
amnesty international

JAPAN

NEPALI MAN RISKS DEATH SENTENCE

AFTER POLICE ILL-TREATMENT

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Govinda Prasad Mainali, a Nepali immigrant worker in Japan, was beaten, interrogated for long periods and denied access to his lawyer after his arrest in March 1997. He was later charged with murder and his trial is due to start in late August. Amnesty International is calling for an independent investigation into his ill-treatment by Japanese police and into reports that several key witnesses in this case were also beaten and intimidated into making false confessions. It is concerned that the many illegalities during the police investigation may jeopardise the fairness of Govinda Prasad Mainali's trial and that he may be sentenced to death.

Govinda Prasad Mainali was arrested on 22 March 1997 because his visa had expired and taken to Shibuya Police Station in Tokyo. On 30 March he was formally charged with staying in Japan after the expiry of his visa but while he was in police detention, he was also questioned about the murder of a Japanese woman in March 1997. This happened despite the fact that it is illegal in Japan for police to investigate a suspect for crimes unrelated to the original charge. The police interrogation continued for several days running from early morning to late evening, without translation to and from his own language. He told his lawyers that during interrogation he was pulled by the shirt, shaken, pushed, beaten, kicked and pinned against the wall behind a table.

On 22 April, one of Govinda Prasad Mainali's lawyers tried to visit his client at Shibuya Police Station but was refused access by the police who said that he had been sent to the Prosecutor's office in connection with the murder case. On arriving at the Prosecutor's office, the lawyer was refused access once again and told that Mainali was undergoing "voluntary" interrogation.

Three other Nepali men who lived with Mainali were called to the police station for questioning about the murder. They also said they were threatened and beaten and signed statements in Japanese which they did not fully understand. Having signed these statements,

the three men were forced by the police to move to separate addresses in an apparent attempt to separate them and to prevent convenient access to them by Mainali's lawyers.

Govinda Prasad Mainali was tried and convicted for remaining in Japan after the expiry of his visa and on 20 May 1997 was given a suspended prison sentence. This sentence would normally have led to his deportation but instead he was then formally charged with murder and robbery. Under Japanese law the death penalty is the maximum penalty for murder. On 25 April, Mainali was moved to Tokyo Detention Centre where he is currently held awaiting trial. He denies the charges against him and his lawyers are seeking compensation from the authorities for obstructing access to their client.

In Japan suspects may be held in police detention facilities (known as *daiyo kangoku* or "substitute prisons") for up to 23 days without charge. Despite some improvements in recent years, police interrogation procedures lack important safeguards to prevent human rights violations. In many cases the main aim of interrogation appears to be to obtain a confession. Suspects are often questioned for long periods without access to their lawyers and sometimes beaten. Although the police claim to employ interpreters, these are not always used. Amnesty International knows of several other cases where foreign detainees were forced to sign statements they did not fully understand.

In recent years the number of foreigners working illegally in Japan has risen dramatically and since many do unskilled and unpopular work, their presence has generally been tolerated by the Japanese authorities. Recently, however, the recession in Japan has reduced employment opportunities for foreign workers and increasingly large numbers of immigrants are being arrested and deported. Illegal workers who are detained are often subjected to cruel and inhuman treatment and denied their basic rights.

WHAT YOU CAN DO

_ Send letters and faxes:

- calling for an independent investigation into reports that Govinda Prasad Mainali was ill-treated in police detention;
- expressing concern that the reported ill-treatment of Govinda Prasad Mainali and other illegalities in this case may jeopardise the fairness of his trial and that he may be sentenced to death;
- stating your unconditional opposition to the death penalty as a violation of the right to life and the ultimate form of cruel and inhuman punishment.

APPEALS TO:

- Mr MATSUURA Isao, Minister of Justice
1-1-1 Kasumigaseki, Chiyoda-ku
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Fax: +81 3 3592 7011

COPIES TO:

- Mr IKEDA Yukihiko, Minister of Foreign Affairs
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- and to diplomatic representatives of Japan in your country.

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