

INTERNATIONAL ORGANIZATIONS SUPPORTING THE TRIBUNAL

Amnesty International (AI), Asian and Pacific Development Center (APDC), NGO Coalition to the International Criminal Court (CICC), Center for Women's Global Leadership, NOVIB, Shaler Adams Foundation; Akina-Mama-Wa Africa; International Women's Human Rights Law Clinic (CUNY-NY); ISIS-WICCE; ISIS-Manila; International Center for Human Rights and Democratic Development (ICHRDD); Women Living Under Muslim Laws (WLUML); Women's International League for Peace and Freedom (WILPF); Equality Now; International Alert; Human Rights Watch; Urgent Action Fund; MADRE; Autonomous Women's Center Against Sexual Violence-Belgrade; Coalition Against Trafficking in Women (CATW); Asia Pacific Forum on Women Law and Development (APWLD); Global Alliance Against Trafficking in Women (GAATW); Australian National Committee of Refugee Women; INFORM, Sri Lanka; AGHS Legal Aid Cell, Pakistan; Urgent Action Fund, Revolutionary Association of the Women of Afghanistan; Women's Caucus for Gender Justice, International Human Rights Law Group, Cambodia Project, The Law Society, NARIPOKKHO, Women's rights International, Human Rights Internet, Komang Perempuan, Legal Aid of Cambodia, HIVOS, Mama Cash, Cambodian Human Rights and Development Organization, Associates for Change, ILANUD, Ismail Jumali, Cambodian League for the Promotion and Defense of Human Rights (LICADHO), Burmese Lawyers Council (BLC), Federation of Women's Lawyers-Kenya, Research Center for Gender, Family and Environment (CGFED),

WOMEN'S INTERNATIONAL WAR CRIMES TRIBUNAL

on Japan's Military Sexual Slavery



For further information, please contact the following Convenors:

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**Tokyo Japan
December 8 – 12 2000**

MESSAGE FROM THE CONVENORS



Yun Chung-Ok



Yayori Matsui



Indai Sajor

The Women's International War Crimes Tribunal will run across the 8th - 12th of December, the last month of this century.

We approach the 21st century with hope—hope for peace. Women especially yearn for peace because our situation in armed conflicts today is no better than it was for our sisters at the time of the Second World War.

It makes us angry that a male-dominated world allows crimes like systematic rape, sexual slavery, forced pregnancy and child rape to persist and remain unpunished - partly because grave violations of women's human rights are callously accepted as if they were inevitable consequences of war.

Japan's conduct has exemplified this lack of accountability for grave war crimes against women. With unprecedented brutality, the Japanese Imperial Army committed crimes of violence against women on a scale so massive, its officials could not have been ignorant of these violations. There is historical evidence to prove this. The testimonies of women survivors confirm this.

Despite this, the post-war Japanese government has refused to conduct a thorough investigation and has refused to officially acknowledge these crimes while it pretends that it has shown genuine remorse. The Japanese state has never brought its own war criminals to court. On the contrary, many of these criminals have become eligible for government pensions; others have even been allowed to return to high public office and Japanese officialdom continues to insist that it has fulfilled its responsibility to the victims of its aggression.

In the last decade of the 20th century, women survivors have filed numerous cases in Japanese courts. None have succeeded. Most of the victims are aged and now believe that there is no hope for their cause in these courts. A number of them have already passed away and those that remain wonder if the Japanese state is simply waiting for them to die, hoping for the problem to die with them. We cannot allow this impunity to go unchallenged.

The Women's International War Crimes Tribunal will be survivors' truest day in court. It will establish and affirm the legal basis for the prosecution of crimes of violence committed against women in situations of war and armed conflict. This Tribunal will become, in times to come, a genuine symbol of people's conscience and indignation, despite its inability to enforce its judgements, which will be rendered in summary on the final day of the Tribunal, and in full on International Women's Day, March 8th, 2001.

We are grateful to all the judges, prosecutors, legal advisers, advocates, and supporters for heeding the call of women survivors of war crimes and lending their invaluable support to this effort. Together, we all honor the courage of the survivors and offer them our most profound gratitude for coming forward. Their courage certainly contributes to ending the impunity with which sexual violence and other crimes against women have been committed and helps recover justice and dignity for all women in the hope that we will see the day when violence against women is no more.

December 8 2000 Tokyo

BACKGROUND AND PURPOSE OF THE TRIBUNAL

The WOMEN'S INTERNATIONAL WAR-CRIMES TRIBUNAL ON JAPAN'S MILITARY SEXUAL SLAVERY is a people's tribunal organized by Asian women and human rights organizations and supported by international NGOs. It aims to hear the cases of sexual slavery and other crimes involving sexual violence committed against women by Japan. Hundreds of thousands of young women in the Asia Pacific region were either raped or deceived and abducted to become "comfort women" for the Japanese Imperial Army before and during the Second World War.

