

## PREFACE

### The Fabrication and Spread of the "Comfort Women = Sex Slaves" Theory

By Fujioka Nobukatsu



Meeting at the UN's Geneva office.

#### **Totsuka Etsuro: The originator of the "sex slave" concept**

The man who first proposed to the United Nations that the comfort women be referred to as "sex slaves" was a Japanese human rights lawyer, Totsuka Etsuro. What sort of man is Mr. Totsuka, and why did he do this?

Mr. Totsuka was born in Shizuoka Prefecture in 1942. In 1964, he graduated from Rikkyo University, receiving his degree from the Department of Physics, College of Science. Afterwards, he enrolled in the master's program at Rikkyo University's College of Literary Studies with a specialization in psychology. However, he dropped out midway and instead enrolled in the bachelor's program at the Rikkyo University's Graduate School of Law from which he received his degree in 1970. Between 1973 and 1981, he represented plaintiffs for a lawsuit that emerged in the wake of the subacute myelo-optic neuropathy (SMON) outbreak. From 1984, he worked as a representative for a UN-affiliated human rights NGO.

During that time, he served as either a visiting scholar or visiting professor at a series of universities in Great Britain, South Korea, the United States and Canada. In 2000, he was appointed as an associate professor at Kobe University Graduate School, and in 2003, he was tenured as professor at Ryukoku University's School of Law. His area of expertise was international human rights law. He retired from the bar in 2000.

Mr. Totsuka brought up the term "sex slave" before the UN Commission on Human Rights, and before long UN bodies defined comfort women as "sex slaves". Let's start by reviewing Mr. Totsuka's own views on this matter. Mr. Totsuka states the following on page 280 of his 2009 book *Nihon ga Shiranai Senso Sekinin: Nihongun "Ianfu" Mondai no Shin no Kaiketsu ni Mukete* [*Japan's Unknown War Guilt: Towards a True Resolution of the Comfort Women Problem*] (In the quotation, I have redacted bibliographic notes found within the original.):

In February of 1992, I portrayed the comfort women as 'sex slaves' before a meeting of the UN Commission on Human Rights. Since then, NGOs at the United Nations have been using the two terms synonymously. In June of 1993, at the World Conference on Human Rights in Vienna, the Japanese government attempted to limit the discussion of wartime sexual violence to 'current' violations, but the Conference ultimately decided to address all violations, including those committed in the past. The United Nations also used the terms 'comfort women' and 'sex slaves' interchangeably at the Fourth World Conference on Women held in September of 1995 in Beijing. Calling them the Japanese military's 'comfort women' failed to express the actual harm inflicted on the women involved, and so the Coomaraswamy Report put forward the expression 'military sex slavery', which took hold as the accepted terminology used by the UN.

The so-called "Coomaraswamy Report" referred to by Mr. Totsuka was a report on the comfort woman issue released on February 6, 1996, by Ms. Radhika Coomaraswamy, a Sri Lankan activist and lawyer who had been named "special rapporteur on violence against women". This report described the comfort women system as a system of "military sexual slavery". I shall discuss the details of this report later.

### **Mr. Totsuka's fateful reaction to Kim Hak-sun's lawsuit**

What was the reason that propelled Mr. Totsuka's involvement in such activities? In the preface to his aforementioned book, he mentions that he "has been asked before about my motivations for taking up the comfort women problem before the United Nations." He gave the following explanation as his response.

Mr. Totsuka was permitted to attend meetings of the Commission on Human Rights, a UN political body involved in the protection of human rights, by virtue of his position as the representative of an NGO holding consultative status with the UN. The thought occurred to him, that "Is it not also my responsibility as a person involved in volunteer work in this field to use these political processes for the protection of international human rights to expose Japan's most pressing and emblematic human rights problems?" Concerning the

direct motivation that led him to confront the comfort women issue, Mr. Totsuka wrote the following:

In late-1991, Kim Hak-sun and other Korean victims of the Japanese military's sexual slavery brought a civil suit against the Japanese government. Then, in early 1992, Chuo University Professor Yoshimi Yoshiaki unveiled documents proving the involvement of the Japanese military in this problem. Incumbent Prime Minister Miyazawa Kiichi, who visited South Korea soon after, admitted to the Japanese military's involvement and apologized, albeit in a vague manner. Therefore, I concluded that the time was right to report this problem to the United Nations. This was my immediate motivation for raising the issue. I acted on my own initiative, not at the request of any other person.

According to Mr. Totsuka, what inspired him the most through these events was, "the victims who bravely stepped forward and the voices of the many women's and citizens' movements both inside and outside the country that were supporting them." It seems that Kim Hak-sun's and her collaborators' legal strategy convinced Mr. Totsuka to take action at the UN, which dramatically swung the scales in their favor. The other key factor in this affair was Takagi Kenichi, who headed Kim Hak-sun's legal team. However, there was an interesting difference in the perspective adopted by Mr. Totsuka and Mr. Takagi.



Kim Hak-sun, a former comfort woman, who filed suit in the Tokyo District Court.

When the UN Human Rights Committee was in session between October 24 and October 30, 1993, the Japan Civil Liberties Union, which has long been engaged in the issue of Japan's "postwar reparations", submitted a detailed report on the matter. The section entitled "Report on the Comfort Women" had been written by Mr. Takagi. In the report, Mr. Takagi insisted that Japan's treatment of the comfort women constituted a crime against humanity, but when it came to the question of paying reparations, he took the opposite approach and instead treated the comfort women as legally being "ex-civilian employees of the military". Though Mr. Totsuka acknowledged that "legal and technical arguments" for

forms of compensation like pension payments do exist, he focused on the actual harm inflicted on the comfort women. For this reason, he stated that it is more appropriate to see the comfort women as "sex slaves" than as civilians working for the Japanese Imperial Army.

In short, Mr. Takagi is a sort of mercenary, who joined the plaintiffs only to collect his bounty, whereas Mr. Totsuka could perhaps be better described as a zealous true believer. The Japan Federation of Bar Associations supports Mr. Totsuka's position.

### **"In the beginning was the Word"**

The idea that the comfort women were sex slaves did not arise from the findings of any empirical investigation, nor was it conceptualized on the basis of any facts.

Mr. Totsuka said that the idea of adopting the term "sex slaves" simply popped into his mind one day. Then, the moment that he brought this idea to the United Nations, everything changed. Since 1984, Mr. Totsuka had been to Geneva numerous times to offer his opinion on various human rights issues in Japan, but no matter what he said, the UN paid no heed. This time, however, as soon as he uttered the words "sex slaves", the eyes of all members of the Commission on Human Rights suddenly lit up. Mr. Totsuka recalled this moment as being a true flash of inspiration.

