

# Falsification of history impermissible

Truth about Kono Statement and Japanese military comfort women issue

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## Preface

Former Chief Cabinet Secretary Yohei Kono published an official government statement pertaining to the Japanese military comfort women issue (Kono Statement, August 4, 1993). This has recently become an important focus of attention in national politics.

Recently, there has been a series of attacks against the Kono Statement. A Japan Restoration Party lawmaker on February 20 at a House of Representatives Budget Committee meeting insisted that no evidence indicating forced recruitment of women exists. He also insisted that the content of interviews with 16 Korean former comfort women, which the Kono Statement based its admission to coercion on, is inconclusive and that no follow-up investigation was conducted to confirm their testimonies. This Diet member then called for a review of the Kono Statement and to publish a new statement.

Instead of defending the Kono Statement and speaking out against the provocative comment, government spokesman Yoshihide Suga did nothing but seemed to agree with the JRP lawmaker. Suga said that he wants to reexamine the background behind the Kono Statement and that it is desirable to conduct further reviews from an academic perspective. On February 28, he announced that a study team will be set up inside the government to reexamine the 1993 Kono Statement. Reportedly, Prime Minister Shinzo Abe actually thanked the JRP lawmaker for having taken up the issue in the Diet.

This move is a blatant attempt to falsify history in order to deny the occurrence of serious war crimes related to the comfort women issue.

Today, I'd like to argue against the unfair attacks on the Statement and uncover the facts in regard to the comfort women issue.

## **What did the Statement admit as facts and what are features of the attack on the Statement?**

First, I will look at the facts the Kono Statement admitted to, and then will move on to features of the attack by those who call for a review of the Statement.

### **5 facts in Kono Statement**

The Kono Statement was made as a result of a study survey which began in December 1991, and it acknowledged the following 5 facts. If I cite them in the same sequence as the Statement, they are as follows:

The 1<sup>st</sup> one is, “comfort stations were operated in extensive areas for long periods, it is apparent that there existed a great number of comfort women.” (admitting to the existence of comfort stations/comfort women)

The 2<sup>nd</sup> is, “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.” (admitting to military involvement in installation/management of comfort stations)

The 3<sup>rd</sup> one is, “in many cases they were recruited against their own will, through coaxing, coercion, etc., and [...], at times, administrative/military personnel directly took part in the recruitment.” (Women were recruited against their will = coercion)

The 4<sup>th</sup> is, “They lived in misery at comfort stations under a coercive atmosphere.” (coercion in comfort stations = forcible sexual services)

The 5<sup>th</sup> one is, “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.” (Except for Japan, many were from the Japanese colony of Korea. Recruitment, transfer and control were done against women’s will = coercion)

The Statement confirms these as facts and expresses, “This was an act, with the involvement of the military authorities of the day, which 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.”

The Statement goes on, “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 reiterate our firm determination never to repeat the same mistake by forever engraving such issues in our memories through the study and teaching of history.”

## **Forcible services in comfort stations are the very problem**

Out of the 5 facts, statement attackers are in particular trying to deny the 3<sup>rd</sup> one: “they were recruited against their own will” which means coercion. They insist that evidence on the forcible carting-off of women doesn’t exist, and that the ex-comfort women’s testimonies cannot be proven. They say this as if the Statement has no credibility.

I must point out that such tactics by the attackers do not capture the real nature of the crime but look at only one aspect of the comfort women issue. No matter if those women were taken to comfort stations willingly or against their will, once taken there, they were imprisoned and detained under coercion. They had no freedom at all and were forced to provide sex to soldiers. They were in essence sex slaves. This is the undeniable fact shown from many victims’ testimonies and also from official documents of the Imperial Japanese Army. These documents state explicitly what the Kono Statement describes, that the comfort women were forced to live “in misery at comfort stations under a coercive atmosphere.” Regarding this fact, the anti-statement groups do not dare to speak. However, this is what the international community is criticizing as the wartime sex slavery system. This is the main point of the Japanese military comfort women issue.

Let us now see if the statement attackers’ assertions make sense or not, regarding the fact that comfort women were taken “against their own will” as written in the Statement.

## **The attackers ignore process of adopting the Kono Statement**

The first problem is that the attackers ignore the process involved in the adopting of the Kono Statement.

The “comfort women” issue has been a serious political and diplomatic issue since 1990. Looking at the process from 1990 to the adoption of the Kono Statement in August 1993, we can find the following facts.

## **South Korea demands that Japan confirm forcible carting off of women as historical fact**

First of all, in South Korea, whose citizens suffered tremendous damage under the Japanese military sex slavery system, calls were raised in various ways demanding that Japan admit to the fact that it had forcibly taken away women.