After the Second World War, sexual violence committed by the Japanese Imperial Army was hardly prosecuted by the International Military Tribunal for the Far East (The Tokyo Tribunal) as set-up by the Allied Forces. It was only in the Batavia (Indonesia) Trial where the case of 35 Dutch women victimized in Indonesia was tried against 12 Japanese Army officers. Charges were made on the grounds of having committed war crimes and in defiance of the laws and customs of war in the Dutch East Indies in 1944. One of the accused was condemned to death and others were sentenced to imprisonment ranging from 2 to 15 years. That was the only trial in history that gave justice to the "comfort women".

At present, the Japanese government continues to deny any legal responsibility for war crimes and crimes against humanity committed against women before and during the Second World War. Eight court cases have been filed by survivors from South Korea, China, Taiwan, the Philippines and Japan in the Tokyo District Court and other Japanese courts and all lost their cases. Some of these cases are on appeal at the Japanese Higher Court.

As the millennium comes to an end, it is but proper to give the women survivors who are all of an advanced age a sense of what constitutes justice. Discussion of organizing the International Women's War Crimes Tribunal started in April 1998, when members of the VAWW-NET International (Violence against Women in War Network) met in Geneva to attend the session of the UN Commission on Human Rights. Immediately following this VAWW-NET Japan formally proposed to hold the Tribunal at the 5th Asian Women's Solidarity Forum on the "comfort women" issue in Seoul. Identified as convenors for the Tribunal were VAWW NET Japan, the Korean Council and ASCENT-Philippines, and the other participating victimized countries of Japan's military sexual slavery as members of the International Organizing Committee (IOC).

The organizers are convinced that redress, for women victimized in time of wars and conflict situations from the past to the present, is possible in the light of the principles of international law, humanitarian law, human conscience, humanity and gender justice. The Tribunal has no real power to enforce its judgement, but as a people's and women's initiative, it carries the moral authority to demand wide acceptance and enforcement of the judgement by the international community and civil society and so pave the way for law reforms in national governments.

The Objectives of the Tokyo Tribunal

1. To receive from each country evidence highlighting the grave nature of the crimes committed against the "comfort women" and to clarify the consequent responsibility of the Japanese Government and its military;
2. To have a clear analysis of the gendered nature of the crimes and to establish a gender-sensitive approach to the issues of war crimes, crimes against humanity and genocide;
3. To involve the international community in shedding light about the nature of the crimes committed against the "comfort women" of Asia and to identify steps to be taken by the Japanese Government;
4. To create an international movement supporting women's issues on violence against women under war and armed conflict situations; and
5. To end the impunity with which wartime sexual violence has been committed against women and to prevent such crimes from happening in the future.

THE PROGRAM AND SCHEDULE OF ACTIVITIES

Date & Time Events

Dec. 7 (Thu)	
18:30-20:30	Opening Ceremony
Dec. 8 (Fri) Day 1 : Tribunal	
10:00-10:30	Opening remarks by IOC Opening statements of the Presiding Judge
10:30-11:30	Reading the indictment by Chief Prosecutors Amicus Curie by Tsuguo Imamura
11:30-13:00	Country presentation: Korea I Each country presentation will be in the same format and include country indictment, survivor testimonies, giving of evidence, and judges' questions Lunch Break
14:30-16:00	Country presentation: Korea II
16:00-16:40	Expert testimonies (1) The structure of Japanese Imperial Army by Hirofumi Hayashi (2) Emperor Hirohito's responsibility by Akira Yamada
16:40-17:30	Establishment of Emperor's liability and State responsibility by Japanese prosecutors
Dec. 9 (Sat) Day 2 : Tribunal	
10:00-11:30	Country presentation: China
11:30-13:00	Country presentation: The Philippines Lunch Break
14:30-15:00	Expert testimonies (1) The "Comfort Women" System by Yoshiaki Yoshimi (2) Post-Traumatic Stress Disorder by Lepa Mladjenovic
15:00-16:30	Country presentation: Taiwan
16:30-16:50	Country presentation: Malaysia
18:30-20:30	Video showing

Dec. 10 (Sun) Day 3 : Tribunal	
10:00-10:45	Country Presentation: The Netherlands
10:45-12:15	Country Presentation: Indonesia
12:15-12:45	Expert testimonies (1) Racism and wartime sexual violence by Gay McDougall (2) State responsibility by Frits Kalshoven Lunch Break
14:30-15:00	Country Presentation: East Timor
15:00-15:30	Presentation on Japanese "Comfort women"
15:30-16:00	Testimonies by perpetrators (two Japanese ex-soldiers)
16:00-17:00	Concluding speech by the prosecutors Judge's Comments
18:30-20:30	Asian Cultural Night

Dec. 11 (Mon) Public Hearing on Crimes Against Women in Recent Wars and Conflicts	
9:30-18:00	Survivors testimonies from 12 conflict areas Analysis by experts Comments by UN Special Rapporteur on Violence Against Women, Radhika Coomaraswamy

Dec. 12 (Tue) Day 4 : Tribunal	
9:30-12:00	Judgment and comments by Judges
12:30-14:00	Demonstration
13:00-14:00	Press conference
16:00-17:00	Visit to MPs
18:30-21:00	Panel discussion on the International Criminal Court (ICC)

Notes:

- ❑ The video showing on Day 2 and the Asian Cultural Night on Day 3 are not part of the formal Tribunal but are open to the public.
- ❑ All events are at Kudan Kaikan apart from Day 4(December 11) events which will be held at the Nippon Seinenkan(Judgement and press conference); the demonstration (from the Nippon Seinenkan to Shibuya) and the panel discussion on the ICC will be held at the Edo Hakubutsukan.
- ❑ Program may be subject to change.

