

once again to indicate whether thorough consultations have been held in respect of this issue and whether any final agreement has been reached.

Case No. 2304 (Japan)

- 116.** At its November 2005 meeting, the Committee examined this case, which concerns the arrest and detention of trade union officers and members, massive searches of trade union offices and residences of trade union leaders, and confiscation of trade union property. On that occasion the Committee requested the Government: to clarify the scope of the suspension of the prosecution of three suspects (Tokyo Station incident) and in particular, to indicate whether all charges against them had been dropped; to continue to keep it informed of the progress of the judicial proceedings and to provide it with the final judgement on this case; to keep it informed of developments as regards the proceedings filed by the Japan Confederation of Railway Workers' Union (JRU) (state liability, compensation for unreasonable search and confiscation) in the Tokyo District Court, and to provide it with the court's judgement once issued. As regards confiscated items, the Committee noted that the Tokyo Public Prosecutor's Office still retained several items seized during the search raid and, in particular: 857 items linked to a coercion case; 34 items linked to a violation of the Law on Punishment against Violent and Other Acts ("the Law"), 22 of which were seized again later by the Metropolitan Police Department; 12 other items and documents that, according to the Government, could not be returned because their original possessors refused the offer of return. The Committee requested the Government to ensure that all items confiscated in relation to the cases of coercion and violation of the Law be returned as soon as possible, and to continue to keep it informed of progress made in this respect. The Committee further requested the Government to provide details on the 22 items initially seized as part of the investigation of the Tokyo Station incident and were later re-confiscated [see 338th Report, paras. 207-221].
- 117.** In a communication dated 20 December 2005, the complainant JRU states that, despite the ILO recommendations, the Government has again infringed on trade union rights. The police and judicial authorities used false charges of "embezzlement" to raid ten sites, including the union offices and officers' houses, and confiscated again more than 2,000 items, as follows. On 7 December 2005, some 80 police officers of the Tokyo Public Safety Bureau raided a JRU office in the Meguro Satsuki Kaikan, searched the building for four days and seized 1,395 items, including some personal items belonging to persons who were in the office. The police also seized: 390 items at the office and warehouse of the East Japan Railway Workers' Union (JREU); 40 items from the training facilities managed by the JREU; and 358 items from eight locations, including residences of JRU officers and ex-officers. According to the list provided by police, 2,194 items were confiscated. The JRU gives a long list of examples of items seized.
- 118.** In a communication dated 28 February 2006, the JRU confirms the contents of its previous allegations, mentions that the police gave misleading information on the number of items returned to the complainant, in response to the Committee's recommendations. The JRU also states that the first oral arguments were heard on 21 February 2006 as regards the proceedings filed earlier, and that it has filed three other lawsuits (search of private residences; arbitrary interference with JRU's operations; abuse of power by authorities). The JRU also complains about the unfairness of the judicial process, due in particular to several replacements of judges, long delays and multiple hearings.
- 119.** In its communication dated 15 March 2006, the Government states that the "suspension of prosecution" [see 338th Report, para. 217] is one of the methods of non-institution of prosecution (based on article 248 of the Code of Criminal Procedure) at the prosecutor's discretion, depending on the circumstances of the offence. In this case, the Prosecutor's

Office decided on 16 March 2005 to suspend the prosecution of the three suspects for the so-called Tokyo Station incident.

- 120.** As regards the return of seized items, the Government states that the authorities have returned, and will continue to return, the seized items to their rightful owners, once it is established that such items are less important for proving a case: (a) concerning the “Urawa Train Depot” incident, the authorities returned 161 items to the complainants on 25 November 2005, and 148 other items as of 28 February 2006; out of 1,870 items seized, 1,161 have already been returned and 13 others will be returned any time. The Prosecutor’s Office will return the remaining items as and when considered appropriate, in the process of the criminal trial; (b) as regards the so-called Tokyo Station incident, the 12 items which had been refused by their owners were returned in July 2005; all 1,039 items seized in this incident, except for the 22 seized again by police, have already been returned to their possessors.
- 121.** The embezzlement case [see 338th Report, para. 220] concerns some members of the JRU and other groups, who are accused of private embezzlement of funds entrusted to them on behalf of the JRU. As the case is now under police investigation, the Government will decide whether to provide detailed information to the Committee, on the basis of further developments in the inquiry. The legal action for state liability and compensation [see 338th Report, para. 221] filed by the JRU in 2004 against the Government and the Tokyo Metropolitan authorities, is currently pending before the Tokyo District Court.
- 122.** *The Committee notes the information provided by the complainant and the Government, including the fact that no proceedings have been filed against the three persons involved in the Tokyo Station incident. The Committee also notes the information provided by the Government as regards the seized items, and requests it to continue to provide updated information in this respect. The Committee further requests the Government to keep it informed of developments as regards the various legal proceedings that are currently pending, against the complainant members, or against the authorities (state liability; unreasonable searches; confiscation), and to provide it with the judgements as soon as they are issued. Finally, the Committee requests the Government to provide its observations on the supplementary allegations made by the complainant organization in its communication of 28 February 2006.*

Case No. 2109 (Morocco)

- 123.** The Committee last examined this case at its November 2005 meeting. It concerns the dismissal of eight trade unionists working for the Fruit of the Loom company, as well as acts of anti-union repression following the establishment of a trade union office. On that occasion, the Committee [see 338th Report, paras. 232 to 235]:
- hoped that the judicial decisions concerning Mr. Abdellah Sainane and Mr. Lahcen Toufik would be implemented promptly;
 - urged the Government to provide information relating to the situation of the workers on whom information had been missing;
 - hoped that the decision of the Rabat Court of Appeal regarding the reports of the Labour Inspectorate would be communicated to it as soon as possible;
 - requested the Government to keep it informed of the outcome of the inquiry being carried out by the Royal Gendarmerie on the unauthorized collective dismissal.
- 124.** In a communication dated 15 February 2006, the Government states that, with regard to the unauthorized collective dismissal, Mr. Abdel Malek el Wassini, former director of the Fruit of the Loom company, was convicted *in absentia* and ordered to pay a fine of 2,000