

## FONDATION FRANCO-JAPONAISE SASAKAWA

### Statement concerning the libel action brought against Professor Karoline Postel-Vinay

The Sasakawa Franco-Japanese Foundation (hereafter, the “Foundation”) filed a lawsuit for libel against Professor Karoline Postel-Vinay, Senior Research Fellow at Sciences Po Centre for International Studies and Research, with the District Court in Paris in March 2009. The oral proceedings were completed on June 28 this year and the decision of the court is expected on September 22. During the course of this trial, there have been accusations made against the Foundation based on mistaken notions that the Foundation is violating the principles of academic freedom, the freedom of research, and the freedom of expression, and is using the judicial system to revise historical facts. The Foundation has decided to issue the statement so that such claims do not create misunderstanding in the minds of others.

#### **Adherence to the Principles of Academic Freedom, Freedom of Research and Freedom of Expression**

The Foundation defends without reserve the principles of academic freedom, freedom of research and freedom of expression. We guarantee that the Foundation has never brought the slightest pressure to bear on anyone and has never intervened to influence the carrying out of a study, to give preference to a research theme or to direct the conclusions of an action undertaken with its financial support. The institutions or the persons that have benefitted from the assistance of the Foundation have always reported freely on their work without any other condition than respect for academic norms.

#### **The Reasons for Resorting to Legal Action**

The Foundation adheres to the principles of academic freedom, freedom of research, and freedom of expression, a position indispensable to fulfilling its mission as a public-utility foundation. However, words and deeds that violate the human rights of others on the basis of unfounded information, cannot be tolerated. The Foundation has taken the decision to exercise its right to bring an action for libel because Professor Karoline Postel-Vinay has gone beyond the acceptable limits of freedom of expression by making libellous statements against us.

The following is a reminder of the facts:

#### **Background to the Case**

IFRI, the *Institut Français des Relations Internationales*, on the advice of the Japanese Embassy in Paris, approached the Foundation to obtain support for the organization of an international symposium entitled “Towards a renewed Franco-Japanese partnership”. This symposium was held on 18 December 2008 as part of the celebrations of the 150th anniversary of the establishment of diplomatic relations between France and Japan. Two days before the event, Professor Karoline Postel-Vinay sent to the symposium’s participants and partners as well as to a large number of

journalists an email with the subject heading “*Sasakawa, a war criminal to celebrate 150 years of Franco-Japanese diplomacy?*” in which she requested the French Ministry of Foreign Affairs to withdraw its patronage. A file entitled “*Memorandum: Ryôichi Sasakawa (1899-1995), the SASAKAWA empire and the SASAKAWA FOUNDATION*” was attached to this email.

In this email and the attached document, Professor Karoline Postel-Vinay made the following remarks:

1. The Sasakawa Franco-Japanese Foundation bears the name of a Class-A war criminal, Ryôichi Sasakawa.
2. It is regrettable that the Sasakawa Franco-Japanese Foundation was chosen as the principal partner of this event.
3. The Sasakawa Foundation in Japan and one of the members of the board of trustees of the Sasakawa Franco-Japanese Foundation may have been involved in promising “gifts” in exchange for the votes of African delegates to secure the election of a senior official of an important international organization.
4. The Sasakawa Franco-Japanese Foundation may have obtained its status as a public-utility foundation by peddling influence with French government officials of the day.
5. Quoting the words of a French academic, the Foundation is compared to an institution bearing the name of a Nazi from World War II and still supporting the neo-Nazi movement today.

The Foundation, in consultation with its lawyers, believes that all of the above points constitute serious libel against the Foundation and also defame its members, partners and trustees, and thus decided to bring this action before the courts.

### **Why We Regard These Points as Serious Libel against the Foundation**

To begin with, in her email, Professor Karoline Postel-Vinay stated that “the Sasakawa Franco-Japanese Foundation bears the name of a Class-A war criminal, Ryôichi Sasakawa”. However, while it is true that Ryoichi Sasakawa, who died in 1995, was arrested as a suspected Class-A war criminal, he was released without being indicted. This fact notwithstanding, to assert that the Foundation is named after a Class-A war criminal and to disseminate this assertion damages the reputation of the Foundation. The Foundation is not, however, out to restore the reputation of Ryoichi Sasakawa, let alone does it have any intention of resorting to judicial means to revise historical facts. The only purpose in taking legal action is to restore the reputation of the Foundation that has been harmed in the manner described above.

Next, to state without proof that the Foundation could have been linked to manoeuvres intended to secure the election of a particular candidate as head of an important international organization is likewise a libel. Asserting that the Foundation’s monies might have been used for illegitimate purposes indicates a degree of unfamiliarity with the functioning of a state-approved foundation in

France. It is required that a chartered accountant manages the Foundation's accounts, that an auditor audits them, and that the executive board ratifies them before the board of trustees approves them. This makes it clear that there is no possibility of the Foundation's money being used for illegal purposes. A representative of the government is a member of the board of trustees and each year a complete report containing the annual statement of accounts and various administrative documents is submitted for the approval of the tutelary ministries and the Prefecture. Our outlays have never aroused the slightest suspicion and the management of the Foundation has always been deemed to be exemplary.

As for the suggestion that the Foundation used its influence to secure its status as a public-utility foundation, this is simply not the case. It constitutes a smear on the reputation of the Foundation and impugns the integrity of all concerned, including senior government officials of the period.

Even more serious is the comparison to Nazism. There are absolutely no grounds for such a comparison. Need we recall that the person appointed as president of the Foundation, at the time of its creation, and who served in this post for six years, was none other than Ambassador Jean-Pierre Brunet, a Resistance fighter from the beginning and an eminent diplomat?

## **Conclusion**

The Foundation is established under French law, recognized as a public-utility foundation by a decree dated 23 March 1990. Its mission statement, defined in Article 1 of its Statutes, is to "develop cultural and friendly relations between France and Japan". Since it was set up 20 years ago, it has always, through its actions, symposiums, exchanges and publications, provided support to French and Japanese researchers, whatever their fields of study, their thoughts and beliefs or their standing, and has striven to create the conditions for free and open dialogue in all circumstances.

To sum up, the Foundation declares once again its attachment to the principles of academic freedom, freedom of research and freedom of expression. Although academic research enjoys total freedom, words and deeds that violate the human rights of others on the basis of unfounded information, cannot be tolerated.

French and Japanese trustees of the Foundation voluntarily dedicate their time to its management and activities because they are convinced of the importance of its mission for Franco-Japanese relations. The Foundation formally declares that, from the outset, the management of the Foundation and its choice of projects have been exemplary.

**Sasakawa Franco-Japanese Foundation**

**September 8, 2010**