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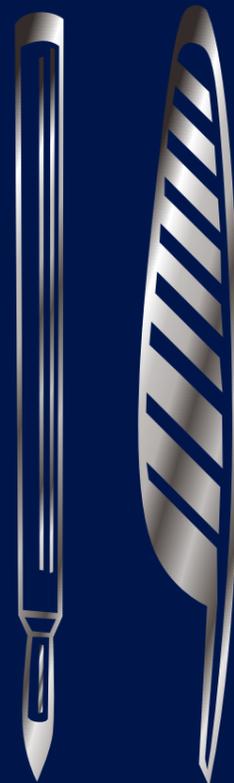
The Outlaw



**Escaping
corrupt justice?
The corrupt,
escaping justice?**

**The legal situation
for Carlos Ghosn.**

Fine dining



Open for lunch and dinner

Closed weekends

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ROMAN HARAK/CC

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contact the editors
no.1shimbun@fccj.or.jp

Publisher FCCJ

Editor Gregory Starr
Art Director Andrew Potheary
www.itsumo-music.jp/design
Editorial Assistant Naomichi Iwamura
Photo Coordinator Michiyo Kobayashi
Publications Committee members
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The Foreign Correspondents' Club of Japan
Marunouchi Nijubashi Building 5F
Marunouchi 3-2-3 Chiyoda-ku Tokyo 100-0005
Tel: (03) 3211-3161 Fax: (03) 3211-3168 fccj.or.jp

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Please pitch and send articles and photographs, or address comments to no.1shimbun@fccj.or.jp
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Cover photo: Nissan's former chairman Carlos Ghosn arrives for a press conference in Beirut, Lebanon. AP Photo/Maya Alleruzzo

FROM THE PRESIDENT



Dear Members,

Last week, I stood about 10 meters away from reactor 2 in Fukushima Nuclear power station to give a piece to camera reporting on the preparations to decommission the crippled reactors that were hit by the March 11, 2011 Tsunami.

I didn't wear any protective gear and was only advised to wear long sleeves by the press tour organizers. This stance was unthinkable in the early days of the nuclear crisis when some reports went as far as talking about evacuating Tokyo in the aftermath of the disaster.

Tokyo now, however, is preparing to hold the Olympics later this year, while numerous international-class events in Fukushima and the surrounding region are ongoing.

FCCJ journalists in particular, have been busy covering those developments in Fukushima and elsewhere in Japan from day one, and will continue with our Club playing the backbone of supporting journalism.

We are very hopeful and working to navigate this organization towards a continued FCCJ success story”

At the FCCJ, while we are preparing to host events and bring world-class Olympic athletes, we also face serious challenges to cross the logistical and financial bumps caused by our move to one of the most central, important, prestigious, and vibrant locations in Japan: Marounouchi.

The Board of Directors of the Club and our loyal and proud Members, along with our all dedicated staff, are doing everything to change those challenges to opportunities. Maintaining service quality and in fact improving it are our number one goal.

A journalist's mission is basically to transfer information and reveal the truth. And this is why I say our current challenges are unprecedented. I don't want to talk about the details because this is a developing story that changes with every passing hour. But I can assure you that we are very hopeful and working to navigate this Club towards a continued success story.

The Board is planning a townhall meeting for the membership in February to discuss all questions and ensure that you are kept fully aware of developments. For that, all Members are welcome to share their thoughts and provide assistance by joining the committees volunteering their time and expertise for the Club to continue.

I have established an advisory panel outside of the BOD comprised of former Club leadership and financial experts to diagnose the state of the affairs and suggest a course of action. In fact we have already started that.

– **Khalid Azhari**

FREEDOM OF THE PRESS

Freedom on the Net 2019: The crisis of social media

By *Adrian Shahbaz and Allie Funk*

INTERNET FREEDOM IS INCREASINGLY imperiled by the tools and tactics of digital authoritarianism, which have spread rapidly around the globe. Repressive regimes, elected incumbents with authoritarian ambitions, and unscrupulous partisan operatives have exploited the unregulated spaces of social media platforms, converting them into instruments for political distortion and societal control. While social media have at times served as a level playing field for civic discussion, they are now tilting dangerously toward illiberalism, exposing citizens to an unprecedented crackdown on their fundamental freedoms. Moreover, a startling variety of governments are deploying advanced tools to identify and monitor users on an immense scale. As a result of these trends, global internet freedom declined for the ninth consecutive year in 2019.

Social media allow ordinary people, civic groups, and journalists to reach a vast audience at little or no cost, but they have also provided an extremely useful and inexpensive platform for malign influence operations by foreign and domestic actors alike. Political leaders employed individuals to surreptitiously shape online opinions in 38 of the 65 countries covered in this report—a new high. In many countries, the rise of populism and far-right extremism has coincided with the growth of hyperpartisan online mobs that include both authentic users and fraudulent or automated accounts. They build large audiences around similar interests, lace their political messaging with false or inflammatory content, and coordinate its dissemination across multiple platforms.

While social media have at times served as a level playing field for civil discussion, they are now tilting dangerously toward illiberalism.

Cross-border influence operations, which first drew widespread attention as a result of Russian interference in the 2016 US presidential contest, are also an increasingly common problem. Authorities in China, Iran, Saudi Arabia, and a growing list of other countries have expanded their efforts to manipulate the online environment and influence foreign political outcomes over the past year. Malicious actors are no doubt emboldened by the failure of democratic states to update transparency and financing rules that are vital

to free and fair elections, and apply them effectively to the online sphere.

In addition to facilitating the dissemination of propaganda and disinformation during election periods, social media platforms have enabled the collection and analysis of vast amounts of data on entire populations. Sophisticated mass surveillance that was once feasible only for the world's leading intelligence agencies is now affordable for a much broader range of states. Freedom House research indicates that more repressive governments are acquiring social media surveillance tools that employ artificial intelligence to identify perceived threats and silence undesirable expression. Even in democracies, such mass monitoring is spreading across government agencies and being used for new purposes without adequate safeguards. The result is a sharp global increase in the abuse of civil liberties and shrinking online space for civic activism. Of the 65 countries we assessed, a record 47 featured arrests of users for political, social, or religious speech.

While authoritarian powers like China and Russia have played an enormous role in dimming the prospects for technology to deliver greater human rights, the world's leading social media platforms are based in the United States, and their exploitation by antidemocratic forces is in large part a product of American neglect. Whether due to naïveté about the internet's role in democracy promotion or policymakers' laissez-faire attitude toward Silicon Valley, we now face a stark reality: the future of internet freedom rests on our ability to fix social media. The United States must take the lead in rallying defenders of the open internet to fairly regulate a technology that has become a necessity for our commerce, politics, and personal lives.