Thus, to take a quote from the *Bible*, "In the beginning was the Word". The term "sex slaves" was dreamed up by one lawyer, and from there all the "facts" and "testimonies" were manufactured to conform to the word.

In July 2014, the Alliance for Truth about Comfort Women sent an investigational team to Geneva, where some of our members encountered Mr. Totsuka in person. Our trip to Geneva raised the real possibility that a direct confrontation would occur, and our dialogue with him lasted for over an hour. A detailed account of that exchange is written by Fujiki Shunichi and can be found in Part 2 of Chapter 3.

According to Mr. Fujiki, when Mr. Totsuka was asked about how he came up with the term "sex slaves", he said, "I had a hunch! It was intuition!" He then continued as follows:

It's amazing, isn't it? I had been frequenting the United Nations for thirty-four years. During that time, I submitted over twenty motions to discuss instances of Japanese human rights violations and delivered statements on them here, but not one was taken up. And yet, in 1992, when I reframed the comfort women as being sex slaves, the UN commissioners were glued to my every word. So you see, it's incredible, isn't it?

The place where I first used the phrase 'sex slaves' was at the Human Rights Commission, a major institution. Therefore, those words were heard around the world.

The idea that the comfort women were the same as sex slaves has truly gone global, and Mr. Totsuka is evidently quite proud of his role in setting the stage.

### The 1992 scheme

The year 1992 holds a special place in the history of the birth and spread of the "comfort women = sex slaves" theory. The construction of an international network of left-wing groups and UN-affiliated NGOs and their aggressive campaigning in and around the United Nations was truly astonishing. As Mr. Totsuka mentioned in the passage quoted earlier, this was also the year when, on January 11, the newspaper *Asahi Shimbun* published its "big scoop" on the comfort women. The article reported on historian Yoshimi Yoshiaki's claim to have discovered a historical document that constituted undeniable proof of "military involvement" in the comfort stations, which up to then the Japanese government had denied. Clearly, the publication of the article had been carefully timed to coincide with Prime Minister Miyazawa Kiichi's two-day visit to South Korea on January 16-17.



With the help of the article's finely-crafted headline, the *Asahi Shimbun's* scheme was to mislead its readers into believing that their government was now left with little option but to finally admit the criminal acts that it had tried so desperately to conceal. Actually, the document that Yoshimi claimed to have discovered was already known to researchers who had studied that era. The document was a notification to Japanese forces

The January 11, 1992, morning edition of the *Asahi Shimbun's* "big scoop" on "Japanese military involvement".

deployed in China instructing them to not do business with unscrupulous brokers in order to prevent women from being kidnapped. The *Asahi Shimbun's* narrative implied the exact opposite.

Regardless of the facts, the *Asahi Shimbun's* campaign had a huge impact. In South Korea, visiting Prime Minister Miyazawa was besieged by protestors denouncing Japan. Mr. Miyazawa, holding a summit meeting with the President of South Korea, apologized eight times—some say nine times—within thirty minutes, and he promised to launch an investigation. It is important to note here that, up to that point in time, the Japanese government had not yet carried out any investigation into the comfort women issue. The Prime Minister has the responsibility to uphold national honor, and a more sensible response would have been to offer to launch an investigation and reserve judgment until it was complete. Making apologies without any reason is a bad Japanese habit. "Apology disease" may be a fitting term for this strange custom that exists in no other country in the world.

One can't help but think that some unknown schemer had meticulously staged this sequence of events, from the lawsuit in December, to the January 11 *Asahi Shimbun's* scoop, to the Prime Minister's apology in South Korea. It is inappropriate to view history through such an excessively conspiratorial lens, but even so, we should not be so simple-minded to think of history as nothing more than a chain of coincidences. It seems that this series of schemes was prepared with specific consideration even to Prime Minister Miyazawa's own personality. Although "apology disease" was epidemic within the Prime Minister's Liberal Democratic Party, Mr. Miyazawa was known to have an especially severe case of it. In other words, he was the perfect man for the desired role.

In this manner, the issue of the comfort women abruptly became a Japan-Korea political and diplomatic problem. Modern historian Hata Ikuhiko has called 1992 "the year of the comfort women explosion".

There were now a series of campaigns centering around Japan and South Korea to promote the cause of the comfort women, and it was hardly surprising that some of them took the matter before the United Nations. The Korean Council to Settle the Women's Volunteer Corps Problem (now The Korean Council for the Women Drafted for Military Sexual Slavery by Japan) sent representatives in February 1992 to appeal before the Human Rights Commission in Geneva and at UN headquarters in New York City. This was the first time that the comfort women issue was raised before the United Nations.

It was on February 17, 1992, that Totsuka Etsuro appeared before a meeting of the Commission on Human Rights in Geneva to condemn the comfort women system as a crime against humanity and introduce the term "sex slaves" to describe the comfort women. In other words, the comfort women were being equated with sex slaves right from the very first time the issue was discussed at the UN.

During this time, a civil war raged in the former Republic of Yugoslavia, and incidents of systematic mass rapes occurred in the context of "ethnic cleansing". As voices demanding war crimes trials for these acts grew louder, the comfort women issue burst onto the scene by piggybacking onto cases of mass rapes occurring in Yugoslavia. As Mr. Totsuka himself recalled, "The discussion of the comfort women problem by the UN moved forward with unprecedented speed."

Following the February discussion at the UN, it was decided that the UN itself would investigate and research the matter. However, Mr. Totsuka has revealed the "inside story" that lay behind that decision. According to Mr. Totsuka, "UN-affiliated NGOs confidentially proposed a draft resolution to research only the Japanese military's use of sex slaves", but the commissioners wanted to also study other instances of systematic rape, including those occurring in Yugoslavia. Eventually, Mr. Totsuka recalled, they went along with the proposal of the commissioners. Nevertheless, the tenacity that Mr. Totsuka and his collaborators demonstrated when it came to pressing the issue of the comfort women was truly incredible.

