Office and the Ministry of Foreign Affairs, decided that it was necessary for these four people to be informed about the circumstances of the contract and the actual circumstances of work, and the embassy He asked for an interview, but since he answered that he returned home, he judged that the possibility of helping illegal work was higher and assisted three diplomats, who returned home shortly after offering, aided violation of the Immigration Bureau of the 6th this month I sent a document on charges.

Using the media, brainwashing and justifying the crime is exactly the same as my case.

I ridicule the legal ignorance of the Japanese society for my self-appreciation.

I sent a mail to the newspaper company to correct the article as well. I am writing a letter to the Philippine Embassy.

Under the Immigration Control Law, criminal treatment under illegal employment (§ 70, 1, 4, 19 (1) 1) of the Immigration Act, so as to equalize under the law and not to contravene international law, Because it is a system of laws that dispose illegal workers equally under illegal employment promotion crimes (Article 2, Article 2), if they do not

dispose of illegal immigrants, they will be treated by Filipinos who have been illegally worked. It is arbitrary to make only a criminal a criminal, it is not charged with any crime.

However, in this violation of Immigration Control Act, I was able to acquire the status of residence because I was able to acquire a false employment contract documenting the causal relationship (reason) Illegally worked, I was able to live in Japan, so Embassy officials (Driver) as an assistant, assuming that he was able to work illegally, as a causal relationship of illegal employment, a person who provided a false employment contract is punished by imprisonment of criminal law for illegal work crime, so that they are arbitrary. It is an illegal act as it dresses and it is illegal because it punishes Filipinos illegally with illegal worker charges with a false criminal name.

A Philippine Embassy official (driver) and one Philippine diplomat and two Philippine Embassy staff (hereinafter referred to as "Criminal Lawyer"), who were regarded as assistants of criminal law for illegal work in this case, In light of the "criminal law principle" prescribed in Article 11, the reason for giving up as a reason for assistance is the provision concerning the submission of false documents of the same Immigration Control Act (Article 22-44, withdrawal of status of residence) Because it falls under the reason for assistance of the aid, it is obvious that the provision for cancellation of the status of residence of the Immigration Act will take precedence over the application of criminal law for the violation of Immigration Act (illegal employment outside the status of qualification) It is the reason.

Therefore, a criminal case aid person is not an imposter of the criminal law of illegal employment crime because no criminal offense is being considered and doing criminal

acts.

Three Filipino people are not criminalized for illegal employment promotion charges for illegal workers, so it is illegal to criminalize three Filipino illegally worked illegally by an illegal work criminal offense. No, it is illegal.

It is illegal to make illegal workers criminalize the immigration status as a criminal of immigration law (activity outside the status of qualification), which is a false criminal content.

Therefore, in the indictment, three Philippine people are innocent because they do not commit any crime.

This is the same treatment as foreigners who work illegally when they are not punished with employers in normal illegal work. This will return to normal illegal employment cases.

Everything does not apply "illegal employment promotion crime". ... It is the root of all evil.

The police and prosecutors should get up with the business owner!

By doing this, we can prove that the non-complainant's offense is not mere negligence but clear obvious intention.

Therefore, it is clear that a non-complainant interferes with the exercise of the right of the complainant by refusing the complaints and accusations due to the obstruction of special public officials, so the action of the complainant , It corresponds to criminal

offense abuse of public officials 193 criminal law.

7. The unnecessary incident by law experts is a malicious crime

The prosecutor of the complainant said, "Why do each act such as a policeman, a prosecutor, a judge, etc. involved in investigation, crackdown and trial are based on the grounds, why it is assumed that abuse of duties, rationale to argue false complaint Etc. are unknown and it is not recognized that criminal facts subject to accusations and accusations are specified specifically by mere mention of claims not based on specific evidence. " ,

Regarding the official authority of police officers, prosecutors, judges, etc., they are stated in complaints and complaints in the notes.

However, the prosecutor states that the matter pointed out by the complainant is merely a misapplication of applicable law in terms of his / her duties and may not want to be a crime because he / she is not willful because it is not a crime.

A police officer, a prosecutor, a judge, etc. pointed out in the complaint and the letter of complaint did not know the existence of the immigration status of the Immigration Act (Article 22-4) or the crime of promoting illegal employment (Article 73 2) As a prosecutor who accepts complaints and accusations as an investigative institution and investigates, if it is excused that it is mere negligence, the purpose of the Immigration Control Law, which is the subject law subject to complaints and accusations, Doing duties neglecting the investigation of laws and ordinances such as the creation of related

provisions, the purpose of amendment and its contents, interferes with the exercise of the right of accusations and accusers, infringes human rights who can not be revoked, It is said that it will be a tragic result to drag it down to the bottom, because it is deemed to have fully recognized in terms of the nature of the duties. In addition, In this case, the complainant in fact received a prison sentence due to an illegal application law mistake.

Also, if police officers, prosecutors, judges, etc. who said they could not understand the designated Immigration Control Act, they are not allowed to be allowed because they do not constitute a body as a country of law.

Therefore, the intentions of police officials, public prosecutors, judges, etc. are satisfied at least by "unwillingness".

Also, if police officers accepting charges and accusations as an investigative institution say they did not understand the designated Immigration Control Act, it is not permissible because they do not form a body as a state of law.

Because police officials, public prosecutors, and judges did not know the law, people can not live with peace of mind if they do not know that they have committed negligence.

However, the following is obviously intentional!

I am referring to the illegal employer as a complainant who provided a false employment contract,

What you did with the complainant with the complainant can not be used as an aid to criminal law for illegal work as it is an assistance action (withdrawal from the country) of cancellation of the status of residence of the Immigration Act (Article 22-4-4).

The complainant has not even invoked the assistance of the cancellation of the status of residence of the immigration law (Article 22-4-4), but it is not fighting about the fact!

From July 1, 2010 of the prosecuted month, those who revised the status of residence of the Immigration Law (Article 4 4 of 24) and provided falsified documents to other aliens were also subject to deportation became.

