

WOMEN'S INTERNATIONAL WAR CRIMES TRIBUNAL ON JAPAN'S MILITARY SEXUAL SLAVERY

INDICTMENT

The Malaysian Prosecutors of the Women's International War Crimes Tribunal on Japan's Military Sexual Slavery (hereinafter, "The Women's Tribunal"), pursuant to the authority granted to them under Article 11 of the Charter of the Women's International War Crimes Tribunal on Japan's Military Sexual Slavery (hereinafter, "The Charter"),

upon information and belief, charge :

DEFENDANTS:

- ✓ • The Emperor of Japan
- The Government of Japan,
- ✓ • Field Marshal COUNT TOSHIKAZU TERAUCHI, Supreme Commander of the Japanese forces in South East Asia
- ✓ • Lieutenant-General TOMOYUKI YAMASHITA, Commander of the 25th Army
 - Lieutenant-General TAKURO MATSUI, Commander of the 5th Division of the 25th Army
 - Lieutenant-General KIYOSHI MATAGUCHI, Commander of the 18th Division of the 25th Army
 - Lieutenant-General TAKUMA NISHIMURA, Commander of the Imperial Guards Division of the 25th Army
 - Vice-Admiral GISABURO OZAWA, Commander of a cruiser, 10 destroyers and five submarines
 - Commander of the 29th Army
- ✓ • General SEISHIRO ITAGAKI, Commander of the 7th Area Army
 - General SHIBATA TAICHIRO, an area commander
 - KEISHIN MANAKI, Head of the *Gunsei-bu*
 - WATARU WATANABE, Assistant Head of the *Gunsei-bu*
 - MANASAKU SUZUKI, Head of the *Gunseikan-bu*
 - HAJIME NISHITAIJO, Head of the *Gunseikan-bu*
 - The Mayor of Singapore and Governors of the ten provincial governments (*seicho*) including T. KUBOTA, Governor of Perak
 - The Director General (*Somubucho*) of the Malayan Military Administration
 - Senior Japanese Officer AKIMOTO, in charge of 20 or so military personnel, at the British Golf Course Building in Kuala Lumpur, where upon information and belief, 3 to 4 comfort women were held on the upper floor of the building
 - Madam Chau Chooi and her husband Ah Yong

with War Crimes, and Crimes against Humanity as set forth below.

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202 - 0501.
Ms. X (deceased).
1996.
16. 1942.
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HISTORIAL BACKGROUND

I. The Japanese Invasion of Malaya and Singapore

1. The Japanese attack on Malaya began about four hours after their attack of the American naval base at Pearl Harbour on 8 December 1941. One division of the 25th Army (whose commander in chief was Lieutenant-General TOMOYUKI YAMASHITA) landed at Kota Bahru, on the northeast coastal state of Kelantan. Another division opened a beach head at Songkla in southeast Thailand, north of Kota Bahru and immediately struck across towards its objective – Changlun in the northern Kedah state.
2. In a campaign lasting only 68 days, the weight of the Japanese advance drove the British forces down the west coast of Malaya without meeting with any effective resistance. On 12 December, Japanese troops entered Alor Star, the capital of Kedah; on 16 December, Penang; and on 28 December, Ipoh the capital of Perak; Kuala Lumpur, the capital of the Federated Malay States fell on 11 January; and Johore Bahru on the southern most tip of the peninsula fell on 31 January. Singapore was finally captured on 15 February 1942. ✓

II. The Japanese Southern Expeditionary Force

1. The final preparations for Japan's Southern Operations were determined at a conference held in the presence of the Emperor on 6 September 1941. On 6 November, the Imperial Headquarters decided to appoint Army General COUNT TOSHIKAZU TERAUCHI as the Supreme Commander of the 25th Army, among other forces.
2. The 25th Army was under the command of Lieutenant-General TOMOYUKI YAMASHITA. It comprised of the Imperial Guards Division, the 5th and the 18th Divisions. It was to attack Malaya by way of Thailand. The 5th Division had 16,000 men and was under the command of Lieutenant-General TAKURO MATSUI. The 18th Division of 13,000 men was under the command of Lieutenant-General KIYOSHI MATAGUCHI. The Imperial Guards Division of 13,000 men was under the command of Lieutenant-General TAKUMA NISHIMURA. There was, in addition, the 3rd Tank Corps, the Artillery Corps. There were 60,000 soldiers with 400 guns and 120 vehicles. There were 459 aircraft and another 150 aircraft from the naval division. Vice-Admiral GISABURO OZAWA was in command of a cruiser, 10 destroyers and five submarines.