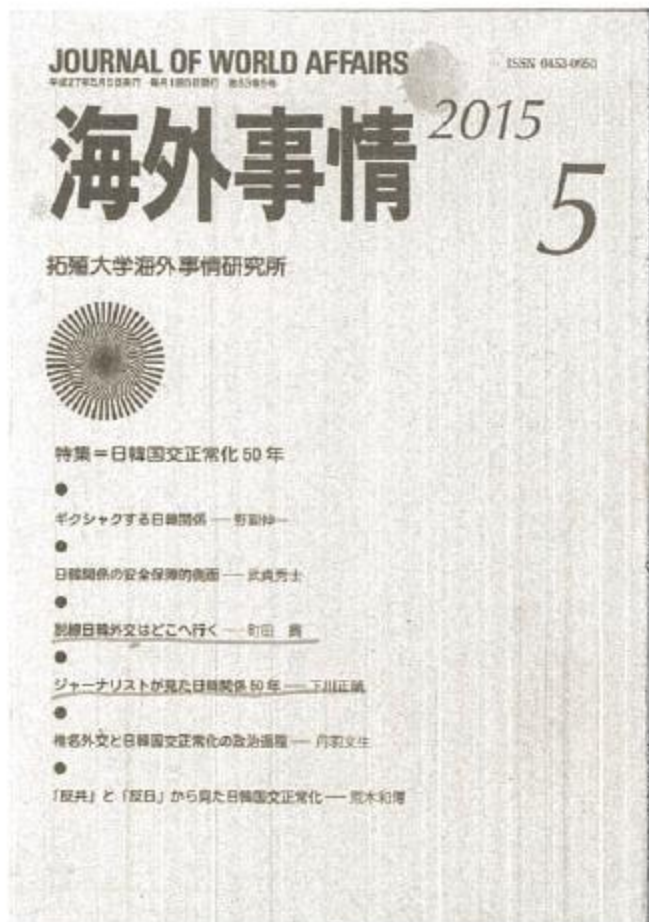
### **Counterattack of the conservative media**

1992 was not only the year in which the comfort women problem erupted as a political and diplomatic issue, but also the year that conservative press outlets began to actively scrutinize and criticize Yoshida Seiji, the only person who claims to have witnessed the forced recruitment of comfort women. I will cite three scholars in particular: modern historian Hata Ikuhiko, Korean affairs researcher Nishioka Tsutomu, and the late history textbook researcher Uesugi Chitoshi.

It was Mr. Hata who travelled to Korea's Cheju Island to conduct his own field investigation at the places that were described in Yoshida Seiji's 1983 book, *Watashi no Senso Hanzai: Chosenjin Kyosei Renko* [*My War Crime: The Forced Recruitment of Koreans*], as being the sites of "slave hunts" to acquire comfort women. Surprisingly, Mr. Hata found that the islanders dismissed and ridiculed Yoshida's story about "slave hunts". Prior to Mr. Hata's investigation, the journalist Ho Yōng-sŏn had had her own doubts about Yoshida's account upon translation of his book into Korean in August, 1989—and she reported in the local newspaper, *Cheju Ilbo*, that Mr. Yoshida's tale of "slave hunts" was baseless. The results of Mr. Hata's investigation were covered as an article in the newspaper *Sankei Shimbun* on April 30, and as an essay in the May 1<sup>st</sup> edition of the monthly magazine, *Seiron*.

I would like to add two further supporting pieces of information. On August 10, 2014, shortly after the *Asahi Shimbun* retracted its erroneous news articles based on Yoshida Seiji's stories, I saw a television crew working for a Fuji TV talk show visit the shell button factory on Cheju Island that was mentioned in Yoshida's book as the site of a "slave hunt". A local man stated to the TV crew that, though there had indeed been a shell button factory at the site in question, the employees were all male and not one was female. The reason, he

said, was because the work involved, carving buttons from shells, was physically demanding and quite impossible for women to perform.



The cover of the May 2015 edition of *Kaigai Jijo* [*Journal of World Affairs*], published by Takushoku University World Affairs Research Institute.

Secondly, around the year 1995, when the Asian Women's Fund commenced operations, Japanese Foreign Ministry official Machida Mitsugu, "found out that everything that Yoshida had written in his book was a lie." Mr. Machida, who had been posted to Cheju Island to set up an embassy office there, spoke to relevant locals, put together a statement of fact, and submitted it to the Foreign Ministry as an official report. This was the first official document that exposed Yoshida's stories as entirely fictitious. His report included the testimony of a person he had befriended who was researching Cheju Island's female divers. Yoshida wrote that in his slave hunts he had captured groups of female divers on shore, but, Machida's source replied, "Yoshida doesn't know a thing about the female divers of Cheju Island." In an article entitled "*Dassen: Nikkan Gaiko wa Doko e Iku*" [Derailment: Where are Korea-Japan relations heading?], published in the journal *Kaigai Jijo* [*Journal of World Affairs*] in

May 2015, Machida wrote the following about what he had learned from his source:

He told me that because the female divers are tough women with a strong sense of unity, their huts are female communities and men don't dare approach them. If their communities had been suddenly attacked, as Yoshida claims, the female divers would have called upon their attendants who gather abalones for them and would have lunged at their attacker, even if there was more than one of them. If the divers were overpowered, they would have all plunged into the sea to escape. 'There is no way you can kidnap a female diver,' he told me with a smile.



The cover of the May 2015 edition of *Kaigai Jijo* [*Journal of World Affairs*], published by Takushoku University World Affairs Research Institute.

Nishioka Tsutomu did a detailed investigation of the circumstances behind the "coming out" of former comfort women that started with Kim Hak-sun. His essay was printed in the April edition of the magazine *Bungeishunju*. Uesugi Chitoshi traveled to Yoshida Seiji's hometown of Shimonoseki to probe Mr. Yoshida's background. Mr. Uesugi's report was published in the August edition of *Shokun!* magazine.

Thus, by around May 1992, Japanese studies of the comfort women problem evolved to the stage of empirical, fact-based research.

### **Coaching comfort women and stage-managed testimonies**

As we have already seen, 1992 was the year various preparations were completed to turn the comfort women into an international issue. The Asian Women's Solidarity Forum convened in Seoul that August. This raucous and emotionally charged conference brought together about 1,000 people from six Asian nations, and the main topic of discussion was the comfort women issue. To loud applause, the Forum dispatched a delegation bound for the UN Commission on Human Rights that was sitting in Geneva at the same time in order to protest the Japanese government's attempts to minimize the comfort women issue.

However, when the discussion moved to the issue of monetary reparations, something interesting occurred. Tachi Masako, who participated in the Japanese women's rights movement under suffragette Ichikawa Fusae, has described her experiences at the conference on pages 169-170 of her 2002 book *Chosen! Shinayaka ni* [*Challenge! But Gracefully*]. I have summarized her account.

The representative from Taiwan started by saying, "Unlike the women from Korea, Taiwanese women are gentle and obedient, so the Japanese soldiers treated us kindly. That's why we take a somewhat different stance from the Koreans who stridently demand reparations."

