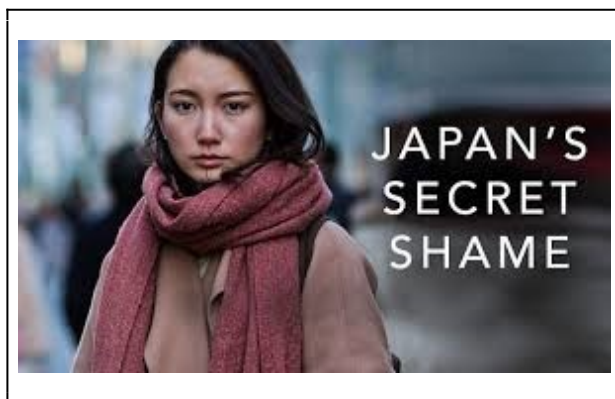


Justice Postponed: Ito Shiori and Rape in Japan

David McNeill

In June 2018, the BBC broadcast a documentary called Japan's Secret Shame, a distressing tale of sexual violence toward women pegged to the experience of Ito Shiori. The documentary, by one of the world's most respected broadcasters, was the climax so far of Ito's struggle to win recognition and justice for rape victims in Japan, but it inadvertently served to highlight how little impact she has made in her home country.



Since braving a room full of journalists to say she was raped by one of their own last year, Ito says she has been largely shunned in the mainstream media in Japan and endured relentless online abuse. Cyber-activists have accused her of being a slut, a North Korean agent, and of setting a honey trap to destroy journalist Yamaguchi Noriyuki or even to unseat Abe Shinzo, the prime minister. She now lives in London after fleeing from what she calls threats on her life. "Some of the messages I was getting really scared me."

The documentary might serve as her riposte, but the response has been predictable, if disturbing. A politician in Abe's Liberal Democratic Party (LDP) appeared to blame Ito for her assault. "There were clear errors on her

part as a woman; drinking that much in front of a man and losing her memory," Sugita Mio told the BBC crew, dismissing Ito's claim that she had been drugged. "With things like this I think men are the ones who suffer significant damage."

Compounding her decision to speak out, Ito incited the nationalist cyber mob by bad-mouthing Japan to the foreign media. The mob singled out - not without justification - the BBC title, which appears to convict a whole nation for her treatment (The Daily Mail, The New York Times and other non-Japanese publications have also covered her story in some detail . . . but not the major Japanese media). Some pointed out that rape statistics are higher in the UK than in Japan, while ignoring the startlingly low number of victims who *report* sexual assault in Japan, their shocking treatment in police stations and the role of powerful prosecutors in ensuring they never see their day in court.

Rage at this injustice, not revenge, politics or hunger for attention was what pushed Ito in front of the cameras last year, she says. Since then, Japan's # Me Too movement briefly flared but failed to take root in the thin topsoil of Japan's civil society. The nation's top finance bureaucrat, Fukuda Junichi, was forced to resign after claims he had harassed a female reporter but his boss, Aso Taro, stayed in his job despite saying, outrageously, that the way to stop harassment of women reporters is to replace them with men. Tellingly, the female reporter who outed Fukuda remains anonymous.

In journalism, Ito's profession, the percentage

of women reporters has nearly doubled to about 20% since 2001 when the Japan Newspaper Publishers and Editors Association began counting. But women occupy just 5.6% of managerial posts in newspapers and wire services (they fare better in broadcasting: 13.7%). How long can they be held down in journalism and other professions?

The Fukuda scandal seems to have opened a great well of anger, frustration - and guilt in Ito's industry. "Many women feel guilty because they haven't fought and a new generation are coming in and they're not able to take it," said one of over 80 journalists who formed the Women in Media Network Japan (WiMN) in May. "We report on these things sometimes but we are unable to confront it in our own industry. We have this mission to become the voice of the voiceless but these women realize they themselves are the voiceless."

The network was formed partly to generate solidarity for victims like Ito (their hashtag is "WithYou") and to "expose harassment and abuse," said one of its leaders, Hayashi Yoshiko. Women reporters were taken aback by the way TV Asahi handled the case, says Nakatsuka Kumiko, president of the *Asahi Shimbun* Workers' Union Osaka branch. The company ignored their reporter's complaint then threatened to reprimand her for recording the conversation without the consent from her source and taking it public (she remains anonymous).

