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July 1993

Defense Counsels' Final Statement Of View Submitted To Tokyo High Court Demanding Retrial of SAYAMA Case.

In the afternoon of May 14, the defense counsels (headed by Mr. Tetsuzo Sasaki, Attorney), submitted the following documents to the Fourth Division of Criminal Affairs, Tokyo High Court, asking for a retrial of the Sayama case:

(1) The legal consultation by Prof. Kamiyama of the Department of Forensic Medicine, Dokkyo Medical College, criticizing the first legal consultation by Mr. Ishiyama (concerning the matters including the method of murder) and the one by Mr. Nakajima (concerning the method of blood-type sorting).

(2) Investigation results on the legal consultation by Mr. Takazawa (concerning analysis of handwriting) which had been attached to the prosecutor's statement of view.

(3) The defense counsels' supplemental view on new evidence found in the course of time.

(4) The new evidence and the explanation in support of them.

(5) The application demanding the fact-finding investigation of the case.

The statement by Mr. Ishikawa himself was also submitted at the same time.

With the new legal consultation submitted, all the proceedings on the part of the defense counsels were completed, including the submission of their statement of view criticizing the one by the prosecutors. The situation surrounding the Sayama case has come to the



Messrs. Menda, Akabori & Umeda appealed the false charge of Mr. Ishikawa at the meeting of Sama case.

most crucial stage in connection with the decision of the Tokyo High Court as to whether they will start fact-finding investigations. The defense counsels are planning to take direct

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action, demanding that the court begin fact-finding investigations.

On May 21, a Central Rally on the Sayama case was held in Tokyo, calling for a reversal of the thirty years' imprisonment sentence of Mr. Kazuo Ishikawa, as well as to demand his immediate, provisional release. Approximately ten thousand people participated in the meeting. They expressed their firm determination to fight, at this crucial time, for the second struggle demanding a retrial of the Sayama case. The former victims of false accusations; Messrs. Sakae Menda, Masao Akabori, and Yoshimitsu Umeda, spoke of their bitter experiences, stigmatized as the accused, and appealed to the audience to struggle together with Mr. Ishikawa for victory step by step: first, fact-finding investigations, then the retrial and finally his provisional release. Every word spoken from their own experiences deeply impressed the participants.

Appeals By Former Victims Of False Accusations:

Sakae Menda

(Arrested at the age of 23, he was held in prison under death sentence for thirty four years and six months. He won a verdict of 'not guilty' in July, 1983)

"I was taken to the police unreasonably on suspicion of an incident which occurred in December of the previous year. I knew nothing about it at all. On the night of January 13, the policemen surprized me in my sleep and arrested me without telling me the reason. Day after day, up until the 19th of the month I was subjected to violent examinations. They made up my record of confession when I was at the height of panick. Once you are kept in confinement with all doors closed, it is impossible to get out of it no matter how hard you may resist.

It took thirty four years to overthrow my 'confession' and restore the truth. That was my experience. My thoughts and sympathy for the suffering Mr. Ishikawa has experienced are beyond my words. However, I believe his fighting spirit is most essential. The road to the truth must be broken through. I appeal to all of

us to be united and go on fighting for the truth".

Masao Akabori

(He was arrested on a separate charge in May, 1954 and held in prison for thirty years and eight months before he won the verdict of 'not guilty')

It occurred in March, 1954. I was arrested on a separate charge. After they confined me in a room, they forced me to make up a false 'confession' through extortion, leading questions and torture. They made me a criminal, forcing me to sign the documents and taking my fingerprints. During the examination, they subjected me to brutal torture such as beating, kicking all over, or twisting my arms.

After thirty five years in prison under the death sentence, I finally won my innocence. Mr. Ishikawa has been kept in prison for thirty years now. I do hope he will be discharged, cleared of the false charges and make his appearance in front of us supporters as soon as possible. Let's fight for that day. I am willing to join you until Mr. Ishikawa wins the verdict of his innocence very soon."

Yoshimitsu Umeda

(He received a sentence of life imprisonment with hard labor. After eighteen years and seven months, he was released on parole, and then won the verdict of 'Not guilty' through the struggle for retrial)

"I was in 1952. My hands were cuffed in my sleep at night and I was taken to the police. Without listening to me at all, they treated me as a criminal. For two days they almost killed me. They began torturing me with slaps on the cheeks, then blows with fists over and over again. At last I was unable to sit up. Given a light kick, I would topple down easily. In such a state I surrendered, making a false confession. They brutally tortured me for two full days using policemen's clubs or pencils. I almost gave up all hope of life at that time.