THE TRIBUNAL MEMBERS

The Judges



Gabrielle Kirk McDonald, former President of the International War Crimes Tribunal on the Former Yugoslavia (USA)



Christine Chinkin, Professor of Law, University of London, (United Kingdom)



Carmen Maria Argibay, President of the International Women's Association of Judges (Argentina)



Willy Mutunga, President, Commission on Human Rights and Professor, University of Kenya (Kenya)

P.N. Bhagwati, Vice-President, UN Committee on Human Rights, former Chief Justice of The Supreme Court of India (India)

The Chief Prosecutors



Patricia Viseur-Sellers, Legal Adviser for Gender-Related Crimes in the Office of the Prosecutor for the International Criminal Tribunal for the former Yugoslavia, and the Rwanda Tribunal (USA)



Ustinia Dolgopoi – Senior Lecturer in International Law, Flinders University (Australia)

The Prosecutors

For South Korea

Kim, Myung-gi, Chief Prosecutor, Myunggi University, Professor, International Law

Cho Si Hyun, Prosecutor, Professor of Law, Sungsin

University Law School, International Law

Kim Chang Rok, Prosecutor, Pusan University of Law, History of Japan Law

Chang Wan-Ick, Prosecutor, Lawyer, ANSAN

Park Won-soon, Prosecutor, Lawyer, General Secretary, Peoples

Solidarity for Participatory Democracy

Kang Jeong-sook, Prosecutor, Research staff, Korean Institute of Jungshindae

Women's History

Ha Jong-moon, Prosecutor, Professor of Hanshin University

Yang Hyun-ah, Lecturer at Seoul University



Cho Si Hyun

For North Korea

Jong Nam Yong, Lawyer, Executive Member, COCOPA

Hwang Ho Nam, Secretary General, COCOPA



Jong Nam Yong

For China

Zhou Hong-jun, Law Professor & Deputy Chief of the International

Economic Law Institute of East China University of Politics and Law

Su Zhi Liang, History Department, Shanghai Teachers University



Zhou Hong-jun



North & South Koreans singing songs together at the Manila meeting, March 2000

Chinese "Comfort Women" and participants at the Shanghai Symposium, March 2000



For Taiwan

Chuang Kuo-Ming (Henry), Lawyer, international law
Liao Ying-Chih, Lawyer, International Law
Lu Chia Hsiang, Lawyer, Taipei Women's Rescue Foundation
Jau-Yuan Hwang, Professor of Law, Taiwan University
Chiang Huang-Chih, Professor, Police University
Mei-Nu Yu, Lawyer



Chuang Kuo-Ming

For The Philippines

Merlin Magallona, Former Dean, College of Law, University of the Philippines and Director, Institute of International Legal Studies, University of the Philippines (Head Prosecutor)
Sedfrey Candelaria, Associate Dean, Ateneo de Manila University, College of Law
Eleanor C. Conda, Legal Adviser, Asian Center for Women's Human Rights (ASCENT)
Aurora Javate de Dios, Dean, Miriam College
Ricardo Jose, Professor of History, University of the Philippines,
Purificacion Quisumbing, Head, Research and Publications, Philippine Judicial Academy, Supreme Court of the Philippines
Evalyn Ursua, Lawyer, Women's Legal Bureau



Merlin Magallona

For Indonesia

Nursyahbani Katjasungkana, Secretary General of Indonesian Women Coalition for Justice and Democracy
Antarini Ama, Indonesian Women's Coalition for Justice and Democracy
Asnifriyanti Damanik, Legal Aid Indonesia Women Association Justice
Paulus R. Mahulette, Lawyer, LBH Jakarta (Jakarta Legal Aid Institute)



Nursyahbani Katjasungkana

For East Timor

Carmelita Caetano Moniz, UNTAET
Maria Natercia Gusmao, UNTAET

For the Netherlands

Henry Grant, Professor of Law & former Prosecutor ICTY

For Japan

Kazuko Kawaguchi, Lawyer, VAWW-NET Japan
Yasushi Higashizawa, Lawyer, VAWW-NET Japan
Yuichi Yokota, Lawyer, VAWW-NET Japan
Koki Abe, Professor of Law, Kanagawa University
Shin Hae Bong, Associate Professor of Law, Aoyama Gakuin University



Kazuko Kawaguchi



Taiwanese "Comfort Women" claimed at Tokyo District Court in 1999



The Tunnel used for Taiwanese aborigine "Comfort Women"

The Legal Advisers

Rhonda Copelon, Professor of Law, City University of New York
Theo Van Boven, Professor of Law, Maastricht University, the Netherlands
Kelly Dawn Askin, Professor of Law, Washington University
Betty Murungi, Human Rights Lawyer, FIDA-Kenya



