

Japan: alarm over state secrets bill

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Authors, experts sound alarm over state secrets bill

The bill on the protection of national secrets has moved closer to being passed in the House of Representatives. Though the ruling and opposition parties continue to discuss amendments to the bill, its core remains unchanged. Yet experts familiar with the handling of official documents and authors who have come face to face with state secrets in the past continue to express reservations about the legislation, saying the government's proposal is fraught with unsolved problems.

Article 3 of the bill states, "The chief of an administrative agency shall designate any item deemed especially necessary to be kept secret as a special secret."

On Nov. 12, author Reiko Yukawa and seven other critics voiced opposition to the bill in a joint statement.

"We are told, 'What is secret will also be a secret,' and the government could expand the scope of secrets at its own discretion without limit. The bill also poses the danger of women's and citizens movements becoming subject to a dragnet of surveillance," the message said.

On Nov. 19, about 70 women supporting the statement assembled in Tokyo's Yurakucho and called for the bill to be scrapped. Yuri Horie, chair of the Japan Federation of Women's Organizations, warned, "A person could be arrested without ever knowing what the secret was."

It is feared that when a case is formed against someone for leaking a secret, their arrest warrant may not even state what secret they leaked.

"The mere fact that negotiations on adjustments to the bill are held behind closed doors is a problem," Horie said.

A clause in Article 4 of the bill states that when there is no longer a need for secrecy, documents are to be quickly declassified. However, skepticism lingers.

Hisae Sawachi, an 83-year-old author who penned the book "Mitsuyaku" (Secret pact), continues to follow the secret agreement between Japan and the U.S. on the 1972 reversion of Okinawa under which Japan was to shoulder the 4 million dollars required to return U.S. military land to its original state — a cost that the U.S. was supposed to pay.

Sawachi is one of the plaintiffs in an ongoing case calling on the Japanese government to release

documents on the secret pact, and she has analyzed over 4,500 pages relating to negotiations. She submitted a report as evidence in the case to the Tokyo High Court.

"The documents released by the Ministry of Foreign Affairs sometimes had a table of contents but no main text, and documents relating to the secret accord were missing," Sawachi said. "There was nothing that would inconvenience the government." They may say that documents on specified secrets are released 'in principle' after 30 years have passed, but I know from experience how the state handles documents once they've been made secret. "She fears that the government could arbitrarily apply the legislation." We have to stop the enactment of a bill that we know is going to be abused by the government," Sawachi said. "But even if it is passed and I were to be jailed for five or 10 years, I want to continue pursuing secrets."

Clause 3 in Article 4 of the bill states that Cabinet approval must be obtained to extend the designation of secrets beyond 30 years. However, the bill does not mention how secrets would be handled if their classification period were extended beyond 30 years.

On Nov. 15 the Japan Society for Archival Science, which represents about 500 people including researchers and experts involved in managing public documents, released a statement in the name of President Minoru Takashi expressing concern about the bill.

"It could end up closing the path to verification of history," part of the statement read.

Deputy president Masahito Ando, a professor at Gakushuin University, said, "We need to establish a system under which classification of documents with a low level of secrecy is removed after five or 10 years, in an immediate and complete manner."

Ando sees a problem with the public not being told what has been designated as secret. He says that the government should provide a list of classified documents along with the reason for their designation as national secrets, and the time when the information will be declassified. He fears that it could become easy for the scope of secrets to expand with electronic information, resulting in data unnecessarily being designated as secret.

On Nov. 9, five groups representing atomic bomb survivors in Nagasaki sent a statement to Prime Minister Shinzo Abe expressing opposition to the bill. They said that with investigative powers of the Diet limited, administrative heads could use the secrets system arbitrarily.

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<http://mainichi.jp/english/english/newsselect/news/20131120p2a00m0na025000c.html>

Secrecy law draws opposition from journalists, scholars

TOKYO (Kyodo) — Opposition to controversial legislation to enable the government to classify information related to defense, diplomacy and anti-terrorism operations is spreading among professionals in a variety of fields, such as journalists, members of civic groups and academics.

Opinions and requests have been presented to the government from these fields as well as by the Fukushima prefectural assembly, many of whose members have grown suspicious about the central

government's information disclosure after the Fukushima nuclear meltdowns.

The law, if enacted, could discourage civic activities and information disclosure. A total of 102 nongovernmental groups active in international cooperation and a nonprofit group campaigning for information disclosure have also expressed opposition.