Therefore, I knew well about dealing with those who provided false documents.

So it is obviously intentional because I clearly knew that cancellation of the status of residence (___ 70) of the illegal workers (the reason for the assistance of Article 4 4 of 24 can not be applied as a criminal assistance criminal offense).

In addition, this case is not a careless mistake. Because it makes the criminal up to the Philippine Embassy officials and diplomats in 2014 and 2015 with the same way.

The prosecutors of the investigative agencies who accept and inspect complaints and accusations are similar as well, and at least the intention of abusing the official abuse of civil servants 193 criminal law is satisfied with "unnecessary incident".

Therefore, it is clear that a non-complainant interferes with the exercise of the right of the complainant by refusing the complaints and accusations due to the obstruction of special public officials, so the action of the complainant , It corresponds to criminal offense abuse of public officials 193 criminal law.

As Prime Minister Abe is proud of the judicial system in Japan, the international community is closely watching so that the rule under the rule does not change.

With self-confidence efforts of self-confidence in Japan, we must regain the legal state from criminals. To that end, as soon as possible, the prosecutor will request punishment

of related parties, the complainant, the Chinese Kin Gungaku, and four Chinese former offenders to retry, withdraw the prosecution, make a sincere apology and honor The complainant will also remember to restore the property rights, restore property rights, etc.

8. Unacceptable behavior is a crime!

Criminal law 193 Civil servant abuses official authority of office

Abuse of official abuse of civil servants is a type of crime prescribed in Article 193 of the Penal Code and civil servants abuse their authority and act to obligate persons not to be obliged or obstruct the exercise of rights .

The subject is a national civil servant (prosecutor of the Tokyo High Public Prosecutors Office, which is the investigation institution).

The act of conduct was abused by the official authority and interference with prosecution accusation which is the right of citizen was interfered with the exercise of right. Abuse of special public official abuse of authority is unreasonable because the existence of "willfulness" is unnecessary

Subjectivity is a deliberate criminal (there is still a need for judicial experts).

The result is a result criminal, an infringement offender (the crime is a thing which did not accept the accusation / accusation which is thought).

In order to abuse official authority by a civil servant, the civil servant must have general job function (ex officio). According to the precedent, the "official authority" referred to in this crime is not necessarily accompanied by legal enforcement, and if it is abused, let the opponent who exercises authority do no obligation Or

It is said that sufficient authority to interfere with the right to do is sufficient.

(Supreme Court Second Petty Bench Decision Penalty January 28, 1987 1 page 1).

Criminal Procedure Code Article 230

A person suffering from a crime can file a complaint.

"Abuse" means to conduct "substantive, concretely illegal, unfair act" with respect to matters within the scope of the official authority of the civil servant. "Substantially, concretely illegal, unjust acts" for matters within the scope of ex officio.

Therefore, it is clear that the constitutional crimes were satisfied, and the non-complainant obstructed the exercise of the right of the complainant by refusing the accusations and accusations due to the obstruction of special public officials , Therefore, the act of the complainant falls under the criminal offense abuse of the civil servant's authority 193 criminal law.

The following statement is related to the accusation.

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The following statement is related to the accusation.

Chapter 3. Annotative explanation

1. The official authority of a policeman

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.

Normally arrest warrant claims on arrest (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 Act (Act No. 61 of April 16, 1947)

Article 4 The public prosecutor shall file an official prosecution for the criminal, request the court to justify the application of the law, supervise the execution of the judgment, and also make other duties necessary for the court's authority necessary for duties When acknowledging,

Ask the court to notify, or express opinions, and perform the affairs where other laws and ordinances have belonged to that authority as representatives of the public interest.

Article 6 A public prosecutor may conduct an investigation on any crime.

○ 2 The relationship between a public prosecutor and a person who has authority to investigate under other laws and regulations shall be as prescribed by the Code of Criminal Procedure.

Investigation agency

The investigation is made by the investigation agency.

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

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Prosecutor (Criminal Procedure Act 191 (1))

Prosecution officer (Criminal Procedure Act 191 (2))

Chapter 5 Damage of the complainant

Due to the acts of the complainant, due to the obstruction of prosecution and accusation of offenses on penal code theft, it was not possible to stop crimes made by special public officials and the violation of immigration law (activities outside the status of qualification)

2 In February of February 155, the Philippine Embassy staff and diplomats were psychologically suffering as non-complainants were made criminals with the same contents as false charges as non-complainants is.

In addition, this is to damage the international status of the Japanese state, and it is also the damage of the Japanese citizens.

And the revitalization of the property rights etc of the complainants was delayed and the suffering increased.

The complainant was deprived of all property rights guaranteed by the Japanese Constitution.

I lost credit, future income, I still carry debts.

Although I was asking for patent registration on 2 patents related to mobile phones, although the patent examination for 2 years or more was done and registration was granted, since the imprisonment was held at the Tokyo detention center, the patent office also complained I could not get in touch with people, eventually the registration ceased to exist and sales of huge patent rights ceased.

Takko was reported by television and newspaper reports, and his wife was interrogated as a suspect and received mental suffering. Moreover, economically it suffered greatly from the circumstances described above.

My son postponed her marriage, the court costs of the accused, and the complainant guaranteed joint guarantee, purchased an arbitrary auction at home that put in a revolving mortgage with borrowing funds, and we have a lot of debt .

Lefco Corporation became self-bankrupt as a result of the case, and 165 or more shareholders also suffered mental sufferment due to economic loss and public dream of public offering due to investment funds.

As I will explain later, I finally got a chance to recover V-shape, but I will not regret it.

The complainant is not in good shape after March 20, 2013, but due to a voluntary request for prosecution by the prosecutor (withdrawal of prosecution), apologies and will revive the property right Although I was waiting for it, I am planning to escape with criminal peculiarity only, so I advise the international community

We have no choice but to file charges against judicial officials for "false charges" and "offenses against abuses of special public officials."

