

Joint Report

Silencing the Voices of Okinawans

3 February 2017

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This joint report was written in cooperation of IMADR, All Okinawa Council for Human Rights, and the research group of Human rights issues in Okinawa and International Law at Okinawa University Institute of Regional Studies.

International Movement Against All Forms of Discrimination and Racism (IMADR) is an international non-governmental human rights organization devoted to eliminating discrimination and racism, forging international solidarity among discriminated minorities and advancing the international human rights system.

All Okinawa Council for Human Rights is a research group consisting of researchers, journalists, and committed volunteers. Its purpose is to illuminate the continuing violation of human rights in Okinawa from the perspective of international human rights law, and send voices of Okinawa to the international society.

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< 1 >The accelerating oppression on the protest activity

Takashi ABE

1) Introduction

As shown in the appendix of the joint report¹ submitted in September 2016, the Japan Coast Guard and the police committed more than 80 cases of arrests, detention, excessive use of force, and verbal abuse against civilians, protesting the construction of a new U.S. base in Henoko, Okinawa.

The site of confrontation between the Government of Japan and the Okinawan people had moved from Henoko to Takae in Higashi village, because the Henoko base construction was temporarily halted and the helipads construction was resumed in Takae in July 2016. Since then, police's oppression on the protest has intensified and accelerated. This can be endorsed by the rapid increase in the number of arrests.

2) Rapid increase of arrests

Since the start of the construction in July 2014, the total number of arrests in Henoko is 21. On the other hand, the arrests in Takae amounted to 14 in only five months (between July to November 2016²). Out of 14 people arrested in Takae, the cases with the prosecution requesting custody and with the court's support were only 8, which is equivalent to 57%. This figure is evidently low compared to 90%, the average detention rate of criminal offence in Japan. It is apparent that the police practices malicious arrests including repeatedly arresting civilians on minor crimes such as interference of public duties. The lawyers supporting the protest activity criticise the police for "abusing the power to suppress the protest activity."

3) Targetting the leader of protesting movement

Mr. Yamashiro Hiroji, the chairperson of the Okinawa Peace Movement Centre, led the protest movement both in Henoko and Takae. He was arrested twice in Henoko (February and December in 2015) for entering the U.S. base. However, he was released a day after in both cases. As the confrontation grew intense, he was again arrested for a quasi-flagrant offence on October 17th, 2016. After the arrest, he has been repeatedly arrested and detained retroactive to the incidents of interference of official duties and bodily injury on 25th August, 2016 and to the incident of forcible obstruction of business from 28th to 30th January, 2016. Prosecuted crimes are all minor:

A) Incident of destruction of property in which the defendant cut the barbed wire installed by the Okinawa Defence Bureau (ODB) twice on October 17th, 2016. The damage is equivalent to 2000 yen (about 20 U.S. dollars).

B) Incident of interference of official duties and bodily injury in which the defendant assaulted and contused in the ODB officer's right leg with unknown civilians on 25th August, 2016. The damage amounts to two-week treatment.

¹ "The Targeted Attack on Freedom of Expression in Okinawa" September 2016
http://imadr.org/wordpress/wp-content/uploads/2016/09/Joint-report-Targeted-attack-on-freedom-of-expression-in-Okinawa_27SEP2016.pdf

² The number of arrest reaches 19 if the arrests in December are included.

C) Incident of forcible obstruction of business in which Mr. Yamashiro laid 1,486 concrete bricks to block the gate from 28th to 30th January, 2016. The bricks were laid in front of Camp Schwab U.S. Marine Corps Base's construction gate to hamper the equipment and materials needed to construct the new U.S. Henoko military base from entering the Camp.

The biggest issue is that the retroactive arrests have been repeated since the first arrest for a minor offence. In particular, the arrest on the forcible obstruction of business was carried out 10 months after the actual event. Mr. Yamashiro and other civilians laid bricks in front of Okinawa prefectural policemen and the ODB officers. The policemen could have stopped the act or arrested them if the policemen found this action as vicious but did not do anything then.

On 29th November, 10 month after the actual event, 4 civilians including Mr. Yamashiro were arrested. On this day, the police searched the tent, the hub of the protesters, and the Okinawa Peace Movement Centre and impounded items like a personal computer. U.S. Marine Corps Northern Training Area's partial return of the land ceremony was scheduled on 22 December, right after Yamashiro's third arrest, and the construction of bases in Henoko was planned to resume in late December. There is no doubt that the police had an intention to lengthen the detention to draw him away from the protest movement.

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 pre-sentencing detention); Article 19 (freedom of expression); Article 21 (right of peaceful assembly) of the International Covenant on Civil and Political Rights (ICCPR); and the Declaration on Human Rights Defenders.

4) Inhumane treatment

For the case of interference of official duties and bodily injury, the detention still continues and external contacts are fully banned except for lawyers or lawyers-to-be. According to the police's explanation, there is a risk of evidence destruction. However, it is unlikely since detention facility officers accompany the detainee whenever he/she sees someone who is not a lawyer. This situation is extremely unusual for two reasons: 1) the blanket ban on external contacts continues even after the investigation was completed; 2) Mr. Yamashiro's wife and family, who have nothing to do with the incident, are also prohibited from seeing him.

Furthermore, Mr. Yamashiro suffered from serious illness last year and the detention may cause an irreversible damage on his well-being. Such long-term detention amounts to inhumane treatment prohibited by Article 7 and 10 of ICCPR and Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT).

5) Arrest of a photo-journalist

Amongst the people arrested in Takae, a photo-journalist is included. He was arrested on charges for contusing an ODB officer. Consequently, the damage is said to amount to two-week treatment. He has taken photographs to report in the mainland media. The arrest of such a photo-journalist is an oppression of freedom of expression and press, violating the Article 19 of the ICCPR.

< 2 > Riot police officer's "Dojin" remark incident

Taisuke KOMATSU

1) Discriminatory remarks against protesters by Japanese riot police officers

On 19th October, 2016 in Takae, a Japanese riot police officer from the Osaka prefectural police called protesters, "Dojin."³ The protesters, who are against the construction of U.S. military helipads, were pushing the U.S. military's Northern Training Area fences.⁴ The video of the incident is available in Japanese at: <https://www.youtube.com/watch?v=zm6NbNKIayk>. "Dojin" is a discriminatory word which means "primitive people" with highly negative implications such as "backwards" and "uncivilized". Media outlets refrain from using the term. Following the incident, Chief Cabinet Secretary Yoshihide Suga condemned the incident as *"inappropriate and extremely regrettable. It must not be forgiven."*⁵ The National Police Agency provided strict orders on 19th October to the police departments throughout the country to instruct the officers in order to prevent further incidents.⁶ The concerned police officer was sent back to Osaka, and the Osaka police investigated the incident from 20th October.⁷ On 21st October, the concerned officer was reprimanded for "the indiscreet and inappropriate comments that hurt trust in the police."⁸ Reportedly, it was the first disciplinary action against police officers for making such comments. Yet regrettably, the Governor of Osaka Ichiro Matsui posted a defensive comment on Twitter which said on 19th October, *"I saw the online footage and even if the expression the officer used was inappropriate, I learned that cops with the Osaka prefectural police department were working very hard obeying orders and doing their tasks. Good job working away from home."*⁹

In the same week, another riot police officer from the Osaka prefectural police said, *"Shut up, 'Shinajin'"* to the protesters in Takae.¹⁰ "Shinajin" is a derogatory term to call Chinese people. The incident took place on 18th October. The video footage is available in Japanese at: https://www.youtube.com/watch?v=tM_J-2FQzr8. He has been withdrawn from the front-line assignment, and he was also reprimanded for "the indiscreet and inappropriate comments that hurt trust in the police."¹¹

2) Problems of the Government of Japan's reaction

Addressing the riot police officer's "Dojin" remark, the Minister of State for Okinawa and Northern Territories Affairs Yosuke TSURUHO said on 8th November 2016 at the Diet: *"From the position*

³ NHK WORLD (19 October 2016), "Police officer insults protesters in Okinawa", available at: http://www3.nhk.or.jp/nhkworld/en/news/20161019_31/

⁴ The Japan Times (19 October 2016), "Police officer dispatched from Osaka insults protesters in Okinawa", available at: <http://www.japantimes.co.jp/news/2016/10/19/national/police-officer-dispatched-osaka-insults-protesters-okinawa/#.WAiyfvmLSM9>

⁵ Ibid

⁶ The Asahi Shimbun (20 October 2016), "Okinawa outrage at police officers' racist slurs used on protesters", available at: <http://www.asahi.com/ajw/articles/AJ201610200032.html>

⁷ Ibid

⁸ The Asahi Shimbun (22 October 2016), "Riot police say they didn't know slurs in Okinawa were racist", available at: <http://www.asahi.com/ajw/articles/AJ201610220031.html>

⁹ The Asahi Shimbun (20 October 2016), "Okinawa outrage at police officers' racist slurs used on protesters"

¹⁰ The Japan Times, Ibid

¹¹ The Asahi Shimbun (22 October 2016), "Riot police say they didn't know slurs in Okinawa were racist"

of the Minister, it is impossible for me to conclude this (the remark) as discrimination”; “Personally I cannot conclude that calling someone a dojin is discrimination”; and “It is extremely dangerous if a third party unilaterally decides whether it is a human rights issue or not. Of course everyone has a freedom of speech.”¹²

While Minister Tsuruho faced criticisms from opposition lawmakers, the Government did not ask for apology from him in regards to his attitude and comments. On 21st November, the Government made a cabinet decision concluding that no correction or apology is necessary since the term “Dojin” has a meaning of “a person who was born and lives on the land” as well as the derogatory meaning, “uncivilized natives.” Therefore, the cabinet claims that “*it is difficult to tell unambiguously*” whether it is considered as a discriminatory term.¹³ Moreover, when the Minister Tsuruho was asked on 12th December at the Diet whether he checked the circumstance of the “Dojin” remark incident, he answered “*I did not watch the video closely.*”¹⁴ Instead of taking the remark incident seriously and making efforts to combat discrimination, the Government’s reaction has left the human rights issue unaddressed. The issue was not clarified that the “Dojin” remark was a discrimination against Okinawans, therefore a hate speech.

