

Murder of the Soul - Shiori and Rape in Japan

David McNeill

When 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.”



Shiori (right)

The emotions forever associated with that incident – powerlessness, fear, humiliation – flared again after a press conference in June this year, where Shiori, (she wants her last name concealed) 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.

Shiori 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. The last thing she recalled was using the bathroom in a sushi restaurant.

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. He said: ‘I have your underwear as a souvenir.’ 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. Then he starts saying, ‘Oh, I like you. I’m going to take you to the States. You always look so strong but now you look almost like a kid.’ He completely changed his tone and I was so confused. All I could think was, ‘I want to go

to a safe place and wash myself.”

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 his 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, they 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 because 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. 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. 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.

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 as suspicious. 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 what occurred. Many cases conclude with "suspended prosecution," meaning guilt is assumed but the perpetrator is not charged, often in return for financial compensation.

Shiori'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.

Two months after the assault, an arrest warrant was issued for quasi-rape (where consent is impossible) against Yamaguchi Noriyuki, then the Bureau Chief of Tokyo Broadcasting System (TBS)'s Washington Bureau. On June 8, 2015, investigators waited to serve the warrant to 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 have a vivid recollections of 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 last year, it was dropped by prosecutors at the Tokyo District Court. Shiori was offered a '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 had cancelled Yamaguchi's arrest overruling the Takenawa 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 remote and 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 this year, 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, leaving them hurt and crushed. 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: 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 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, who denies rape, has since been fired by TBS and has largely disappeared from public view. Shiori has filed a request with Tokyo prosecutors to reinvestigate the case.¹ She says she has no interest in revenge against the government, or even 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,” 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.”

The day of our interview at a friend’s house, the 1907 sex crime law was amended, mandating tougher sentences and allowing for broader definitions of rape, including assaults on men. The revisions, welcome though they are, would not have helped Shiori, says Yamamoto. “For that to happen, we must change how things are done, and that takes time.”

Shiori 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.”

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David McNeill is the Japan correspondent for The Independent (http://www.independent.co.uk/) and other publications, including The Irish Times (http://www.irishtimes.com/), The Economist (http://www.economist.com/) and The Chronicle of Higher Education (http://chronicle.com/section/Home/5). 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 (http://amzn.com/0230341861/?tag=theasipacjo0b-20) (with Lucy Birmingham) about the disasters. He is an Asia-Pacific Journal editor.

Notes

¹ In May, Shiori 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 former aide to a DPJ senator with the Democratic Party, sent an open letter (https://tkatsumi06j.tumblr.com/post/162152368841/fighttogetherwithshiori-open-letter-to-fccj-apan) demanding to know why Shiori's request had been turned down.