



# General Assembly

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## Human Rights Council

### Thirty-third session

Agenda item 3

**Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development**

### **Joint written statement\* submitted by Human Rights Now, non-governmental organizations in special consultative status**

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[29 August 2016]

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\* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

## **Suppression of civilians peacefully protesting US military bases in Okinawa, and violations of the rights of the Ryukyuan/Okinawan indigenous people<sup>1</sup>**

### **1. Suppression of peaceful protests against the construction of new US military base facilities**

In Okinawa prefecture, in the southernmost part of Japan, there are 34 US Armed Forces facilities covering 10% of its area. New US Military facilities are currently being constructed, and the Japanese authority continues to use serious violence against peaceful protesters.

In Takae, Higashi Village, northern part of Okinawa, the US and Japan plans to construct a helicopter landing pad in the northern training zone where US forces reside. Furthermore, there is plan to build a US military base in the seaside area of Henoko, Okinawa. Peaceful protests by local residents against the construction, such as sit-ins, continue in the surrounding neighbourhood.

The Japan government has violently removed protesters as well as dispatched riot police, resulting in excessive use of force. In September, 2015, Japan Coast Guard members grabbed a protester by his throat, screaming and leaving him with neck injuries that required two weeks to heal.<sup>2</sup> In November 2015, Japan Coast Guard officers physically harmed civilians by excessive violence three days in a row.<sup>3</sup> Also, on January 20, 2016, a Japan Coast Guard officer caught filmmaker Asako Kageyama, who participated in the protests offshore Henoko, in a leg lock to seize her camera.<sup>4</sup>

Since July 19, 2016, the Japan government has deployed more than 100 riot police from all over the country to Takae, Okinawa.<sup>5</sup> Currently, 500 to 700 riot police currently surround Takae, with a population of about 160, and continue forcibly removing civilians sitting in front of the construction site gate. Riot police throttled several civilians by their throats, and a 72-year-old female protester was taken to the hospital for hitting her head.<sup>6</sup> Protesters have been unduly arrested and detained for only resisting the riot police's violence.<sup>7</sup>

On August 20, 2016, riot police physically restrained a local newspaper journalist reporting on the protest in Takae for 15 minutes after grabbing his arms and pushing his back for 40 meters into a space between parked police vehicles.<sup>8</sup>

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<sup>1</sup> Joint statement of Human Rights Now(HRN) and International Movement Against All Forms of Discrimination and Racism (IMADR)

<sup>2</sup> <http://www.japantimes.co.jp/community/2015/02/09/issues/injuries-okinawa-anti-base-protesters-laughable-says-u-s-military-spokesman/#.V8OTC62T7nc>

<sup>3</sup> <http://ryukyushimpo.jp/editorial/entry-176412.html>

<sup>4</sup> Japan Times, supra n. 1.

<sup>5</sup> <http://www.okinawatimes.co.jp/articles/-/54490>

<sup>6</sup> <http://ryukyushimpo.jp/news/entry-343437.html>

<sup>7</sup> <http://www.okinawatimes.co.jp/articles/-/58894>

<sup>8</sup> <http://this.kiji.is/140199620190143997>

This kind of excessive use of violence, continuing daily, endangers safety of local people and violates their rights to protest.

## **2. US military bases and violations of the rights of indigenous people**

The government's suppression against peaceful protesters in Henoko and Takae also constitutes a violation of the rights of Ryukyu/Okinawa's indigenous people.

### **(1) Heavy concentration of US military bases in Okinawa**

74% of US forces' exclusive-use facilities are concentrated in Okinawa.<sup>9</sup> As of the end of June 2011, the total number of US forces in Japan including army, navy, air force and marines was 36,712, 25,843 (70.4%) of which are deployed in Okinawa. 15,365 (87.4%) of 17,585 US marines in Japan are deployed in Okinawa.<sup>10</sup> US forces in Japan ceased releasing their numbers in Okinawa in June 2011, and the actual number is unknown since then.<sup>11</sup>

### **(2) Historical background of the construction of US military bases**

During and after WWII, the US military forcibly took much of the land of Okinawa's people. Despite numerous protests of local people, in 1956, the US forced citizens, including those in Henoko and Takae to choose either forced requisition or voluntary disposition of land for US military bases. The land was taken as a result of a painful choice by residents, but not under their free will.

In 1972, the US and Japanese governments made an agreement to return Okinawa to Japan with the condition that the US military be given a special privilege to use Okinawan bases without limitation, denying local residents' rights.

Thus, US military bases in Okinawa were built during and after WWII, ignoring the land rights of Ryukyuan/Okinawan people, and due to the Okinawan bases' existence, local people are denied their indigenous rights toward traditional land and natural resources.

### **(3) Violations of rights regarding the relocation of US military bases**

On July 1, 2014, when house demolition started in Henoko for the relocation of U.S. Air Station Futenma, people opposing the relocation began sit-ins in front of the gate.<sup>12</sup> The Japanese government designated restricted areas around the ancestral regions of Cape Henoko and Oura Bay, without consultation with and consent of local people, and since then forcibly removed protesters through violence. Ryukyuan/Okinawan people have been banned from entering their ancestral region and threatened to be arrested for trespassing, and indeed many have been arrested.

