

# Summary Complaint

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## Claim Summary

Each of the plaintiffs—Asanuma, Shibata, Amano, and Morimoto—requests that the court order the defendant to pay 1,100,000 yen to each of them, with annual interest at 3% starting from the day after this complaint is served until full payment is made. We also request that the defendant pay for all court-related costs. Finally, we ask the court to confirm that the company mentioned in the case is not a party to this lawsuit.

## Introduction

In many other countries, people accused of crimes are allowed to return home while waiting for trial. For example:

- Michael Jackson, charged with child molestation, was released on bail and later acquitted at trial.
- Huawei CFO Meng Wanzhou was arrested in Canada but was granted bail, and the charges were later dropped.
- Ippei Mizuhara, accused of stealing over \$4.5 million from Shohei Ohtani, was arrested and released on bail within hours.

In Japan, however, people in similar situations would likely be held in custody for months or even years before trial. During that time, they might lose their jobs, families, health, and property—before even being found guilty.

This goes against the basic principle of justice: that everyone is presumed innocent until proven guilty. In Japan, once someone is prosecuted, they are often treated as guilty and locked up, even though the law says otherwise. This practice, often referred to as "hostage justice," has drawn international criticism.

This lawsuit aims to change that. We seek to reform Japan's criminal justice system, especially the overuse of pretrial detention based on vague risks that a person might destroy evidence. We are asking the court to uphold human rights and return to a justice system based on fairness.

## Plaintiff Asanuma

Asanuma was arrested on March 14, 2024, on suspicion of indecent assault. They were detained for three and a half months despite denying all charges. Bail was denied four times, only being granted after the first trial session.

Asanuma is transgender and co-chair of Transgender Japan. During detention, they had to cancel all planned events and were denied proper medical care. They were treated

inappropriately by staff unfamiliar with transgender issues. On January 16, 2025, Asanuma was found not guilty, and the judgment was finalized.

### **Plaintiff Shibata**

Shibata was arrested in July 2019 on suspicion of drug and customs violations. He was indicted in August 2019. For 20 months, he was prohibited from any visits, even by family. He was sentenced to 10 years in prison, later reduced to 9 years. All bail requests were denied.

The courts justified this with vague fears and the fact that Shibata denied the charges. These actions harmed his ability to prepare a defense and maintain family connections.

### **Plaintiff Amano**

Amano was arrested in November 2018 on fraud charges. He has been in custody for over six years with multiple indictments and consistent denials of the allegations. Despite the lack of specific risk, bail has been denied repeatedly. A visitation ban is still in place.

This prolonged detention without trial highlights the systemic issue and contradicts both Japanese constitutional protections and international human rights standards.

### **Plaintiff Morimoto**

Morimoto was arrested in September 2023 for suspected indecent assault. The initial court denied detention, but the prosecutor's appeal overturned it. The first bail request in December was denied. Bail was finally granted in January, with only minor changes in conditions. He lost a new job due to the detention, showing how arbitrary and damaging these decisions can be.

## **Legal and International Background**

The presumption of innocence is a fundamental right, protected by Article 14(2) of the International Covenant on Civil and Political Rights (ICCPR), which Japan has ratified. Article 9(3) of the ICCPR states that detention before trial should be the exception, not the rule.

In Japan, pretrial detention is too common. Courts often deny bail based on speculative concerns about destroying evidence. When a person denies charges, their chance of bail drops significantly. This discourages people from maintaining their innocence and pressures them to confess.

## **Impact of Detention Beyond the Legal Case**

Detention affects more than the legal process—it damages lives. Jobs are lost. Families suffer. Mental and physical health declines. Even after being released or acquitted, many people face ongoing social stigma.

The plaintiffs experienced all of this: canceled treatments, lost income, broken relationships,

and lasting emotional harm. The legal system must recognize these effects and ensure that detention is only used when absolutely necessary.

### **The Law: Articles 60 and 89**

Article 60(1)(ii) of Japan's Code of Criminal Procedure allows detention if there is a risk that the accused may destroy evidence. Article 89(4) allows denial of bail for the same reason. These articles are the legal basis used to justify the prolonged detention of the plaintiffs.

However, these laws are vague and broad. Courts use them even when there is no concrete risk. Simply denying charges or remaining silent—both legal rights—is often treated as justification for detention.

This violates Japan's Constitution: Article 13 (personal liberty), Article 31 (due process), Article 33 (warrant requirement), and Article 34 (no detention without lawful cause), among others. It also violates the ICCPR.

In practice, these provisions are used to punish those who assert their innocence and to extract confessions. This is unconstitutional and inhumane.

### **Conclusion**

All plaintiffs in this case were subjected to unjust pretrial detention. They suffered real harm without trial or conviction. This practice goes against the Constitution and international law.

We ask the court to declare Articles 60(1)(ii) and 89(4) unconstitutional and to order the defendant to compensate the plaintiffs for the damage they have suffered.

This case is about justice for the individual—but it is also about changing a flawed system. It is about protecting human dignity, upholding the rule of law, and ensuring that no one is punished without proof.