Chapter 6 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, Tokyo District Court Decision, Supreme Court Decision

5. Law and complaint

II . Relationship information

Indictment

(2010 Tohoku Agency Foreign Territory No. 6487, 6624

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

Tokyo District Court Decision

Declared on April 26, 2011 Heisei 22 (Y) Wako No. 1655

Appeal brief

July 27, Heisei 22 year Special (Wa) No. 1655

Tokyo High Court decision

Declared September 22, 2011 Heisei 23 (105) No. 1055

Appeal brief note (complaint)

November 29, 2011 Heisei 23 (a) No. 1756

Appeal brief note (defense counsel)

December 6, 2011 Heisei 23 (a) No. 1756

Supreme Court decision

January 23, Heisei 24 (a) No. 1756

Opposition request (complaint)

January 27, Heisei 24 (a) No. 1756

Opposition request (defense counsel)

January 25, Heisei 24 (a) No. 1756

Supreme Court decision

Heisei 24 February Heisei 24 (Su) No. 38, No. 45

III. Attached document

For other necessary information, please obtain from above relation information

1. Court complaint Yasuhiro Nagano Policeman

Five. Prosecution letter Yasuhiro Nagano public prosecutor

6. Court orders Yasuhiro Nagano Judge
7. Charges Money Martial Arts Police Officer Prosecutor Judge
8. Charged letter Four offenders 4 policemen prosecutor judge
9. Accusation letter Filipino police officer public prosecutor Judge
- Ten. Litigation letter Yasuhiro Nagano Media Assistance Assistance Crime
11. Accusation letter Yasuhiro Nagano lawyer assistant crime
12. Accusation letter Military academic press deduction
13. Account letter Military lawyer assistant crime
14. Charged letter Four former offenses assistant lawyer
15. Accused letter abuse of official authority Tokyo District Prosecutors Office
16. Complaint Official abuse authority Tokyo high public inspection
17. Penal Code offense abused for offense of offense
18. Complaint Official offense abuse offense Tokyo Metropolitan Police Department
19. Complaint letter abuse of official authority sin guilty

20. Petition to the Chief Prosecutor of Tokyo High Public Prosecutor's Office
21. Edge reversion document May 14, 2015

〒 261 - 0003

6-18-9 Takahama, Mihama-ku, Chiba-shi

Yasuhiro Nagano

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告訴状

平成28年 5月10日

平成27年 6月12日

東京地方検察庁 御中

告訴人

〒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

被告訴人

公務員職権乱用罪

東京高等検察庁 検事長あての上申書で同封の告訴状・告発状を受け取りながら

告訴状・告発状を辺戻しして不受理にした、

東京高等検察庁 検察官（氏名不詳）

第1章. 告訴の趣旨

被告訴人は下記のとおり特別公務員およびその幫助者の犯罪が明らかであるにも関わらず、職権

を乱用して告訴人の権利の行使を妨害したものである。

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

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

「幫助罪」を乱用され実刑（懲役刑）を受けました。

私達だけでなく、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。特別公務員らの罪名は刑法の「虚偽告訴罪」であり、「特別公務員職権乱用罪」です。

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、私は、「不法就労助長罪」に規定する行為はしていません。

2. 正犯を雇用した事業者は何れも、お咎め無しで入管法が規定する「不法就労助長罪」で処分されていません。そうであれば雇用された正犯もお咎め無しの無罪です。そして如何なる幫助者も存在しないということです。

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

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

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

仮に「内容虚偽の雇用契約書」で法務大臣より技術や人文国際の在留資格を得たとしても、技術や

人文国際の在留資格の範囲で働いていれば、不法就労（資格外活動）にならないことは自明の理です。したがって在留資格の取得と不法就労とは何ら関係のないものです。

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

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

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

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

事実として、在留資格は法務大臣が裁量で付与するものですから、告訴人らは、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、また、在留資格の取得と不法就労とは何ら、因果関係はありません。

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

彼等が不法就労者になったのは、働く資格のない在留資格の外国人を雇用して働かせた事業者の責であることは自明の理であります。

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

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

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

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

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

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

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

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

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。

よって事件に関わる特別公務員らの罪名は刑法の「虚偽告訴罪」であり、「特別公務員職権乱用罪」です。またマスコミや弁護士らは正犯の犯罪を促進したので同幫助罪です。

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

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

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

そのための法の手続きは、事件に関わった警察官や検察官の犯罪を告訴、告発することですが、被告告訴人は、犯罪が特定されないなどの理由で告訴状・告発状を受理しません。

よって、何度めかになります。告訴状を提出いたします。

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、適用法の誤ちを認め、自主的に再審請求することを望んでいます。

しかし検察が起訴独占主義を悪用し告訴・告発状の受理さえ拒むのであれば、国連人権理事会等の国際社会の力を借りるしかありません。

以下の被告告訴人の所為は、刑法 193 条 公務員職権濫用罪に該当する者と考えるので、被告告訴人を厳罰に処することを求め告訴します。

第2章. 告訴事実

この告訴状は、告訴人が東京高等検察庁特捜部に提出した告訴状・告発状のすべてが辺戻しされたので、すべての告訴状、告発状が辺戻しの理由であると扱っております。

I. 公務員職権乱用罪の犯罪事実

告訴・告発状を受け入れる捜査機関である非告訴人は、告訴の趣旨で記載したとおり、告訴人の提出した平成27年2月6日付け告訴状・告発状に対して、平成27年5月14日東京高等検察庁検察官 発信で「貴殿から提出のありました、「告訴状」と記載のある書面等を拝読し、検討させていただきました。告訴に当っては、犯罪事実を具体的な証拠に基づき、できる限り特定して記載していただく必要がありますが、上記書面については、具体的な犯罪事実は判然とせず、告訴事実を特定することができません。したがって、貴殿から提出のありました上記書面等はすべて辺戻しいたします。」として、告訴・告発状を受理しません。