According to the Japan's most prestigious dictionary ‘Kojien,’ the definitions of “Dojin” are: (1) “People who were born and are living on the land”, “indigenous people”, “natives”; and (2) “Uncivilized natives - used with the derogatory intent”. Therefore, “Dojin” also has a meaning which can be translated as indigenous people in English. Yet, the term is not often used with the first definition. Today, people immediately correspond the term to the second discriminatory definition which is inferior and backward people in the civilization and modernization.

The “Dojin” remark’s discriminatory nature cannot be understood without taking into account of historical background of the relationship between Okinawa and the mainland Japan. Until late 19th century, Okinawa was the Ryukyu Kingdom, a country separated from Japan. After the forced annexation, the cultural assimilation of Okinawa into Japan was promoted with the rapid modernization while Japanese were sent from the mainland to serve as bureaucrats or executives of the military and police in Okinawa. Such circumstances led to unfair treatments in the relationship between Japan and Okinawa and caused structural inequality in the political and economic spheres. Thus, the Japanese discriminatory feeling towards Okinawans grew. For example, in certain testimonies about discriminatory incidents from 1980s to 1990s, some restaurants and places in the mainland prohibited the entrance of Okinawans.

The discriminatory nature of the “Dojin” remark, which was made by a riot police officer from the mainland against protesting Okinawans, cannot be understood without taking account of such historical background. The riot police officer definitely did not make the remark which meant by people who were born and are living in Okinawa through generations (indigenous people), but instead, the discriminatory and despised feelings towards Okinawans. As a proof, the video shows that the riot police officer made the “Dojin” remark immediately after having said abusive words such as “*Kuso (shit)*” and “*Boke (idiot)*.” It is believed that the reason why the Minister Tsuruho

¹² 8 November 2016 at the Cabinet Committee of the Upper House

¹³ 21 November 2016 at the Committee on Audit and Oversight of Administration of the Lower House. The Asahi Shimbun (22 November 2016), “*Cabinet: No need for Tsuruho to apologize over ‘dojin’ issue*”, available at: <http://www.asahi.com/ajw/articles/AJ201611220077.html>

¹⁴ 12 December 2016 at the Special Committee on Okinawa and Northern Problems of the Upper House

said, *“I did not watch the video closely,”* was because he has to admit clearly the remark’s discriminatory nature if he thoroughly examines the video.

On 3rd June 2016, the Government of Japan promulgated “the Act on the Promotion of Efforts to Eliminate Unfair Discriminatory Speech and Behavior against Persons Originating from Outside Japan.”¹⁵ The Act was made following the recommendations repeatedly given from the UN Human Rights Committee and Committee on the Elimination of Racial Discrimination (CERD) concerning the widespread hate speech against foreign nationals residing in Japan. Nevertheless, the “Dojin” remark incident and the Government’s reaction revealed the Act’s shortcomings. The purpose of the Act is the “the elimination of unfair discriminatory speech and behavior against persons originating from outside Japan.”¹⁶ “Persons originating from outside Japan” are defined as “persons originating exclusively from a country or region other than Japan or their descendants and who are lawfully residing in Japan”.¹⁷ Therefore, the provisions of the Act exclude Okinawans and other indigenous and minorities holding the Japanese nationality. Yet, the recent “Dojin” remark was a discriminatory incitement against Okinawans thus constitutes to a hate speech.

In continuance to history, the Government of Japan does not prevent but is encouraging discriminatory speech and behaviour and decides without any official examination because “it is unclear whether it (the incident) was discrimination.”¹⁷

¹⁵ Ministry of Justice, http://www.moj.go.jp/ENGLISH/m_jinken04_00001.html

¹⁶ Article 1

¹⁷ Article 2

< 3 > Mainland media's biased coverage of Okinawa

Takashi ABE

1) Introduction

On 2nd January 2017, Tokyo MX TV, a local TV station from Tokyo, broadcasted the program “News Jyoshi (girls)” and covered the citizens’ protest movement against the base construction. Not only the program was made without interviewing the citizens concerned and basing on facts, its content slandered Okinawans and the minority ethnic Koreans (Zainichi Koreans). A Zainichi Korean person, who was named in the program, is seeking human rights redress.

2) The TV station and the program

Tokyo MX TV was established in 1995 as the first local TV station in Tokyo. In addition to FM Tokyo, Chunichi Newspaper and other sponsors, the Tokyo prefectural government is a large shareholder of the TV station, which invests a great amount of public money. “News Joshi” is broadcasted once a week which is made by the DHC Theater, a subsidiary company of the major cosmetic company DHC. The concerned program critically reported about the people protesting against the Government of Japan’s construction of U.S. military helipads in Takae.

3) Factual errors and manipulation of impression

Although the program proceeded in a style of examining rumors, it had a series of factual errors and manipulation of impression. Especially, the segment, which examined rumors “(1) *Extremists stopped the ambulance?* (2) *Riot police officers receive violence* (3) *Protesters receive daily allowance?*”, made a deliberate coverage to give a false impression.

The first rumor, “*Extremists stopped the ambulance,*” was spread on the internet. Despite the fact that a number of media checked with the local fire station and revealed that the rumor is false, the program reported as if the rumor is true.

The second rumor, “*Riot police officers receive violence,*” is contradictory to the fact. There have been multiple incidents of protesting citizens’ injuries caused by forcible evacuation including rib fracture, a deep laceration which a finger born was visible and countless bruises. The program did not touch upon this point, but it reported the one-sided information which was sympathetic towards riot police officers.

On the third rumor, “*Protesters receive daily allowance,*” the program only reported about a brown envelope of unknown origin as an evidence which had the words “Mitsuhiro”¹⁸ and “20 thousands” written on it. In reality, few regular members of civil society organizations receive a part of actual expenses; therefore, the claim that daily allowances are provided for participating in protest activities is against the fact.

Furthermore, the program broadcasted the comments that the reason “*why the police is reluctant for crackdown*” is because “*its top is Mr. Onaga (who is the Governor of Okinawa opposing the construction of a new base)*”. In fact, the police is systematically independent from the Governor’s supervision in order to ensure political neutrality.

4) Excessive portrayal

¹⁸ While it is not clear what Mitsuhiro meant, it seems to be a name of someone.

In the program, there was a scene in front of a tunnel which the reporter announced the discontinuation of the shooting and claimed that “(the reporter and his team) cannot go close due to violent activities of protestors”, “there is the site (in Takae) over the tunnel” and “(the reporter and his team) got stuck”. However, the site in the scene is 25 km away in direct distance from the site in Takae which takes about an hour by car. Between the two sites, there are more than 10 settlements, resort hotels and elementary and junior high schools. Thus, it is difficult to understand that they could not go near the site in Takae due to protestors’ violent activities. In conclusion, this was an excessive displaying of the reporting.

5) Hate speech

The program posed baseless criticisms against protestors such as “There are Koreans and Chinese (among protestors)”, “Terrorist” and “They became violent and attack (you) when a camera is turned to them”. Despite the fact that foreign nationals have been coming to the protesting sites from all parts of the world including the U.S and Europe, the program picked up certain Asian nationals whom not few Japanese have targeted for discrimination. In particular, Ms. Sugok Shin, a Zainichi Korean person, was named in the program as the caller for the initiative of funding the part of people’s travel expenses from the mainland to Okinawa, followed by a telop “*mastermind of promoting the movement*”. This is a hate speech which attacks her minority background and incites hatred. Ms. Shin brought a complaint on human rights violation to the Broadcasting Ethics and Program Improvement Organization (BPO) established by the broadcasting industry.

6) Reaction

The DHC Theater did not broadcast any Ms. Shin’s or other protestors’ opinion. Regarding to this criticism, the DHC Theater posted a claim on its website that “*there is no need to listen to those opposing the bases who allow and involve groups conducting a number of crimes and illegal activities such as violent acts, damage to properties, unlawful entry and occupation, and intimidation to police officers while revealing their faces.*” Against the accusation that the program amounts to a hate speech, the company objected it as a “*suppression of free speech*” and has not made any apology. The company has not answered individual questions from media outlets.

