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**Act violating the International Covenant on Civil and Political Rights (CCPR)
Article 20 on the part of the Japanese Government regarding the “Nanjing
Incident” being used as a tool of war propaganda**

**I. Relevant Article of the International Covenant on Civil and Political Rights
(CCPR)**

The Article 20

- 1) Any propaganda for war shall be prohibited by law.
- 2) Any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law.

**II. The issue in question: The “Nanjing Incident”—hatred toward Japan and
propaganda for war**

Regarding the “Nanjing Incident,” which allegedly occurred in Nanjing, China in 1937, the Japanese Government’s extremely ambiguous account of the Incident led

to combined responses among neighboring countries, particularly in China, where all available media, such as films, TV dramas, news, the Internet and books, were used to continuously agitate the Chinese people to hold hostility and hatred toward Japan and the Japanese.

China has several hundred missiles aimed at Japan. According to a statement by the Ministry of Defense of Japan on April 9, 2020, of all scrambles against foreign aircraft for the fiscal 2019 (from April 1, 2019 to March 31, 2020) by Japan Air Defense Force (JASDF), 675 were against the Chinese People's Liberation Army Air Force (PLAAF) and the Chinese People's Liberation Army Naval Air Force (PLANAF).

To imbue the Chinese people with hostility and hatred toward Japan is nothing more than Chinese war propaganda, and this poses a serious threat to the safety of the Japanese people.

As a specific example of the Japanese Government's ambiguous dealing with the issue, the Ministry of Foreign Affairs posed the following message on its Web Page under the title "History Issues Q & A": Q6: "What is the view of the Government of Japan on the incident known as the "Nanjing Incident"? Answer: "The Government of Japan believes that it cannot be denied that following the entrance of the Japanese Army into Nanjing in 1937, the killing of a large number of noncombatants, looting and other acts occurred. However, there are numerous theories as to the actual number of victims, and the Government of Japan believes it is difficult to determine which the correct number is." This, as the official statement of the Japanese Government, is extremely ambiguous and equivocal.

Such an equivocal and ambiguous account, without an ounce of effort to find out the truth has led to assertions that the "Nanjing Incident" occurred without evidence based on historical fact to back up these assertions. As a result of false assertions and slander, war propaganda has arisen, which is prohibited by the International Covenant on Civil and Political Rights Article 20, Paragraph (1) and caused hostility and hatred toward Japan and grave violation of human rights as prohibited by the Paragraph (2).

Therefore, regarding the Nanjing Incident, the Japanese Government must clearly

define the term “massacre” and state whether “massacre” took place or not.

III. Background: Omission on the part of the Japanese Government and the Ministry of Foreign Affairs

1. The present circumstance of the Ministry of Foreign Affairs

The Foreign Ministry’s Web Page currently explains “The Nanjing Incident” in a Q & A format, such as Q6: What is the view of the Government of Japan on the incident known as the “Nanjing Incident”? This question was written as: “What is the view of the Government of Japan on the incident known as the “Nanjing *Massacre*”? It appears that the Government held that the Nanjing "Massacre" as true, as the question indicated, before it was changed on April 6, 2018.

In either case, the Government explanation as observed is far from sufficient, lacking a clear definition of “massacre” and that the number of victims is entirely unclear. We must state that the Foreign Ministry of Japan, its official task is to protect Japan’s honor and prestige through sound diplomatic efforts, has not at all carried out its official role.

2. The definition of the “Nanjing Incident”

We need to delete “unlawful killing and looting of noncombatants committed by a small number of unscrupulous soldiers” from the definition of "massacre", which really means "to slaughter in large numbers". Wrongdoing will occur in any battlefield and we cannot decisively conclude at the moment that such deplorable acts did not occur during the siege of Nanjing. But this much we can state for certainty: Such deplorable acts were not recognized as acts organized by the Japanese Army and the Japanese Army considered such acts subject to military punishment. Therefore, incidents such as killing and looting cannot have occurred in a grand and organized manner.

In fact, during the fighting, enemy soldiers and some noncombatants were killed. However, unless the attackers intends to kill noncombatants, collateral deaths should be considered "lawful", and these would not be categorized as “massacred”.

In gist, “massacre” specifically means a great slaughter, of illegal killing of noncombatants and those who became prisoners of war. A "massacre" refers to killing

in large numbers.

Even with this definition, there remains uncertainty as to what exactly is "large numbers". In the Foreign Ministry's Web Page, they stated that "the killing of a large number of noncombatants, looting and other acts occurred," without any proper definitions, and the actual number of victims is left utterly ambiguous. This ambiguity is the root of overseas criticism of the "Nanjing Incident," which is not based on historical fact. The Nanjing Incident gave birth to war propaganda, which is prohibited by the International Covenant on Civil and Political Rights Article 20, Paragraph (1), causing serious violation of human rights of the Japanese people. Thereupon, the Government of Japan must clearly define what is a "massacre" and clarify whether a "massacre" in fact occurred or not.

Some have stated that a "Nanjing Incident" occurred, based on extremely meager evidence given at the International Military Tribunal for the Far East or the Tokyo Trials, held in Japan after World War II. This triggered the development of using the "Nanjing Incident" as propaganda tool, primarily by China, to incite hatred toward Japan.

3. The responsibility of the Foreign Ministry of Japan

In the afore-mentioned Foreign Ministry Web Page, the "victims" of the Nanking Incident are restricted to noncombatants. Even with actual prisoners of war added to the number of "victims", this does not support the allegation that the Japanese Army systematically committed an unlawful massacre or allowed one to occur. This is a fact that has been demonstrated through the research of Japanese historical science societies. However, China had materials related to the "Nanjing Incident" inscribed to the UNESCO Memory of the World in 2015. However, these materials cannot be considered evidence that a "massacre" took place—in fact, these materials are easily refuted, such that a "massacre" did not occur. The Chinese Government has failed to submit historical materials that directly supports that a "massacre" occurred. In fact, a "massacre" never occurred, and it follows that there was never any evidence to prove that it ever occurred in the first place. Nevertheless, the Chinese Government insists on its "massacre" and forcibly inscribed its submitted materials as World Heritage all because the Japanese Government and Ministry of Foreign Affairs, as stated in its Webpage, that a "massacre" occurred and leaving the very definition of a "massacre" vague.

IV. Requested CCPR recommendation

As we have stated so far, we would like the CCPR to make the following recommendations to the Japanese Government.

The Japanese Government must

- 1) Clarify the definition of “massacre” regarding the “Nanjing Incident,”
- 2) Present evidence to prove that the “Nanjing Incident” occurred,
- 3) Request the Chinese Government, which insists that a “Nanjing Incident” occurred, to present direct, supportive evidence.

Reference literature:

‘Great Sin Committed by the Foreign Ministry for Admitting to “Massacre” even Xi Jinping would not believe in,’ by Ara Kenichi, *Seiron*, December 2015.