1) On May 18, 1990, prior to then South Korean President Roh Tae-woo’s visit to Japan, women’s organizations in South Korea released a joint statement announcing that the Japanese government must apologize and give compensation to the victims.

However, when the “comfort women” issue was taken up at the Diet shortly after this, the

Japanese government denied the involvement of military and administrative personnel in the “comfort women” issue and refused to investigate. (June 6, 1990)

2) On October 17, 1990, 37 major women organizations in South Korea jointly issued a statement and made the following six demands to the Japanese government:

1. Admit to the fact that Japan had forcibly carted off Korean women;
2. Officially apologize for such acts;
3. Reveal the whole picture of the brutal acts;
4. Build a monument for the victims;
5. Compensate survivors and bereaved families;
6. Reveal the facts in history education in order to prevent the same mistake from happening again.

3) On August 14, 1991, Ms. Kim Hak-sun became the first former comfort woman to come forward and reveal her name, and express her protest against the Japanese government’s denial of the “comfort women” issue.

On December 6 of the same year, 3 (later 9) former comfort women, including Ms. Kim, filed a lawsuit seeking compensation from the Japanese government. They said that they had been systematically and forcibly abducted from their hometowns and forced to provide services for Japanese soldiers in battlefields where they could not escape from.

In Japan, civil organizations and researchers also launched a movement urging the Japanese government to reveal the truth.

## **Japan admits government/military involvement in “comfort women” issue**

In response to these moves, the Japanese government launched a full-fledged investigation into the “comfort women” issue in December 1991.

1) On July 6, 1992, the then Chief Cabinet Secretary Koichi Kato released a statement on the results of the investigation of related documents, which stated: “the Government had been involved in the establishment of comfort stations, the control of those who recruited comfort women, the construction and reinforcement of comfort facilities, the management and surveillance of comfort stations, the hygiene maintenance in comfort stations and among comfort women, and the issuance of identification as well as other documents to those who were related to comfort stations”, and, “The Government again would like to express its sincere apology and remorse to all those who have suffered indescribable hardship as so-called wartime ‘comfort women.’”

The Kato Statement, therefore, admitted to government and military involvement in the “comfort women” issue. Official documents regarding the management and surveillance of comfort stations include provisions for comfort stations. The investigation revealed that comfort women had no freedom and were forced to work for the soldiers. At the same time, in response to a question if the government found documents indicating forcible recruitment of comfort women, Mr. Kato answered that no such documents were found. Media reported that he denied the forcible carting off of women, which aroused strong criticism of the statement.

2) The government investigation also received criticism from inside and outside Japan as being insufficient. While the South Korean government expressed appreciation for the investigation, it also criticized it as failing to reveal the whole picture. South Korea then called on Japan to continue to strive to discover the truth and stated that it would publish a report on its own investigations.

On July 31, 1992, following interviews of former comfort women, the South Korean government released a report of more than 200 pages and demanded that Japan conduct additional investigations on how comfort women had been recruited.

### **“No documents found confirming forcible recruitment”**

1) Dealing with the situation, the Japanese government launched another investigation not only inside but also outside the country.

The main task of the second investigation was to find official documents that prove that victims had been forced to become comfort women against their will. However, this investigation team also failed to find such documents.

This was indicated in remarks by the then Chief Cabinet Secretary Kono, who said, “No document was found in our investigation that contains an order to forcibly recruit women against their will” (Reference-C)<sup>1</sup>. The then Deputy Chief Cabinet Secretary Nobuo Ishihara, who was in charge of the administrative section of the investigation, said, “Although we collected many documents such as official notes and orders, there were no documents which could prove coercion” (Reference-B).

2) It is only natural that they could not find official documents to prove coercion. As abduction and kidnapping were a clear act of crime under domestic and international laws of that time, the government and military must have avoided written documentation of committing such a crime. Even if they had created such documents, they could have been destroyed with other documents that point to other wartime crimes after Japan lost the war.

Mr. Kono stated, “I doubt if they actually gave an order to forcibly bring women and then require a report stating that the mission was accomplished” (Reference-D). He also said, “I think those in the military did not want to keep documents that show such orders were made. We imagine such documents had been destroyed” (Reference-A).

It is thus completely illogical to insist that Japan had not used coercion to take away women because no documents have been produced.

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<sup>1</sup> References are the following.

Reference-A: Mr. Kono’s interview conducted on November 16, 2006, in “オーラルヒストリー アジア女性基金”, edited by the Asian Women’s Fund.

Reference-B: Mr. Ishihara’s interview conducted on March 7, 2006, in “オーラルヒストリー アジア女性基金”, edited by the Asian Women’s Fund.

Reference-C: Mr. Kono’s speech and Q&A conducted on June 17, 1997, in “歴史教科書への疑問”, edited by 日本の前途と歴史教育を考える若手議員の会.

