

# Disputed Bones: Japan, North Korea and the 'Nature' Controversy

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by Gavan McCormack

On 14 April, the 61st session of the United Nations Human Rights Commission meeting, adopted a resolution drafted and submitted jointly by Japan and the EU on the situation of Human Rights in the Democratic People's Republic of Korea (North Korea). It called on North Korea to immediately return Japanese abductees and on the UN General Assembly to take up the question of North Korean human rights violations in general.[1]

The No 1 abductee whose return is sought by Japan is Yokota Megumi, abducted from the Japan Sea coast in Niigata prefecture on 15 November 1977, when the 13-year old schoolgirl was returning home from a badminton match. She would be, if indeed still alive today, a woman in her early 40s.[2]

In 2002, when Japanese Prime Minister Koizumi Junichiro made his dramatic day-trip to meet with North Korean leader Kim Jong Il and try to normalize relations between the two countries, North Korea admitted and apologized for this (and other abductions), explaining that during the two and half decades since the event, the girl had married a local Korean, Kim Chol Jun, in 1986, given birth to a daughter the following year, but suffered

depression and had committed suicide while undergoing hospital treatment in March 1993.[3] In 2004, Two years later, at a subsequent meeting between the two sides and after further investigations, North Korea revised the date of Megumi's death first to March, then to April 1994. When the Japanese side demanded evidence of her death, her supposed husband, Kim Chol Jun, handed over ash and bone fragments. He said he had kept her body buried in his garden for two years, then dug it up and cremated it, keeping the remains in his own possession.

In Japan, the National Research Institute of Police Science declared that it could not extract any DNA from the samples it received, but at Teikyo University, a private university said to have a high reputation in the field of mitochondrial DNA analysis, the medical department succeeded where the Police Institute had failed. The government concluded from the Teikyo study that the remains were not those of Megumi (whose family had kept her umbilical cord) but of two unrelated people. It insisted that there was "absolutely no evidence" to support North Korea's claim that Megumi (and seven others) had died. Therefore, since there was the "possibility of them being still alive," it demanded their return.[4] Megumi's parents became the central figures in a burgeoning national movement demanding that Koizumi's government impose sanctions or other forms of retaliation against North Korea. For many, nothing short of the end of the Kim Jong Il regime would suffice.

North Korea reacted with anger to the outcome

of the Japanese investigation. Its formal response, on 24 January, took the form of a North Korean Central News Agency "Memorandum." [5] It insisted its explanations had been truthful, and suggested Japan's government must have rigged the tests, using other bones. It stressed the fact that the Japanese Police Institute and Teikyo University analyses had come to different conclusions and argued that it was unscientific and improper to place absolute weight on one conclusion only. It was "common sense" that DNA material could not be extracted from human remains cremated, as according to North Korean custom, at 1200 degrees centigrade. North Korea also protested against the refusal of the Japanese side to acknowledge its sincere effort to resolve the abduction problem. No sooner had the Japanese delegation returned from North Korea in November 2004, it protested, than "some politicians" were calling for economic sanctions. It denounced the Japanese side for breaking the promise, made in a statement signed by the head of the Japanese delegation at the time when the bones were handed over, to the effect that "[w]e promise to hand these remains directly to Yokota Megumi's parents, and not to publish the matter." It concluded by dismissing the outcome of the analysis as "a fabrication by corrupt elements," saying that "[n]ot only has Japan gone to the lengths of fabricating the results of an analysis of human bones and refused to concede that the abduction problem has been settled, but it also completely denies our sincerity and effort. It is they who have pushed North Korea-Japan relations to this worst-ever pitch of confrontation."

It goes without saying that North Korean statements have little credibility in Japan. In the dispute over the technical, scientific matter of mitochondrial DNA analysis, the Japanese government's pronouncements were taken, at least initially, as definitive. It was assumed, not only in Japan but around the world, that North Korea's deception had been exposed because

Japan's level of technology was above anything North Korea could imagine.

Observers in Japan and elsewhere also noted that North Korea's story had little credibility because its account of the abductions had been full of inconsistencies from the start. The alteration of the date of Megumi's death, confusion over the hospital at which she had been receiving treatment, the inherently improbable story that she had been strolling in the hospital grounds with a doctor when she escaped his attention and hanged herself from a pine tree, [6] using a rope she had made out of her clothing, beggared belief. There had also been major discrepancies in the accounts of the fate of other abductees, who were said to have died in strange traffic accidents (in a country with little traffic), or of heart attacks or liver failures (when young and apparently healthy) or from poisoning by a defective gas heater. In two other cases, apart from Megumi's, in both 2002 and 2004 North Korea provided remains that it said were "probably" those of a man abducted from Europe in 1980 (Matsuki Kaoru) who is supposed to have died, with his wife and one child, in 1988, but on both occasions DNA tests showed, apparently conclusively, that the remains were unrelated.