III. The Chinese Resistance to the Japanese Invaders

1. Reports that the Malays were actively collaborating with the Japanese invading forces, as guides and interpreters, were initially discounted by the British Command in

view of the pro-British pronouncements of the four Sultans and the loyal service of the two battalions of the Malay Regiment – which were fighting alongside the British forces and continued to do so right through the retreat of Singapore. The Malay collaborators were in fact members of the *Fujiwara Kikan*, the Japanese military intelligence agency under Major FUJIWARA IWAICHI, based in Bangkok and in southern Thailand, prior to the invasion.

2. Hence in its resistance to the Japanese invaders, the British worked largely with the Chinese, - supplying, training and helping to organize the Malayan Chinese communists in the MCP controlled Malayan People's Anti-Japanese Army (MPAJA). Moreover, Chinese anti-Japanese organizations and Chinese community leaders set up the "Overseas Chinese Mobilization Council". This body worked with J.D. Dalley of the Malayan Police Special Branch, to recruit Chinese volunteers for Dalforce, an independent unit raised at the last minute and attached to the British army's Third Indian Corps. Dalforce was in the frontline of British positions at Singapore and later put up a fierce fight against the advancing Japanese. It was reported to have inflicted heavy casualties on the invading troops, something that was neither forgotten nor forgiven by the Japanese. Thus, these war time developments were not without consequences for the Chinese population of Malaya in that the Japanese hatred of the Chinese later took the form of massacres (*sook ching*) and the forcible recruitment of predominantly Chinese women rather than Malay or Indian women, as comfort women, to satisfy the sexual lust of the Japanese soldiers.

IV. Japan's Military Administration

1. After the capture of Singapore on 15 February 1942 which was Chinese New Year's Day, TOMOYUKI YAMASHITA set up the *Gunsei-bu*, the Military Government, and ruled the occupied territories with an iron fist. On 9 December 1941, the Japanese Cabinet had already changed the name of Malaya to *Malai*. After its occupation, Singapore was renamed *Syonan-to*. It was established as a Special Municipality. Penang was renamed *Pinan-Shu*. *Malai* was divided into 10 states (governed by a Governor) and a Special Municipality (governed by a Mayor). The *Gunsei-bu* was the supreme governing body for both territories and was composed of four departments (General Affairs, Finance, Property and Communications) and a Council Chamber. The head of the *Gunsei-bu* was KEISHIN MANAKI and his assistant was WATARU WATANABE.

2. On 1 August 1942, the *Gunsei-bu* was reorganized into the *Gunseikan-bu*, the Military Administration, and MANASAKU SUZUKI was appointed the head. He was soon succeeded by HAJIME NISHITAIJO, and under him were the secretaries of the six departments: General Affairs, Administration, Police, Property, Finance and Communications.

3. In April 1943, the 25th Army was replaced by the 29th Army and its permanent headquarters established at Taiping, Perak state. It was also decided that the mainland

Malay state of Johore be under the direct control of the headquarters of the 7th Army in Singapore under General SEISHIRO ITAGAKI – command delineations which remained in force from mid-1943 until the surrender in August 1945. Furthermore, Malaya was itself partitioned on October 1943 when the four northern Malay sultanates of Kelantan, Trengganu, Kedah and Perlis were ceded to Thailand, purportedly in recognition of Thailand's friendship and support for the Japanese military campaign of Malaya.

V. The Director-General (*Somubucho*) and the Provincial Governments (*Seicho*)

1. The Mayor of Singapore and each of the governors of the ten provinces were responsible to the *Somubucho* (director general) in MMA (Malayan Military Administration), and each of their administrations had divisions which corresponded in general to those at MMA headquarters. Most of the ten Japanese governors were bureaucrats of the powerful Ministry of Interior or retired generals on the reserve list. In 1943 when the State Regional Advisory Council was set up, they served as chairman and the Sultans as vice chairmen. The Governor of Perak was T. KUBOTA, who appeared to enjoy good relations with the Malay aristocracy.