しかし、証拠である「起訴状」の犯罪事実の記載事項はすでに不法ですので不受理の所為は犯罪です。

犯罪事実の明確なポイントは、第1章. 告訴の趣旨で記載しました。

犯罪事実は、犯罪者及び適用法ごとに犯罪事実を記載していますので、辺戻し理由は不当です。

以上1件の告訴事実（犯罪事実）について、以下は職権乱用の事実を補充

証拠である「起訴状」の犯罪事実は 第1章. 告訴の趣旨で記載したとおり不法ですので不受理

の所為は、告訴人の権利の行使を妨害したものです。

1. 当事件は適用法をでっち上げた、適用法誤りの事件ですので、証拠としては、起訴状と入管法があれば充分だと考えます。

告訴・告発状には、告訴人の入管法違反幫助事件の起訴状を添付しています。

これは、中国人の正犯がなした入管法違反（資格外活動）に対して、告訴人および金軍学を刑法の幫助罪で処罰を求める起訴状です。

作成者は、東京地方検察庁 検察官 検事 徳永 国大です。

従って、プロが作ったもので、告訴状、告発状に比して完璧と言わざるを得ないもので、裁判官に対する告発状とも言えます。

起訴状をみて戴ければ、この事件の犯罪事実が明らかであったと思われれます。

2. 前段は出入国管理および難民認定法違反 同法70条1項4号、19条1項1号を指していることはわかりますが、不法就労を幫助した者の記載が抜けています。

なぜなら、不法就労は、働く資格のない外国人を違法に働かせて不法就労者にする者が存在するから可能になるものです。不法就労させた者がいないのに、不法就労者がいるのは100%ありえないのです。

入管法では、不法就労させた者は、「不法就労助長罪（73条の2）」で処罰規定が儲けられています。したがって、「不法就労助長罪（73条の2）」で処罰する者の記載および適用法が記載されていないので、起訴状としては不当です。

事実、不法就労させた者を「不法就労助長罪（73条の2）」で処罰しない場合は、不法就労させ

られた外国人は、不起訴として入管送りにしていますので、法の下での平等に反し国際法にも反しているのです、この起訴状こそ犯罪行為です。非告訴人の言い方ですと、犯罪事実が特定されないとして処理しなければなりません。したがって、この起訴状こそ犯罪行為です。

特別公務員らの犯罪については、第1章、告訴の趣旨で記載しました。これを「法律の独自解釈」というのであれば、この理由で不起訴とすべきです。ですから告訴人は、東京地検検察官の資質不足と指摘したのです。

3. 後段は、入管法、在留資格取消（24の4条の4）の処分行為と幫助行為をさしており、直接因果関係のない事実で、あえて言うならば国外退去の処分をもとめて法務大臣へ告発（通知）すべき案件ですので、非告訴人の言い方ですと、犯罪事実が特定されないとして処理しなければなりません。

刑法幫助罪の適用よりも入管法の事件ですから入管法、在留資格取消（24の4条の4）が優先されるのは自明の理です。したがって、この起訴状こそ犯罪行為です。

4. 前記のことからして、非告訴人は、この起訴状を記載した検察官の犯罪を告発する義務がありません。

5. 根拠となる法律は、刑法 第239条第1項では「何人でも犯罪があると思料するときは、告発をすることができる」とし、第2項では「官吏又は公吏は、その職務を行うことにより犯罪があると思料するときは、告発をしなければならない」としています。

ここで、「その職務を行うことにより」とは、必ずしもその犯罪事実の発見そのものが職務内容である必要はなく、「職務の執行に際し」と広く解するのが通説となっています。

ここで、「その職務を行うことにより」とは、必ずしもその犯罪事実の発見そのものが職務内容である必要はなく、「職務の執行に際し」と広く解するのが通説となっています。

この犯罪事実の指摘を申告している犯罪事実が不明確で犯罪事実の申告とは認められませんとして、不起訴にした場合は検察審査会での審議になりますが、不受理とするのは職権の乱用です。

従って非告訴人は、告訴、告発されている特別公務員らの犯罪を情により隠匿し、告訴状、告発状を握りつぶす目的で、告訴人のする特別公務員らを告訴、告発する所為を妨害したものです。

被告発人らの不法な職権乱用は、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。

被告訴人の行為は、添付の起訴状だけでも犯罪が思科されるにも関わらず、そして、不起訴という決定があるにも関わらず、特別公務員らを庇う情から不受理としたことは明らかであり、権利の行使を妨害したものであり、被告訴人の行為は、刑法 193 条 公務員職権濫用罪に該当します。被告発人らの不法な職権乱用は、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。

不受理行為を犯罪とする犯罪構成条件は充足しております！

刑事訴訟法第 230 条 犯罪により害を被った者は告訴をすることができる。とあるので告訴・告発をしたものですが、被告訴人は不受理行為をしました。

犯罪は刑法 193 条公務員職権濫用罪です。

公務員職権濫用罪は、刑法 193 条に規定されている犯罪類型であり、公務員がその職権を濫用して、人に義務のないことを行わせ、又は権利の行使を妨害する行為を内容とするものです。

主体は、国家公務員（捜査機関である東京高検の検察官）で、実行行為は、職権を濫用して、国民の権利である告訴告発を不受理として妨害したことは権利の行使を妨害したものです。

主観は、故意犯（少なくとも司法の専門家としての未必の故意がある）で、結果犯（犯罪と思科される告訴・告発状を不受理とした）です。

告訴の趣旨、犯罪事実が不当であるときは、そして適用法の誤りは単なる過失であるから犯罪事実が不明として不受理とするなら、その趣旨で不起訴とするべきです。

公務員による職権濫用というためには、当該公務員が一般的職務権限（職権）を有していなければならない。判例によると、本罪でいう「職権」とは、必ずしも法律上の強制力を伴うものであることを要せず、それが濫用された場合、職権行使の相手方に義務のないことを行わせたり、行うべき権利を妨害するに足りる権限であれば十分であるとされる。

（最高裁判所第二小法廷昭和 57 年 1 月 28 日決定刑集 36 卷 1 号 1 頁）。

「濫用」とは、当該公務員の職権の範囲内にある事項につき、「実質的、具体的に違法、不当な行為」をすることをいう。

以上のとおり、犯罪構成条件は充足しており、非告訴人は、特別公務員らを庇う情により、告訴・告発状を不受理にすることで、告訴人の権利の行使を妨害したことは明らかであり、

