

For Immediate Release
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PRESS ADVISORY

Contact: Grace Shimizu
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**US Government Found Liable For WWII
Human Rights Violations with Multiple Current Ramifications**

What: PRESS CONFERENCE and EDUCATIONAL WEBINAR
→ The immigration, refugee and extraordinary rendition ramifications of *Shibayama versus United States*

Who: **Bekki Shibayama** (daughter of Art Shibayama, former Japanese Peruvian internee and named petitioner)
Kazumu Julio Cesar Naganuma (former Japanese Peruvian internee)
Karen Parker, Esq. (lead counsel for petitioners)
Rev. Michael Yoshii (Cal-Nevada Annual Conference)

Co-Moderators:
Grace Shimizu (Japanese Peruvian Oral History Project)
Philip Tajitsu Nash, Esq. (Asian American Legal Defense Fund)

When: **Wednesday, August 5, 2020 @ 9 am PDT / 12 noon EDT**

Where: Zoom videoconference (registration required)
https://zoom.us/webinar/register/WN_54PIhIByRwqNV7iAIYrJIQ

In a major victory for the rule of law in an increasingly lawless age, the Inter-American Commission on Human Rights (IACHR) at the Organization of American States (OAS) published a stunning verdict in the case of *Isamu Carlos "Art" Shibayama versus United States*, holding that the US government owes redress to brothers Art, Tak and Ken Shibayama who did not receive the redress they deserved for human rights violations perpetrated on them as children during World War II.

The Shibayama brothers, along with over 2200 other children, women and men of Japanese ancestry from 13 Latin American countries, were subjected to kidnapping, family separation, indefinite internment, hostage exchange, and forced deportation under a broader program of extraordinary rendition from Latin America carried out by U.S. government officials. This hidden program unfolded simultaneously with the more widely known roundup, expulsion and forced incarceration of 120,000 Japanese Americans, which was explored in the *Korematsu versus United States* and other cases.

"While I am happy that the rights of my father and the other Japanese Latin Americans have been vindicated," said Art's daughter Bekki, "it is bittersweet since my father did not live to see this important victory."

"This victory is great news for Japanese Latin Americans, but also for immigrants, refugees, and those fighting extraordinary renditions and violations of civil liberties and human rights," said Karen Parker, lead attorney for Shibayamas and the JLAs. "We had to take this case to an international human rights forum because the Shibayamas could not get justice after five lawsuits and two failed pieces of legislation in Congress. I hope that representatives of the U.S. government will now do the right thing and give the JLAs the redress they deserve."

The IACHR, as an international tribunal that reviews government actions that may have violated the rights of its own citizens and residents, held a hearing on the *Shibayama* case that the United States government refused to attend. The large body of evidence that supported the Shibayama claims was irrefutable, leading the IACHR decision to read:

"The Inter-American Commission on Human Rights concludes that the [USA] is responsible for the violation of Articles II (equality before the law) and XVIII (fair trial and effective remedy) of the American Declaration [of the Rights and Duties of Man]....

And reiterates its recommendations to the USA to

(1) provide integral reparation for the human rights violations...including both the material and moral dimensions, and adopt measures for economic compensation and measures of satisfaction....[and]

(2) ensure full disclosure of government information relating to the program of deportation and internment of JLAs during WWII, as well as relating to the fates of the individuals subject to this program."

A virtual press conference will be held to focus on this ground-breaking decision, its ramifications for the petitioners and other communities who have endured government violations, and the next steps forward in the JLA struggle for justice.

For more information, please contact:

Campaign For Justice: Redress NOW For Japanese Latin Americans!

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BACKGROUND OF SHIBAYAMA VERSUS UNITED STATES

In a little known episode of World War II, the U.S. government orchestrated the abductions of over 2,200 persons of Japanese ancestry who were citizens and residents of 13 Latin American countries. The United States government brought these men, women and children at gunpoint on U.S. military transports, confiscated their passports and ID documents, and incarcerated them in U.S. internment camps for up to six years. They, along with over 4,000 German (including 81 Jews) and over 200 Italian residents of Latin America, were part of a U.S. scheme to obtain hostages to

exchange for U.S. citizens held by Japan, Italy and Germany. Over eight hundred Japanese Latin Americans were exchanged during the war, among them the Shibayamas' grandparents, whom the family never saw again.

