

Case highlights problems in criminal justice system

Spray dryer execs wrongly indicted: court

KARIN KANEKO
STAFF WRITER

The Tokyo District Court on Wednesday ordered the central government and the Tokyo Metropolitan Government to pay ¥160 million in damages to a machine manufacturing company, ruling that the firm was wrongly accused of exporting equipment that could be converted into weapons without government approval.

The case involving Ohkawara Kakohki, a Yokohama-based manufacturer of spray dryers, has once again highlighted problems in the nation's criminal justice system. In Japan, interrogations by police and prosecutors are conducted in closed rooms without the presence of defense lawyers, which has resulted in a number of coerced confessions and wrongful prosecutions of innocent individuals.

Presiding Judge Tsuyoshi Momosaki issued the order for damages to be paid, having ruled that the arrest, detention and indictment of the firm's three executives was illegal. The plaintiffs, which included the firm, two executives and the family members of a deceased employee, had sought damages totaling of ¥560 million.

Judge Momosaki said that the police could have obtained evidence that the equipment did not meet the criteria to be subject to export regulations if they had followed protocol and carried out the investigation properly, and that the prosecutors indicted the firm with insufficient evidence.

In March 2020, Masaaki Okawara, the president of the firm, and two other senior officials, were arrested on suspicion of violating the Foreign Exchange and Foreign Trade Law, despite fully cooperating with the investigation for about 15 months through February 2020. The three were indicted in March 2020, but prosecutors dropped their charges in July 2020, days before the first court hearing.

One of those arrested, Shizuo Aijima, who

was a senior adviser at the firm, died from cancer after falling ill during his detention. His requests for bail had been denied eight times by prosecutors and judges.

Spray dryers are used to form a dry powder from a liquid by spraying it into hot air to evaporate moisture. They are used to manufacture a wide range of products such as instant coffee and medicine, but they can also be used to develop biological weapons.

As such, products with certain specifications are subject to export controls by the Australia Group, a multilateral export-control arrangement involving 42 countries, including Japan, and the European Union.

Under this arrangement, companies in Japan making certain spray dryers must obtain approval from the Economy, Trade and Industry Ministry before exporting them.

The police alleged that the company was aware the spray dryers they exported were subject to regulations but chose not to obtain approval.

Okawara maintained his innocence throughout the investigation, stating that he had judged that their spray dryer did not require government approval.

While in custody, Okawara and two other senior officials — Junji Shimada and Aijima — exercised their "right to remain silent" during the interrogation, intending to prove their innocence in court.

Okawara and Shimada, who was the director in charge of exports, were finally granted bail in February 2021. Aijima died in detention, two days after the other two were granted bail.

In July 2021, in an extremely rare scenario, the prosecutors voluntarily dropped the charges, citing difficulty in proving that the equipment was subject to export controls. Head prosecutor Takako Tsukabe, however, maintained that there "was no error in her decision to prosecute them" and said that she would do it again if assigned the same case, according to media reports.



The Opera House, with its shell-shaped roof at Bennelong Point in Sydney is a source of immense pride for many Australians. TOMOKO OTAKE

The Sydney Opera House's unsung hero

Japanese architect Yuzo Mikami gets spot in the limelight 50 years later

TOMOKO OTAKE
SYDNEY
STAFF WRITER

The Sydney Opera House has been celebrating its 50th anniversary this year, bringing back memories of the much dramatized, colorful past that led to its completion.

The multipurpose performance arts center at Sydney Harbour is an iconic structure featuring a shell-shaped roof. As a tourist destination at the scenic Bennelong Point, it attracts over 10 million visitors a year. But it's not just that — it's also a symbol of innovation and creativity, as well as a source of immense pride for many Australians.

A lesser-known fact is that a Japanese architect was heavily involved in the creation of this masterpiece, which was added to the UNESCO World Heritage list in 2007. From 1958 to 1961, Yuzo Mikami (1931-2020) worked closely with Jørn Utzon, the Danish architect who came up with the structure's design, in a studio nestled in a beech forest in Denmark.



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Prosecutors raid LDP lawmaker's home, offices

ERIC JOHNSTON
STAFF WRITER

Tokyo prosecutors raided the home and offices of Liberal Democratic Party lawmaker Yoshitaka Ikeda on Wednesday, the latest development in a deepening political slush fund scandal that has shaken the world of Japanese politics.

The raids marked the first time in the scandal that a member of parliament's home and office were both searched.

Prosecutors entered Ikeda's Tokyo dormitory for lawmakers, his Nagoya apartment, and his Tokyo and Nagoya offices on suspicion that he violated the Political Funds Control Law by not reporting income from the excess sale of tickets for fundraising parties. They also searched the Nagoya home of Ikeda's political secretary, who is treasurer of his fund management organization.

