

Stichting Japanse Ereschulden

Foundation of Japanese Honorary Debts

NGO, Status Roster

Human Rights Council
Chairperson UPR committee
United Nations Geneva,
Switzerland

sent by e-mail

and by fax

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Country under review Japan
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NGO Foundation Japanese Honorary Debts

Dear Chairperson,

The Dutch Queen Beatrix upon the occasion of her state visit to Japan said in her official speech at the State Banquet on October 22, 1991:

“The events during the Second World War caused a deep gulf between our two people (Japan and the Netherlands). A great number of Dutch people became victims of the horrors of the war in the Pacific. Some were involved as members of the armed forces, but over 100,000 civilians were interned (in concentration camps) for many long years. Many of my compatriots did not survive the war. Those who did return are marked for life by their experiences. Consequently, they are still suffering the pain and distress inflicted on them in those days, in spite of the time that has passed since then.”

Now 17 years later the contents of the speech by Queen Beatrix are still treated with great superfluity by the Japanese government. This disregard continues still after many petitions, numerous reports and even a court case in which Japan was convicted by its own judges of having violated the The Hague convention of 1907 and thus was liable to pay damages to victims. Japan refuses to pay those damages on legal grounds.

Japan claims that the San Francisco Peace Treaty of 1951 waived such an obligation. However violations of Human Rights cannot be waived by any treaty;

hence this petition to the Human Rights Councils' UPR Committee in reviewing Japans' human rights past:

To consider Japan's unacceptable position in disregarding its violation of human rights during the Japanese occupation of Dutch East Indies from 1942-1945, whilst being convicted in its own law courts of having violated the human rights during that period.

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The Foundation of Japanese Honorary Debts function is to protect the interests of the Dutch POW's, detained civilians and their families who were victims of war crimes perpetrated by the Japanese Military on behalf of the Japanese government during the Second World War. The Foundation was established in 1990, registered some 90,000 victim members and is supported by some 10,000 fee paying contributors. The registered members commissioned the Foundation to take action in regard to obtaining justice.

Prime Ministers of Japan have been requested by various means including 158 written petitions to provide an immediate solution to pay compensation to the victims of Japanese war crimes and not to hide behind the San Francisco Peace Treaty of 1951. In the Peace Treaty article 14a waives the reparation stemming from war aggression which Japan started, but does not exclude violations of human rights, the The Hague Convention of 1907 and other commitments made by Japan prior to the commencement of the Pacific War in the 1930's.

During the Pacific War Japan adopted a plan which called for invading other Asian countries. Japan's main motive for this plan was to pillage the oil resources of Dutch East Indies and make it a Japanese colony, possibly giving "independence" to the autochthonous people under Japanese rule. Inherent in this plan was the capture of the Dutch armed forces and Dutch civilians, treating them cruelly and using them as expendable slave labour. Young and old, men and women, were interned in concentration camps or kept outside depending on their ethnic level. All went, because they were Dutch, through a hell of indescribable brutality perpetrated by the Japanese Military. Girls and young women were forced into sexual slavery at the hands of Japanese officers and soldiers. Young boys of over 10 years were separated from their mothers. Some of them were sexually abused.

The autochthonous people were enticed to collaborate and to exclude the Dutch, in particular those outside the camps because of their western orientation. The Dutch became outlaws, criminals without rights or protection. After Japan's defeat in war, those persons who were directly responsible for the inhumane treatment of captives were charged with war crimes and either hanged or punished as war criminals. The Japanese government on whose behalf these criminal acts were executed remains so far free.

The injury brought to those who survived are not sequestered only in the past; these victims of cruel atrocities have been suffering ever since as a result of the deep brutalization received in days long past. Many of the victims of some 60 years ago have died since, but the trauma's and physical pain they suffered after what they had to endure at the hands of the Japanese Military were such that frequently they wished to die soon and be relieved of the terrible trauma. Children and grandchildren still suffer from their (grand) parents traumas. We see the effects daily.