This is my second opportunity to attend the Sayama meeting. How in the world can this sort of error be allowed? As an ex-victim of a false charge myself, I can not remain silent. Thirty years' imprisonment should be long enough for a release on parole. Let's fight, friends!



Nation-Wide Simultaneous Campaign By Caravans

Appealing For The Truth Of Marriage Discrimination Case In Hiroshima

A case of Buraku discrimination took away a girl's life --a 17 year-olds high school girl died in Hiroshima due to marriage discrimination by her former junior high school teacher.

Determined to act for the elimination of Buraku discrimination, so that similar tragedies might not occur again, the Buraku Liberation League carried out a nation-wide simultaneous campaign by caravans from April 23 to May 18 to appeal for the truth concerning the incident. Seven caravans from seven various parts of the country took actions simultaneously. Appeals and requests were made to administrative as well as labor unions concerning the facts of the incident. They also held various meetings in and out of Buraku communities.

They not only reported on the facts of this marriage discrimination case, but the members of the caravans also appealed to those institutions to enforce enlightenment activities in order to eliminate Buraku discrimination, to set up regulations to carry them out, to adopt the 'Declaration', and to start a large scale citizens' movement for legislation of the Fundamental Law for Buraku Liberation. They also tried to evoke a big public cry by demanding that the Tokyo High Court immediately take up the petition for the retrial of Mr. Ishikawa who has been in prison for 30 years under false charges based upon Butraku discrimination.

It was the first time in years for the BLL to carry out a nation-wide campaign on a marriage discrimination case since 1933, when actions were taken to dismiss the discriminative trial in Takamatsu. The campaign by caravans this time has made a big step forward toward the elimination of Buraku discrimination in revealing some concealed discriminatory incidents and spreading flames of anger among people against such discrimination.

Mr. Miyoshi, the Mayor of Fukuyama City expressed his determination and encouragement to the caravan setting out from Hiroshima where this marriage discrimination case occurred, by saying, "The incident shows that Buraku discrimination may still cause deaths. In order to prevent such tragedies from repeating, we should start by analyzing the true facts of this incident, and then make it a universal validity. We do hope the incident will be solved soon. We will work for the solution of Buraku problems, enforcing enlightenment activities among communities, enterprises, and schools." Administration offices were generally cooperated with the caravans; for example, the mayor of Nagano city signed the petition for the legislation of Fundamental Law for Buraku Liberation.

The caravan in Osaka joined in a meeting called 'School teachers' Gathering to Study Successive Occurances of Discriminative Incidents', and the task of Dowa education was re-confirmed there. In Ohita, a discriminatory incident in the educational scene was reported. The victimized high school student, however, allegedly expressed his determination to fight out against the discrimination.

Each of the seven caravans took part in each local May Day Assembly, reporting the facts of the marriage discrimination case and making appeals to the participants to unite for the elimination of Buraku discrimination.

Remarkable achievements were accomplished through the campaign by those caravans, especially with respect to the fact that young people took initiative in the campaign. Their activities created a sympathetic circle among the youth, the next generation to act for the Butraku liberation movement. This was a noteworthy achievement considering our future movements.



***The Soul Of My Daughter Cannot Rest In Peace Until the Teacher Tells The Truth",
Said the Mother at the 5th Central Meeting Demanding Legislation of the
'Fundamental Law For Buraku Liberation'***

The mother of a high-school girl who killed herself due to marriage discrimination by her former junior high-school teacher shared her thoughts with the audience as follows: "While listening to the speeches, I was filled with heart-felt gratitude to you all. I do express my thanks to the member of the caravans, as well as all of you who gathered here from various parts of the country out of concern for my daughter's tragedy.

My daughter studied hard, intending to go to a college of foreign studies, as she wanted to become a teacher of English or an interpreter in the future. In her junior high days, she was a cheerful active girl with a lot of friends and was elected a member of the Students' Committee. My happy girl died in October two years ago. She had a fiancé, who was her teacher of social studies in junior high-school. But she had to give him up. It is quite clear that the reason was due to in Buraku discrimination on his part. His friends talk and his own writings have proved this. My daughter died after she took three packages of tranquilizer bought by the teacher. They were three different kinds of tranquilizer including a strong one you would take when you get sick. He admitted that he had bought them, but why did he give her such a large amount of tranquilizer? Besides, I wonder if he really meant it when he asked me for permission to marry her as soon as she graduated from high school. After he explained his situation at the police station, he went home instead of coming to her. Isn't it a considerate human attitude to stay with ones dead fiancé at least over night?