Rhonda Copelon

The Expert witnesses

Fritz Kalshoven, Honorary Professor, Leiden University, State Responsibility
Gay McDougall, Director, International Human Rights Law Group, Racism and War-time Sexual Violence
Akira Yamada, Professor of History, Meiji University, The Emperor's Responsibility
Hirofumi Hayashi, Professor of History, Kantou Gakuin University,
Lepa Mladjenovic, Autonomous Women's Center Against Sexual Violence, Post-Traumatic Stress Disorder (PTSD)
Yoshiaki Yoshimi, Professor of History, Chuou University, The Structure of the "Comfort Women" System



Fritz Kalshoven

Amicas Curie

Tusguo Imamura, Lawyer

The Registry

Rowena Guanzon, Lawyer
Emiko Miki, Lawyer

Filipino Women Survivors of mass rape by the Japanese Army in Mapanique village



Mardiyem with Janem from the same "Comfort Station"

Two women lawyers from East Timor at the Taipei meeting, Sept. 2000





Events Leading up to the Women's International War Crimes Tribunal

1997

Oct 31-Nov 3 International Conference on Violence Against Women in War and Armed Conflict Situations
VAWW-NET International formed Tokyo

1998

January VAWW-NET Japan formed Tokyo
April 8 NGO Forum on Armed Conflict VAWW-NET Japan presented plan for the Women's International War Crimes Tribunal 2000 Geneva ①

April 15-17 VAWW-NET Japan proposed Women's International War Crimes Tribunal 2000 at the 5th Asian Solidarity Conference on "Comfort Women" Seoul ②

June 7 Symposium "Towards the Women's International War Crimes Tribunal on Japan's Military Sexual Slavery" Tokyo ③

Dec 11 International Preparatory Meeting Tokyo
Dec 12 International Symposium "How to Hold a Women's Tribunal" Tokyo

1999

Feb 19 International Organizing Committee (IOC) formed Seoul ④

May 12 International Advisory Committee (IAC) meeting held during the Hague Peace Conference The Hague

July 4-5 Symposium "Women's International War Crimes Tribunal 2000 and the Issue of Japan's Military Sexual Slavery" and IOC meeting Seoul ⑤

Oct 3

IOC meeting Tokyo

Nov 12

IAC meeting Washington

Dec 11

International Research Conference Tokyo

Dec 12

International Symposium "How to Confront Wartime Sexual Violence- from the Past to the Present" Tokyo ⑥

2000

Jan 8

IAC meeting New York

Feb 19

Korea-Japan Students Exchange Conference Tokyo

Mar 30-Apr 1

International Symposium on Chinese Comfort Women and IOC meeting Shanghai ⑦/⑧

Apr 27-29

Students Tribunal Seoul

May 1-5

VAWW-NET Japan Delegation Visit to Pyongyang

May 14

VAWW-NET Japan and ASCENT meet with Indonesian women's groups Jakarta ⑨

June 5-10

Beijing Plus 5 Special Session of the UN General Assembly

July 7

Symposium "What Does it Mean to Prosecute?" Tokyo

July 28-31

Prosecutors' meeting and IOC meeting Manila ⑩

Sept 15-17

Prosecutors' meeting and IOC meeting Taipei ⑪

Oct 26-27

Judges' Meeting and IOC meeting The Hague ⑫

Nov 29

Wednesday Demonstration in Asian Cities for publicizing the Tribunal ⑬



THE CHARTER OF THE TRIBUNAL

Preamble

Witnessing the passage of the 20th century without any justice done to women victims and survivors of sexual slavery committed by the Japanese Military in various Asian countries under its colonial domination and military occupation before and during the Second World War, being one of the most horrendous forms of wartime sexual violence known in this century;

Witnessing also that violence against women, especially during armed conflicts, continues to be unabated in many parts of the world today;

Noting that violence against women has received further international attention through the Vienna Declaration adopted at the World Conference on Human Rights in 1993 and the Beijing Platform of Action adopted at the Fourth World Conference on Women in 1995, which explicitly stated that violence against women during armed conflict including rape and sexual slavery was a war crime, and that its truth should be identified and disclosed, the victimized properly redressed, and the perpetrators punished;

Taking note that the International War Crimes Tribunals for the Former Yugoslavia and Rwanda established by the United Nations in the early 1990s have prosecuted those who were responsible for violence against women and the International Criminal Court covers under its jurisdiction violence against women during war and armed conflicts committed after the entry into force of its Statute;

Whereas the Japanese Military sexual slavery has been a particularly grave and egregious form of violence against women in violation of the then existing principles of international law and deeply shocking the conscience of humanity;

Noting that the military tribunals conducted by the Allied Powers throughout Asia following the end of the Second World War seldom prosecuted Japan's military sexual slavery and other cases of sexual violence against women as war crimes, and that, in the subsequent decades, the existing national and international systems of justice have failed to bring the perpetrators to justice;

Cognizant that women survivors of the Japanese Military sexual slavery continue to suffer, both physically and psychologically, from these violations and from the failure to provide justice, including individual compensation and other reparations, and prosecution of the perpetrators of these crimes;

