



Submission To The United Nations
Human Rights Committee at Geneva
On International Covenant on Civil and Political Rights
- CCPR -

130th Session

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Japan Periodic Review

Report of Human Rights Violations In Japan

Coordinated by Warriors Japan

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Author of the Report and Methodology

This report has been coordinated by 2020 Nobel Peace Prize Nominee Catherine Jane Fisher, Australian citizen living in Japan since the 1980s. Fisher is founder and president of WARRIORS JAPAN and I AM JANE. Warriors Japan was established on May 3rd, 2002 after she was raped by a U.S. military serviceman on the same year in April 6th, 2002. Fisher was the first woman to 'Break The Silence' in Japan as is well known for her peace making grassroots advocacy in Japan. In order to collect data and research, interviews with several legal experts, interviews directly with the victims of violence and analysis of data was integrated into the present report. Some of these victims of crime would be willing to be interviewed once a formal investigation can be decided upon by the Committee.

ABSTRACT

This report is designed to convey the lack of action by the Japanese Government to prevent physical and sexual assaults on residents in Japan. We believe that immediate action to change laws, improve facilities, expansion of welfare services, compensation to victims of crime and funding to care providers are urgently required. In particular the people of Okinawa have suffered from crimes committed by US Forces since 1945. Overall, In reported cases from 1952 – 2017, 210,000 criminal acts and accidents were committed by U.S. military stationed in Japan. 1,092 lead to death. (Japanese Ministry of Defense Data 2017)

We believe through our research of almost two decades, is that Resolution 1325 must be implemented in Japan without delay as the Four Pillars of Resolution 1325 are not standing. in particular the pillars of Participation and Protection have failed to be properly established. Due to this failure, Prevention, Relief and Recovery has continued to be an issue of grave concern in Japan and this must be addressed immediately to save lives.

REQUEST FOR INVESTIGATION AND INTERVENTION INTO HUMAN RIGHTS VIOLATIONS IN JAPAN

1.1 According to the Japanese Ministry Of Defense Data, in reported cases from 1952-2017, 210,000 criminal acts and incidents were committed by US military stationed in Japan. **Through our research which spans almost two decades, we conclude that the only way forward for us is to be focused on *prevention of crimes* instead of the *maintenance that comes after it.***

1:2 Why Victims Remain Silent In Japan

With sexual assault so rampant, we understand that remaining silent will not eradicate rape as 'Silence is the friend of a predator.' However many victims see how other victims have been badly treated by police, government, portrayed in the media and are reluctant to speak up in fear that they may be treated the same way. We hope that by portraying a more positive image of integrating women and their perspectives in peace and security, may persuade more victims to come forward.

Furthermore, as we see daily the increase of violence against men, women and children world-wide, it is time to admit that *the current system is not effective.*

1:3 US Military Predators Returned To The USA is problem not only for victims in Japan but also for USA residents

The problem that arises here is that, firstly citizens in the USA are being placed in danger when these criminals are being sent back. Secondly, victims here in Japan must look for the rapist by themselves as the Japanese Government refuses to assist, or thirdly just give up seeking redress. In 1995, a 12yr old girl on Okinawa island, was gang-raped by three US military servicemen. Later when one of the rapists, Kendrick Ledet returned to the USA, he sexually assaulted a 22yr old Georgia woman then killed her by strangulation and a blow to the head, before committing suicide.

FACTS OF THE COMPLAINT AND NATURE OF THE VIOLATIONS OF U.S. MILITARY CRIMES IN JAPAN

In the 2007 Alternative Report To UN-Committee Against Torture 38th Session, 'Violations Of Women's Rights' Coordinated by Asia-Japan Women's Resource Center in collaboration with Warriors Japan, the Committee was concerned at continued allegations of gender-based violence. Also the restrictive scope of male rape victims. The lack of effective measures to prevent and prosecute violence perpetrated by military personnel, including foreign military personnel stationed on military bases. Japan was requested to adopt preventive measures to combat sexual violence, promptly and impartially investigate all allegations of torture or ill-treatment with a view to prosecute those responsible. Training programs for law enforcement officials and the judiciary to ensure they are sensitized to the rights and needs of victims, to establish dedicated police units, and to provide better protection and appropriate care for such victims, including inter alia, access to safe houses, shelters and psychosocial assistance. Ensure that all victims can claim redress before courts of law, including victims of foreign

military personnel. Lack of gender-sensitive training of law enforcement personnel, police officers, government officials. The Japanese government may have made attempts to conform to some of these recommendations by the United Nations CAT Committee however these attempts have failed and are not of worldwide standards.

WE REQUEST THE FOLLOWING RECOMMENDATIONS:

