



Culture and Empathy

International Journal of
Sociology, Psychology, and Cultural Studies



ISSN: 2635-6619 (Online) Journal homepage: <https://cultureempathy.org/>

An Abridged Version of My Book, *Asahi Shimbun no Ianfu Hōdō to Saiban* [The Reports of Comfort Women by the Asahi Newspaper and Litigations]

Ryūichi Kitano, Asahi Newspaper

To cite this article: Kitano, R. 2020. “An Abridged Version of My Book, *Asahi Shimbun no Ianfu Hōdō to Saiban* [The Reports of Comfort Women by the Asahi Newspaper and Litigations].” *Culture and Empathy* 3(3-4): 68-82. DOI: 10.32860/26356619/2020/3.34.0002.

To link to this article: <https://doi.org/10.32860/26356619/2020/3.34.0002>



Published online: 30 Nov 2020.



[Submit your article to this journal](#) 

Full Terms & Conditions of access and use can be found at

<https://cultureempathy.org/terms-and-conditions>

An Abridged Version of My Book, *Asahi Shimbun no Ianfu Hōdō to Saiban* [The Reports of Comfort Women by the Asahi Newspaper and Litigations]

Ryūichi Kitano, Asahi Newspaper

Abstract

The Japanese newspaper Asahi Shimbun has covered the Comfort Women issue since the 1990s, and because of that, it has been a target of the rightwing attack in Japan until now. Ryūichi Kitano, Senior Staff Writer at Asahi Shimbun, decided to write a tome about the entire proceedings of legal battles with the rightwing groups in Japan over Asahi's coverage of the comfort women issue. The book was published in August 2020, and this contribution by Mr. Kitano is a summary of the 539 page-long record of historical documents and commentaries regarding the litigations and the comfort women issue. Mr. Kitano believes that this book is the only reliable source from Japan that present and future researchers of the comfort women issue can reliably use.

ARTICLE HISTORY

Received Oct. 17, 2020
Accepted Oct. 20, 2020

KEYWORDS

Comfort women, Asahi Shimbun, litigations, Glendale, statues, rightwing groups

Introduction: A Brief Synopsis

My position in my newspaper, Senior Staff Writer, is one of the reasons I took up the chore of writing the book. After publishing the above book in August this year, I met both Professors John Lie and Ingyu Oh in Tokyo, who wanted me to contribute a short essay on the controversial book to their journal, *Culture and Empathy*. I happily accepted additional chores from the editors and present an abridged version of the book.

As the book's title indicates, the theme is the so-called "Comfort Women"- women who were forced to sexually serve Japanese soldiers on the battlefields and occupied territories of the Asia-Pacific region by the Japanese army during World War II. The book first traces what the *Asahi Shimbun*, a leading Japanese newspaper, has reported on the comfort women issue, which had become an international issue since the 1990s due to the continued demand by the victims of the Japanese war atrocities for compensations.

Another theme is Japanese conservative and right-wing historical revisionism. The conservative right-wing has pursued a revisionist movement to deny the responsibility of the direct involvement of the Japanese government and the military in Japan's wartime mayhems, including the comfort women issue. In doing so, the right-wing tried to bombard the *Asahi Shimbun*, which had enthusiastically reported on the comfort women issue in the 1980s and 1990s. They have repeatedly blasted our newspaper company, including several court litigations. This book carefully follows the historical revisionist movements that have been occurring in Japanese society since the 1980s by recording the conservative and rightwing claims about the comfort women issue and the *Asahi Shimbun's* counterarguments.

Our newspaper articles on the comfort women issue in the 1980s and 1990s have been questioned by the conservatives and right-wingers since the 1990s. In particular, the articles that reported the testimony of Yoshida Seiji (*aka* Yoshida Testimony), who attested that the comfort women had forcibly been taken from Jeju Island, Korea, during the war. The Yoshida Testimony and our reportage about it were then contested by historian Hata Ikuhiko, who raised the suspicion that “its credibility is doubtful” in 1992. In response to this suspicion, the *Asahi Shimbun* published in 1997 another article that tried to verify the original report on the Yoshida Testimony. We wrote: “We could not find any other testimonies that might support Yoshida's writing, and its truth cannot be confirmed.”

However, criticism of the *Asahi Shimbun* was on the rise even after our admission that the Yoshida Testimony could not be confirmed. Between 2006 and 2007 when Abe Shinzō, a conservative politician who denies the forcible abduction of the comfort women and Japan's wartime responsibility, first came to power, and between 2012 and 2020 when he returned to power, the rightwing attack on the *Asahi Shimbun* has been intensified. In particular, the *Sankei Shimbun*, which has a conservative and rightwing tone, continued to wage campaigns of criticizing our coverage of comfort women, including a series of articles entitled “*Rekishisen* [War of History]” in 2014. For this reason, the *Asahi Shimbun* was forced to verify its own coverage again, and in March 2014, a group of investigative reporters was created to verify the content of our articles about the comfort women issue.