The participants in the conference suddenly erupted into jeers and exclaimed, "What are you saying!" Before she had finished speaking, the conference room fell into pandemonium as the attendees threw fits or began approaching the podium. One person yelled, "Stop interpreting!", and the interpreter abruptly halted. The ones who had shouted her down were well-known Japanese human rights activists.

After the conference reopened, a Thai woman who said that she was living in India shouted at the top of her lungs, "British soldiers did the same sort of things, no, even worse things, when they were stationed in India. Why aren't you talking about that too?"

In response to her tearful appeal, one of the Japanese participants cried out, "Why would you say something so insensitive! Shut up!" Even though the Forum had been criticizing the past crimes of Japan exclusively, for some reason Japanese people are still eager to denounce Japanese people.

Ms. Tachi saw one other important thing during the conference. When she got lost and was wandering through the huge building where the meeting was taking place, she stumbled upon a room where people were gathering. Here, former comfort women who were testifying on a stage were being prompted and trained on how to deliver their lines. Unsurprisingly, the people who were stage-managing the whole operation were Japanese women. (From the *Sankei Shimbun*, May 25, 2014.)

In this manner, the former comfort women were being trained as living witnesses to serve the movement.

### **The regrettable Kono Statement**

In accordance with the promise Prime Minister Miyazawa made at the Japan-Korea summit of January 1992, the Japanese government launched a far-reaching investigation of the comfort women issue, mobilizing officials from all government ministries and agencies. The government released its findings on July 6, 1992, and again on August 4, 1993.

According to the statement of fact produced by the government, not one document was found that showed any evidence that Korean comfort women were coercively recruited. In spite of this, when the government released its second set of findings, the Miyazawa cabinet's Chief Cabinet Secretary Kono Yohei issued an opinion on the matter. This is known as the Kono Statement, reprinted here as follows:

### ***The Statement by Cabinet Secretary Kono (August 4, 1993)***

*The Government of Japan has been conducting a study on the issue of wartime "comfort women" since December 1991. I wish to announce the findings as a result of that study.*

*As a result of the study which indicates that comfort stations were operated in extensive areas for long periods, it is apparent that there existed a great number of comfort women. Comfort stations were operated in response to the request of the military authorities of the day. The then Japanese military was, directly or indirectly, involved in the establishment and management of the comfort stations and the transfer of comfort women. The recruitment of the comfort women was conducted mainly by private recruiters who acted in response to the request of the military. The Government study has revealed that in many cases they were recruited against their own will, through coaxing coercion, etc., and that, at times, administrative/military personnel directly took part in the recruitments. They lived in misery at comfort stations under a coercive atmosphere.*

*As to the origin of those comfort women who were transferred to the war areas, excluding those from Japan, those from the Korean Peninsula accounted for a large part. The Korean Peninsula was under Japanese rule in those days, and their recruitment, transfer, control, etc., were conducted generally against their will, through coaxing, coercion, etc.*

*Undeniably, this was an act, with the involvement of the military authorities of the day, that severely injured the honor and dignity of many women. The Government of Japan would like to take this opportunity once again to extend its sincere apologies and remorse to all those, irrespective of place of origin, who suffered immeasurable pain and incurable physical and psychological wounds as comfort women.*

*It is incumbent upon us, the Government of Japan, to continue to consider seriously, while listening to the views of learned circles, how best we can express this sentiment.*

*We shall face squarely the historical facts as described above instead of evading them, and take them to heart as lessons of history. We hereby reiterated our firm determination never to repeat the same mistake by forever engraving such issues in our memories through the study and teaching of history.*

*As actions have been brought to court in Japan and interests have been shown in this issue outside Japan, the Government of Japan shall continue to pay full attention to this matter, including private researched related thereto.*

At a press conference, Kono affirmed that there were documents proving that "forced recruitment" had occurred, and this interpretation took hold. On the basis of this statement, the Japanese government recognized and apologized for the "forced recruitment" of comfort women on August 17, 1993, before a subcommittee of the UN Commission on Human Rights. In 2014, however, the Japanese government created a committee to re-examine the process leading up to the Kono Statement. The committee's report made clear that the government in power at the time the Kono Statement was issued never admitted to the presence of forced recruitment, that Kono's admission of forced recruitment had been made arbitrarily, on his own initiative, and that the wording of the statement was the product of a political compromise worked out between the governments of Japan and South Korea.

The Kono Statement served to legitimize the UN's investigation of the comfort women issue, singling out Japan. The statement left a truly regrettable legacy.

### **The release and approval of the Coomaraswamy Report**

In March 1994, the UN Commission on Human Rights appointed the Sri Lankan activist and lawyer Radhika Coomaraswamy as "special rapporteur on violence against women" for a three-year term in office.

Ms. Coomaraswamy was born in 1953 in Colombo in the Democratic Socialist Republic of Sri Lanka. She received her bachelor's degree from Yale University in 1974, and obtained her J.D. in 1977 from Columbia Law School. She obtained her master's degree in law from Harvard University in 1981. She has also been awarded honorary doctorates from five universities including Amherst College. She is an expert in the field of human rights who served as an Under-Secretary-General of the United Nations from 1994 to 2003 and, by the appointment of UN Secretary-General Kofi Annan, as the Special Representative for Children and Armed Conflict from 2006 to 2012.



UN Special Rapporteur Radhika Coomaraswamy.

Though Ms. Coomaraswamy has a stellar résumé, one could speculate that she was chosen as special rapporteur because the alleged victims involved were Asian women, and it seemed fitting to select another Asian woman to investigate.

In order to compile the report, Ms. Coomaraswamy visited Seoul between July 18 and 22, 1995, and Tokyo between July 23 and 27 where she interviewed relevant individuals. In Japan, she met with both Hata Ikuhiko and Yoshimi Yoshiaki. She had planned on going to Pyongyang as well, but she gave up on visiting North Korea after her connecting flights ran into problems. The government of North Korea forwarded her documents and records on August 16.

Her report was presented to the Commission on Human Rights and officially released on February 6, 1996. The main report was entitled "Violence against Women" and had two addendums attached to it. The first addendum dealt with the comfort women issue and the second addendum concerned domestic violence. The first addendum carried the rather lengthy official title "Report on the Mission to the Democratic People's Republic of Korea, the Republic of Korea and Japan on the Issue of Military Sexual Slavery in Wartime," but it is generally known as the "Coomaraswamy Report" on Japan's comfort women issue.