よって、被告の所為は、前記 1 件の刑法 193 条 公務員職権濫用罪に該当するものです。

II. 悪質な故意のある犯罪行為 （告訴事実の故意について）

指摘事項は、曖昧で、起訴独占主義を悪用した不当な犯罪です。

1. 犯罪構成要件は、満たしておりますので、非告訴人の指摘は不当です。

告訴・告発というのは、捜査機関に対して犯罪を申告し処罰を求める意思表示です。

犯罪被害者が申告する場合を告訴（刑事訴訟法第 230 条）といい、被害者でない第三者が申告する場合を告発（刑事訴訟法第 239 条 1 項）といいます。

いずれも、刑事訴訟法上捜査の端緒の一つに分類されているものです。

公務員は法に定める範囲において、告発する義務を負う（239 条 2 項）としています。

文書を提出してすることも、口頭で申し立てることもでき（241 条 1 項）

口頭の場合は捜査機関に調書作成義務が課せられる、（241 条 2 項）としています。

書面によった場合、その書面のことを告訴状・告発状というものです。

そして記載事項は、東京地方検察庁特別捜査部特殊直告班が書面東地特捜第 4 5 8 4 号平成 2 6 年 5 月 1 4 日で、告訴とは、捜査機関に対して犯罪事実を申告し、その犯人の処罰を求めるものですから、いつ、誰が、どこで、誰にたいして、どのような方法で、何をしたのか、その結果いかなる被害にあったかなどについて構成要件に該当する事実を具体的根拠に基づき、できるかぎり特定して記載していただく必要があります。と記載しています。

尚、書き方については、法律でも規定がありませんし、東京地検に問い合わせしても、書式は自由ということでした。

告訴人は、2013 年 3 月 1 9 日満期出所後、体調が優れない中を、犯罪事実をかきとめ、告訴状、告発状として整理して 2014 年 5 月に入り東京地検に、添付の告発状、告訴状を順次提出したものです。

「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。

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。

故意については、犯罪人が、警察官、検察官、裁判官ですから、法律の専門家であり、適用法誤りは、単なる過失ではなく、少なくとも未必の故意があることは明らかです。

2. 虚偽告訴罪の犯罪事実（特別公務員職権乱用罪）については、

犯罪事実は、犯罪者及び適用法ごとに犯罪事実を記載していますので、辺戻し理由は不当です。

法律の専門家ですか、未必の故意があることは知っているはずで

犯罪構成要件は、満たしておりますので、非告訴人の指摘は不当です。

見解の相違であるならば、不起訴という決定があるにも関わらず、特別公務員らを庇う情から不受理としたことは明らかに、権利の行使を妨害したものであり、被告訴人の行為は、刑法 193 条 公務員職権濫用罪に該当します。

2. 幫助罪のクラクリは風が吹けば桶屋が儲かる式の悪質な犯罪

被告訴人の嘘偽告訴・逮捕監禁の犯罪趣旨は、告訴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。の部分は、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 4 名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となります。

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。

告訴人は、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月の定期入社が採用ができなくなったので、採用を中止したためです。

告訴人は、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、採用を任せられた金軍学のブローカー業務的な、謝礼の受け取りに着目するのです。

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

中国ビジネスで賄賂なしでは仕事ができないのと同じです。もちろん、中国文化を理解しない、論語さえ読んだことのない被告人には、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。

被告人の警察官は逮捕前に金軍学の経営する店に偵察に行き、彼がブローカー業務をやっていることも知っているし、居抜きのお店は従業員が数人いる大きな飲食店ですから、開店には1000

万円以上の資金が必要なことくらい分かります。

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

公判でも検察官中野麻衣は、レフコ社に入金された、普通預金の記録から「キン」の名前で入金されているのは「金軍学」と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。

これにより非告訴人の犯行は、単なる過失ではなく、明らかな故意により実行されていることが証明できます。

非告訴人は、特別公務員らを庇う情により、告訴・告発状を不受理にすることで、告訴人の権利の行使を妨害したことは明らかであり、よって、被告訴人の行為は、刑法193条 公務員職権濫用罪に該当します。

3. 情により入管法の不法就労助長罪を無視し、法務大臣の裁量で付与する在留資格を不法に解釈し在留資格取消を悪用した悪質な犯罪

以下は犯罪が思科されない理由と違法行為

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、告訴人を不法就労の幫助罪としたが、前章の告訴の趣旨で記載したとおり、不法である。

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

先に不法就労で逮捕した正犯を罰金刑ではなく懲役刑として刑事処分するため、法の下で平等に処分するように見せかけ、また国際法にも反しないとするため、告訴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。

告訴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訴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。

よって、非告訴人は、特別公務員らを庇う情により、告訴・告発状を不受理にすることで、告訴人の権利の行使を妨害したことは明らかであり、よって、被告訴人の行為は、刑法 193 条 公務員職権濫用罪に該当します。

4. 弁護人までが犯罪に加担している

中国人の不法就労した正犯や金軍学の弁護人（は、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、弁護士法に反して不法就労した正犯や金軍学の犯罪事実を指摘して告訴人を弁護せず、すくなくとも未必の故意で、中国人や金軍学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。

告訴人の弁護人 村上元茂は、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訴人を弁護せず、少なくとも未必の故意で、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。

弁護人 村上元茂の所属する 大原法律事務所 代表者 弁護士 大原 誠三郎は、弁護士職務基本規定第五十五条に反し、所属 弁護士 村上元茂が弁護士職務基本規定を遵守するための必要な措置を怠ったとしか言えず同罪です。

尚、弁護人が、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、告訴人は、即時に釈放され、事件は終了していたことは明らかです。

弁護人 村上元茂は控訴審においても、適用法誤りを罪刑法定主義で控訴趣意書を書くようにとの告訴人の依頼を無視して、刑事訴訟法に反してというよりも入管法が理解できず、弁護人が適用法誤りを指摘しないので、上告趣意書で告訴人が指摘しても手遅れでした。

