

Dismissal of Uemura Takashi's appeal by Sapporo High Court

February 7, 2020

Defense Council for Yoshiko Sakurai

On February 6, 2020, the Sapporo High Court issued a ruling dismissing all of Takashi Uemura's appeal in a defamation case he brought against journalist Yoshiko Sakurai in 2015.

1. Former Asahi Shimbun reporter Takashi Uemura appealed to the Sapporo High Court to reinstate his case following the Sapporo District Court ruling of November 9, 2018, which dismissed all claims of defamation against journalist Yoshiko Sakurai. The Sapporo High Court issued its own ruling on February 6, 2020, dismissing all of Takashi Uemura's appeal.

Details:

The appeal decision ruled that there were no grounds for any of the various reasons raised in the appeal. For example, Uemura asserted that Sakurai's data collection was insufficient. The court ruled that Sakurai made enough efforts to conclude that at least the article signed by Uemura in the Asahi Shimbun on August 11, 1991, with a lead sentence saying that one of "Korean comfort women" who was taken and forced into prostitution for Japanese soldiers was found alive in the city of Seoul, "was contrary to the truth, and her decision to call it a 'fabrication' was rational.

In addition, the 1991 article in question was signed by Uemura, who was a reporter for a giant media company with millions of readers, the Asahi Shimbun. The appellate decision followed the Sapporo District Court's decision that Sakurai's opinions and commentaries were within the boundaries of a journalist's work and could not be considered a personal attack as such. The decision further acknowledged that Sakurai's writings were related to facts of public interest and were published solely for the purpose of the public interest.

2. Seeking the Truth about the Comfort Women Issue: Answers to Frequently Asked Questions

The misconception has been spread widely in the international community that the Japanese army mobilized 200,000 Korean women as sex slaves and massacred many of them after the war. The truth is that there has been no case where Japanese public authorities forcibly mobilized Korean women to become comfort women.

Q1: How did it happen that the view that "comfort women were forcibly taken away" disseminated so widely?

A: The reason this happened was that in 1983, Seiji Yoshida (pseudonym, deceased) fabricated a false story and published a book saying that he himself "received an order from the Japanese military to collect women for the Women's Volunteer Corps. So, he said, he conducted a "forcible mobilization of comfort women like slave hunting" on Jeju Island in Korea.

(Details)

The Women's Volunteer Corps system was a labor mobilization program based on the National Mobilization Law. It was a mobilization by public authority, which was completely different from what Yoshida described. However, at that time, the contents of Yoshida's book were repeatedly reported as if his stories were true by the leading Japanese newspaper company, Asahi Shimbun, and widely affected public opinion not only in Japan and South Korea, but also throughout the international community.

However, Yoshida's testimony had no supporting testimony or other evidence. Rather, many residents on Jeju Island argued that his allegations were not the case. Later, the contents of Yoshida's book were proven to be a creation of his imagination and totally untrue by multiple researchers. It has also been confirmed that the Women's Volunteer Corps System under the General Mobilization Act had nothing to do with comfort women.

Q2: Why is Uemura's signature article, dated August 11, 1991 in the Asahi Shimbun, considered "fabricated"?

A: Uemura knew that the Women's Volunteer Corps and the comfort women are unrelated. Nonetheless he wrote that Ms. Kim Hak-sun was a surviving comfort women who was recruited through the Women's Volunteer Corp according to the act, and forcibly taken to the battlefield by the authorities.

(Details)

- ① In the first place, the Asahi Shimbun repeatedly reported on Yoshida's fabricated story of forcible mobilization of women by the Japanese army as if it were a confession of the perpetrator. The Asahi Shimbun also looked for victims (former comfort women) whose experiences would match Yoshida's fabricated story, but of course, could not find any.

In the meantime, Takashi Uemura, a former Asahi Shimbun reporter, wrote his signature article in the Asahi Shimbun on August 11, 1991, saying Ms Kim Hak-sun, a surviving comfort woman who was "taken to the battlefield in the name of a women's corps" had been found.

The article about finding a victim in line with the fabricated story of the perpetrator Yoshida was a significant factor in convincing people to believe in the fiction of forcible mobilization by the Japanese Imperial army.

In December of the same year, three former comfort women, including Kim Hak-sun, along with former Korean workers during the war (so-called former mobilized workers) and their bereaved families, filed a lawsuit seeking to hold the Japanese government liable. Both the Japanese and Korean media reported on the issue of "comfort women," and it was advanced as a diplomatic issue between Japan and South Korea.

- (2) Twenty-three years after Uemura's article, on August 5 and 6, 2014, and again in September 2014, the Asahi Shimbun published articles acknowledged in writing for the first time the factual errors of its earlier reports. All articles related to Yoshida's story were retracted. However, the articles that had forged the fiction of forced mobilization of women by the Japanese Imperial army had gone uncorrected by the Asahi Shimbun for 23 years.

