The 1989 committee on NGOs belonging to ECOSO (Economic and Social Council) staged a meeting at the United Nations headquarters in New York from January 23, 1989. IMADR sent a five-member delegation headed by Mrs. Myriam Schreiber, Vice-President of IMADR. The other delegates were Prof. Soon Man Rhim (Director of IMADR), Mr. Tatsukuni Komori (Director), Mr. Kenzo Tonomaga (Under-Secretary) and Mr. Itochi (Cooperative staff).

All the staff visited the permanent mission offices representing 19 countries from which NGO committee members had been elected and asked them to actively pursue IMADR’s request for NGO status. The delegation emphasized that IMADR and the UN shared a common objective—the elimination of all forms of discrimination and the establishment of human rights. They also pointed out that there are quite a few NGOs on human rights in Asia.

After beginning discussions on IMADR’s application on the afternoon of January 25, the committee came to a decision on January 31 to defer our petition until the next session. The main reason they gave was that our organization is too young because it is only one year since it was established. So we have to demonstrate our activities on an international scale at the next opportunity. But the delegation got the impression from their visits on NGO committee members that some of them are very interested in the organization and placed high expectations on their activities.

The next NGO session will be held in January 1991. During the two years until that date IMADR...
will strengthen its international activities for example, on the anti-apartheid front in order to work for the elimination of all forms of discrimination and the establishment of human rights in collaboration with the United Nations. All these future campaigns will result in an increase in IMADR membership in many parts of the world and the organization is bound to be recognized as an important NGO in Asia.

With that purpose in mind, the second IMADR directors’ meeting is to be held in Paris in August or September of this year in commemoration of the bicentennial of the French Declaration of the Rights of Man and Citizen. They are planning to stage some form of human rights assembly to work for the elimination of all forms of discrimination everywhere in the world.

During their stay in New York the delegation gained firsthand experience of how the NGO committee members discussed the issue, thereby learning how to achieve UN NGO registration. They feel convinced that those days enabled them to bring IMADR to the attention of the world.

In conclusion, IMADR would like to express heartfelt thanks to the NGO committee members and staff for lending us their support.

Apologizes in Kyudan Meeting

Executives of , publisher of a monthly magazine , which carried a discriminatory article in May 1987, attended the Kyudan (collective denunciation) meeting held on January 19, 1989 in Tokyo and expressed apology for what they had done.

It was persuasively revealed through Kyudan to the president, managing director, general manager and editor-in-chief of the 'Report' that the problem of the article was not recognized by them because of the discriminatory consciousness and the lack of awareness-raising activities that existed in the company. The BLL requested, therefore, that as a company present in writing their concrete policy to establish an in-house awareness-raising system and the determination to carry out activities to eliminate discrimination of various forms.

The incident started when Mr. , a former editorial staff member of Asahi Shimbun, a major newspaper company in Japan, published an article in the June 1987 issue of ' . He wrote: ... It is often the case that athletic competence that was cultivated in one’s primary and lower secondary days is not developed any further when he or she joins the senior-high school sports club, because the club activities are supported by peculiar traditions ...something like a ‘tokushu-buraku’ (special hamlet).

"In response to the protest made by the Buraku Liberation League, first responded as follows: "We committed a serious mistake. The author of the article is also critically reflecting on his writing." But the posture suddenly changed, sent a letter dated July 21 to the BLL saying "We should like to refrain from making any public reaction to your inquiry because we understand that the Legal Affairs Bureau is in a position to give us advice in such circumstances. "Responding to the second inquiry from the BLL," wrote back saying: "Since the Legal Affairs Bureau of Tokyo regards it rather undesirable for us to discuss the matter directly with you, we should like to refrain from answering your inquiry."

Now the question is why did change his position so suddenly? According to Mr. , managing director of , the company believed in the beginning that it was only natural for one to have caused some trouble to visit and express apologies to the ‘troubled,’ and was ready to contact the BLL for the solution of the matter. Mr. asked for opinions from Mr. , writer of the ‘Article’ and Mr. , editorial staff member of Asahi Shimbun. The Managing Directors’ Meeting then reached the conclusion that the government advice should be followed rather than responding immediate-
ly to the BLL’s request.