Aware that after the long and torturous silence, survivors of this slavery have demanded in the 1990s that justice be done and their long denied human rights be restored to them;

Alarmed that even after half a century after the crimes were committed, the survivors do not receive a word of acknowledgement of the crimes by the perpetrators, nor is there any genuine apology made or reparations provided by those responsible for the crimes committed against them while one survivor after another is passing away without any redress;

Mindful of the moral responsibility of every member of the global civil society and also a common task for the international women's movement to restore justice for the women victims and survivors of wartime sexual violence including sexual slavery;

Determined to restore justice, human rights, and dignity to all victimized women, to contribute to end the cycle of impunity for violence against women in wartime and armed conflict situations and thereby prevent repetition of such crimes;

Convinced that this effort will also contribute toward creating a 21st century and a new millennium free of war and violence against women making the full documentation public to the world as an indelible records of the 20th century history;

Desiring to hold a Women's International War Crimes Tribunal 2000 for the Trial of Japanese Military Sexual Slavery, the primary task of which will be to bring out truths and to establish the legal responsibility of states and individuals involved in sexual violence and especially the sexual slavery of "comfort women" at "comfort stations" perpetrated by the Japanese Imperial Army in connection with Japan's colonial domination and war of aggression throughout the Asia-Pacific region;

Convinced that the Tribunal is competent to render its judgements respecting responsibility for commission of crimes against women in light of the principles of law, human conscience, humanity and gender justice that were an integral part of international law at the time of and that should have been applied by the International Military Tribunal for the Far East, as well as taking into account the subsequent developments in international law, particularly in relation to women's human rights, which have come to be recognized by the international community as a priority matter as the result of brave struggles of many people including women survivors themselves and insofar as these developments illuminate the proper application of international law to the crimes against women and embody evolving principles of state responsibility for past violations;

Mindful that while the Tribunal, as a people's and women's initiative, has no real power to enforce its judgements, it nonetheless carries the moral authority demanding their wide acceptance and enforcement by the international community and national governments;

Urging once again that States and intergovernmental organizations take necessary measures to bring to justice the persons responsible for the crimes and to provide reparation including apology, compensation and rehabilitation.

The International Organizing Committee, composed of organizations from the offending country (Japan), organizations from areas where people were victimized (South and North of Korea, China, Taiwan, the Philippines, Indonesia, Malaysia, and others); and the International Advisory Committee (comprising eminent scholars and human rights activists),

Adopts hereby the Charter of the Women's International War Crimes Tribunal 2000 for the Trial of Japanese Military Sexual Slavery.

Article 1 Establishment of the Women's International War Crimes Tribunal

The Women's International War Crimes Tribunal ("the Tribunal") is hereby established. It shall have power to exercise jurisdiction over individuals and States pursuant to the provisions of the present Charter. It shall conduct a public trial on such dates and places as may be determined by the International Organizing Committee.

Article 2 Jurisdiction of the Tribunal

1. The Tribunal shall have jurisdiction over crimes committed against women as war crimes, crimes against humanity and other crimes under international law and shall cover all countries and regions that were colonized, ruled or under the military occupation and to all other countries that were similarly victimized by Japan before and during the Second World War. These crimes include, but are not limited to the following acts: sexual slavery, rape and other forms of sexual violence, enslavement, torture, deportation, persecution, murder, and extermination.
2. The Tribunal shall also have jurisdiction over acts or omissions of States in violation of international law with respect to the crimes as referred to in the above paragraph.
3. The Tribunal shall also have jurisdiction over claims involving state responsibility under international law as referred to in Article
4. The jurisdiction of the Tribunal shall extend to the present day.

Article 3 Individual criminal responsibility

1. A person who planned, instigated, ordered committed or otherwise aided and abetted in the planning, preparation or execution of a crime referred to in Article 2 of the present Charter, shall be individually

held responsible for the crime. Those who have concealed the crimes in Article 2 shall be individually held responsible.

2. The fact that such a crime referred to in Article 2 of the present Charter was committed by a subordinate does not relieve his 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.

Article 4 State responsibility

State responsibility arises from the following:

- (a) commission of crimes or acts as referred to in Article 2 by military forces, government officials and those individuals acting in their official capacity;
- (b) acts or omissions by States such as
 - (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 crimes referred to in Article 2;
 - (ii) failure to prosecute and punish those responsible for said crimes;
 - (iii) failure to provide reparations to those victimized;
 - (iv) failure to take measures to protect the integrity, wellbeing and dignity of the human person;
 - (v) discrimination based on such ground as gender, age, race, color, national, ethnic or social origin or belief, health status, sexual orientation, political or other opinion, wealth, birth or any other status;
 - (vi) failure to take necessary measures to prevent recurrence.

Article 5 Official Capacity and Superior Orders

1. The official position of any accused person, whether as the Emperor, the Head of the State or Government, a military commander or a responsible government official, shall not relieve such person of criminal responsibility, nor mitigate punishment.
2. The fact that the crimes are committed in pursuant to an order of a superior or of a government alone shall not relieve a person of criminal responsibility.

Article 6 Non-applicability of the statute of limitations

The crimes within the jurisdiction of the Tribunal shall not be subject to any statute of limitations.