The Lower House lawmaker is part of the 99-member faction that was led by the late Prime Minister Shinzo Abe. The group is thought to have systematically underreported about ¥500 million in ticket sales for fundraising events in the five years through 2022.

On Dec. 8, Ikeda's fund management organization revised its income and expenditure report by stating it had received ¥32.08 million from the Abe faction between 2020 and 2022. His office said it made the correction to the funds report after determining that the money should have been listed as a donation. Ikeda is suspected of having possibly received over ¥40 million in kickbacks in the five years since 2018.

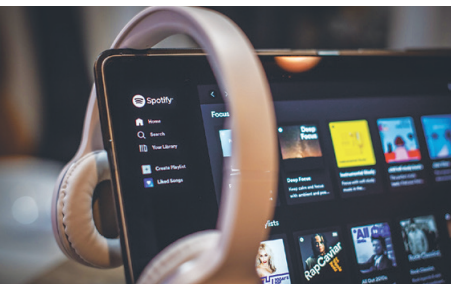
The Political Funds Control Law obliges treasurers of political organizations to submit income and expenditure reports. Penalties for failing to file such information include imprisonment for up to five years or a fine of up to ¥1 million (\$7,000). If a member of parliament is aware of the details, he or she can be charged with conspiring with the accountant.

Prosecutors have centered their investigation on the Abe faction, formally known as the Seiwai Seisaku Kenkyukai, and its system of kicking back funds from party event ticket sales to lawmakers if they exceeded their faction-determined sales quota, with this extra money not being recorded. Most of the Abe faction's members are believed to have received kickbacks.

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Netanyahu says Hamas must be destroyed

NIDAL AL-MUGHRABI, BASSAM MASOUD AND EMILY ROSE
CAIRO/GAZA/JERUSALEM
REUTERS

Israeli shellfire slammed into the central Gaza Strip on Tuesday after Prime Minister Benjamin Netanyahu pledged no respite in attacks on Hamas and as residents of the coastal enclave mourned more dead in a war that has cost more than 20,000 Palestinian lives.

Israel is determined to pursue its goal of destroying Hamas despite global calls for a cease-fire in the 11-week-old war amid concerns the conflict could spread, with U.S. and Iran-aligned forces attacking each other elsewhere in the region.

Since Hamas made the deadliest Palestinian militant attack on Israel in the country's 75-year history on Oct. 7, Netanyahu has responded with an all-out assault on Hamas-ruled Gaza. On Tuesday, the Israeli military said 160 soldiers had so far been killed in Gaza since ground operations began on Oct. 20.

"Seventy-five years of suffering, our rights taken, our country seized, and our people



slaughtered. Our rights, as people, are justifiable. What can we do?" said Mariam al-Omsi, walking along an alleyway after an airstrike in Shaboura camp, near the town of Rafah in southern Gaza.

At Nasser Hospital in Khan Younis, the largest medical facility in southern Gaza, medics said 10 Palestinians had been killed in two separate Israeli airstrikes.

Khan Younis resident Salah Shaat said he

Smoke rises over Gaza on Tuesday. Israel is conducting an all-out assault in order to destroy Hamas despite global calls for a cease-fire in the 11-week-old war.
REUTERS

had heard a huge explosion at sunset on Monday that destroyed a building.

"There were displaced people and residents inside the house, more than 20 people, children and women. We managed to rescue some children, but the rest were martyred," he said.

In Jerusalem, Israel's military said the air force carried out a strike against 100 Hamas targets, including tunnel shafts, to assist ground forces.

It said in a statement that in Shejaia, a suburb near Gaza City, troops backed by aircraft killed several fighters spotted trying to plant a bomb underneath a tank. More than 10 fighters were killed in separate incidents in Khan Younis.

Netanyahu, who visited Israeli troops in northern Gaza on Monday, told lawmakers from his Likud Party that the war was far from over and dismissed what he cast as media speculation that his government might call a halt to the fighting.

Netanyahu said Israel would not succeed in freeing the remaining hostages held by Hamas without applying military pressure.

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Roundtable:

Sustainability with Ross Rowbury

New date and time:
Tuesday, Jan. 9, 2024

10:30 to 11:40: Talk session
11:50 to 13:00: Lunch and discussion
Location: The Japan Times

Audience participation limited to 10 people.
To join, use the QR code or visit:
https://peatix.com/event/3789924



How the Japan Times is shaping the narrative for environmental progress



Guest: Chris Russell
Senior News Editor at The Japan Times
Chris Russell is a senior news editor at The Japan Times, and in that role he helps shape the paper's business coverage and jointly oversees the Our Planet page focused on the environment and climate change. He also finds time to write stories of his own, covering everything from U.N. climate negotiations to Tokyo's club scene.

Contact: jtc-csinfo@japantimes.co.jp Roundtable by **the japan times**