"This involved a corporate journalist," Nakatsuka said, a reference to the bifurcated world of full-time media workers and the vast pool of part-timers and contract workers that prop up the industry. Many full-time female employees began to worry whether their employers would protect them if they faced the same problem, she said. "It felt too close to home."

In the meantime, Ito struggles on. She fled

Japan after finding pictures of herself and her family online but returns to make legal depositions. In September 2017 an inquest panel rejected her petition to overturn the decision by prosecutors to drop charges against Yamaguchi. She has since launched a civil suit in an attempt to air the assault in court. The suit may clear up one of the most puzzling aspects of the affair - the eleventh-hour suspension of Yamaguchi's arrest warrant at Narita Airport. The man in charge of the police investigation, Nakamura Itaru, is a former political secretary to Cabinet Minister Suga Yoshihide. Ito's persistence is startlingly rare but as she said in this interview a year ago, If she runs from her own fight, how can she fight for others?

When Ito Shiori was 10, her mother took her to Tokyo Summerland, an indoor pool. Wearing a new swimsuit, she splashed happily in the water until she was sexually assaulted. "A man came from behind and touched me on every part of my body," she recalls, crying at the memory. Shaking and terrified, she told the grownups, but their response was bewildering. "My friend's mother said it was because I was wearing a bikini."

The emotions forever associated with that incident - powerlessness, fear, humiliation - flared again after a press conference in June this year, where Ito now 28, told fellow reporters she had been raped. She had hoped to trigger a debate about the treatment of victims in Japan. Instead, she says, the response was a flood of hate mail. She was a 'prostitute' who had brought it on herself. Among her sins, it seems, was unbuttoning the top of her blouse during the press conference.

Ito says she awoke in an upscale Tokyo hotel in the small hours of Saturday April 4th, 2015 to find a man lying on top of her, inside her. She pushed him off and fled to the bathroom. Groggy and in pain, she tried to remember where she was. She'd had a night out with the

man in Ebisu during which she believes her alcoholic drink was spiked. One of the last things she recalled was being in a taxi with him where, the driver later confirmed, she pleaded to be dropped off at a train station. The plea was ignored. Video footage from the hotel lobby would later show her being carried through the hotel lobby.

In the bathroom she realized she was naked and had to return for her clothes. "Everywhere was hurting," she says. When she went back to the bedroom, she says the man tried to rape her again. "I had a really rough fight with him and I was hurt. I didn't know how to curse in Japanese so in English, I said, 'What the fuck are you doing?' And he hadn't worn a condom. I asked: 'What did you do to me?' He said, I'm sorry, let's go and get the morning-after pill at the pharmacy...All I could think was, 'I want to go to a safe place and wash myself.'" Yamaguchi said, "let me at least have your underwear as a souvenir." (Yamaguchi denies rape and has given conflicting accounts of what happened, including that they had consensual sex.)

Later, alone at her apartment, she called a rape helpline. The woman on the other end said she would have to come into the office for counseling. Shiori did not have the strength to get up from her bed. A doctor prescribed the morning-after pill, barely looking up from her notes or bothering to ask why she needed it. Friends told her to get on with her life; a nurse said all traces of the drug had already left her body and she would never be able to prove it had been there. It was five days before her mind cleared and she went to the Harajuku Police Station.

"At the reception desk, I asked to talk to a female cop. I talked to her about what had happened. It was really hard. After two hours she said, 'Well, I'm from the traffic department, you need to speak to an investigator.' She retold her entire story to a male police officer

who said she was at the wrong place and needed to file a complaint at the Takanawa Police Station, closer to where the assault occurred. And so, she again found herself explaining the assault to another male officer, who paused sympathetically before telling her to forget about what had occurred. "He said, 'These things happen a lot and there is no way to prove it. Your life will be ruined.'"

One of the first things many Japanese women do while still shivering and bleeding at home is to read online about the experience of others – and deciding it's just not worth pursuing. Even when the police and prosecutors can be persuaded to take up a rape case, the odds against conviction are high. In many cases, the police will try to broker a financial deal between the rapist and victim rather than risk airing their testimony in court. In the most recent high-profile example, actor Takahata Yuta apologized for raping a hotel maid last year but escaped trial when the Maebashi District Public Prosecutors Office in Gunma Prefecture waived prosecution. In 2015, the Tokyo High Court acquitted a man of attacking a 15-year-old girl because it said she hadn't fought hard enough.

