

March 1987

Reversing Steps toward Non-Discrimination

New Buraku Legislation of 1987

(1)

Prior to the termination of the effect of the current Area Improvement Measures Law, the government approved at the Cabinet Council on February 13 to the proposed bill for the new legislation titled "Law on Special Financial Measures of the Government Pertaining to Specified Area Improvement Projects". When compared to the current law, it inherits the same provision for special financial measures. However, the communities that the measures shall be applied to are limited only to those designated for the current area improvement measures, and the types of measures shall be reduced to only those 'deemed necessary to be continued'. And the new law will lose its effect after five years.

First of all, we have to recognize the fact that the bill has been proposed at all as a positive fruit of our past struggle in challenging the difficult political circumstances where the ruling party was predominantly calling for the end of the law without any further substitution. It is no overstatement to say that the bill should not even have been proposed unless the broad coalition of the national movement had pressed the government with concrete evidence of discrimination.

Nevertheless, the new legislation, possibly playing some positive role in executing remaining measures centering on the improvement of housing environment, is far from the fundamental solution to the Buraku discrimination problems.

(2)

The first defect of the proposed bill is that the target areas are limited only to those current targets of Area Improvement Measures. About 4600 Buraku communities are receiving Dowa (integration) measures, but the number of Buraku listed in the discriminatory publication "Buraku List" is

over 5300. This means that at least 700 Buraku have not received any Dowa measures. Consequently, quite a few of them are suffering from degrading conditions. The proposed bill presents a serious problem violating the constitutional principle of "equal application of laws" because it will cut off the way to improve the situation.

The second defect is the call for the reduction of measures neglecting the harsh reality of discrimination. The proposed budget for fiscal 1987 indicates that some important measures directly affecting such indispensable conditions for the self-dependence of Buraku as improved education and employment stability are going to be either abolished or reduced.

Under the current economic situation facing the recession triggered by the appreciation of the yen and growing unemployment, Burakumin's labor situation, already negatively affected, will further aggravate. It is even threatening that measures for job security are massively being cut. This will hardly improve the situation of discrimination and rather lead the way to after the Dowa Projects Council Report of 1965.

The third defect is that the bill is hardly helpful for eliminating prejudiced consciousness and vicious discriminating acts. Currently, incidents of

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discrimination are increasing in number and worsening in nature. Marriage and employment-related incidents of discrimination are ever occurring and surveys conducted by detective agencies and investigation companies with discriminatory intent as well as illegal acquisition of copies of family register show no sign to be declining. Discriminatory scribbles and letters are being observed one after another. Other publicized cases such as the distribution of discriminatory handbills criticizing Ohkura Housing in Fukuoka, posting discriminatory bills in Taito Ward, Tokyo, and citizens of Onomichi City, Hiroshima, arguing against the right to marry Burakumin, seem hardly to be settled despite repeated persuasions made by people concerned. The proposed bill keeps such incidents of discrimination out of sight and suggests no concrete countermeasures.

(3)

Briefly stated, the bill characterizes itself as providing special financial measures for dealing only with remaining projects to mainly improve living environment. It abandons the concept of government's core responsibility for the solution of Buraku discrimination problems and presents no fundamental solutions.

We need the enactment of the Fundamental Law for Buraku Liberation which clearly stipulates that (a) upon clarifying the importance of solving Buraku discrimination problem and government's responsibility, (b) special projects are to be implemented for improving inferior conditions, (c) prejudiced consciousness is to be eliminated through education and enlightenment and (d) discriminatory acts are to be curbed by laws.

From this viewpoint, the bill is only a poor representation of the 'project law' concept which is just one of the basic components of the Fundamental Law on Buraku Liberation.

Fortunately, aided by the tenacious efforts of the broadly-based national movement, signatures calling for the enactment of the Fundamental Law have been obtained from 257 House Representatives, the majority, and 111 House Councilors, only 15 more to reach the majority. These signatures are from all Diet members of the Socialist Party, Komei Party, Democratic Socialist Party and Social Democratic Federation. 83 Representatives and 26 Councilors of the Liberal Democratic Party have also signed. We appeal for further strengthened na-

tional movement for enacting the Fundamental Law for Buraku Liberation.

(4)

To be honest, however, we must recognize the harsh reality in which it is extremely difficult to win the legislation of the Fundamental Law for Buraku Liberation during the current session of the Diet. It is because the policy initiative to suppress the Buraku liberation movement and to curb Dowa projects stands by the Area Improvement Projects Council.