After the war, the Latin Americans' usefulness as hostages ended. The U.S. government labeled them "illegal aliens" and deported over 900 Japanese Latin Americans against their will to war-devastated Japan. More than 300 Japanese Peruvians remained in the U.S. fighting deportation, including the Shibayama parents and six siblings, after Peru refused them reentry even if they were Peruvian citizens or married to Peruvian citizens or had been immigrant residents.

Bay Area resident Art Shibayama had often pointedly asked, "The American government itself brought us here by force, took our documents, and put us into internment camps. So, how could we be 'illegal aliens'?"

After almost forty-seven years, the U.S. government passed the Civil Liberties Act of 1988 to redress the wartime violation of Japanese Americans' civil rights. Only those few Japanese Latin Americans who had been granted permanent residency status retroactive to their date of entry into the U.S. were deemed eligible to receive the apology and \$20,000 redress payments. However, this redress legislation was denied to most because they were "illegal aliens," including Art and his two brothers.

Four lawsuits were brought against the U.S. government, attempting to hold it accountable for its WWII actions against Latin American citizens and legal residents of Japanese descent. But legal maneuvering and jurisdictional technicalities prevented all but one from being resolved. *Mochizuki v. United States* reached a controversial settlement agreement that provided an apology and \$5,000 (one fourth the amount awarded to Japanese Americans) -- and did not prohibit internees from pursuing legislation for a more equitable resolution. Seventeen internees, including Art Shibayama, rejected the settlement with the intent to continue litigation. The Wartime Parity & Justice Act, meant to provide equitable redress for Japanese Latin Americans and Japanese Americans who had been excluded from the Civil Liberties Act, was introduced into the House of Representatives three times, but never emerged from committee.

"Kidnapping civilians from countries with which we were not at war was a grave breach of humanitarian law, or a war crime, at the time it occurred," said Karen Parker, the Shibayamas' attorney. "One of the problems with war crimes...is that no country wants to actually say they did it, and no country ever wants to pay.... The U.S. always points the finger at other countries for human rights violations, but then does everything possible to avoid dealing with its own."

On June 10, 2003, a long-thwarted quest for justice took an international turn, when three former Japanese Peruvian internees and the Japanese Peruvian Oral History Project (JPOHP) filed a petition with the Inter-American Commission on Human Rights (IACHR), a body of the Organization of American States. The Shibayama brothers -- Art, Kenichi and Takeshi -- were seeking acknowledgement and equitable redress from

the U.S. government for war crimes and crimes against humanity perpetrated on them as children during World War II.

“We could not find justice in the U.S. courts, the halls of Congress, nor the White House.” said JPOHP Director Grace Shimizu. “The merits of our case were prevented from being heard. So, we took our case to the international community for justice.”

Since the U.S. had for almost eighty years attempted to avoid addressing the legality of the WWII internments and deportations, former Japanese Latin American internees and their families have looked to the IACHR for acknowledgment, clarification and proper redress. The remedies they sought included an apology, equitable redress compensation, expungement of the “illegal alien” classification from government records, and full disclosure of the facts, including the fate of disappeared individuals. Equitable redress must be commensurate with the scope and gravity of the human rights violations perpetrated during the war and the ongoing failure of government accountability.

Research by Parker and others had revealed pre-WWII U.S. pressure on Latin American countries to provide their citizens and immigrants of Japanese, Italian and German ancestry for use in hostage exchange, and also to eliminate economic strength and competition in these ethnic communities. Hence, the IACHR was an appropriate international forum to investigate issues in which over 6,000 civilians were ensnared, their lives forever altered.

Art Shibayama's parents and grandparents owned thriving businesses and led a comfortable, happy existence in Lima, Peru. The children were born in Peru and spoke only Spanish. When the family was forcibly uprooted and imprisoned in Crystal City, Texas, they lost everything – home, business, property, and community. Art and his brothers were 13, 7 and 5 years old, respectively, when they were interned. At Crystal City, school classes for the Latin American children were taught in Japanese and German, but not Spanish – they were being prepared for “repatriation” to war-torn countries where many had never been before.

The ground-breaking decision of the IACHR is a milestone victory for the Shibayama brothers and other Japanese, Italian and German Latin Americans who are still waiting for US government accountability -- explanations, apologies and fair compensation for the human rights violations they suffered during and after World War II. The decision also has ramifications for other current justice struggles.

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