The signatures of more than 1,900 historians have been collected for a petition, while members of the media held a rally Wednesday urging lawmakers to scrap the bill.

At the rally in Tokyo's Chiyoda Ward, journalists adopted a statement addressed to Masako Mori, the state minister in charge of the secrecy bill, harshly criticizing the proposed legislation, now being deliberated in parliament.

Participants included writer Hisae Sawachi, journalist Shoko Egawa, critic Makoto Sataka, and journalist Shuntaro Torigoe.

"There is a strong likelihood that bureaucrats will create secrets in an extremely arbitrary manner, and there is no mechanism at all for checking," said Soichiro Tahara, one of the journalists.

Actor Bunta Sugawara also participated in the rally as a supporter. "I believe this is the first time since World War II that legislation like this has come out. I came here because I believe every citizen must really think about the issue," he said.

The Foreign Correspondents' Club of Japan also issued a statement urging lawmakers to scrap the bill or significantly revise it. Its president, Lucy Birmingham, said that while the club generally takes a neutral position on controversial issues, it cannot do so when freedom of the press is at stake.

The Fukushima prefectural assembly unanimously adopted an opinion asking the prime minister and speakers of both legislative chambers to approach the matter cautiously.

Five organizations representing Nagasaki atomic-bomb survivors also addressed a statement to the prime minister.

"(Before the war), the state controlled all information and citizens did not have their right to know. Is this country going back to that time?" it said.

A group of historians said in a statement, "We have strong fear that research to explore the truth in history may be disrupted." The over 1,900 signatories in support of the statement consisting mainly of high school and university teaching staff.

Yutaka Yoshida, a Hitotsubashi University graduate school professor who heads the Japanese Association for Contemporary Historical Studies, said he is concerned whether the government will release classified documents as part of the public archive after they are declassified.

"There is a possibility that official documents will be discarded secretly, and historically important materials will be buried in the dark," he said.

Researchers of media and constitutional law, as well as of criminal law, also issued a statement opposing the bill.

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<http://mainichi.jp/english/english/newsselect/news/20131121p2g00m0dm029000c.html>

Journalists hold rally to protest against gov't-sponsored state secrets protection bill

Journalists gathered in central Tokyo on Nov. 20 to protest against highly-controversial government-sponsored legislation designed to give special secrecy designation to certain government information as well as impose stiff penalties on those who leak it, saying that the bill should be killed as it could infringe on the public's right to know.

The rally was held in the Nagatacho district, home to the Diet building and key government offices including the prime minister's office. The journalists from various media organizations such as television, newspapers, magazines and online news outlets said, "It is an extremely dangerous bill which could gravely infringe on the people's right to know." Among the journalists were Shuntaro Torigoe and Shigetada Kishii.

At the outset of the rally, Soichiro Tahara said, "The definition of what will be designated as secrets is not clear, and bureaucrats will make secrets extremely arbitrarily after all." Touching on the fact that conspiring, and solicitation and agitation to obtain information are regarded as "extremely unjustifiable news gathering" and subject to punishments under the legislation, Tahara said journalists will be forced to avoid approaching news gathering subjects and reporting the truth. "There is also a problem in that the people are not taking an interest in the bill as they think 'it will only get the mass media into trouble.'"

Actor Bunta Sugawara said, "I had never thought such legislation would emerge. There were many things that are unthinkable (today) that happened during the war." He went on to say, "Apart from the mass media, the general public must not become more unhappy."

The journalists approved a petition calling on the Diet to scrap the bill before Torigoe and other journalists submitted it to the Cabinet Office.

Meanwhile, London-based PEN International, which consists of "PEN Centers" in 102 countries, issued a statement signed by its president, John Ralston Saul, on Nov. 20. The statement on the legislation says, "It seems to be about politicians and employees of the state hiding behind an inflated idea of secrecy and an obsession with security verging on the hysterical, all in order to gather more power for themselves by undermining the rights of citizens to information and to free speech."

It is the first time for PEN International to have issued a statement on issues related to Japan since the end of World War II. Takeaki Hori, a board member of PEN International, said at a news conference at the Japan P.E.N. Club in Tokyo's Chuo Ward, "The international community was surprised at the fact that such legislation had emerged."

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<http://mainichi.jp/english/english/newsselect/news/20131121p2a00m0na017000c.html>