In view of the enactment of the Fundamental Law for Buraku Liberation as a long-term objective, we are determined to have the following five points to be added to the bill during the current session of the Diet:

- (i) To state clearly the importance to solve Buraku discrimination problems
- (ii) To declare that discrimination against Buraku is an unpardonable social evil
- (iii) To specify the significance of education and enlightening activities
- (iv) To allow the execution of projects even in undesignated Buraku communities
- (v) To promote measures affecting the improvement of education and stability of employment which are both vital to the solution

The Japanese Constitution will celebrate its 40th anniversary on May 3, 1987. The Constitution has declared the elimination of discrimination and protection of basic rights as a major principle along with the renunciation of war and people sovereignty. The government must observe constitutional principles and be responsible for their actualization. The government is thus obliged to do its utmost until the solution is attained to Buraku discrimination problems.

The Report of Dowa Projects Council, issued on August 11, 1965, regarded the Buraku discrimination problem as "pertaining to the basic human rights guaranteed under the Constitution" saying "its prompt solution is the responsibility of the government as well as the national task" and underlined the importance of formulating comprehensive and systematic policy measures with the assumption "administrative efforts need to be actively promoted as long as discrimination remains".

The government is requested more than ever now to return to this original spirit in order to start



Numbers of Signatures from Diet Members
(as of 1987.2.18)

Political Party	Total		
	Diet Members	Signatures	Percentage
Liberal-Democratic Party	451	119	26.4
The Socialist Party of Japan	127	127	100
Komeito (Clean Government Party)	82	82	100
Japan Democratic Socialist Party	39	39	100
Social Democratic Federation	5	5	100
other political party	2	1	50.0
other political party	3	3	100
other political party	3	0	0
nonpartisan	5	2	40.0
Japanese Communist Party	43	0	0
vacancy	4		
total	764	378	49.5

its way toward the fundamental solution to the Buraku discrimination problem, namely the enactment of the Fundamental Law on Buraku Liberation.

(5)

Government sources in recent years have repeatedly referred to the concept "international state Japan". However, for Japan to be accepted with true respect into the international community, it has to build itself as an international state of peace and human rights rather than just to expand its economic, political and military power only to be met with criticism from other countries.

To begin with, a critical reflection should be made on the series of discriminatory statements made by Prime Minister Nakasone himself in order to take some concrete actions. One urgent need is to have the ratification of the Convention on the Elimination of All Forms of Racial Discrimination to which 124 countries, over three-fourths of UN members, have already acceded to.

Prime Minister Nakasone has been attempting to delay its ratification by saying that although he basically endorses the Convention further examination is deemed necessary to coordinate its principles with freedoms of speech, publication, assembly and association.

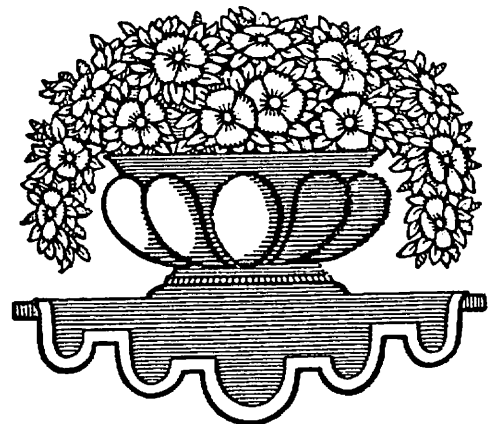
However, many other countries including the United Kingdom, France, Italy and West Germany have already acceded to the Convention by overcoming various difficulties and it is clear that the freedom to incite discrimination as well as discrimination itself is not to be condoned given constitutional principles.

Prime Minister Nakasone, on the other hand, is quite aggressive to enact the anti-espionage law which is widely criticized as threatening the freedom of expression and publication and is heading toward ever expanding armament and militarization of Japan.

This will only invite increased criticism from abroad and make Japan isolated in the international community. The path that Japan is called to follow is not the path leading to rights suppression and military build-up but the path to the peaceful and discrimination-free society where Japan takes the lead. For that purpose, it is imperative that the Convention be ratified as soon as possible and that the standards for eliminating discrimination both domestically and internationally be set up higher in concrete terms.