VI. The Existence of Comfort Stations in Malaya

1. Numerous comfort stations dotted the landscape of occupied Malaya to serve the sexual needs of the large number of Japanese troops in Peninsula Malaya and Singapore. Singapore's former Prime Minister Lee Kuan Yew remembered the lines of Japanese soldiers queuing outside military brothels. The late Malaysian former Prime Minister Tunku Abdul Rahman also remembered that the Japanese soldiers were no worse than the Siamese soldiers. They would go into the *kampongs* (villages) looking for women and so on. The historian, George Hicks in his book, "Comfort Women," wrote that, "Local accounts confirm that comfort stations were established in all garrison towns. There were about twenty. In Kuala Lumpur itself, there were between seventeen and twenty-four comfort stations, often using hotels ..." (p.93).

2. Professor Nobuyoshi Takashima has photographed six comfort stations from eye-witnesses' accounts. These were in:

- Kuala Pilah, Negri Sembilan. This is a large double storey tudor style bungalow that had once belonged to the royal family. It is on the same road as the current MCA Kuala Pilah branch on the way to Tampin;
- Penang. The Tong Lock Bar/Hotel still stands today at the junction of Jalan Burma and Jalan Zainal Abidin (Victim R.S. was kept here);
- Kuala Lumpur. A large single-storey brick and tile roof bungalow behind the Chinese Assembly Hall;
- Port Dickson. A huge pinkish structure of wood and brick facing a road that runs parallel to the sea;

- Malacca. The current Seng Cheong building established in 1928 located along Jalan Cheng Lock on the way towards Jalan Tengera in the direction of Kelang;
 - Johore Bahru. A heavy governmental structure next to the Hockey Stadium, along Jalan Yahya Al-Datar where it meets Jalan Tebrau.
3. The late Victim Ms. X (also known by her comfort woman name of Momoko) recalled having been held in three comfort stations in Kuala Lumpur. These were at:
- Jalan Ampang. This establishment was used by high ranking Japanese soldiers. She was held in the middle of the three buildings, called the Sakura building;
 - Jalan Pudu. This is the Tai Sun Hotel opposite Pudu Jail;
 - Jalan Tun Razak. No. 252-282 Jalan Tun Razak 50400 Kuala Lumpur. These four 2-storeyed building, along Jalan Gurney/Pekeliling (now Tun Razak) were known as "Ngan Ngan" to Victim Ms. X. The ground floor partitions of these four buildings had been removed to form one large space on that level.

TREATMENT OF COMFORT MALAYAN WOMEN AND GIRLS

VII. Treatment of Comfort Women and Girls

Recruitment by duress and force.

1. Under the former, the Japanese troops would enter a Malayan town and round up the community leaders, and demand that they serve the Japanese soldiers' needs, including sexual needs. Upon information and belief, Chinese communities' leaders had been compelled under duress to recruit young Chinese women and girls and deliver them up to the Japanese officers and soldiers to serve their sexual needs.

2. Under the latter, Japanese soldiers would forcibly seize the young women or girls from their homes. In the written testimony of Victim Ms. X, dated 26 August 1996, she said:

In 1942, I was 16 years old, living with my parents and younger brother in Serdang (on the outskirts of Kuala Lumpur). My father and younger brother were rubber tappers. My mother and I worked at home, raising pigs and vegetable gardenings. The Japanese occupation made my father and brother stopped tapping rubber. They stayed at home and helped in pig raising and vegetable gardening. On 22 March 1942, when we were working at home, two truck-loads of Japanese soldiers stopped in front of our house. A Chinese led the Japanese soldiers into our house. They arrested my brother. My father came forward to beg the Japanese soldiers not to take him away but was killed by them. My mother was also killed after she had been raped by them. I did not have any opportunity to run away and was raped by 3 Japanese soldiers. They then took me to a truck. I resisted and was kicked in the head and forced inside. Subsequently, I was given 4 stitches in the head wound.

3. Another victim, Ms. Y of Sepang, testified that:

She lived on the second floor of a bicycle shop in a village called Sepang. She was sixteen, and would often play in the bicycle shop, where many Japanese soldiers came to have their bikes repaired. One night, four armed Japanese soldiers came to her home and dragged her out. Her parents were unable to stop them. The four soldiers were armed with bayonets. They continued kidnapping other girls in the neighbourhood.

4. Victim Ms. R.S. of Penang testified that:

One night, Japanese soldiers raided the town at 3.00 in the morning, going from house to house and dragging away women. She resisted but her two little girls were taken away from her arms and she was loaded into a truck with the other women.

Imprisonment in the comfort stations.