Still, Shiori persisted. A sympathetic officer in the Takenawa Police Station was persuaded to watch footage at the Sheraton Miyako Hotel, which proved at the very least that she had not been a willing participant. The taxi driver testified to several unusual details, including Shiori's verbal pleas, and the fact that she had vomited undigested sushi on the taxi floor. The hotel bellman recalled the man struggling for three minutes to get the unconscious Shiori out of the taxi. A DNA sample was collected from her underwear. She endured a humiliating ritual in the careful marshaling of evidence: reenacting the rape using something resembling a crash-test dummy as male officers looked on, taking photographs.

Rape statistics in Japan are among the lowest

in the developed world. ([Source.](#))

Victims of sexual assault in Japan are even less likely to tell the police than elsewhere; fewer than 5% of Japanese women officially report rape. ([Source.](#))

Less than a third even talk about it to friends or relatives, according to a 2014 Cabinet Office survey. Campaigners say the actual numbers of rapes and sexual assault far exceed the roughly 1,300 cases sent to prosecutors per year. ([Source.](#))

Similar problems are reported in China and other parts of Asia. ([Source.](#))

The vast discretionary powers of Japanese prosecutors mean that conviction rates are high - if the decision is made to proceed with a criminal rape case. "The highest hurdles to getting justice...occur in the pre-trial stages," according to a paper by Harriet Gray, School of East Asian Studies, University of Sheffield. Of particular concern, says Yamamoto Jun, a campaigner and herself a victim of sexual assault, are the actions of the police.

Victims often describe their first visit to a police station as traumatic. There are few officers trained to deal with victims. In many cases, the reaction of beat cops is to treat women victims with suspicion. Potentially recoverable DNA evidence is routinely neglected. Shiori's experience of having to announce her assault to a room full of uniformed men is typical, says Yamamoto, as is the advice to forget about what occurred. Many cases conclude with "suspended prosecution," meaning guilt is assumed but the perpetrator is not charged, often in return for financial compensation.

Ito's decision to badger the police into investigating her assault, then to publicize it, is very rare. She says she too might never have said a word but for her budding career as a journalist. If she couldn't face the truth of what

had happened to her, how could she continue? Whatever her attacker did to her, she says, it could never be worse than the psychological damage of running from herself by remaining silent.

Two months after the assault, Takanawa Police Station finally issued an arrest warrant for quasi-rape (where consent is impossible) against Yamaguchi Noriyuki, a former Bureau Chief of Tokyo Broadcasting System (TBS)'s Washington Bureau. On June 8, 2015, investigators waited to serve the warrant on Yamaguchi at Narita Airport. Instead, Shiori says, one of the investigators called her and said he had been ordered to let Yamaguchi go. "Even now, I vividly recollect this call." The investigator said: "He just passed right in front of me, but I received orders from above not to make the arrest. I'm going to have to leave the investigation." The case was transferred to the Tokyo Metropolitan Police. In July 2017, it was dropped by prosecutors at the Tokyo District Court. Ito was offered a financial 'settlement' from Yamaguchi via her lawyer and the police. "I couldn't believe it," she says.

That startling denouement, which the police deny (though they won't discuss it), had the whiff of political conspiracy. Yamaguchi is the author of two soft-focus books about Abe Shinzo, the prime minister, and the men reportedly became close. He had won praise from Abe supporters for reporting on allegations that the South Korean military had operated military brothels across South Vietnam during the Vietnam War, which they saw as a riposte in the long diplomatic battle over Japan's wartime system of brothels in Korea. Now, this star reporter of the nationalist right was himself accused of sexual assault.

The story was largely ignored by the mainstream media but taken up in Japan's weekly tabloid magazines. On May 18, 2017, *Shukan Shincho* published the rape allegations in detail, including comments from Nakamura

Itaru, the senior detective who stated that he had cancelled Yamaguchi's arrest overruling the Takanawa Police Station. The article carried a photo of Yamaguchi and described him as 'bettari' (tight with) Abe. The claims spread rapidly online, fuelling criticisms that the Abe administration was corrupt; that it protected its cronies and smeared its enemies.

