The Korean Council for The Women Drafted
for Military Sexual Slavery by Japan

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THE WOMEN'S INTERNATIONAL WAR CRIMES TRIBUNAL ON JAPANESE MILITARY SEXUAL SLAVERY IN 2000

THE PROSECUTORS OF THE TRIBUNAL (NORTH AND SOUTH OF KOREA)

Indictment and

Application Concerning State Responsibility of the Government of Japan

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* The Prosecution Team of North and South of Korea reserves the right to amend the present indictment and application.

(Part I: Individual Criminal Responsibility)

THE WOMEN'S INTERNATIONAL WAR CRIMES TRIBUNAL ON JAPANESE MILITARY SEXUAL SLAVERY IN 2000

THE PROSECUTORS OF THE TRIBUNAL (NORTH AND SOUTH OF KOREA)

AGAINST

HIROHITO AND ELEVEN OTHER INDIVIDUALS

INDICTMENT

The Prosecutors of North and South of Korea of the Women's International War Crimes Tribunal on Japan's Military Sexual Slavery (hereinafter the "Tribunal"), pursuant to the authority granted under Article 11 of the Charter of the Tribunal, charge:

HIROHITO,

TOJO HIDEKI, MINAMI JIRO, ITAGAKI SEISHIRO, OKAMURA YASUJI,

UMEZU YOSHIJIRO, ANDO RIKICHI, MATSUYAMA YUZO,

with **WAR CRIMES** and **CRIMES AGAINST HUMANITY**, as set forth below:

Background

1.1 The acts committed by old Japan and its military against 'comfort women'[1] mainly of Korean

[1] As a matter of terminology, the commonly used term 'comfort women' will be used for the English translation of the comparable word 'Ianhu' in Japanese and 'Wianbu' in Korean. In the Japanese, 'comfort women' refers to women whose duty was to provide sexual services for the pleasure of Japanese soldiers. This term is an insulting and euphemistic expression that conceals the reality that these women were 'sexual slaves' as will be shown below. It is problematic to use the term 'comfort stations' in the same context to refer to the places where women, after being recruited systematically by the Japanese Empire through deceit, abduction and other forcible methods, were continuously raped by Japanese soldiers and subjected to slavery. As Ms. Gay J. McDougall, Special Rapporteur for the United Nations Sub-Commission on Human Rights, pointed out, these places were, in fact, 'rape centers'. Systematic rape, sexual slavery and slavery-like practices during armed conflict, UN Doc. E/CN.4/Sub.2/1998/13, 22 June 1998, para. 1. Other terms for similar puposes are 'facilities of sexual slavery'.

origin during their occupation of Korea were an organized systematic sexual slavery with specific social and historical background.

Japan's Forcible Occupation of Korea

1.2 While the Chosun Dynasty made efforts to convert Korea into a modern nation in the latter part of the nineteenth century, the Empire of Japan attempted to build a dominant position in Korea. Korea was strategically important for its geographical location forming a bridge into China, and also rich in human and material resources.

1.3 After the 'Meiji Restoration' in 1868, Japanese imperialism pursued an aggressive and expansionist policy against Korea, based on the *Seikanron* (doctrine of conquering Korea) which intended to subjugate Korea by force. To put this doctrine into reality, Japan strengthened state power under the slogan "Rich State and Strong Military", while committing openly aggressive acts against Korea.

1.4 The 'Unyo' incident in 1875 brought about by Japan led to the conclusion of the unequal 'Treaty of Kangwha', giving preferential treatment to Japan. Subsequently, other unequal treaties were concluded between Korea and the Western Powers.

1.5 After the Sino-Japanese War (1894-1895), the predominant status of Japan in Korea was acknowledged in the Shimonoseki Treaty (1895). This status was guaranteed by the Treaty of Alliance with Great Britain of January 30, 1902[2] and the secret Taft-Katsura Agreement with the United States in 1905.

1.6 During the Russo-Japanese War in 1904, Japan began its occupation Korea by force of arms when it mobilized 100,000 troops to Korea that was part of the region of war. With the conclusion of peace between Russia and Japan,[3] Japan secured a monopolistic position in Korea.

1.7 Relying upon its strong military power, Japan coerced the representatives of the Korean Imperial Government to sign the 1905 treaty with Japan. The Treaty deprived Korea of its rights to diplomacy, subjecting it to the protectorate of Japan.[4] Japan took away Korea's right to govern its own internal affairs through the 1907 Treaty, and dissolved the ten thousand strong Korean National Army in 1907.

1.8 The Japanese imperialists took further measures to annex Korea to Japan in 1910.[5]

In this sense, here will be used the terms 'comfort women' and 'comfort stations' in accordance with common usage, with the former in quotation marks. These words will be used interchangeably with the terms 'sexual slave' and 'sexual slavery' depending on the context. Further, the term "military 'comfort women'" is to be differentiated from 'Chongshindae' ('Taishintai' in Japanese) or 'Women's Voluntary Labor Corps' which meant women conscripted as labor force for war efforts of the Japanese imperialism.

[2] Martens, *Nouveau Recueil Général de Traités*, 2me Série, vol. 30, p. 650.

[3] The Peace of Portsmouth on September 5, 1905.

[4] Treaty of November 17, 1905; Martens, *Nouveau Recueil Général de Traités*, 2me Série, vol. 34, p. 727.

[5] Treaty regarding the Annexation of Korea to the Empire of Japan, 29 August 1910. The validity of this treaty has since been a subject of differences between Korea and Japan.

1.9 Having occupied Korea, they imposed a military dictatorship without separation of powers as the main mode of their rule over Korea. They dispatched Japanese army and navy generals as governor-generals in accordance with the orders of the Emperor. The Japanese imperialists established a pyramid-type domination system with the Governor-General at its apex, a kind of absolute monarch, and exercised military rule over the Korean people. Japan stationed tens of thousands of its armed forces in Korea and set up huge military police forces to suppress the Korean people in addition to tens of thousands of police.

1.10 While Japan ruled Korea in an arbitrary and repressive manner, Korean people's struggle for independence continued unabated within and outside of Korea.

Japan's Policy to Eliminate Korean National Identity

1.11 In the latter period of Japanese forcible occupation, the Japanese imperialists pursued especially a policy of assimilation to annihilate the identity of Korean people. They claimed "one and the same ancestry and roots" and enforced such policies as the "Japanization of Korean surnames and names", "bowing toward the Emperor's Palace" and "Emperor worship" under the guise of the "oneness of Japan and Korea". They also made the use of the Japanese language compulsory as 'mother tongue'. In order to obliterate the cultural traditions of Korea, they distorted five thousand years of Korean history. Valuable cultural goods, relics and heritage were destroyed and plundered at random.

1.12 Japan took a number of measures to exploit the material and human resources for the benefit of Japan and for its eventual war effort, particularly under the State General Mobilization Act of 1938. Japan forcibly drafted over six million Korean youth and adults as laborers, soldiers, and civilian employees of the military. A lot of them were subjected to slavery and forced labor, and even to death as canon fodder for the Japanese army. Innumerable Korean revolutionaries, patriots and innocent people were subjected to unlawful confinement, torture, arbitrary killings, summary execution and other inhuman treatment. This system of forcible conscription provided the background for the enlistment of the Korean women as 'comfort women'.

Japan's Exploitation and Plunder of the Korean People

1.13 The economic plunder of Korea by the Japanese Imperialism in agricultural areas was facilitated by the fact that Korea was a backward feudal state which relied heavily on agriculture.

1.14 Under such policies as the "Land Investigation Ordinance", the "Increased Rice Production Plan" and the "Rice Delivery Ordinance", Japan deprived most peasants of land ownership, subjecting them to tenant status in harsh conditions. As Japan exported most Korea' rice production into Japan, and made Korea a food base for Japan, the food situation in Korea was gravely aggravated. The enforcement of severe economic measures resulted in a large number of peasants being robbed of their land and food.

They were compelled to leave their homes and wander to hunt for jobs or to be employed by Japanese or Korean landlords.

1.15 The Japanese imperialism also plundered not only the peasants but also the entire population as the Sino-Japanese war became protracted and the Pacific War became imminent. The Japanese imperialists paid the Korean laborers low wages, as little as one half or one third of the wages paid to Japanese laborers, and requisitioned more than half of what little income they received through taxation of all kinds.

1.16 In the preparation for the Pacific War, the Japanese imperialists strengthened the 'delivery system' and plundered rice and other agricultural products, iron, coal, timber and marine resources and other goods. They even robbed the population of trinkets and utensils, taking whatever was available for the war. The Japanese imperialists stripped the mountains and fields of Korea naked by producing 3 million tons of pine oil each year beginning in 1942 when the Pacific War intensified.

Situation of Korean Women in the Last Days of the Japanese Domination

1.17 The situation of Korean women under the Japanese domination may be considered in three aspects, family, education and labor in consideration of the political and economic circumstances of the Korean society at that time. There was no voting right to Korean nor general participation in politics in Korea under the Japanese domination. This had crucial importance to women and they could not have the history of movements for political rights of women as in Japan. In a situation deprived of sovereignty, women participated mainly in nationalist and socialist movements for the restoration of sovereignty of Korean people. For example, women participated actively in the March 1st Movement and later formed such organizations for women movement as the Friends of Labor Society. In the 1930-1940s, however, the Japanese imperialists suppressed thoroughly any national liberation movement and the 'voice' of Korean was suffocated. The space for social movements for Korean women to cry out for sovereignty as Korean and as women were thereby crushed.

1.18 The Great Depression since 1929 severely affected the Korean economy. This economic depression together with the Japanese imperialist wars such as aggression into China and the Pacific War, made the Korean economy as the 'military supply base' for the prosecution of war extremely depleted. In particular, the plunge of the rice price in an agriculture centering on rice as a single crop drove the rural economy to bitter impoverishment. The exploitation of grains for war efforts put the Korean as a whole in a famine condition.

1.19 This economic condition means a lot to women. In case of rural women, the degree of labor went higher to help out the living. The saying at that time, "Rural women is worth more than a cow, stronger than a cow", speaks itself. Women took care of farming and all household work, worrying all the time each meal of the family. Women had to eat mugwort, potato, millet, bean cake and so on; when even

these were not available, they had to pill out grasses, leaves, and tree barks and feed their families. In this situation, unmarried female members were the first ones who had to leave for jobs in order to help the family living and to reduce the number of the family. This was even more so under the patriarchal family institution that located women as less important family members.

