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Japan's detention practices stifle dissent

The prolonged detention in police cells of three Greenpeace activists highlights the way Japan's detention procedures can be misused to silence rights activists by locking them up, Amnesty International said today.

The Greenpeace activists were arrested at a toy fair in Tokyo on 18 March after they abseiled down a building and unfurled a banner condemning the use of polyvinyl chloride (PVC) in toys. Only days later, a high-profile human rights lawyer was dismissed from defending an important capital case because he is currently in detention.

"What links these two incidents is the unjust use of detention, apparently to stifle dissent," Amnesty International said. "We fear that detention may continue to be misused to detain activists for minor offences, even though they have expressed their opinions in peaceful ways."

"The Greenpeace protest was peaceful and held in a public place. While it may have violated trespass and property laws, there can be little justification for the prolonged detention of these activists. Moreover, the massive presence of over 100 police officers at Greenpeace's Japanese headquarters today heightens fears that the authorities are embarking on an overzealous campaign of intimidation of peaceful activists."

Yasuda Yoshihiro, well-known human rights lawyer and campaigner against the death penalty, was detained in police custody for one month after his arrest on 6 December 1998 on suspicion of financial irregularities. Following his indictment, he continues to be held in solitary confinement in a "suicide prevention cell" in Tokyo Detention Center, despite repeated appeals for his release on bail.

Before his arrest, Yasuda Yoshihiro had acted as the main defence lawyer for Asahara Shoko, the leader of the AUM religious group, who is currently on trial for a capital case - the Tokyo subway gas attack in 1995 which caused 12 deaths. Yasuda Yoshihiro's rigorous defence of Asahara Shoko has made him the target of considerable media criticism. His ongoing detention means that he has today been dismissed from the case, possibly jeopardising his client's right to a fair trial.

Although the Tokyo District Court has ruled that Mr Yasuda's prolonged detention is legal, it appears to have passively accepted the prosecutor's argument that he should be refused bail.

"In the absence of concrete and legitimate reasons for his detention under both domestic and international law, it can be assumed that Mr Yasuda's detention is arbitrary and motivated mainly by a desire to obstruct his work as a human rights activist and defence lawyer," Amnesty International said.

Prolonged detention has often led to serious human rights violations against police suspects in Japan. In 1997, Amnesty International highlighted a number of cases where foreign suspects had been beaten by police attempting to obtain confessions. In November 1998, the UN Human Rights Committee also recommended that the country's pre-trial detention system be reformed with immediate effect due to the fact that a large number of convictions in criminal trials are based on confessions. The government appears to have made no attempt to follow these recommendations.

“A strong and thriving civil society is essential for the full protection of human rights in any country,” Amnesty International said. “We are therefore calling on the Japanese authorities to justify the detention of the Greenpeace activists and of Yasuda Yoshihiro, and continue to urge the government to bring detention practices into line with international human rights standards.”

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