

## **Public Statement**

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### **Japan: Landing Prevention Facility**

*Amnesty International is concerned about reported serious abuses in the interrogation and deportation of people who are denied entry to Japan. Those denied entry are sent to a detention centre at Narita International Airport called a Landing Prevention Facility (LPF). The LPF was established and funded by the immigration authorities, but is operated by private security companies. All the expenses of those detained in the LPF are paid for by airline companies who as carriers are responsible for 'insufficiently documented arrivals' to Japan by air.*

*Amnesty International calls on the Immigration authorities to establish an official monitoring mechanism for the private security companies whose staff have been allegedly routinely torturing and ill-treating those detained in the LPF. The failure of the Japanese government to initiate a prompt and impartial investigation into these allegations constitutes a violation of Article 12 of the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment. Japan is a state party to the Torture Convention and is obliged to fulfil all its commitments under the Convention.*

*According to four security staff members attached to the LPF, serious abuses and violations have been committed by security guards, and occasionally, by immigration officers. The security companies also extort money from the detainees in order for them to be provided with 'good service' or to allegedly allow them into the country. When the detainees have refused payment, security staff have been known to go through the detainees' belongings and strip them naked. Detainees who*

have not understood the payment demands and refuse to pay are beaten.

According to one staff member who started work at the facility in 1997, such abuses took place almost every day. In June 2000, there were reports of two Tunisian men, Thameur Mouez and Thameur Hichm, who were hit on the face, held down, kicked and denied medical attention. Security staff were also reported to have used violence against detainees in the LPF, 'rest house', as well as the company's office at the airport.

Amnesty International fears that such serious human rights violations take place because there is no government monitoring mechanism to check the activities of private security staff. Security staff have told Amnesty International that because there is no government monitoring mechanism they were not accountable for their actions. Even if the detainees complained about their ill-treatment and extortion of money, they are deported in a matter of days and their complaints are ignored.

Immigration officers have, according to information received from security staff, violated the Japanese immigration inspection procedure, international human rights standards and refugee law. Cases have been reported when people who have lodged an asylum claim, have been verbally abused and physically beaten in the 'special inspection room'.

Amnesty International is concerned that this immigration procedure and the LPF deny asylum-seekers and refugees the right to a fair and satisfactory refugee determination procedure. LPF detainees have no access to the UNHCR or to lawyers, they have little or no access to the outside world, and are often denied the right to contacting their families. Deportations take place in a matter of days, and they are sent

back to countries where they may be at risk of serious human rights violations. Denial of their right to a fair refugee determination process is in breach of the most fundamental principles of international refugee law, most importantly the principle of non-refoulement which protects the people against forcible return to a country where their life, freedom or physical integrity would be threatened. Amnesty International calls on the Government of Japan, a party to the 1951 UN Refugee Convention to honour its obligations under international refugee law and human rights law.

Moreover, detention of refugees and asylum-seekers should normally be avoided. Amnesty International opposes the detention of asylum-seekers unless they have been charged with a recognizable criminal offence, or the authorities can demonstrate in each individual case that the detention is necessary under international standards. Amnesty International calls for each asylum-seeker who is detained to be brought promptly before a judicial or similar authority to determine whether his or her detention is lawful and in accordance with international standards.

### **Background**

All airlines landing in Japan are held responsible for the proper travel documentation of its passengers. The airlines are also bound to provide facilities to house those people who have been denied entry to Japan. The airlines contract the work over several companies who provide 'security escorts' to people from immigration to the LPF where they are handed over to staff of another security company who operate the facility. When the facility is full, new detainees are taken by the "security escorts" to what is called a "rest house" (hotel room), a security guard remains outside of the room and the detainees are prevented from leaving until their deportation.

*Two security guards are on duty at the LPF during the day and night. There are presently two facilities in Narita Airport; Daiichi (first) facility for women, and Daini(second) facility for men. There are few female security staff employed by the security companies, and consequently mostly male staff stay guard at the Daichi facility meant for female detainees. At night, only male security guards are allowed to stay in the facility. It is also rare for Immigration officials to visit the facility. The lack of monitoring and safeguards at the facility creates the condition under which human rights violations can take place.*

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