

THE ZEIT GIST

Police in dock over rape

Victim alleges coverup after key evidence of attack destroyed, lost

By MICHAEL H. FOX

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Crimes by women and crimes against women in Japan receive uneven coverage in the press. Female suspects, particularly those charged with serious offenses, are so thoroughly skewered in the media that defense attorneys often complain that a fair trial is near impossible. Crimes against women receive little attention unless, for example, the woman is a well known figure, Caucasian, or the perpetrator is a U.S. serviceman charged with a sexual crime.

Nobody knows this better than Masako Hirano. Her world changed abruptly in the wee hours of June 13, 1995. At approximately 2:30 a.m. she was raped by a stranger who entered her apartment brandishing a knife and carrying rope. After the sexual assault, he showered, drained a carton of milk and emptied her wallet before leaving.



Masako Hirano

Later that morning — against the wishes of her parents, concerned about her future marriage prospects — she reported the case to the police. Detectives searched the apartment and removed 14 items for forensic testing and possible use as evidence.

At the police station, Hirano began looking at photos of suspects. Two visits brought no results. On the

third visit she identified the perpetrator. The detective appeared pleased yet unsurprised.

"Well, what do you know? It's a student."

Hirano felt a sense of relief knowing that justice was not far off.

After a photo array identification, the next step in normal police procedure is the lineup. Hirano requested that the identification be postponed a couple of weeks. She was preparing for a stage play and wanted to stay focused. Suffering from the symptoms of post-traumatic stress disorder — guilt, anger, nervousness, insomnia and loss of appetite — participating in the play was therapy. The detective readily agreed to the request.

The Okegawa case

Saitama, 1999 — After a 21-year-old woman ends a relationship with her abusive boyfriend, he begins to defame her with leaflets. She files a complaint with the police. In order to avoid paperwork, the complaint is doctored and ignored. The harassment continues, and she files a complaint charging the police with inaction. The police still resist, and even visit her home to request a withdrawal. The young woman dies violently, stabbed to death by four men in broad daylight near JR Okegawa Station.

Her parents file suit demanding ¥110 million in compensation. Despite the discovery that official documents regarding the case had been falsified, the courts award only ¥5.5 million and rule that there was "no clear link between the murder and the failure by police to take action." Despite the paucity of the award and the ruling, this case galvanized public opinion against the police and resulted in a complete overhaul of procedures for recording and treating sexual complaints.

Many criminologists believe that the recent recorded rise in crime in Japan is partly the result of proper recording of crimes that would have previously been ignored.

Finally prepared to face her accuser, Hirano received a cryptic call from the investigating detective.

"We want you to come to the station and discuss the items taken as evidence," he said.

"Regarding the material evidence, you don't want it back, do you?" he asked her at the station. "Well, you don't need it, so we want to dispose of it. Anyway, it's not so important, so if you have your 'hanko' (personal seal), just stamp the document and the investigation will proceed."

In Japan, where obedience to authority is ingrained from day one of school, saying no to the police is hardly easy. Hirano

reluctantly stamped the document.

And what about the lineup?

"Oh, well, that guy you saw. Um, ah . . . there's been some mistake."

Hirano could see through the facade. "The sky came crashing down on my head," she said in an interview. "Just as I was getting healthy, I felt I had been raped again. I had a relapse of PTSD and fell into a deep depression."

Still, Hirano maintained a flicker of hope. She decided to wait and see what happened next.

Five years passed. In November of 2000, a stronger, healthier Hirano called the station to inquire about the status of the investigation. After being given the runaround, she threatened to take action.

"How about if I take this to the press and let it explode like the Okegawa case?" she said, referring to a high-profile murder that galvanized public opinion against the police (see box).

The detective responded by inviting Hirano to the station, where she was given a lesson in police obfuscation.

"Of the 14 pieces of material evidence, five have been destroyed."

And what about the suspect identified in the photo array?

"It seems the paperwork for your case is missing — his picture, everything." But, the detective added, "Taking this to the media will not help the investigation."

Hirano left the station in a rage. It was time to go to the press. Several hours later, she received a second shock. A detective left a message on her phone.

The Raelyn Campbell case

Tokyo, 1999 — Raelyn Campbell, an American attorney working as a parliamentary foreign policy aide, was sexually assaulted upon entering her apartment in broad daylight. She overpowered her assailant and turned him in to the police.

Since the perpetrator had shown "remorse," the incident was recorded as "a minor molestation." The assailant was released and no indictment was filed.

After a massive protest led by the foreign community — with thousands of faxes and e-mails sent to the Tokyo police and the

"The story will run in tomorrow morning's Kobe Shimbun."

prime minister's office — the assailant was arrested and charged.

The following day, two articles based on police briefings, headlined "Nishinomiya Police Department loses evidence" and "Records missing: investigation unaccounted for," appeared in local newspapers. Rather than be thrown to the lions, the police had announced their own mistakes, constructing an artificial veneer of accountability.

DNA evidence and suspects' pictures should not mysteriously disappear. Is there an explanation? Hirano's supporters believe the culprit is the son of someone influential: a police official, politician, prosecutor or judge.

After seeking legal advice, Hirano filed suit against the Hyogo Prefectural Police seeking ¥3 million in damages. Statistically, the chance of winning such a suit is practically nil: 99 percent of all suits against the state in Japan fail. However, forcing the police onto the witness stand, and airing their dirty laundry in public, would itself be a triumph.

The trial began in Kobe District Court. Police officials sat at the defense table next to their attorneys looking despondent and gripping their stomachs. From the gallery, it looked like they were suffering from ulcers. After a relatively short trial, a minor miracle occurred. On Oct. 29, 2003, the Kobe District Court sided with Hirano. The police were found guilty of negligence and ordered to pay ¥200,000. Though hardly suitable recompense for her suffering, and less than 10 percent of what she demanded, Hirano was elated.

The 'Jane' case

Yokosuka, Kanagawa Pref., 2002 — An Australian woman known in the media as Jane was raped by an American sailor. Police denied her medical attention for more than six hours, during which time she was forced her to re-enact the assault as part of the investigation. The rapist was not charged.

Jane brought a civil suit against the assailant and was awarded ¥3 million in damages, only to find

The elation was short-lived. The police appealed, and the more conservative Osaka High Court took their corner. It declared that Hirano waived all rights when she affixed her seal to a document allowing disposal of the evidence. The district court decision was

that he had returned to the U.S.

Jane sued the police for malfeasance, alleging the investigation violated her human rights. The court concluded police had acted according to procedure and dismissed the suit. Currently being appealed.

overturned and the monetary awards were thrown out. The Supreme Court, always a friend to the forces of authority, concurred with the high court. Hirano's case was

dismissed.

The stinging defeat had a touch of sweetness: one of the five justices sided with Hirano and blasted the high court's decision.

Hirano is now very much at peace with herself.

"People believe that the police do nothing wrong, and we should leave everything to them. But they are just as bad as the criminal who raped me. So many people in my position just lie in bed and try to cry their sadness away. I admire 'Jane,' the Australian woman who, like me, stood up to the system. I hope that our actions will cause others to do the same."

Michael H. Fox is an associate professor at Hyogo University. He researches wrongful arrests and police malfeasance. Send comments on this issue and story ideas to community@japantimes.co.jp

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