The enactment of the Fundamental Law for Buraku Liberation and the laws for Ainu people and for the elimination of discrimination against Korean residents in Japan are to be viewed in this broader context.

For achieving the afore-mentioned objectives, we are determined to step up our efforts and wish to invite the readers to further collaborate with us.





Funds for Dowa Policy Projects Cut by Nearly One-Third

Dowa Budget for 1987 11.3% down on the Preceding Year

In the face of general criticism, the 1987 budget has placed top priority on military spending, releasing the brakes on Japan's development into a country with a large military. Defense spending alone was increased, breaking through the 1%-of-GNP ceiling with a 5.2% hike on the preceding year's budget.

An increase in military spending means that the budgets for welfare, human rights and education are held in check. This is certainly reflected in this year's budget.

The Dowa budget is not based on the results of research into the reality of cases of discrimination and the hard facts concerning, in particular, labor and education, but on the report by the Area Improvement Projects Council. Under the pretext of limiting its scope to "truly necessary measures," in concrete terms the budget simply represents an 11.3% reduction compared with the previous year's budget and curtailment of existing measures.

To be concrete, out of 82 heads covering government Dowa policy measures, 12 heads refer to discontinuation, 14 to a shift in general measures, while 56 represent a continuation (to some of which conditions are attached, such as making a high-school scholarship a loan rather than a grant).

The fact that 26 measures were either abolished or shifted certainly seems like a step backwards. However, in reality, about half of the measures in question either had hardly been utilized recently or are covered by similar measures among the general projects. This is the result of work by responsible

people in the liberation movement and government circles.

Nevertheless, the government's draft budget for the Dowa policy in 1987 is ¥190,338 million, down by ¥24,152 million (11.3%) on the preceding year. Since the new Law on Special Measures for Area Improvement Projects was established in 1982, the Dowa budget has been sharply curtailed. The present budget is equivalent to only 68.2% of that in 1981, when it reached a peak.

Even if this results in relatively little damage, we cannot simply tolerate this situation. The underlying political objective appears quite as dangerous as that resulting in military spending breaking through the 1%-of-GNP ceiling.

How many and what kind of measures were done away with and how much of the budget remains represent only part of the problem we are facing. For the government aims to eradicate the achievements and the spirit of the Dowa Policy Deliberation Committee Report. And it also intends to abandon pursuit of a solution to the Buraku issue. Its attitude is to ignore totally the reality of discrimination against Buraku.

In other words, it is a problem of quality as well as of quantity. The primary objective of the discriminatory forces at work is to make the Committee of Regional Improvement Projects (which is in charge of the Buraku issue) in the Ministry of General Affairs take the first step in discontinuing the Dowa projects.

⑥ 1.15%

④ 47.0%	⑧ 23.4%	③ 15.3%	⑦ 7.0%	⑤ 6.1%
Material 83.8%			② 6.3%	① 9.9%

Percentage allocated to each Ministry in the Dowa budget (1987: ¥190,338 million).

A: Ministry of Construction B: Ministry of Health and Welfare C: Ministry of Agriculture & Fisheries D: Ministry of International Trade & Industry E: Ministry of Education F: Ministry of Labor, Ministry of Autonomy, Ministry of General Affairs, Ministry of Justice H: Financing I: Non-Material



As for the military budget, the Cabinet council has already decided to fix "a new standard." In order to put an immediate brake on this, we need to urge the reestablishment of the 1%-of-GNP ceiling. And we

also need to see a new law enacted which will do away with discrimination against Buraku and guarantee the establishment of a policy for a thoroughgoing solution of the Buraku issue.

The 9th BLRI Research Members' Conference Held on the Theme: "Report by the Council on Area Improvement Projects and the Fundamental Law for Buraku Liberation."

Some 200 people, mostly members of BLRI, took part in the research members' meeting held on February 14-15.

Proceedings began with a symposium on the Report by the Council on Area Improvement Projects and the Fundamental Law for Buraku Liberation, which was chaired by Sueo Murakoshi, the director of BLRI. The panelists were Tatsukuni Komori, secretary-general of BLL headquarters, Masayuki Oga, chief of the research division of BLRI, and Iwakichi Wajima, ex-chairman of the Japan Federation of Bar Associations.