There is no more time to waste. Emerging technologies such as advanced biometrics, artificial intelligence, and fifth-generation mobile networks will provide new opportunities for human development, but they will also undoubtedly present a new array of human rights challenges. Strong protections for democratic freedoms are necessary to ensure that the internet does not become a Trojan horse for tyranny and oppression. The future of privacy, free expression, and democratic governance rests on the decisions we make today.

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FROM THE ARCHIVES

The super-imaginative inventor



Dr. Yoshiro Nakamatsu, Japan's self-titled "King of Invention," contemplating his next comment to Club members on Nov. 11, 1994. Looking on expectantly is Georges Baumgartner (Swiss Radio & Television). Dr. Nakamatsu had shown a slide presentation of his world of inventions, including one of the "Tasty Power Seasoning Sprinkler in Doctor Nakamatsu's Head" that showed projecting beams of thoughts from his forehead.

Dr. Nakamatsu, who claims over 3,300 patents (triple those of Thomas Edison) as well as being "father of the floppy disk," was born on June 26, 1928. His father was a banker and his mother a teacher who tutored him from a young age and encouraged his urge to invent. He did so from an early age, claiming invention of a stabilizer for model airplanes at age five and obtaining his first patent (assisted by his mother)—for a water heater while in eighth grade.

In 1952, he patented an optical sound medium of stacked colored paper, contrived while a student at Tokyo University. That was followed by a 1964 patent for a "Magnetic Record Sheet" which combined were the concept for the floppy disk. IBM, said to have licensed 14 patents from him, denies this combination is the origin of its 1969 floppy disk.

All in all, his mind-bending range of patents, from his useful siphon pump for transferring liquids, to many on the wilder side—such as a wig for self-defense and a magnetized condom to improve sex—made him famous as a super-imaginative inventor. Critics might call most of them "gadgets," but Dr. NakaMats, as he is also known, has appeared on TV and radio programs all over the world, while receiving a wide range of awards. These include the 2015 Ig Nobel prize for Nutrition, the research of which he credits to his survival from terminal prostate cancer in 2014. He has been featured in documentaries as well as the Smithsonian Magazine. Although unsuccessful, he has also run for high political office multiple times.

Dr. Nakamatsu, who is married with three children, lives in a home specially designed for creative thinking.

– **Charles Pomeroy**
editor of Foreign Correspondents in Japan,
a history of the Club that is available at the front desk

The legal fallout from the great escape

Law professor Colin P.A. Jones shares his thoughts on the ongoing saga of Carlos Ghosn in an interview with **David McNeill**

Colin P.A. Jones is a professor at Doshisha Law School in Kyoto and the author of several acclaimed books on Japanese law.* He writes a column for the Japan Times and has become a regular commentator on Japanese legal issues. We asked him to discuss the arrest, detention and escape of Carlos Ghosn.

MCNEILL: Like the rest of us, you've been following the Ghosn case with some interest. What aspects of the case do you find most troubling or fascinating?

JONES: Well, I guess what I find troubling is that I don't really find anything about it troubling—it all seems to be the Japanese criminal justice system operating in the usual manner. The escape was, of course, fascinating. I think it will also be interesting to see how the debate over the Japanese system plays out on the world stage, including in extradition hearings—in the unlikely event they happen—or efforts to go after Ghosn family assets and so forth.

Would you speculate on what the next steps of the prosecutors and the justice system will be?

I would hesitate to speculate as to what will happen, other than that they will probably spend a long time trying to make his life miserable. They have long memories, these institutions.

A common criticism of foreign correspondents in Japan is that they simplify or sensationalize the Japanese justice, focusing on the unlimited detentions, or the 99.4 percent conviction rate, while playing down problems in the countries from which they hail, especially America. Do you think that's valid?

If you are eating sushi with an acquaintance and you say, "The sushi here doesn't seem very fresh," and your acquaintance responds with, "Well, American hot dogs are atrocious," it may be a true statement, but it doesn't get you any closer to whether the sushi is any good or whether you are qualified to judge it. Comparisons can be useful but often they are a reflexive response that distracts. Comparative criticism about legal systems often fails to identify what a "better" system might be, because what is "better" may be highly contextual. People who criticize Japan's 99.4 percent conviction rate probably can't articulate what a "better" conviction rate would be or why. And if other countries have a lower rate, why is that better? Better for whom?

Japanese journalists come in for their share of flak too, for being too ready to play patsy to the establishment. Do you agree with that criticism?

I thought it was funny that Ghosn effectively established his own press club (at his first press conference in the Lebanon) and refused to accredit media organizations that had been critical in the past. I would have thought mainstream Japanese journalists would find that familiar.

Do you have any advice for foreign journalists trying to make sense of how things are done here, especially those covering legal issues and the courts?

I teach Japanese law to foreign students, and I always start out with the overall structure of government and the ministries, and then go to the courts. I think starting with the courts is confusing, because depending on where you are from, it may burden you with all sorts of assumptions about the role of courts in government, which may not apply in Japan. But that may not be immediately obvious. I think it is also helpful to think of the Supreme Court as effectively another ministry—the "Ministry of Dispute Resolution," perhaps. When Japanese lawyers and legal scholars talk about "The Supreme Court" half the time they are actually talking about the administrators of the national judicial bureaucracy, not the "court."

Many people find it hard to sympathize with a rich foreigner who earned \$120m from his gigs as head of the world's largest car alliance.

Being in favor of Miranda rights does not mean you have sympathy for rapists, which is what Ernesto Miranda was. In America, at least, a certain amount of important law comes from people who may not be very sympathetic. That such people can still be expected to receive a fair trial is part of the bargain in a fair legal system, because next time it might be you. Of course, there are all sorts of people in the United States who may quite reasonably not have such expectations.

Ghosn has indeed brought a lot of attention to the system, and when he was originally arrested one of my first thoughts was, "Do the prosecutors know how much negative attention this is going to get them on the world stage? Do they really want that?"

Is it too early to speculate whether the Ghosn circus might result in any long-term changes to how police and prosecution work is done in Japan?

Mostly worse in the immediate term, I suspect: less bail, more detention. Since changes to criminal procedure will almost certainly need to go through the Ministry of Justice, which is run by prosecutors, it is hard to imagine substantive changes that at least do not provide some benefit to prosecutors as well. But if they keep the case in the news, the constant attention will make it easier to advocate for change at least.