警察官、検察官、裁判官のなす罪刑法定主義に基づかない司法行政の犯罪に対して、犯罪事実をを指摘して人権侵害を護れるのは弁護士でしかないと思います。

しかし、弁護士がこの職務を未必の故意であっても、弁護士の責務を放棄すれば、一般の国民はだれに助けを求めればいいのでしょうか。この告訴はその答を求めるものでもあります。

これにより非告訴人の犯行は、単なる過失ではなく、弁護人まで巻き込んで明らかな故意により実行されていることが証明できます。

よって、非告訴人は、特別公務員らを庇う情により、告訴・告発状を不受理にすることで、告訴人の権利の行使を妨害したことは明らかであり、よって、被告告訴人の行為は、刑法 193 条 公務員職権濫用罪に該当します。

5. 公共の電波であるテレビ・公共の新聞を使って一般国民、裁判官に予断を与える悪質な犯罪

告訴人は、出入国及び難民認定法違反幫助（入管法違反幫助）事件の犯罪者とされたが、日本国憲法第三十一条の定める「罪刑法定主義」に照らして、幫助理由としてあげた、在留資格の取得を容易にしたとの理由は、第 1 章、告訴の趣旨で記載したとおり不法です。

したがって、なんら罪を犯していないので刑罰を科せられないものです。

にもかかわらず、関係者は真実の報道をするための放送法 第四条、そして新聞については日本新

聞協会の倫理綱領を守らず、法律に基づかない不法な逮捕を正当化した記事を掲載し、警察官、検察官の犯罪を助長する報道をしたのです。

放送法 第四条そして新聞については日本新聞協会の倫理綱領に反することは未必の故意で、心理的に実行行為を促進したもので、つまり犯罪を促進し幫助したものです。

この嘘偽情報は、TV、新聞、インターネットで一般国民のみならず、裁判官に大きく予断を与えていることです。それは全ての裁判官が違法な犯罪を適法だと認めていることです。

新聞、テレビのニュースは裏付け調査されたニュースなので間違いないという信頼があるからです。弁護人もニュースを見たと言っていましたので、弁護人にも予断を与えた可能性は否定できません。

裁判官は、これだけの報道だから、マスコミでも法的調査は済んでるだろうとか、これだけの報道だから警察官、検察官に恥をかかせてはいけないなどの情により適法としたのであろうと推測できます。

告訴人の場合は保釈請求をしておりますが、高裁の裁判官は3人の合議制であるにも関わらず、毎回、すべての裁判官が、未必の故意をしています。

高裁の裁判官がそんなに簡単に未必の故意をするはずがありませんが、今日のテレビ、新聞の洗脳力というものは、恐ろしいほどの力をもっているのです。

もちろん警察官や検察官はその力を利用したのですが、テレビ、新聞の洗脳力と言うものはもはや民主主義の下でも制御不能になっているようです。

だから許すわけにはいきません。法の力で洗脳力を止めなくてはなりません。

この事件でも中国人が被害を受けておりますが、正犯や被告訴人らの犯罪の成功に影響されて同様の入管法違反幫助として、2014年にはフィリッピン大使館職員、2015年2月にはフィリ

フィリピン外交官さえも嘘偽の雇用契約書を提供したとして同様の嘘偽罪名で刑事処分されており、この事件でも読売新聞等が大きく社会面で正当な起訴であるかのような記事を掲載しています。被害が拡大していますので早急に断罪に処さねば、日本の国益を損ねる深刻な事態になります。

これにより非告訴人の犯行は、単なる過失ではなく、テレビや新聞を使って、明らかな故意により実行されていることが証明できます。

非告訴人は、特別公務員らを庇う情により、告訴・告発状を不受理にすることで、告訴人の権利の行使を妨害したことは明らかであり、よって、被告告訴人の行為は、刑法 193 条 公務員職権濫用罪に該当します。

6. 犯行はフィリピン大使館、外交官まで及び冤罪を今も拡散させている悪質な犯罪

フィリピン大使館入管法違反事件

読売新聞等 2015 年 2 月 20 日付朝刊によりますと、フィリピン大使館の外交官や職員が、入管法違反で刑事処分されたと、社会面いっぱい報道しました。

記事の内容は、フィリピン大使館職員の運転手が、家事使用人として自国のフィリピン人を雇用すると偽って、フィリピン人に内容虚偽の雇用契約書を渡して、フィリピン人が入管に申請し、「特定活動」の在留資格を取得したが、家事使用人として働かずに、都内の造園会社で働いたとして、3 人を入管法違反（資格外活動）の罪で、又、大使館職員の運転手を入管法違反（資格外活動）の刑法「幫助罪」で 2014 年 6 月に逮捕、起訴した。

裁判では執行猶予付きの懲役刑となり、強制送還された。

さらに有罪判決を受けたうち 2 人の話を元に、運転手とは別に、外交官と大使館職員の男女 3

人の名義で結ばれた雇用契約書などの書類をもとに在留資格を得ていたことを確認したとして、神奈川県警は、警察庁、検察庁、外務省と協議し、契約の経緯や勤務実態などについて、この4人から説明を受ける必要があるとして、外務省を通じて大使館に面会を申し入れたが、帰国したと回答があったので、不法就労を手助けした可能性がより濃いと判断して、申し入れ直後に帰国した外交官ら3人について、今月6日入管法違反幫助容疑で書類送検した。

メディアを使って、洗脳し、犯罪を正当化するのは、私の事件と全く同じです。

己の出世欲顕示のために、日本の社会の法的無知を嘲笑っています。

新聞社にも記事訂正をするようにメールを送りました。フィリピン大使館にも手紙をだしています。

入管法では、法の下で平等に、また国際法に反しないように、不法就労したものを不法就労罪（入管法70条1項4号、19条1項1号）で刑事処分し、不法就労させた者を不法就労助長罪（73の2条）で平等に処分する法体系になっているので、不法就労させた幫助者を処分しないのであれば、不法就労させられたフィリピン人の方だけを犯罪者にするのは恣意的であり、何ら罪に問われないものです。