I participated in this 2014 verification team, which interviewed about 50 people on Jeju Island and interrogated about 40 people about the Yoshida Testimony that he “hunted and smuggled out women from Jeju Island and made them comfort women.” However, the forced entrapment as Yoshida testified could not be confirmed as most of the interviewees told us that: “I have never heard of it,” and we, therefore, could not get a story to support the testimony. We also spoke with experts such as historian Yoshiaki Yoshimi at Chuo University and several historians, who at that time were leading experts in the comfort women issue. All in all, Yoshida's testimony, that he had “forcibly entrained women on Jeju Island”, came to the conclusion that it was “false.” In a special article in the morning edition of the *Asahi Shimbun* on August 5th and 6th, 2014, we notified publicly that we would delete all sixteen articles that had conveyed the Yoshida testimony (after that two were added to make it eighteen) by declaring that “the testimony that Yoshida Seiji had forcibly taken comfort women on Jeju Island was judged to be false.”

However, despite our 2014 self-amendment article, strong criticism arose because we had not publicly apologized in tandem with our acknowledgment of the errors. On September 11th, the then president, Kimura Tadakazu, finally apologized at a press conference and later resigned. Additionally, three conservative and right-wing groups filed a series of class-action lawsuits against the *Asahi Shimbun* in January and February 2015, citing that “the misinformation of the *Asahi Shimbun's* comfort women report damaged the honor of the Japanese.”

In the meantime, I continued to cover the comfort women issue and sat in and listened to most of the comfort women court proceedings against the *Asahi Shimbun*. I also went to conservative rightwing rallies that severely criticized our coverage of the comfort women issue. In all class-action lawsuits, however, the conservative and rightwing had to embrace the defeat, and all the court proceedings were completed by February 2018. I also continued my fieldwork and wrote commentary reports on the situation in which wartime comfort women had been placed and on the historical research on the comfort women issue.

Even after the class-action lawsuit was over, criticism and condemnation of the *Asahi Shimbun* continued. I therefore immediately realized that our newspaper company might face similar situations in the future, which would make it mandatory for us to keep a detailed record summarizing the entire fiasco of the court battles to respond strategically to such future events.

As a culmination of about six years of coverage from 2014, a book has finally been published in August this year under the title of *The Reports of Comfort Women by the Asahi Newspaper and Litigations*. In addition to the court documents, such as complaints and judgments, our company's internal reports, in which the plaintiffs' remarks in courts and during street demonstrations were written down, were arranged in chronological order for each event. The book also includes records of a lawsuit filed by Uemura Takashi, a former *Asahi Shimbun* reporter, who wanted compensations for defamation he had suffered, and the rightwing lawsuit seeking the removal of the statue of comfort women in the United States. Speeches recorded at conservative and rightwing assemblies and their claims at trials corresponded not only to court documents and published books and magazines but also to videos on the Internet with their URLs. To ensure the accuracy and reliability of the description, I added 800 or more detailed footnotes so that each document could be verified by showing the source. Astonishingly, the book after all contained 550 pages in Japanese.

In Japanese society, especially during the Abe administration, there have been more than a few problems in which official documents were hidden, falsified, and discarded by government officials. I hope that this book will be one of the materials that researchers will refer to for historical examination when it comes to the issue of comfort women, which has been in fierce confrontations between victims and aggressors in modern Japanese history.

What is the Comfort Women Issue?

Comfort women are women who were congregated at Japanese military comfort stations before and during World War II and were forced to serve soldiers sexually by the military. The comfort

women consisted of Japanese women from mainland Japan (*naichi*), as well as women from the Korean Peninsula and Taiwan, which were Japanese colonies. With the invasion of the Japanese army, comfort stations were built in various places such as China, the Philippines, Burma (currently Myanmar), Malaysia, Singapore, and East Timor, where local women also served the soldiers with their colleagues from elsewhere. In Indonesia, which was a Dutch colony (then Dutch East Indies), in addition to local women, local Dutch people were also considered comfort women.

No official record confirming the total number of comfort women exists other than the vague estimates by researchers. Hata Ikuhiko, for example, estimated the number to be in the range of 60,000 to 90,000 women in 1993, only to have it revised to around 20,000 in 1999. Yoshiaki projected the number to be 50,000 to 200,000 in 1995, although he later changed it to simply more than 50,000. Some people in South Korea and China give even bigger numbers.

Regarding the reason why the comfort women system was created, it suffices to show a government record that contains comments made by a high ranking military officer: “The year after the Manchurian Incident and the First Shanghai Incident in 1932, Japanese soldiers raped Chinese women; so, we invited a band of prostitutes from Kyushu to prevent the rise of anti-Japanese sentiment among the Chinese. We invited the comfort women dedicated to military personnel and civilian employees.” After that, other reasons were added to justify the Comfort Corps, such as halting the spread of venereal diseases and the prevention of leakage of military intelligence, while comforting the military personnel.