The UN Commission on Human Rights was in session between March 18 and April 26. On April 10, Coomaraswamy verbally delivered her report on violence against women. On page 188 of his aforementioned book, Totsuka Etsuro wrote, "All the assembled attendees stood up at once and filled the room with thunderous applause. This applause continued for some time without interruption, an unprecedented gesture symbolic of the strong support the report had received. The participants were so overwhelmed with emotion that it took time to calm their passions." Mr. Totsuka himself had all the more reason to be moved, as he had effectively been the central promoter of the comfort women problem for the whole four-year period since he brought it before the UN along with the term "sex slaves". Still, as I will delve into later, the Coomaraswamy Report had already received what might be called a definitive rebuttal before it was even officially released. Thus, the report was, in fact, already damaged upon arrival.

Nevertheless, on April 19, the Commission on Human Rights approved the Coomaraswamy Report without a vote in accordance with the consensus of participating countries.

### **The definition of "sexual slavery"**

The English text of the Coomaraswamy Report is composed of 37 pages, 9 sections, and 139 paragraphs. The report was compiled for ease of reference with each paragraph numbered sequentially. The report also contains 25 footnotes and a list of 78 interviewees, including 16 former comfort women.

The main issue concerning us here is the report's treatment of the term "sexual slavery". This is dealt with right from the outset in the section entitled "I. DEFINITION". The entire section is reprinted below from the English-language text of the report:

#### ***I. DEFINITION***

*The Special Rapporteur would like to clarify at the outset of this report that she considers the case of women forced to render sexual services in wartime by and/or for the use of armed forces a practice of military sexual slavery.*

*In this connection, the Special Rapporteur is aware of the position of the Government of Japan conveyed to her during her visit to Tokyo, which states that the application of the term "slavery" defined as "the status or condition of a person over whom any or all of the powers attaching to the right of ownership are exercised" in accordance with article*

*1 (1) of the 1926 Slavery Convention, is inaccurate in the case of "comfort women" under existing provisions of international law.*

*The Special Rapporteur, however, holds the opinion that the practice of "comfort women" should be considered a clear case of sexual slavery and a slavery-like practice in accordance with the approach adopted by relevant international human rights bodies and mechanisms. In this connection, the Special Rapporteur wishes to underline that the Sub-Commission on Prevention of Discrimination and Protection of Minorities, in its resolution 1993/24 of 15 August 1993, noting information transmitted to it by the Working Group on Contemporary Forms of Slavery concerning the sexual exploitation of women and other forms of forced labour during wartime, entrusted one of its experts to undertake an in-depth study on the situation of systematic rape, sexual slavery and slavery-like practices during wartime. The Sub-Commission further requested the expert in the preparation of this study to take into account information, including on "comfort women", which had been submitted to the Special Rapporteur on the right to restitution, compensation and rehabilitation of victims of gross violations of human rights.*

*Furthermore, the Special Rapporteur notes that the Working Group on Contemporary Forms of Slavery, at its twentieth session, welcomed information received from the Government of Japan on the issue of "women sex slaves during the Second World War" and recommended that such practices as "treatment akin to slavery" be settled through the establishment of a Japanese administrative tribunal.*

*Finally, for the purpose of terminology, the Special Rapporteur concurs entirely with the view held by members of the Working Group on Contemporary Forms of Slavery, as well as by representatives of non-governmental organizations and some academics, that the phrase "comfort women" does not in the least reflect the suffering, such as multiple rapes on an everyday basis and severe physical abuse, that women victims had to endure during their forced prostitution and sexual subjugation and abuse in wartime. The Special Rapporteur, therefore, considers with conviction that the phrase "military sexual slaves" represents a much more accurate and appropriate terminology.*

### **What is "slavery"?**

The Coomaraswamy Report's use of the term "sexual slavery" was an obvious error, far removed from the reality of the Japanese military's comfort women system. I will prove this through the following line of reasoning:

Paragraph 7 of the report mentions the criticism made by the government of Japan. "Slavery" is defined in article 1 (1) of the 1926 Slavery Convention as "the status or condition of a person over whom any or all of the powers attaching to the right of ownership are exercised," a definition that, according to the Japanese government, did not apply to the comfort women system. This definition is perhaps difficult to understand, but the term "right of ownership" in the phrase "the powers attaching to the right of ownership"

means that one person affirms that he owns another person as his private property and expresses that as "right to ownership".

However, the word "ownership" means that the owner has the right of disposal over the object. For example, if I said that I own the apple that is now in front of me, it means that I can freely give it to another person, save it in a refrigerator, or eat it myself. If I was not able to do those things, then one could not say that I own the apple. In short, "ownership" of property means that a person may use or dispose of that property in any way that pleases him.

This is easy to understand for something like an apple, but even if a person is an object of ownership, the same basic principle applies. If Person A owns Person B, then Person A can dispose of Person B in any way that he sees fit. Such an arrangement would be seen as socially acceptable.

Until a certain point in history, white people in the Americas owned blacks who were captured in Africa. White people were permitted to do anything they wanted with the blacks they owned, including having them work on their farms or sell them off for money to other people. Even killing them was not a crime. If it was a black woman, her white owner could, in addition to any of the above, also rape her at will. If she became pregnant, her children would also become her owner's property, and in this manner the amount of property owned by the whites increased. Children of mixed black and white parentage were defined as blacks, and in fact, no exceptions to this rule were permitted no matter how light their skin was. If these boundaries had been blurred, the social order would have collapsed. It is said that the reason why there are so few "pure blooded" blacks in the Americas today is because of widespread efforts by white men to produce more property.

I must add for the sake of fairness that American society struggled mightily to resolve this problem, which was called America's "original sin". Nonetheless, what I have written above is historically accurate.

There were also some cases where whites granted de-facto freedom of action to the blacks they owned or left them to their own devices, either for a particular reason or out of pure capriciousness. Slaves were truly bound by the will of their owners and were disposed of without regard for their own will, and that situation is the definition of slavery established by the 1926 Slavery Convention.

So, to reiterate, the definition of slavery is "the status or condition of a person over whom any or all of the powers attaching to the right of ownership are exercised". I hope that the reader now fully understands, but the concept as described in the Convention is very foreign to most Japanese people, probably because a system of slavery in which people owned other people as property never developed in Japan. However, this also explains why Japanese people are usually left scratching their heads whenever other people condemn the comfort women system as "sexual slavery".

### **The confusion of rhetoric and reality**

In that case, why did Ms. Coomaraswamy herself call the comfort women "sex slaves"? In Paragraphs 8 and 9, Ms. Coomaraswamy stated that her report conformed with the UN's approach to the problem, but that has no bearing on the issue of how Ms. Coomaraswamy herself came to that conclusion. Concerning that issue, in Paragraph 10, Ms.