The day before she died, she told me it would be over with him. But I never thought she was going to kill herself. She never appeared to be a person who was determined to die. She told me



The mother whose daughter committed suicide due to marriage discrimination made a speech at the 5th Central Meeting demanding legislation of 'Fundamental Law for Buraku Liberation'.

that he still wanted her to call him sometimes. I had no impression at all that she was depressed with shock. On the morning of her death, she asked me to lend her 3,000 yen to buy her favorite CD, "Say Yes". The money was put on a table unused. Something must have happened between 7:45, the time I saw her that morning, and 9:44, the time she made a phone call to a pharmacy, which made her decide to die. She didn't throw away the empty cases of tranquilizer. She threw away everything except those empty cases. She left the evidence that she died from the tranquilizer he had bought.

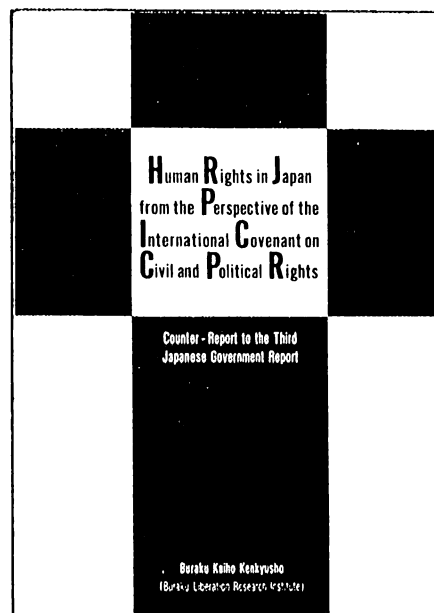
I want to know what happened between him and my daughter on that day. He should tell us about it if he has a bit of a kind human heart. I appeal to you, Teacher, to tell the truth. Unless you don't, you will never be saved, nor can the soul of my daughter rest in peace. I want you, from the bottom of my heart, to tell us the facts, the real facts.

*Book Review*

Human Rights in Japan from the Perspective of the International Covenant on Civil and Political Rights Counter Report to the Third Japanese Government Report

The Japanese Government finally ratified the International Covenant on Human Rights at long last in 1979; this was the sixtieth ratification in the world. Still, other important UN Conventions on Human Rights, such as the International Conventions on the Elimination of All Forms of Racial Discrimination, have not yet been ratified, and racially discriminatory statements by cabinet Ministers have raised much criticism from various parts of the world. As to the problem of workers from abroad, the government has not taken any positive measures to protect the human rights of those foreigners who do actually live and work in this country. Instead, the government is striving hard to exclude foreigners from the country sending back those workers to their countries as illegal workers, and placing strict restrictions on those who intend to come into Japan. Such an attitude on the part of the government is far from the one based on human rights.

The reports submitted by the Japanese government on the situation in the country, which is required by the International Covenant on Civil and Political Rights (=Covenant B. The International Covenants on Human rights are composed of two Optional Protocols of Covenants A and B: Covenant A is the International Covenant on Economical, Social and Cultural Rights) were just perfunctory reports: "We have no legal and institutional problems with these rights". Following the first report in 1980 and the



second in 1987, the third Japanese Government Report submitted at the end of 1991 was more or less detailed compared to the previous ones, but the fundamental stance on the matter remained unchanged. It is quite clear that such report do not reflect the actual situation in Japan.

With the help and the support of the specialists on defending human rights, this book goes into detailed criticism of the third report on six types of discrimination in Japan: discrimination against Buraku, Koreans living in Japan, ainu people, workers from abroad, women and the disabled. Using ample examples it clarifies the facts that discrimination still exists in the legal aspect, to say nothing of matter-of-fact discrimination. To be more specific:



1) Buraku discrimination: no legal measures have been taken to prevent the deep rooted discrimination existing in reality, though the gap in every aspect in life between Buraku and non-Buraku has become smaller. 2) Discrimination against Koreans living in Japan: Most of these Koreans have not obtained citizenship or post-war compensation in spite of the historical fact that Japan invaded Korea, bringing many Koreans to Japan by force. 3) Discrimination against Ainu people: they have been compelled to assimilate, denied the rights of indigenous people. 4) Discrimination against workers from abroad: these workers have been robbed of their human rights under the name "illegal workers" and exploited as flexible workers. 5) Discrimination

against women: women are not treated as equal to men in work and in civil law due to deep rooted sexual discrimination. A new form of discrimination is also observed today. 6) Discrimination against the disabled: they are regarded as nothing but the objects of welfare and benefits, and still remain deprived of their rights as individual citizens.