Reference (English) :

- The Mainichi (20 January 2017): *TV network's coverage of anti-U.S. helipad protests in Okinawa sparks outcry*, available at: <http://mainichi.jp/english/articles/20170120/p2a/00m/0na/004000c>

< 4 > Issues related to human rights remedy systems

Eiichi HOSHINO

1) Existing Systems

The following systems respect compensation for the damage caused by arbitrary arrest, detention, and excessive use of force, as well as filing of complaints and human rights remedy.

a) State Redress Act¹⁹

In the State Redress Act Article 1, when a public officer exercises State or public entity's authority during his/her duties and intentionally or negligently damages on another person, the State or public entity shall assume the responsibility to compensate.

b) Complaint Submission System (Prefectural Public Safety Commission)²⁰

The Police Act puts a complaint submission system in place. One, who has complaints regarding to the Prefectural Police personnel's execution of duties, can submit a written complaint to the Prefectural Public Safety Commission (PPSC) in accordance with the National Public Safety Commission(NPSC)'s procedures.

c) Human Rights Protection System (Ministry of Justice, Legal Affairs Bureau)²¹

This system applies to human rights violation caused by the public authority. It aims to establish affirmative protective measures against discrimination and abuse in human violations caused by means of conciliation, arbitration, recommendation/publication, or champerty. Assaults and abuses inflicted during the course of investigation procedures or within a confinement/detention facility are also in the system purview.

d) Human Rights Remedy (Prefectural Bar Association)

Bar Association has established a system where people could file a petition for human rights protection. Human Rights Protection Committee from the Bar Association could conduct a preliminary examination on a case claimed in the petition in order to determine whether the Committee conducts a formal investigation or not. For the cases that the Human Rights Protection Committee decides to formally investigate, the Committee will determine whether or not human rights violation exists in the claimed petition. When the existence of human rights violation is confirmed by the investigation, Bar Association takes measures through warnings, advices and requests against the opponent, national and local government.

2) Issues with the institutions

However, these institutions are insufficient because of the following issues.

a) State Redress Act: This system is not utilized because it is not cost effective in most cases

In cases of unreasonable detention, confinement or excessive force by police agencies, it is rare for victims' claims to be granted based on the State Redress Act. Also, it is common for this type of lawsuit to take a couple of years or more. In addition, the amount of compensation is not worth the

¹⁹ <http://www.refworld.org/docid/3fbc02764.html>

²⁰ http://www.npa.go.jp/english/kokusai9/White_Paper_2009_8.pdf

²¹ <http://www.moj.go.jp/content/000122123.pdf>

effort and costs of lawsuit is not enough to have a deterrent effect on police agencies' illegal acts; the compensation amount for damages because of police agencies' unreasonable detention, confinement or use of excessive force by police agencies is low and attorney's fees and costs of lawsuit (judicial fees) usually become around 100,000 yen (about 90 USD). Therefore, people tend to not utilize the system due to its low cost-effectiveness.

For instance, in the case of 4 arrested men that the Special Rapporteurs jointly addressed to the Government of Japan, the victims have not utilized the State Redress Act for the reasons above.²²

b) System for Filing Complaints: In most cases, expected results are not recognized even if this system is utilized.

Local and leading figures in financial world are often appointed as members of the Public Safety Commission although they are not familiar with police and jurisdiction. This is considered as a problem.

Another common problem in Japan is that the police has a strong influence, especially in decision-making process in the commissions. Despite the fact that the Public Safety Commission is supposed to be a "watchdog" in most of the local governments, it rarely raises objections against the police. A similar situation occurred in Okinawa as well. When the Okinawan Prefectural Assembly took up the issue of police's excessive guard, the Public Safety Commission repeated the same claim that the chief of Prefectural Police insisted: "*The protest activity was illegal and was necessary to be cracked down.*"

The following claims were made to the Commission via the system for filing complaints:

1. Ms. Kimiko Harada claimed that she was grabbed strongly on her both arms, pulled and pinched on her abdomen by a riot police when she was joining the sit-in protest. (June 24, 2015)
2. Ms. Yoshi Iha, a resident of Kin Town, claimed that at around 7:10 am on June 11, 2015, she was grabbed by her left arm, pulled and pushed down by a young police officer, and hit her head against the asphalt ground in front of Camp Schwab Gate 1. (July 16, 2015)
3. Mr. Isamu Nakasone, a resident of Uruma City, claimed that at around 7:05 on December 17, 2015, he was carried between a fence and a police vehicle in front of Camp Schwab Gate 2 and was restrained and confined for several tens of minutes. At that time, a cover for his digital camera which he was wearing around his waist was damaged. (December 22, 2015)

Three or four months after the complaints were filed, the result came in and the response was "*The Public Safety Commission of Okinawa was not able to judge that there had been any issue regarding the execution of duties by police on site at said time and place in the claim.*"

c) Human Rights Protection System: It is extremely unlikely that victim's claims will be granted. This system is for making claims against the Legal Affairs Bureau; however, the bureau is not independent from the State because it belongs to the Ministry of Justice. Especially because the Public Prosecutor's Office belongs to the Ministry of Justice, it is hard to seek a remedy for infringement of human rights done by investigating authority. When excessive police authoritarian

²² A/HRC/31/79, Case No. [JPN 1/2015](http://www.ohchr.org/EN/HRBodies/SP/Pages/CommunicationsreportsSP.aspx), <http://www.ohchr.org/EN/HRBodies/SP/Pages/CommunicationsreportsSP.aspx>

power violates human rights of civilians who are against the political measure that the Government of Japan pushes forward, the likelihood of victim's claim to be granted is very low.

Additionally, the Human Rights Protection System does not include forcible investigating authority. Even when an infringement of human rights has been acknowledged, there is no system that acknowledges effective solutions and only gives certain measures, including accepting requests, giving instructions, and providing advices.

As a result, with the weak recognition of the system, the number of people, who utilizes the system in similar cases, will be lower.

d) Petition for Human Rights Protection: In most of the cases, expected results cannot be recognized even if this system has been utilized.

Bar Association is independent from the State power because its autonomy has been guaranteed without supervision of the Government, but its investigation does not have any legal compelling power, and the warnings, advices or requests that are given when an infringement of human rights has been granted only require voluntary implementation by opponent.

3) Conclusion

At the time of any arrest, police on site has an obligation to notify about the right to silence. Yet, there is no explanation about those systems in (a) - (d). Taking into consideration of the cost, time, and efforts needed, people cannot but hesitate to utilize the system. Virtually, there is no effective remedy system for human rights infringement.

< 5 > The legal basis for a Yellow Line at the gates of U.S. military bases and its arbitrary application

Ai ABE

1) What is a Yellow Line?

According to Article 6 of the Japan-U.S. Security Treaty and Article 2 of the U.S. - Japan Status of Forces Agreement (SOFA), the Government of Japan offered a U.S. military reservation to the Government of the United States. The U.S. military drew an orange boundary line, often referred to as a “Yellow Line,” in order to show the boundary of an area controlled by the U.S. military. It is drawn in front of the gate where a public road and a military base adjoin. Additionally, a fence with razor wire is set up a few meters inside the yellow line, and there is a movable gate at the entrance. However, the fence and the gate are the ones functioning as the boundary.



Moreover, a person intending to enter a base has to cross the yellow line, pass through the gate and obtain permission at the checkpoint inside the boundary. In other words, the area between the yellow line and the checkpoint functions as the front porch of a building; therefore, a person who crosses the yellow line for the purpose of entering a base is not punished even if he is refused entrance.

Although the primary purpose of the Yellow Line is to indicate the boundary, a recent incident indicated that the boundary is not very rigid²³. In mid-May 2016, Kadena Air Base suddenly drew a Yellow Line on the cross-walk in front of Gate 3. Because the line was drawn diagonally on the cross-walk (as shown in the photo), every time a citizen used the cross-walk he was in violation of the Act on Special Measures Concerning Criminal Cases. In the wake of criticism from citizens, the line was re-drawn to avoid the cross-walk. (See photo 2) Okinawa prefecture, OBD, and the Okinawa prefectural police deny concerns



²³ The protest at Kadena Air Base began in April, after an alleged rape and murder case involving an ex-Marine. It is assumed that the line was drawn in order to restrain protest activity.

with the installation or the shift of this line. The OBD answered *“It is believed that the line is drawn on the boundary, but we cannot be sure because it was not us but the U.S. military that drew the line.”*

The fact that its location and direction were changed often and indifferently shows that this line is not an absolute boundary. Thus, although the line is said to mark the base boundary, it is clear that the fence and the gate serve that function, and that yellow line does not.



2) The legal background of the Yellow Line

According to the Article 2 of “Special Criminal Act Attendant upon the Enforcement of the Agreement under Article VI of the Treaty of Mutual Cooperation and Security between Japan and the United States of America regarding Facilities and Areas and the Status of United States Armed Forces in Japan”, or “Act on Special Measures Concerning Criminal Cases”, the act of “entering the facility or area, where the U.S. military is in use, without due reason, or not vacating from the place on the request to leave” is subjected to punishment. In short, one is punished only if a) he/she enters the U.S. military reservation and b) the facility or area is prohibited from entering. In other words, one is not subjected to punishment when entering the U.S. military reservation if the place is not prohibited from entering. Therefore, making a clear notification that the place is of U.S. military and is prohibited from entering is essential to secure the definiteness of criminal punishment.

That is why the fence and the gate were built as the clear boundary and warning signs were installed around the U.S. military bases. It also means that there are places that are within the facility or area offered to the U.S. military, but not prohibited from entering. Areas such as the vicinity of the fence or the gate have been considered as such place.