When recruiting comfort women, in many cases, civilian contractors who were hired by the military first drafted candidates from Japan, followed by those in colonial Korea and Taiwan. It is known that recruiters often fooled these candidates by waving signs of “job vacancies” or bought them from their parents. On the other hand, in occupied territories such as the Philippines and Indonesia, the extant records show that Japanese troops directly and violently drafted the girls. According to a 2002 report by the Philippine government, Japanese troops violently abducted local women to lock them up in the churches and hospitals that the Japanese military occupied as their barracks, and the soldiers had continuously raped them in groups. Before the war, Indonesia was a colony called the Dutch East Indies, and many Dutch people used to reside there. When the Japanese army occupied it in 1942, 90,000 civilians and 40,000 military personnel were detained in concentration camps. An infamous case was the story about a Dutch woman who was forcibly taken from a camp to a comfort station and forced into sexual services for Japanese soldiers.

It is estimated that the treatment and living of the comfort women varied depending on the war situation and location. On August 4, 1993, Chief Cabinet Secretary Kōno Yōhei of the Government of Japan read what is known now as the “Kōno Statement” on the issue of comfort women. At that time, he also announced the results of the investigation, explaining that “on the battlefield, [comfort women] were forced to act conjointly with the army under at all times and were deprived of any freedom.” These women had holidays only once or twice a month, sometimes having none, and they had to secure military permissions before going out. A report by the U.S. military after interrogating former comfort women captured in Burma (now Myanmar) in 1944 also states that some of them were able to go out and participate in sports and picnics.

Many of the women who were made into comfort women had low literacy rates and could not speak foreign languages. During the war when the transportation network was under military control, it was almost impossible to return to their hometown from a foreign country without any knowledge of foreign languages or geography. It seems that many could not return home. Life became miserable even as the war situation deteriorated. As noted above, the comfort women were forced to act together with the army on the battlefield. Historical sources confirm that these women were left behind on the field when the Japanese army began to rout, while both soldiers and comfort women were often forced to choose “death rather than surrender” [*gyokusai*] (a reckless and suicidal attack under desperate war conditions). Even after Japan's defeat, myriad women remained in the area without returning to Japan. Even after returning to Japan, they could not get married or were forced to hide their past and suffer from the stigma for a long time.

Before the war, there was a public brothel system in which the government officially authorized prostitution. Based on this system, the government reasoned that the comfort women were also “prostitutes whose clients were the troops on the battlefield.” In an angry response to this, many critics of the military comfort women argue that “the decriminalizing prostitution itself was a de facto slavery system involving human trafficking and limiting individual freedom. It is a sexual slavery system that did not even allow the freedom of movement by the prostitutes and business closures by the pimps.”

During World War II, only Japan and Germany had military-sanctioned comfort stations. However, since Germany, unlike Japan, had no colony at that time, it did not recruit colonial women and sent them to the occupied territories. Having said this, I also want to confirm that other countries faced the same problem of rapes during the war by their soldiers, and in some countries, the military had to manage the health of soldiers carefully due to their frequent patronizations of prostitution facilities. Germany, like Japan, set up military-controlled comfort stations in the occupied territories of Europe. As of 1942, there were more than 500 such stations. Of these, in Western Europe such as France and the Netherlands, traditional brothels were transformed into comfort stations. On the other hand, since Eastern Europe, such as the Soviet Union and Poland, had no brothels at that time, the Nazi army decided to establish new comfort stations filled with forcibly recruited comfort women. Some of the German women who refused forced labor in Germany and Jewish women were sent to those stations.

In South Korea, during the Korean War that began in 1950, a comfort women system called the “Special Comfort Corps” had been in operation for several years and was patronized by Korean soldiers. Another testimony also confirms that U.S. soldiers who participated in the Korean War as U.N. forces frequented the comfort stations in South Korea.

The History of the Comfort Women Issue

In Japan, shortly after the end of World War II, ex-Imperial Army soldiers began mentioning “comfort women” in memories and recollections. In 1973, writer Senda Kakō published a reportage titled “Comfort Women” in *Weekly Shinchō*, which was based on interviews with the

former Japanese military personnel and the ex-comfort women, who had acknowledged they had been “comfort women.”

In January 1990, Yun Jeong-Ok, a professor at Ewha Womans University in South Korea, serialized an article on the issue of comfort women in the *Hankyoreh Newspaper*. In November 1990, The Korean Council for the Women Drafted for Military Sexual Slavery by Japan (KCWDMSSJ) was established under the leadership of Yun and others, as Koreans who claimed to be Japanese military personnel or military-affiliated on the Korean Peninsula during the colonial era increased their demands for apology and compensation from Japan.

In August 1991, Kim Hak-Sun was the first former comfort woman from South Korea to come out and revealed her name and face publicly. Until then, the Japanese government had maintained its official stance that the comfort women were “managed by private companies” and denied its involvement. However, the *Asahi Shimbun* reported on the first page of the morning edition of January 11, 1992, that there was an official document showing that the former Japanese army was involved in the installation and management of the comfort station under the heading “Materials Showing the Involvement of the Military at the Comfort Station.” Chief Cabinet Secretary Katō Kōichi was the first Japanese government to acknowledge the involvement of the military. Immediately after, Prime Minister Miyazawa Kiichi apologized at the Japan-Korea summit during his visit to Seoul.