Article 7 Organization of the Tribunal

The Tribunal shall consist of the following organs:

- (a) Judges;
- (b) Prosecutors, and
- (c) A Registry.

Article 8 Qualifications and election of judges and prosecutors

The judges and the prosecutors shall be appointed by the International Organizing Committee among internationally renowned persons in the field of human rights, taking due consideration of the following:

- (a) gender balance
- (b) regional balance
- (c) contribution in advocacy, protection and promotion of women's human rights

Article 9 Rules of procedure and evidence

The judges of the Tribunal shall decide matters concerning the rules of procedure and evidence for the conduct of the trial, the protection of victims and witnesses and other appropriate matters of the Tribunal as they deem necessary. The following shall be admitted as evidence:

- (a) documentation: Written evidences such as official documents, affidavits/depositions, signed statements, diaries, letters/notes or other documents, experts' views, photos and other visual documents;
- (b) personal evidence: Written or oral testimonies of survivors and witnesses, statements of expert witnesses; and
- (c) material evidence: Other relevant physical and material evidence.

Article 10 The Registry

The International Organizing Committee establishes a Registry to the Tribunal. The Registry shall be responsible for the administration and servicing of the Tribunal.

Article 11 Prosecutors: Investigation and Indictments

1. The Prosecutors shall be responsible for the investigation and prosecution of the crimes referred to in Article 2 of the present Charter, taking into account gender and cultural issues and the trauma faced by the victimized.
2. The Prosecutors shall initiate investigation on the basis of information received from individuals, survivors, non-governmental organizations, or any source, and shall have the power to question suspects, those victimized and witnesses, to collect evidence and to conduct on-site investigations in order to establish the truth.
3. The prosecutors shall submit indictments to the Tribunal if, upon investigation, there is a reasonable basis for a prosecution.

Article 12 Trial Proceedings

1. The Tribunal shall read the indictments from the prosecutors at the commencement of the trial, and shall ensure a fair and expeditious trial.
2. The hearings shall be held in public.

Article 13 Participation and protection of those victimized and witnesses

The Tribunal shall take appropriate measures to protect the safety, physical and psychological well-being, dignity and privacy of those victimized and witnesses of sexual violence and any other person at risk on account of their testimony, having regard to the nature of crimes being dealt with and taking trauma into account. Such protection measures shall include, but shall not be limited to, audio-visual proceedings and other protective measures to safeguard the identity of those victimized wherever necessary.

Article 14 Judgements

1. The judgment shall be delivered in public and rendered by a majority of the judges of the Tribunal. The judges may issue a separate opinion, concurring in or dissenting to the judgment.
2. The judgment shall state clearly whether the accused has been found guilty or not guilty of the alleged crime or whether there is insufficient evidence available to the prosecutors to which such a determination, according to a majority of the judges based on evidence before the tribunal, and shall give reasons for the particular judgement.
3. The judgement may make a recommendation to a person or State held responsible to offer redress to those victimized, including apology, restitution, compensation and rehabilitation.
4. Copies of the judgement shall be sent to the survivors, the accused or their attorneys, the government of Japan, the governments of the States concerned, and international agencies including the United Nations High Commissioner for Human Rights, and shall be widely distributed throughout the world as historical documents.

Article 15 Cooperation

1. The Tribunal may ask every individual, non-governmental organization, Government, intergovernmental organization, United Nations organs and other international bodies to cooperate fully with the Tribunal in the investigation and prosecution of persons and states responsible for acts referred to in Article 1 of the present Charter.
2. The Tribunal may ask every individual, non-governmental organization, Government, intergovernmental organization, United Nations organ and any other international body to respect any request for assistance or a judgment issued by the Tribunal, including, but not limited to:
 - (a) The identification and whereabouts of persons or the location of items;
 - (b) The taking of testimony and the production of evidence;
 - (c) The voluntary appearance of persons as victimized, as witnesses or as experts before the Tribunal;
 - (d) The examination of places or sites;
 - (e) The provision of relevant information, records and documents, official or otherwise, and the full opening of wartime archives;
 - (f) The protection of those victimized and witnesses and the preservation of evidence;
 - (g) Facilitating or conducting the investigation and prosecution of the persons responsible for the crimes in compliance with its respective international obligations;
 - (h) The provision of reparation including apology, compensation and rehabilitation in compliance with its respective international obligations, and
 - (i) Any other type of assistance with a view to facilitating the objectives of the Tribunal.