The Yellow Line in the places like Henoko is simply drawn on the road conjoining the public road and is far from the actual boundary such as a fence or a gate. The Yellow Line can not be identified as the sign to specify the area is prohibited from entering and therefore it is subjected to punishment if one does so.

The “Act on Special Measures Concerning Criminal Cases” is enacted to secure the custodial right of the U.S. military over the U.S. military reservation; therefore, securing the area within the boundary marked by fences and gates fulfill its objective. There is no necessity to prohibit civilians from entering the places conjoining the public road where they can easily cross over.

It can be concluded that turning the act of crossing the Yellow Line into criminal penalty objective of the “Act on Special Measures Concerning Criminal Cases” lacks the necessary grounds of the legislature. Also, the act violates the freedom of civilians by intimidating the free passage of civilians with punishment.

3) Issues with the Yellow Lines

a) Violations of the “Act on Special Measures Concerning Criminal Cases” are applied only to protestors.

The biggest problem with the Yellow Lines is their arbitrary enforcement. The bases lie adjacent to surrounding residence area and the Yellow Lines are drawn right next to streets where civilians have to walk. Therefore, civilians frequently cross the Yellow Lines accidentally. In such cases, civilians are never arrested for violation of the Act on Special Measures Concerning Criminal Cases. It can be assumed that the act of crossing a Yellow Line has been judged to be an act unworthy of punishment.

This also applies equally to people who enter Camp Schwab in connection with construction of the new U.S. military base in Henoko. They are required to receive permission from the U.S. military in order to enter the base. Under normal circumstances, they would have been accused of violating the Act if they entered the premises without permission. However, the Okinawa Times has revealed that some Japanese security personnel guarding the coastline of the planned new base went onto the base without permission and took a rest in buildings or cars in the base. Security in the area has been contracted by the ODB to a Japanese company called “Rising Sun Security Service.” This company is now responsible for on-site security, together with its subsidiary company, “Marine Security.” Security guards, who are responsible for guarding the base under orders from the Defense Bureau, have been entering the base on a daily basis in order to take breaks without formal permission, but they have never been accused of violating the Act on Special Measures Concerning Criminal Cases.

On the other hand, when protestors are involved, the picture is completely different, as can be seen in the case of Mr. Hiroji Yamashiro, the leader of a protest, who was arrested on 22 February 2015. He was violently dragged into the base and arrested, despite the fact that he intruded unintentionally and the incident was a minor incursion as he just stepped over the line.

b) Chilling effects on the freedom of expression

Mr. Yamashiro did not cross the Yellow Line with malicious intent. In fact, he was trying to persuade other protesters to pull back to the public road until when he was seized by U.S. military security guards. He did not climb over the fence or pass through the gate, which are the actual boundary. The problem is that a huge rally was planned later in that afternoon in front of the Camp Schwab main gate, which is close to the area of the planned new airbase. This arbitrary law enforcement was clearly intended to have a chilling effect on the freedom of expression in that it was targeted to a leading figure of the protest activity.

c) Arrested for the minor crime of intrusion

Selective enforcement of the Yellow Line permits punitive and discriminatory arrests of protesters. The Mr. Yamashiro’s case constitutes “*excessive and disproportionate punishments for violations of the law (Para.7)*” described in the Joint Report.²⁴ Such arrests have severe negative impacts on the practice of the freedom of association, and repress the freedom of expression, therefore should be refrained.

d) Different applications of Yellow Lines

Although Yellow Lines are found near the gates of Camp Schwab and Kadena Air Base, many U.S. military bases in mainland Japan do not have them. Yokota Air Base—the biggest U.S. Air Force Base in Japan and one of the largest in the Far East—is located in Tokyo and hosts the U.S. Forces

²⁴ Joint report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association and the Special Rapporteur on extrajudicial, summary or arbitrary executions on the proper management of assemblies (A/HRC/31/66) (4 February 2016), last accessed on 1 February 2017 at: http://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session31/Documents/A.HRC.31.66_E.docx



Japan Command and the headquarters of the Fifth Air Force. Yokota Air Base currently has five gates, but no Yellow lines.²⁵ Camp Kinser in Urasoe City, Okinawa, where there is no protest activity going on, does not have a Yellow Line.

With this in mind, it is evident that the Yellow Lines are drawn only at those bases that face active protest activities. This shows that the Yellow Line serves primarily as a rationalization to arrest and to detain protesters.

²⁵ Yokosuka Naval Base in Kanagawa hosts the Commander of U.S. Naval Forces Japan. Yokosuka Naval Base has refused to answer whether it has yellow lines, but the local police confirmed that at least one gate has a yellow line.

Violence, detention and arrests in Henoko, Okinawa in 2014-17

01 2月 2017

*All the incidents took place in Henoko (in front of the Camp Schwab Gate or in Oura Bay).

**The term "detention" includes the restraint of personal physical liberty by law enforcement officials.

*** The list does not include incidents where a number of victims was not clear.

No.	Date	Victim	Perpetrator	Incident	Action by the Japanese authorities	Source	URL
1	27/07/2014	2 individuals	Japan Coast Guard	2 protesters on canoes approaching to watch the work for the seabed investigation were temporarily detained.	Detention	Ryukyu Shimpō (Japanese)	http://ryukyushimpo.jp/news/preentry-229258.html
2	15/08/2014	3 individuals	Japan Coast Guard	3 citizens on canoes protesting outside the temporary restricted area were temporarily detained while one of them had slight cut around his eyes by the JCG officers' violence.	Excessive use of force and detention	Ryukyu Shimpō (Japanese)	http://ryukyushimpo.jp/movie/preentry-230221.html
3	25/08/2014	3 individuals	Japan Coast Guard	3 citizens on canoes protesting between the oil fence and the JCG-installed buoys were temporarily detained. These buoys were installed to constrain citizens from protesting.	Detention	Ryukyu Shimpō (Japanese)	http://ryukyushimpo.jp/news/preentry-230605.html
4	26/08/2014	7 individuals	Japan Coast Guard	7 protesters on canoes jumped into the sea over the buoys to protest against on-going drilling investigation were temporarily detained.	Detention	Ryukyu Shimpō (Japanese)	http://ryukyushimpo.jp/news/preentry-230653.html
5	30/08/2014	20 individuals	Japan Coast Guard	20 protesters on canoes crossing over buoys were temporarily detained. Some of them approached the spudding pontoon.	Detention	Ryukyu Shimpō (Japanese)	http://ryukyushimpo.jp/news/preentry-230851.html
6	02/09/2014	1 individual	Japan Coast Guard	One protester on a canoe crossing over buoys was temporarily detained.	Detention	Ryukyu Shimpō (Japanese)	http://ryukyushimpo.jp/news/preentry-231010.html
7	03/09/2014	3 individuals	Japan Coast Guard	3 protesters on canoes crossing over the oil fence were temporarily detained for approximately 40 minutes.	Detention	Ryukyu Shimpō (Japanese)	http://ryukyushimpo.jp/news/preentry-231069.html
8	04/09/2014	10 individuals	Japan Coast Guard	10 protesters on canoes approaching the spudding pontoon were temporarily detained for approximately 1 hour while 6 canoes were also temporarily confiscated.	Detention and confiscation of canoes	Ryukyu Shimpō (Japanese)	http://ryukyushimpo.jp/news/preentry-231146.html
9	09/09/2014	21 individuals	Japan Coast Guard	All protesters on canoes approaching the spudding pontoon for drilling survey were temporarily detained.	Detention	Ryukyu Shimpō (Japanese)	http://ryukyushimpo.jp/news/preentry-231346.html
10	12/09/2014	5 individuals	Japan Coast Guard	JCG officers said "the Act on Special Measures Concerning Criminal Cases will be applied" to the detained citizens who had protested on canoes, and took their face photos against their will by forcibly taking off their sunglasses or hats.	Detention and verbal threat	Ryukyu Shimpō (Japanese)	http://ryukyushimpo.jp/news/preentry-231531.html
11	13/09/2014	At least 12 individuals	Japan Coast Guard	Citizens on canoes protesting outside the temporary restricted area were temporary detained in a forceful manner. One protester was held his neck by the JCG officer and hit his head strongly against the boat, which would have injured him if he was not wearing a helmet.	Excessive use of force and detention	Ryukyu Shimpō (Japanese)	http://ryukyushimpo.jp/movie/preentry-231584.html
12		1 individual and others	Japan Coast Guard	A JCG officer yelled at the resident while pressing his neck and twisting his arm. One of the injured residents submitted a complaint to the Nago branch of the Naha District Public Prosecutors Office.		Ryukyu Shimpō	http://english.ryukyushimpo.jp/2014/09/22/15350/
13	20/11/2014	20 individuals	Japanese police, Japan Coast Guard	19 protesters on canoes were temporarily detained and placed on the agency's inflatable rafts while riot policemen forcibly dragged the sit-in protesters, including an 84-year-old woman who hit the ground and injured her head, in front of the Camp Schwab gate.	Excessive use of force and detention	Ryukyu Shimpō	http://english.ryukyushimpo.jp/2014/12/03/16053/
14		2 reporters	Japanese police	The riot police squads removed two Ryukyu Shimpō reporters by force from reporting on those scenes above.	Infringement of freedom of press by force	Ryukyu Shimpō (Japanese)	http://ryukyushimpo.jp/movie/preentry-234816.html

