

URGENT ACTION

PROMINENT PEACE ACTIVIST DETAINED WITHOUT BAIL

Hiroji Yamashiro has been detained since mid-October 2016 after protesting against new U.S. military construction projects in Okinawa. Aged 64 years, concerns for his well-being have been raised as medical tests show a deterioration in his health. All requests for bail have been denied.

Hiroji Yamashiro has been detained since his arrest on 17 October 2016 for allegedly cutting a wire fence around a construction site near Takae, in Okinawa, Japan, during protests against the installation of new U.S. Marine Corps facilities. Three days after his arrest, an additional charge was brought against him for obstructing and assaulting an Okinawa defence bureau officer at the protests. On 29 November 2016, more a month later, a third charge was then brought against Hiroji Yamashiro for laying blocks and forcibly obstructing site construction in late January 2016, effectively extending his pre-trial detention further.

Japanese criminal law experts issued a statement on 28 December 2016 calling for his urgent release, claiming that his current detention lacks justifiable grounds and was therefore unconstitutional. All requests for bail have been repeatedly denied and, although the district court has presently confirmed his detention until 20 February 2017, there is a likelihood that the court could issue a further extension of his detention.

Despite strong opposition from the residents of Okinawa, the Japanese government has remained supportive of the construction of the US military base. The arrest of Hiroji Yamashiro, a symbolic opposition figure, has had a chilling effect on others who are peacefully exercising their rights to freedom of expression, association and peaceful assembly. Some activists now hesitate to join the protest for fear of reprisals.

Hiroji Yamashiro, 64, suffers from malignant lymphoma and was hospitalized in 2015. There are serious concerns for his well-being after medical tests at the end of December 2016, two months into his detention, demonstrated a decline in his health. Hiroji Yamashiro has not been allowed to see his family since his arrest.

Please write immediately in Japanese, English or your own language urging authorities to:

- Immediately release Hiroji Yamashiro unless they prove that the presumption of release pending trial should not apply;
- Ensure that, pending his release, Hiroji Yamashiro is provided with adequate medical care and has effective access to his family without delay;
- Comply with their international obligations to respect, protect and fulfil the human rights to freedom of expression, association and peaceful assembly, as well as the rights of people in detention.

PLEASE SEND APPEALS BEFORE 20 FEBRUARY 2017 TO:

Prosecutor General

Katsuyuki Nishikawa
The Supreme Public Prosecutors Office
1-1-1, Kasumigaseki, Chiyoda-ku,
Tokyo, Japan

Salutation: Dear Prosecutor General

Prime Minister

Shinzo Abe
1-6-1 Nagata-cho, Chiyoda-ku, Tokyo
100 - 8968, Japan
Twitter: @AbeShinzo or @JPN_PMO

Facebook:
<https://www.facebook.com/Japan.PMO>

Salutation: Dear Prime Minister

Also send copies to diplomatic representatives accredited to your country. HIS EXCELLENCY MR KEIICHI HAYASHI, Embassy of Japan, 101-104 Piccadilly W1J 7JT, 020 7465 6500, Fax 020 7491 9348

Please check with your section office if sending appeals after the above date.

**AMNESTY
INTERNATIONAL**



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ADDITIONAL INFORMATION

Hiroji Yamashiro was held in police custody until 26 December 2016. Under the Japanese criminal justice system, a person can be detained under the authority of the police for up to 23 days without charge. Amnesty International have raised concerns about the lack of rules or regulations regarding interrogations during this period, including duration, restricted access of lawyers and the absence of any recordings. In this case, police continued to lay new charges against Hiroji Yamashiro while requesting extensions to his detention.

Hiroji Yamashiro is the chairman of 'Okinawa Peace Action Center', a non-violent peace movement in Okinawa, and is part of the 'All Okinawa Council' which fundamentally opposes the building of the military base.

For decades the American and Japanese governments have been trying to close a U.S. military base in crowded Ginowan, a city on Okinawa's main island, and to build a bigger one still in Okinawa but in a northern, less populated area, Henoko. However, there is strong opposition from the residents claiming that it will merely redirect the noise, environmental degradation and dangers of militarization to another part of the main island. Mass protests near Takae, where Hiroji Yamashiro was arrested, against the forest-clearing for Osprey helipads continue daily outside the gates of the base.

Under international legal standards, anyone arrested or detained must be brought promptly before a judge or equivalent judicial officer for a ruling on whether both the initial arrest and the continued detention are lawful, necessary and proportionate, i.e. the lawfulness of both the detention as such, as well as whether the detainee should be released or detained pending trial. There is a presumption that to remain in custody pending trial should not be the norm but the exception, with the burden of proof to show special circumstances on the state. If persons are charged, they are further entitled to a trial within a reasonable time. In order to prevent the risk of arbitrary detention, authorities must ensure that proper grounds and procedures for deprivation of liberty are adhered to at all times, as established by national law and required by international human rights law.

Under the Japanese Criminal Procedure Law, the court may order the detention of the accused pending trial when there is probable cause to suspect that he/she has committed a crime and when the accused has no fixed residence; there is probable cause to suspect that he/she may conceal or destroy evidence; or the accused has fled or there is probable cause to suspect that he/she may flee.

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