1.20 During the Japanese domination, Japan strengthened the system of state control over families through the linkage of the pre-existing patriarchal institution with the family head system and the family registration system introduced by Japan. The legal status of women as mere 'auxilliary' members of the family was firmly established. Further, women, legally incompetent, needed patron in all legal actions. In a situation where the movement for political participation was not possible unlike Japanese women, this family institution bound Korean women to family and located them in a socially low status.

1.21 The education of Korean women in this period was in stagnation. In 1919, the entrance rate of Korean women to elementary school was not more than 0.7 % (in case of men, 5.3 %). In 1930, the women entrance rate rose to 5.7 %, but still at a low level. In particular, the opportunity for higher education was very limited: in 1931, the number of female students enrolled in the women's middle school did not exceed 5,000. Even 'new women' received higher education could not get the job opportunity due to the political and economic situation of the Korean society. Under the colonialist and militarist rule blocked of ways of active social participation, these women, too, were engrossed in marriage and family.

1.22 The employment opportunity for women were extremely limited in the economic situation under the depression and the forcible occupation. The Japanese imperialist implanted in Korea labor intensive industry centered on light industry where the role of female workers was significant. For example, the rate of women workers in textile industry in 1934 was 80-90 % of the entire labor force. Among them, there were many 12 – 15 year-old young female workers. In case of Korean women workers, the average wage for the 14 to 15 hours of lengthy labor a day amounted to a quarter of that of Japanese male and half of the Japanese female. On the other hand, the depression and the economic and moral decay of the Korean society due to the state of war forced many Korean women to prostitution. This was also resulted from the fact that the 'licensed prostitution' system institutionalized by the Japanese imperialist condoned trafficking in women.

1.23 Under the extreme economic poverty facing Korean women and the debasement of women at that time, the recruitment of 'comfort women' through deception and violence was made possible and the systematic recruitment of 'comfort women' was only possible within the context of political and military rule and the information control of the Korean society.

Wars of Aggression and Japanese Military Comfort Stations: Geographical Location

1.24 Following the Sino-Japanese War since 1937, Japan expanded its aggressive war to vast areas

spanning the Aleutian Islands to the north, and Solomon Islands of the Pacific to the east, New Guinea and other islands of the Mid-South Pacific to the south, and to Burma, the Andaman and Nicobar Islands of the Indian Ocean to the west. Wherever Japanese forces were stationed, comfort stations were set up as documented by the Allied and the Japanese forces. Comfort stations were also established in Japan proper and in the territories that had fallen into the Japanese sphere of influence before the Sino-Japanese War such as Chosun (Korea)[6], Taiwan, Northeast China.[7]

1.25 Korean women were regarded as a stable supply source of mobilization for the Japanese military comfort stations. While there were comfort station throughout all the areas affected by Japanese imperialist wars, Korean 'comfort women' were taken even to the foremost front of battle. This meant that they were sexually exploited even in places where their very survival was under threat.

The accused

2.1 **HIROHITO** (1901 - 1989) was Emperor of Japan from 1926 until 1989.

2.2 **TOJO HIDEKI** (1884 - 1948) was Chief of Staff of the Kanto (or Guangdon) Army in 1937, Vice Minister of Army in 1938, Minister of War from July 1940, Prime Minister and, at the same time, Ministers of Army and of Interior Affairs from October 1941 to July 1944.[8]

2.3 **OKAMURA YASUJI** (1884 - 1966) was Vice Chief of Staff to the Shanghai Expeditionary Force in 1932, Commander of the 11th Army of the Central China Area Army from June 1938 to March 1940, and Commander of the China Expeditionary Force from November 1944 till the end of war.

2.4 **MINAMI JIRO** (1874 – 1955) was Commander of the Chosen (Korean) Army in August 1929, Minister of Army in April 1931, Commander of the Kanto Army in December 1934, and Governor-General of Korea (August 1936 - May 1942).[9]

2.5 **ITAGAKI SEISHIRO** (1885 – 1948) was Chief of Staff of the Kanto Army in March 1936, Minister of Army (June 1938 – August 1939), Chief of Staff of the China Expeditionary Force (September 1939 – July 1941), Commander of the Chosen Army (July 1941 – April 1945), and Commander of the 17th Area Army (April 1945 – April 1945, and simultaneously the Commander of the Chosen Army).[10]

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[6] For details of the comfort station in Banjin, see the Appendix.

[7] See Map of the distribution of comfort stations where Korean 'comfort women' were forced to serve.

[8] He was convicted of waging the war against China and the Western Powers, but not of war crimes, on evidentiary grounds, before the International Military Tribunal for the Far East. He was sentenced to imprisonment for life. Judgment, pp. 463-466.

[9] The International Military Tribunal for the Far East found him guilty of the conquest of Manchuria and the war against China. Judgment, pp. 454-6. His actions as Governor-General of Korea in other respects were not put on trial. He was sentenced to imprisonment for life.

[10] The International Military Tribunal for the Far East found him guilty especially of war crimes against prisoners of war and civilian internees in the area under his command of the 7th Area Army covering Java, Sumatra, Malay, the Andaman and Nicobar Islands, and Borneo. The Tribunal held that "If ITAGAKI,

2.6 **UMEZU YOSHIJIRO** (1882 - 1949) was Vice-Minister of War from March 1936 to May 1938, Commander of the 1st Army from May 1938, Commander of the Kanto Army (September 1939 - July 1944) and Chief of the Army General Staff from July 1944 until the Surrender.[11]

2.7 **ANDO RIKICHI** (1884 – 1946) was Commander of the 5 Division from May until November 1938, Commander of the 21st Army (November 1938 - February 1940), Commander of the South China Area Army (February 1940 – October 1940), Commander of the Taiwanese Army (November 1941 - March 1944), Commander of the 10th Area Army from March 1944, and also Governor-General of Taiwan from December 1944 till the end of the war.

2.8 **MATSUYAMA YUZO** (1889-1947) was Commander of the Infantry Group of the 27 Division in 1939 and Commander of the 56 Division of the Burma Area Army from December 1942 till the defeat of the war.

2.9 [illegible] **TOMIKO** were Japanese civilian managers of a 'comfort station' in Burma.

Superior Authority

3.1 From December 1926 until January 1989, **HIROHITO** was the Emperor of Japan.[12] From 1926 until 1945, he was the Head of the State, the sole and supreme sovereign who held all the powers of State including legislative, administrative, and judicial matters under the Constitution of the Empire of Japan.

3.2 **HIROHITO** was also the Commander-in-Chief of the Japanese Imperial Army and the Navy. His power of command covered matters relating to defense and operation planning, the use of the armed forces in both peace and war, and training, disciplinary punishment and internal organization of the armed forces and soldiers. He held the power of command over dispatched military units and entrusted the Chief of the General Staff with the charge of operation-related matters. On the Emperor's orders, each dispatched army unit moved to the assigned area, and engaged in military operations.

3.3 Comfort stations were part of the Japanese military establishment: they were designated as war supply facilities in the Japanese military structure. **HIROHITO** had overall authority over the establishment and maintenance of comfort stations run by the Japanese Imperial Army.

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being responsible for supplies to many thousands of prisoners and internees, found himself unable to maintain them for the future, his duty under the Laws of War was to distribute such supplies as he had and meantime to inform his superiors that arrangements must be made, if necessary with the Allies, for the support of the prisoners and internees in the future. By the policy which he adopted he is responsible for the deaths or sufferings of thousands of people whose adequate maintenance was his duty." Judgment, p. 450. He was sentenced to death by hanging.

[11] The International Military Tribunal for the Far East found him guilty especially on war crimes against prisoners of war and civilian internees in the war theaters. He was sentenced to death by hanging. Judgment, pp. 461-463, 466.

[12] See the Japanese Indictment. See also the testimonies of expert witnesses.

3.4 **TOJO HIDEKI** was Prime Minister and, at the same time, the Minister of Army and of Interior Affairs from October 1941 to July 1944. In his official capacity, he was responsible for matters relating to military administration. He was responsible for the establishment and maintenance of comfort stations run by the Japanese Imperial Army.

3.5 From August 1936 until May 1942, **MINAMI JIRO** was Governor-General of Korea. The power of the Governor-General to rule Korea was in principle delegated by the Emperor. Within the ambit of delegation, the Governor-General had command and control over the Army and the Navy and was responsible for all other political affairs. The Governor-General had full power over the legislative, the administration and the judiciary answering only to Emperor **HIROHITO**. The Governor-General was exceptionally excluded from the supervision and control of the Minister of Colonial Affairs.

3.6 **ITAGAKI SEISHIRO** was Commander of the Chosen Army from July 1941 until April 1945. The Chosen Army was directly responsible to **HIROHITO**. The Commander of the Chosen Army held command over the Chief of the Chosen military police upon instructions from the Chief of the General Staff in matters of military command and from the Army Minister in matters of military administration.

3.7 **ITAGAKI SEISHIRO, OKAMURA YASUJI, UMEZU YOSHIJIRO, ANDO RIKICHI,** and **MATSUYAMA YUZO** in their respective positions as commanders of the Japanese armed forces, had the authority and responsibility to control the troops under their command. As commanders of various armed forces, they exercised powers and duties consistent with their superior position. They were responsible for the establishment and maintenance of comfort stations found in army barracks and in areas under their respective command and control.

General Allegations

4.1 At all times relevant to the present indictment, the entire territory of Korea was under military occupation by Japan. The state of war between Korea and Japan existed since 1904.

4.2 During the Russo-Japanese War (1904-1905), the territories of Korea became part of the region of war. The Japanese military sent troops to Korea and began forcibly to occupy parts of the Korean territory. Armed resistance against the Japanese invasion and occupation broke out immediately on a widespread scale. The Japanese military, however, managed to consolidate its domination over Korea, culminating in the conclusion of the 1910 Annexation Treaty. Nonetheless, armed conflicts continued to be unabated between Japan, on the one hand, and former members of the Korean Army, by then dissolved by the Japanese authorities, and other fighters on the other. The Provisional Government in Shanghai (later moved to Chongqing) and other armed groups for independence had engaged in fighting against the Japanese army in and out of Korea just before the surrender of Japan in August 1945.

4.3 The Japanese military government of Korea underwent a few changes in form and nature throughout its duration. The initial stage was the stationing of the Japanese army in Korea and the

imposition of martial law over part of the Korean territory. The Japanese rule changed its form from the Resident-General to the Government-General that lasted till 1945. Although the harshness of the rule may have varied from each governor-generalship, the nature of the Japanese domination over Korea during the period in question was none other than military occupation within the meaning of international law.