In Takae, Higashi Village, which is abundantly blessed with nature, forests and rare wildlife, construction of 6 large helicopter landing pads surrounding the community is planned, and 2 of them have already been

<sup>9</sup> <http://ryukyushimpo.jp/news/preentry-245387.html>

<sup>10</sup> Id.

<sup>11</sup> Id.

<sup>12</sup> <http://mainichi.jp/articles/20160706/k00/00e/040/236000c>

constructed. If all the landing pads are constructed, the indigenous people will be deprived of their ancestral land and residences due to noise and environmental destruction.

### **3. Violations of the freedom of assembly and the rights of indigenous peoples**

#### **(1) Freedom of assembly**

In 31th Human Rights Council(HRC), the Special Rapporteur on the rights to freedom of peaceful assembly and association and the Special Rapporteur on extrajudicial, summary or arbitrary executions submitted a joint report on the proper management of assemblies,<sup>13</sup> and made practical recommendations, including

“assemblies should be presumed lawful, subject to the permissible limitations set out in article 21 of the International Covenant on Civil and Political Rights”(Para18);

“when a State invokes national security and protection of public order to restrict an assembly, it must prove the precise nature of the threat and the specific risks posed. It is not sufficient for the State to refer generally to the security situation”(para31);

“Any use of force must comply with the principles of necessity and proportionality”;

“The necessity requirement restricts the kind and degree of force used to the minimum necessary in the circumstances, and “any force used should be targeted at individuals using violence or to avert an imminent threat”(para 57).

The HRC resolution A/HRC/31/L.21 strongly encourage all States to give due consideration to this practical recommendations as it provides useful guidance to implement States duty to respect the rights to peaceful protest.<sup>14</sup>

The use of force against peaceful protesters and journalists by the Japanese authority is clearly exceeding above “necessity minimum” requirement. Thus, the use of force constitutes grave violations of the rights to freedom of peaceful assembly and the right to press.

#### **(2) The rights of Ryukyuan/Okinawan people as indigenous people**

The UN Human Rights Committee<sup>15</sup> and the UN Committee on the Elimination of Racial Discrimination<sup>16</sup> recognize Ryukyuan/Okinawan people as the indigenous peoples.

In accordance with UN Declaration on the Rights of Indigenous Peoples (DRIP), the Japanese government must recognize and protect the indigenous people’s take measures to guarantee “right to the lands, territories and resources” and abides article 19’s principle of free, prior and informed consent (FPIC).<sup>17</sup>

Further, the Japanese government must undertake effective consultations with the indigenous peoples concerned, prior to using their lands or territories for military activities(Article 30).

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<sup>13</sup> [http://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session31/Documents/ A.HRC.31.66\\_E.docx](http://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session31/Documents/A.HRC.31.66_E.docx), paras, 18, 31, 57

<sup>14</sup> [http://ap.ohchr.org/documents/dpage\\_e.aspx?si=A/HRC/31/L.21](http://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/31/L.21), para. 1.

<sup>15</sup> concluding observations of the Japan’s sixth periodic report CCPR/C/JPN/6,

[http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CCPR%2fC%2fJPN%2fCO%2f6&Lang=en](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CCPR%2fC%2fJPN%2fCO%2f6&Lang=en)

<sup>16</sup> concluding observations of the on Japan’s third to sixth reports CERD/C/JPN/CO/3-6,

[http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CERD%2fC%2fJPN%2fCO%2f3-6&Lang=en](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CERD%2fC%2fJPN%2fCO%2f3-6&Lang=en)

<sup>17</sup> [http://www.un.org/esa/socdev/unpfii/documents/DRIPS\\_en.pdf](http://www.un.org/esa/socdev/unpfii/documents/DRIPS_en.pdf), Arts. 26, 19.

#### 4. Recommendations

Human Rights Now, IMADR and All Okinawa Council for Human Rights calls the Japanese government to

- Immediately cease violent removals and excessive policing to the people peacefully protesting the relocation and construction of US military bases in Henoko and Takae and journalists covering the situation in accordance with international human rights standards including ICCPR article 21.
- Ensure the citizens' rights to participate peaceful assembly protesting the US military bases in accordance with international standards including ICCPR article 21
- Ensure the rights of journalists to cover and report the peaceful assembly protesting the US military bases in accordance with international standards including ICCPR article 19.
- Recognize the Ryukyuan/Okinawan people as an indigenous people, and ensure the right to traditional land and natural resources and the right to "participate in decision-making in matters which would affect their rights" in accordance with article 26 and 18 of DRIP;
- Resolve the heavy concentration of US military bases in Okinawa by ensuring effective participation of the Ryukyuan/Okinawan people to the decision making process which abides by DRIP article 19's principle of free, prior and informed consent (FPIC).

All Okinawa Council for Human Rights, an Okinawa-based group NGO NGO(s) without consultative status, also share the views expressed in this statement.