One interesting thing to watch will be GPS tracking on bail. His own lawyers offered it as a bail condition and it was rejected, but it is now identified as something that might have prevented him from escaping. My prediction is that we will start

to see people in official circles trying to articulate why GPS is a bad idea notwithstanding that. If Ghosn can get bail with GPS tracking, why can't other people? In fact, why do you need to detain them if you can just track them. I think detention is an important tool for police and prosecutors, not necessarily just for reasons related to preventing suspects and defendants from fleeing justice or despoiling evidence. Widespread use of GPS tracking on custodial release could potentially take that tool away from them.

After Ghosn's press conference on Jan. 8, Mori Masako, Japan's justice minister released a statement that said every country's criminal justice system has its roots in its history and culture and that arguing about the superiority or inferiority was irrelevant. She also said it was Ghosn's duty to prove he is innocent. Do you think she unwittingly revealed some truths about the system in these quotes?

It's a perfectly legitimate, arguably meaningless statement. I hope it is remembered whenever anyone in authority speculates about the reliability of the Lebanese system in the days to come. It is also a useful riposte to anyone making the counterclaims of the type in your second question.

One of the points that gets made, quite explicitly in Mori's statement, is that Japan has very successful outcomes—notably its very low crime rate—and that justifies the problems with the system of over-enthusiastic prosecutors. What's your take?

I don't know. There may be all sorts of factors in Japan's low crime rate, none of which have anything to do with the way the criminal justice system functions. I don't know that a causal relationship between the two has been empirically validated. To an extent, the authorities can control the crime rate anyway, by defining the crime and enforcement. For example, the police can generate more "foreign crime" by simply doing more identity checks and arresting those who don't have ID.

Speculate outrageously for a minute that the Japanese government asks you for your opinions and actually acts on them: What would you recommend in terms of most immediate reform, in the understanding that you can only focus on the most egregious issues?

Eliminate the ability of prosecutors to appeal an acquittal. It seems ridiculous that being acquitted by a trial court is not adequate to establish enough "reasonable doubt" to prevent a conviction on appeal. If Ghosn had been acquitted at trial, he could still have spent the rest of his life fighting to keep that acquittal from being overturned. That is one of the reasons why I think that, assuming for the sake of argument that he really was innocent of all charges, it was still perfectly rational for him to try to escape.

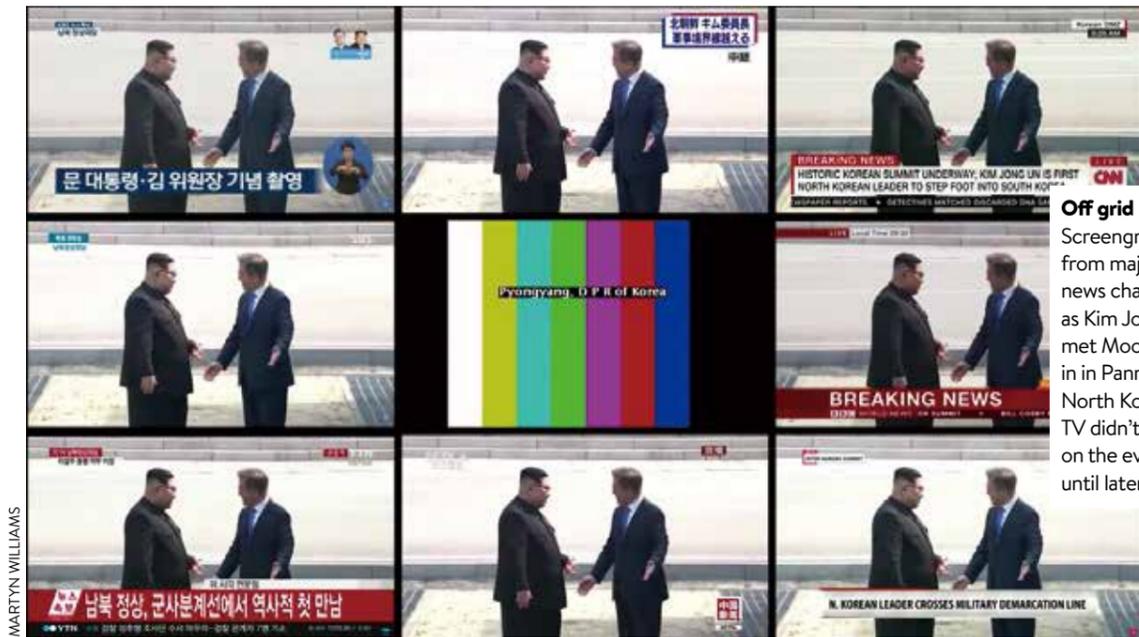
Eliminating prosecutorial appeals would also probably change some of the institutional dynamics at play in the judiciary which makes it harder for judges to acquit in the first place. Judges are subject to annual personnel reviews, and being "wrong" too often is probably part of the equation. So if acquittals are no longer potentially "wrong"—because they are appealed—then perhaps there will be less reticence in granting them. ●

*Jones is lead author of *The Japanese Legal System (2018)* and *The Japanese Legal System in a Nutshell (2020)*, both from *Kurodahan Press*, as well as *Obey, Not Know: Essays in Japanese Law and Society (2019)*.

David McNeill writes for the *Irish Times* and the *Economist*, and teaches media literacy at Hosei and Sophia Universities.

"BEING IN FAVOR OF MIRANDA RIGHTS DOES NOT MEAN YOU HAVE SYMPATHY FOR RAPISTS"

Facing off
Carlos Ghosn, pauses during a press conference in Beirut, Lebanon, on Jan. 8.
(AP PHOTO/MAYA ALLERUZZO)



Off grid
Screenshots from major news channels as Kim Jong Un met Moon Jae-in in Panmunjon. North Korean TV didn't report on the event until later.

A step ahead of the state

Over the last few decades, the amount of foreign content flowing into North Korea has grown immensely. What began as a trickle of VHS cassettes from Japan in the 1990s has now become a wave of South Korean TV dramas, Hollywood movies, Chinese blockbusters, and more illicit content on USB sticks and MicroSD memory cards.

While much has been written about the smuggling operations, less time has been spent looking at the reaction of the North Korean state. Working with the Washington, D.C.-based Committee for Human Rights in North Korea, I studied how the government and party is responding. I spoke to experts and interviewed 40 escapees in Seoul, and the results of this work were published in late December as “Digital Trenches: North Korea’s Information Counter-Offensive.” A copy can be downloaded from www.hrnk.org.

Among the main findings are changes in North Korea’s laws, a constant but little-seen propaganda battle against foreign information and a particularly effective re-engineering of Android smartphones to prevent them from being used to consume illicit content.