In the “Kōno Statement” released by then Chief Cabinet Secretary Kōno Yōhei on August 4, 1993, he stated that “[it was] the problem of deeply damaging the honor and dignity of many women with the involvement of the military at that time.” He added, “I would like to express my sincere apologies and remorse to all those who have suffered numerous pains as the so-called comfort women and suffered irreparable physical and mental injuries.”

The Japanese government considered financial support to express the intention of “apologizing” to the former comfort women, and on June 14, 1995, Chief Cabinet Secretary Igarashi Kōzō under the administration of Murayama Tomiichi announced the establishment of the Asian Women’s Fund for Peace and Friendship (tentative name). The source of the fund was mostly donations, and the government was also going to fund from its medical and welfare budget. The Korean government also initially appreciated the fund.

The Murayama cabinet’s compensation plan was realized in July 1995 as the “Asian Women’s Fund for Peace (aka Asian Women’s Fund).” However, from the conceptual stage, NGOs for Comfort Women in Japan and South Korea criticized that “the fund obscures the responsibility of the Japanese government, as it is not official reparation by the government.” KCWDMSSJ, which played a central role in the whole movement, called for the withdrawal of the plan, an official apology by a resolution of the Diet, and the implementation of legal compensation. The discrepancy between the government plan and NGOs’ demands was not filled until the end.

Since 1992, Hata Ikuhiko and Nishioka Tsutomu, a professor at Tokyo Christian University, have criticized the *Asahi Shimbun’s* coverage of comfort women. The movement to deny Japan’s national responsibility for the comfort women issue began with conservative magazines such as *Seiron* and *Shokun!* Since 1997, all seven junior high school history textbooks

have included descriptions of comfort women. This event made their critical activities more visible than before. In December 1996, Fujioka Nobukatsu, a professor at the University of Tokyo, and others held a press conference to launch the Association for New History Textbooks. In February 1997, Nakagawa Shōichi and Abe Shinzō, Liberal Democratic Party members of Lower House of the Diet, have launched the Association of Young Diet Members to Think about the Future of Japan and History Education.

In the 1990s, former comfort women from South Korea, China, Taiwan, the Philippines, the Netherlands, and other countries and regions filed a series of suites in Japanese courts blaming the Japanese government. The Shimonoseki Branch of the Yamaguchi District Court released its decision in April 1998 granting some of the plaintiff's claims, while dismissing all others. By 2010, all ten trials had been finalized resulting in the plaintiffs' defeat.

In December 2000, a private mock court, the Women's International War Crimes Tribunal, was held in Tokyo, where former comfort women gathered from all over the world to testify. The mock court prosecuted 25 deceased people, including Emperor Hirohito, wartime politicians, and former Japanese military executives. The purpose was to pursue the Japanese government's tort liability, postwar victim compensation, and inaction liability for perpetrator punishment. All the prosecuted leaders have died, and the representative of the Japanese government did not participate; so, the court had no defendant in presence.

In a five-day court proceeding, the mock court acknowledged the responsibility of Emperor Hirohito, the Japanese government, and military executives, handing them down a guilty verdict for "crimes against humanity." The right-wing strongly opposed the mock court with several trucks with loudspeakers broadcasting live their criticism against the whole event in front of the court venue.

Another problem ensued regarding the mock court. The NHK TV program "ETV2001: Wartime Sexual Violence Investigated," which was broadcast in January 2001, initially intended to cover this court. However, the entire program was heavily modified just before the day of the broadcast. Following the incident, the *Asahi Shimbun* reported in January 2005 that "Nakagawa Shōichi and Abe Shinzō called NHK executives the day before the broadcast and pointed out that the content was biased." Our newspaper had to face fierce confrontations with Nakagawa, Abe, and NHK.

KCWDMSSJ, a South Korean NGO for the comfort women, held weekly protest rallies in front of the Japanese embassy in Seoul, which recorded the 1,000th gathering in December 2011. To commemorate the 1,000th rally, a comfort girl statue was erected and placed in front of the Japanese embassy. As a result, public opinion in Japan deteriorated sharply. The Park Geun-hye administration, which was inaugurated in 2013, opposed to holding a summit with the second Abe administration, which had been in office since late 2012, if Abe refused to offer a "solution that former comfort women can accept and that the Korean people can understand." The first Japan-Korea summit meeting was finally realized in November 2015 with the mediation of the Obama administration in the U.S. In December, an agreement was reached between the Japanese and Korean governments on the issue of comfort women.

A Series of Lawsuits against the *Asahi Shimbun*

From January to February 2015, a series of class-action lawsuits were filed against the *Asahi Shimbun* from three conservative and rightwing groups. Regarding the comfort women issue, they claimed that “the misinformation about the comfort women issue reported in the *Asahi Shimbun* has hurt the honor of Japan and the Japanese people.” The three class-actions are introduced in chronological order.