4.4 Alternatively, Korea may be considered as part of Japan from 1910 until 1945.

4.5 All acts or omissions set forth as war crimes recognized by Article 2, paragraph 1 of the Charter of the Tribunal occurred during belligerent occupation of Korea by Japan. It should be noted that war crimes recognized in the Tokyo Charter were accepted by Japan in concluding the Peace Treaty in 1951.

4.6 All Korean 'comfort women', victims of the Japanese military sexual slavery, referred to in this indictment were at all relevant times inhabitants of Korea occupied by Japan.

4.7 The accused in this indictment were required to abide by the laws and customs of war including the 1907 Hague Convention No. IV.

4.8 Unless otherwise indicated below, all acts and omissions set forth in this indictment took place between 1937 and 1945.[13]

4.9 Alternatively, the accused in this indictment are also charged with crimes against humanity pursuant to Article 2, paragraph 1 of the Charter of the Tribunal.

4.10 The alleged acts or omissions as constituting crimes against humanity were part of a widespread, large-scale or systematic attack against a civilian population, specifically the population in Korea.

4.11 **HIROHITO** is individually responsible for war crimes and crimes against humanity and as recognized in Article 2, paragraph 1 of the Charter of the Tribunal relating to the Japanese military sexual slavery. Individual criminal responsibility includes planning, instigating, ordering, committing, aiding, abetting or otherwise participating in the planning, preparation or execution of any acts or omissions set forth below. **TOJO HIDEKI, MINAMI JIRO, ITAGAKI SEISHIRO, OKAMURA YASUJI, UMEZU YOSHIJIRO, ANDO RIKICHI, MATSUYAMA YUZO, [redacted] and [redacted]** are likewise individually responsible.

4.12 **HIROHITO** is also, or alternatively, criminally responsible as a superior for the acts of his subordinates as recognized in Article 3, paragraph 2 of the Charter of the Tribunal. Command criminal responsibility is the responsibility of a superior officer for the acts of his subordinates if the superior knew or had reason to know that his subordinates were about to commit such acts or had done so and the superior failed to take necessary and reasonable measures to prevent such further acts or to punish the subordinates. **TOJO HIDEKI, MINAMI JIRO, ITAGAKI SEISHIRO, OKAMURA YASUJI,**

[13] It has been argued that a form of comfort stations run by civilians was in existence at the time of the Sino-Japanese War in 1894 and that the army had already set up comfort stations as early as the Russo-Japanese War in 1904. There was also evidence of comfort stations during the so-called Shanghai

UMEZU YOSHIJIRO, ANDO RIKICHI, and **MATSUYAMA YUZO** are likewise responsible.

Counts

Planning and Implementation of the Japanese Military 'Comfort Station' Policy (Counts 1-2)

5.1 **HIROHITO**, in his status as the Head of State, stood at the apex of the Japanese military comfort stations policy which was implemented by the Chief of Staff and the Minister of the Army, and then with Commanders of the Korean Army, the Taiwanese Army, the Kanto Army, the China Expeditionary Force, the South Sea Area Army and the Burma Area Army.

5.2 **HIROHITO** signed and fixed the royal seal, with the signature of **TOJO HIDEKI** in his capacity as Prime Minister and Minister of Army, on 30 March 1942 to Edict No. 300 which amended the Government Organization of the Ministry of Army to include comfort station matters within the competence of the Reward and Merit Division under the heading 'other welfare'.[14]

5.3 **HIROHITO** is responsible for his omission to prevent the relevant organs of the Japanese government from participating in the planning and execution of the comfort station system, if not his acts of direct participation.

5.4 **TOJO HIDEKI**, as Prime Minister and, at the same time, Minister of Army from 1940 to 1944, participated in the planning and implementation of the Japanese military 'comfort station' policy with other unnamed organs of the Japanese Government including the Ministry of Foreign Affairs.[15]

5.5 **ANDO RIKICHI**, commanding the Taiwanese Army, sent a telegram direct to **TOJO HIDEKI** as Minister of Army in which he requested the transfer of 'comfort women' to the South Pacific Area.[16] **TOJO** answered affirmatively to the request.[17]

5.6 **TOJO HIDEKI** is responsible as Prime Minister for his acts or omissions in connection with the acts of various branches of the Ministry of Foreign Affairs, which controlled the consulates and Japanese nationals abroad in maintaining comfort stations. For instance, the Government-General of

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Incident of 1932.

[14] Article 9, item v, [Japanese] Official Gazette No. 4565 (31 March 1942). See also Memoir of Inoue Masanori who served the Division; recited in Hata Ikuhiko, *Ianfu to Senjo no Sei* (Comfort Women and Sex in War Field), 1999, p. 105. For other grounds, see the Chinese and Japanese Indictments.

[15] Although the origins of 'comfort stations' may date back to the Sino-Japanese War of 1894 and the Russo-Japanese War of 1904, the present indictment focuses on those set up since 1937 after the Sino-Japanese War. As in other paragraphs charging war crimes and crimes against humanity, it is not possible to give the full detail of these crimes due to the fact that the Japanese government still refuses to open its wartime archives to the public. Further, the Japanese government and other individuals destroyed the relevant evidence immediate after the war as will be alleged below.

[16] Commander of the Taiwanese Army, Matter regarding Travelers to the South Pacific Area (12 March 1942).

[17] Associate Officer to the Ministry of Army, Matter regarding Travelers to the South Pacific Area (16 March 1942). For his crimes as Governor-General of Taiwan, see the Taiwanese Indictment.

Taiwan sought the instruction from the Ministry of Foreign Affairs on the method to deal with passengers for the purpose of setting up comfort stations pursuant to the military request in a document titled 'Matter regarding the establishment of comfort stations in the occupied territories of the South Pacific Area' dated 10 January 1942. The Ministry of Foreign Affairs, then headed by Togo Shigenori, instructed that these passengers should travel with the certificate issued by the army (as the issuance of passports was not considered appropriate) in a document of 14 January, titled 'Matter regarding the method of transportation of comfort women in the occupied territories of the South Pacific Area'.[18]

5.7 There are other instances in which a consulate gave the Minister of Foreign Affairs a report on the immigration of women, or where the consulate investigated and reported the occupations of Japanese, Korean or Taiwanese, particularly managers of comfort stations and the situation of 'comfort women', or comfort stations related matters.[19] Further, the Director of the Third Division at the Bureau of America in the Minister of Foreign Affairs received notice from the Head of the External Affairs Department in the Japanese Government-General of Taiwan in September 1940.[20] It stated that all travelers needed to obtain a certificate showing the reasons for travel to China, and sought the understanding that the urgency of the travel of comfort station workers make permission granted.

5.8 **TOJO HIDEKI** is also responsible as Prime Minister for his acts or omissions in connection with the acts of the Ministry of Army concerning comfort stations. The Ministry assigned the transportation of 'comfort women' and management of comfort stations to the Reward and Merit Division of the Personnel Bureau from April 1942. In a circular of 26 March 1942, for instance, director of the said division, Kuramoto Keijiro, stated his wish to set up permanent comfort facilities for soldiers below the rank of non-commissioned officers with a defense donation from the Japanese nationals. Six months later, it was circulated on 3 September that these facilities were established at 100 places in North China, 140 in Central China, 40 in South China, 100 in South Area, 10 in South Sea, 10 in Sakhalin, 400 in total.[21] The Minister of Army routinely attended to the meetings of directors.

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[18] See also the part of the Japanese Indictment on the establishment of comfort stations in Borneo, Indonesia. **TOJO HIDEKI** was found not guilty of war crimes before the International Military Tribunal for the Far East. The Tribunal stated: "Upon his resignation in [September] 1942 TOGO appears to have endeavored to see to the observance of the Rules of War. He passed on such protests as came to him for investigation and in several instances remedial measures were taken. At the time of his resignation atrocities committed by the Japanese troops had not become so notorious as to permit knowledge to be imputed to him..."(Judgement, p. 461). Nevertheless, even if acknowledging his diligence on the observance of the law of war, the document indicates that he did not take any step to prevent or investigate atrocities against 'comfort women'. The Tribunal would have made a different finding if any evidence relating to comfort stations had been submitted to it.

[19] For example, see Matter regarding Control of travel to China [Taipai Provincial Governor] (13 Jan. 1939); Matter regarding various statistical report on the temporary arrangement for nationals to travel to China (11 June 1941).

[20] Governor of Takao Province, Matter regarding Treatment of Travelers to the Chinese Coastal Area Considered as Impossible to Obtain Certificates of Reasons for the Travel to China and other Documents (23 August 1940).

[21] Kinbara Setsuzo, *Rikugunsho Gyomu Nissi Tekiroku* (Summary of the Work Journal of the Ministry of Army).

5.9 This system of military comfort stations was a form of sexual slavery.

5.10 **HIROHITO, TOJO HIDEKI** and **ANDO RIKICHI** were in a position to have a clear knowledge of the acts committed in the comfort stations against Korean women.[22]

By their participation in these acts, **HIROHITO, TOJO HIDEKI** and **ANDO RIKICHI** committed:

Count 1:
a WAR CRIME recognized in Article 2 (1) of the Charter of the Tribunal (sexual slavery).

Count 2:
a CRIME AGAINST HUMANITY recognized in Article 2 (1) of the Charter of the Tribunal (enslavement).