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The excessive transgressions by the Japanese Military were carried out on behalf of the Japanese government and **are crimes against humanity as a result of intentional and systematic acts of desecration.** Thus reparation for the damage done, not stemming from aggressive war acts, is the responsibility of the Japanese government then and now. Up till now the Japanese government has not shown the integrity to accept responsibility and provide just reparation for the deep and abiding injury deliberately caused to the Dutch victims of war.

Much of the cruelties by the Japanese and their forced "allies" have been subject to study and publication.

The statistics are well known:

of the 300,000 Dutch who lived in Dutch East Indies in 1942 at the beginning of the war

- 15% or 45,000 died as a result of the Japanese cruelties,
- at least 25% or 75,000 suffered incurable disorders,
- more then 80% can not forget, but survive with traumas,
- 95% lost their household and their private possessions,
- all lost their future.

The reports made on behalf of and instructed by the United Nations include:

- Ms Radhika Coomaraswamy-E/CN.4/1995 dated 24 November 1994 and E/CN.44/1996/53/ADD dated 1 January 1996 on war crimes committed by Japan and recommendations,
- The Working Group on Contemporary Forms of Slavery.

The reports are more ten 10 years old. To date Japanese authorities are ignoring the findings and make no move to implement the recommendations.

The Human Rights Council too did not advise Japan that they can not be taken seriously as long as they keep ignoring these reports.

During the same period the Foundation of Japanese Honorary Debts submitted as NGO with Roster Status, to the United Nations Human Rights Commissioner/Council written statements, oral statements and made interventions. No action has taken place to point out to Japan its obligations under international conventions and its poor humans rights record.

158 petitions have been submitted by the Foundation of Japanese Honorary Debts to the Prime Minister of Japan. The Foundation continues to demonstrate each second Tuesday of the month at the Japanese Embassy in The Hague demanding justice and hand over a petition for the Japanese Prime Minister elaborating on this demand. No acknowledgement of receipt has ever been given, but the Japanese Ambassador in The Hague keeps assuring us that the petitions are transmitted to Tokyo.

Another UN institution ILO expresses its concern about Japan's poor war time behavioral records. At the ILO conference statements and recommendations of the Committee of Experts on the Application of Conventions to the International Labour Conferences were made but ignored by Japan! See attachment – letter by FNV to the ILO.

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And lately the parliamentary motions passed and adopted unanimously requesting Japan to apologize and repair damage done to the victims and communicate with the Japanese people on military sexual slavery during World War Two in Asian countries including Dutch East Indies, by:

- the American House of Representatives and Senate,
- the Dutch Parliament
- The Canadian House of Commons
- The European Parliament.

The motions request the respective governments to urge Japan to resolve the issues mentioned.

All reports, motions, petitions and other ways and means of communication share our conviction that Japan must reconsider its position and accept that Japan violated Human Rights during World War Two in former Dutch East Indies and face the consequences.

In preparing the UPR on Japan we urge you to take seriously in consideration:

- **the report by the Special Rapporteur Ms. Coomaraswamy,**
 - **the report by the Working Group on Contemporary Forms of Slavery,**
 - **the ILO statements on Japan's slave labour practices during the war,**
 - **the parliamentary motions of the United States of America, The Netherlands, Canada and Europe,**
 - **the 158 petitions to the Japanese Prime Ministers and written and oral submissions to the Human Rights Commissioner/Council by the Foundation of Japanese Honorary Debts,**
- and to urge Japan to accept its responsibilities for its war time past and show its integrity as civilized nation fit to be member of the United Nations.**

Finally we look to you, the Human Rights Council, to condemn Japan and to help us to find justice for the horrors committed by the Japanese Military to our people.

If you require any further clarification we are happy to respond verbally or in writing.

On behalf of the Foundation of Japanese Honorary Debts,

J.F. van Wagendonk
President

W.K. Lamain
NGO Liaison

NB.

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See fax for signed copy and additional information.

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