Mr. Komori made the following appeal: "Compared with the report made by the examination division board of the Council on Area Improvement Projects issued in August last year, the objections to legal regulation of discrimination have not even been mentioned and the arguments against denunciation of incidents of discrimination have weakened. Although public opinion has encouraged certain improvements, the basic drift hasn't changed -- the suppression of the Buraku liberation movement and the promotion of a conciliationist policy which locates the roots of discrimination among the Buraku people themselves. This represents a reversal of the world current of human rights."

Mr. Oga commented: "In the new law formulated by a Cabinet council and coming into force after April, the three-year time limit has been changed into a five-year one, but the actual contents are extremely inadequate. We have to go on struggling doggedly for the enactment of the Fundamental Law for Buraku Liberation by further increasing the momentum of the national campaign for the elimination of discrimination."

"The report by the Dowa Policy Deliberation

Committee also said the government should promote the Dowa administration until the differentials between living standards in the Buraku and those of the general population, along with discrimination, have been erased. The report by the government and the new bill run contrary to the report by the Integration Policy Deliberation Committee too," he added.

Mr. Wajima said: "The act of denunciation of incidents involving discrimination by the Liberation League represents a ceaseless effort on the part of the nation to safeguard rights guaranteed by Article 12 of the constitution. Nobody can deny this. Under the emperor-system state before World War II, the regime prohibited the National Levelers' Association from practising denunciation on the ground that it represented an act of violence. They are using the same logic to deny the need for it right now. In this too we can recognize the reactionary attitude of the government toward the Buraku issue."

Following these comments, there was an active exchange of opinions. The symposium was divided into four workshops to enable deeper discussion: an enlightenment workshop on "The Report by the Council on Area Improvement Projects and social enlightenment"; a human rights and administration workshop on "The International Year of the Homeless"; an education workshop on "A Fact-Finding Survey of Buraku babies and infants, and the issue of academic standards"; and a history and theory workshop on "The educational precepts of prewar conciliation workshops."



A Strategy For 1987 was Drawn Up, Including Preparations for The 20th Anniversary Of the Founding Of BLRI.

The 25th General Assembly of BLRI was Held.

During the 25th general assembly of BLRI, held on February 14, a report of activities during 1986 and a strategy for 1987 were discussed and ratified.

In drawing up a strategy for 1987, the following were proposed as major tasks:

1. To promote preparations for the simultaneous celebrations in August 1988 of the 20th anniversary of BLRI and of the 40th anniversary of the Universal Declaration of Human Rights.
2. To promote a project related to the International year of Shelter for the Homeless and the 40th anniversary of the establishment of the constitution.
3. To promote publicity and research in connec-

tion with the strengthening of international solidarity and the ratification of a treaty for the abolition of racism.

4. To analyze the facts behind discrimination cases and the history of the campaign of denunciation of discrimination.

To strengthen research activities needed to develop the liberation campaign, such as research backing up the second demand for a retrial of the Sayama case, and research and publicity in connection with the enactment of the Fundamental Law for Buraku Liberation.

Powerless Guidance of Ministry of Justice

Even today we find a high-school teacher adopting a menacing attitude and saying: "I can't accept the idea of marriage to Burakumin" and "What's wrong with using 'mekura' (one of the words designated by the Ministry of Education as taboo) for the blind!"

For him "katate ochi" is an ordinary expression.

("katate ochi" literally refers to a person who has lost one hand and carries the connotation of being "one-sided" or "partial.")

In October 1985, Mr. A, a public high-school teacher in Onomichi City, Hiroshima, rebuffed an elementary school teacher, using the violent and discriminatory words "katate ochi." This elementary school teacher had visited Mr. A to consult him about his eldest son's involvement in bullying at school. He suggested that, as teachers, they should not use such discriminatory expressions as "katate ochi." But Mr. A turned on him, saying: "What do you mean -- it is discriminatory? It's an expression I always use and it would be inconvenient if I couldn't

use it."

The bullying tendencies of Mr. A's eldest son were becoming increasingly violent at school, leading to such dangerous incidents as being stabbed with an umbrella. That was why the elementary school teacher visited Mr. A to ask him to talk to his son.

Mr. A waited for his son to come home and questioned him about the bullying allegations. He had no doubts about his son's explanation that he was not the only one doing the bullying. So Mr. A called his son's school to protest about the affair. According to Mr. and Mrs. A, it was "katate ochi" (one-sided) to warn only their son when there were others involved in the bullying.