Coomaraswamy expressed wholehearted agreement, "that the phrase 'comfort women' does not in the least reflect the suffering, such as multiple rapes on an everyday basis and severe physical abuse, that women victims had to endure during their forced prostitution and sexual subjugation and abuse in wartime." From the perspective of terminology, Ms. Coomaraswamy stated, "the phrase 'military sexual slaves' represents a much more accurate and appropriate terminology." I will make the following observations on this:

Firstly, the report's perception of the facts as quoted above is flawed from the outset. I will come back to this point later.

Secondly, the report is based on the idea that the application of the terms "comfort women" and "sex slaves" should be determined by the level of suffering they endured. The selection of the term was treated as an issue of finding the correct rhetoric to express the suffering of the victims. However, once we adopt the word "slave" as rhetoric, there will be no end to it, and soon it will overshadow discussions of the actual slavery that has taken place as a large-scale practice throughout human history. This is why we must not mix up rhetoric with reality.

For example, imagine that an employee at a company is made to do hard labor or long overtime hours, and then shouts out, "At this rate, I'll die of overwork! I'm the boss' slave!" His circumstances do merit sympathy, but nonetheless, he cannot define himself as a "slave" on the basis of rhetoric. If we were to define slavery purely from the perspective of Marxist economics, he would be an individually autonomous wage laborer, selling his "labor" in exchange for money, but he would not be the property of the boss or his "slave". And yet, Ms. Coomaraswamy committed this very same logical error.

### **The testimony of Chong Ok-sun**

The section of the report entitled "IV. TESTIMONIES" reprinted several of the testimonies of the sixteen people claiming to be former comfort women who Ms. Coomaraswamy investigated. One of them was the testimony of the North Korean Chong Ok-sun. Ms. Coomaraswamy did not meet with Chong Ok-sun, but she quoted the record brought to her by the North Korean government without alteration and treated it as entirely factual:

*The testimony of Chong Ok Sun, who is now 74 years old, reflects in particular the brutal and harsh treatment that these women had to endure in addition to sexual assault and daily rape by soldiers of the Japanese Imperial Army:*



*"I was born on 28 December 1920, in Phabal-Ri, Pungsan County, South Hamgyong Province, in the north of the Korean peninsula.*

*One day in June, at the age of 13, I had to prepare lunch for my parents who were working in the field and so I went to the village well to fetch water. A Japanese garrison soldier surprised me there and took me away, so that my parents never knew what had happened to their daughter. I was taken to the police station in a truck, where I was raped by several policemen. When I shouted, they put socks in my mouth and continued to rape me. The head of the police station hit me in my left eye because I was crying. That day I lost my eyesight in the left eye.*

*After 10 days or so, I was taken to the Japanese army garrison barracks in Heysan City. There were around 400 other Korean young girls with me and we had to serve over 5,000 Japanese soldiers as sex slaves every day - up to 40 men per day. Each time I protested, they hit me or stuffed rags in my mouth. One held a matchstick to my private parts until I obeyed him. My private parts were oozing with blood.*

*One Korean girl who was with us once demanded why we had to serve so many, up to 40, men per day. To punish her for her questioning, the Japanese company commander Yamamoto ordered her to be beaten with a sword. While we were watching, they took off her clothes, tied her legs and hands and rolled her over a board with nails until the nails were covered with blood and pieces of her flesh. In the end, they cut off her head. Another Japanese, Yamamoto, told us that 'it's easy to kill you all, easier than killing dogs'. He also said 'since those Korean girls are crying because they have not eaten, boil the human flesh and make them eat it'.*

*One Korean girl caught a venereal disease from being raped so often and, as a result, over 50 Japanese soldiers were infected. In order to stop the disease from spreading and to 'sterilize' the Korean girl, they stuck a hot iron bar in her private parts.*

*Once they took 40 of us on a truck far away to a pool filled with water and snakes. The soldiers beat several of the girls, shoved them into the water, heaped earth into the pool and buried them alive.*

### **Stories rooted in the Sino-Korean culture of cruelty**

If read by a normal Japanese person, the above "testimony" would appear to be little more than a ridiculous fairy tale. And yet, amazingly, this terrible fabrication has been widely disseminated throughout the English-speaking world under the name and the authority of the United Nations. After the coining of the word "sex slaves" to describe the comfort women, stories like these were added to "corroborate" the image that the term conveys.

Upon reading Chong Ok-sun's startling "testimony", Hata Ikuhiko knew that he had heard the same story somewhere else and searched through old files. Sure enough, the "testimony" was similar to that of the account of Lee Po-kyō, originally reported in the North Korean

newspaper *Rodong Sinmun* on July 15, 1992, and transmitted worldwide by the *Associated Press*. Mr. Hata wrote on page 273 of his 1999 book *Ianfu to Senjo no Sei [The Comfort Women and Sex on the Battlefield]*, "She claimed that she was brought to a comfort station in Manchuria in 1943, was branded, and was forced to drink a soup made from a freshly severed human head. This may be a different person, as the time and place are not the same, but the details of the two stories are very similar."

While grumbling that, "The scenario writer's compositional skills are too crude and the end result is absurd," Mr. Hata also points out that the Korean Peninsula was at peace in 1933, when Chong claims to have been kidnapped, and while there were red-light districts in Korea, there were no military comfort stations.

In his 1996 book, *Kensho: "Jugun Ianfu" ["The Comfort Women": An Investigation]*, Uesugi Chitoshi wrote that there were indeed more than 5,000 Japanese soldiers stationed at that location, and a brothel was attached to their barracks, but it is impossible that there could have been as many as four hundred comfort women there.

Furthermore, in her article *Utsukushiki Tsuyoki Kuni He* ["Towards a Strong and Beautiful Nation"], published in the newspaper *Sankei Shimbun* on March 2, 2015, the journalist Sakurai Yoshiko noted that both the cruel punishments involving boards with nails and those involving pools of snakes mentioned by Chong Ok-sun were actually taken from cruel acts practiced in traditional Chinese culture.

The former was a punishment originally devised by Xue Wenjie, a military commander from the Chinese state of Min during the Five Dynasties and Ten Kingdoms Period. The punishment involved killing a criminal by putting him into a small box studded with nails and shaking it. The latter was also devised during the Five Dynasties and Ten Kingdoms Period, by the Emperor of the state of Southern Han, and was called the "water prison".