5. Victim Ms. X testified that the Japanese soldiers took her from her home in Serdang from where she had been forcibly abducted on 22 March 1942, to a bungalow (the Ampang building) and locked her up in a room. Further on, she said that their every move was monitored and that they were not allowed to go out of the house, nor could they communicate with one another. She had also been held at two other comfort stations ran by Madam Choi Chau and her husband Ah Yong, - the Tai Sun Hotel and the comfort station at Jalan Tun Razak as described above. She also recalled:

One day, a worker at the comfort station said that the Japanese had killed many Chinese and had hung their heads at cross roads and junctions all over Kuala Lumpur. I begged Madam Sai Choo to allow me to go and search for my brother among these heads. She agreed. I left on a rickshaw with an escort.

6. She was only freed at the end of the war in August 1945. She recalled:

One day, I saw Europeans march into the city. We were let out of the comfort stations and told to flee. None of the Japanese or Chinese traitors wanted us around when the Europeans came back. They were frightened we would point the finger at them. However, the girls in our station caught our mama-san and her husband, and drowned them both. I went back to Serdang ...

7. Victim Ms. Y of Sepang said that they were only released after the Japanese surrendered.

8. Victim Ms. R.S. of Penang recalled that she was locked in a house in Penang with about 30 other women. The house still stands and is now the Tong Lock Bar/Hotel.

9. In the short testimony of the Malay woman Victim Ms.Z from Negri Sembilan, she wrote,

"I cannot describe the atrocities. All I can do is cry in front of Allah. When I was released, I felt revived."

Sexual slavery and enslavement.

10. Victim Ms. X testified that in the Ampang bungalow used by high ranking Japanese soldiers, she was raped by a Japanese soldier every night and by five to six Japanese soldiers in the day. After a month there, she was taken to Tai Sun Hotel and put under Madam Choi Chau's control. There, life was inhumane. Everyday, she was raped by 10 to 20 soldiers.

11. Enforced sexual slavery is not abrogated by payments for the services. At times, Victim Ms. X had been paid. This is what she said of her pay:

The mama-san also took half of all the money we earned. The officers paid us the most. They had three stars and they came at night and paid us \$4 (Straits dollars) – half for mama-san. In the beginning, we were paid in the white man's money, but later we got more and more Japanese money, which at the end of the war became worthless. Some of the girls had savings of over 2000 Yens, but they lost the lot. Fortunately I had some Straits dollars as well as yen. We were paid first in chips or tickets, which we cashed at the end of the month. I never received any tips but at least in the Tai Sun Hotel I was paid. In the first two places, I was not paid at all. The ordinary soldiers were only allowed to stay one hour and had to pay \$2 or Yen. Some of them gave me jewellery, which they had stolen when they looted houses. Unfortunately I had to sell the jewellery after the war in order to live because most of my savings were worthless.

12. Victim Ms. Y of Sepang said that she and other girls of her neighbourhood were locked up in a large room and raped by soldiers on a daily basis. One of the young girls was compelled to become the mistress of one of the Japanese officers.

13. Victim Ms. R.S. of Penang said that:

She was locked into a house in Penang with 30 other women, and raped continuously on a daily basis by Japanese soldiers. From 8.00 am the soldiers would begin coming in to satisfy their sexual needs. She was given lunch and dinner. On busy days, she would be raped by about 30 soldiers. She would just lay on the bed, naked. There was no time to put clothes on.

Pain and suffering

14. The acts themselves comprising of continuous and multiple rapes upon these women victims were often accompanied by physical violence and were humiliating, painful and inhumane. Victim Ms. X recalled that she often suffered from stomach cramps and bleeding in the vaginal. When she could not co-operate in the sexual acts, she was kicked and beaten.

15. Victim Ms. R.S. recalled that on busy days she would be raped by 30 soldiers. She just lay on the bed naked as there was no time to put clothes on. Moreover, the soldiers were often drunk and would hit her on the face and head. Often, she worried about her two small daughters who had been snatched from her when the Japanese kidnapped her.

16. The Malay woman Victim Ms. Z said that her experience were atrocities that she could not describe and that she could only cry before Allah.

Rejection by society upon return

17. Victim Ms. Y said that upon her return to Serdang, the villagers spat on for having been a sex slave to the Japanese. Her uncle had to take her away to Seremban.

18. Victim Ms. Y of Sepang recalled that her parents had to flee with her to Kuala Lumpur as the guerrillas from the jungle killed a young girl who had been a comfort woman together with her. This young girl and her entire family were branded as collaborators and killed.