Copies of the book were sent to the UN World Conference on Human Rights as well as to their members respectively. The book will have more significant effect if the facts of discrimination in Japan are widely known among citizens abroad, resulting in an elevated international concern on the matter, which in turn may affect the closed, discriminatory society of the country.

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*Does the Third Periodic Report Accurately

Reflect the Human Rights Condition in Japan? by Masumi Taikano

*From Partial Solution to Radical Solution of the Buraku Issue. by Kenzo Tomonaga

*Recognizing the Historical Background and Protecting the Rights of Koreans in Japan as Members Of Japanese Society. by Hiroshi Kashima

* From the Assimilation Policy to the Guarantee of the Rights of the Ainu as an Indigenous People. by Takemasa Teshim

*Secure Human Rights for All Foreign Worker. by Masao Niwa

* Controversial Points of the Law Concerning the Promotion of Equal Opportunity And Treatment Between Men and Women in Employment and the Civil Code. by Machiko Ohno

* Dignity and Freedom, Not Protection or Charity. by Koji Onoue

*Appendix: Third Periodic Report of Japanese Government.

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Discrimination Against Buraku, Today(7)

Working

1. High Ratio of Female Workers.

1) Fig. 20 sjpws the ratios of workers (those who work to earn income) and nonworkers of 15 years of age and older. The ratios of both male and female workers in the Buraku varies among the prefectures. In Shiga, Tottori and Kyoto prefectures the ratio of male workers in the Burakuy is higher than that of the prefectural level respectively. In Shiga especially, the former exceeds the latter by 8.4 points. On the other hand, it is lower in Mie, Shimane and Osaka prefectures by 3 to 6 point s.

2) The ratio of female workers in Buraku is higher than that of the prefectural level in Shiga, Kyoto and Osaka. It is lower by 1.8% of the 'unknown' category in Buraku is excluded. Also in Shimane, if 'unknown' is excluded, the ratio of female workers in the Buraku is similar to the prefectural level. As shown above, the higher proportion of female workers in the Buraku is seen in many prefectures. It reveals the fact that more family members have to work to support themselves in the Buraku .

employees in Shimane and 29% of workers in Tottori are engaging in construction work. Also in Shiga and Kagawa, more than 20% of workers in the Buraku are in construction. In Mie and Kyoto it is as high as 19.5%. Above all, the ratio is 20 points higher than the whole in Tottori. In Shiga, Shimane, Kagawa and Kyoto prefectures, the ratio of those engaged in construction work is higher in the Buraku compared to the prefectural ratios by 13 to 14 points respectively.

2) On the contrary, the ratio of those engaged in the wholesale, retail and restaurant sectors in the Buraku is lower in all prefectures. The ratio of service is higher in the Buraku than the whole in Osaka and Saga prefectures, whereas other prefectures have lower ratios, with 9 to 11 points lower in Gunma, Shimane and Kyoto prefectures.

