

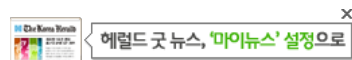


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Jury trial of U.S. soldier in Okinawa

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Published : 2010-06-08 16:21 Updated : 2010-06-08 16:21

Last Month, the new legal history was made in Japan -- a 19-year-old American soldier stationed in Okinawa became the first military serviceman to be tried by Japan's lay court. The 2004 Lay Assessor Law enacted in Japan was put into effect in May 2009, allowing Japanese residents to participate in the adjudication of serious and violent crimes committed by alleged military felons. The procedural structure consists of a judicial panel with three professional judges plus six lay participants chosen at random from local communities.

Ever since the United States established its military bases in Okinawa in 1945, local residents have witnessed a long history of their own communities victimized by foreign soldiers and their dependents. This tiny island of Okinawa currently hosts three-quarters of the entire U.S. military facilities in Japan, and the highly concentrated placement of the military establishment has accentuated the proliferation of serious crimes committed by military personnel in the island.

According to the Japanese government, from 1952 to 2004, American military personnel have committed crimes or caused accidents in a total of 201,481 cases that resulted in the death of 1,076 civilians. This figure fails to include military crimes in Okinawa between 1945 and 1972, during which Okinawa virtually remained a U.S. military colony.

Okinawa was once an independent kingdom until the Japanese government annexed it in 1879. When the island was devastated in the 1945 battle of Okinawa, the United States powerfully moved into the island, bulldozed expropriated lands, and forcibly relocated many landowners to South America.

Okinawa then became an important U.S. strategic outpost, acting as a second line of "defense" during both the Korean and Vietnam wars. Okinawa bases also became where servicemen went for rest and recuperation, creating a sub-culture of bars, proliferating prostitutes and explicit sex shows. Even after Japan established sovereignty over Okinawa in 1972, the American military continued to retain control over their bases. In essence, the people in Okinawa were entrapped in a colonized and occupied island controlled by both the Japanese and U.S. governments.

The first ever trial of an American serviceman by Japan's lay court represents the first effort to decolonize the island of Okinawa. This trial also sends a strong political message to South Korea, which similarly hosts huge American military installations in East Asia. In 2008, the Korean government introduced the all-citizen jury trial. However, the consent of the defendant is required for any jury trial, which de facto prevents the lay adjudication of military felons in Korea. Equity demands that the Korean government may change and eliminate the defendant's consent requirement when it reviews the Jury law in 2013.

A new historic stage has clearly begun. The Asian neo-colonies under U.S. military jurisdiction are finding an independent, legal path to protect their citizens from abuse. And on May 27, the movement has begun with the Japanese citizen's lay court in Okinawa, finding the young U.S. soldier guilty of robbery and bodily injuries to a cab driver and sentencing him to three to four years in a Japanese prison.

There will be more American military defendants to be subject to this judicial process, as lay adjudication begins to play an important role in placing the burden of responsibility on military personnel's activities, functioning as effective judicial oversight of the activities of American military personnel in Okinawa, Japan.

By Hiroshi Fukurai and Richard Krooth

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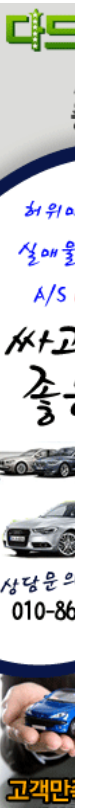


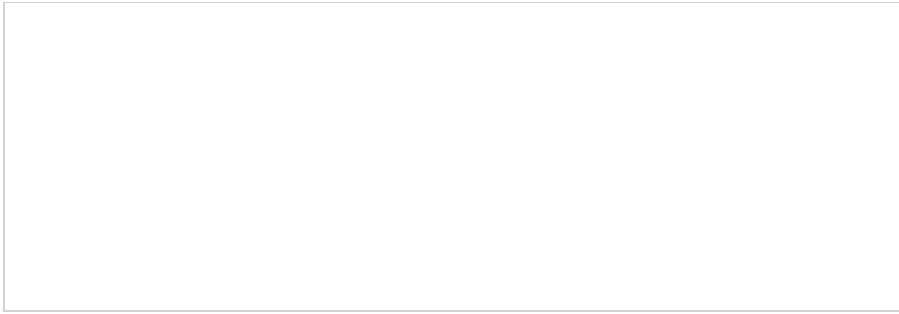
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