Reference-D: Mr. Kono’s interview, *The Asahi Shimbun*, March 31, 1997.

## **Interviews of former “comfort women” conducted to verify the use of coercion**

1) While having difficulty in discovering documents, in order to make a final decision on whether women were coerced into working as comfort women, the Japanese government decided to conduct an interview of former comfort women and sent a team to South Korea. The team interviewed 16 former comfort women.

The aim of the interview survey was to look into the claims of comfort women victims regarding the use of coercion by interviewing them although Japanese official documents indicating the use of coercion against women remained undiscovered.

This aim was also explicit in remarks made by Mr. Kono and Mr. Ishihara. Mr. Kono said, “I knew it was important to find written documentation. However, to interview former so-called comfort women in a non-threatening manner appeared to be more effective. That’s why the interviews took place in South Korea” (Reference-A). Mr. Ishihara said that while obtaining no “material evidence in the use of coercion”, the government decided to “make a final conclusion on whether or not the victims were forcibly taken to comfort stations by interviewing them and obtaining detailed information about what happened to them” (Reference-B).

2) As a result of the interviews with the former comfort women, the Japanese government reached the conclusion that women had been forcibly taken to work as comfort women and had been forced to serve at comfort stations. Mr. Kono and Mr. Ishihara, who were in charge of drafting the statement, gave testimonies on their reasons for reaching the conclusion as follows:

Mr. Kono said, “In the taped interviews with the victims, they one after another explained their experiences in detail. Their emotional descriptions were something which can be provided only by the people who themselves suffered great hardships. Considering victims’ experiences, I became aware that their stories have enough credibility when you looked at them from various viewpoints” (Reference-A).

Mr. Ishihara said, “A survey report cited a variety of cases: cases of women who were taken away against their will and through coaxing or coercion; cases of women who were taken to comfort stations through fraudulent job offers; and cases of women who unwillingly became comfort women under pressure or threats from police officers who were ordered to recruit local women. Despite the differences in tactics used, as a general conclusion, there was no doubt that at least some of the 16 victims were forced to serve as comfort women against their will. This was what the interview team reported to me. The prime minister and the chief Cabinet secretary were also there at the briefing. The government, in fact, failed to discover materials such as instructions or orders which proved the use of coercion. However, drawing deductions from the result of the interviews of the 16 victimized women, we formed a judgment that undoubtedly they didn’t make up the stories and that they were forced to become comfort women against their will. With this in mind, the Kono Statement was drafted.” (Reference-B).

Based on these circumstances, in the Kono Statement the government stated that on the Korean Peninsula, women’s “recruitment, transfer, control, etc., were conducted generally against their will, through coaxing, coercion, etc.” and admitted the use of coercion in the process of taking the victims to comfort stations. The statement also pointed out “[in overall situations,] the

recruitment of the comfort women was conducted mainly by private recruiters who acted in response to the request of the military, however, in many cases women were recruited against their own will, through coaxing, coercion, etc., and administrative/military personnel directly took part in the recruitment.”

The drafting process for the Kono Statement was conducted and completed not only by Mr. Kono himself but also under the Cabinet responsibility. The prime minister, the chief Cabinet secretary, the deputy Cabinet secretary and officials of various ministries, such as the Foreign Ministry, the Welfare Ministry, and the Labor Ministry, took part in the process of drafting the statement and collectively examined and refined the draft. Mr. Kono and Mr. Ishihara elaborated on the process.

### **Kono Statement fairly and justly acknowledges use of coercion based on testimonies by former comfort women**

1) Groups calling for a revision of the Kono Statement are casting doubt on the testimonies of former comfort women by arguing that no verification study of the testimonies took place. This argument just shows lack of understanding of the aim of the interview survey.

As I already mentioned, the aim of the interviews was to disclose the realities and the truth of the Japanese military’s “comfort women” system, especially by focusing on whether or not women were coerced into serving as sex slaves.

The nature of the testimonies by comfort women victims was different from those in criminal courts which mainly aim at judging a particular crime. It was also different from those in civil courts which seek to determine facts to provide compensation for damages.

The interview survey of the 16 former comfort women took place with the aim of establishing credibility regarding their claim that they were taken into serving as sex slaves against their will. In this context, the interview survey successfully produced outcomes which contributed to a well documented judgment based on first hand testimonies so that any further verification study became basically unnecessary.

2) Regarding the interview survey, opponents of the Statement have often claimed that there have been no follow-up investigations to verify victims’ stories, that victims’ testimonies include inconsistencies, and that there is doubt regarding credibility. In response to such objections, Mr. Kono already made a series of remarks in 1997 as follows:

“Because it was more than half a century ago, they have lapses of memory about locations and specific details. However, it is hard to believe they would falsify incidents from which they suffered in the severest way as women. When you read victimized women’s testimonies, everyone can easily see that their experience was real” (Reference-D).