Loss of reproductive capacity

19. Victim Ms. X testified that she was unable to have children due to the rapes and as a result, her husband and she adopted two girls in 1952 and 1958. In 1963, her womb had become so infected that it had to be removed.

Post Traumatic Stress Syndrome and other illnesses

20. Victim Ms. X testified that she had been unable to find relief from the psychological and physical pains caused by the rapes. She married in 1950, a man who was kind and understanding. He knew that she was not a virgin and was unable to give birth. Nevertheless, he told her that he loved her and was not bothered with her past. He taught her how to read as she was illiterate. They adopted two daughters. As she said in her testimony:

I had a loving husband and a happy family. I should have been very blessed. However, the rape by the Japanese soldiers destroyed all that. I was haunted by the fact that I had been a comfort woman. I hated making love and refused to do so with my husband so much so that he later stayed with another woman. At first, he still came home and provided for the family. But in 1961 or 1962, he abandoned me.

21. Victim Ms. X also suffered tremendously from ill health brought about by the rapes. She testified:

My health had also been poorly. I suffered from pain in the stomach and often fell sick. In 1963, my womb became infected and it had to be removed. In 1971, I began to get high blood pressure. By 1990, I had to be hospitalized for it and I was unconscious for

one and a half day. In 1992, I had stomach ulcers. I was hospitalized due to the bleeding and required four pints of blood transfusion. Eventually, I recovered. In 1995, I had both heart disease and diabetes. Thus, since 1961 I had been ill and working all the time in spite of ill health. Now I have four different chronic illnesses and need long-term medical treatment. I have lost my ability to work and this seriously affect my economic situation. All these had been brought upon me by the Second World War.

22. The inability to speak out for more than 50 years and seek justice and reparation also means that there was no healing from the PTSD that all the comfort women suffered from. Victim Ms. X's marriage suffered as a direct result, aggravating her poor health as she had to take on physically demanding jobs such as being a washerwoman, a hawker, a domestic helper in order to survive economically. Her eldest daughter also suffered in that she was denied an education after two years of primary school as Victim Ms. X could no longer afford to send her to school.

23. Victim Ms. R.S. was only able to begin to feel that she was not alone when she read a newspaper article on the International Tribunal of Asian Women's Human Rights, held in March 1994 at Waseda University. From it, she learnt of the courage of other ex-comfort women in coming out to speak of their cruel experiences.

24. Victim Ms. R.S. also suffered an enforced pregnancy. She gave birth to a daughter of unknown Japanese father in 1945.

APPLICABLE LAW

VIII. Applicable law

1. Article 2(3) of the Charter gives the Women's Tribunal, jurisdiction to try the crimes committed in Malaya under the military occupation of Japan during the Second World War.

2. Article 2(1) of the Charter gives the Women's Tribunal, jurisdiction over all the above mentioned crimes committed against the above named Malayan ex-comfort women victims, namely: rape, sexual slavery, enslavement, torture, persecution.

3. Article 2(2) gives the Women's Tribunal, jurisdiction over acts or omissions of States in violation of international law with respect to the crimes mentioned in Article 2(1) and under State Responsibility of Article 4.

4. The Japanese Imperial Government knew or had reasons to know that the soldiers and officers of the occupying army in Malaya were committing systematic and widespread acts of abducting by force or recruiting by duress, and detaining young

Malayan women or girls as comfort women, as well as committing the crimes of rape, sexual slavery, enslavement torture, and persecution against them, and failed to take measures to protect the integrity, well being and dignity of the victims. .

5. The Japanese government officers of the Malayan Military Administration aided and abetted in these crimes by failing to take measures to prosecute and punish the soldiers and officers of the occupying army in Malaya and individuals acting in an official capacity, and failed to take measures to protect the integrity, well being and dignity of the victims.

6. Article 3 of the Charter gives the Women's Tribunal, jurisdiction over individual criminal responsibility. Commanders and individual members of the 5th, 18th, and the Imperial Guards Division of the 25th Army, of the 29th Army and the 7th Area Army of Japan, including Senior Japanese Officer AKIMOTO, as well as government officials and heads of the Malayan Military Administration – who planned, instigated, ordered or otherwise aided and abetted in the planning, preparation or execution of a crime referred to in Article 3 of the Charter, shall incur individual criminal responsibility for the crime. The fact that a crime may have been committed pursuant to an order of a military superior or of a government official alone shall not relieve the perpetrator of individual criminal responsibility.