SURVIVORS PARTICIPATING THE TRIBUNAL

Korea

South Korea KIM Gunja/KIM Bokdong/ KANG Sune/KANG Il-chol/KIM Bok-Seon/KIM Bunson/KIM Sang Heui/KIM Urle/KIM Wha-Seon/MUN Pil-gi/PARK Ok-Myon/SIN Hyon-sun/SIM Daron/AN Bob-Sun/YANG Jomsun/YUN Sun-Man/LEE Yangun/LEE Yong-nye/LEE Yong-Su/CHONG Seo-Un/CHONG Wha-Sun/CHOI Kap-Sun/HAN Do-Sun/WHAN Kum-ju
SON Shindo (From Japan)

North Korea PAK Yongsim/KIM Youngsuk
HA Sangsuk (From China)

China Yang Mingzhen/Yuan Zhulin/Wan Aihua/Li Xiumei/Guo Xicui/Chen Yabian/Huang Youliang

Taiwan TENG KAO Bao-chu/CHIN Lien-hsu/YEH-CHEN Yu-chih/HUANG WU Hsu-mei/PUNG SU Yin-chiao/TAI Kueo-ying/LU Man-mei/LIU CHUN Rung-mei/LIU HUANG A-tau/TENG CHEN Tao/lan Apai (Chinese name:LIN Shen-chung) /Iwar Tanah (Chinese name:TSAI Fang-mei)

The Philippines Tomasa Salinog / Januaria Galang Garcia / Maxima Regala dela Cruz / Virginia Bulaon Manalastas / Leonor Lapuz Hernandez / Florencia Tuliao Macapagal / Fermina Payawal Bulaon / Belen Alonso Sagum / Teodora Marin Hernandez / Caridad Lansangan Turla / Carmencita C. Ramel / Hilario Bustamnte / Ortencia G.Martinez / Piedad N.Nobleza / Pillar F.Prias

Indonesia Mardiyem / Ms.Suharti / Suhanah / Ema Kastimah

East Timor Esmeralda Boe / Marta Abu Bore

Malaysia Rosalind SAW

The Netherlands Jan Ruff-O' Herne / Elly Corry Van Der



PAK Yongsim(Survivor, left) was pregnant when rescued in the Burmese Border.

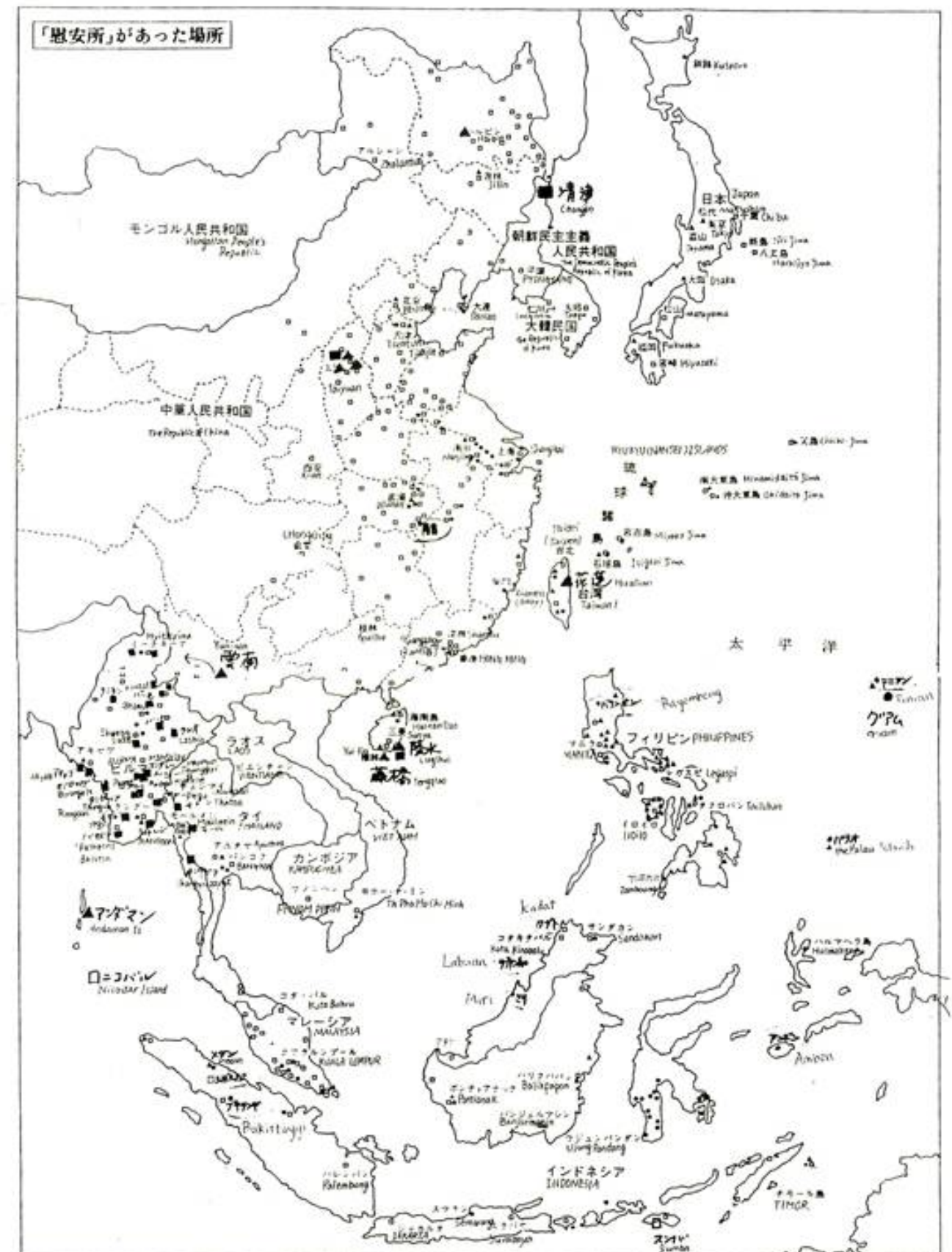
Ha Sangsuk(Survivor) and "Comfort Station"