Forced Recruitment of Korean 'Comfort Women' (Counts 3-4)

5.11 Since the establishment of comfort stations, a huge number of Korean women were forcibly recruited as an essential part of the Japanese comfort stations policy by lower ranking officials of the Japanese authorities and civilian managers in cooperation with the former.[23]

5.12 **Kim Gunja** (1926 -) is one of the Korean victims of the Japanese military sexual slavery. In March 1942 at the age of 16, she followed a Korean man with military uniform of no rank mark, who sent her to a comfort station named 'Kingaku' at Huichun in North China. At that time, she thought that she was on an errand for her stepfather Choi Chulji, a policeman in Chulwon, Gangwon Province.[24]

5.13 The case of **Pak Yongsim** (1921 -) is another example of forcible recruitment in collaboration with the local police. In March 1938, this 16 year-old victim was approached by a Japanese policeman who told her that there was a vacancy at a factory. He sent her from Pyongyang to a comfort station in Nanjing.[25]

5.14 The Japanese police has also frequently resorted to more violent methods. The Japanese policeman arrested **Cho Sunduk** (1921 – 1999) in the train from Seoul to Hamhung. He interrogated her at the police station in Wonsan. He suggested her to work in a certain unit ('Eseidai' or 'Hesedai') where

[22] In the diary of Hirohito's brother, Takamatsunomia, who was also a member of the Emperor's family and hold a high position in the military, 'comfort women' were mentioned. See the Japanese Indictment.
[23] The concept of 'forcible recruitment' should not be confined to cases where physical force was used in the recruitment. It also covers a situation where a woman was recruited and unable to return cor..rary to her will and wishes.
[24] See the Selective Testimonies in the Appendices below.
[25] Ibid. See also para. 5.51 below. See also an article by Walter Rundle, United Press war correspondent, in China Burma India Roundup, 30 November 1944, filed before the Tribunal.

she could earn money. She insisted to go home, but the police dragged her away with other 3 girls.[26] When Yun Duri (1928 -) was 16 years old in 1943, a policeman belonging to the Southern Police Station who found her near the railway station at Pusan-jin, Korea, forcibly placed her into the custody of a soldier who sent her to Japan.[27]

5.15 There are also cases in which local administrative authorities in cooperation with the military and the police were involved in the recruitment process. **Kim Bokdong** (1926 -) testifies that she was told to serve for 3 years at a factory making military uniforms as 'Taishintai' by the leader of a task force and head of the village who came with a Japanese soldier wearing a uniform with rank insignia. It was 1941 and she was 15 years old. She was sent to Guangdong, China, at first, then moved around Asia as will be seen below.[28] There are other cases where even girls as young as 11 were similarly victimized.[29]

5.16 The recruiters made use of all kinds of fraudulent methods such as misrepresentation and deceit of jobs and destination to entice Korean women into sexual slavery. In 1941, Son Pan-im, born in Hadong, South Kyungsang Province in 1924, was deceived to follow 'Satomi', a Japanese woman in her forties, who said she could send her to a good office. She took a ship with 40 other girls in Pusan.[30] She was dragged along to various comfort stations in the Pacific from Rabaul, New Guinea, Borneo, to the Philippines. **Kim Taesun** (pseudonim), born in Gangjin, South Cholla Province in 1926, was told by her father to hide as there were cases of abduction of unmarried women in September 1944. One day, after hiding for about a week, she had lunch with her family. Then she was taken away by a Korean and a Japanese who told them to make her earn money. Passing through Inchon, she heard the leader say that they would go to a factory in Japan. She arrived at Osaka and was put on the 'Arabiramaru' to Saigon, then to Burma where she began the life of a 'comfort woman' in Rangoon.[31]

5.17 **Ha Sangsuk**, born in 1928, was taken away by two Korean man in 1944. She believed that she would work in an entertainment group for the army. She was forced to become a 'comfort woman' at Jiqingli, Hankou in China.[32] She was given the Japanese name 'Kimiko' (or Gunja). The offer of nursing work was another pretext frequently used to recruit women in a deceptive manner.[33]

5.18 Kidnapping and other types of violence were also widely resorted to. When Shim Dalyeon (1927 -), at that time 12 or 13 years old, and her older sister was taking vegetables in the field, two men got out of a truck and forced them into it. In the car, she found other girls taken when going home after

[26] See the Selective Testimonies in the Appendices below.
[27] See Annex II.2 below.
[28] See the Selective Testimonies in the Appendices below.
[29] See the Table in Annex I.2 below.
[30] In the Philippines after the surrender of the Japanese troops, she was forced to pretend a nurse at the army field hospital where a US officer visited probably for inspection. See The Korean Council for the Women Drafted for Military Sexual Slavery by Japan & The Korean 'Comfort Women' Research Institute. *Gangjero kkullokan kunwianbudul* (The Korean 'Comfort Women' Forcibly Taken Away), vol. II (Seoul: Hanul, 1997)(in Korean) pp. 69 - 80.
[31] Ibid., vol. I (1993), pp. 229 – 237.
[32] See the Selective Testimonies in the Appendix below. See also **para**. below.

school. When they cried desperately, they were beaten and kicked.[34]

5.19 The procurement of women with the consent of their family, often extracted under duress, was merely a pretext to conceal and justify the forced character of recruitment.[35]

5.20 The forcible recruitment of 'comfort women' was frequently accompanied by other sexual violence such as rape and gang rape as well as torture, mutilation and other assault perpetrated by the recruiters and Japanese soldiers.

5.21 **Kang Dukkyung** (1929 - 1997) was 15 years old when the school teacher pressed her to join the Women's Volunteer Labor Corps. She was sent to a Fujikosi airplane company at Toyama Prefacture in Japan. She escaped but was arrested not far away by a soldier. Then she was forcibly taken into a truck where she found herself alone with the military policeman and the driver. The former stopped the truck and took her to a hill in a dark night. He raped her.[36]

5.22 As can be seen from the above cases, the methods used to recruit 'comfort women' involved acts in violation of international law and Japanese municipal law which were extended to apply in Korea at that time. In short, the process of recruiting 'comfort women' was no different from 'slave hunting'.

5.23 In all the cases stated above, the names of those who were directly involved in the forcible recruitment could not be identified. Japanese wartime documents show that these recruiters, themselves civilian operators of comfort stations, were usually dispatched by the local military forces in pursuance of their need.[37] They were either handpicked by the Japanese military or selected by the relevant military headquarters of mobilized areas upon request from each expeditionary force.

5.24 The forcible recruitment of 'comfort women' on such a widespread scale for a lengthy period of time over 10 years could not have been possible without the involvement or condoning of the Japanese authorities, whether military, police or administrative agencies, in the traffic in women and children. This can be proved by the fact that these recruiters had to carry a license issued by the military or overseas diplomatic services and go to places with which they were familiar or had connections. They had resort to normal administrative channels at the designated town for mobilization, and/or to the most effective organ with the power to enforce: the local or the military police. Otherwise, they made use of the employment agency network commonly found in large cities that were more like human trafficking organizations. As will be shown in later paragraphs, the certificate issued by the police for passage could not be obtained without the assistance of the police that had a vast surveillance and intelligence capability.

5.25 The Japanese military and administration exercised enormous influence over Korea and its people, and the mobilization of the Korean 'comfort women' was almost impossible without the

[33] See the testimonies of Annex II.2 below.
[34] Ibid.
[35] Ibid.
[36] Ibid.
[37] Yoshimi Yoshiaki, *Kyodo Kenkyu Nohogun Ianfu* (Joint Research on Japanese Military Comfort Women), Otsuki Co. (1995).

understanding and direct involvement of the Korean Government-General. The Korean Governor-General who was appointed by the Emperor also had vast powers to carry out various government affairs, while its Bureau of Police was in charge of police affairs, and in the local areas, the provincial governors commanded the police stations in each district through the provincial police department. The administrative and the military and civilian police apparatus under the Japanese Government-General of Korea and the Commander-in-Chief of the Korean Army were systematically utilized for the recruitment of Korean 'comfort women.' **MINAMI JIRO** was Governor-General from 1936 to 1942. Other relevant governor-generals were Koiso Kuniaki (from 1942 to 1944)[38] and Abe Nobuyuki (from 1944 to 1945).[39]

5.26 Those commanders of the Japanese Imperial Army who planed, instigated, ordered, aided, abetted or otherwise participated in the acts of forcible recruitment of 'comfort women' in Korea, should be held responsible.

5.27 In addition, the Japanese Imperial Army frequently commissioned the Japanese military government of Korea and the headquarters of the Korean Army to recruit Korean women and girls for comfort stations. This may be exemplified by the recruitment for the Kanto Army in special intensive training session in 1941 when the Japanese Imperial Army stationed in Guangdon requested the Korean Government-General to round up 20,000 Korean 'comfort women'. Hara Zenshiro, staff officer of the Kanto Army at the time, stated that the office of general staff made the request to the Korean Government-General in pursuance of the mobilization plan of the Kanto Army.[40] The Korean Government-General sent 8,000 Korean women to the northeast China. **UMEZU YOSHIJIRO** was Commander-in-Chief of the Kanto Army from September, 1939 until July, 1944, and was succeeded by Yamada Otozo.

5.28 The Korean Government-General was involved in the finance for the expenses needed for sending 'comfort women' to the military.[41]

5.29 Both the Japanese Imperial Army and the Navy built comfort stations through their respective

[38] He (1880 - 1950) was Chief of Staff of the Kanto Army (August 1932 – March 1934), Commander of the Chosen Army (December 1935 - July 1938), Minister of Colonial Affairs (1939 - 1940), Governor-General of Korea (1942 - 1944), and Prime Minister (July 1944 - April 1945). On war crimes against prisoners of war and civilian internees, in particular, he was found guilty by the International Military Tribunal for the Far East. The Tribunal stated that "When KOISO became Prime Minister in 1944 atrocities and other war crimes being committed by the Japanese troops in every theatre of war had become so notorious that it is improbable that a man in KOISO's position would not have been well-informed either by reason of their notoriety or from interdepartmental communications." Judgment, p. 453. He received the sentence of imprisonment for life.
[39] He (1875 - 1953) was Prime Minister (August 1939 - January 1940) and Governor-General of Korea (1944 - 1945).
[40] See also the Japanese Indictment, pp. 2-4; the Chinese Indictment.
[41] S-11414, S-12382, and S-14807 (emergency coded telegram between Kalgan, Inner Mongolia and the Bureau of Financial Affairs, the Korean Government-General sent on 4 June, 13 June, 6 August 1944), found in US National Archives, RG 457, Records of the National Security Agency Entry 9011 Japanese-German Diplomatic Messages Box 153 and RG 457 Historic Cryptographic Collection, Pre WW I through WW II Box 900.

chain of command with **HIROHITO** at the apex.

5.30 When the Japanese military occupied Burma in 1942 under Terauchi Hisaichi,[42] Commander-in-Chief of the South Area Army from November 1941 until the end of the war, agencies from Japan flocked together to Korea to recruit Korean women for 'comfort services' in the occupied territories of South-East Asia in 1942. The Headquarters of the Korean Army explicitly requested civilian operators to recruit 'comfort women' and fully supported them. In response to this notification, **KITAMURA EIBUN, and KITAMURA TOMIKO**, among others, applied for and obtained permission from the Headquarters of the Korean Army. They procured 22 Korean women aged between 17 to 29 at a price of 300 to 1,000 won. The Headquarters of the Korean Army gave them a letter which demanded all Japanese troops provide every necessary assistance such as transportation, food and clothing.[43]

5.31 **ITAGAKI SEISHIRO** had been the Commander-in-Chief of the Korean Army from July 1941 to 1944.

5.32 **HIROHITO, TOJO HIDEKI, MINAMI JIRO, ITAGAKI SEISHIRO, UMEZU YOSHIJIRO** and **ANDO RIKICHI** who had a knowledge and understanding of the nature of the acts committed against 'comfort women', were responsible through their acts or omissions for the crimes committed in the recruitment of Korean 'comfort women'.

