

Murder suspect likely to stay in Japan, experts say

Legal experts said on Tuesday that a Chinese suspect who will stand trial in Japan after being accused of killing a Chinese woman last year is unlikely to be returned to China, but the victim's mother could file a civil lawsuit in China to demand compensation if the man is convicted.

Jiang Ge, 24, a graduate student from Qingdao, Shandong province, who was studying in Japan was found dead with multiple stab wounds in the corridor of her Tokyo apartment on Nov 3 last year.

Japanese police said in late November that they had arrested a suspect, Chen Shifeng, who is the ex-boyfriend of Jiang's roommate Liu Xin. Chen was charged with murder in December.

The case will be publicly heard in Tokyo on Dec 11, and is expected to last five days.

Although China has made no request for Chen's return, the topic has been widely discussed on social media.

Huang Feng, a law professor specializing in international criminal law and international legal cooperation at Beijing Normal University, said there is little chance Chen will be extradited from Japan.

"Chinese judicial authorities can handle the case only when the suspect is controlled by us, but now he isn't," he said. "Meanwhile, Japan will refuse any request from China to return Chen, because the case is going to be tried. The crime happened in Japan, so it will be better to handle it in that country. It's more convenient for Japanese police to investigate."

There is no extradition treaty between the two countries, he added.

Ruan Chuansheng, a criminal lawyer who studied international judicial cooperation in Shanghai, agreed. Based on his past research, when a non-Japanese person is involved in a crime in Japan, the country will not repatriate the person it is investigating, regardless what kind of visa is carried, Ruan said.

"Solving the case is the priority," he said.

If extradition is pursued, China would normally make the request, he added. "But so far it hasn't done that, so I don't think Chen's case will be transferred."

Both legal professionals said the victim's family could seek compensation by filing a civil lawsuit against Chen in a Chinese court if he is convicted.

The victim's mother, Jiang Qiulian, has petitioned the Japanese government

for Chen to receive the death penalty should he be found guilty.

“No matter whether Chen is in China or not, the mother has the right to appeal to a Chinese court, such as one in Qingdao, for compensation under the Civil Procedure Law,” Ruan said.

He added that courts usually will not accept such a case until a defendant has been convicted and sentenced. Huang said a conviction would strongly support a civil lawsuit against a killer, who may or may not have the resources to pay.

While courts do not force family members to pay compensation for the crimes of adult relatives, payment arrangements may be made privately, outside the court system, by family members.

In seeking a death penalty, the victim’s mother, Jiang Qiulian, who is currently in Japan, held four activities to drum up support, gathering signatures in Tokyo’s Ikebukuro district over the weekend. An online petition to collect signatures is still ongoing, according to the mother’s micro blog on Thursday, but it is set to end on Nov 30.