

Campaign for Justice: Redress Now for Japanese Latin Americans!
Founding Organizations: American Civil Liberties Union (ACLU) of Southern California
Japanese Peruvian Oral History Project (JPOHP)
Nikkei for Civil Rights and Redress

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U.S. State Dept. Gets Extension for Response to Japanese Latin American Petition

Three Japanese Peruvians were recently dealt another delay in their quest for redress for injustices suffered during World War II. The U.S. State Department requested and received a 30-day extension of its July 18 deadline to respond to the petition sent by the Inter-American Commission on Human Rights (IACHR), a body of the Organization of American States (OAS), on behalf of Isamu (Art) Shibayama and his two brothers, Kenichi and Takeshi Shibayama, and the Japanese Peruvian Oral History Project. The United States government now has until August 17th for rebuttal.

The Shibayamas, along with over 2,200 other Japanese Latin Americans, were abducted from their home in Latin America by the U.S. government, brought to this country to be used as hostages in exchange for Americans held by Japan, interned, and then classified as “illegal aliens” after the United States stripped them of their passports while forcibly bringing them to this country. They were then denied redress under the Civil Liberties Act of 1988 that provided an apology and compensation for victims of U.S. relocation programs.

Though granted a delay, the U.S. is ultimately obligated to respond to OAS/IACHR petitions and abide by its decisions under the OAS charter because the U.S. is an OAS member and all members pledge to recognize IACHR decisions.

“This gives U.S. citizens and resident aliens an important human rights forum,” said JPOHP Director Grace Shimizu. “Since the U.S. hasn’t ratified the United Nations Convention on Human Rights, [U.S.] Americans can’t appeal to the UN Commission on Human Rights when domestic courts or government agencies don’t provide adequate remedies. This case will be important for others working on domestic civil rights issues and for the ongoing redress campaign for Japanese Latin Americans and other groups affected by WWII enemy alien policies.”

The OAS has sent “pertinent parts” of the petition to the United States government for comments, meaning that the OAS considers the claim based on war crimes and crimes against humanity committed against them when they were children to be reasonably actionable. Remedies sought include proper apology reflecting the severity of the government violations, equitable redress compensation and full disclosure of the facts, including the fate of disappeared individuals in Latin America and Japan.

The OAS is a regional body, under the United Nations, for the Americas. The Inter-American Commission on Human Rights, based in Washington, D.C., and its counterpart in Costa Rica apply the regional law of human rights to claims of violations made against the state by people in the Americas. The IACHR accepted the Shibayama petition for further review and sent it to the U.S. State Department in May 2004.

The Shibayama case is part of a redress effort for all Japanese Latin Americans who experienced similar human and civil rights violations during World War II, when 13 Latin American countries became involved in providing Japanese Latin Americans to the United States for hostage exchange and internment. The redress effort also includes legislation pending in the U.S. House of Representatives, the Wartime Parity and Justice Act of 2003. If passed, an estimated 1,200 Japanese Latin Americans and Japanese Americans would receive symbolic compensation of \$20,000 and a proper apology. The bill also provides for the re-establishment of the

Public Education Fund, which would make available \$45 million in fulfillment of the educational mandate of the Civil Liberties Act of 1988. ###