“Victims may have made some minor mistakes in their recollection about locations and incidents. However, for the most part of their testimonies, they provided many detailed descriptions which could be possible to relate only by the people who really experienced them” (Reference-C).

“I read all of the victims’ testimonies. I know some argue that victims’ testimonies include

mistakes. However, their testimonies could not have been provided without actually lived experience. I think this should be taken seriously into account.”

“What is clear is that there existed comfort stations and so-called comfort women were used there. This is a fact. And the Japanese military was involved in the transfer of comfort women in various ways. This is also found in various documents.”

“In this context, one thing to consider is the existence of the extremely strong authority possessed by the Japanese military in those days. On the other hand, while hearing testimonies from women who were supposed to be former comfort women, I found many of testimonies represented the reality of victims’ experiences. Looking at these facts, no one can deny the existence of coercion. Everyone has to acknowledge the existence of coercion. That was my conclusion.” (Reference-C)

Despite minor lapses in victimized women’s memories, judging from the testimonies of the 16 victims and related materials in a comprehensive manner, Mr. Kono acknowledged the undeniable fact that under the Japanese military’s comfort women system, victims were forced to become comfort women. That was what Mr. Kono emphasized.

Mr. Kono’s acknowledgment was responsible and logical. The governmental recognition of facts in the Kono Statement was fair and just.

## **The truthfulness of the Kono Statement is verified by history – From the rulings by the Japanese courts**

Another problem with those who attack the Kono Statement is that they just continue to ignore the numerous pieces of evidence uncovered during the past 20 years that support the statement’s truthfulness.

### **The facts determined by the courts of Japan**

The pieces of evidence include victims’ testimonies, records and testimonies from the perpetrators’ side, and official documents of Japan and other countries. Among them, factual findings provided in and confirmed by the Japanese judicial rulings are highly relevant.

There were ten lawsuits filed by former comfort women victims demanding an official apology and compensation from the Japanese Government.

1. The lawsuit filed in 1991 by the Association of Korean Victims of the Asia-Pacific War (the plaintiffs were 9 comfort women and their relatives);
2. The lawsuit filed in 1992 by the Busan Comfort Women and Women’s Labor Corps members (3 plaintiffs);
3. The lawsuit filed in 1993 by 46 Filipino comfort women and their relatives (46 plaintiffs);

4. The lawsuit filed in 1993 by Ms. Song Shin-do, former comfort women and permanent resident in Japan (1 plaintiff);
5. The lawsuit filed in 1994 by Dutch POWs and civilian detainees (1 plaintiff);
6. The lawsuit filed in 1995 by a group of Chinese comfort women (4 plaintiffs);
7. The lawsuit filed in 1996 by a group of Chinese comfort women (2 plaintiffs);
8. The lawsuit filed in 1998 by victims of sexual violence in Shanxi province, China (10 plaintiffs);
9. The lawsuit filed in 1999 by Taiwanese comfort women (9 plaintiffs);
10. The lawsuit filed in 2001 by Hainan Island comfort women (8 plaintiffs).

Note: The number of plaintiffs includes former comfort women victims and their bereaved family members as well as those who succeeded their lawsuits.

The Supreme Court rulings turned down the plaintiffs' demand for compensation in all these cases. However, 8 out of 10 lawsuits (except for the cases brought by the Filipinos and Taiwanese) certified the detailed facts in regard to victimization of the former comfort women.

The facts established in those lawsuits include the Japanese army's involvement in managing the "comfort stations", coercion in recruiting comfort women, and forced labor in the "comfort stations". These findings fully corroborate the Kono Statement. It is of particular importance that the courts in Japan, the country that committed the war of aggression, came up with such findings after carefully examining the evidence. They effectively shatter the false argument made by those who demand a revision of the Kono Statement.

### **The Kono Statement's 5 facts now verified by the courts**

These court rulings made findings on: 1) the background of the incident and; 2) the damages inflicted on each plaintiff.

The background statements provided with the court rulings were fully in agreement with the facts stated in the Kono Statement. The judgment by the Tokyo High Court on July 22, 2003 in the lawsuit filed by Korean victims of the Asia-Pacific war, including former comfort women, states as follows:

"The indisputable facts and evidence presented in this case prove the following facts.

A. The Japanese army started to set up military comfort stations in 1932 when the so-called Shanghai Incident took place. Since then till the end of WWII, it established comfort stations and staffed numerous military wartime comfort women there for a long period of time in extensive areas.