15		A film director (Mr. Yukihiisa Fujimoto)	Japanese police	3 riot officers grabbed the director's arms and legs and forcibly lifted him out of the spot to stop him shooting the scenes.	Infringement of freedom of press by force	Ryukyu Shimpō (Japanese)	http://ryukyushimpō.jp/movie/preentry-234816.html
16	11/01/2015	1 individual	Japanese police	The man allegedly hit the face of a security guard with a plastic bottle when he was restrained by the guard in an attempt to sit in front of the gate of Camp Schwab.	Arrest for assaulting a security guard	Ryukyu Shimpō	http://english.ryukyushimpō.jp/2015/01/15/16656/
17	16/01/2015	19 individuals	Japan Coast Guard	19 citizens protesting inside the temporary restricted area against the set-up of oil fence were temporarily detained.	Detention	Ryukyu Shimpō (Japanese)	http://ryukyushimpō.jp/news/preentry-237398.html
18	17/01/2015	21 individuals	Japan Coast Guard	Protesters on canoes/ boats were temporarily detained for entering the temporary restricted area.	Detention	Ryukyu Shimpō (Japanese)	http://ryukyushimpō.jp/news/preentry-237444.html
19	19/01/2015	6 individuals	Japan Coast Guard	Protesters on canoes/ boats were temporarily detained.	Detention	Ryukyu Shimpō (Japanese)	http://ryukyushimpō.jp/news/preentry-237541.html
20		2 individuals	Japan Coast Guard	Citizens on canoes were temporarily detained for protesting inside the temporary restricted area.	Detention	Ryukyu Shimpō (Japanese)	http://ryukyushimpō.jp/news/preentry-237575.html
21	20/01/2015	A film maker		Around 2:30 pm, Japan Coast Guard officers moved onto a boat carrying protesters and a female film maker with camera. The officers tried to forcibly confiscate her camera by strongly putting his leg on her shoulder and holding her body down with his weight. Consequently, her right wrist was injured which required one week medical treatment.	Excessive use of force	Ryukyu Shimpō	http://english.ryukyushimpō.jp/2015/01/30/16863/
22	31/01/2015	1 individual	Japan Coast Guard	When he was attempting to cross the temporary restricted area with a canoe, a Japan Coast Guard officer seized his paddle and threw it to the water. Due to the appeal by other protesters, another officer returned the paddle.	Confiscation of a paddle from a protester on canoe	Ryukyu Shimpō (Japanese)	http://ryukyushimpō.jp/movie/preentry-238161.html
23	13/02/2015	1 individual	Japanese police	Past 7 am, he allegedly pulled down a riot police officer during scuffle with protesters and police officers. He was later released on 14th February.	Arrest for obstructing police officers from performing their duty	Ryukyu Shimpō (Japanese)	http://ryukyushimpō.jp/news/preentry-238836.html
24	22/02/2015	2 individuals (Mr. Hiroji Yamashiro and Mr. Daigaku Tanimoto)	U.S. security guard, Japanese police	The two protesters were allegedly trespassing onto U.S. Marine Camp Schwab. According to the witnesses, the two were dragged by the security guards and detained in the base. There were taken to the Nago police station, then transferred to the Naha prosecutors office. They were later released on 23rd February.	Arrest for violating the Act on Special Measures Concerning Criminal Cases	Ryukyu Shimpō	http://english.ryukyushimpō.jp/2015/02/24/17224/
							http://english.ryukyushimpō.jp/2015/03/01/17314/
25	20/03/2015	1 individual	Japanese police	The concerned person was temporarily detained during scuffle with protesters and riot police when protesters were trying to prevent a vehicle of Japan Coast Guard to enter the Camp Schwab. The person was later released on the same day.	Detention	Ryukyu Shimpō (Japanese)	http://ryukyushimpō.jp/news/preentry-240630.html
26	31/03/2015	1 individual	Japanese police	He allegedly obstructed police officers during scuffle with protesters and riot police officers. He was detained in the base before being taken to the Nago police station around 8:50 a.m.	Arrest for obstructing police officers from performing their duty	Ryukyu Shimpō	http://english.ryukyushimpō.jp/2015/04/06/18033/
27	16/04/2015		Japan Coast Guard	One of the Japan Guard officers called protesting citizens "criminals" when they were protesting by the temporary restricted area. The office of district 11 of the Coast Guard denied the statement.	Verbal abuse	Ryukyu Shimpō	http://ryukyushimpō.jp/news/preentry-241857.html
28	28/04/2015	4 individuals	Japan Coast Guard	A boat carrying 4 citizens protesting against the construction plan inside the temporary restricted area was turned over when coast guard officers moved onto the boat. One of the protesters was allegedly put his head into the water by an officer. It made him	Excessive use of force	Ryukyu Shimpō	http://english.ryukyushimpō.jp/2015/05/06/18357/

				nauseous and near to pass out. He was brought to a hospital and later recovered. Other 2 protesters were detained and brought to the Nago police station. They were later released on the day.	and detention		http://english.ryukyushimpo.jp/2015/05/07/18362/
29	06/05/2015	1 individual	Japanese police	He allegedly broke a helmet's string of a riot police during scuffle with protesters and riot police. He was detained inside the base for the suspicion of obstructing police officers from performing their duty. He was released 25 minutes later, as it was found that his action was not intentional.	Detention	Ryukyu Shimpo (Japanese)	http://ryukyushimpo.jp/news/preentry-242650.html
30	22/05/2015	4 individuals	Japan Coast Guard	4 individuals were detained who were protesting against the set-up of floats to indicate the temporary restricted area.	Detention	Ryukyu Shimpo (Japanese)	http://ryukyushimpo.jp/news/preentry-243254.html
31	04/06/2015	1 individual	Japan Coast Guard	Japan Coast Guard intentionally hit the man by boat when he was swimming inside the temporary restricted area to protest against the construction plan. His body was put under the boat. He was diagnosed for 3 days treatment for a bruise on his face and accidental ingestion of sea water. A coast guard officer on the boat allegedly said, "It should be fine since it (the boat) was not so fast".	Excessive use of force	Ryukyu Shimpo (Japanese)	http://ryukyushimpo.jp/news/preentry-243852.html
32	05/06/2015	2 individuals	Japan Coast Guard	2 individuals on canoes, protesting against the crash of a coast guard's boat against a citizen a day before, were temporary detained.	Detention	Ryukyu Shimpo (Japanese)	http://ryukyushimpo.jp/news/preentry-243883.html
33	09/06/2015	16 individuals	Japan Coast Guard	Protesters on canoes were detained on the sea. A 51-year-old male got a bruise on the back of his head when he was detained a day before.	Detention	Ryukyu Shimpo (Japanese)	http://ryukyushimpo.jp/news/preentry-244041.html
34	12/06/2015	15 individuals	Japan Coast Guard	Protesters on canoes/ boats were temporarily detained for protesting inside the temporary restricted area.	Detention	Ryukyu Shimpo (Japanese)	http://ryukyushimpo.jp/news/preentry-244180.html
35	13/06/2015	17 individuals	Japan Coast Guard	Protesters on canoes/ boats were detained for crossing into the temporary restricted area.	Detention	Ryukyu Shimpo (Japanese)	http://ryukyushimpo.jp/news/preentry-244233.html
36	17/06/2015	11 individuals	Japan Coast Guard	Protesters on canoes/ boats were temporarily detained for protesting inside temporary restricted area.	Detention	Ryukyu Shimpo (Japanese)	http://ryukyushimpo.jp/news/preentry-244411.html
37		1 individual	Japanese police	His walkie-talkie allegedly hit a police officer during scuffle with protesters and riot police when protesters attempted to prevent construction vehicles to enter the Camp Schwab. He was released 15 minutes later.	Detained for allegedly obstructing police officers from performing their duty		
38	18/06/2015	13 individuals	Japan Coast Guard	Protesters on canoes were temporarily detained for protesting inside the temporary restricted area.	Detention	Ryukyu Shimpo (Japanese)	http://ryukyushimpo.jp/news/preentry-244471.html
39	30/06/2015	1 individual	Japanese police	Around 7:30 pm, he was arrested by the police for allegedly assaulting a police officer.	Arrest for obstructing police officers from performing their duty	Ryukyu Shimpo (Japanese)	http://ryukyushimpo.jp/news/preentry-245037.html
40		1 individual	U.S. security guard, Japanese police	He allegedly entered the U.S. Marine Camp Schwab. He was later transferred to the Nago police station.	Arrest for violating the Act on Special Measures Concerning Criminal Cases		
41	13/09/2015	9 individuals	Japan Coast Guard	9 individuals on canoes protesting against the set-up of floats for drilling survey on the sea were temporarily detained.	Detention	Ryukyu Shimpo (Japanese)	http://ryukyushimpo.jp/news/preentry-248818.html
42	17/09/2015	1 individual	Japanese police	He allegedly kicked a police car in front of the Camp Schwab Gate. He denied the allegation.	Arrest for obstructing police officers from performing their duty	Ryukyu Shimpo (Japanese)	http://ryukyushimpo.jp/news/preentry-249040.html