A Changing Legal Battle

North Korea’s Criminal Code bans the possession, consumption and distribution of foreign content. But updates to several articles in the 2009, 2012, and 2015 editions of the code indicate the state is slowly losing its battle on the law enforcement front. In the last decade, the emphasis of the law has shifted away from consumers to focus on smugglers and distributors or those with destabilizing content. In the

The North Korean government is fighting hard to protect citizens from imported content, but the battle is far from over

By Martyn Williams

North Korean context, this means anything that attacks the regime or party, anything political, and all pornography. The harshest penalties of up to 10 years in a mobile labor brigade are now reserved for supplying or dealing the content. This is effectively an admission that consumption of foreign content has become so commonplace that individuals higher up the distribution chain need to be targeted.

That doesn’t mean North Koreans can watch foreign content with impunity. No matter what the law says, this is still North Korea. Should a crackdown be ordered, the unlucky can find themselves facing a public trial and execution, no matter the letter of the law. Death penalties are also used in cases involving large-scale distribution or destabilizing content.

Citizens are also targeted in random street checks and house raids, but escapees told me it’s increasingly possible to escape trouble with a bribe. Bribery has exploded in the last few years, especially among local police and security forces (rather than provincial or national level forces).

As the state economy has weakened, the slow disintegration of the public distribution system has security agents feeling the pinch. At the same time, the rise of markets has brought private wealth to some ordinary Koreans, so it’s no surprise that bribery has flourished.

During the interviews that I conducted, I heard about bribes that ranged from a few dollars to over a thousand. This is a massive amount of money for someone earning the state salary of 50 cents per month, but is not necessarily out of the question if you have a successful private business.

Almost all of the illicit content that enters North Korea

crosses the northern border from China. Shortly after Kim Jong Un came to power, border security was reinforced, and there’s now a new camera network that covers most of the border. It is both for conventional surveillance and to catch corrupt border guards taking bribes from smugglers. Guards are more regularly rotated now to prevent them from making local contacts—more recognition that the battle against smuggling is being lost.

Keeping Their Minds Pure

At the heart of North Korea’s brain-washing system lies the Propaganda and Agitation Department (PAD) of the Workers’ Party of Korea, which liaises with the Organization and Guidance Department to ensure that all North Koreans are exposed to a consistent message that supports and reinforces party priorities. PAD oversees all cultural output in North Korea and is directly responsible for approving all the material in newspapers, radio and TV, posters on the street, song lyrics, theatrical productions, workplace meetings, and the education system. Anything that diverges from the message undermines the entire propaganda base, so it’s easy to see why foreign content represents such a threat to the regime.

Messages warning against accessing foreign content are never seen in media that reaches the outside world, such as Korean Central Television or the *Rodong Sinmun* newspaper. To do so would be to admit there is a problem. Instead, warnings are delivered in more private forums, such as the weekly meetings which all North Koreans must attend. These Saturday morning events usually contain a lecture about an issue of interest to the party. Sometimes an officer from the Ministry of Public Security will lecture on the ills of foreign content and why it shouldn’t be consumed, though escapees I talked to say the lectures were ineffective and boring.

Similar messages are carried on the third radio network—the infamous “speakers that can’t be turned off” inside every household. In reality, they can be turned off, and are often out of service due to electricity shortages. But when they do work, the third radio network carries reports of neighbors caught with foreign content, including their names and addresses. The unsaid psychological message is that your neighbors are getting caught and you could be next.

North Korea’s TV news is a key propaganda tool, painting a picture of a perfect nation and a chaotic world outside. As part of my research, I cataloged foreign news from a year of KCTV news reports between June 1, 2018 and May 31, 2019.

Over the 12 months, I counted 388 reports broadcast on 140 days. The largest amount of reporting was devoted to stories about politics, scandals, or labor unrest in South Korea. This was always accompanied with still photos—never video. This was followed by reports on China, usually positive news; Iran, typically government statements attacking the US; and Russia, which was usually military news. KCTV used wire service video for everything but the South Korean news.

After South Korean politics, the next largest focus was on the weather. There were many reports on storms, floods, droughts, and other natural disasters around the world. Then came military news, often from China or Russia; conflicts, usually U.S. or Israeli actions in the Middle East; and environmental news, mostly on climate change.

News from Japan was occasionally reported—and it was usually about a crime, such as the May 2019 stabbing at a bus stop in Kawasaki. The underlying message of all of North

Korea’s foreign news is clear: people all over the world are suffering or in conflict with their leaders.

The High-tech Response

North Korea’s response to digital technology is both clever and dynamic. There are now an estimated 5 to 6 million smartphones in North Korea, and while they all look like conventional Android phones, there’s a lot going on behind the screen.

First is an app that takes random screenshots and stores them in a database in the phone. Can you risk viewing illicit content never knowing when a screenshot will be taken? The database cannot be deleted, and the authorities include an app to view its contents—a sinister touch that reminds users that everything they do on their phones might be captured.

There’s also a file watermarking system that adds a string of data to each opened file. The data is based on the phone’s serial number and becomes a part of the file. If the file is passed on to someone else, more data is added. This potentially allows security forces to build an entire map of how a file is distributed, revealing personal contacts between people and where the file originated.

An Android update forced on all users in 2012 added a digital signature system that only allows the playing of content that has either been created by the phone or has come from the government. This system stops phones from being used to watch smuggled video and has proved very effective as it covers a wide range of formats.

The phones also include a check performed at power-up, just in case North Koreans attempt to hack their phones and disable the security systems. It ensures the central security files have not been tampered with and reboots the phone if they have.

With these security systems, the state has effectively locked down the device with the most potential for mass consumption of foreign media.

Social Engineering at Work

A lot of North Korea’s propaganda isn’t at all subtle, but there are a couple of examples of clever social engineering that steers people away from foreign content. One of the latest smartphones, the Daeyang 8321, has a catalog of 125 smartphone games. Many have no ideological value, so the question is: why? As we’ve seen globally, people who play smartphone games have less time for other media. In the North Korean context, this might be to draw people away from illicit content.

The state has also been slowly rolling out an IPTV system that provides all four Pyongyang TV channels live and a library of on-demand content. Some of this additional content includes sports, such as European soccer, and state-sanctioned foreign movies. Offering a wider selection of material to viewers appears to be an attempt to keep them within the state media ecosystem as much as possible.

In the end, I found that while the state undoubtedly has a fight on when it comes to protecting citizens from foreign content, it’s fighting back hard. While each new technology or innovation represents a fresh chance for outsiders to provide North Koreans with greater access to information, development and innovation will be essential if they want to stay a step ahead of the state. ●

Martyn Williams is a journalist and researcher of North Korea currently based in California. He is a former president of the FCCJ.