B. Recruitment of the wartime comfort women was at first undertaken by brokers on behalf of managers of the comfort stations at the request of the Japanese military authorities. However, as the war theater expanded, the need arose to recruit an increasing number of comfort women.

Therefore, the brokers often resorted to cajolery, deceit and coercion, to procure would-be comfort women against their will. In some cases, the authorities took part in these efforts.

The largest number of military comfort women who were sent to the war areas were from Korea, if those from Japan are excluded.

C. The former Japanese army issued special travel permits to facilitate the travel of recruiters and the transfer of military comfort women by treating them as civilian employees of the military. The Japanese government issued ID cards to military comfort women.

D. Many of the comfort stations were run by private managers under the sanction of the military. In some areas, the stations were directly managed by the military. While the private owners managed the comfort stations, the military provided facility maintenance, decided on the business hours and fees, and issued precautions for users. Army surgeons supervised their hygienic conditions. Thus, the Japanese military was directly involved with setting up, managing, maintaining, and supervising the comfort stations.

Military comfort women sent to war theaters were always placed under the control of the military and forced to move around with the troops.”

The ruling thus indisputably corroborated almost fully the five facts acknowledged in the Kono Statement.

### **Sufferings of the women confirmed in detail by courts**

The court rulings have confirmed the suffering involved and the development of events in detail on each former comfort woman.

35 women were confirmed as victims of the sex slavery system in the 8 Japanese court rulings. Among them, 10 women were Korean, 24 were Chinese, and one was Dutch. You cannot read through those rulings without feeling the enormity of the pain these women suffered through. They give a detailed list of brutal and tragic facts. What are clearly established in the rulings are the following points.

#### ***1) All 35 women were forced to be “comfort women”***

The 8 court rulings confirmed that all 35 victims were coerced to become “comfort women” against their will. The courts recognized coercion against the women in the playing out of events. The court records indicated 26 women out of the 35 were teenagers when they were forced to be sex slaves.

In the cases of Korean victims, the courts confirmed not only coaxing and deceit against the women but also transportation of the women by force against their will. I would like to share with you four cases from the court rulings by the Tokyo High Court on July 22, 2003 and the Hiroshima High Court on March 29, 2001.

“[A woman] on her way home was approached by a Japanese man and a Korean man on a street near the Busan station [in Korea]. They said, ‘You can get a lot of money if you work in a military uniform factory in Kurashiki’. Then, she was forcibly transported to Rabaul [in Papua

New Guinea] by ship without her consent.”

“[A woman] heard that a Japanese man would introduce her to a good paying job, so she went to meet him, but Japanese and Korean men transported her against her will through Bugang, Kyung-sung [Seoul] and Tianjin [to comfort stations in China].”

“Some Japanese and Korean men came to [a woman] and said, ‘If you work in a Japanese factory, you can get enough money to save for marriage in a year.’ Although she turned down the offer, she was forcefully taken to Rangoon [in Burma]. She was forced to serve in a comfort station there.”

“Some Japanese and Korean young men offered a job to [a woman], saying, ‘You can make easy money.’ She took the offer. Then, she was forcibly transported against her will from Busan to Shanghai by ship and rail. Then, she was put into a small room without windows in a row house, which was divided into roughly 30 rooms and with the signboard reading, ‘Army Troops Comfort Station’”.

When you look at the court cases of Chinese victims, the courts confirmed forcible transportation of women by Japanese military officers that involved violence in each case. I would like to share facts on 4 former “comfort women” established in the ruling by the Tokyo High Court on December 15, 2004.

“[A woman] was abducted by Japanese military officers from her house to a village named Jingui where the Japanese military was stationed and she was confined in a yaodong [a cave house or a house made of bricks or stones].”

“[A woman] was forcibly taken out of her house by three Chinese men and three armed Japanese soldiers. They hit her in the shoulder with their gunstocks and tied her hands behind her back and abducted her. She was transported to the Japanese military post in Jingui village against her will and was confined in a yaodong there.”

“Japanese soldiers assaulted [a woman] and beat her in the left arm with their gunstocks. They tied her hands behind her back and took her to Jingui village. She was under confinement in a private house there.”

“[A woman] was abducted and transported to a Japanese military post at Jingui village by Japanese soldiers. She was interrogated on where her husband was, and got beaten many times. She was kept in custody in a yaodong.”

## ***2) The living conditions in “comfort stations” as sex slaves were indescribable***

Once trapped in “comfort stations”, those women were completely deprived of any freedom. They were forced to have sex daily with many soldiers day after day. Their lives as sex slaves were indescribably tragic. The court rulings established the detailed facts on each of the 35 women. The court rulings also revealed that women in “comfort stations” were exposed to brutal violence in addition to sexual assault.