43	20/09/2015	1 individual and others	20 non-state actors	A group of 20 individuals attacked the sit-in protest site in front of the Camp Schwab gate. They destroyed tents, banners and abused sit-in protesters including a 49-year-old male.	The police arrested 3 men for criminal damage and assault	Asahi Newspaper (Japanese)	http://www.asahi.com/articles/ASH9N53QBH9NTPOB004.html
44	22/09/2015	1 individual (national of Republic of Korea)	Japanese police	He allegedly kicked a police officer. According to his pregnant wife, he attempted to protect her from a police officer when the officer pushed her. He was detained in the Nago police station, and later released on 2nd October.	Arrest for obstructing police officers from performing their duty	Ryukyu Shimo (Japanese)	http://ryukyushimpo.jp/news/preentry-249283.html
45	30/10/2015	1 individual	Japanese police	In the morning of 30th, he got injured during scuffle with police officers when he and other protesters were trying to prevent construction vehicles from entering the Camp Schwab. The detail of the incident has to be clarified. He was sent to a hospital.	Suspicion of excessive use of force	Ryukyu Shimo (Japanese)	http://ryukyushimpo.jp/news/entry-163143.html
46	04/11/2015	2 individuals	Japanese police	About 200 riot police squads and prefectural policemen tried to forcibly remove the citizens including members of the prefectural, city, town and village assemblies. One injured man was urgently sent to hospital after falling down during a scuffle. Another man was detained by police.	Excessive use of force and detention	Okinawa Times (Japanese)	http://www.okinawatimes.co.jp/article.php?id=140064
47		1 individual	Japanese police	A man in 60s was arrested during a scuffle with riot police officers. One riot police officer grabbed his shoulder which made him lose balance. He then raised his right foot to riot police officers which led to the arrest immediately.	Arrest for obstructing police officers from performing their duty	Ryukyu Shimo (Japanese)	http://ryukyushimpo.jp/movie/entry-166413.html
48	06/11/2015	1 individual and approx. 100 protestors	Japanese police	About 120 riot police officers forcibly removed approximately 100 protesters from the Gate, and temporarily detained them inside iron fences or vehicles for 10 minutes. A 73 year old man was injured in his arm when he was grabbed by a riot police officer.	Excessive use of force and detention	Ryukyu Shimo (Japanese)	http://ryukyushimpo.jp/news/entry-167030.html
49	07/11/2015	Approx. 80 protesters	Japanese police	Over 200 riot police officers forcibly removed approximately 80 protesters from the Gate, and temporarily detained them inside iron fences .	Detention	Ryukyu Shimo (Japanese)	http://ryukyushimpo.jp/news/entry-167674.html
50	09/11/2015	Approx. 80 protesters	Japanese police	Over 120 riot police officers forcibly removed approximately 80 protesters from the Gate, and temporarily detained them inside iron fences .	Detention	Ryukyu Shimo (Japanese)	http://ryukyushimpo.jp/news/entry-168471.html
51	12/11/2015	1 individual	Japan Coast Guard	A 62 year old man who was detained at sea by a JCG officer received injury on his arm. It was diagnosed as a bruise for one week medical treatment.	Excessive use of force	Ryukyu Shimo (Japanese)	http://ryukyushimpo.jp/news/entry-171475.html
52	13/11/2015	97 individuals	Japan Coast Guard, Japanese police	27 individuals protesting inside and outside the temporary restricted area were temporarily detained. Approximately 70 protestors on land were removed and locked inside iron fences or police vehicles.	Detention	Ryukyu Shimo (Japanese)	http://ryukyushimpo.jp/news/entry-171475.html
53	18/11/2015	1 individual (Mr. Masao Isomura)	Japan Coast Guard	On 18th November around 2 pm, he was constrained by 4 JCG officers when he entered the temporary restricted area by boat. Two JCC boats sandwiched his boat and 4 officers moved to Mr. Isomura's boat to take the key for his boat. He resisted for about 10 minutes against JCG officers, then he became unconscious. Another protester requested the JCC officers to call an ambulance, but the JCG officers did not do so since "it is not asked by the person concerned" and "there is no instruction from the headquarters". Mr. Isomura vomited on the way back to the port to take an ambulance. He later gained conscious in a hospital after 6 pm.	Excessive use of force	Ryukyu Shimo (Japanese)	http://ryukyushimpo.jp/movie/entry-174308.html

54	19/11/2015	1 individual (Mr. Nishihara Seiichi)	Japanese police	In early morning of 19th, 80 people conducted a sit-in protest in front of the Camp Schwab gate to prevent vehicles from bringing in materials for operation. During the protest, Mr. Nishihara crawled under a riot police to stop a vehicle, then he was pushed back by 3 or 4 riot police officers. He later felt a pain and went to a hospital by himself. He was diagnosed for a possible fracture of rib bone.	Excessive use of force	Ryukyu Shimpo (Japanese)	http://ryukyushimpo.jp/news/entry-174864.html
55	27/11/2015	Approx. 100 protesters	Japanese police	Around 7 am of 27th, approximately 100 citizens were protesting in front of the Camp Schwab gate in an attempt to prevent construction vehicles from entering the Camp. About 100 riot police officers forcibly evacuated and detained them in a place fenced by iron bars and vehicles of the riot police.	Detention	Ryukyu Shimpo (Japanese)	http://ryukyushimpo.jp/news/entry-178822.html
56	28/11/2015	1 individual (Mr. Masanori Gima)	Japanese police	In an attempt to remove Mr. Gima, who was participating in sit-in protest, the riot police strongly pressed his chest. It broke his left rib bone which needed two-weeks treatment.	Excessive use of force	Ryukyu Shimpo (Japanese)	http://ryukyushimpo.jp/news/entry-179318.html
57		Approx. 70 protesters		Around 7 am, around 70 sit-in protesters in front of the gate were forcibly removed by approximately 120 riot police officers and detained inside iron fences and police vehicles.	Detention		
58	4/12/2015	1 individual	Japanese police	Around 7 am, riot police officers removed sit-in protesters and detained them inside iron fences. During the scuffle, a 61 years-old male received injury on his fingers and fist.	Excessive use of force	Ryukyu Shimpo (Japanese)	http://ryukyushimpo.jp/news/entry-182796.html
59	5/12/2015	1 individual (Mr. Kazuo Senaga)	Japanese police	Around 7:22 am, Mr. Senaga, Secretary-General of an Okinawan civil group against the Japan-U.S. Security Treaty, was arrested for obstructing police officers from performing their duty. He allegedly pulled the string of a loudspeaker and the jacket of a 39 years-old police officer. It is claimed that he was trying to calm down both protesters and riot police officers when he was arrested. He was transferred from the Nago police station to the Naha District Public Prosecutors Office next day (6th December). He was released later on 8th December.	Arrest for obstructing police officers from performing their duty	Ryukyu Shimpo (Japanese)	http://ryukyushimpo.jp/news/entry-183739.html ; http://ryukyushimpo.jp/news/entry-183415.html ; http://ryukyushimpo.jp/news/entry-184245.html
60		1 individual	Japanese police	Around 7:18, a protester in 70s was arrested for obstructing police officers. He allegedly kicked the shin of a police officer. He was transferred from the Nago police station to the Naha District Public Prosecutors Office next day (6th December).	Arrest for obstructing police officers from performing their duty	Ryukyu Shimpo (Japanese)	http://ryukyushimpo.jp/news/entry-183739.html ; http://ryukyushimpo.jp/news/entry-183415.html ; http://ryukyushimpo.jp/news/entry-184245.html
61		1 individual (Mr. Hiroji Yamashiro)	Japanese police	Around 9:42, Mr. Yamashiro, Secretary-General of the Okinawa Peace Movement Center, was arrested for violating the Act on Special Measures Concerning Criminal Cases by entering the Camp Schwab without a justifiable reason. He was transferred from the Nago police station to the Naha District Public Prosecutors Office. The Prosecutors office released him on 6th December.	Arrest for violating the Act on Special Measures Concerning Criminal Cases	Ryukyu Shimpo (Japanese)	http://ryukyushimpo.jp/news/entry-183739.html ; http://ryukyushimpo.jp/news/entry-183415.html ; http://ryukyushimpo.jp/news/entry-184245.html
62	28/12/2015	14 individuals	Japan Coast guard	Around 10 am, 14 protesters on canoe were temporarily detained while heading to the crane barge in the Oura Bay.	Detention	Ryukyu Shimpo (Japanese)	http://ryukyushimpo.jp/news/entry-195669.html
63	7/01/2016	Approx. 100 protesters	Japanese police	About 6:55 am, around 100 sit-in protesters in front of the gate were forcibly removed by approximately 130 riot police officers and detained inside iron fences and riot police vehicles.	Detention	Ryukyu Shimpo (Japanese)	http://ryukyushimpo.jp/news/entry-199828.html