As the Diet prepared a rare revision to the legal provisions for rape crimes in May 2017, Shiori decided to go public. Before her press conference at the Ministry of Justice, friends told her to wear a business suit, and to shed a few tears or she 'wouldn't be believed.' "That made me very sad," she said. "If that's the way people see me what chance have I got? This is how I look; I wear jeans and T-shirts. Someone said, 'button your shirt' but I said 'no.' There were 50 journalists in the room, with cameras and lights...I couldn't breathe."

"Becoming a rape victim myself made me realize just how small our voices are, and how difficult it is to have our voices heard in society," she told the reporters. "I know there are countless women who have gone through the same experience. I know that, both in the past and today, many of these women have given up. How many media have published this story? When I saw Mr. Yamaguchi repeatedly broadcasting his side of the story through his powerful connections, I couldn't breathe. Where is the freedom of speech in this country? What are the laws and media trying to protect, and from whom?"

From her perspective, the subsequent media coverage was thin or slanted in favor of discrediting her charges: Most of the big media outlets ignored it; Nippon News Network interviewed the head of the criminal investigation department at Tokyo Metropolitan Police, who said there was insufficient evidence to prosecute. The backlash, however, was excruciating. She was accused of inviting the assault, and of political opportunism. She had

connections to the Democratic Party, some said, which wanted to unseat Abe. Her family name was revealed, despite her pledge to protect her parents from the glare. Broken, she went to the hospital and stayed in bed for four days. "I had a panic attack; I thought I could deal with it but I couldn't." In trying to show women they could talk about rape, she says, crying again, "I instead showed that what happens is this."

Yamaguchi has since been fired by TBS and has largely disappeared from public view. Ito filed a request with Tokyo prosecutors to reinvestigate the case – subsequently rejected¹ She says she has no interest in revenge against the government, or even against the man she says raped her. "Everyone wants to take me to a place where I am fighting against Abe Shinzo; I don't care about him," she says. "I don't even care about Yamaguchi. I do care that the justice system works. The people around me are furious but I don't have that emotion because it is so hard to deal with."

Ito Shiori introducing her book *Black Box* at the Foreign Correspondents Club Japan

The day of our interview at a friend's house, Japan's 1907 sex crime law was amended, mandating longer sentences and allowing for broader definitions of rape, including assaults on men (anal and oral sex). The revisions, welcome though they are, would not have helped Ito, says Yamamoto Jun. "For that to happen, we must change how things are done, and that takes time."

Ito says she will "never forget" her sense of helplessness when told the police had stopped her case. Like the frightened 10-year-old girl at the pool, she had looked for protection that was not there. "Laws do not protect us. The investigation agency has the authority to suppress its own arrest warrants. I want to ask...all people living in Japan. Are we really going to continue to let this happen?"

She now waits for the results of a review by the Committee for the Inquest of Prosecution – she must convince eight of the 11 members to pursue an indictment. “For the past two years,

I often wondered why I was still alive,” she said in May. “The act of rape killed me from the inside. Rape is murder of the soul. Only my body was left, and I was overwhelmed by the feeling that I had become a shell.”

David McNeill is the Japan correspondent for [The Independent](#) and other publications, including [The Irish Times](#), [The Economist](#), and [The Chronicle of Higher Education](#). He covered the nuclear disaster for all three publications, has been to Fukushima ten times since 11 March 2011, and has written the book [Strong in the Rain](#) (with Lucy Birmingham) about the disasters. He is an Asia-Pacific Journal editor.

An earlier article on the case is David McNeill, [Murder of the Soul – Shiori and Rape in Japan](#).

Notes

¹ In May, 2018, Ito applied to host a press conference at the Foreign Correspondents’ Club of Japan, which declined (full disclosure: I am one of 12 journalists who sit on the FCCJ’s Professional Activities Committee, which votes on press events). Letters and emails flooded into the inboxes of FCCJ members, falsely accusing them of buckling to political pressure from the Abe government. Katsumi Takahiro, a secretary to a senator with the Democratic Party, sent an [open letter](#) demanding to know why Ito’s request had been turned down.