I Can't Accept the Idea of Marriage to Burakumin

Mr. A's wife made an anonymous phone call to the Dowa education section of the education board of Onomichi City rebuffing what her husband had been told.

What she said over the phone went as follows: I cannot use words freely under these constraints



since people are kicking up too much fuss about discriminatory words. I have heard that writers are extremely annoyed by these strict constraints. I am against Dowa education with its aim of getting rid of discrimination against Buraku. My son told me that disliked talking to Burakumin students. I want to let him transfer school. I can't accept the idea of marriage to Burakumin.

It was certainly a phone call of an unprecedentedly discriminatory nature. It was later verified as being from Mrs. A. The board of education immediately sent three officials to confirm this.

At first, Mrs. A was so shaken that she wouldn't tell the truth, asking them how they could possibly identify her. However, when she realized she couldn't escape, she called the youngest official and showed him into the living room. She eventually allowed the truth to be confirmed.

It is My Belief That We should not Allow Marriage to Burakumin.

However, while the youngest official was verifying her story, Mrs. A adopted a menacing attitude and burst out with a series of discriminatory statements like the following: It is my belief that we should not allow marriage to Burakumin. I was told not to marry Burakumin by my parents when I was a high school student. I learned that Burakumin first aroused the suspicion of others in the event of an incident because of their poor and dirty appearance. Once my cousin was about to marry a Burakumin and so we let her go to the United States in order to separate the couple.

Eventually, she finished her tirade, saying that this was her way of thinking and that she did not intend to change it. Ensuing attempts to persuade her otherwise by Onomichi City and the Buraku Liberation League have been completely ignored so far.

The Legal Affairs Bureau Has No Power To Investigate

It was clear that such wicked and discriminatory statements were made and that there was no response to attempts at enlightenment by Onomichi City government in Mr. and Mrs. A's case. Thus, the mayor of Onomichi and the superintendent of education brought the case as a violation of human rights to the director of the Onomichi branch of the Hiroshima Legal Affairs Bureau on May 20, 1986. (The Buraku Liberation League had already forwarded the case in November 1985).

However, the Legal Affairs Bureau seems to have made no progress with the case. Moreover, we were refused an interview despite making seven visits. This made it clear to us that the Bureau could neither enlighten nor investigate the truth.

A Proposal from Onomichi City Dowa Policy Deliberation Council

Onomichi City Dowa Policy Deliberation Council submitted a proposal to the mayor of Onomichi City in June, dealing with issues that the Dowa administration has been facing since May 1986.

The proposal is in four parts, including opinions on Mr. A's affair. It states their standpoint very clearly, saying that Mr. A's statement is a wicked affair, that it is inexcusable to deny freedom of marriage because of an out-dated social ranking, and that this has a dangerous potential to entrench discrimination in society.

Regarding the "free exchange of opinions" on which the group protecting this affair is insisting, it says that freedom has its own constraints: it does not concede freedom to discriminate and demands a dauntless attitude on the part of the administration.

White Paper on Human Rights in Japan
-From the Viewpoint of the Discriminated-
U.S.\$14 (not including postal charge) 205 pages
Size 210 × 143mm

Discrimination against Buraku, Today [Illustrated
by Charts & Tables]
-For the research results on the reality in each
prefecture-
U.S.\$14 (not including postal charge) 145 pages
Size 210 × 143mm



An International Forum on Human Rights and Mental Treatment **The Violation of the Human Rights of the Mentally Ill In Japan**

An international forum on human rights and mental treatment organized by the Lawyers' Association of Tokyo was held in Tokyo recently. One of the guest speakers, Nial MacDermot, secretary-general of the International Commission of Justice (ICJ, Geneva), charged that the Japanese system of psychiatric treatment has been violating patients' human rights.

The Ministry of Health and Welfare is now preparing to submit a draft revision of the mental health law to the present Diet session. MacDermot emphasized that in addition to revision of the mental health law, what was urgently needed was education to change people's attitudes toward the mentally ill.

ICJ is an advisory body of the United Nations. In the wake of the Hospital case, involving the exposure of a lynching incident, it dispatched a joint investigating group along with an international committee of health experts to Japan. Last year it released a report demanding that the Japanese government drastically revise the mental health law and considerably improve the system of treatment.