It was hard in Japan to believe North Korea's account that the remains of all the deceased abductees had been lost in the floods, dam bursts and landslides of the mid-1990s. Furthermore, the scraps of evidence relating to Megumi that the "sincere reinvestigation" promised by Kim Jong Il turned up late in 2004 -- hospital records, traffic accident records, doctors' accounts -- all seemed to the Japanese implausible. The North Korean attempt to explain the lacunae in terms of being hampered by the "special agencies of state" originally responsible for the abductions, which were said to have burned all relevant documents, carried little water. It was indisputable that the 1990s had been a decade of acute social and economic crisis in North Korea, in which

hundreds of thousands had died of famine or in extremely straitened circumstances and much of the country had indeed been devastated by floods and landslides, yet the Japanese authorities still insisted on verifiable material evidence.

Japan's government therefore denounced North Korea's 2004 "reinvestigation" as unsatisfactory and "extremely insincere." Since Pyongyang persisted in denying knowledge of other Japanese strongly suspected to have been abducted, and since its explanations of the fate of those it admitted to abducting were implausible, the conviction grew in Japan that the victims were not dead at all but were being held, involuntarily, perhaps because they knew too much. Kim Chol Jun, who was described in 2002 as an employee of a trading company, himself transmogrified by 2004 into a member of a "special agency of state," the very group responsible (according to Kim Jong Il's 2002 explanation) for the abductions in the first place. According to several of the abductees who returned to Japan in 2002, his real name was actually Kim Yon Su, and he had been separated from Megumi for around one year before her supposed death.[7] If that were so, the story of his having buried, exhumed, cremated, and then retained her remains, became even more unlikely. Megumi's case became central. Shocked by the seemingly irrefutable evidence of a North Korean attempt to deceive Japan, and with no shadow of doubt over the outcome of the DNA tests in the Megumi case, the Japanese government, under a rising wave of angry public and media pressure, suspended the humanitarian aid that Koizumi had promised in May 2004 and turned its attention seriously towards punitive economic sanctions.

However, while North Korea's protestations were dismissed in Japan, they gained some support from an unexpected quarter. An article in the 3 February 2005 issue of the prestigious international scientific journal, *Nature*,

revealed that the DNA analysis on Megumi's remains had been performed by a member of the medical department of Teikyo University, Yoshii Tomio.[8] Yoshii, it later transpired, was a relatively junior faculty member, of lecturer status, in a forensic department that had neither a professor nor even an assistant professor.[9] Remarkably, he said that he had no previous experience in the analysis of cremated specimens, described his tests as inconclusive and remarked that such samples were very easily contaminated by anyone coming in contact with them, like "stiff sponges that can absorb anything." In other words, the man who had actually conducted the Japanese analysis pronounced it anything but definitive. The five tiny samples he had been given to work on (the largest of them 1.5 grams) had anyway been used up in his laboratory, so independent verification was thereafter impossible. It seemed likely as a result that nobody could ever know for sure what Pyongyang's package had contained.

When the Japanese government's chief cabinet secretary, Hosoda Hiroyuki, referred to this article as inadequate and a misrepresentation of the government-commissioned analysis, *Nature* responded, in a highly unusual editorial (17 March), saying that:

"Japan is right to doubt North Korea's every statement. But its interpretation of the DNA tests has crossed the boundary of science's freedom from political interference. *Nature's* interview with the scientist who carried out the tests raised the possibility that the remains were merely contaminated, making the DNA tests inconclusive. This suggestion is uncomfortable for a Japanese government that wants to have North Korea seen as unambiguously fraudulent. ...

The inescapable fact is that the bones may have been contaminated. ... It is also entirely possible that North Korea is lying. But the DNA tests that Japan is counting on won't resolve

the issue. The problem is not in the science but in the fact that the government is meddling in scientific matters at all. Science runs on the premise that experiments, and all the uncertainty involved in them, should be open for scrutiny. Arguments made by other Japanese scientists that the tests should have been carried out by a larger team are convincing. Why did Japan entrust them to one scientist working alone, one who no longer seems to be free to talk about them?

Japan's policy seems a desperate effort to make up for what has been a diplomatic failure ... Part of the burden for Japan's political and diplomatic failure is being shifted to a scientist for doing his job -- deriving conclusions from experiments and presenting reasonable doubts about them. But the friction between North Korea and Japan will not be decided by a DNA test. Likewise, the interpretation of DNA test results cannot be decided by the government of either country. Dealing with North Korea is no fun, but it doesn't justify breaking the rules of separation between science and politics."<sup>[10]</sup>

Apart from a brief reference in one weekly journal, no word of this extraordinary exchange penetrated into the Japanese mass media. Three weeks after it, the Foreign Minister told the Diet, in answer to a question, that he knew nothing about the Nature article.<sup>[11]</sup> Meanwhile, anger at North Korea mounted and preparations went ahead for what was expected to be the largest-yet protest meeting scheduled to be held in Tokyo, on 24 April. As for Mr Yoshii, one week after the Nature editorial he left Teikyo hospital, promoted from lowly university lecturer to the prestigious position of head of the forensic medical department of the Tokyo metropolitan police department. Nature reported, in its third discussion of the case (7 April), that it had been told Yoshii was therefore not available for media comment.<sup>[12]</sup> The suggestion, in a parliamentary question on 30 March, that this smacked of government complicity in "hiding a

witness" drew outrage and the comment from the Minister of Foreign Affairs that it was "extremely regrettable" for such aspersions to be cast on Japan's scientific integrity.<sup>[13]</sup>