Litigation by the National Council that Investigates the Asahi Shimbun

The first class-action lawsuit was filed by the National Council that Investigates the *Asahi Shimbun*. Mizushima Satoru, president of the Internet TV station Japanese Culture Channel Sakura, served as the secretary-general and filed it with the Tokyo District Court on January 26, 2015. The plaintiffs were Watanabe Shōichi, Professor Emeritus of Sophia University, Kobori Keiichirō, Professor Emeritus of the University of Tokyo, Tamogami Toshiō, former Chief of Staff, Japan Air Force, and Fujioka Nobukatsu, Visiting Professor of Takushoku University (all at the time of filing). Nagao Takashi, Sugita Mio, Nakayama Nariaki, Nishimura Shingo, and other current and former members of the Diet have joined the plaintiffs, reaching 25,722 at the time of the first trial decision.

The plaintiff said in the complaint: “A series of false reports by the *Asahi Shimbun* significantly slighted the international reputation of Japan and the Japanese people, and significantly damaged Japanese people’s right to national integrity and honor.” The plaintiff Kase Hideaki, a commentator on Japan’s diplomatic policies, stated during a press conference at the Foreign Correspondents’ Club of Japan on February 23, 2015, that the purpose of the complaint was: “The *Asahi Shimbun* will have to be careful from now on when making such reports because of our litigation. The newspaper company will suffer from massive panic. Hoping the class action will be successful, I joined the suit to give lessons to the newspaper.”

The first round of judgment was handed down on July 28, 2016, and all of the plaintiffs’ claims were dismissed. The judge read his rule: “The objects of the press and commentary were the former Japanese Army at that time, and by extension the Empire of Japan or the Japanese government, and were not intended for specific individuals including the plaintiffs.” He added: “The court cannot confirm whether plaintiffs’ honor was damaged.” After this, the plaintiffs swiftly appealed, although the Tokyo High Court denied the merit of the appeal in a judgment on September 29, 2017. There was no more appeal, and the plaintiff’s defeat was confirmed.

Litigation by the Association that Corrects the Asahi Shimbun

The second class action proceeding was filed in the Tokyo District Court on February 9, 2015, by the Association that Corrects the *Asahi Shimbun*. 482 people sought damages. Regarding the *Asahi Shimbun* report on the Yoshida testimony of the comfort woman issue, the plaintiffs said, “Despite the reasonable doubt about the credibility of the article, the newspaper has not reported its skepticism over the testimony for many years and posted similar articles to previous ones. Therefore, the newspaper infringed the plaintiffs’ right to know.”

The Tokyo District Court dismissed the claim in a ruling on September 16, 2016. The judge denied the plaintiff's allegation by saying, "What kind of content the newspaper company reports is left to the autonomous judgment of the newspaper company." The plaintiff appealed, although the Tokyo High Court dismissed it on March 1, 2017. The judge read the verdict: "Even if one mass media repeats reports that are not true, the public can read the reports of other newspapers, magazines, etc., and the right to know will not be threatened fundamentally." The Supreme Court also rejected the appeal, confirming the plaintiff's defeat. The plaintiff then filed another lawsuit with the Kōfu District Court but lost the case in the first instance. As no appeal was filed after that, the entire proceeding was terminated.

Asahi Shimbun Glendale Litigation

The third class action was filed in the Tokyo District Court on February 18, 2015. By the time of the first instance decision, 2,557 people living in Japan and abroad, mainly in the U.S., had joined the plaintiffs. In the complaint, the plaintiffs said: "The misinformation of the *Asahi Shimbun* spread false facts and views to the world, affecting the U.N. recommendation, the resolution of the U.S. House of Representatives, and the decision to erect monuments and statues of comfort women. In due course, many Japanese and Japanese Americans suffered a loss of their honor and credibility." A Japanese plaintiff in the United States alleged that he was assailed by the city council when he opposed the construction of the statue of a comfort girl in Glendale, California. The plaintiffs called it the "Asahi-Glendale Litigation."

On February 19, the day after the lawsuit was filed, the Independent Verification Committee released a report examining the validity of Asahi's comfort women coverage. It was written by Professor Nishioka Tsutomu at Tokyo Christian University, who was the chairperson of the Helping Association for those Japanese kidnapped by North Koreans, and Professor Takahashi Shiro at Meisei University, who was also a policy committee member of the rightwing Japan Conference.

The Independent Verification Committee labeled the *Asahi Shimbun* reports from 1991 to 1992 the "January 1992 forced entrainment propaganda" and argued that we "made a number of false reports, including the propaganda that 'the Japanese army forcibly abducted Korean women to convert them into comfort girls in the name of the Women's Volunteer Corps' and spread the groundless propaganda in Japan and overseas." The plaintiffs submitted to the court the report from the Independent Verification Commission, claiming that the *Asahi Shimbun's* coverage of comfort women had an international impact.

The head of the plaintiff support group, the Association to Support the Asahi-Glendale Litigation, was Momochi Akira, a Japan university professor and a policy committee member of the Japan Conference. Momochi, Kabashima Yuzō, the Secretary-General of the Japan Conference, and Takahashi, along with other support group members, visited the court for every session.