In his speech, MacDermot focused on three respects in which the Japanese system violates patients' human rights: the confinement procedure for the mentally ill, the lack of a relief system, and the denial of rights. In particular, he noted, the number

of patients committed to mental hospitals against their will has been increasing while the number in other developed countries has been rapidly declining. MacDermot also emphasized that patients tend to stay in hospital for longer periods of time in Japan. "Community-based care and rehabilitation is the world trend and Japan should move in the same direction," he said.

Timothy Harding, a member of the ICJ investigating team and head of the forensic medicine department at Geneva University, urged the development of outpatient treatment. He based his remarks on the results of research carried out recently in six European countries: an average of fewer than five out of every 100,000 Europeans are committed to closed mental hospitals, compared with 100 out of every 100,000 Japanese.

During the question-and-answer session after his speech, Harding emphasized that the understanding of the public was certainly necessary and that, consequently, the mass media play an important role in Europe. He explained that he could cite many novels, movies and TV dramas, including those produced for children, which take the line that the mentally ill should live in the community. He concluded by stressing that we need cooperation from writers and artists.

Raise our Voices of Protest!

Anti—Racial Discrimination Convention still a Dream?

The 108th Session of the Diet was convened on January 26 in Japan. It had been expected that the Convention on the Elimination of All Forms of Racial Discrimination was to be ratified in this session reflecting seriously on the discriminatory statements made by the Prime Minister himself on September 22 last year.

However, it was reported in the newspaper on March 2 that the government had given up the intention to ratify the Convention in the current session. The reason quoted is that Article 4 of the Convention, stipulating that organized promotion of racial discrimination as well as incitement of racist ideas should be deemed an offense punishable by law, is in-



compatible with the freedom of expression and the freedom of association guaranteed under the Japanese Constitution.

The Constitution, however, proscribes discrimination in Article 14 and guards against the misuse of basic rights in Article 12. It is therefore in full agreement with the Constitution to enact a domestic law satisfying the provision in Article 4 of the Convention.

The Japanese government is, on the other hand, quite eager to propose an Anti-Espionage bill which may threaten literally the freedom of expression. What underlies the fact that the government is extremely negative about ratifying the Anti-Racial Discrimination Convention while being quite active in passing the Anti-Espionage bill? That is clearly the way to further oppression domestically and to invasion overseas.

The Japanese Constitution came into effect on May 3 forty years ago with such major principles as the renunciation of war, respect of fundamental human rights and international cooperation. Based

firmly on these principles, we are determined to further step up our efforts together with our friends all over the world calling for the prompt and complete ratification of the Convention and demanding the Japanese government to lead the way toward peace and human rights. We strongly request all our readers to support us,

[REQUEST]

Please send your petition to the following address for the ratification of the Convention on the Elimination of All Forms of Racial Discrimination during the current session of the Diet.

To: Prime Minister, Yasuhiro Nakasone
Prime Minister's Official Residence,
2-3 Nagata-cho, Chiyoda-ku,
Tokyo, Japan

(Please mail a copy of your petition to us. Thank you.)

Osaka Court Declare Fingerprinting Lawful and Reasonable **¥30,000 Fine to Korean Resident, Mr.**

The Osaka Distric Court decided, on February 22, to impose a fine of ¥30,000 to ¥100,000 suggested by prosecution on a Korean resident indicted for the violation of the Alien Registration Law. The defendant Mr. _____, 32 year-old Korean resident in Takatsuki city, refused fingerprinting that the Law requires at the renewal of registration.

The judge declared " fingerprinting not unconstitutional as it is a reasonable system to protect the public good " and rejected the defendant's argument demanding an acquittal based on the unconstitutionality of the system.

The court decision turned down the defense's claim that the system is against the Article 13 (provision for the security of individual dignity) of the Constitution. The decision further says, " fingerprinting system being the most reliable method to identify and

specify each alien, it has justifiable administrative objectives, therefore, it is necessary and reasonable.

The court also judged, " although it is clear that foreign residents are under the unequal treatment with this fingerprinting system, such inequality is a necessity based on reasonable ground if the system's objectives and requirement are taken into consideration. It does not violate the Article 14 (provision for the equality under the law) of the Constitution."

The Ministry of Justice gives the number of those aliens refusing fingerprinting as 1,058 in all. Twenty-seven cases have been taken into court and are now pending. Eight cases decision so far (2 by the Supreme Court, 3 by the Higher Courts and others by the District Courts) were all declared guilty and had fines imposed.