1. Civilians other than Japanese nationals who have been victimized need assistance in their *native language*. More and more victims are reluctant to report sexual crimes. Due to insensitive law enforcement and judicial authorities in Japan. The Japanese government needs to take judicial rights to *initiate protective measures to prevent and prosecute crimes* by U.S. military personnel.
2. Provide and fund, professional emergency clinics to *enhance the healing of the treatment of victims* in the immediate aftermath of sexual assault and *follow up care and counseling*.
3. The Japanese State may be making some efforts to address gender-based violence but these efforts still remain inadequate. Providing education to both males and females is necessary to ensure gender equality and knowledge of human rights availability.
4. *The Status Of Forces Agreement needs to be investigated in Article 16*. The Japanese government is informing victims that due to Article 16 the Japanese government cannot assist them. It is important to investigate how SOFA provides Japan Judicial rights and why Japan does not always use these rights. To change the word from ‘respect the laws of Japan’ to ‘obey the laws of Japan’.
5. That the Japanese government assist rape victims and not hinder their Justice. For example, they stated on record that they were *unaware* of the Apostille Stamp of the Hague Convention which Japan was a member of since 27th July 1970. When the rape victims’ legal team in the USA used the Apostille Stamp to verify a Tokyo District Court Documents ruling in the favour of the victim to have her rape case endorsed in the USA, in 2012. The victim pointed out the Apostille Stamp could have been used in her case since 2002, and other cases before her.
6. In order to encourage and assist survivors to report crimes committed by the U.S. military, the Japanese government should cease harassing the victims by placing them under surveillance. Requests have been made to the Japanese government to cease but it still continues.
7. Rape test kits and collection of specimens for toxicological analyses including drug facilitated sexual assault more readily available.
8. Prevent victims from being forced to re-enact the rape crime against them. Prohibit re-enactment photographs of the rape and the use of dolls to be placed on the victim’s body to show how they were raped. If photographic evidence of wounds to the genital area of a victim is necessary then this should be left to a medical doctor. Victims interviewed for this report showed severe second trauma for this violation of their privacy when they were forced to be photographed of their genital area by a police officer.
9. The Japanese government must ensure that U.S. military personnel are *not permitted to leave Japan during ongoing court trials or whilst under investigation*.
- 10.. To request an investigation in the cases of US military who were sent back to the USA while still under police investigation or during trial.

ATTACHMENTS - EXHAUSTION OF DOMESTIC REMEDIES IN RAPE CASES COMMITTED BY U.S. MILITARY IN JAPAN

CASE STUDY OF CATHERINE JANE FISHER

Fisher is the first woman to ‘Break The Silence’ in Japan. Founder and president of Warriors Japan and I Am Jane. She was recently nominated for the 2020 Nobel Peace Prize. Author of three books, and Award Winning Human Rights activist, has shown us the way of the future. She is an “EMPOWERTARIAN”, a phrase coined by Fisher which she says means, “An Empowertarian is a person who empowers their own life and that of others.”

APRIL 6, 2002, after being drugged, Fisher was raped by a U.S. Military serviceman in Japan. She immediately sought help from police. They insisted she return to the crime scene and re-enact the rape for photographs. When she refused in horror, they used a female and male police officer and had her *direct* her rape. Humiliated and traumatized she was later diagnosed with acute rape trauma and P.T.S.D. The police held her in custody for almost 13 hours, refused immediate medical help. Questioned without sleep or food or water and finally released her into the street, mocking her. The fact that they kept her underwear as evidence, did not offer her any replacement underwear was humiliating. She says that she screamed all the way back home. At that time there were no 24 hr rape centers. Catherine did try to get the Japanese to prosecute but they refused. She then sued the rapist in a civil court. The Rapist engaged a lawyer, but without notice, failed to attend court and his lawyer advised the court that the defendant had left Japan. The Japanese Judge found him guilty, years later and gave her the right to seek compensation of 3 million yen from her attacker. After many discussions with the Japanese Government and years later, a payment was made of the same amount but the Japanese government asked if she would make it cheaper.

After 12 years of searching for the rapist by herself, she found him and with the help of a legal firm in Milwaukee, she had her Tokyo District Court Ruling in her favor, endorsed in the USA. Apart from creating a precedent that has and will continue to show the way for others in the future, Fisher emphasized the value of Justice and for her love of Japan and hoping to pave a better future for rape victims, she instructed her Attorneys to ask for \$1.00 and the Judge then awarded it to her.

Conclusion:

Catherine Jane Fisher who has coordinated this report, has allowed us to use her case for the purpose of hoping Resolution 1325 will be implemented into Japan. She feels that the key pillars are long overdue and once adopted, then new standards and clear precedents may be established to prosecute sexual violence as a crime against humanity. Fisher also hopes that men will not be left out and that our male counterparts will continue to use their masculinities together with women to develop peaceful approaches to solving conflict. Most important is that her 12-years seeking justice, in looking for the rapist by herself, costs incurred, continued lack of support from the Japanese Government we believe that such an important case should not be diminished or no longer ignored and can be used for an empowering example of the UNSCR 1325's basic pillars, participation, protection, prevention and relief and recovery. We hope that the scope of this investigation can be widened to include all victims, regardless of gender, similarly treated without dignity.

REFERENCE LINKS

1. Human Rights Violations In Okinawa and Japan Human Rights Violations In Okinawa and Japan

<https://youtu.be/0SrPn2Da294>

[Human Rights Violations in Japan List](#)

2. Victim Under Surveillance - Australian Rape Victim, Human Rights Defender in Japan Under Surveillance - Australian Rape Victim, Human Rights Defender in Japan

<https://youtu.be/ra1MjpWaAM0>

[Evidence of Rape Victim Under Surveillance](#)

3. U.S. sailor's rape victim wins case for \$1

<https://www.japantimes.co.jp/news/2013/11/21/national/u-s-court-rules-in-favor-of-australian-victim-raped-by-u-s-serviceman-in-yokosuka/>

[Rape Victim \\$1 Rape Trial Victory](#)

4. List of Main Crimes Committed and Incidents Concerning the U.S. Military on Okinawa - Excerpts Only

(FULL LIST IS AVAILABLE UPON REQUEST. As seen in Link 1)

http://www.uchinanchu.org/history/list_of_crimes.htm

[List of Crimes in Okinawa - Excerpt only](#)