

NATIONAL / CRIME & LEGAL

In reversal, Tokyo High Court rules government not responsible for Ghanaian deportee's death

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In a reversal, the Tokyo High Court determined Monday that the government was not responsible for the 2010 death of a Ghanaian allegedly subjected to excessive force by immigration authorities while being deported.

In overturning a lower court's ruling, presiding Judge Izumi Takizawa said the level of physical force used by officials to restrain Abubakar Awudu Suraj, who was 45 years old at the time of his death, was "not illegal" and even "necessary."

"Immigration authorities' effort to subdue him was necessary to ensure his deportation would go smoothly," Takizawa said.

"They are not culpable" for his death, the judge concluded.

The ruling overturns an order by the Tokyo District Court in March 2014 that the government pay a combined ¥5 million in compensation to his widow, who is a Japanese citizen, and his mother, who lives in Ghana.

The earlier ruling, which also held immigration officials responsible for Suraj's death, was believed to be the nation's first-ever court decision subjecting government officials to damages payments in connection with the death of a non-Japanese they mistreated.

The plaintiffs have yet to decide whether to appeal the latest ruling, their lawyers said.

"The ruling is irrational. I'm deeply disappointed. I'm in shock," Suraj's 54-year-old widow, one of the plaintiffs, told reporters after the ruling. She has asked to remain anonymous.

As it adjourned, the court descended into a momentary state of pandemonium as irate supporters of Suraj's family accused the judge of "being inhumane."

Suraj died in March 2010 aboard a private jet departing Narita International Airport during his deportation for overstaying his visa.

Prior to takeoff, a group of immigration officials who accompanied him aboard the plane bound his arms and legs, gagged him with a towel and bent him forcibly forward, in what was seen as an attempt to keep him from resisting. He was found dead shortly after being subdued.

Prior to his deportation, he had "stubbornly" resisted an attempt by immigration officials to repatriate him by screaming and clinging to an airport pillar, Takizawa said.

The second time around, he proved similarly recalcitrant, refusing to board the jet and articulating his intention to thwart the deportation, the judge said. Such an attitude, he went on, justified measures by officials to pre-empt any kind of violent outburst.

Also at issue was the cause of death.

In its 2014 ruling, the Tokyo District Court determined that, contrary to claims by authorities, Suraj had suffocated as a result of being forced into a crouching posture.

Citing the results of an autopsy that revealed the man had a minor heart condition called a cystic tumor of the atrioventricular node, immigration officials had originally blamed his death on a heart attack stemming from the tumor. They said Suraj had “happened to” suffer an attack at precisely the moment he was restrained.

Monday’s ruling said that although it is possible authorities’ use of force triggered an erratic heartbeat that led to his death, the tumor is so rare that there is no way officials could have predicted his death.

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