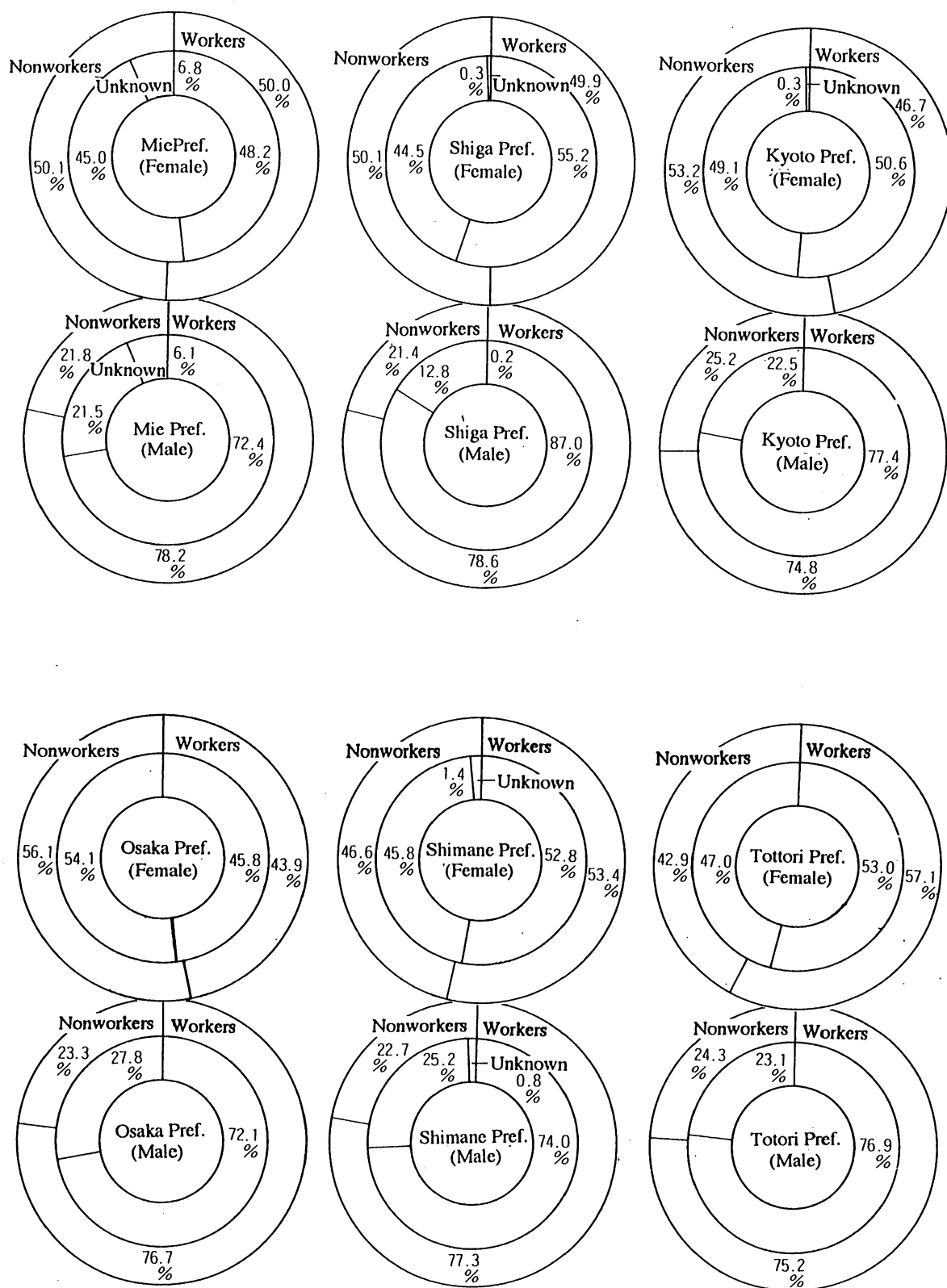
T hus it is characteristic of the industrial composition of the Buraku that work more concentrated in construction and less in the wholesale, retail, restaurant and service sectors.

2. More in Construction, Less in Wholesale, Retail and Service.

1) The ratio of construction workers in the Buraku is higher than that of the whole in all prefectures. Twenty-seven percent of



