

March 2, 2019

**Open Questions to the CERD Concluding Observations on the Combined Seventeenth to Nineteenth Periodic Reports of the Republic of Korea on Jan.10, 2019**

Dear Professor Nouredine Amir, Chairman of the CERD, and Ms. Gay McDougall, Rapporteur of Concluding Observations for the Republic of Korea,

We are very surprised and deeply disappointed in your Concluding Observations for the Republic of Korea (“your Report” hereinafter) of January 10, 2019.

We submitted two of our reports to the CERD in early November 2018, and both have been uploaded on the CERD web-page. One is four pages, limited to South Korea’s “Special Law on the Inspection of Collaborations for the Japanese Imperialism”, on November 3, 2018, and the other is more comprehensive, 26 pages in length on November 5, 2018. In January 2019, a whole thing of our comprehensive report was published in a separate volume of *Monthly Hanada*, a Japanese journal of opinion with the largest circulation. Thus, the Japanese public was strongly paying attention to “your Report”. A total four NGO reports for the Republic of Korea were posted on the CERD web-page. Out of four NGO reports, two were submitted by us.

However, “your Report” completely neglected our two reports and, thus, we are completely disappointed with “your Report”. In fact, we are very much at a loss as to how and why the CERD determined reports worthy whereas others not.

As an international public organization, the CERD has a duty to publicly state how and why the CERD reached the conclusions that it did, ignoring the facts in our reports. In particular, we would like the CERD to address the issue of the Republic of Korea’s “Special Law on the Inspection of Collaboration for the Japanese Imperialism” (hereinafter “Special Law”), which took effect on December 29, 2005, which is the most typical one among many other Korean anti-Japanese institutions, practices and actions. Under the “Special Law”, land and other assets inherited by the descendants of individuals suspected of cooperating with Japan during the 1910-1945 Japan-Korea *Anschulss* is confiscated and returned to the state. You are kindly requested to answer the following four questions of ours.

First of all, would CERD agree that the “Special Law”, as written, is a violation of the basic principle and Article 2-1 of the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD)?

Secondly, the “Special Law” is *ex-post facto* law, which is anathema to modern

nations, and thus violates Article 13 of the Constitution of the Republic of Korea. Does the CERD agree that the “Special Law” is in fact *ex-post facto* law?

Thirdly, confiscation of people’s assets by state is also anathema to modern and democratic countries, but frequently observed in totalitarian dictatorships. Does CERD agree that the “Special Law” is entirely archaic and undemocratic?

Fourthly, the “Special Law” obviously targets Japan. This law alone demonstrates without doubt there are Korean institutions, practices and actions that are motivated by Korean racism against Japanese people. Does CERD agree that there is Korean racism against Japanese in the Republic of Korea?

“Your report” completely neglected the existence of the Republic of Korea’s “Special Law”, as clearly pointed out by our report of November 3, 2018. Whether the CERD is capable of reporting the facts in a fair manner is seriously doubtful. In fact, CERD’s current unscientific, unbalanced and unfair reporting will undermine the public’s confidence in the CERD—we feel that the CERD has already lost its *raison d’être*. The UN Human Rights Council and CERD have yet to seriously reflect on the United States’ withdrawal from the United Nations Human Rights Council (UNHRC) in June 2018. While we do not fully support the US’s reason for its withdrawal from the UNHRC, we can thoroughly understand the US’s disgust of the chronic bias of the UNHRC. If the UNHRC and Committees based on human rights treaties or conventions continue on its current course, it will only be natural that the Japanese public will follow the US’s lead in this matter.

Sincerely yours,

International Research Institute of Controversial Histories (iRICH)  
Chairman SUGIHARA Seishiro  
Former Professor, Josai University  
Dean YAMASHITA Eiji  
Professor Emeritus, Osaka City University

Academics’ Alliance for Correcting Groundless Criticism of Japan (AACGCJ)  
Chairman TANAKA Hidemichi  
Professor Emeritus, Tohoku University