## ***3) The victims are still suffering from their physical and emotional damages***

The courts confirmed that the sex slave victims had been physically and psychologically abused

severely in “comfort stations” and that they were still suffering from the aftereffects of the abuses. The courts revealed that up until now from the end of World War II, those women have been suffering from infertility, physical disabilities, and severe post-traumatic stress disorder, which all originated from their experiences in “comfort stations”.

These facts were established by the Japanese courts. The Kono Statement acknowledged that the women were forced to become sex slaves against their will through coaxing, coercion etc. and that the Japanese administrative or military personnel directly took part in the recruitment and that the women lived in misery at comfort stations under a coercive atmosphere. The court rulings clearly provide a factual basis for the statement by the series of undeniable facts.

Despite the evidence established by the Japanese courts, do those who want to revise the Kono Statement still insist that there is no ground to talk of coercion of the women to become “comfort women”?

### **Acts against humanity that should be condemned as a state crime**

The Japanese court rulings not only confirmed the fact of abuses but also stated that such abuses and coercion should be condemned as state crimes against humanity as follows:

“Transporting women against their will to comfort stations by coaxing and coercion and forcing them to have sex with Japanese soldiers under direct or indirect involvement by the Japanese Army were extremely inhuman and ugly acts even when you take into account the level of the civilization of mid 20<sup>th</sup> century. The Imperial Japanese government, which called itself a first-class nation, should not have been involved in those acts as a state function.” “The ‘comfort women’ system was a grave violation of human rights and was something comparable to Nazi Germany’s brutal acts. Reluctance to compensate for damages to the victims could lead to additional violations of the human rights.” (The ruling by the Shimonoseki Branch of Yamaguchi District Court on April 27, 1998)

“Rape and other abuses by Japanese soldiers against the plaintiffs were nothing but extremely abnormal and despicable acts even at the time of the Sino-Japanese War. It is easily recognizable that the mental sufferings imposed on the victims were enormous and unbearable as the plaintiffs claim and that the victims were treated contemptibly even by their fellow citizens, irrespective of race or nationality, because of the abuses inflicted on the plaintiffs.” (The ruling by the Tokyo District Court on April 24, 2003)

“Extremely inhuman and ugly acts”, “something comparable to Nazi Germany’s brutal acts”, “extremely abnormal and despicable acts” are the phrases used by the Japanese courts to make harsh condemnation of the sex slavery system and should be taken to heart.

### **Kono Statement becomes even more convincing**

Regarding the significance of these court decisions, former Chief Cabinet Secretary Yohei Kono said as follows:

“Around 1991 or 1992, so-called comfort women came to Japan and filed a series of lawsuits. A great number of arguments concerning the facts were brought forward in court. In 2002, a high

court rejected their demands for compensation. The plaintiffs made a final appeal to the Supreme Court, but their appeal was rejected. So, the high court decision became the final judgment. The high court ruled that Japan has no need to compensate because the period of validity had expired and the issue had already been settled in a bilateral treaty. Therefore, there was no need to compensate specific persons. However, on the other hand, the high court admitted to the suffering and pain that those survivors had to endure as comfort women. The Japanese judiciary acknowledged the suffering and pain as the high court acknowledged it officially. Reading the high court decision, you can see all the testimonies given by the plaintiff comfort women were recorded. So, the survivors' testimonies were legally judged as fact. At the judicial level, I think it has already been settled. In contrast, in the political arena, some people say that's not true. In the academic arena, some people say it's still uncertain. Of course, they are free to speak out from their own perspectives, but the judiciary in Japan has already determined that the findings in the cases are established as fact. So, I believe our interview investigations have a legal guarantee that the testimonies are credible." (Reference-A)

As Mr. Kono said, facts about the Japanese Army's use of comfort women were already judged and settled in courts in Japan. The then Japanese government made a certain decision based on the interview investigations of 16 ex-comfort women, and the court deemed the content of this decision as truth. Thus, Japan's legal judgments affirm the validity of the Kono Statement.

## **Retract government assertion insisting no proof found on forced carting-off of women by administrative/military personnel**

### **Government claim that no description of military involvement in forced recruitment of women was discovered is not the case**

Those who call for a review of the Statement often say that there is no evidence regarding the forcible carting-off of women. Their biggest ground for such an argument is the government's written response to an inquiry given on March 16, 2007 (response to a written inquiry submitted by Ms. Kiyomi Tsujimoto, Lower House member). The response states:

"Among materials that the government obtained before releasing the study results (the Kono Statement was published on August 4, 1993), the government couldn't find any proof that directly indicates the forcible transportation of women by administrative/military personnel."

However, this is not the case.