しかし、この入管法違反事件では、不法就労した因果関係（理由）を、内容虚偽の雇用契約書を取得することができたので在留資格を取得でき、日本に在住できた、よって大使館職員（運転手）を幫助者として、不法就労できたとして、不法就労の因果関係として、内容虚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両者を処罰するので恣意的でないと言い、フィリピン人を内容虚偽の罪名で不法に不法就労罪で処罰しているので違法行為です。

この事件で不法就労罪の刑法幫助者とされた、フィリピン大使館職員（運転手）及びフィリピン国外交官1名及びフィリピン大使館職員2名（以下、刑法幫助者）は、日本国憲法第三十一条の定

める「罪刑法定主義」に照らして、幫助理由としてあげた理由は、同じ入管法の、嘘偽の書類提出に関する規定（在留資格取消 第22条の4 4項）（国外退去の処分となる）の幫助理由に該当するので、法の論理により、入管法違反（資格外不法就労）に対する刑法の幫助罪適用より、入管法の在留資格取消規定が優先されるのは、自明の理です。

したがって刑法幫助者は何ら犯罪が思科されないし、犯罪行為をしていないので、不法就労罪の刑法幫助者ではないのです。

フィリピン人3名は、不法就労させた雇用者が不法就労助長罪で刑事処分されないので、不法就労させられたフィリピン人3名を、不法就労罪で刑事処分するのは不当です。いえ不法です。

また、不法就労者を在留資格取消の理由で、入管法違反（資格外活動）の犯罪とするのは、内容嘘偽の罪名であり不法です。

よって、起訴状ではフィリピン人3人は、なんら犯罪をしていませんので無罪です。

これで、通常不法就労で雇用者と処罰しない場合の不法就労した外国人と同じ扱いになるのです。

これで、通常不法就労事件にもどるのです。

すべては「不法就労助長罪」を適用しないからです。・・・諸悪の根源です。

警察、検察は事業者との癒着をたちきるべきです！

これにより非告訴人の犯行は、単なる過失ではなく、明らかな故意により実行されていることが証明できます。

よって、非告訴人は、特別公務員らを庇う情により、告訴・告発状を不受理にすることで、告訴人の権利の行使を妨害したことは明らかであり、よって、被告訴人の行為は、刑法193条 公務員職権

濫用罪に該当します。

7. 法の専門家による 未必の故意は 悪質な犯罪です

被告訴人の検察官は「捜査、取締り及び公判に関わった警察官、検察官、裁判官等の各職務行為が
いかなる根拠に基づき、なぜ職務濫用に当たるとするのか、嘘偽告訴と主張する根拠等の具体的内
容が判然とせず、具体的証拠に基づかない主張を記載しただけでは告訴・告発の対象となる犯罪事
実が具体的に特定されているとは認められません。」とするが、

警察官、検察官、裁判官等の職権については、注記で告訴・告発状に記載してます。

しかし検察官は、告訴人の指摘事項は職務行為上の単なる適用法誤りで、故意ではないので犯罪
ではないといたいのかもしれませんので記載します。

告訴・告発状で指摘してる、警察官、検察官、裁判官らが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、捜査機関として告訴・告発を受け入れ、そして捜査する検察官として、告訴・告発
の対象になっている対象法律である、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、告訴・告発人の権利の行使を妨害し、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。

告訴人はこの事件では、事実、不法な適用法誤りにより実刑を受けております。

また、警察官、検察官、裁判官らが、指摘された入管法を理解できなかった言うのであれば、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。

よって、警察官、検察官、裁判官らの故意は少なくとも「未必の故意」によって充足しています。

また、捜査機関として告訴・告発を受け入れ、そして捜査する警察官が、指摘された入管法を理解できなかった言うのであれば、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、裁判官が法律を知らなかったので、過失を犯したと平然とするのでは、国民は安心して生活できません。

しかし、下記は明らかな故意です！

不法就労の幫助者を、嘘偽の雇用契約書を提供した告訴人と金軍学としていますが、告訴人と金軍学のしたことは、入管法の在留資格取消（22条の4の4）の幫助行為（処分は国外退去）ですので、不法就労の刑法幫助者にはできないのです。

告訴人は、入管法の在留資格取消（22条の4の4）の幫助行為すらしていませんが、事実関係については争っていません！

起訴された月の2010年7月1日より、入管法の在留資格取消（24の4条の4）が改正され、他の外国人に嘘偽の書類を提供した者も国外退去の処分になりました。

したがって、嘘偽の書類を提供した者の対処については、良く知っていたのです。

ですから、不法就労罪（70条）に在留資格取消（24の4条の4）の幫助理由を、刑法幫助罪として適用できないことは、明確に知っていたので明らかな故意です。

更に、この事件は、うっかりミスではありません。なぜなら同じ手口で2014年、2015年とフィリピン大使館職員や外交官まで犯罪人に行っているからです。

告訴状・告発状を受け入れ捜査する捜査機関の検察官も同様であり、少なくとも「未必の故意」で刑法 193 条 公務員職権濫用罪の故意は充足しています。

よって、非告訴人は、特別公務員らを庇う情により、告訴・告発状を不受理にすることで、告訴人の権利の行使を妨害したことは明らかであり、よって、被告告訴人の行為は、刑法 193 条 公務員職権濫用罪に該当します。

日本の司法制度を、安部首相が自慢するように、法の下での支配が揺らがないように、国際社会は、注視しております。

日本国自信の自浄努力で、犯罪者から法治国家を取り戻さなければなりません。その為には、一日も早く、関係者の処罰と、告訴人および中国人金軍学並びに中国人正犯 4 人の、再審請求を検察側にて行い、起訴を取り下げ、真摯な謝罪を行い、名誉の回復と、財産権の復活等をするを、告訴人も念じております。