VISUAL INVESTIGATIONS

New tools of the journalist's trade

An expert in verifying content and social media newsgathering at the *New York Times* shares the advanced technology behind his work at the forefront of digital forensics

By Gaelle Faure

Malachy Browne is a senior story producer on the Visual Investigation team at the *New York Times*. A native of Ireland, Browne became an expert in social-media newsgathering and verifying user-generated content through his work at Storyful and Reported.ly. In 2016, he took these skills to the *New York Times*, where he has become a pioneer in the field of visual investigations, which mixes traditional reporting with digital forensics. This frequently involves recreating crime scenes by using 3D modeling, satellite imagery, and images filmed on cell phones.

Browne has led a number of award-winning investigations, including into journalist Jamal Khashoggi's murder at the Saudi consulate in Istanbul, chemical attacks in Syria, and the shooting of a young medic in Gaza.

Here are some of Browne's current favorite tools:

the migrant detention center, we looked for old videos of that particular detention center, called Tajoura. We found an old video of the center's opening ceremony on YouTube. So we could see that it was actually the exact same place that was blown to smithereens in the pictures that were coming out. Because the old archival video had so much panning across the migrant center, we were able to locate the exact building. Then we talked to a satellite imagery company and got fresh satellite images.

"We also analyzed and translated a couple of on-camera videos with migrants who were there that were posted overnight. Some said, 'We were working in the weapons depot, cleaning weapons as we usually do, and there was an airstrike on the weapons depot, and so we ran out and we were forced into the migrant lodgings, which is across the way.' By tracking down some of those people, and by tracking down freelance journalists who had worked on the migrant issue, we then were able through WhatsApp to get in touch with witnesses.

"They sent us photographs of them working in the weapons depot. These migrants—who are trapped in the center and not allowed to leave—are also forced by the militia to work in the weapons storage area, which is a legitimate target in the middle of a civil war. And from the satellite imagery, we could see that the center was also bombed—so the witnesses' story was correct.

"We use a number of satellite imagery tools, like TerraServer or Planet Labs. They provide satellite imagery almost every

was a chaotic moment—a bullet rang out and she died. Our question was: Can we accurately freeze that moment in time and space, and examine what was going on? Who was where? Where were the protesters? Where were the medics? Where were the soldiers? Why was that shot fired, and how did she get hit? Was she directly targeted?

"We went through our normal steps of collecting as much video evidence and photographic evidence from the day as possible. We collected 1,300 photos and videos from the original devices people used to film there, meaning we had all their metadata, and we could organize it.

"Then we went there, and using a high-definition drone, filmed the entire area. Using a technique called photogrammetry, you can take that footage and create a 3D model of it. We used the photogrammetry software RealityCapture, and worked with the London-based research agency Forensic Architecture to work on the 3D model in Blender, which is an open-source program.

"Using the footage that we had from the day, we sketched in some of the details that the drone didn't pick up. We placed the snipers, army jeeps, the fence, the coils of barbed wire before the fence. The model was so precise that we were able to slot in and calculate where the cameras were rolling at the time by looking at objects in the distance, like the fence or the tower or tufts of grass, and line up those cameras in the model.

"We could retrace the paths of the cameras, and freeze them at that critical moment when the shot rang out from six different angles. That allowed us to analyze everything, measure where people were, and ultimately ask the question: Was that gunshot justified? And was the violence such that there was an immediate threat to life at the other side of the boundary fence with Israel?

"Our conclusion was that it wasn't. Legal experts and others that we spoke to talked of it being a potential war crime.

video content. We might put in a place name or a hashtag or a very specific search term. It's a bit like TweetDeck—the results come in columns, so you can keep an eye on it.

"It's also good for monitoring situations. If there's a particular story that's ongoing—the Sudan protests or protests in Venezuela, for example—you can keep checking it day in and day out. It also allows you, from those search results, to collect tweets or videos or whatever it is into little collections, in which you can do your work on them. You can set tags to say whether it's verified or unverified and put in notes from your team. Depending on the platform, it will automatically archive the footage as well so if it's later taken offline, it's preserved.

"It also allows you to search for geolocated content. You can put a pin on 'Hamburg,' for example, and create a circle around it, or draw a map, and say 'give me everything that's geotagged from that area.' And because its search results include snaps from Snapchat, which are almost all geolocated, that can be quite useful."

EXIF DATA VIEWERS

"EXIF data is raw information, like the hour, minute, and second that a video or a photograph was taken. Sometimes, it contains GPS data as well, depending on the device. We'll use an EXIF data viewer to extract that information, which can help with the verification process.

"EXIF data can be manipulated, so we never rely on one piece of evidence. It's the same as traditional reporting: we're always looking for corroborating pieces of information, asking who's the second source, the third source, etc.

But EXIF data is quite useful, particularly when you want to reconstruct a timeline of an event to understand what happened when you weren't there but a lot of footage exists. EXIF viewers are important in organizing all the evidence."

MONTAGE

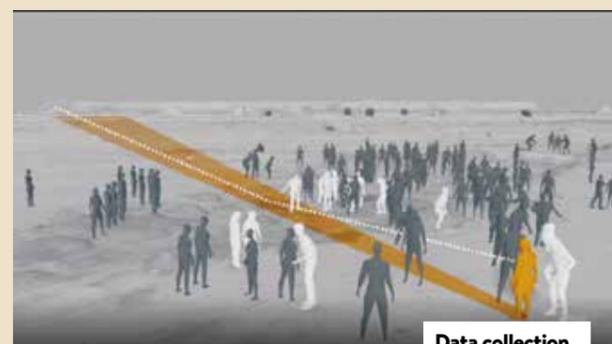
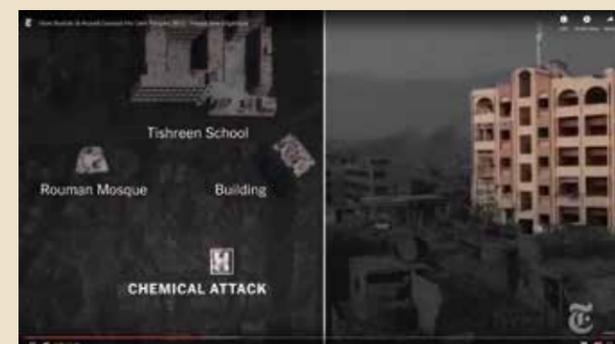
"Montage is an advanced YouTube search. It allows you to search by date, and also by place if you want — though not a lot of YouTube content is geotagged. But, a little bit like SAM Desk, it also allows you to collect videos into projects and to comment and put tags on them, and at specific moments in the videos as well. It allows you to organize YouTube content and zoom in on the details as a team. And that's quite useful, especially if you're doing historical investigations; so much content from the Arab Spring, for instance, is uploaded onto YouTube.