By their participation in these acts, **HIROHITO, TOJO HIDEKI, MINAMI JIRO, ITAGAKI SEISHIRO, UMEZU YOSHIJIRO, ANDO RIKICHI, KITAMURA EIBUN and KITAMURA TOMIKO** committed:

Count 3:

a WAR CRIME recognized in Article 2 (1) of the Charter of the Tribunal (compelling service in hostile forces, unlawful confinement, taking hostages, rape, torture, inhumane treatment, attacking civilians, using, conscripting or enlisting children).

Count 4:

a CRIME AGAINST HUMANITY recognized in Article 2 (1) of the Charter of the Tribunal (enslavement, rape, torture, persecution).

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[42] He (1879 - 1946) was Commander of the Taiwanese Army in August 1934, Minister of Army in March 1936, Commander of the North China Area Army, Commander of the China Expeditionary Force (March 1941 - November 1944), and Commander of the South Sea Area Army from November 1941 till the end of the war. See also the Indonesian and the Philippine Indictments.

[43] United States Office of War Information, Psychological Warfare Team, Attached to U.S. Army Forces India-Burma Theater, Japanese Prisoner of War Information Report No. 49 (1 Oct. 1944). For the case of the Ogasawara Islands, see Annex I.2.

Forcible Transfer of Korean 'Comfort Women' to Japanese Military Comfort Stations (Counts 5-6)

5.33 After their forcible recruitment, Korean women and girls were forcibly and systematically transferred from their homes, in most cases, to foreign territories where they were placed in Japanese military comfort stations throughout the Asia-Pacific region.

5.34 When **Kim Gunja** got into a truck after taken by a recruiter, she found 7 women with a Korean man aged about 40 wearing an army uniform. According to her, the truck drove for about a full day and night where an army truck was waiting for them. She was moved into that truck which ran quite a while and stopped at an old inn-like two-story house with a signboard saying 'Gingaku Ianzo' in Huichun, Manchuria. The area was under the control of the 71 Division, the Kanto Army.[44]

5.35 Forcible transfer of recruited women took place under the tight control and administration of the Japanese authorities. By request of the Japanese forces in the field or in general, detailed plans for this purpose were carefully drawn up by the Japanese consulates, the Governments-General in Korea and Taiwan, the Ministry of Interior Affairs and the Cabinet.

5.36 These plans for forcible transfer were systematically executed. 'Free' entrance to China without needing passports was no longer the case after the Sino-Japanese War. To travel to China, it was required to obtain certificates of identity or passports from the police, in other words, State authorization.[45] A circular to the same effect was issued on 17 September 1937 by the public security division at the Police Bureau of the Korean Government-General under the supervision of **MINAMI JIRO**.

5.37 In a memorandum of 10 March 1939 relating to the passage to Hankou, China, the Department of External Affairs in the Government-General of Korea ordered the local police to restrict travel to that destination as the military comfort stations reached their limits.[46] Travel to areas of military operations and remote places required a travel document from the stationing forces or the military police in the field.[47]

5.38 The Cabinet decision of 7 May 1940 relating to the temporary processing of nationals travelling to China allowed managers of comfort stations in China, *inter alia*, to import 'employed' women in numbers specified in certificates issued by the police officer in charge at the consulate of

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[44] Korean researchers of the Japanese Prosecution Team for the Tribunal who are residents in Japan have been of great help in identifying perpetrators and troops stationed in the area where Korean survivors such as **Ha Sangsuk, Kim Bokdong, Kim Gunja, Pak Yongsim**, and **Song Shindo** were forced into sexual slavery.

[45] Vice-Minister of Foreign Affairs, Matter regarding the control of travel to China by undesirable elements, 21 August 1937.

[46] Public Security Division, the Police Bureau of the Korean Government-General, Matter regarding the regulation of departures for Hankou, 10 March 1939.

[47] Vice-Minister of Colonial Affairs [Tanaka Takeo], Matter regarding the situation of the issuance of certificates on the travel in occupied territories of the Japanese army in China, 9 August 1939.

China.[48]

5.39 The Asia-Pacific War placed the deportation of 'comfort women' to the South under the exclusive control of the Ministry of Army, which assigned the transportation of 'comfort women' and management of comfort stations to the Reward and Merit Division of the Personnel Bureau in April 1942.[49]

5.40 The ~~KITAMURA~~ couple and 22 Korean women departed from Pusan for Burma with other 703 Korean women and about 90 Japanese managers on 10 July 1942.

5.41 It was the same day when **Mun Okju** (1924 -) left Pusan for Burma. Born in Taegu in 1924, she went to Pusan with a friend to work in a restaurant. Two Korean man (named 'Matzumoto') and woman were waiting for them at the railway station. They took us to an inn named 'Gapeul Hotel' where 16 women were already there. On 10 July 1942, 18 women got on board a ship at the Pusan port. The ship was a military one with six or seven others. The ship taking them and with some 300 to 400 women was sailing in the rear. These 18 women were formed into a group and others were the same. When she questioned other girls, they also said that they were going to restaurant to earn money. The ship sailed a month or two and finally arrived at Rangoon.[50]

5.42 The ~~KITAMURA~~ group also arrived at Rangoon on 20 August via Taiwan, where the ship took up 22 women for Singapore. In Rangoon, they divided up into groups of 20-30s, each forming a separate comfort station belonging to regiments or army groups in different regions of Burma. The ~~KITAMURA~~ were placed at the 114th Regiment. After staying at a few towns for several months, they came to Myitkyina around January 1943. The comfort station run by ~~KITAMURA~~ was called 'Kyoei' along with two other comfort stations in the area.[51]

5.43 **Mun Okju** was likewise sent by truck to Mandalay in mid-Burma. The army renovated one story house into a comfort station, the only one in Mandalay. In the area was the headquarters of the 55 Division whose commander was Takeuchi Hiroshi (from April 1941 to December 1942).[52] She was given the Japanese name 'Fumihara Yoshiko'.

5.44 The Japanese military classified Korean women and girls in transit as 'war material'. They were subjected to the inhumane treatment and slave-like conditions during deportation. After deceptively recruited, **Hong Aejin** (1928 -) was put on a military ship to Shanghai. An officer tried to bring her to a small room. She resisted but he tore her cloth to sheer nudity. Threatening with the long sword, he suppressed any resistance in raping her.[53]

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[48] Matter regarding the temperory measures of Japanese nationals traveling to China, 7 May 1940.
[49] See Hata Ikuhiko, op. cit., p. 104.
[50] Keith Howard (ed.), *True Stories of the Korean Comfort Women* (Cassell, 1995), pp. 108-109.
[51] Allied Translator and Interpreter Section, Supreme Command for the Allied Powers, Research Paper: Amenities in the Japanese Armed Forces, No. 120 (15 Nov. 1945), pp. 17-18.
[52] See Morikawa Machiko, *Sensen Burma Sensen Shidan no Ianfu Datta Watashi* (**Mun Okju**: I was a 'Comfort Women' of the Tate Division in the Burma Front), Nashinokisha (1996).
[53] See Annex II below.

5.45 **HIROHITO, TOJO HIDEKI, MINAMI JIRO, ITAGAKI SEISHIRO, UMEZU YOSHIJIRO,** and **ANDO RIKICHI** in their status and position in the Japanese government and the military, participated in the forcible transfer of recruited Korean women and girls to comfort stations in various parts of the Asia-Pacific.

By their participation in these acts, **HIROHITO, TOJO HIDEKI, MINAMI JIRO, ITAGAKI SEISHIRO, UMEZU YOSHIJIRO, ANDO RIKICHI, ~~KITAMURA, EIBUN~~ and ~~KITAMURA TOMIKO~~** committed:

Count 5:
a WAR CRIME recognized in Article 2 (1) of the Charter of the Tribunal (unlawful deportation and transfer).

Count 6:
a CRIME AGAINST HUMANITY recognized in Article 2 (1) of the Charter of the Tribunal (deportation).

Crimes Committed at the 'Comfort Stations'

1. Rape (Counts 7-8)

5.46 Rape was in most cases the first act committed against Korean 'comfort women' who had not known the real purpose of their recruitment. Most of these women and girls were unmarried with no sexual experience. Started this way, rape was repeatedly and continuously committed for months and years, dozens of time per day in tightly controlled comfort stations. The Japanese military made detailed regulations for comfort stations specifying days, time, payment and other matters for the visit. They strictly implemented these provisions and exercised supervision over comfort stations run by private operators.

5.47 Two or three days after **Kim Gunja** arrived at a comfort station in Huichun in 1942, she started to be raped by Japanese soldiers. This comfort station was run by the Korean man who brought her there. At first, she refused and was hit hard on the ear. The eardrum in the right side was torn and bled. The wound was left unattended and she lost her hearing afterwards. She was given the Japanese name 'Kimoko' or called 'Room No. 9'. Today, she never speaks Japanese. Japanese soldiers came even on Sundays from 9 am till 7 pm. They usually came in group either on foot or in trucks led by an officer. Officers came at night. Soldiers waited in rows in front of each room after passing through an office. The house was crowded with soldiers numbering over 100. When there were many soldiers, she had to receive

about 40 men and found no time to wash. The operator of this comfort station hit the girls frequently and watched them with other men. She could not think of attempting to escape after seeing an escapee brutally battered.

5.48 On 27 October 1938, **OKAMURA YASUJI,** Commander of the 11th Army of the Central China Area Army, in collusion with his superior Hata Shunroku,[54] Commander of the Central China Expeditionary Force and some Staff Officers of the 11th Army, instructed the 11th Army to set up comfort stations in Hankou.[55]

5.49 **Song Shindo**, born in 1922, was one of the victims deceptively recruited to a comfort station named 'Sekaikan' (World Club) in Muchang, China at the end of 1938.[56] After medical checkup, she had to receive Japanese soldiers. She did not know what to do. She kept crying and ran out of her allotted room. Afterwards, she, now called 'Kaneko', was often beaten, starved, and confined in a small space by the runner of the house. She was also threatened with swords, battered and wounded by soldiers. She saw a few 'comfort women' who committed suicide after drinking a cresole bottle in the toilet or strangling themselves. There were many pregnant 'comfort women'. They were not given leave and some of them were driven out. When she herself got pregnant, she was forced to provide sex. She miscarried on the seventh month with the baby grape-colored. Soldiers who came to the comfort station were from the 6th and the 9th divisions of the 11th Army. It was under the command of **OKAMURA YASUJI**.