This is all written in the Chinese history book, *Zizhi Tongjian*, the contents of which are presented in Asogawa Shizuo's 2014 book, *Honto ni Zankoku na Chugoku Shi: Taicho "Shiji Tsugan" wo Yomitoku [The Truly Cruel History of China: An In-Depth Analysis of the Famous Zizhi Tongjian]*. The savage acts described in the Coomaraswamy Report are Chinese traditions that Korea, which was a vassal state under the Chinese tributary system, is believed to have inherited due to the influence of Chinese civilization.

There is a proverb that goes, "a man cuts his coat to suit his cloth." The source material that Koreans collected to condemn Japan was nothing more than an adaptation of familiar elements within their own culture.

### **A devious cover-up by the anti-Japanese left-wing**

The anti-Japanese propaganda campaign utilizing Chong Ok-sun's testimony was a fatal mistake.

It went too far. By going to such extremes, the campaign showed its true colors. Sensible Japanese people would probably not even have taken seriously the story about the “board with nails”. The story of the snake pool is absurd fantasy and probably made most Japanese feel baffled. “Why would Japanese soldiers have done such a thing? Did they really have so much time and money on their hands to do something like that?” It was impossible. Consequently, the Japanese people knew right away that Chong Ok-sun's testimony was a complete prevarication. The operatives behind the story showed a total lack of restraint, never even bothering to ask themselves if the Japanese could really believe such things. Even for propaganda, it was far too crude.

This is exactly what was running through the minds of anti-Japanese leftists within Japan itself. The Asian Women's Fund, an organization run by Japan's socialist ex-prime minister Murayama Tomiichi in order to provide monetary reparations to former comfort women, purported to include a full translation of the Coomaraswamy Report on its official website. However, as anyone who visits the website can see for themselves, Chong Ok-sun's story about the snake pool is completely omitted from their translation.

Here, I will quote again from Sakurai Yoshiko's aforementioned article:

"This is just my own personal supposition, but I believe that they were afraid that the credibility of the Coomaraswamy Report would have been lost if they had included a story like that of the snake pool, which Japanese people would have found to be preposterous. It seems that even the Japanese people who are harshly critical of Japan's stance towards the comfort women problem, such as the Asian Women's Fund, are unable to trust the report that far."

This is a major problem that cannot be overlooked. One must remember that the Asian Women's Fund, which carried out this unwarranted cover-up, is a public organization run with taxpayers' money. Such an organization must adhere to high standards of transparency and fact-based impartiality. Those involved with the Asian Women's Fund were fully aware that Chong Ok-sun's testimony was a lie, and because they were aware of this, they tried to hide it from the eyes of the people.

The same sort of devious cover-up, intending to hide the Coomaraswamy Report's flaws, was also undertaken on an even larger and more systematic scale by the Center for Research and Documentation on Japan's War Responsibility. Yet again, the man behind it all was Totsuka Etsuro. The Center released a version of the Coomaraswamy Report jointly translated by Mr. Totsuka and Arai Shinichi, but, as Uesugi Chitoshi pointed out in his aforementioned book, the so-called "translation" contained a great deal of unilateral modifications so as not to expose errors in the original report.

### **The ploy of information laundering**

Hata Ikuhiko, on page 265 of his aforementioned book, deemed the Coomaraswamy Report "a crude work that, if it had been a student research paper, would undoubtedly have gotten

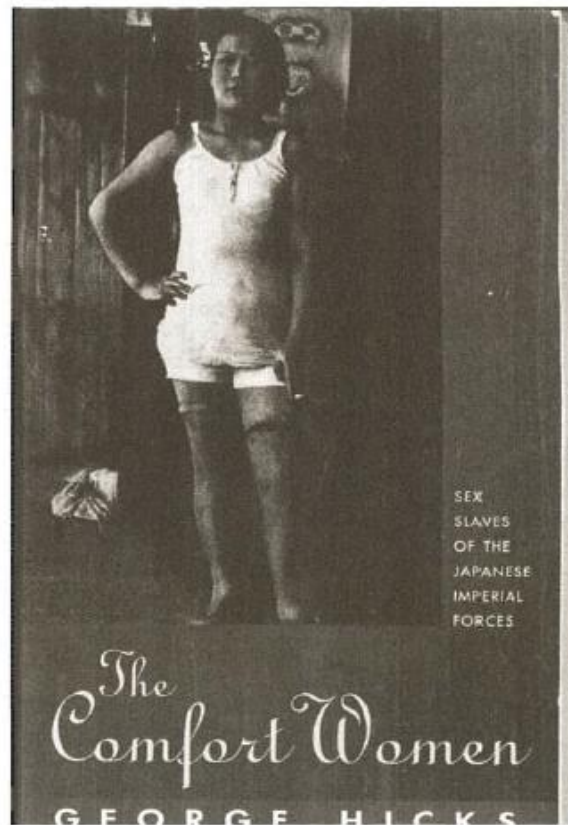
a failing grade at any major Western university." Likewise, Hasegawa Hiroshi, a reporter for the *Asahi Shimbun* and an editor of the magazine *Aera*, stated on page 111 of his 2015 book *Hokai Asahi Shimbun [The Collapse of the Asahi Shimbun]*, "I read the full text of the report on sexual slavery, and I could not help but think that it was a disgrace to the very name of the United Nations."

The Coomaraswamy Report really was a mess. Next, I would like to examine the books on which the report was based. By doing this, the process through which the comfort women came to be falsely equated with sex slaves will become clear.

If one checks the sources cited by the Coomaraswamy Report, one can see that footnotes 1 to 9 cite *The Comfort Women*, a book written in 1995 by the Australian journalist George Hicks. The next two footnotes both cite, believe it or not, Yoshida Seiji's book.

The Australian edition of Hicks' book came out in February 1995, and the US edition came out in August. I own copies of both, but did not see any significant differences between the two. This book came out at the exact time that Ms. Coomaraswamy was, most likely, laboring away on her report. Clearly, she seized on this English-language publication as a welcome relief and exploited it heavily while composing her report. Consequently, the Coomaraswamy Report was identical in style and content to Hicks' and Yoshida's books.

The Japanese edition of Hicks' book was translated by Hamada Tooru and released by San-ichi Publishing in October of the same year under the title of *Sei no Dorei: Jugun Ianfu [Sex Slaves: The Comfort Women]*. However, the Japanese version was problematic in many ways, even if we leave aside the many mistranslations that have been identified. I say this because the Japanese version included a considerable number of alterations so that it was not a faithful reproduction of the original English text. For instance, the obstetrician Amako Miyako discovered that the English-language edition mentioned the name of her father, obstetrician Aso Tetsuo, who was involved in setting up comfort stations in Shanghai, on



The cover of George Hicks' 1996 book *The Comfort Women*.

seven occasions, while the Japanese edition did not mention him once. One must believe that the publisher had some reason to want to hide Dr. Aso's name from Japanese readers and deliberately censored it during the translation process.