7. In accordance with the rules of customary international rules applicable at the time that the crimes were committed, individual criminal responsibility attached to war crimes and crimes against humanity. The Women's Tribunal has jurisdiction over both types of crimes.

8. War crimes are violations of the laws and customs of war committed in times of war, including the unlawful occupation of territory. The presence of Japanese military forces in Malaya from 8 December 1941 to August 1945 constituted an unlawful occupation in accordance with Article 42 of the Hague Regulations (Annex to the 1907 Hague Convention Respecting the Laws and Customs of War on Land), which was applicable to Japan at the time of the commission of the acts.

9. The definition of crimes against humanity as an independent juridical concept was first codified in Article 6(c) of the Nuremberg Charter. The notion, however, had been acknowledged as far back as 1915. The Nuremberg Judgement noted that the Charter, attaching individual criminal for crimes against humanity, was the “expression of international law existing at the time ...”

10. Article 5 of the Charter of the Women's Tribunal on Command Liability and Superior Orders does not relieve person of criminal responsibility nor mitigate punishment, whatever the official position of the accused person, be it Emperor, Head of State or Government, military commander or responsible government official. Moreover, the fact that a crime referred in Article 2 of the Charter was committed by a subordinate does not relieve his/her superior or military commander of criminal responsibility if that

superior or commander knew or had reason to know that the subordinate was about to commit such acts or had done so and the superior failed to take the necessary and reasonable measures to prevent or repress their commission or submit the matter to the competent authorities for investigation and prosecution.

11. The 1926 Slavery Convention states that:

Slavery is the status or condition of a person over whom any or all the powers attaching to the right of ownership are exercised. The slave trade includes all acts involved in the capture, acquisition or disposal of a person with the intent to reduce him to slavery ... and in general, every act of trade and transport in slaves.

12. The fact that the ex-comfort women victims of Malaya were held against their will for varying duration from 8 December till the end of the war in August 1945, transported to various comfort stations around the country and forced to serve the sexual needs of the Japanese soldiers, deprived of the right to exercise ownership over their own bodies, constitutes slavery as defined by the Convention even though the comfort women may have, at times, been paid in kinds or cash. Enslavement is not negated by compensation to the victim or her parents. The crime of neither enslavement nor sexual slavery is precluded by payments or other benefits received for the labour. The critical definition lies in the loss of ownership rights to one's self.

13. Slavery – sexual slavery and enslavement – incurs individual criminal responsibility, state responsibility as well as command liability (Articles 3, 4 and 5 of the Women's Charter).

14. Article 46 of the Hague Regulations provides that in the territories occupied by the hostile army,

... family honour and rights, the lives of persons, and private property, as well as religious convictions and practices, must be respected.

The sexual violence and sexual slavery perpetuated against the ex-comfort Malayan women and girls constitute a violation of Article 46 of the Hague Regulations and amount to war crimes to which individual criminal responsibility, state responsibility as well as command liability and superior orders attach. The Nuremburg Charter, adopted on 8 August 1945, and reflective of customary international law at the time, confirmed that violations of Article 46 were considered as war crimes at the times the act were committed. The Charter defined war crimes as "violations of the laws and customs of war. Such violations shall include, but not be limited to, murder, ill-treatment or deportation to slave labour or for any other purpose, of the civilian population of or in occupied territory ..."

ALLEGATIONS

IX. General Allegations

1. Unless otherwise stated, the crimes alleged to were committed between 8 December 1941 and August 1945.
2. At all times relevant to this Indictment, the territories of Malaya were under the military occupation of Japanese military forces.
3. All acts and omissions charged as crimes against humanity were committed as part of a widespread or systematic military sexual slavery directed against the Malayan, civilian female population.
4. The victims of the war crimes and crimes against humanity charged in each paragraph, were Malayan women and girls, who had been forcibly abducted or recruited by coercion to provide sexual services to the Japanese military.
5. Each of the accused is individually responsible for the crimes alleged against him in the Indictment, pursuant to Article 3 of the Charter, And as far as he had the authority, is also, alternatively criminally responsible, pursuant to Article 5 of the Charter.
6. The Japanese government as a State, can be held responsible for the commission of crimes by military forces or government officials, by acts or omissions pursuant to Article 4 of the Charter.

X. CHARGES AGAINST THE ACCUSED

COUNT 1: VIOLATING ARTICLE 4(A) OF THE WOMEN'S CHARTER.