The Red House where most women of Mapaniqu Village were gang raped by Japanese soldiers in 1944 Philippines



COMFORT STATIONS IN THE ASIA PACIFIC REGION



THE ORGANIZERS

The Convenors

Yun Chung Ok, Korean Council for the Women Drafted for Military Sexual Slavery by Japan
Yayori Matsui, Violence Against Women in War Network Japan (VAWW-NET Japan)
Indai Sajor, Asian Centre for Women's Human Rights (ASCENT)

The International Organizing Committee Members

South Korea Korean Council for the Women Drafted for Military Sexual Slavery by Japan
North Korea Committee on Measures for Compensation to the Former Comfort Women for Japanese Army and Pacific War Victims (COCOPA)
China Shanghai Research Center on Comfort Woman
Taiwan Taipei Women's Rescue Foundation
Philippines Asian Centre for Women's Human Rights (ASCENT)
Indonesia The Indonesian Women's Coalition for Justice and Democracy
Japan Violence Against Women in War Network Japan (VAWW-NET Japan)

The International Advisory Committee

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Ariane Brunet, International Center for Human Rights and Democratic Development (Canada)00
Charlotte Bunch, Center for Women's Global Leadership (USA)
Florence Butegwa, Associates for Change (Uganda)
Alda Facio, ILANUD (Costa Rica)
Eugenia Piza Lopez, International Alert (Mexico/Britain)
Marieme Helie Lucas, Women Living Under Muslim Laws (Algeria/France)
Lepa Mladjenovic, Autonomous Women's Center Against Sexual Violence (Serbia)
Vahida Nainar, Women's Caucus for Gender Justice (India)
Julie Shaw, Urgent Action Fund (USA)

Public Hearing

Vivian Stromberg, MADRE (USA)
Felicity Hill, Women's International League for Peace and Freedom (USA)
Regan Ralph, Human Rights Watch (USA)



Members of IOC at Taipei Meeting

**December 11
2000**

PUBLIC HEARING ON CRIMES AGAINST WOMEN IN RECENT WARS AND CONFLICTS

COORDINATOR

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The **Public Hearing of Crimes Against Women in Recent Wars and Conflicts** immediately following the three days of the Tokyo Tribunal proceedings and one day before the Tribunal's judgment is an occasion to demonstrate that the crimes against the former "comfort women" during WWII were not isolated incidents specific to that war. Battles are increasingly fought over women's bodies and women continue to be used as war weapons as well as war booty. The **Public Hearing** is an occasion to show how the lack of accountability for crimes already committed results in the unabated continuation of such crimes.

At the **Public Hearing**, women will present testimonies of the crimes committed against them in war and conflict situations in places such as **Chiapas, Colombia, Guatemala, Algeria, Sierra Leone, UN Peacekeeping in Somalia, Kosovo, the United States, Palestine, Afghanistan, Burma, Burundi, Vietnam, East Timor, and Okinawa**. Expert commentaries by Suzuyo Takazato, Co-Chairperson of Okinawa Women Act Against Military Violence from Japan and Hameeda Hossain, Research Director of Ain O Salish Kendro from Bangladesh, will integrate and supplement the testimonies. Radhika Coomaraswamy, the United Nations' Special Rapporteur on Violence Against Women will present her mandates in closing the hearing.

In presenting how the violations have continued and escalated to today, the public hearing aims to identify some of the themes common to many conflicts that have been realized after a series of consultative meetings that was held among women's human rights groups, peace networks and legal advocates. The themes include:

- **Conflicts/violations resulting from extremism**: Many countries are in situations of war, conflict and unrest as a result of rise of the power and stranglehold of states, groups and organizations that profess extreme ideologies based on nationalism, ethnicity, religion, race, and social marginalization, which take violent forms and terrorize communities.

- **Conflicts/violations resulting from militarism**: Aggression, invasion, state repression, military or other kinds of occupation and foreign policy of powerful countries are the source of conflicts in many countries around the world today. In the process, fundamental rights of peoples, particularly women, are violated.

- **Resource-based conflicts/violations**: Access and dispute over resources have been the root cause of wars and conflicts. Disputes over land, natural resources, borders, territories, water, natural resources have intensified in many countries and their communities.

- **Violations during post-conflict and the lasting impacts in the event of non-resolution of conflicts on peace and reconstruction**: Women are often ignored or marginalized during the peace process and in the subsequent efforts of reconstruction and rehabilitation. Many forms of violence against women take place as accountability often is not ensured during this phase.

The hearing will not present only the painful experiences of women who have been victimized by war but will also provide a forum to talk about the initiatives in each of these places to rise and fight back to demand justice. **The Public Hearing will highlight the continuing and emerging work of women around the world for genuine justice, peace and end to impunity.**