Furthermore, the Japanese edition was made to be a popular, general-interest work intended for light reading. One can see that just from looking at the title. The book contains no bibliography and no index at the end. It seems that the publisher thought that readers would be alienated by a book they perceived as being challenging and academic. By contrast, the original English-language edition does have a bibliography and index, and it was edited to appear as a scholarly work. There was a need to make Anglophone readers believe that the book was serious historical scholarship.

However, Mr. Hicks' book was, in turn, based on Kim Il-myŏn's 1976 book *Tenno no Guntai to Chosenjin Ianfu* [*The Emperor's Army and the Korean Comfort Women*]. Mr. Kim's book is a collection of bizarre lies of former comfort women that he recorded without any attempt at verification, and even the things he discusses directly are ludicrous.

For example, on page 278, Mr. Kim wrote, "The Government-General of Korea took advantage of the madness of war to plot the destruction of the Korean people by casting all of the colony's unwed women into 'prostitution' for Japanese soldiers." On page 279, he wrote, "When the Japanese military's defeat became certain, Japanese units in the field planned to leave their comfort women in their bomb shelters and massacre them. Then, they executed their plan." These statements are pure nonsense.

In spite of this, when the contents of Mr. Kim's book were transferred into Mr. Hicks' English book, they somehow were presented as being a serious work. Thus, the information was transcribed from Mr. Kim, to Mr. Hicks, and then to Ms. Coomaraswamy through a process akin to money laundering that I will call "information laundering". The ploy was to take the misinformation that had failed in Japan and revive it in the English-speaking world, where it would go uncontested. As a result, many English speakers believed the misinformation and, for instance, the world history textbook published by McGraw-Hill included the passage, "At the end of the war, [Japanese] soldiers massacred large numbers of comfort women to cover up the operation."

Mr. Hicks' himself cannot read Japanese, so he contacted Professor Takahashi Akira of Tokyo University, who introduced him to a Japanese-Korean woman named Lee Yumi. Ms. Lee called upon the help of her friends in activist circles, and together they worked diligently to translate Japanese books into English and send them to Mr. Hicks. In his acknowledgements for the book's Japanese edition, Mr. Hicks stated that eighty percent of his book's contents came from materials translated by Lee Yumi. This is how Mr. Hicks' book developed into the major project that would ultimately give rise to the Coomaraswamy Report.

### **The Japanese government's phantom rebuttal**

Immediately following the release of the Coomaraswamy Report, the Japanese government wrote a rebuttal, but then quickly retracted it. The official name of the rebuttal was, "Opinion of the Japanese Government on Addendum 1 of the Special Report on Violence Against Women Submitted by Ms. Coomaraswamy". Without a doubt, the most important part of this document was its refutation of the report's factual basis. I will quote the following:

### ***Chapter 3 – Rebuttal Concerning Facts Presented***

*(1.) The descriptions of fact that the addendum utilizes as the basis for its arguments are not trustworthy.*

*(2.) The special rapporteur's attitude towards fact-finding was extremely dishonest. The special rapporteur described the historical circumstances behind the Japanese Army's comfort stations, the recruitment of the so-called "comfort women", the living conditions in comfort stations, and other subjects, but these descriptions came almost entirely from a book by G. Hicks, who is critical of the Japanese government, and were selectively quoted from the parts of the book supporting the special rapporteur's conclusion. Whenever an investigator relies on a general publication, it is a self-evident part of his or her job duties to find sufficient supporting evidence. However, there is no sign that any such verification work was carried out. Moreover, the special rapporteur inserted exaggerations that were subjective in nature. This addendum, which was filled with speculation and irresponsible work, does not deserve to be called an "investigation".*

*(3.) The addendum was also improper for having uncritically accepted sources that are fundamentally unreliable. The addendum quotes the book written by Yoshida Seiji who claimed that he conducted "slave raids" to acquire comfort women. However, empirical research has contradicted the facts to which Yoshida confessed, and historians have raised doubts about his credibility. The report's use of Yoshida's claims was clearly an act of carelessness. In addition, the "testimony" of the woman from North Korea was hearsay evidence that the special rapporteur herself did not hear directly. The special rapporteur made no effort to question or confirm the "testimony" and it is entirely unknown how she was able to ascertain its truthfulness.*

*(4.) The report's statements are one-sided and misleading. The actual circumstances of the so-called "comfort women" varied greatly depending on the region, and also underwent considerable change historically. The special rapporteur glibly relied on a very limited number of sources and a few "testimonies" in order to generalize the complex reality. She gave the false impression that the statements made in the addendum were true in all cases. The biased generalizations written in the addendum are tantamount to falsification of history.*

*(5.) The special rapporteur should have paid sufficient attention to the results of the Japanese government's investigation.*

*(6.) Conclusion – The facts presented in the addendum are not trustworthy, and the arguments of the special rapporteur premised upon them cannot possibly be accepted by the government of Japan. We regret that the special rapporteur submitted such an irresponsible and inappropriate addendum to the UN Commission on Human Rights and, depending on how the Commission responds, we are deeply concerned that the credibility of the whole institution of the special rapporteur, and by extension the Commission on Human Rights itself, will be damaged in the eyes of the international community.*

I do not have further space here to discuss the background and significance of the government's rebuttal—suffice it to say that it ought to be re-released to the public immediately.

### **Lessons learned about UN activism**

Concerning the importance of NGOs in the United Nations, Totsuka Etsuro wrote on page 282 of his aforementioned book that he had even been told that NGO contributions took up seventy percent of all UN human rights conferences. According to Mr. Totsuka, when the victims continuously supply information, it has considerable effect, and he boasted that the results of his own six years of lobbying the UN over "the Japanese military's sex slaves" are proof of this. He stated that a minimum of five years of continuous human rights campaigning at the UN are necessary in order to achieve anything.

By building personal connections over six years, supplying a nonstop stream of information, engaging in lobbying, and constructing a worldwide network of NGOs, Mr. Totsuka certainly did succeed at reinventing the "comfort women" as "sex slaves". This was all the work of virtually one man. The effectiveness of his campaign was sufficient to have the Japanese nation framed for sex crimes and spread the term "sex slave" to an extent that amazed even him. It was the crowning achievement of an anti-Japanese operation rivaling that of the Comintern's Richard Sorge Spy Ring that was active during the 1930s and early-1940s.

Though standing opposite to Mr. Totsuka, we, too, must learn from him and apply his lessons.