5.50 In December 1944, **Ha Sangsuk**, with some forty other girls, arrived at a comfort station in Jeogkyungri, Hankou. The house was run by a Korean couple from Pyongyang, Korea. After three days of rest, they underwent a medical examination by a Japanese army doctor to see if they contracted any venereal diseases in an intimidating atmosphere. He knew she was a virgin, yet he gave an injection with the effect of preventing pregnancy. Then they went to the Janghangkwan, built by Indians in the British Leased Territory where she got the permit from the Military Supply Comfort Section. According to Yamada Seigichi, after examining the photograph, the certificate of house registry, the letter of permission by parent, the status certificate issued by the municipalities of an applicant, a non-commissioned officer wrote an interrogation paper to be transmitted to the Military Police.[57] At first she had to endure three Japanese soldiers. Later it became 10 to 15 soldiers on a normal day. She had been in that condition till

[54] He (1879 – 1962) was Commander of the Taiwanese Army in August 1936, Commander of the Central China Expeditionary Force from February 1938 to December 1938, Minister of Army (August 1939 – July 1940) and Commander of the China Expeditionary Force (March 1941 - November 1944). The International Military Tribunal for the Far East found him guilty, stating *inter alia* that "Either HATA knew of these things [atrocities committed by the Japanese troops under his command in China] and took no steps to prevent their occurrence, or he was indifferent and made no provision for learning whther orders for the humane treatment of prisoners of war and civilians were obeyed. In either case he was in breach of his duty as charged...." Judgment, p. 446. See also the Indictment of China (Mainland).

[55] For his role in planing the establishment of comfort stations for the Army in Shanghai in 1932 see the Japanese Indictment.

[56] She was deceived by a Japanese women who promised to find her a lucrative job. See the Selective Testimonies in the Appendix below.

[57] *Bukanheitan* (Wuchan Army Supply Depot) (1978).

the end of war. The area was under the occupation of the China Expeditionary Force commanded by the same **OKAMURA YASUJI**.[58]

5.51 **Pak Yongsim**, while in Nanjing, had to endure 30 to 40 soldiers a day on average. One day when she refused an officer because of so much pain, he battered with fists, and kicked her. Then he drew his sword and put it to neck, saying that he would show the taste of the Imperial Army. While she was soaked with blood, he had intercourse with her against her will.[59]

5.52 **Kim Youngsuk** (1927 -), deceived into the Japanese military sexual slavery, was taken to Shenyang, China in 1939 at the age of 12. An officer named 'Nakamura' took her to a one-story house and gave her the name 'Odaka'. Situated inside the army barrack, the comfort station was surrounded by walls with barbed wire. It was guarded by a dog and a sentry. On the first night when Nakamura could not manage intercourse, he then used the knife to widen the vagina. She lost consciousness. Although the wound swelled up and got worse, no medical care was given and she was forced to 'serve' soldiers.

5.53 **HIROHITO, TOJO HIDEKI, MINAMI JIRO, ITAGAKI SEISHIRO, UMEZU YOSHIJIRO, ANDO RIKICHI, OKAMURA YASUJI, ~~KITAMURA EIBUN and KITAMURA TOMIKO~~** participated in these acts of rape by granting Japanese soldiers access to Korean 'comfort women', by issuing detailed instructions for visits to comfort stations, and by making their visits a routine part of the army life. They also encouraged and approved rapes by Japanese soldiers.

5.54 **HIROHITO, TOJO HIDEKI, MINAMI JIRO, ITAGAKI SEISHIRO, UMEZU YOSHIJIRO, ANDO RIKICHI, OKAMURA YASUJI, KITAMURA EIBUN** and **KITAMURA TOMIKO** planned, instigated, ordered, aided, abetted or otherwise participated in the commission of systematic rape of 'comfort women'.

By their participation in these acts, **HIROHITO, TOJO HIDEKI, MINAMI JIRO, ITAGAKI SEISHIRO, UMEZU YOSHIJIRO, ANDO RIKICHI, OKAMURA YASUJI, ~~KITAMURA EIBUN and KITAMURA TOMIKO~~** committed:

Count 7:

a WAR CRIME recognized in Article 2 (1) of the Charter of the Tribunal (rape and inhuman and cruel treatment).

Count 8:

a CRIME AGAINST HUMANITY recognized in Article 2 (1) of the Charter of the Tribunal (rape and inhumane treatment).

[58] See the Selective Testimonies in the Appendix below.

[59] Ibid.

2. Torture, Mutilation, Wilfully Causing Great Injury (Counts 9-10)

5.55 **Hong Gangrim** (1922 -), who was recruited by a old lady to a comfort station at Bongchun, China, in 1938, had so much pain after taking Japanese soldiers. During the regular inspection, an army doctor said that the vagina was too small. He slit the entrance area with knife without anesthesia.[60]

5.56 Most of other Korean 'comfort women' were also subjected to destruction of genital organs and sexually transmitted diseases from multiple, repeated and continuous gang rape for an extensive period of time. In most cases, they lost reproductive capabilities. This, among others, has caused life-long suffering and hardships to the survivor victims.

5.57 They were also subjected to other forms of violence such as torture and assault with bodily harm. In addition to the cases above mentioned, the testimony of **Choi Hwasun** (1927 -) gives another example. When she refused to have intercourse with a Japanese officer who came at night in 1944, he tried to force his penis into the mouth and she bit it. He angrily slashed her face several times and called the sentry to beat her. The latter took her out and battered with clubs. After two days unattended, she woke up from unconsciousness in a warehouse. She got a right hand smashed. No treatment was given to her.[61]

5.58 In 1945, **Kim Bokdong** and other 'comfort women' were driven to the 10 Army Hospital in Singapore. There were already about 300 others. The Japanese soldiers gave nurse training to them in an effort to conceal and hide their criminal system of comfort stations before the arrival of the Allied. These women had frequently been forced to give blood transfusions. After the blood drawing, she could hear a 'wing' sound in the ear and felt dizzy.[62]

5.59 These violent acts were more the eventual outcome of the Japanese policy of comfort stations than isolated incidents. There is no known case of the punishment of the perpetrators of these brutal acts.

5.60 **HIROHITO, TOJO HIDEKI, MINAMI JIRO, ITAGAKI SEISHIRO, UMEZU YOSHIJIRO, ANDO RIKICHI,** and **OKAMURA YASUJI** participated in these acts of torture by granting Japanese soldiers access to Korean 'comfort women'. They took no meaningful steps to prevent these acts and to punish those responsible for torture.

5.61 **HIROHITO, TOJO HIDEKI, MINAMI JIRO, ITAGAKI SEISHIRO, UMEZU YOSHIJIRO, ANDO RIKICHI,** and **OKAMURA YASUJI** planned, instigated, ordered, aided, abetted or otherwise participated in the commission of torture of 'comfort women'.

[60] See Annex II below.

[61] She was forced to get in the truck by a head of village at Hapchum, South Gyungsang Province in 1942. His surname was 'Ha'. He brought her to a house of a rich man in Taegu. She was asked to pretend to be their daughter. The recruiter then took her to a textile factory. After a while, a Japanese group leader of the factory told her to be sent to a factory in Japan. But she was shipped, via Pusan and Japan, to an island on the border between Northern Manchuria and the U.S.S.R. in the winter of 1943. See *The Korean 'Comfort Women' Forcibly Taken Away*, vol. III (1999), pp. 193 - 199.

[62] See Annex II below.

By their participation in these acts, **HIROHITO, TOJO HIDEKI, MINAMI JIRO, ITAGAKI SEISHIRO, UMEZU YOSHIJIRO, ANDO RIKICHI,** and **OKAMURA YASUJI** committed:

Count 9:

a WAR CRIME recognized in Article 2 (1) of the Charter of the Tribunal (torture and wilfully causing great suffering, mutilation, outrages upon personal dignity).

Count 10:

a CRIME AGAINST HUMANITY recognized in Article 2 (1) of the Charter of the Tribunal (torture).

3. Enslavement (Counts 11-12)

5.62 Korean 'comfort women' were forced to endure slavery-like conditions, deprived of human dignity and self-determination of any kind while continuously raped. They were subjected to a virtual detention system with the military on guard. Freedom of movement was almost nonexistent: supervising soldiers even accompanied women on holiday outings. Severe punishments, often with public beheadings, were inflicted upon those who tried to escape. Although army tickets were issued for the purpose, most 'comfort women' were not paid for their sexual services which were not voluntary after all. All too frequently, ill, menstruating or pregnant 'comfort women' were forced to receive Japanese soldiers. Regulations made it compulsory to use contraceptives ('Sakku') provided by the military. They were also subjected to forced labor such as cooking, laundering, and nursing.[63] Together with violent methods, debt was a tool to maintain control over 'comfort women'. In some cases, debt had initially been incurred through payment of money prior to deportation and increased over time.[64] More frequent was the case of heavy indebtedness after being forced into comfort stations. Rooms allocated to 'comfort women' at comfort stations were often tiny cells, frequently with no proper walls. In the frontier areas, they had been obliged to travel to army barracks and forced to serve Japanese soldiers in make-shift army tents, sometimes in fox holes. Food rationing and clothing was varied, but not sufficient in most cases.

5.63 While the condition of 'comfort women' was already one of slavery, the comfort women (especially Korean comfort women) who were part of the portable comfort stations were under particular danger because they were taken all the way to the front lines. As a result, civilian women were not only enslaved, their very lives were subjected to military designs.

5.64 Top Japanese military officials even made guidelines for the women who became 'comfort women' and for the soldiers, in order to draw maximum benefits out of the comfort women system. An

[63] See the Testimonies in Annex II.4 below.

[64] See the Testimonies in Annex II.3 below.

example of this is the Comfort Station Regulation, of 20 December 1944, in Provisions on Internal Services of the 3475 Mountain Unit, the 24th Army in Okinawa. The Commanding Officer was Amamiya Kutsumi, Lieutenant General. The Regulation provided that soldiers, on the one hand, "should strictly observe the concept of condominium and the concept of occupation (or individual possession) shall be forbidden." On the other, it provided that "comfort women should understand the client's position and treat whoever with fairness as the first virtue, bear in mind to serve them for the best they can, handle everything with care so as not to spoil the body and be neglecting the service."[65] This proves clearly the intention to prohibit the show of emotions and to limit these captured women to objects of sexual release. It also reveals the extent to which these women were debased and enslaved.