THE EMPEROR AND GOVERNMENT OF JAPAN ARE RESPONSIBLE FOR THE COMMISSION OF CRIMES OR ACTS AS REFERRED TO IN ARTICLE 2 BY MILITARY FORCES, GOVERNMENT OFFICIALS AND THOSE INDIVIDUALS ACTING IN THEIR OFFICIAL CAPACITY.

THESE CRIMES INCLUDE BUT ARE NOT LIMITED TO THE FOLLOWING ACTS: SEXUAL SLAVERY, RAPE, OTHER FORMS OF SEXUAL VIOLENCE, ENSLAVEMENT, TORTURE, PERSECUTION, EXTERMINATION AND MURDER.

THE EMPEROR AND THE GOVERNMENT OF JAPAN AS A STATE, CAN BE HELD RRESPONSIBLE FOR THE COMMISSION OF CRIMES BY MILITARY

FORCES OR GOVERNMENT OFFICIALS, BY ACTS OR OMISSIONS PURSUANT TO ARTICLE 4 OF THE CHARTER.

COUNT 2: VIOLATING ARTICLE 4(B) OF THE WOMEN'S CHARTER.

THE **EMPEROR** AND THE **GOVERNMENT OF JAPAN** ARE RESPONSIBLE FOR ACTS OR OMISSIONS BY STATES INCLUDING BUT NOT LIMITED TO:

- (I) CONCEALMENT, DENIAL OR DISTORTION OF THE FACTS OR IN ANY OTHER MANNER, ITS NEGLIGENCE OR FAILURE TO MEET ITS RESPONSIBILITY TO FIND AND DISCLOSE THE TRUTH CONCERNING THE CRIMES REFERRED TO IN ARTICLE 2; THESE CRIMES INCLUDE BUT ARE NOT LIMITED TO THE FOLLOWING ACTS: SEXUAL SLAVERY, RAPE, OTHER FORMS OF SEXUAL VIOLENCE, ENSLAVEMENT, TORTURE, PERSECUTION, EXTERMINATION AND MURDER.
- (II) FAILURE TO PROSECUTE AND PUNISH THOSE RESPONSIBLE FOR THE SAID CRIMES.
- (III) FAILURE TO PROVIDE REPARATIONS TO THE VICTIMS.
- (IV) FAILURE TO TAKE MEASURES TO PROTECT THE INTEGRITY, WELLBEING AND DIGNITY OF THE HUMAN PERSON.
- (V) FAILURE TO TAKE NECESSARY MEASURES TO PREVENT RECURRENCE OF THE CRIMES REFERRED TO IN ARTICLE 2.

THE **EMPEROR** AND THE **GOVERNMENT OF JAPAN** AS A STATE, CAN BE HELD RESPONSIBLE FOR THE COMMISSION OF CRIMES BY MILITARY FORCES OR GOVERNMENT OFFICIALS, BY ACTS OR OMISSIONS PURSUANT TO ARTICLE 4 OF THE CHARTER.

COUNT 3: RAPE AS A WAR CRIME UNDER ARTICLE 2(1) IN CONJUNCTION WITH ARTICLE 3 AND/OR ALTERNATELY ARTICLE 5 OF THE WOMEN'S CHARTER.

THE ACCUSED : **TOSHIKAZU TERAUCHI, TOMOYUKI YAMASHITA, TAKURO MATSUI, KIYOSHI MATAGUCHI, TAKUMA NISHIMURA, GISABURO OZAWA, COMMANDER OF THE 29TH ARMY, SEISHIRO ITAGAKI, SHIBATA TAICHIRO, KEISHIN MANAKI, WATARU WATANABE, MANASAKU SUZUKI, HAJIME NISHITAIJO, MAYOR OF SINGAPORE AND**

GOVERNORS OF THE TEN PROVINCIAL GOVERNMENTS, DIRECTOR-GENERAL OF THE MALAYAN MILITARY ADMINISTRATION, OFFICER AKIMOTO, MADAM CHAU CHOI AND AH YONG ARE RESPONSIBLE FOR CRIMES COMMITTED AGAINST WOMEN AS WAR CRIMES.

THESE CRIMES INCLUDE BUT ARE NOT LIMITED TO THE FOLLOWING ACTS: SEXUAL SLAVERY, RAPE, OTHER FORMS OF SEXUAL VIOLENCE, ENSLAVEMENT, TORTURE, PERSECUTION, EXTERMINATION AND MURDER.