As I said before, when the Kono Statement was published, none of the official documents found in Japan confirmed acts of coercion used on victims to become comfort women. However, some official documents existed in other countries even at that time, indicating how those women had been forced to become comfort women. The government of Japan must have known of the existence of at least the following two official documents.

## **Dutch women forcibly abducted to become "comfort women" in Semarang incident**

The first are official documents regarding the incident in Semarang in the Dutch East Indies (currently Indonesia), which was put under Japanese occupation during the war. Dutch women at detention camps were forcibly carted off by the Japanese military to become comfort women.

At the post-war tribunal of B- and C-Class war criminals by Holland (the temporary court-martial in Batavia), 7 Japanese Lieutenant Generals, Colonels, and Major Generals, as well as 4 comfort station operators received criminal punishments, including death penalty and 15 years in jail and so on.

The record of the trial was summarized by the Justice Ministry of Japan and was included in a report on the results of the investigation of the "comfort women" issue, which was published at the same time as the release of the Kono Statement (August 4, 1993, Cabinet Councilors' Office on External Affairs).

It contains a description of a former major general who was sentenced to death. It states, while being aware that coercion must have been used to have all or many of the detained women become prostitutes, he failed to supervise his junior soldiers and ignored the fact that the soldiers and civilians committed war crimes by forcing women to have sex with them at comfort stations.

Another former major general who was sentenced to 10 years in prison described that he ignored the war crimes committed by his junior soldiers and civilians who forcibly took women to comfort stations to stay there and forced them to have sex with them.

These descriptions were also included in the Justice Ministry's report on investigations of the "comfort women" issue as part of reports that the government required its ministries to submit in order to prepare the Kono Statement.

On the occasion of the release of the Kono Statement, the government only released the Justice Ministry's summary of the record of the Batavia court martial and did not publicize the original record. But the summary alone is enough to confirm the fact of forcible mobilization.

Furthermore, in September 2013, the original record of 530 pages collected by the Justice Ministry, including indictments and rulings, was released by the National Archives of Japan at the request of civil organizations. It included many documents indicating forcible mobilization of women in detail.

The ruling confirmed as follows: "The Japanese occupation army took away women's freedom, completely subordinated them, and gained responsibilities over their custody and protection. Not only that, the occupation authority abused the unfair relationship of subordination, used violence and threats to torture some women in the most humiliating way, and took them out of the detention camp [to a comfort station]."

This clearly shows forcible abduction of women by military and administrative personnel. The record also included testimonies by Japanese military officials indicating the involvement of the military command on Java Island.

There is no doubt that the Japanese government, prior to the release of the Kono Statement, had

access to these official documents which clearly indicate the forcible mobilization of the women.

### **Tokyo Tribunal ruling cites forcible carting-off of comfort women in Guilin, China**

The second document is the ruling of the Far Eastern Tribunal of War Crimes (the Tokyo Tribunal) regarding the forcible carting off of comfort women in Guilin, in the southern part of China.

The Tokyo Tribunal documents include materials proving that women were forcibly taken away from three nations, China, Indonesia, and Vietnam. Regarding the Guilin case in particular, the ruling includes the following accounts:

“During the period of Japanese occupation of Kweilin [Guilin], they committed all kinds of atrocities such as rape and plunder. They recruited women labor on the pretext of establishing factories. They forced the women thus recruited into prostitution with Japanese troops.”

This description also indicated clearly that the Japanese military forcibly took women away to make them work as comfort women.

Japan accepted the results delivered in the Tokyo Tribunal and other trials for B- and C-class war crimes in the 1952 San Francisco Peace Treaty. Therefore, the government must be familiar with these judicial documents. Moreover, Japan is not in a position to object to the results. This is clear when referring to the Abe government’s written response issued on April 20, 2007. It stated that as Japan accepted the Tokyo Tribunal ruling in accordance with Article 11 of the 1952 Peace Treaty, the nation is not in a position to object to the ruling in relation to other nations.

It is unacceptable for the Japanese government to insist on not being aware of official documents produced in the trials for war crimes which include explicit descriptions on the use of coercion.

### **JCP urges the Government to retract its harmful and dishonest response**

As I mentioned, among materials the Japanese government found or knew of, there were descriptions which directly indicated involvement of the authorities or the military in taking away women by force. This is an undeniable fact.

In addition, after the release of the Kono Statement, in victims’ legal battles in Japan, the courts acknowledged the use of coercion as a matter of fact. Based on this, it is unacceptable for the Abe administration to insist on and repeat the argument in its written response that there was no documentation directly indicating authoritative involvement in coercion.

The written response which the first Abe administration issued on March 16, 2007 has been used as a useful tool by groups calling for a re-examination of the Kono Statement. They are

using it as a tool to twist and hide historical facts. Although the document only states that there is no particular document indicating military coercion of women into sex slavery, the groups have interpreted the wording as denying the use of coercion. This interpretation is used as a prop to deny the coercive nature of the Japanese military's comfort women system entirely.

