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Human rights situations that require the Council's attention

Joint written statement* submitted by the International Movement Against All Forms of Discrimination and Racism (IMADR), the Association of the Indigenous Peoples in the Ryukyus (AIPR), 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.

[24 August 2012]

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

Japan: Violation of human rights of indigenous peoples of Ryukyus / Okinawa – militarisation, crimes and accidents of US military personnel

Concentration and occupation of US military bases in Ryukyu Islands

74% of U.S. military bases in Japan are concentrated in Ryukyu-Okinawa with 24,612 US military personnel (as of September 2009).¹ In mainland Japan, 87% of the US military bases are built on state land. However, in Ryukyu-Okinawa, only 35% of the US military bases are built on the state land, while other 33% on private, 29% on municipal, and 3% on the prefectural land of Ryukyu-Okinawa. In total, 10.2 % of the land of Ryukyu-Okinawa is occupied by US military bases. Moreover, 28 water and 20 sky spaces of Ryukyu-Okinawa are under the control of the US military. One of the serious issues caused by this concentration i.e. massive presence of US military is the crimes and accidents of US military and its personnel, which is highlighted in the followings. However, it should be noted that the numbers presented here only reflect those which are officially reported to or recorded by Okinawa prefecture.

Accidents caused by US military and its personnel²

In total, 1545 cases of accidents caused by US military or its personnel were reported to Okinawa prefecture between 1972 and 2010 (annual average about 41 cases). They include 43 cases of aircraft crash, 367 cases of forced (or crashed) landing and 520 cases of fires caused by military manoeuvres. In addition, in total of 2588 cases of traffic accidents caused by US military personnel were recorded for the period between 1981 and 2010 (annual average about 89 cases).

One of the recent and major accidents was the crash of the US military helicopter CH-53D on August 13th 2004. In this accident, the helicopter CH-53D lost its control and crashed into the premise of Okinawa International University in Ginowan city. Through the crash and explosion of the helicopter, a part of the main building of the University, 29 private houses and 33 private cars were damaged.

The US Futenma Airbase is located in the middle of the Ginowan city i.e. residential area, surrounded by the said university, 8 hospitals, 10 elementary schools, 5 junior high schools, 4 high schools, 121 public facilities including nursery schools and kindergartens.

Crimes by the US military personnel³

Between 1972 and 2010, there were in total of 5705 arrests of US military personnel (annual average about 150 arrests). This number consists of among others, 564 arrests for atrocity,⁴ 1037 arrests for violence,⁵ 2859 arrests for theft, 235 arrests for intellectual crimes and 66 arrests for public moral offences.

¹ Also refer to the written statement of IMADR to 20 HRC (A/HRC/20/NGO/20).

² Okinawa Prefecture: Current Situation and Challenges of US military bases, <http://www3.pref.okinawa.jp/site/contents/attach/24230/kadai.pdf>.

³ Ibid.

⁴ Including murder, rape, arson and robbery.

⁵ Including assault, injuring persons, threat and extortion.

According to the Ministry of Foreign Affairs of Japan, 5367 cases of crimes by US military personnel were recorded between 1964 and 1968, including 504 atrocity cases.⁶ However, the rate of prosecution of these crimes amounted only 33.6 %.

The extreme situation in Ryukyu / Okinawa

The below chart shows the number of crimes and accidents caused by U.S. military personnel in Japan and in Ryukyu / Okinawa between 2001 and 2010.⁷ As compared to the number in Japan, the number of crimes and accidents occurring in Ryukyu / Okinawa is extreme high.

Crimes and accidents by US military personnel (2001 – 2010)

<i>Year</i>	<i>During duties</i>	<i>Off duties</i>	<i>Japan</i>	<i>Ryukyu</i>	<i>Total</i>
2001	345	1,388	782	951	1,733
2002	317	1,624	885	1,059	1,944
2003	315	1,764	920	1,159	2,079
2004	255	1,611	856	1,010	1,866
2005	239	1,516	743	1,012	1,755
2006	193	1,356	596	953	1,549
2007	224	1,288	559	953	1,512
2008	186	409	377	218	595
2009	231	332	407	156	563
2010	212	361	407	166	573

According to the Ministry of Defence, the decrease in the number after 2008 is to be attributed to the personal-data-protection ordinance which prevents the comprehensive disclosure of information on these cases.⁸ It is also to be noted that these numbers only reflect the cases which were necessary to carry out its mandate of dealing with claims according to the Article 18⁹ of the Japan-US Status of Forces Agreement, as stated by the Ministry of Defence of Japan.

⁶ <http://ryukyushimpo.jp/news/storyid-185512-storytopic-111.html>.

⁷ Based on the statistics of the Ministry of Defense of Japan „Record of crimes and accidents by US military personnel and the payment of compensation”, <http://www.mod.go.jp/j/presiding/touben/169kai/san/situ109.html>, <http://www.mod.go.jp/j/presiding/touben/169kai/san/tou109.html>.

⁸ The personal-data-protection ordinance (in effect since April 1st 2005) aims to protect personal rights and his/her benefits by determining the way of the treatment of personal information by any relevant entrepreneurs.

⁹ The Article 18 of this agreement provides the right of individuals to demand compensation for damages caused through crimes or accidents by US military personnel in his/her official duty. The Regional Defense Facilities Administration Bureau receives claims by victims and assesses the amount of compensation. The Defense Facilities Administration Agency consults with the U.S. Armed Forces in Japan and make the final decision. If the U.S. Military is decided as accountable, it is ruled that 25 % of the amount is shared by the Japanese government; the rest (75 %) is covered by the US side. After the amount of compensation is determined, the government of Japan first provides

High number of sexual assaults

Between 1945 and 1997, about 180 cases of rape by US military personnel were reported, including 22 cases of girls under 20 and even a case of 9 month old female infant.

According to the report of the US Navy Department and the US Marine Corps head office,¹⁰ 67 cases of sexual assaults were recorded in the bases of the US marines in Ryukyu-Okinawa between October 2010 and September 2011. This number is the second highest among all the US Marine Corps facility including those in mainland US, while the highest number was recorded the Camp Lejeune in the State of North Carolina with 70 cases. At the same time, it was reported in the research of the US Department of Defense that, 80% of the sexual assaults were not reported.¹¹ Hence, it is inevitably to be noted that the number reported might reflect only the tip of the iceberg. Moreover, the US military bases in Ryukyu-Okinawa are adjacent to the residential areas, where military personnel can freely come and go. Accordingly, cases of sexual assaults are frequently reported in the neighbouring residential areas of Ryukyu / Okinawa population.

the full amount of the compensation and asks the US side for the reimbursement of the due amount afterwards. Source: <http://www.mofa.go.jp/mofaj/area/usa/sfa/kyoutei/pdfs/18.pdf>.

¹⁰ <http://ryukyushimpo.jp/news/storyid-193541-storytopic-1.html>.

¹¹ Ibid.