Mr. had once heard from his friend that he had been threatened for money by phony Dowa (Bura-ku) liberationists. This kind of perspective was aggravated further by the ‘direct guidance’ from the Legal Affairs Bureau which suggested that it was rather undesirable to discuss the matter directly with the BLL.

Toward the end of the Kyudan meeting, president Tamasu expressed his determination never to repeat similar mistakes by establishing a clear in-house mechanism to assure human rights.
Research Meeting of BLRI Held

The 29th annual assembly of BLRI and the 11th research meeting of BLRI members were held in February with about two hundred participants.

In the general assembly draft action programs of BLRI for FY1989 and the scheme for the International University of Human Rights (not finalized yet) were proposed.

The BLRI members' meeting started with a commemorative lecture titled 'French revolution and Human rights declaration' by Emeritus Professor of Kyoto University, Mr. Kenji Kawano.

Mr. Takeo Matsumoto, on behalf of the defense counsel, made an appeal on the recent development regarding the second petition for the retrial of Sayama case which has been filed for one year and a half.

Then session meetings followed.

The session for keihatsu (enlightenment or awareness-raising social education) discussed two reports: 'Three anti-racism documents of the UN and UNESCO' by Prof. Yasuhiko Saito of Tokyo University of Foreign Studies and 'Discrimination against Blacks as seen in the package design of Kanebo chewing gum.'

The session for human rights and public administration discussed two reports: 'Fundamental Law for Buraku Liberation and Basic Law for Human Rights' by Prof. Masumi Takano of Kagawa University and 'Problems of conventional methodologies of Buraku research' by Prof. Tetsuro Komori of Kita-Kyushu University.

The session for education and community affairs discussed two reports: 'Thirty years of the Declaration of Children's Rights and need for the Convention of Children's Rights' by Prof. Shozo Suzuki of Kansai University and 'Current situation of education of minorities in America' by Prof. Nobuo Shimahara of Rutgers University.

The session for Buraku history and theory actively discussed two reports: 'Buraku discrimination problem and the study of Occupation Army's documents' and 'Debates on the theory of national conciliation as a strategy for Buraku liberation.'

The next morning all participating members gathered again in the summing-up general assembly where reports of session meetings were made and questions were entertained. Mr. Masayuki Ohga, head of BLRI research division, gave his concluding words in which he emphasized: 1) 'internationalization of human rights' is required for Japan, 2) Buraku liberation movement has an important role to play in this regard, 3) the third phase of the movement needs to have a broad perspective to advance human rights and engagements for Buraku liberation and 4) education and research activities have to be expanded further in view of such pressing needs.
We Long for a Society with Human Rights Fulfilled without Any Discrimination

A Counterargument to the Report Submitted by Japan under the Int’l Covenant on Civil and Political Rights (5)

Article 13

90% of foreigners residing in Japan who have been registered under the Alien Registration Law are North and South Koreans and Taiwanese who have been in Japan since before WWII, or their descendants.

They came to Japan as Japanese during its colonization of Korean Peninsula and Taiwan and continued to stay in Japan, or their descendants.

Japan considered they had lost Japanese nationality upon effectuation of the peace treaty after the war, but did not grant them the right to choose their nationality which was an international practice, either.

Currently they are aliens in Japan, but once had Japanese nationality or their descendants. Many of them were brought to Japan against their will for forced labor at factories and mines. Those who were brought as this or their descendants should not be deported in the same way as other foreigners. This should be in contradiction to international faith.

However, Article 24 of the Immigration Control Act can be applied to the above-mentioned Koreans and Taiwanese in certain cases. Indeed there are considerable number of people who were deported according to this provision.

Application of this provision to them is in violation of Article 12 of the Covenant.

Article 14

(1)

The right entitled to a fair trial could only be realized when the whole content of trial is fair, equal and independent, and the procedures and practice prior and during the trial are fair and impartial.

(2)

In fair trials and tribunals, independence of court must be firmly established and their verdicts and judgments should be reasonably comprehensive enough with public common sense in general. In this perspective, courts in Japan contain serious problems in their fairness.