"It can also be useful just for finding archival reference material. For example, you might want to verify an airstrike location using Google Street View or satellite imagery on Google Earth. But sometimes, the street view isn't available, or the satellite imagery isn't good enough. However, if it's a location that has been used often before, then there's probably going to be YouTube videos of it out there."

InVID

"One last tip: Another tool we often use is the InVID Project's Chrome extension, which is a one-stop shop for getting YouTube video upload times, doing advanced Twitter search, doing reverse image search, doing video keyframe or thumbnail search, and finding metadata." ●

Gaelle Faure is associate editor of the Global Investigative Journalism Network (GIJN).



Data collection
3D model of a bullet's path.
IMAGE: COURTESY MALACHY BROWNE



SATELLITE IMAGERY

"We use satellite imagery in almost every story that we do. It can reveal details about when there's changes to topography. Also, for example, if a building is hit in an airstrike, we can confirm that it happened within a 24-hour period.

"An example: Dataminr sent us an alert that there was an airstrike on a migrant detention center in Libya. We started getting reports on Twitter, and Libyan media had some accounts, but very few images. Then, we found a livestream on Facebook by one of the organizations that runs the center. And so, everybody's worst fear—that this actually did happen—looked like it was legit.

"In order to verify the exact location that was hit within

day from almost everywhere, and you can search through the images. It's not always very high-definition, but sometimes it can be quite good. Maxar DigitalGlobe provides the highest resolution imagery. These platforms are not hugely expensive, so for a newsroom that is thinking of making better use of satellite imagery, it's a no-brainer cost-wise."

DRONES AND 3D MODELS

"We took an experimental approach last year in recreating a protest site in Gaza in 3D. The story we were investigating was the shooting death of a medic who was working there. It

[The 3D model] allows us to get into really specific details about the moment that it happened. So when we interview the Israeli authorities about it, we have very specific details. We can match those details with what they say was going on at the time, and present the truth."

SAM DESK

"One of the tools we use a lot for newsgathering or content-gathering is SAM Desk. It's a paid-for tool that allows you to search for certain keywords across multiple social media platforms at once, and it allows you to filter for videos, pictures, and text. You can turn the results on and off, depending on what you're looking for. Very often, we're looking for

Bobbie van der List

Freelance

By Marina Yoshimura



RICHARD ATRERO DE GUZMAN

Journalism serves a couple of purposes: to report the truth, and, ideally, to add meaning to it. Dutch journalist Bobbie van der List tries to do both, to write facts with objectivity and a touch of empathy—giving life to the stories he shares.

Van der List spent his childhood in the Netherlands, mostly in Amsterdam—where he says he enjoyed the diversity—and Utrecht. After earning a bachelor’s degree in journalism in the Netherlands, he had a couple of jobs before returning to academia to specialize in East Asian studies at Lund University in Lund, Sweden. His love of exploring is what perhaps led to his interest in journalism, he says. “I always wanted to eventually work as a correspondent,” he says. “Every chance I got to travel out of Holland, I grabbed it.”

He chose to focus on Japan over China, and as part of his graduate degree program, visited Waseda University in Tokyo for two months while he wrote his master’s thesis. It was on Japan’s state secrecy law—a law that allows the Japanese government to withhold information from the public to “preserve its data security.”

After obtaining his master’s degree, his adventurous spirit led Van der List to move to Japan. “I’ve always been curious about living in one of the biggest cities on earth,” he says. His initial plan was to spend only a month or two in Tokyo. But the more he explored and met people, he realized that the city, and by extension, Japan, had many stories worth sharing; he decided to stay longer. “I didn’t think I would stay here for four years,” he says.

AS A FREELANCE JOURNALIST, Van der List has written for both Dutch and international publications. He has covered stories for *NRC Handelsblad*, *Trouw*, *Financieele Dagblad*, *Parool*, and *AD*; for the international audience, he has written for *Vice* and *Strategy + Business*. The topics he has chosen are eclectic. He has interviewed Fukushima’s evacuees from the March 2011 triple disaster that hit Tohoku; a North Korean defector who sought refuge in Japan; a *hikikomori* recluse; a working mother who fought against maternity harassment; and a drug addiction counselor, who himself had recovered from drug addiction.

What drives Van der List to write about them and the issues they grapple with stems from his willingness to understand the world from a local lens and share their stories with people back in Holland and with the world. He writes about the

“I ALWAYS WANTED TO EVENTUALLY WORK AS A CORRESPONDENT. EVERY CHANCE I GOT TO TRAVEL OUT OF HOLLAND, I GRABBED IT.”



people not in spite of but because they are part of Japan’s taboos. “Sometimes you wonder whether there’s an effect on the people of Japan,” he says. But people have told him that one way to change these issues is by having journalists from outside write articles about the inside.

He says it was rewarding to write about the North Korean defector. People in the Netherlands had no knowledge of the claim that Koreans were lured into returning to North Korea as part of a Japanese government program, so it shed light on an under-reported issue. Although he acknowledges that other journalists in Japan have written about such stories, Van der List is covering them at a time when much of mainstream media have shifted their focus to China.

“And it’s nice to show a side of Japan beyond the cliché,” he says.

Activism, however, is not his purpose. “In Holland, drugs are legal, but in many other places, they’re not,” he says. “I’m not writing articles so that the next day, everybody can sniff cocaine.”

BUT WRITING ABOUT SOCIAL issues in Japan, which are often taboo, can be challenging, admits Van der List. He believes that one of the challenges about reporting from Japan is how to communicate with the people he interviews, not necessarily because of the language but because the distinction between *honno* and *tatema* can be hard to make. “Sometimes, you don’t know how much you can ask,” he says.

He experienced journalistic “mutual understanding”, for example, after writing about a father who had lost a child in the 3/11 disaster; Van der List was able to write a good story, and the father was able to share stories that were important to him. He says it can be difficult to get to an issue’s core when people simply want to discuss the periphery, but the language is key. “Learning the language makes the experience more enjoyable and deep.”

His long-term goals in journalism involve other formats. In the future, Van der List hopes to create a radio program and maybe a podcast that would focus on a particular theme in each episode.

The FCCJ is one of the things in Tokyo he appreciates. “One of the great things about being in this Club,” he says, “is that you are literally among walking encyclopedias.”

Marina Yoshimura is a senior at Waseda University. She currently writes for the university’s public affairs department and is a member of the *Number 1 Shimun* committee.

Scott McIntyre: a father's dilemma

In a press conference at the FCCJ, a father convicted of trespassing for attempting to contact his children plead his case

By Justin McCurry

IT HAS BEEN MORE than 250 days since Scott McIntyre's last had contact of any kind with his two young children, whom he claims were taken by his estranged Japanese wife from their home in Tokyo last May.