5.65 **Kim Bokdong** was dragged into various comfort stations from Guangdong, Hong Kong, Singapore, and Indonesia. As seen above, she was forced to do nursing work near the end of war. Among others, the Guangdong area was controlled by the 21st Army under the command of **ANDO RICHICHI**, Lieutenant General. Just before his arrival in Guangdong and after its occupation, the 21st Army made request to the Ministry of Internal Affairs and the Taiwanese Government-General for the recruitment of 'comfort women' to establish comfort stations there.[66] By April 1939, the Headquarters of the 21st Army reported that comfort stations have been set up and 'comfort women' under the army control numbered 850.[67][68]

5.66 **Mun Okju** was compelled to follow the army when the Divisional Headquarters at Mandalay moved to Akyab (Sittwe) in 1944.[69] The commander of the 55 Division now was Hanaya Tadashi (from October 1943 to July 1945). She was moved again to Prome, then to Rangoon in a 'Rangoon Gaikan' comfort station. After three months there, her group was transferred by train to Thailand. Then they were moved to Ayutthaya on a military truck. They were trained to care for the wounded till the end of war.[70]

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[65] Wurasoe Shisha Editorial Board, *Wurasoe Shisha* (History of the City of Wurasoe) (1984), 92/Bun 1.
[66] Secretary of the Security and Safety Division of the Ministry of Internal Affairs, Inquiry on Women travelling to China, 4 November 1938.
[67] Wartime Ten-Day Report (Rear Matters), 11-20 April 1939. See also testimonies and photograghs of soldiers of the 21st Army compiled in Nishino Rumiko, *Comfort Women and Fifteen Year War* (1993).
[68] In 1941, the stationing force in Guangdon was changed to the 23st Army belonging to the China Expeditionary Force under Hata Shunroku from March 1941 to November 1944. The 21st Army invaded and occupied Hong Kong by December 25 1941. Consequently, **Kim Bokdong** appears to be forcibly transferred to Hong Kong. On the existence of 'comfort stations' in Hong Kong, see ibid.
[69] A Japanese Prisoner of War, soldier of 112 Infantry Regiment, captured on 7 February 1942, stated that "There were Korean and Japanese prostitutes in AKYAB, and some had been brought up to HPARABYIN and even ALETHANGYAW, but they had been strictly reserved for officers, a fact that had greatly angered the troops." General Headquarters, South West Pacific Area, Allied Translator and Interpreter Section, South West Pacific Area, Research Report: Amenities in the Japanese Armed Forces, (16 February, 1945), p. 8. Another POW gave the following statement on the condition of 'comfort women' in Burma: "Each division had five or six IANSHO attached. Korean women as well as Japanese women were to be found in them. The charges for an hour's entertainment were; officers 5 yen, noncommissioned officers 4 yen, and privates 3 yen. The use of preventatives was compulsory and the women were medically examined periodically." Ibid.
[70] See Howard, op. cit., p. 113.

5.67 **Pak Yongsim** was subjected to serve at a 'Kinsui-rou' comfort station in Nanjing for about three years starting in 1938. The comfort station ringed with barbed wire was 500 meters away from the army barrack. Her new given name was 'Udamaru'. The area was under the control of the Central China Expeditionary Force whose commander at that time was Hata Shunroku.[71]

5.68 While guarded by two Japanese soldiers, she was then sent to a comfort station at Lashio in Burma via Shanghai. The headquarters of the 56 Division belonging to the Burmese Area Army was stationed at Lashio under the commander of **MATSUYAMA YUZO**.[72] The 'Ikkakuro' comfort station was placed in a mountainous area with no civilian house. She was given another name 'Wakaharu'. [73]

5.69 After two years, she was transferred to Lameng (or Matzuyama), Burma, where the 113 Regiment of the 56 Division was stationed. As soon as she arrived, the ferocious attack by the Allies began. She and other 'comfort women' had to carry rice balls to soldiers even in the midst of bombardments. Among 12 'comfort women' there, 8 were killed in the air attack and 4 survived. When the Japanese defense army was defeated, she and other 3 Korean 'comfort women' were taken prisoner by the Chinese army. She was pregnant when captured.[74]

5.70 When **Song Shindo** bore a second baby, she was moved from 'Sekaikan' to a navy comfort station in Hankou where she was forced to do laundering, cleaning and other forced labor. The baby was removed from her to other people. She was then sent to another comfort station at Kakushu. She was dragged to various comfort stations in Anni, Choan, Hoking and so on. These stations belonged to specific army units in war fields. She gave birth a second time. Once again the baby was sent to strangers. Afraid of being expelled, she once had an abortion with traditional medicine. She and other 'comfort women' were forced to witness the massacre of Chinese prisoners of war. Japanese soldiers dug a hole and slain them with swords. After this, these 'comfort women' had to fill wine glasses of soldiers in the party. They sometimes had to stand guard as sentry. There was not even a nominal 'salary'. The army took away even a little bit of occasional 'income' in the name of defense contributions.[75]

5.71 **HIROHITO, TOJO HIDEKI, MINAMI JIRO, ITAGAKI SEISHIRO, UMEZU YOSHIJIRO, ANDO RIKICHI, OKAMURA YASUJI, MATSUYAMA YUZO, ~~KITAMURA, TIBUN and KITAMURA TOMIKO~~** planed, instigated, ordered, aided, abetted or otherwise participated in these acts of enslavement from at least 1937 until 1945. These acts took place within the premises of the Japanese Imperial Army or in its vicinity. Comfort stations were under the direct control and supervision of the Army exercised by **HIROHITO, TOJO HIDEKI, MINAMI JIRO, ITAGAKI**

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[71] See the Selective Testimonies in the Appendix below.
[72] After landing at Rangoon in March 1942, the Japanese troops of the 52 Division marched north to Lashio and Mytikyna. *Ibid.*
[73] A former soldier of the 56 Division remembered her name. After taken prisoner, he met again those comfort women in the picture, filed before the Tribunal, at the Kunmyng camp.
[74] An US army officer interrogated them on 3 September 1944. While staying at the prisoner-of-war camp in Kunmyng, she miscarried due to bleeding and surgery. She later returned to North Korea.
[75] See the Selective Testimonies in the Appendices below.

SEISHIRO, UMEZU YOSHIJIRO, ANDO RIKICHI, OKAMURA YASUJI and **MATSUYAMA YUZO** in concert with other high or low level officers and soldiers.

By their participation in these acts, **HIROHITO, TOJO HIDEKI, MINAMI JIRO, ITAGAKI SEISHIRO, UMEZU YOSHIJIRO, ANDO RIKICHI, OKAMURA YASUJI, MATSUYAMA YUZO, ~~KITAMURA FIBUN and KITAMURA TOMIKO~~** committed:

Count 11:

a WAR CRIME recognized in Article 2 (1) of the Charter of the Tribunal (slavery, unlawful confinement, inhuman treatment, wilfully causing great suffering, attack civilians, excessive incidental death, injury, or damage).

Count 12:

a CRIME AGAINST HUMANITY recognized in Article 2 (1) of the Charter of the Tribunal (enslavement).

4. Persecution (Counts 13 - 14)

5.72 **HIROHITO, TOJO HIDEKI, MINAMI JIRO, ITAGAKI SEISHIRO, UMEZU YOSHIJIRO, ANDO RIKICHI, OKAMURA YASUJI** and **MATSUYAMA YUZO** from at least 1937 until 1945, while acting in the capacity of various government and military positions, together with those belonging to the Japanese Imperial Army and the Government under their command and control and in common purpose with them, persecuted Korean women and girls at Japanese military comfort stations against 'comfort women' on racial grounds.

5.73 As part of the persecution, **HIROHITO, TOJO HIDEKI, MINAMI JIRO, ITAGAKI SEISHIRO, UMEZU YOSHIJIRO, ANDO RIKICHI, OKAMURA YASUJI** and **MATSUYAMA YUZO** planed, instigated, ordered, aided, abetted or otherwise participated in the execution of a common plan involving:

a. the systematic forcible recruitment and transfer of female civilian inhabitants of Korea into comfort stations over a long period of time from at least 1937 until 1945;
b. the prolonged confinement within comfort stations of the recruited Korean women;
c. the repeated and systematic rape, torture, and beatings of Korean women at comfort stations;
d. the prolonged and systematic enslavement of Korean women at comfort stations;
e. numerous killings of Korean women at comfort stations;

f. the establishment and perpetuation of inhumane conditions against Korean women within comfort stations.

5.74 In concert with Japanese political leaders, military commanders, or authorities in Korea, **HIROHITO, TOJO HIDEKI, MINAMI JIRO, ITAGAKI SEISHIRO, UMEZU YOSHIJIRO, ANDO RIKICHI, OKAMURA YASUJI** and **MATSUYAMA YUZO** participated in the above acts by authorizing, permitting, or condoning the Japanese comfort stations system, by providing comfort stations and other sexual slavery facilities, by being in their respective positions of Emperor, Prime Minister, Army Minister, Commanders and by establishing living conditions characterized by repeated rape, slavery, constant physical and psychological assault, forced labour and inhumane treatment, 'comfort women'.

5.75 They established a pattern of sexual slavery whereby the Japanese military, the administrative, civilian operators removed Korean women from their homes and brought them to army barracks and areas under Japanese military occupation and provided comfort stations in which these acts of sexual slavery took place.

5.76 While the total number of 'comfort women' is yet to be calculated, it is evident that most of those in comfort stations had been drafted from Korea. This discrepancy between countries under the Japanese domination and the disproportionately high number of Korean origins may be explained in various ways. However it is difficult to deny the connection with the Japanese policy to exterminate the national identity of the Korean people.

5.77 Not remote from this had been another policy of encouraging inter-racial marriage between Japanese and Korean peoples. Japanese sexual slavery constituted part of the general mobilization exacted from the Korean people who had been forced to contribute to the Japanese war efforts through material and human resources.

5.78 Various criminal acts in comfort stations that caused the destruction of reproductive organs, prevented pregnancy and committed abortions, have the character of genocide. These acts show that 'comfort women' were no other than war material for the satisfaction of Japanese soldiers' sexual desire. It is in sharp contrast with the Japanese policy to encourage Japanese women to give birth as many as possible.

5.79 Discriminatory practices against Korean 'comfort women' were rampant in the comfort stations such as charges for access to them. Most of 'comfort women' sent to the frontlines were Korean where there was little chance of survival.

By their participation in these acts, **HIROHITO, TOJO HIDEKI, MINAMI JIRO, ITAGAKI SEISHIRO, UMEZU YOSHIJIRO, ANDO RIKICHI, OKAMURA YASUJI** and **MATSUYAMA YUZO** committed:

Count 13:

a WAR CRIME recognized in Article 2 (1) of the Charter of the Tribunal (attack against civilians).