This unfairness is exposed in the decisions and judgments passed by courts. Recent judgments handed down in a trial where a Christian wife sued the State not to enshrine her late husband together in a Shinto shrine just because he was an officer of Japan Self Defense Force. (The shrine is a traditional shrine where all the military persons are enshrined.) She held it unconstitutional and sued the State for compensation and not to enshrine him in the shrine, reasoning that such act will damage her religious belief. The court recently turned down her suit. Also, in several of compensation suits for the damage inflicted by the floods, decisions passed have a tendency to exempt the State responsibility in this area, rather easily conforming to the side of administration authorities, the Courts’ these tendencies are being criticized as loss of independence in judicial power.

The above fact cannot be discussed inseparably with the structure of courts in Japan. The system in Japan to ensure the reflection of the people in appointing the justices of Supreme Court, the highest organ of Japanese judiciary, is unsatisfactory. And, so constructed Supreme Court has the power to administer and control over all the lower court and their personnel.
Constitutionally, the Supreme Court justices may be dismissed in the National Review Polls. Nevertheless, blank ballots in the Polls are counted as non-dismissal, and only those ballots marked with cross are counted as dismissal votes. That is, blank votes, usually regarded same as abstention, are counted as affirmative, quite irrational and not exact in reflecting people's will. No justice ever has been dismissed with this Polls.

A research undertaken by the Osaka Bar Association shows clearly the over-control by the Supreme Court of the personnel administration over lower courts. Discrimination in promotion and location of appointments against judges not easily bending to the control of the Supreme Court is quite apparent. As for the contents of the judgments, the Supreme Court issue the guidelines for the "unification of courts", thus nullifying the independence of individual judges and of the judiciary.

Verdicts being handed down by the judges so appointed cannot but tend to be far from the public common sense, and citizen's participation in the trial, jury system, to complement and correct the flaw, has yet no place in Japan.

(3)

1) The most grave problem in procedures is lack of legal assistance by counsel before the indictment. Public defenders are appointed only after indictment. In trials in Japan, confessions at the investigation stage have always been a quite serious issue of debate in court. The suspects without means to provide his own counsel are being deprived of any legal assistance when he is most likely to be compelled a confession.

Even when a counsel is chosen, free communication is quite restricted with the defendants, a procedure is required to have a prosecutor's order, which is very time consuming, on each visit, that it constitute practically violation of free communication and restriction in the number of visits.

2) The issue in the trial stage is that prosecutors, with their very powerful investigation organ, do not make it public to display all the evidence they hold. Prosecution displays only those evidence it intends to submit to the court (that is, those evidence of his choice only). This is very unequal and unfair treatment to the counsel and a big obstacle to the defense. The court admit and allow such unfair behavior of the prosecution.

Also, in witness examination, counsel's examina-

tion is unreasonably restricted by court. While prosecutor is allowed enough time for his examination, the time and number of examination by counsel is restricted.

3) The greatest stain in the court of Japan is the fact that guilty is seldom declared on the objective evidence but heavily relying on confessions obtained both in proving the guilt in court and in investigation.

The above practice is quite apparent for there occurred number of grave false charge cases. Courts do not reject confession as evidence even when the confession had been obtained under the long period of detention or without informing the defendant of his right of not making any confession. The only confessions their contents and their illegality correspond to each others are rejected, thus allowing de facto illegal investigation activities.

Two bills on criminal detention presented currently to the Diets are being in the process for legislation against the opposition of the Japan Federation of Bar Association. We oppose to the legislation because they will lead to the stabilization of the alternative detention cells in police stations which are the hotbeds of confession under coercion.

4) As for the treatment of juvenile cases, its principles have been to give priority in protecting the younger people, treating them properly with consideration given in accordance with their developmental stage of growth. However, the "Guidance for the procedure of juvenile cases" recently being produced in many courts in line with the model draft the Supreme Court distributed, more authoritative and perfunctory tendency are feared to be brought about in this area.

5) Although successive decisions to commence retrials have recently been handed down recently, there are many flaws in the retrial system. Whole procedure of retrial is rather vague and no public defender is provided available in retrials that defense counsels either have to bear the financial burden themselves or have to be supported by Japan Federation of Bar Association, making it very unstable in maintaining the defense in retrials. Also, there exist no fixed procedure at all to regulate the release of custody of person pending retrials.