

May 2, 2017

Japanese Academics' Open Letter to the United Nations High Commissioner for Human Rights on the April 19, 2016 "Preliminary Report by UN Special Rapporteur Professor David Kaye on the Right to Freedom of Opinion and Expression in Japan"

Your Highness Prince Zeid bin Ra'ad al-Hussein,

We respect your tremendous efforts over the past several decades in the field of international human rights. We particularly appreciate your great contribution in establishing the International Criminal Court (ICC-CPI) in 2003. Today, we issue our statement on UN Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression David Kaye's April 19, 2016 Preliminary Report on the Right to Freedom of Opinion and Expression in Japan (attached hereto). Given your long history of tireless work for justice and fairness, we respectfully ask that you read our statement.

As we mention therein, we regret to say that we are very much disappointed with UN Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression David Kaye's Preliminary Report on the Right to Freedom of Opinion and Expression in Japan. Prof. Kaye is very likely prejudiced against the Abe Administration; accordingly, his views are heavily biased, and his Report does a great disservice to the United Nations Human Rights Council which you so admirably oversee.

The extremely deleterious effects of UN Special Rapporteur David Kaye's Preliminary Report are already evident in the Country Reports on Human Rights Practices for 2016 by the United States Department of State (published March 3, 2017). In the Japan-related section of this report, the State Department referred to UN Special Rapporteur David Kaye's Preliminary Report in proclaiming that "the independence of the [Japanese] press is facing serious threat." In fact, this kind of expression is radically at odds with the actual situation of freedom of speech in Japan.

The Japanese Ministry of Foreign Affairs lodged a protest against the US Department of State soon after the announcement of the latter's Country Report on Human Rights. Japanese Foreign Minister KISHIDA Fumio alerted US Secretary of State Rex Tillerson, who visited Japan on March 16, 2017, to the existence of factual errors based on David Kaye's Preliminary Report in the Country Report on Human Rights. Moreover, on

March 17, 2017, the Japanese government arrived at a Cabinet-level decision that the points mentioned in the US State Department's Country Report on Human Rights for Japan were totally fallacious. We strongly support the Japanese government's stance on this issue.

Professor Kaye's Preliminary Report, however, was made based on his interviews with a limited number of journalists when he visited Japan for just one week. The choice of journalists lacks balance, and was made according to political considerations and expediencies. As a result, the academic analysis in his preliminary report is sorely lacking.

In a much broader sense, we are seriously concerned that UN Rapporteur Professor Kaye's Report might become a second Coomaraswamy Report, which was submitted to the UN Commission on Human Rights in 1994. The Coomaraswamy Report is replete with many grave errors of fact. And yet, because of the Report's association with the United Nations, these grave errors have come into currency throughout the world. As a result, the dignity of Japan and the Japanese public in the international community has been immensely damaged for more than two decades. We request that the United Nations Human Rights Council (UNHRC) withdraw the Coomaraswamy Report and appoint a new UN Special Rapporteur on the comfort women issue in order to draft a new report free from factual error.

Failing this, the fairness and impartiality of the United Nations Human Rights Council (UNHRC) remain in question. We join you in the sincere hope that the reputation of the UNHRC be no further besmirched by inaccuracies, biases, and other distortions.

Sincerely yours,

(10 Initiators)

- FUJIOKA Nobukatsu; Visiting Professor, Takushoku University
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- KOBORI Keiichiro; Professor Emeritus, University of Tokyo
- NISHIO Kanji; Professor Emeritus, University of Electro-Communications
- SHIMADA Haruo; Professor Emeritus, Keio University
- TANAKA Hidemichi; Professor Emeritus, Tohoku University
- WATANABE Shoichi; Professor Emeritus, Sophia University (passed away on April 17)

- WATANABE Toshio, Professor Emeritus, Tokyo Institute of Technology
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