8. 不受理行為は犯罪です！

刑法 193 条公務員職権濫用罪

公務員職権濫用罪は、刑法 193 条に規定されている犯罪類型であり、公務員がその職権を濫用して、人に義務のないことを行わせ、又は権利の行使を妨害する行為を内容とする。

主体は国家公務員（捜査機関である東京高検の検察官）です。

実行行為は職権を濫用して、国民の権利である告訴告発を妨害されたことは権利の行使を妨害したものです。特別公務員職権乱用罪は「故意」の有無は不要なので不受理は不当

主観は故意犯で（少なくとも司法の専門家としての未必の故意がある）。

結果は結果犯、侵害犯で（犯罪が思科される告訴・告発状を不受理としたものです）。

公務員による職権濫用というためには、当該公務員が一般的職務権限（職権）を有していなければならない。判例によると、本罪でいう「職権」とは、必ずしも法律上の強制力を伴うものであることを要せず、それが濫用された場合、職権行使の相手方に義務のないことを行わせたり、行うべき権利を妨害するに足りる権限であれば十分であるとされる。

（最高裁判所第二小法廷昭和 57 年 1 月 28 日決定刑集 36 卷 1 号 1 頁）。

刑事訴訟法第 230 条

犯罪により害を被った者は告訴をすることができる。

「濫用」とは、当該公務員の職権の範囲内にある事項につき、「実質的、具体的に違法、不当な行為」をすることをいう。職権の範囲内にある事項につき、「実質的、具体的に違法、不当な行為」をすることをいう。

よって、犯罪構成条件は充足しており、非告訴人は、特別公務員らを庇う情により、告訴・告発状を不受理にすることで、告訴人の権利の行使を妨害したことは明らかであり、よって、被告訴人の行為は、刑法 193 条 公務員職権濫用罪に該当します。

以下の記載は、当告発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¹の請求(同 224 条 1 項)、鑑定処分許可²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

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）

捜査機関

捜査は、捜査機関によってなされる。

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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）

第5章 告訴人の被害

被告訴人の行為により、罪刑法定主義違反の告訴・告発が妨害されたことにより、特別公務員らのなす犯罪を止められず、告訴人の恐れ、入管法違反（資格外活動）及び同幫助の被害が広がり、20015年2月には、フィリピン大使館職員や外交官が、非告訴人と同じ内容虚偽の罪名で犯罪人にされたことにより、非告訴人は精神的苦痛をうけたのです。

また、このことは、日本国家の国際的地位を損なうことであり、日本国民の被害でもある。

そして、告訴人らの財産権等の被害復活が遅延し、又苦痛は増大したのです。

告訴人は日本国憲法で保証されている、すべての財産権を剥奪されました。

信用、今後の収入もなくし、まだ負債を背負っております。

携帯電話関係の特許2件について特許登録の依頼していましたが、2年以上の特許審査が済、登録が認められましたが、東京拘置所に収監中でしたので、特許事務所も告訴人と連絡が取れず、結局、登録が消滅してしまい、巨額の特許権の販売もなくなりました。

妻子はテレビや新聞の報道により、又、妻は、容疑者として取調べを受け、精神的な苦痛を受けています。また経済的には前記した事情により大きな苦痛を受けております。

息子は結婚を延期して、被告人の裁判費用そして、告訴人が連帯保証をし、根抵当を入れていた自宅の任意競売を、借り入れ資金で購入しており、多額の負債を抱えております。

株式会社レフコは、当事件を発端として自己破産となり、165人以上の株主も出資金等で経済的損失と 株式公開の夢が潰れ精神的苦痛をうけたのです。

後述しますが、やっとV字回復のチャンスを得たのですが、残念でなりません。

告訴人は、2013年3月19日に満期出所後、体調が優れませんが、検察官による自発的な再審請求（起訴取り下げ）があり、謝罪の上、財産権の復活をしてくれるのを待っておりましたが、犯罪人特有のずるさで、あくまでも逃げ通すつもりですので、国際社会の助言により司法関係者を「虚偽告訴罪」及び「特別公務員職権濫用罪」で告訴せざるを得ません。

第6章 其他

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、東京地裁判決、最高裁決定

5. 告訴状および告発状

II. 関係情報

起訴状

（平成22年東地庁外領第6487、6624

平成22年検第17461、17462、29215、29216）

東京地裁判決

平成23年4月26日宣告平成22年特（わ）第1655号

控訴趣意書

平成23年7月27日平成22年特（わ）第1655号

東京高裁判決

平成23年9月22日宣告平成23年（う）第1055号

上告趣意書（告訴人）

2011年11月29日平成23年（あ）第1756号

上告趣意書（弁護人）

平成23年12月6日平成23年（あ）第1756号

最高裁決定

平成24年1月23日平成23年（あ）第1756号

異議申立書（告訴人）

平成24年1月27日平成23年（あ）第1756号

異議申立書（弁護人）

平成24年1月25日平成23年（あ）第1756号

最高裁決定

平成24年2月2日平成24年（す）第38号、第45号

Ⅲ. 添付書類

その他 必要な資料は、上記関係情報より取得してください

1. 告訴状 長野恭博 警察官
5. 告訴状 長野恭博 検察官
6. 告訴状 長野恭博 裁判官
7. 告発状 金軍学 警察官 検察官 裁判官
8. 告発状 正犯4人 警察官 検察官 裁判官
9. 告発状 フィリピン人 警察官 検察官 裁判官
10. 告訴状 長野恭博 マスコミ幫助罪
11. 告訴状 長野恭博 弁護士幫助罪
12. 告発状 金軍学 マスコミ控除罪
13. 告発状 金軍学 弁護士幫助罪
14. 告発状 正犯4人 弁護士幫助罪
15. 告訴状 職権乱用罪 東京地検
16. 告訴状 職権乱用罪 東京高検
17. 告訴状 職権乱用罪 最高検
18. 告訴状 職権乱用罪 警視庁
19. 告訴状 職権乱用罪 法務省

20. 東京高等検察庁 検事長 への上申書

21. 辺戻し書面 平成27年5月14日

〒261-0003

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