McIntyre's eight-month search for his son and daughter, aged 8 and 11, has come at a price. In early January, the Australian journalist was given a six-month prison sentence, suspended for three years, after being found guilty of trespassing last October. He had gained access to a common area of the apartment building where his parents-in-law live by following a resident through the main doors and was arrested a month later.

Speaking at the FCCJ after he appeared at the Tokyo district court, McIntyre accused the Japanese authorities of abusing the human rights of an estimated 100,000 children in Japan who are abducted by one parent and then denied any contact with the "left-behind" parent. Wearing a T-shirt calling for Japan to end to parental child abduction, McIntyre said his conviction would not stop him from campaigning for a change in Japanese law to allow courts to award joint custody when parents separate or divorce.

The UN convention on the rights of the child states that abduction is illegal and children have the right to maintain regular contact with both parents, he said, adding that child abduction was also illegal under Japan's penal code. "This is a group I never wanted to belong to," he said. "But it is a fundamental human right for children to be with both parents, enshrined in international treaties and obligations that Japan has ratified."

McIntyre is one of a number of



foreign parents who say they have been denied access to their children after separating from or divorcing their Japanese spouses. The Hague convention on international child abductions, which Japan ratified in 2013 after years of pressure, requires parents accused of abducting their children to return them to their country of habitual residence. But the convention does not apply to cases involving couples living in Japan, even if one of the parents is a foreign national, and Japanese courts almost always award custody to the mother.

"The people talking about this are foreigners, but in many ways we are the ones who are least impacted," McIntyre said referring to the 90 percent of abduction cases that involve Japanese couples. "We want to give a voice to everyone. It's not the mark of a tolerant, modern society to have a system that encourages the abduction of children."

The solution was simple, he said. "We need to change the law from one of sole custody to joint custody, and then the abductions of children end tomorrow. That will be of great benefit for parents, children, and also Japanese society, because children will be able to grow up with the love of support of both parents."

Japanese authorities have shown no enthusiasm for a change in the law, despite international pressure that has included personal interventions on behalf of their citizens by the French president, Emmanuel Macron, and the Italian prime minister, Giuseppe Conte. "Children are being removed from their culture, their history and their background," McIntyre said. "And this is all because Japan refuses to do what every other G20 nation has done and

implement a system of joint custody. It's a basic, fundamental human right.

McIntyre believes this issue is bringing shame to Japan. "The police are not working, the government is not working and the judicial system is not working," he said. "These are state-sponsored kidnappings. This is only going to change when Japanese people understand what is happening and when Japanese parents speak out."

McIntyre's plight has again drawn attention to Japan's treatment of suspects, an issue that attracted global media coverage following the arrest, detention, and escape of the fugitive former Nissan chairman, Carlos Ghosn. McIntyre, who spent 45 days in detention, was initially taken into custody at Takaido police station in western Tokyo before being charged and transferred to the city's main detention centre in Kosuge.

Like Ghosn—who was held at the facility for a total of more than 120 days before he was released on bail for a second time last April—McIntyre spent all but half an hour a day in his tiny cell, which was lit day and night. He shared cells with men charged with serious crimes, including rape and murder. He was not permitted to stand inside his cell, and was only allowed to lie down for two hours in the afternoon and at night. When he complained about sleep deprivation, he was threatened with solitary confinement or told he would be placed in a straightjacket.

He is aware that his enforced separation from his children could continue until they reach adulthood. The police, the family court, McIntyre's in-laws and his children's school have all failed to act on his requests to help locate his children, he said, despite being presented with evidence that they are the victims of parental child abduction.

"I don't know if they're alive or if they're dead," McIntyre said. "I don't know anything about their education. I don't know if they're in Japan or abroad. As a parent, it's heartbreaking." Asked if he had a message for his children, McIntyre said: "I love you very much and want to see you as soon as I can." ●

Justin McCurry is the Japan and Korea correspondent for the *Guardian* and *Observer* newspapers. His book, *War on Wheels: Inside Keirin and Japan's Cycling Subculture*, will be published in July by Pursuit Books.



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FCCJ EXHIBITION



Mic Check Photos by Rob Gerhardt

In late 2014, protesters began gathering in New York City over the exoneration of the white police officer who shot and killed Michael Brown in Ferguson, Missouri. Shortly afterward, a second Grand Jury considering the death of Eric Garner led to the same outcome. Protesters continued to take to the streets for a long litany of names and the protests also included events to remember those from earlier incidents, such as Trayvon Martin and Amadou Diallo.

New York never saw scenes like those that played out in Ferguson or Baltimore. The police never used tear gas, heavily armored police vehicles never rolled through the streets, and people were not confronted by police with weapons drawn who looked more like soldiers than cops. But there were masses of protestors. There were times traffic was blocked on major streets and bridges. Insults and profanities were hurled back and forth. There were arrests. There were signs. There were chants of every kind.

My work has always been on the edge of journalism, documentary, and art. This way of working has put me in an odd space: too journalistic for the art world, and a bit too arty for the journalists. As a result, while my work has been published, it is more likely to be seen on the gallery walls of colleges and universities.

I use my work to try to start conversations. I know that just seeing my photographs is not going to change a viewer's mind. Very few photographs have that power. It is not an epiphany I am trying to create, but a way to get people thinking and talking. And to me that is what good journalism is: not telling people what to think but giving them the facts and information to think on their own.

The arc of history is a long one, and when things are viewed through the passage of time, the truly important events and movements stand out. And the Black Lives Matter movement, as a new chapter in the greater Civil Rights Movement, already is a part of history. This will not be the final chapter in the struggle for equal rights, but as the movement morphs into whatever is coming next, I will be there with my cameras to document that as well.

Rob Gerhardt is a social documentary photographer based in Brooklyn. His work has been in numerous solo and group exhibitions and has been published internationally, including in the *Guardian*, the *New York Times*, the *Diplomat* and the *Hong Kong Free Press*. He is a member of the Foreign Correspondent's Club, Hong Kong.

PRESS TOUR TO MoD ICHIGAYA HQ

The Special Projects Committee arranged a press tour to the Ministry of Defense Ichigaya headquarters on Jan. 9. Seven participants, all regular members, took part. The highlight of the tour was the historic Ichigaya Memorial Hall. Constructed for Army Cadet School in 1937, and used for the Tokyo War Crimes Trial from 1946, it provided the backdrop for novelist Yukio Mishima, who made his last speech on the front balcony before committing suicide Nov. 25, 1970.

The press tour group in front of utility helicopter UH-1H, "Hiyodori".



