

January 24th, 2017

To: Chief Justice of Supreme Court of Japan
Prosecutor - General

Statement to Request the Release of Mr. Yamashiro Hiroji

Mr. Yamashiro Hiroji, one of the leaders of nonviolent peace movement in Okinawa, was arrested for a quasi-flagrant offence on October 17th, 2016 and has been in detention for more than two months. While the repulsion among Okinawan people grew as the Government of Japan promoted the construction of U.S. military base in Okinawa, the police arrested Mr. Yamashiro three times. Each time the prosecutors office requested the presentencing detention, and the court admitted it. This is the infringement of freedom of political expression and due process of law by police administration and criminal justice of Japan, thus violates Article 9. 1 (prohibition of arbitrary arrest and detention), Article 9.3 (exception of presentencing detention), Article 19 (freedom of expression), and Article 21 (right of peaceful assembly) of the International Covenant on Civil and Political Rights, and the Declaration on Human Rights Defenders.

Mr. Yamashiro is the chairman of the Okinawa Peace Movement Centre, established for the protection of peace and democracy in Okinawa. It is a member of "All Okinawa Kaigi to stop the construction of new military base in Henoko". All Okinawa Kaigi's demands: withdrawal of Osprey; closing of Marine Corps Air Station Futenma; and abandonment of the plan to relocate it within Okinawa prefecture; which pushed Mr. Onaga Takeshi to become the governor of Okinawa. Backed up by this will of Okinawan people, Mr. Yamashiro has led the protest movement in the forms of sit-in and as such in front of Camp Schwab Marine Corps Base and Camp Gonsalves Okinawa Northern Training Area. He has continued leading the nonviolent protest in order to protect the forest and the sea of Yanbaru (the northern forest area of Okinawa) and Okinawa's peace while the Government of Japan sent large-scale riot police to stamp down the people's resistance.

On 13 October 2015, Governor Onaga revoked the approval of landfill in Henoko, however the Government of Japan enforced the construction. In order to stop the construction, hundreds of civilians gathered to lay concrete bricks in front of the gate of Camp Schwab in late January. Mr. Yamashiro said, "This is one of the protest measures we have. The bricks are the symbol of our resistance." It was done in front of policemen, but none of them stopped it. However on 29 November 2016, ten months after this

event, Mr. Yamashiro was arrested and put in detention together with three other civilians, despite the fact that Mr. Yamashiro was already under custody for another charge. It is believed that this arrest and detention were to suppress their nonviolent protest based on the political insistence.

Regardless of the fact that it is obvious there was no risk of destruction of evidence since the act of laying bricks took place right in front of policemen, the judge admitted such risk without careful consideration in the trial for the disclosure of the grounds for detention. Additionally Mr. Yamashiro suffered from serious illness last year and the detention may cause an irreversible damage on his well-being. The judge did not take appropriate consideration to this risk. The act of Mr. Yamashiro does not amount to a conduct to be denounced as a crime, therefore his detention cannot be justified as having "adequate case" in Article 34 of the Constitution of Japan. Furthermore, such long-term detention amounts to inhuman treatment prohibited by Article 7 and 10 of International Covenant on Civil and Political Rights and Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

While Mr. Yamahiro was put under detention, the Government of Japan completed the construction of Helipads in Camp Gonsalves Okinawa Northern Training Area and tries to resume the construction of U.S. military base in Henoko.

We are deeply concerned the effect on Mr. Yamashiro's health which long-term detention may cause.

We consider the detention of Mr. Yamashiro and other citizens as unfair suppression of freedom of political expression that violates the International Covenant on Civil and Political Rights, and request to put an end to this human rights abuse in a prompt mannerly.

We request to revoke the prosecution of Mr. Yamahiro and other civilians and release them immediately.

All Okinawa Council for Human Rights

The International Movement Against All Forms of Discrimination and Racism (IMADR)

Asia-Pacific Human Rights Information Center (HURIGHTS OSAKA)

Human Rights Now

Franciscans International