The JCP strongly demands that the Abe administration retract the March 16<sup>th</sup> written statement which is not based on the facts and is playing a harmful role in further distorting historical facts.

## **Squarely face its own history, acknowledge the abuses sincerely, and learn lessons for the future**

### **Advance of the international guarantee of women's rights and recognition of Japan's wartime sex slavery**

In recent decades, the international commitment to women's rights has greatly advanced. For example, the Rome statute of the International Criminal Court was adopted in 1998. It states that systematic sexual violence against women including rape, sexual slavery, enforced prostitution, forced pregnancy, and enforced sterilization constitutes crimes against humanity, crimes not to be subject to the statute of limitations.

While the international community calls for eliminating such systematic sexual violence and atonement for past crimes of this kind, the Japanese government's attitude has been constantly criticized. The government must fulfill its obligation to respond to international criticism in a positive way.

### **Admit to the existence of the sexual slavery system and refute attempts to deny use of coercion - This is what the world demands**

1) Since 2007, when the first Abe cabinet started encouraging the move to deny the forcible nature of recruiting military comfort women, this has been strongly condemned internationally.

There have been seven resolutions to criticize the attitude of the Japanese government. Those were adopted by the lower houses of the U.S., the Netherlands, and Canada, as well as European Parliament, South Korean National Assembly, the Taiwan legislature, and the Philippine lower house foreign affairs committee. United Nations organizations have published numerous reports and recommendations regarding this issue. The U.N. Human Rights Commission published detailed reports on wartime sexual slavery submitted by special rapporteurs Ms. Coomaraswamy in 1996 and by Ms. Macdougall in 1998. Recommendations were issued to the Japanese Government by the UN Human Rights Council, the Human Rights Committee, the Committee on Economic, Social and Cultural Rights, the Committee on the Elimination of Discrimination against Women, the Committee against Torture, and the International Labor Organization.

2) The U.S. House of Representative resolution adopted in July 2007 states as follows:

“The Government of Japan should formally acknowledge, apologize, and accept historical responsibility in a clear and unequivocal manner for its Imperial Armed Forces’ coercion of young women into sexual slavery, known to the world as comfort women,” and;

“[The Government of Japan] should clearly and publicly refute any claims that the sexual enslavement and trafficking of the comfort women for the Japanese Imperial Armed Forces never occurred.”

3) The European Parliament passed a resolution in December 2007. It states:

“[The European Parliament] calls on the Japanese Government formally to acknowledge, apologize, and accept historical and legal responsibility, in a clear and unequivocal manner, for its Imperial Armed Force’s coercion of young women into sexual slavery, known to the world as ‘comfort women’, during its colonial and wartime occupation of Asia and the Pacific Islands from the 1930s until the end of World War II,” and;

“[The European Parliament] calls on the government of Japan to refute publicly any claims that the subjugation and enslavement of ‘comfort women’ never occurred.”

World opinion clearly demands that the Japanese government admit to the fact that the comfort women system was a system of sexual slavery operated by the government and its military and refute any argument that denies its coercive nature.

The perverted argument being made today to demand a review of the Kono Statement and to deny the coercive nature of the comfort women system may gain currency among a handful of ultra-rightists in Japan. However, such moves add insult to injury and will face harsh criticism from the rest of the world.

## **Those who whitewash history have no future**

The world is now watching Japan closely in regard to this issue.

If the Abe administration does not refute the revisionist demand to review the Kono statement, such a compromising attitude will undermine the credibility of the government in regard to its respect for human rights and human dignity.

Concealing or whitewashing an inconvenient history is the most shameful thing to do. Historical revisionists have no future in a democratic Japan.

The Japanese Communist party demands that the Japanese government acknowledge the facts regarding the “comfort women” system proclaimed in the Kono Statement and clearly and publicly refute any claims to whitewash that ugly history. And we also demand that the government should live up to the “sincere apology and remorse” expressed in the Kono statement. Measures like a fact-finding study, an official apology, direct compensation to the sex slave victims, and the implementation of a history education that can help to prevent such a tragedy from recurring need to be done.

You cannot undo what was done in the past. But you can face squarely historical facts no matter

how unpleasant. Facing directly the truth in the past, acknowledging wrong-doings sincerely, and learning lessons from them for the future could lead Japan to winning the trust and respect of countries in Asia and beyond.

The Japanese Communist Party will continue to work to overcome the reactionary trend in Japan and obtain common acceptance of respect for human rights, social justice, and for a moral conscience to prevail in Japanese politics. We are determined to continue with the struggle to right the wrongs.