Fig. 20 Workers and Nonworkers

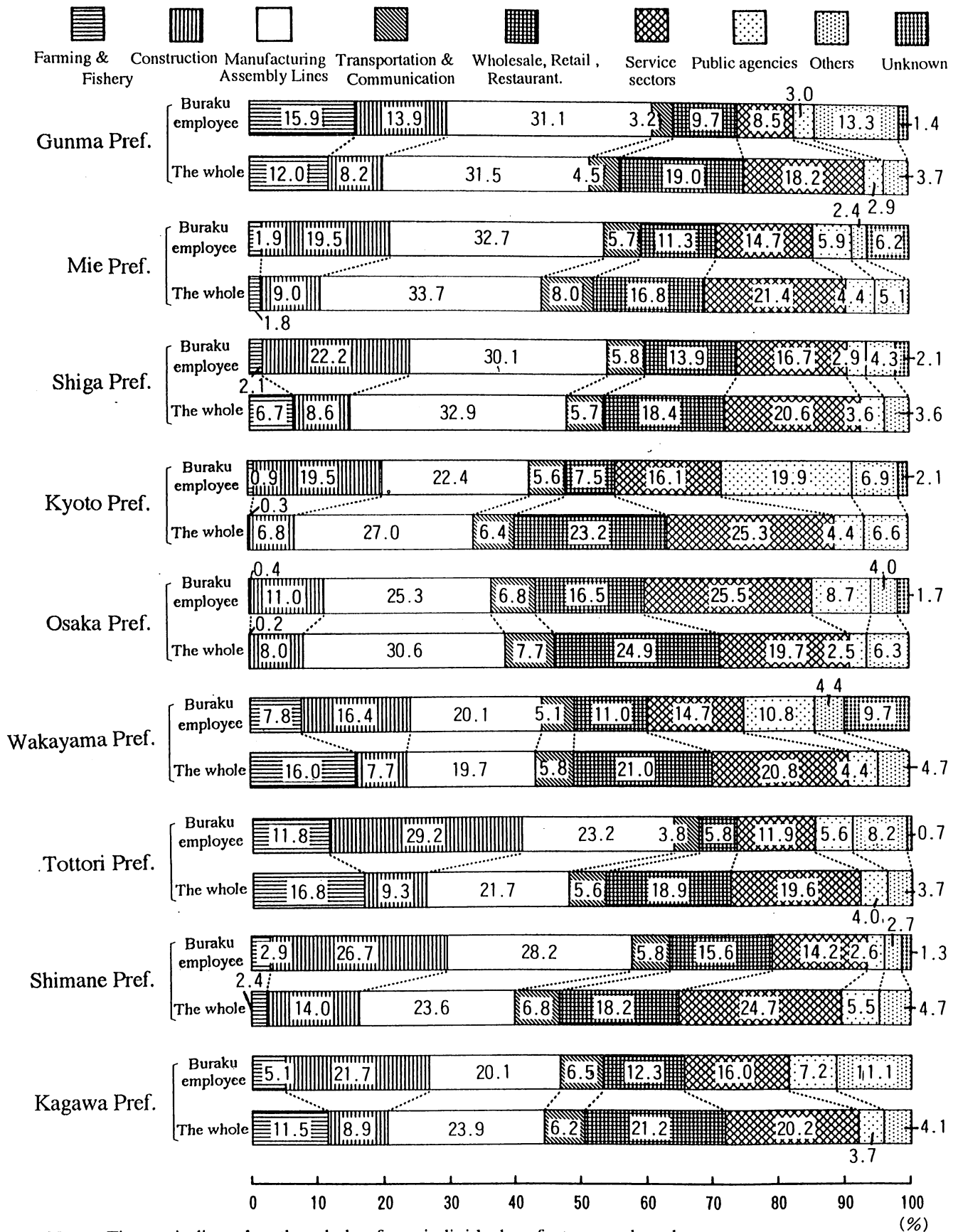


Notes: Inner circle: Buraku
Outer circle: The whole prefectures.

From "Basic Survey on Working Structure" of 1987.



Fig. 21 Industrial Distribution of Work/Employment



Notes: Figures indicated as the whole of any individual prefecture are based on the "Basic Survey on Employment Structure" of 1987.



English Slides About Buraku Problem, **"Discrimination in Japan" Produced.**

Since the founding of the Buraku Liberation Research Institute in 1968, we have been engaged in a wide range of research and education activities to fight human rights violation problems in Japan. In addition, we have published books and periodicals in English, regularly introducing Buraku issues to people overseas. To promote international solidarity, we have invited human rights activists and researchers from overseas to our meetings commemorating Human Rights Week every December. We are also active participants in the initiative of IMADR(International Movement Against All Forms of Discrimination and Racism) which was established in 1988.

The issues of human rights have become ever more important in today's world of globalization. In this context, the Buraku discrimination issues draw much attention from abroad as well as in Japan. We have produced English slide materials for the first time to tell the history and the current situation of Buraku and the experiences of the liberation movement in a compact manner. We are convinced, the slides will provide a good overall introduction to Buraku issues and help improve their general understanding outside Japan.

We will appreciate your frank opinions and make further improvement to the slides and other publicising activities.

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- 1) Discrimination in Japan: Discrimination against Burakumin
- 2) Origin of Buraku Discrimination
- 3) Buraku Discrimination in Modern Japan
- 4) Birth of the Buraku Liberation Movement
- 5) Buraku Liberation Movement after World War Two
- 6) Buraku Discrimination Today
- 7) Buraku Liberation Movement Today

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