

December 19, 2017

Open Letter to the United Nations High Commissioner for Human Rights on the Universal Periodical Review Working Group for Japan in November 2017

**Your Highness Prince Zeid bin Ra'ad al-Hussein,
(cc Dear Mr. Gianni Magazzeni, Chief, UPR Branch, OHCHR)**

We very much respect your extraordinary efforts over the past decades in the field of international human rights. We especially appreciate your tremendous contribution in establishing the International Criminal Court (ICC-CPI) in 2003.

However, we are very much dissatisfied with the report, "Compilation on Japan", edited by the Office of High Commissioner for Human Rights (OHCHR) on September 4, 2017. In Paragraph 32, the report uses the words "sexual slavery practices", "sexual slavery crimes", "prosecuting and punishing perpetrators", and "bring to justice those responsible" on the issue of the World War II comfort women, referring to the Committee against Torture (CAT) and the Committee on the Elimination of Discrimination against Women (CEDAW).

The OHCHR's report of September 4 does not mention the other sides of the debate at all. For example, YAMANAKA Osamu, Director of Human Rights and Humanitarian Affairs Division, Foreign Policy Bureau, the Japanese Ministry of Foreign Affairs (MOFA) clearly stated at a meeting of Centre for Civil and Political Rights (CCPR) in Geneva on July 15, 2014 that the phrase "sexual slavery practices" is not at all appropriate. Moreover, SUGIYAMA Shinsuke, Senior Deputy Minister for Foreign Affairs, MOFA (currently Vice Minister for Foreign Affairs, MOFA) definitely stated, at a meeting of the Committee on the Elimination of Discrimination against Women (CEDAW) on February 16, 2016, that the phrases "forceful abduction", "sexual slavery" and "the number of comfort women is 200,000" are totally without meaning after explaining in detail why so many fallacies prevail on the comfort women issue. He pointed out that a Japanese writer named YOSHIDA Seiji and the *Asahi Shimbun*, one of the major daily newspapers in Japan, had circulated fallacies on the comfort women issue for decades. Sugiyama mentioned that in August 2014, the *Asahi Shimbun* admitted to repeatedly circulating false reports on the comfort women, based on a book, *My War Crimes* (1983), written by Yoshida, over a period of numerous years and apologized for their mistakes. Sugiyama also pointed out that the issue of the comfort women was finally and irreversibly resolved by an agreement between the governments

of the Republic of Korea and Japan in Seoul on December 28, 2015.

In UNESCO's Memory of the World (MoW) Programme in Paris, two different nominations on the comfort women are now being confronted. On one hand is the "Voice of 'Comfort Women'", based on the "sexual slavery" concept, while on the other hand is the "Documentation on 'Comfort Women' and Japanese Army Discipline" based on the concept that "comfort women" participated in "military-licensed prostitution". The International Advisory Committee (IAC) of the MoW Programme, following the decision of the Executive Board of UNESCO in its meeting on October 16, 2017, recommended to the Director-General that UNESCO facilitate a dialogue on October 30, among the two nominators of nominations and concerned parties with a view to leading a joint nomination to encompass, as far as possible, all relevant documents. For now, UNESCO did not recommend inscribing either of the two proposals. We welcome UNESCO's decision, and look forward to the dialogue between the two nominating groups.

Thus, two different arguments concerning the comfort women prevail at present. The OHCHR, however, documented arguments based on only from one side as seen in its report, "Compilation on Japan", on September 4, 2017, completely neglecting the arguments of the other side. We understand that the OHCHR, as the secretariat for the UPR, is requested to be neutral and impartial when it makes its reports. We are very concerned about the fairness of OHCHR.

The "sexual slavery" argument relies exclusively on the oral testimonies of alleged comfort women. Generally speaking, however, any testimony must be confirmed with evidence, including cross-examination. Even in matured democracies, including Japan, a widely held criticism is that court rulings are highly contingent on suspects' confessions, which, in turn, often lead to inappropriate prosecution for crimes that were never committed. The former Korean comfort women easily play on the Japanese government's sense of "responsibility", as many Koreans still have unfavorable perceptions of Japan. We do not believe that testimonies of the former comfort women are reliable.

We, however, believe that the comfort women are "military-licensed prostitutes" or "wartime-licensed prostitutes" rather than "sexual slaves", because "forceful abduction" and "human trafficking" were never elements within the comfort women system. The Japanese military established and managed the comfort women system for the purpose of preventing rapes by soldiers and maintaining hygiene. We think the Japanese system was much better than other country's military practices in this regard.