64	11/01/2016	1 individual	Japanese police	During a scuffle with riot police officers, a woman from the Motobu town injured her neck. She was taken to a hospital by ambulance.	Excessive use of force	Ryukyu Shimpo (Japanese)	http://ryukyushimpo.jp/news/entry-201955.html
65		11 individuals	Japan Coast Guard	11 protesters on canoe were temporarily detained for trespassing into the temporary restricted area.	Detention	Ryukyu Shimpo (Japanese)	
66		1 individual	Japanese police	Around 8 am, a 36 years old man from Osaka was temporarily detained for going under a truck in an attempt to prevent the vehicle from entering the base.	Detention	Ryukyu Shimpo (Japanese)	
67	14/01/2016	1 individual	Japanese police	A woman in her 70s hit her head against a riot police's bus during a scuffle with riot police officers. She was taken to a hospital by ambulance.	Excessive use of force	Ryukyu Shimpo (Japanese)	http://ryukyushimpo.jp/news/entry-203810.html
68	16/01/2016	1 individual	Japanese police	Around 7 am, a protester was injured as riot police officers forcibly removed sit-in protesters in front of the gate. The injured man was taken to hospital by the ambulance and he was diagnosed with a bruise.	Excessive use of force	Okinawa Times (Japanese)	http://www.okinawatimes.co.jp/article.php?id=150114
69		1 individual	Japanese Coast Guard	Around 3 pm, a man in his 60s protesting on a canoe had his neck bone broken as a JCG officer captured him and twisted his arms behind his back. According to the man, "some JCG officers have been reacting in an excessive way, while the others pretending not to notice it".	Excessive use of force	Okinawa Times (Japanese)	http://www.okinawatimes.co.jp/article.php?id=150684
70	22/01/2016	1 individual	Japanese police	A female in her 30s from Okinawa testified that a riot police officer said to her and other protesters, "(I am) different from you the old women with rotten blood!", while about 60 sit-in protesters were forcibly removed by about 100 riot police officers at around 6:50 am in front of the gate.	Verbal abuse	Okinawa Times (Japanese)	http://www.okinawatimes.co.jp/article.php?id=150976
71	26/01/2016	1 individual	Japanese police	A man in his 70s was arrested for obstructing police officers from performing their duty while the Japanese riot squad forcibly removed about 100 protesters in front of the gate at 9:13 am. The protesters were setting up a barricade with bricks and timbers in order not to let construction vehicles in.	Arrest for obstructing police officers from performing their duty	Okinawa Times (Japanese)	http://www.okinawatimes.co.jp/article.php?id=151372
72	01/02/2016	Approx. 100 protesters	Japanese police	Around 7 am, riot police officers removed about 100 sit-in protesters and detained them inside iron fences and police vehicles for 30 minutes. They asked the riot police officers for a legal ground of detention, yet they were not given an answer. During the scuffle, some protesters got cuts and abrasions.	Excessive use of force and detention	Okinawa Times (Japanese)	http://www.okinawatimes.co.jp/article.php?id=152170
73	19/02/2016	Approx. 60 protesters	Japanese police	Around 7 am, about 110 riot police officers forcibly removed around 60 protesters and detained them inside iron fences and police vehicles.	Detention	Ryukyu Shimpo (Japanese)	http://ryukyushimpo.jp/news/entry-224296.html
74	20/02/2016	Approx. 70 protesters	Japanese police	Around 7 am, riot police officers removed about 70 sit-in protesters forcibly and detained them inside fences and police vehicles for about 10 minutes. One protester's request to use the toilet during the detention was ignored.	Detention	Okinawa Times (Japanese)	http://www.okinawatimes.co.jp/article.php?id=154815

75	08/03/2016		Non-state actors	A sit-in protest camp was attacked by unknown personnel. An exhibition panel was burnt and paper cranes were damaged.	Unknown	Ryukyu Shimpo (Japanese)	http://ryukyushimpo.jp/news/entry-234882.html
76	15/03/2016	1 individual	U.S. security guard	Around 10:30 am, a man protesting at the new gate was detained inside the base by a U.S. security guard.	Detention	Ryukyu Shimpo (Japanese)	http://ryukyushimpo.jp/news/entry-239048.html
77	17/03/2016	1 individual	Japanese police	1 protester against the incident, which a former U.S. soldier committed rape and murder of a local woman, was detained at the crash with riot police officers.	Detention	Ryukyu Shimpo (Japanese)	http://ryukyushimpo.jp/news/entry-240447.html
78	01/04/2016	1 individual (Mr. Shun Medoruma, Akutagawa Literature Prize winner)	U.S. security guard, Japan Coast Guard	He and his fellows were trespassing in the restricted area, and a US security guard arrested the novelist who was trying to stop his fellows from being arrested. He was handed over to the Japan Coast Guard which then handed him to the Naha District Public Prosecutors Office. The Prosecutors Office released him on the next day.	Arrest for violating the Act on Special Measures Concerning Criminal Cases	Japan Times	http://www.japantimes.co.jp/news/2016/04/02/national/crime-legal/okinawan-novelist-arrested-entering-restricted-area-near-u-s-base/#.V3aA9vmLSM8
79	25/05/2016	1 individual	Japanese police	At 9:39 am, a man in 30s was arrested for allegedly punching a U.S. soldier in a car during a scuffle with sit-in protesters and riot police officers. The sit-in protest was to condemn the incident of rape and murder of a local woman.	Arrest	Ryukyu Shimpo (Japanese)	http://ryukyushimpo.jp/news/entry-285693.html
80	02/06/2016	70 individuals	U.S. military	Around 10:40 am, a police vehicle of the U.S. military started playing loud sirens against the protesters. It was followed by another police vehicle's loud sirens 10 minutes later. The sirens lasted for 30 minutes.	No follow-up action by the Japanese government can be found.	Ryukyu Shimpo (Japanese)	http://ryukyushimpo.jp/news/entry-290481.html
81	29/11/2016	4 individuals (including Mr. Hiroji Yamashiro)	Japanese police	4 individuals were arrested for the allegation of forcible obstruction of business of the Okinawa Defense Bureau. The allegation was made against their protest activity which they piled up approximately 1400 concrete blocks in front of the Camp Schwab Gate in an attempt to prevent construction vehicles from entering the Camp from about 2:05 pm of 28 January to 8:41 am 30 January. The police raided 8 sites including the two tents of protesters in Henoko, the offices of the Okinawa Peace Movement Center and the Council against the Helicopter Base, home of Mr. Yamashiro and another protester arrested.	Arrest	Japan Times	http://www.japantimes.co.jp/news/2016/11/29/national/four-arrested-okinawa-obstructing-u-s-base-transfer-work/#.WEVUcbLhCM8
						Ryukyu Shimpo (Japanese)	http://ryukyushimpo.jp/news/entry-402999.html
							http://ryukyushimpo.jp/news/entry-403401.html
						Okinawa Times (Japanese)	http://www.okinawatimes.co.jp/articles/-/73388
82	4/1/2017	8 individuals	Japan Coast Guard	After 3 pm, 8 protesters on canoe were temporarily detained when they approached the three workboats of the Defence Bureau. The boats were re-setting the oil fence in Oura Bay.	Detention	Ryukyu Shimpo (Japanese)	http://ryukyushimpo.jp/news/entry-422198.html
						Okinawa Times (Japanese)	http://www.okinawatimes.co.jp/articles/-/78506
83	7/1/2017	9 individuals	Japan Coast Guard	9 individuals on canoe were temporarily detained when they were protesting against the setting-up of floats around the oil fence. They were released at the Tairajima Island in Oura Bay.	Detention	Ryukyu Shimpo (Japanese)	http://ryukyushimpo.jp/news/entry-423523.html
84	23/1/2017	8 individuals	Japan Coast Guard	Around 3 pm, JCG officers held a protesting boat outside the temporary restricted area when it was about to move from the anchored position. The officers stopped the boat by hands when they sandwiched the boat by two rubber boats. The JCG explained that it "instructed them not to head to the construction area. After when (the boat) entered the area, it instructed to change the direction. It does apply to preventive detention". 8 individuals on canoe were also temporarily detained.	Detention	Okinawa Times (Japanese)	http://www.okinawatimes.co.jp/articles/-/81129
85	24/1/2017	9 individuals	Japan Coast Guard	9 individuals on canoe were temporarily detained around 10 am. They were released outside the temporary restricted area.	Detention	Okinawa Times (Japanese)	http://www.okinawatimes.co.jp/articles/-/81170

86	25/1/2017	10 individuals	Japan Coast Guard	10 individuals on canoe were temporarily detained.	Detention	Okinawa Times (Japanese)	http://www.okinawatimes.co.jp/articles/-/81338
87	1/2/2017	17 individuals	Japan Coast Guard	17 individuals on canoe/ boat were temporarily detained when they were protesting against the setting-up of green nets around the floats in the Oura Bay. The floats indicate the temporary restricted area. It is believed that the nets are to prevent protesters from entering the temporarily restricted area. The set-up was stopped by the protesters.	Detention	Ryukyu Shimpo (Japanese)	http://ryukyushimpo.jp/news/entry-436829.html

Violence, detention and arrests in Takae, Okinawa in 2016

01 2月 2017

The preparation for the construction of U.S. military helipads started on 10th July 2016 after the 2 years suspension. The construction resumed on 22nd July.

*All the incidents took place in Takae district of Higashi village in northern Okinawa where the Northern Training Area of the U.S. Marine Corps is located.