Count 14:

a CRIME AGAINST HUMANITY recognized in Article 2 (1) of the Charter of the Tribunal (persecution).

5. Murder (Counts 15-16)

5.80 There were many cases of murder according to the testimonies from victims.[76] The inhumane conditions inflicted upon 'comfort women' sometimes consummated in murder as a form of punishment referred to above. Murder were committed from time to time in a leisurely manner.. As 'comfort women' were forced to accompany Japanese forces to battlefields or frontlines, they were exposed defenselessly to threats of death rather than evacuated to the safer areas. During the Allied bombings, many were put to the defense position whilst undergoing sexual slavery. No actions were taken to protect them from the effects of war: they were not treated differently from other members of the Japanese forces, regarded merely as 'expendables', not as human beings.

5.81 The contraction of venereal diseases such as syphilis brought many 'comfort women' to death.[77] Others died from tuberculosis and malaria.[78]

5.82 Rape and the slavery condition at comfort stations were such that many 'comfort women' committed suicide as noted above. **Kim Bokdong** attempted to suicide on the first day of arrival at the comfort station in Guangdong. The army medical officer who examined venereal diseases, came in first. She tried to run and hide in the backyard. But the man pursued and hit her cheeks hard. She was beaten till the face got numb. She had to obey him. She felt so much pain bleeding underneath. The next day she decided to kill herself with two other girls. They asked a Chinese cleaner to bring a poison. He brought instead Chinese wine. Yet they decided to drink to death. They fell unconscious for three days even after the medical soldiers cleansed their intestine.[79]

5.83 When 'comfort women' got pregnant, they were forced to undergo. **Hwang Geumju** (1922 -) testified that, when she got injected No. 606 not knowing the pregnancy, she had a swollen body feeling chilled and with blood letting underneath. Then they took her to the army hospital and the doctor scraped the womb. With three or four times in this way, pregnancy was no longer possible.[80] Cases of infanticide

[76] See the Testimonines in Annex II.3 below and the Selective Testimonies in the Appendix below (**Pak Yongsim**).
[77] See Annex II below.
[78] See Annex II below.
[79] Ibid (**Kim Bokdong**).
[80] See Annex II below.

were also reported.

5.84 **HIROHITO, TOJO HIDEKI, MINAMI JIRO, ITAGAKI SEISHIRO, UMEZU YOSHIJIRO, ANDO RIKICHI, OKAMURA YASUJI** and **MATSUYAMA YUZO** planed, instigated, ordered, aided, abetted or otherwise participated in these acts of murder against 'comfort women'.

By their participation in the above acts or omissions, **HIROHITO, TOJO HIDEKI, MINAMI JIRO, ITAGAKI SEISHIRO, UMEZU YOSHIJIRO, ANDO RIKICHI, OKAMURA YASUJI** and **MATSUYAMA YUZO** committed:

Count 15:

a WAR CRIME recognized in Article 2 (1) of the Charter of the Tribunal (willful killing, murder).

Count 16:

a CRIME AGAINST HUMANITY recognized in Article 2 (1) of the Charter of the Tribunal (murder).

6. Other Inhumane Acts (Counts 17-18)

5.85 The Japanese military, regularly and for a lengthy period of time, injected Korean 'comfort women' with the drug known as 'No. 606' for the professed purpose of preventing sexual diseases. This caused severe health deprivation, often leading to forced sterilization, the deprivation of reproductive capability, and often death.

5.86 **Kim Gunja** contracted syphilis and was given No. 606 injections for three days. She got pregnant once, but miscarried.[81]

5.87 Opium, morphine and other intoxicating drugs were used by Japanese soldiers.

5.88 Acts charged in other Counts above shall come alternatively under this heading.

5.89 **HIROHITO, TOJO HIDEKI, MINAMI JIRO, ITAGAKI SEISHIRO, UMEZU YOSHIJIRO, ANDO RIKICHI, OKAMURA YASUJI, MATSUYAMA YUZO, ~~KIYAMURA FIBUN and KITAMURA TOMIKO~~** planed, instigated, ordered, aided, abetted or otherwise participated in the acts of inhumane treatment against 'comfort women'.

By their participation in these acts, **HIROHITO, TOJO HIDEKI, MINAMI JIRO, ITAGAKI SEISHIRO, UMEZU YOSHIJIRO, ANDO RIKICHI, OKAMURA YASUJI, MATSUYAMA YUZO, ~~KIYAMURA FIBUN and KITAMURA TOMIKO,~~** committed:

Count 17:

a WAR CRIME recognized in Article 2 (1) of the Charter of the Tribunal (inhuman and cruel treatment, and enforced sterilization).

Count 18:
a CRIME AGAINST HUMANITY recognized in Article 2 (1) of the Charter of the Tribunal (inhumane treatment).

Crimes Committed in the Immediate Aftermath of the War Defeat (Counts 19-20)

5.90 When the Japanese military were defeated, they abandoned an unknown number of Korean 'comfort women' at the battlefield without providing them with any means of subsistence. Many of these women were killed in the confusion of war. Some were taken prisoner by the Allied forces. Others returned home alone by foot. Still others had to find a new life in a foreign country and are still waiting to be repatriated.[82]

5.91 **Kim Gunja** met the liberation at a Gokasi comfort station where she stayed for a year and a half after Huichun from 1943. The area was under the control of the 127 Division of the Kanto Army under the command of Koga Ryutaro. The manager did not give her any money and told the 'comfort women' to go if they wanted. Seven of them walked about two weeks to reach Bakdu Mountain. It took a further month and eight days, sometimes on trucks, for them to arrive at Chulwon, north of Seoul.

5.92 In addition to these deliberate acts of abandonment, the Japanese military perpetrated mass killings of 'comfort women' of unknown numbers.[83] There are testimonies by survivors mentioning the massacres in Guam, Palau, the Truk Island in the Pacific and other front areas against the Allied forces. As in Tengchung, China, in areas where the Japanese troops were expecting the immediate defeat, they massacred 'comfort women'.[84] In Okinawa, Korean 'comfort women' were forced to stay with the defending soldiers who were exposed to the deadly Allied bombing. There had been no survivor of either soldier or 'comfort women' in certain islands belonging to Okinawa.

5.93 These killings are believed to be committed with the intent of systematically destroying the evidence of the crimes of the Japanese military and the government particularly against 'comfort women'.[85]

5.94 On 15 August 1945 at a liason meeting of the Army held at Itsigayatai, an oral order was issued to destroy essential secret information received from the Ministry of Army.[86]

[81] See the Selective Testimonies in the Appendices below.
[82] See the Testimonies in the Annex II.4 below.
[83] Ibid.
[84] See the photograph filed before the Tribunal.
[85] This has also been the main reason for the difficulty in calculating the exact total of Korean 'comfort women'.
[86] For denial, concealment, and distortion of the crime of Japanese military sexual slavery still being

5.95 **HIROHITO, TOJO HIDEKI, ITAGAKI SEISHIRO, UMEZU YOSHIJIRO, OKAMURA YASUJI** and **MATSUYAMA YUZO** planned, instigated, ordered, aided, abetted or otherwise participated in the acts of murder, killings and mass killings against 'comfort omen'.

By their participation in these acts, **HIROHITO, TOJO HIDEKI, ITAGAKI SEISHIRO, UMEZU YOSHIJIRO, OKAMURA YASUJI** and **MATSUYAMA YUZO** committed:

Count 19:
a WAR CRIME recognized in Article 2 (1) of the Charter of the Tribunal (wilful killing, murder and mass killings).

Count 20:
a CRIME AGAINST HUMANITY recognized in Article 2 (1) of the Charter of the Tribunal (murder, killings and mass killings, persecution).

Damages and Sufferings inflicted upon Victims of the Japanese Military Sexual Slavery

6.1 The Japanese military sexual slavery has inflicted upon Korean 'comfort women' a wide range of extreme physical and reproductive damages and ailments, among others. The abortions following pregnancy and the sexually transmitted diseases experienced due to the systematic rape inflicted by countless men have left many women victims infertile. The injections of No. 606 (salvarsam) to prevent sexually transmitted diseases for extended periods were also given to pregnant women, and the consumption of medicines deriving from arsenic induced in edema, acute nausea, abdominal pain, muscle convulsions, loose bloody stools, sleep disturbances. There were also many cases of pregnant women with blood discharges. Due to the assault and torture, the majority of these women still suffer from physical symptoms such as chronic headaches, indigestion, sleep disturbances, insomnia, heart palpitations.[87]

6.2 The surviving victims of the crime of Japanese military sexual slavery are suffering gross psychological trauma. This has brought speech disorder, identity crisis, loss of self-respect and self-confidence, heavy reliance on painkillers and other medicines, tobacco and/or alcohol addiction and incessant nightmares. It also affects their general ability of adjustment, emotional state, and ability to make interpersonal relationship, among others. They are experiencing severe depression, pessimism, instability, loss of will to live and so on. They are also developing symptoms such as migraine,

committed, see Part II of the present document.
[87] See Lee Suhyon, "History Inscribed on the Body: Focus on the Physical Suffering of the Japanese Military 'Comfort Women'" in the Appendices below.

hypertension, rheumatism. The denial of responsibility by Japan has become a second source of inflicting of damages and suffering to them.[88]

6.3 The victimization process and the resulting experience of Korean women as 'comfort women' for years have inflicted even more long-lasting damages to the survivors of the Japanese military sexual slavery. Diaspora or destruction of their families is one of them.[89] The forcible recruitment brought to them unwanted separation from home and their country. They were forced to stay in an unknown, foreign terrain. A lot of them were left behind abandoned with no means to return home. Even for those who could return, there were too often no home or family to go to as the whole family has already been disbanded with other members likewise drafted as soldiers or laborers. They are 'uprooted' and 'lost' children. The existence of a 'comfort woman' in her family is considered a source of insult and dishonor. Most of returned 'comfort women', dread of social stigma, have no means of living and avoid seeing their families out of shame or because they did not want to be burdensome to them. This leaves them in perpetual poverty and social alienation. They are further experiencing various difficulties in social rehabilitation.[90]

[Signatures of the Prosecutors of North and South of Korea omitted]

Dated this 16th day of November 2000

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[88] See Chul-won Lee, "Brief Report for Psychological Assessment of the Women Victims of Sexual Slavery Committed by the Japanese Military" in the Appendices.

[89] See the Testimonines of Annex II.4 below.

[90] See Annex II and Young-Hee Shim, "Silence and Social Aftermath of the Korean 'Comfort Women': Focusing on their Life After the Return" in the Appendices.