Documents demonstrating “sexual slavery” have not been founded by the Japanese government’s two surveys announced in July 1992 and August 1993, and by a very thorough investigation undertaken for the US Congress. The Nazi War Crimes & Japanese Imperial Government Records Interagency Governmental Working Group Final Report to the US Congress (hereinafter “the IWG Working Report”) was published in April 2007, after spending 30 million dollars and 6 years and 3 months. They surveyed classified documents on the Japanese government’s behaviors with a total of 142,000 pages kept at agencies such as the CIA, FBI, OSS (the Office of Strategic Services) and Army Counterintelligence Corps (CIC) and others. However, they could not find one document demonstrating that Japan conducted “sexual slavery”. In other words, “the IWG Report” shows that comfort women are “military-licensed prostitutes”. During the Second World War, there were many advertisements, with the monthly pay stated, for the recruitment of comfort women in the major Japanese, Korean and Manchurian newspapers at the time. The monthly pay indicated that they were very well compensated. A US document demonstrates this, as well. The US Army captured 20 Korean comfort girls working for the comfort house on the battlefield of Myitkyina in Burma in August 1944, and interviewed them from August to September 1944. Office of War Information (OWI) Psychological Warfare Team attached to US Army Forces India-Burma Theater made the interrogatory. This document was named “OWI Report No. 49” (the so-called “OWI Myitkyina Interrogatory in 1944”) which said: “A comfort girl is nothing more than a prostitute or ‘professional camp follower’ attached to the Japanese Army for the benefit soldiers”. The report stated that their average net monthly pay was 750 yen, which was 75 times higher than a private first class soldier’s salary of 10 yen.

By the way, a civil group “Justice for Lai Dai Han” was established in London on September 12, 2017. *Lai Dai Han* in Vietnamese means of “mixed Korean parentage” in English. Many Vietnamese women suffered sexual exploitation at the hands of some of South Korea’s soldiers serving alongside US Forces in the Vietnam War. There are perhaps thousands of Lai Dai Han children and many more live today in the shadows. The mothers of Lai Dai Han were in many cases raped by South Korean soldiers during the war. Therefore, Lai Dai Han can be considered the result of “sexual slavery”, and this entirely contrasts to the World War II Japanese military comfort women, who were merely “military-licensed prostitutes”.

Under the name of the NGO “International Career Support Association”, we have, to date, requested seven times¹ at Regular Sessions of the UN Human Rights

¹ Mr. FUJIKI Shunichi at 31st Session in March 2016, Ms. SUGITA Mio (currently Member of House of

Council that “the Coomaraswamy Report” on the comfort women in 1996 be withdrawn. Taking this opportunity, we would like to know when the UN Human Rights Council will properly address our request. “The Coomaraswamy Report” is replete with many grave errors, as it is based on very low-quality materials that are filled with numerous fallacies. Also, “the Coomaraswamy Report” is based on the fallacies circulated by YOSHIDA Seiji and the *Asahi Shimbun*, as well. And yet, because of the Report’s association with the UN, these grave errors persist worldwide. As a result, the dignity of Japan and the Japanese public within the international community has been immensely damaged for the past two decades. Although 46 Japanese Academics did the same thing in their open letter to Your Highness on May 2, 2017, we would like to reiterate the request that the UN Human Rights Council (UNHRC) withdraw “the Coomaraswamy Report” and appoint a new and proper UN Special Rapporteur on the comfort women issue in order to draft a new report that is free from factual error. Falling this, it is doubtful that the United Nations Human Rights Council can be considered fair and impartial. We think this matter bears directly on the dignity of UNHRC.

Only three countries, China and both Koreas, made remarks on the issue of the comfort women at the UPR Working Group for Japan on November 14, 2017. We would like the international community to be well aware that these countries’ views are considerably biased when it concerns Japan. Consequently, we think what they say about Japan should be discounted in general. In the case of China, the Communist Party and the government are not legitimate representatives of the Chinese people. The Chinese Communist Party bases its legitimacy solely criticizing Japan over historical issues. Thus, the Chinese Communists have no choice but to slander Japan in order to maintain their political power. In the case of the two Koreas, it is very difficult for people to have pro-Japanese attitudes since Koreans in both countries have highly unfavorable perceptions toward Japan. Although the comfort women issue was finally and irreversibly resolved by a governmental agreement between the Republic of Korea and Japan in December 2015, the South Korean government has yet to live up to its promises. The moral being of South Korea as a sovereign country is in serious question.

Finally, it would be highly appreciated if the OHCHR would exhibit its editing capacity when it makes reports, in an attempt to be neutral and impartial as the secretariat.

Representative) at 32nd Session, Professor FUJIOKA Nobukatsu at Session 33rd Session, Mr. Tony MARANO at 34th Session, Professor YAMASHITA Eiji and Mr. FUJII Mitsuhiko at 35th Session, and Mr. FIJIKI Shunichi at 36th Session in September 2017.

Sincerely yours,

Chairman KASE Hideaki
Alliance for Truth about Comfort Woman
in Tokyo, Japan

Chairman TANAKA Hidemichi
Academic Alliance for Correcting Groundless Criticisms of Japan
(AACGCJ) in Tokyo, Japan