Mr. Uemura, when deposed in this case, acknowledged for the first time that he had written the article stating that Ms. Kim Hak-sun was taken to the battlefield under the name of 'Women's Volunteer Corps while knowing that Kim did not actually join the Women's Volunteer Corps. But until that time, he had never told the truth.

Q3: The 1996 report by Radhika Coomaraswamy, the former Special Rapporteur on

Violence against Women for the UN Human Rights Commission, reported that 200,000 Korean women were forcibly and violently taken by the Japanese Imperial Army under the General Mobilization Act as comfort women who were actually "sex slaves". Is this wrong?

A: Yes, it is wrong. Ms. Coomaraswamy's Report is based on a fabrication.

(Details)

- ① The Coomaraswamy Report lists 11 grounds, but all have been proven to be "fiction" .
 - A) The National Mobilization Act was not a basis for, and was not used to mobilize comfort women.
 - B) The tale of Seiji Yoshida, which was used by the report as a source of evidence, as well as by other sources cited in the Coomaraswamy Report, has been proven to be untrue. (10 out of 11 points in the report are quotes from George Hicks, "Sex Slaves: Comfort Women" (Sanichi Shobo, 1995). Another point in the Coomaraswamy Report is from directly from Yoshida's own fictitious book. George Hicks's book also cites Yoshida's fabricated story as "fact.")
- ② The Government of Japan has recognized the involvement of the Japanese military in requesting private companies to establish comfort stations, recruiting comfort women, managing comfort stations, and transferring comfort women. However, there was no other "military involvement". Further, there is no evidence that the Japanese army carried out forcible and/or violent mobilization by any means.
- ③ Since 2007, the U.S. Congress, the EU Parliament, and some others, have passed resolutions to pursue the Government of Japan for responsibility on the issue of comfort women. All of these resolutions are based on the Coomaraswamy Report's erroneous assertions that comfort women were systematically forced into sexual slavery by Japanese authorities. These resolutions, based on the fictions perpetuated by the Coomaraswamy Report, must be reviewed.
- ④ There is no concrete basis for the commonly disseminated number of "200,000" comfort women. The Asahi Shimbun, which published the glossary behind the number "200,000," admitted 23 years later in a correction article dated August 5, 2014, that the Women's Volunteer Corps was completely different from comfort

women who rendered sexual services to soldiers, and the source of the number of “200,000” comfort women came from the confusion with the Women’s Volunteer Corps members who were not comfort women, but who were mobilized for normal wartime labor. The Asahi Shimbun officially admitted that their stories on this point were a complete mistake.

- ⑤ Also, there is a rumor in the international community that the Japanese army slaughtered many Korean comfort women immediately after the war, but this is completely unfounded. Naturally, such a case would have been tried by the Allies as a war crime. However, there is no such case and no evidence of such a crime.
- ⑥ The expression "sex slave" is also contrary to the facts. Comfort women were public prostitutes at a time and in an era when prostitution was not banned. According to an investigation by the Allied Forces after World War II, Japanese soldiers were banned from sexual contact with local women by military law in Burma (Rangoon). The soldiers were instead allowed to buy sexual services from comfort woman who were paid for their service at an average of 2.55 yen. Comfort women had the right to refuse customers. They received half of the proceeds of their sales, together with free transportation, food and medical checks. In addition to receiving gifts from soldiers, they could go shopping in nearby towns, participate in sports, picnics, performing arts and dinners with soldiers. It has been reported that women were returned to Korea free of charge if advance payments to families and interest had been reimbursed.
- ⑦ In the book, “Anti-Japanese Tribalism”, one of the best sellers in Japan and South Korea, which was based on empirical research by South Korean scholar Lee Yong-hoon and his colleagues, it is cited that "In the long history of prostitution forced onto women of the poor, Koreans separated the comfort women of the Japanese army for 45 years between 1937 and 1945, and pursued the responsibility of Japan. They were neither humanitarians nor feminists. They were not even nationalists. They were violent tribalists." (Japanese version, page 288).

Q4: If the forced mobilization of comfort women was fictitious, why did Japanese Prime Ministers, such as Prime Minister Miyazawa, and former Chief Cabinet Secretary Yohei Kono (1994) through an official statement, apologize to the former comfort women?

A: The allegations of forced mobilization of comfort women are fictitious, and there is no room for the Japanese government to accept legal liability for comfort women who were engaged in prostitution in response to the recruitment of private operators in a period when prostitution was not legally prohibited.

However, as mentioned above, since the 1990s, the Asahi Shimbun and others passionately reported the fiction of the forced mobilization theory based on the fabricated story of Seiji Yoshida as if it were a fact. As a result, the story ignited the anti-Japanese sentiment of the Korean people. The South Korean government suggested that if the Japanese Government would express remorse and apologize, the matter would be closed. In response, the Japanese government acknowledged the involvement of the Japanese military in the sanitary control of comfort stations and made a moral apology to former comfort women who had to sell sex because of their poverty.