THE **ACCUSED** HAVE INDIVIDUAL CRIMINAL RESPONSIBILITY PURSUANT TO ARTICLE 3 AND PURSUANT TO ARTICLE 5, THE **ACCUSED**, BY VIRTUE OF THEIR ROLES, OUGHT TO HAVE KNOWN OF SUCH ATROCITIES. THEREFORE THEY SHALL NOT BE RELIEVED OF CRIMINAL RESPONSIBILITY.

COUNT 4: RAPE AS A CRIME AGAINST HUMANITY UNDER ARTICLE 2(1) IN CONJUNCTION WITH ARTICLE 3 AND/OR ALTERNATELY ARTICLE 5 OF THE WOMEN'S CHARTER.

THE ACCUSED: TOSHIKAZU TERAUCHI, TOMOYUKI YAMASHITA, TAKURO MATSUI, KIYOSHI MATAGUCHI, TAKUMA NISHIMURA, GISABURO OZAWA, COMMANDER OF THE 29TH ARMY, SEISHIRO ITAGAKI, SHIBATA TAICHIRO, KEISHIN MANAKI, WATARU WATANABE, MANASAKU SUZUKI, HAJIME NISHITAIJO, MAYOR OF SINGAPORE AND GOVERNORS OF THE TEN PROVINCIAL GOVERNMENTS, DIRECTOR-GENERAL OF THE MALAYAN MILITARY ADMINISTRATION, OFFICER AKIMOTO, MADAM CHAU CHOI AND AH YONG ARE RESPONSIBLE FOR CRIMES AGAINST WOMEN AS CRIMES AGAINST HUMANITY.

THESE CRIMES INCLUDE BUT ARE NOT LIMITED TO THE FOLLOWING ACTS: SEXUAL SLAVERY, RAPE, OTHER FORMS OF SEXUAL VIOLENCE, ENSLAVEMENT, TORTURE, PERSECUTION, EXTERMINATION AND MURDER.

THE **ACCUSED** HAVE INDIVIDUAL CRIMINAL RESPONSIBILITY PURSUANT TO ARTICLE 3 AND PURSUANT TO ARTICLE 5, THE **ACCUSED**, BY VIRTUE OF THEIR ROLES, OUGHT TO HAVE KNOWN OF SUCH ATROCITIES. THEREFORE THEY SHALL NOT BE RELIEVED OF CRIMINAL RESPONSIBILITY.

COUNT 5: SEXUAL SLAVERY, A CRIME UNDER INTERNATIONAL LAW UNDER ARTICLE 2(1) IN CONJUNCTION WITH ARTICLE 3 AND/OR ALTERNATELY ARTICLE 5 OF THE WOMEN'S CHARTER.

THE ACCUSED: TOSHIKAZU TERAUCHI, TOMOYUKI YAMASHITA, TAKURO MATSUI, KIYOSHI MATAGUCHI, TAKUMA NISHIMURA, GISABURO OZAWA, COMMANDER OF THE 29TH ARMY, SEISHIRO ITAGAKI, SHIBATA TAICHIRO, KEISHIN MANAKI, WATARU WATANABE, MANASAKU SUZUKI, HAJIME NISHITAIJO, MAYOR OF SINGAPORE AND GOVERNORS OF THE TEN PROVINCIAL GOVERNMENTS, DIRECTOR-GENERAL OF THE MALAYAN MILITARY ADMINISTRATION, OFFICER AKIMOTO, MADAM CHAU CHOI AND AH YONG ARE RESPONSIBLE FOR CRIMES COMMITTED AGAINST WOMEN AS UNDER INTERNATIONAL LAW.

THESE CRIMES INCLUDE BUT ARE NOT LIMITED TO THE FOLLOWING ACTS: SEXUAL SLAVERY, RAPE, OTHER FORMS OF SEXUAL VIOLENCE, ENSLAVEMENT, TORTURE, PERSECUTION, EXTERMINATION AND MURDER.

THE ACCUSED HAVE INDIVIDUAL CRIMINAL RESPONSIBILITY PURSUANT TO ARTICLE 3 AND PURSUANT TO ARTICLE 5, THE ACCUSED, BY VIRTUE OF THEIR ROLES, OUGHT TO HAVE KNOWN OF SUCH ATROCITIES. THEREFORE THEY SHALL NOT BE RELIEVED OF CRIMINAL RESPONSIBILITY.