INCREASE IN RECIPROCAL CLUBS



The FCCJ has been working to increase reciprocal club arrangements with press clubs, city clubs, and athletic clubs around the world. For visitors to Japan during the 2020 Olympics, FCCJ's facilities and location are very attractive. For FCCJ members, the availability of a club away from home when traveling overseas is beneficial. So far, several clubs have responded favorably: Frontline Club (London), Geneva Press Club, Jerusalem Press Club, National Press Club of New Zealand (Wellington), and the Press Club de France (Paris). Negotiations are underway with press clubs in Strasbourg, Angkor, Jakarta, Singapore, and Taipei. Many other clubs will be invited in coming weeks; the FCCJ web site will have the updated list of reciprocal clubs.

NEW MEMBERS



REGULAR MEMBER

Thomas Hahn was born in Munich, Germany in 1972 and spent his youth there. After serving as a hospital nurse, he studied drama, history and communication science at Ludwig-Maximilians-Universität in Munich and at the University of Kent in the UK and he graduated with a Master's degree in 1998. During his studies he worked as a freelancer for the sports desk of *Süddeutsche Zeitung* and for its local branch *Starnberger Neueste Nachrichten*. Since

1999 he has been an editor at *Süddeutsche Zeitung*, first working at the sports desk, covering several Olympic Games and world championships in athletics and nordic skiing. In 2014 he moved to Hamburg to work as a political correspondent for northern Germany. Then, in September 2019, he became correspondent for Japan and Korea based in Tokyo.

PROFESSIONAL JOURNALIST/
ASSOCIATE MEMBERS
Alec Jordan, *Custom Media K.K.*

ASSOCIATE MEMBERS
Masahiko Murayama, *Mitsubishi Heavy Industries F, E & T Holdings, Ltd.*
Hajime Saito, *Kandenko*
Kiyoyuki Tsujimura, *Carpediem, Inc.*
Hirotake Yajima, *Hakuhodo DY Media Partners Inc.*

STATUS CHANGE (ASSOCIATE
TO PROFESSIONAL/JOURNALIST
ASSOCIATE)
Hiromitsu Ida, *Chuokoron-Shinsha Inc.*

REINSTATEMENT (ASSOCIATE)
Kenichi Suzuki, *Democratic Party for The People*

IN MEMORIAM

The FCCJ sends its deepest condolences to the family and friends of the late **DON G. HOUK**, who passed away as a result of a traffic accident in central Tokyo on Jan. 18. He was 87.

Don Houk was one of the oldest Associate Members having joined the Club in 1978. He was a popular and regular fixture of the open table. He will be sorely missed.

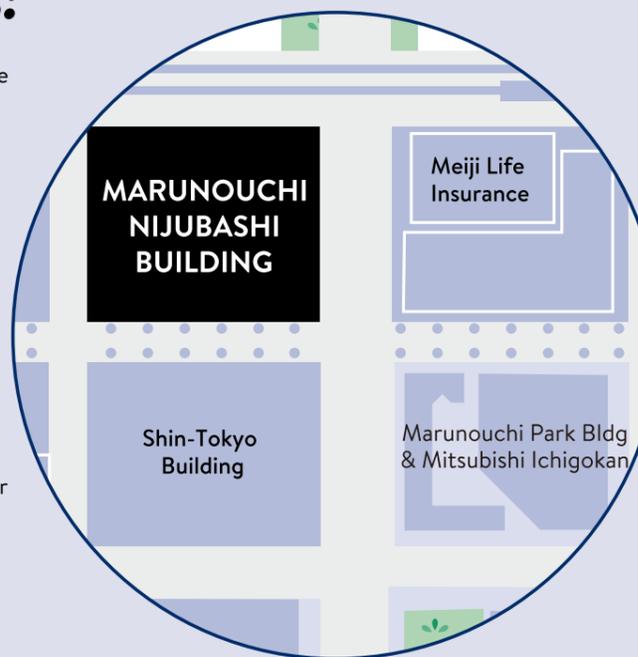
NEW LOCAL MEMBERSHIP CAMPAIGN

Save ¥100,000s!

For a limited period in 2020, the FCCJ will be offering very attractive special discounts on new individual Associate Members working in our home, the **Marunouchi Nijubashi Building**, as well as in the neighboring **Meiji Life Insurance**, **Marunouchi Park**, and **Shin-Tokyo buildings**.

New individual applicants for Associate Membership will receive a one-time discount on the existing ¥400,000 joining fee. With the one-time discount, **the joining fee would be ¥200,000 for those over 40 and ¥100,000 for those between the ages of 35 to 40**. Monthly dues of ¥17,500 and the relocation levy of ¥1,000 for Associates over 35 years of age will remain unchanged.

Existing members who introduce an accepted Associate applicant who joins the FCCJ will receive a credit of up to ¥25,000.



NEW IN THE LIBRARY

Japanese Politics – One Politician's Perspective: From the DPJ administration to the LDP-KOMEITO ruling coalition (2010-2019)
Yuzuru Takeuchi
Bungeisha

"Abe Shinzo" Daikenkyu 「安倍晋三」大研究
Isoko Mochizuki; Yoshiro Sasaki and others
KK Bestsellers
Gift from Isoko Mochizuki

Japan's Infamous Unit 731: Firsthand Accounts of Japan's Wartime

Human Experimentation Program
Hal Gold; foreword by Yuma Totani
Tuttle Publishing

Seiji no Riarizumu: Abe Seiken no Yukue 政治のリアリズム: 安倍政権の行方
Takao Toshikawa
Kadensha
Gift from Takao Toshikawa

Jimaku no Naka ni Jinsei 字幕の中に人生
Natsuko Toda
Hakusuisha
Gift from Natsuko Toda





Patrolling the seas

Anti-war protesters gathered near the Ministry of Defense in Tokyo to protest the decision to dispatch a Maritime Self-Defense Force ship to the Gulf of Oman in response to the Trump administration's proposal for a "Marine Security Volunteer Coalition" in the Strait of Hormuz.
by Richard Atrero de Guzman/ Sipa USA

Preparing the seas

World Sailing organised tests of the Olympic sailing venue, courses (Sagami Bay off Enoshima), facilities, management, media operations, and volunteers last summer in preparation for this summer's start.
by Yoichi Yabe

Lens craft

Year of the Rat

A man wearing a costume of LED lights during the countdown event at Tokyo's Shibuya Crossing on Dec. 31, 2019.
by Tomohiro Ohsumi



Provisions from the seas

Kiyoshi Kimura, president of sushi restaurant chain Sushizanmai, displays the 276kg bluefin tuna with a price of ¥193 million at his main restaurant in Tokyo, Jan. 5.
by Yoshikazu Tsuno





FCCJ

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Foreign Correspondents' Club
of Japan

Where news is made