(1) (Details) In January 1992, Prime Minister Kiichi Miyazawa visited South Korea, and this issue was taken up at a summit meeting with President Roh Tae-woo. Shortly before, in December 1991, three former comfort women had filed a lawsuit against the Japanese government, including Ms. Kim Hak-sun who was described by Uemura as forcibly taken to the battlefield as a member of the Women's Volunteer Corps, and other people who claimed they were forced to work in Japan against their will. At that time, the Asahi Shimbun and other media outlets from both Japan and South Korea extensively reported that Japan had not acknowledged responsibility for the forced mobilization of comfort women by public authorities. In response, Prime Minister Miyazawa repeatedly apologized eight times.

One year later, President Roh Tae-woo said in an interview with a Japanese monthly magazine: "In fact, the (comfort women) problem was raised by Japanese media outlets. They sparked the anti-Japanese sentiment among Korean people and exasperated them." (Bungei Shunju, March 1993).

At the time Prime Minister Miyazawa apologized, the Japanese government did not admit that Korean comfort women were forcibly mobilized by the public authority. Nevertheless, as Miyazawa apologized an international misunderstanding

emerged, as if there had been forced mobilization by the public authority.

- (2) In the statement of the Chief Cabinet Secretary Yohei Kono in August 1994, the Japanese government in fact did not admit that "Korean women were forced to work as comfort women by the public authority". However, as the South Korean Government expressed its willingness to resolve the comfort woman issue if the Japanese Government would clearly apologize and recognize responsibility as the Government of Japan, the Japanese Government responded by issuing the "Kono Statement". This statement did not explain the facts properly and often used vague and obscure expressions.

Widespread misunderstandings resulted from the apology by Prime Minister Miyazawa, and the Kono Statement, which contained ambiguous and confusing expressions and caused further misunderstanding in the international community.

- (3) Immediately before the Kono Statement was issued, the Japanese government conducted interviews with 16 former comfort women living in South Korea. In 2013, internal governmental documents were revealed that showed the investigation at that time had been extremely sloppy, with no supporting investigation or effort to verify contradictory testimony. In addition, about 40% of the 16 people said that they had become comfort women in mainland Japan, which was not a battlefield (2 in Osaka, 1 in Kumamoto, 3 in Taiwan which was under Japanese governance).
- (4) No matter how many times the Japanese government has apologized, and how many times it has paid and officially agreed to an irreversible and final solution to resolve the issue with the South Korean government, the comfort women issue has nevertheless been brought up over and over again. In the end, such easy apologies have only caused further international misunderstanding and were clearly a diplomatic failure.

Q5: Why did Yoshiko Sakurai mention the 1991 article by Mr. Uemura as a fabrication in her 2014 paper?

A: Ms. Sakura, since 1997, has been warning the public about the international misunderstandings deepened by the Japanese Government's easy apologies in 1992

and 1994, and the fictitious allegations on comfort women and the forced mobilization theory.

Sakurai's 2014 article pointed out the problem of the Asahi Shimbun's August 1991 article, which led to the misleading 1996 Coomaraswamy Report, which in turn was based on the false forced mobilization theory promoted by the Asahi Shimbun and the fabricated story of Seiji Yoshida, which the 1996 report promoted as a fact. The 1996 report caused a cascade of international reactions, including the 2007 resolutions of U.S. House of Representatives and the EU Parliament, among others, which sought to pursue the Japanese government for responsibility on the issue. Sakurai, as a journalist, wrote with a sense of mission that these widely circulating international misconceptions should be corrected.

Q6: Why are journalists and scholars who have criticized the fictitious nature of the comfort women issue being sued for defamation, one after another?

A: It is thought that the reason for this phenomenon may be to contain the criticism of the fabrications that have been created around the comfort women issue. Those who have been campaigning to hold Japan responsible on the comfort women issue, for the past several years, have filed lawsuits claiming damages due to defamation against the scholars and critics who criticized them.

Kenichi Takagi filed a lawsuit against Professor Tsutomu Nishioka in 2013, but the initial decision dismissed Takagi's case. Takagi appealed and re-appealed, but the decision was not overturned.

In 2015, Uemura filed a defamation lawsuit against Professor Tsutomu Nishioka as an independent scholar, and Yoshiko Sakurai as an independent journalist, attempting to curtail and intimidate their freedom of speech by alleging they lacked factual and legal grounds to criticize his reports.

It is suicidal for a media outlet to use a lawsuit to deprive others of freedom of speech. Uemura, a former Asahi Shimbun reporter and now president of the magazine Weekly Friday, cannot be allowed to use his lawsuit as a tool to further abuse the truth, or as a means to further limit the free speech of others under the guise of claiming his own free speech rights on the comfort women issue.