On February 16, 2016, Sugiyama Shinsuke, Deputy Minister for Foreign Affairs, gave a speech at the United Nations Committee on the Elimination of Discrimination against Women. "The reason the view that comfort women had forcibly been recruited was widely disseminated was that Yoshida Seiji

forged the false fact that ‘a large number of women were hunted on Jeju Island in South Korea at the order of the Japanese Army.’ The content of the book was widely reported by the *Asahi Shimbun* as if it had been a fact and exerted a great impact not only on the public opinion of Japan and South Korea but also on the international community.” Two days later, the *Asahi Shimbun* delivered a letter to the Ministry of Foreign Affairs, saying that it was “regrettable” to hear the Minister’s statement at the U.N., as “it was not based on any evidence.” The plaintiff-side submitted a prepared statement to the oral argument during a court session, quoting Sugiyama’s U.N. speech. Lawyer Tokunaga Shinichi, the head of the plaintiff’s defense team, praised it: “I want to highly praise the speech for having said this much.”

In a ruling on April 27, 2017, the Tokyo District Court dismissed the plaintiffs’ claims. “It cannot be said that the article has had any de facto influence on the perceptions and views of the comfort women issue in the international community,” the judge explained. “The international community is also multidimensional, and there are various perceptions and views of the comfort women issue. It is extremely difficult to specify exactly what factors affected who and to what extent.” The verdict nullified all the plaintiffs’ allegations: “The responsibility for the harassment and other damages suffered by the plaintiffs in the United States as the result of the article publication cannot be evaluated.”

The plaintiffs alleged that the *Asahi Shimbun* reports such as the Yoshida testimony had also influenced the 1996 U.N. report on the comfort women issue and the 2007 U.S. House of Representatives resolution calling for Japan to apologize. On these allegations, the district court ruling read: “The Yoshida testimony is not the only evidence used in the description of the forced recruitment of comfort women in the Coomaraswamy Report, as the interview surveys from former comfort women also served as historical proofs. Coomaraswamy also acknowledged that: ‘There is no need to revise my report even if the Asahi article was canceled.’ Yoshida’s book is not used in the explanatory section of the resolution of the U.S. House of Representatives.”

The plaintiffs also argued that the Asahi’s coverage of comfort women made the forced entrainment theory of comfort women, the theory of 200,000 comfort women, the theory of comfort women as sex slaves, and the confusion of the Comfort Women with the Volunteer Corps widely spread within South Korea. In response, the district court ruled that in South Korea, “the compulsory recruitment of comfort women” had already been reported since 1946. From 1945 to the early 1960s, newspapers had widely reported that “women were taken in the name of the Volunteer Corps and then made into comfort women.” Therefore, even before the Asahi reports, it is confirmed that there were reports of the comfort women issue in Korean society.

62 people appealed to the higher court. On February 8, 2018, the Tokyo High Court also dismissed the plaintiff’s contentions in an appeal decision: “It’s not enough to admit that the article played a major role in the formation of the theory of 200,000 comfort women, forced entrainment, and sexual slavery. We cannot find a significant causal relationship between the article and the plaintiffs’ self-claimed damage.” There was no further appeal, even as the plaintiff’s defeat was finalized.

Litigation for Withdrawal of Comfort Girl Statues from the U.S.

In addition to the above three class-action lawsuits against the *Asahi Shimbun*, several other proceedings concerning comfort women have been filed. On July 30, 2013, the City of Glendale erected a statue of a girl symbolizing the comfort women in its city park and held an unveiling ceremony. In February 2014, Japanese residents in the United States who opposed this statue and sought to remove it from the park formed the Global Alliance for Historical Truth (GAHT). U.S. representative Koichi Mera, a former professor at the University of Southern California, filed a lawsuit against the city of Glendale in the U.S. District Court on February 20, 2014, seeking the removal of the comfort woman statue.

The plaintiffs alleged that: “the comfort women issue is a federal diplomatic matter. The city of Glendale committed an act of arrogance by making a diplomatic decision and violated the U.S. Constitution.” Initially, the plaintiff tried to file a lawsuit on the grounds of “defamation against the Japanese,” although the idea was opposed by the lawyer. Another attempt at packaging the whole thing as a “bullying case against the Japanese” was also met by the difficulty of finding relevant cases. On August 4, the District Court for the Central California of the United States sentenced to dismiss the litigation. Plaintiffs were ruled not eligible to request the removal of the city’s statue of comfort women.

The plaintiffs appealed only to be dismissed by the Federal Court of Appeals (equivalent to the Japanese High Court) on August 4, 2016. The ruling concluded: “the installation of the monument by the City of Glendale is considered within the traditional jurisdiction of state powers and does not violate the federal government’s diplomatic powers.” The plaintiffs again appealed to the Federal Supreme Court. At the request of the plaintiffs, the Government of Japan submitted a written opinion to the Supreme Court on February 22, 2017, insisting that the appeal should be granted: “The most important thing for Japan is that local governments like California and Glendale do not get into sensitive diplomatic issues like the comfort women issue.”