Beyond the immediate parties to the dispute, South Korean forensic scientists also expressed skepticism about the Japanese findings, on grounds of the low possibility of DNA material surviving cremation and the high probability of contamination,<sup>[14]</sup> and Time magazine (4 April) reported that the technique that Yoshii had used, known as "nested PCR," was one that professional forensic laboratories in the US avoided because of the risk of contamination.<sup>[15]</sup> Early in April, the head of the Japan section of the North Korean Foreign Ministry told a visiting group of Japanese academics that Japan must return the Megumi remains, which would then be submitted for analysis to some independent institution.<sup>[16]</sup>

The stalemate in Japan-North Korea relations continued. Japan pressed ahead towards sanctions, even though such a course was not favored by any of the other parties, including the US, to the Beijing "Six-Sided" conference on North Korean nuclear questions, and towards further isolating and pressuring the Pyongyang regime. However, its refusal to address the issues raised in the international media, especially in the journal of the international scientific community, undermined its case. It can be assumed that, in pressing the UN Human Rights Commission to adopt the resolution calling on North Korea to return the abductees, including Megumi, Japan did not feel any need to draw the Nature critique to the attention of delegates.

While it may be true that North Korea "routinely and egregiously violates nearly all international human rights standards,"<sup>[17]</sup> that does not diminish the requirement for scrupulousness on the part of the Japanese government in presenting its case. The Japanese government presumably thought its

claim to the moral high ground in a dispute with North Korea would go unchallenged, yet the bureaucratically controlled, peer-supervised, analysis, by a single researcher without experience in work on cremated remains, whose findings could not be confirmed and who was promptly removed from public accountability when doubts were raised about his work, served to complicate the issue and to give comfort rather than to undermine the regime in North Korea.

[1] "Statement by the Press Secretary/Director-General for Press and Public Relations, Ministry of Foreign Affairs, on the adoption of the resolution on the situation of human rights in the Democratic People's Republic of Korea at the U.N. Commission on Human Rights," 15 April 2005.

[2] For general details on the abductions, Gavan McCormack, *Target North Korea: Pushing North Korea to the Brink of Nuclear Catastrophe*, New York Nation Books, 2004, chapter 6, and Gavan McCormack and Wada Haruki, "Forever Stepping Back: The Strange Record of 15 Years of Negotiations between Japan and North Korea," forthcoming in a volume edited by John Feffer.

[3] For details of the abductions and the various statements by the two governments, see, for the Japanese side, the Japanese government's Ministry of Foreign Affairs website and for the North Korean side, statements as reported in the Japanese media.

[4] Japanese government statement of 24 December 2004.

[5] "Biboroku," *Asahi shimbun*, 28 January 2005.

[6] Japanese officials, shown the tree in November 2004, estimated that its trunk was a

mere 10 centimeters in diameter, a circumstance that deepened their doubt about the suicide story. ("Rachi higaisha seizon no kanosei," *Asahi shimbun*, 3 April 2005.)

[7] NHK television, 27 March 2005.

[8] David Cyranoski, "DNA is burning issue as Japan and Korea clash over kidnaps," *Nature*, Vol. 433, 3 February 2005, p. 445.

[9] "Netsuzo wa, kiji ka kantei kekka ka," *Shukan gendai*, 19 March 2005.

[10] "Politics versus reality," *Nature*, Vol. 434, 17 March 2005, p. 257.

[11] Machimura Nobutaka, Foreign Minister, in response to question in the House of Representatives' Foreign Affairs Committee, 23 February 2005.

[12] "David Cyranoski, "Geneticist's new post could stop him testifying about DNA tests," *Nature*, Vol. 434, 7 April 2005, p. 685.

[13] Machimura, in response to question in the House of Representatives, 30 March 2005.

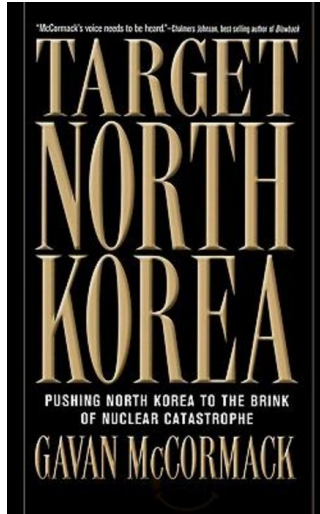
[14] "'Nicho ikotsu kantei kobo' senmonka kenkai," *Seoul, Yonhap*, 25 January 2005.

[15] Donald Macintyre, "Bones of Contention," *Time*, 4 April 2005, Vol. 165, No. 13.

[16] "'Nihon gaimusho to awanu' meigen," *Asahi shimbun*, 3 April 2005.

[17] "North Korea: Human Rights Concerns for the 61st Session of the U.N. Human Rights Commission," *New York, Human Rights Watch*, 4 April 2005.

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