**The term "detention" includes the restraint of personal physical liberty by law enforcement officials.

*** The list does not include incidents where a number of victims was not clear.

No.	Date	Victim	Perpetrator	Incident	Action by the Japanese authorities	Source	URL
1	12/07/2016	1 individual	Japanese police	Around 5 am, 12 protesters against the construction of U.S. military helipads in front of the main gate of the Northern Training Area were evicted by around 100 riot police officers for attempting to remove the fences set up by the Okinawa Defence Bureau (ODB). Among them, one 63 years-old male was taken inside the base and detained for approximately 20 minutes.	Detention	Ryukyu Shimpo (Japanese)	http://ryukyushimpo.jp/news/entry-315227.html
2	17/07/2016	1 individual	Japanese police	Around 8 am in front of the N1 gate of the Northern Training Area, one 58 years-old female hit her head and waist strongly against the ground as she fell down during the scuffle with protesters and the riot police.	Suspicion of excessive use of force	Ryukyu Shimpo (Japanese)	http://ryukyushimpo.jp/news/entry-318203.html
3	22/07/2015	3 individuals	Japanese police	After 5 am, 3 protesters were hospitalised for injury and other damages as a result of the scuffle with the riot police who were removing the protesters on a sound truck.	Suspicion of excessive use of force	Ryukyu Shimpo (Japanese)	http://ryukyushimpo.jp/news/entry-321258.html
4	20/08/2016	2 journalists	Japanese police	In the morning of 20th, reporters from the Okinawa Times and Ryukyu Shimpo, covering the riot police's evacuation of the approximately 50 protesters on the Takaebashi bridge, were also forcibly evacuated by the riot police, temporarily detained and prevented from reporting. Although both of them informed riot police officers their newspaper's name, the riot police continued the detention.	Violation of the press freedom	Ryukyu Shimpo (Japanese)	http://ryukyushimpo.jp/photo/entry-340617.html
						Okinawa Times (Japanese)	http://www.okinawatimes.co.jp/articles/-/58488
5	22/08/2016	2 individuals	Japanese police	An 86 years-old woman protesting against the construction received a cut on her fifth finger during the scuffle with the riot police. She had 5 stitches on her finger. A 63 years-old male protester also received a chest compression as a riot police officer pressed him by the knee. He was brought to a hospital by an ambulance.	Suspicion of excessive use of force	Ryukyu Shimpo (Japanese)	http://ryukyushimpo.jp/movie/entry-342215.html
6	24/08/2016	1 individual	Japanese police	Around 6:50 am, a male protester was arrested for obstructing police officers from performing their duty. He was suspected of kicking the belly of a police officer. He denied the allegation.	Arrest for obstructing police officers from performing their duty	Ryukyu Shimpo (Japanese)	http://ryukyushimpo.jp/news/entry-343437.html
7	24/08/2016	2 individuals	Japanese police	After 10 am, a 72 years-old female hit her head against the ground during the scuffle with the police. As she was holding a placard with both hands, the back side of her head was strongly hit and bled. She was taken to a hospital by an ambulance at 10:40.	Suspicion of excessive use of force	Ryukyu Shimpo (Japanese)	http://ryukyushimpo.jp/news/entry-343437.html

8	06/09/2016	1 individual	Japanese police	<p>Around 9:54 am, a woman protesting against the construction by driving slowly in the route 70 in order to delay construction-related vehicles was arrested for obstructing police officers from performing their duty. She allegedly speeded up the car when a police officer ordered her to stop, which made the officer jumped backward. There was no contact with the car and the police officer received no injury. Another woman in the car claimed that the arrested intended to avoid the police officer who was filming them by walking in front of the car. She claimed that then another police vehicle came front to block the car, opened the door and pulled down the arrested onto the ground and handcuffed.</p>	Arrest for obstructing police officers from performing their duty	Ryukyu Shimpo (Japanese)	http://ryukyushimpo.jp/news/entry-352075.html
9	15/09/2016	2 individuals	Japanese police	<p>Around 10 am, two protesters in their 60s were arrested for obstructing traffic. They parked their cars in the centre of the route 70 in Takae district of Higashi village in an attempt to prevent a dump truck carrying gravel for the construction. There were around 5 cars parked by protesters in the same way, but only the two were arrested.</p>	Arrest for obstructing traffic	Ryukyu Shimpo (Japanese)	http://ryukyushimpo.jp/news/entry-357512.html
10	28/09/2016	At least 10 individuals	Japanese police	<p>In a helipad construction site in the area 'H' in Takae district of Higashi village, at least 10 protesters were attempting to prevent the logging operation. Riot police officers constrained the protesters with rope and forcibly removed them. One male injured his left ankle and was taken to a hospital by an ambulance.</p>	Excessive use of force	Ryukyu Shimpo (Japanese)	http://ryukyushimpo.jp/news/entry-366084.html http://ryukyushimpo.jp/news/entry-368066.html
11	05/10/2016	Approximately 200 individuals	Japanese police	<p>Around 9 am, riot police officers forcibly evacuated sit-in protesters and detained them between police buses for about one hour. One woman fell sick due to inhaling exhaust gas for a long time.</p>	Detention	Ryukyu Shimpo (Japanese)	http://ryukyushimpo.jp/news/entry-370245.html
12	17/10/2016	1 individual (Mr. Hiroji Yamashiro)	Japanese police	<p>Around 3:31 pm, Mr. Yamashiro allegedly cut two barbed wires separating the construction site and area provided for the U.S military by a pincher-like tool, which the Defence Bureau reported to the police. The police chased Mr. Yamashiro until he exist the foreign military area, then he was arrested for destruction of property in the route 70 around 4:22 pm. Mr. Yamashiro maintained his silence during the interrogation.</p>	Arrest for destruction of property	Ryukyu Shimpo (Japanese)	http://ryukyushimpo.jp/news/entry-377111.html
13	18/10/2016		Japanese police	<p>In the morning of 18th, a 26-years-old riot police officer from the Osaka prefectural police said, "Shut up, 'Shina-jin'" to the protesters in Takae. "Shina-jin" is a derogatory term to call Chinese people. He was removed from the front-line duties. On 21st October, he was reprimanded for "the indiscreet and inappropriate comments that hurt trust in the police."</p>	Hateful remark	The Asahi Shimbun Ryukyu Shimpo (Japanese)	http://www.asahi.com/ajw/articles/AJ201610200032.html http://ryukyushimpo.jp/movie/entry-378076.html http://www.asahi.com/ajw/articles/AJ201610220031.html
14	18/10/2016		Japanese police	<p>In the morning, a 29-years-old riot police officer dispatched from the Osaka prefectural police called protestors "dojin". The protesters against the construction of U.S. military helipads were pushing the fence of the U.S. military's Northern Training Area when the incident occurred. "Dojin" is a discriminatory word which means "primitive people" with highly negative implications such as "backward" and "uncivilized". The police officer concerned was sent back to Osaka, and on 21st October he was reprimanded for "the indiscreet and inappropriate comments that hurt trust in the police."</p>	Hateful remark	The Asahi Shimbun Ryukyu Shimpo (Japanese)	http://www.asahi.com/ajw/articles/AJ201610200032.html http://ryukyushimpo.jp/movie/entry-377736.html http://www.asahi.com/ajw/articles/AJ201610220031.html

15	20/10/2016	2 individuals (Mr. Hiroji Yamashiro and a 31 years-old pastor)	Japanese police	The police arrested the two men for the allegation of obstructing police officers from performing their duty and inflicting injury. The alleged acts took place on 25 August 2016. The allegation was made against the two for grabbing strongly an arm of an official, who was setting up a fence to prevent entry to the construction site in the so-called back N1 area, and shaken his shoulder intensely which resulted in a bruise on the right arm. Mr. Yamashiro's lawyer claimed that the arrest was made in order to continue the detention. The 31 years-old pastor was arrested in his home-cum-church in Kanagawa prefecture around 11 am. About a dozen officers started a house search at the same time of the arrest.	Arrest for obstructing police officers from performing their duty and inflicting injury	Okinawa Times (Japanese)	http://www.okinawatimes.co.jp/articles/-/67529
16	28/10/2016	70 individuals	Japanese police	In the morning, approximately 200 riot police officers forcibly evacuated the 70 sit-in protesters and kept them in one site in order to prevent their movement.	Detention	Ryukyu Shimpō (Japanese)	http://ryukyushimpo.jp/news/entry-384486.html
17	01/11/2016		Japanese police	Around 9 am, a police officer told the protesters to "go back to the inland" when he was asking the protesters to move their cars. The comment was video recorded by a citizen. Also, he allegedly said, "Are you an activist? If you want to protests, do it at the Parliament or Nagatacho town" when it was not video-recorded. The video also captured the officer saying, "You seem to be just protesting against police officers, not against war and bases". It was criticised that such comments were based on the prejudice which all protesters are activists from the inland.	Verbal abuse	Okinawa Times (Japanese)	http://www.okinawatimes.co.jp/articles/-/69336
18	29/11/2016	2 individuals	Japanese police	In the morning of 29 November, two protesters attempting to block construction vehicles on the Oodomarihashi bridge were arrested by the police. According to a witness, one of them was arrested around 7:40 am when he was controlling the traffic. He was shown an arrest warrant. Another man was arrested around 8 am for allegedly violating the Road Traffic Law while he was conducting a sit-in protest on the road.	Arrest	Ryukyu Shimpō (Japanese)	http://ryukyushimpo.jp/news/entry-403030.html