After all, the Supreme Court decided not to accept the appeal on March 27, 2017. The plaintiff’s defeat was confirmed. However, the plaintiffs highly evaluated the Japanese government’s written opinion as “one of the greatest achievements.” GAHT also filed a lawsuit in a California court on September 3, 2014, apart from the federal court. In response to this litigation, the state court accepted the defendant Glendale City’s allegation that the plaintiff’s litigation belonged to the category of the strategic lawsuit against public participation (SLAPP), and on August 25, 2015, the court ordered the plaintiff to pay a sanctioned amount (about \$ 150,000) to the city. The plaintiffs appealed, but the California Court of Appeals dismissed the petition in a decision of November 23, 2016, in favor of the first instance’s SLAPP accreditation. The plaintiffs gave up further appeals to state courts. The plaintiffs have thus been defeated in both federal and state courts.

Litigation by the Former Asahi Shimbun Reporter Uemura Takashi

Former *Asahi Shimbun* reporter Uemura Takashi filed a lawsuit with the district courts in Tokyo and Sapporo, arguing that he had been disgraced by the rightwing writers and magazines that had dubbed his 1991 report of the testimony by a former Korean comfort woman Kim Hak-Sun as

“fabricated.” The suit filed with the Tokyo District Court on January 9, 2015, sought retribution for the defamation Uemura had supposedly suffered from because of the *Weekly Bunshun* article written by Nishioka Tsutomu in February 2014, where the Nishioka claimed that Uemura’s article had been “a forged one.”

On the other hand, the suit filed with the Sapporo District Court on February 10, 2015, sought retribution for the defamation he had suffered from because of the *Weekly Shinchō*, *Weekly Diamond*, and *Monthly WiLL* articles written by journalist Sakurai Yoshiko, who had described Uemura's article as “fabrication.” He sued Sakurai and the three magazine publishers.

The defendants quoted the following three points as their basis for claiming that Uemura’s article had been “fabricated”:

- 1) Uemura added a new career not stated by former comfort woman Kim Hak-Sun, such as “I was taken in the name of the Women's Volunteer Corps but in fact made into a comfort woman.”
- 2) Neither Kim Hak-Sun nor Uemura properly reported the fact that Kim had been “sold to the *kisaeng* [traditional Korean female entertainers] school” by her parents.
- 3) Uemura’s mother-in-law was a Korean citizen and an executive of the Association for the Pacific War Victims. Both Uemura and his mother-in-law, therefore, had a personal interest in writing an article that would give an advantage to the mother-in-law’s separate trial against the Japanese government.

For reason 1) above, the plaintiff argued that “Kim Hak-Sun herself stated that she had been a Volunteer Corps member, although she had been forcibly taken away from her home.” Regarding 2) above, the plaintiff contended that no mention was found even once about Kim having been sold to the *kisaeng* school by her parents in either the written documents or the recorded data on November 25, 1991 that Kim Hak-Sun’s lawyers compiled and submitted to the High Court during her own litigation against the Japanese government. Therefore, Uemura argued that “it is impossible for a newspaper article to be fabricated, if it does not report anything about any statement that was not made by the witness.”

Argument 3) was based on Nishioka’s own statement he made in 2007: “Uemura is the son-in-law of the Standing Director of Yang Sun-Im, who is the leader of the Association for the Pacific War Victims, the very organization in which Kim Hak-Sun is also involved. Because Yang was Uemura’s mother-in-law, he was able to take an independent interview with Kim Hak-Sun.”

In response to this claim, the *Asahi Shimbun* wrote a verification article in August 2014. In it, the newspaper pointed out that the organization to which Kim Hak-Sun belonged was the KCWDMSSJ, not Uemura’s mother-in-law’s group, Association for the Pacific War Victims, when he wrote the first scoop in August 1991. In the report by the *Asahi Shimbun* Third Party Committee in December of the same year, the committee made it clear that: “It is not recognized that Uemura's interview with Kim was possible because of his mother-in-law, nor can it be confirmed that his relationship with the mother-in-law made him distort the facts to benefit her legal case.”

In the proceedings in which Uemura sued Sakurai, the Sapporo District Court dismissed all the claims advanced by the plaintiff in the judgment on November 9, 2018. The court held the view that Sakurai believed that “Uemura's article is not true with a good reason,” even though the court acknowledged the fact that Sakurai’s magazine essays could have “deteriorated” Uemura’s social reputation. The ruling that acquitted Sakurai of defamation was based on the court’s expansive application of the principle of substantial truth (i.e., Sakurai’s slander was considered a substantiated fact even though it was an opinion).

Regarding the proceedings against Nishioka Tsutomu and others, the Tokyo District Court dismissed Uemura's claim of defamation in a judgment on June 26, 2019.

The district court ruling stated that Uemura “intentionally wrote an article that was different from the facts,” and in return confirmed the “truth” of Nishioka’s contending opinion. Also, citing fact that neither the *Asahi Shimbun* nor Uemura “had offered any counterarguments in the form of newspaper articles” to Nishioka’s criticisms for many years, the court ruled that: “it is more than fair for defendant Nishioka to believe that his allegations were true.”

Uemura immediately appealed to the higher court, although the Tokyo High Court dismissed his appeal in a ruling on March 3, 2020. Regarding the Nishioka’s claim that Kim Hak-sun was sold to the kisaeng school, the Tokyo High Court refuted the “truthfulness” of his statement, although it acknowledged “its substantial truth or its equivalence to the truth” to acquit him of the libel charges. Regarding Kim Hak-Sun’s testimony tapes submitted to the High Court by Uemura, the judge dismissed the validity of the audio evidence, saying that: “It is hard to admit that all of Kim Hak-Sun’s testimony at the time of the interview was recorded.”

The Tokyo High Court ruling also acknowledged that “the *Asahi Shimbun*’s coverage of the comfort women issue continued to have a large impact both domestically and internationally.” Although “the influence of the *Asahi Shimbun*” was not the main issue in Uemura’s litigations, the Tokyo High Court ruling, when dismissing Mr. Uemura's appeal, categorically confirmed the “magnitude of the influence” of the *Asahi Shimbun*'s report without showing any rationale. Uemura immediately appealed to the Supreme Court for both Sapporo and Tokyo litigations.

Conclusion: The Prospect of the Comfort Women Issue

Japan and South Korea seemed to have once come to terms with the intergovernmental agreement on the issue of comfort women in December 2015. The agreement stated that the Japanese and Korean governments would “confirm that the comfort women issue would be finally and irreversibly resolved.” The Japanese government expressed its apology and remorse, saying that it “deeply damaged the honor and dignity of many women with the involvement of the military.” The Korean government has established a foundation to support former comfort women, and the Japanese government has decided to contribute about one billion yen. Regarding the statue of a girl in front of the Japanese embassy in Seoul, the Korean government said, “We will try to resolve it in an appropriate way.” Based on the Japan-Korea agreement, the Reconciliation and Healing Foundation was established in South Korea fully utilizing the one billion yen the Japanese

government had contributed. By now 70% of the former comfort women would have received the redressing reparation.

However, I have to say that the intergovernmental and historic agreement lacked any effort to make the deal binding not just between the governments but between the two peoples. For one thing, the agreement itself was mediated by the Obama administration in the United States, which was concerned about the deterioration of relations between Japan and South Korea, a very impassive move by both governments that did not want to initiate the whole deal, to begin with. For another, the whole agreement lacked any sincere effort by both governments to resolve the matter for good, despite the inclusion of the phrase “final and irreversible solution” in the agreement.

The agreement was signed without prior consultation with the victims of the former comfort women, and when the intergovernmental agreement was announced, none of Prime Minister Abe Shinzō, the Japanese ambassador to Korea, or other representatives of the Japanese government officially directly apologized to the former comfort women. After the agreement, the Japanese side made a series of remarks that tried to overturn the embedded apology in the agreement and instead gave a message opposite to the “apology” to the former comfort women and their supporters. The image that Japan paid one billion yen to end the problem has taken the root. In response to this trend, Moon Jae-In, who took office as president in place of Park Geun-Hye at the time of the agreement, dissolved the foundation for victims, which had been established under the agreement.

In retrospect, the 2015 Japan-Korea government agreement on the comfort women issue may have been the last chance for former comfort women to seek some sort of “solution” between Japan and South Korea in their lifetime. Former comfort women are aging and dying one after another. I have also interviewed former UK and Dutch POWs during World War II, who still demanded apologies and compensation from the Japanese government even 50 to 60 years after the war. We can argue from our experiences that the issue of postwar reconciliation would be permanently difficult to achieve if the resentment and hatred toward Japan become more steadfast than ever as the movement is passed on to the next generation from the dying or dead victims of the Japanese war atrocities.

The Asian Women's Fund has been criticized for being inadequate, although it has implemented some sort of “compensation project” in South Korea, the Philippines, Indonesia, the Netherlands, and Taiwan. However, many countries such as China and North Korea have been left out, and the situation of “the unsolved” will continue in the future.

Ryūichi Kitano graduated from the Law Faculty of the University of Tokyo. Since 1990 he has worked in Niigata, Nobeoka, Kitakyūshū, Kumamoto, and Tokyo offices of the Asahi Shimbun. From 2014 he assumed the current position, Senior Staff Writer. He has covered the Emperor issue, Japanese abductees by North Korea, Victims of Leprosy Disease and Minamata Disease, and others. His recent books include Feiku to Zoō: Yugamu Media to Minshūshugi [Fake and

Hatred: Distorting Media and Democracy (Ōtsuki Shoten), *Inori no Tabi: Tenno Kōgō, Hisaichi eno Omoi* [*Travel of Prayer: The Empress, A Thought for the Victimized Land*] (Asahi Shimbun Shuppan), *Tettei Kenshō: Nihon no Ukeika* [*A Thorough Examination: Japan's Move to Rightwing*] (Chikumashobo), and others.