

[Draft only as of * September 2000*]

**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 Instituting Proceedings Against the Government
of Japan**

December 2000

* The following is drawn on the basis of the agreement on the working plan between the Prosecution Team of North and South of Korea on 17 September, 2000.

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**THE PROSECUTORS OF THE TRIBUNAL
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**Indictment and
Application Concerning State Responsibility of the
Government of Japan**

[December 2000]

16.30 → ABK

* The following is drawn on the basis of the agreement on the working plan between the Prosecution Team of North and South of Korea on 17 September, 2000. The present draft is subject to revision after consultation between them. A full version including appendices and annexes will be provided as early as possible.

Summary [of the Korean Case]

[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 the accused Emperor Hirohito with crimes against humanity and war crimes as recognized in Article 2, paragraph 1 of the Charter of the Tribunal for acts of planing, instigating, ordering, committing, aiding, abetting or otherwise participating in the planning, preparation or execution of these crimes. [Other accused] also planned, established and operated so-called military 'comfort stations' in various parts of the Asia-Pacific region during the Sino-Japanese War and the Second World War; forcibly recruited hundreds of thousands of Korean women as so-called 'comfort women'; and subjected them to sexual slavery by committing such acts as rape and other forms of sexual violence, bodily injury, maiming, mutilation, torture, detention, killing and other inhumane and cruel acts as set forth below.]

[일본군성노예제 개관과 국가책임에 관한 기술 첨가]

The Prosecutors of North and South Korea [on behalf of victims] request the Tribunal to adjudge and declare:

- [(i) the Japanese government is responsible for the Japanese military sexual slavery in violation of international law, and is under the obligations to provide reparations including, but not limited to, a formal apology, compensation, and punishment of those responsible for crimes above referred to].
- (ii) the Japanese government is also under the obligations to take measures necessary to prosecute international crimes related to the Japanese military sexual slavery, to respect and ensure human rights of the victims of these crimes, and to take steps for the full realization of their human rights.]

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6/5/02

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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)**

AGAINST

EMPEROR HIROHITO AND 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:

EMPEROR HIROHITO,

TOJO HIDEKI, MINAMI JIRO, KOISO KUNIAKI, TERAUCHI HISAICHI,

ITAGAKI SEISHIRO, HATA SHUNROKU, UMEZU YOSHIJIRO,

KITAMURA EIBUN and KITAMURA TOMIKO

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

Background¹

Japan's Domination over Korea

1. [The process of the forcible occupation of Korea by Japan is described below in 'General Allegation'.]
2. The system of the Japanese rule over Korea may be characterized as the Military Rule (武斷統治).

Japan's Policy of National Extermination

¹ This part at present will give only the basic information. A full version will be submitted after the consultation with the North Korean team which undertook to do so at the Taipei meeting.

3. As Japan's aggression into China continued after the Manchuria Incident of 1931, a still more harsh policy of domination was implemented in Korea: forceful mobilization in wartime and annihilation of national identity.
4. Governor-General Minami (南次郎), who came into office in 1936, put the slogan 'Make Japan and Korea into One' (内鮮一體化) and conducted the large-scale policies of annihilation of Korean national identity under the non-discriminatory cloak of 'Making Subjects of the Empire' (皇國臣民化), and leading to dismantlement of the tradition and the nation/ethnicity in all spheres of life. These policies included the abolition of Korean family and the wipe-out of Korean names (廢姓奪名; so-called the creation of Japanese style surnames and the name change 創氏改名), Emperor worship (神社參拜), bow toward Emperor's Palace (皇宮遙拜), prohibition of the use of the Korean language, distortion of Korean history, and inter-marriage policies.

Japan's Exploitation of the Korean People

5. After the annexation, the Government-General of Korea took a number of measures exploiting the material and human resources for the benefit of Japan and its eventual war efforts.
6. On the basis of a land survey conducted nationwide, the Japanese authorities deprived the land ownership of the Korean Empire and a lot of individuals making them subject to a tenant status under harsh conditions. The Government-General of Korea also implemented the Plan of Increased Production of Rice, which aggravated the food situation in Korea and forced Korea to become a food base for Japan.
7. Although the Cabinet in Japan made the decision on May 8, 1942 to introduce the conscription system in Korea and carried this out in 1944, numerous Korean people had been actually forced to contribute to the Japanese war efforts well before this date. The number of persons drafted by Japan as soldiers amounted to 209,279 at the end of the war in 1945: 186,980 in the army and 22,299 in the navy. The actual number of Koreans who were recruited as soldiers, civilian employees of the military (軍屬) and workers must have been far greater than this official statistics shows.

Situation of Korean Women under the Japanese Domination

8. On the status of women under the Japanese Imperialism, Japan strengthened the system of state control over families through the medium of 'house heads' which resulted from the transplantation of the Japanese house head system (戸主制) into Korea and the consequent reorganization of Korea's traditional family system. At the same time, the Japanese Imperialist denied Korean women of their traditional property and inheritance rights and deprived them of their ability to take legal action.

Japan demanded Korean women, whose status was thoroughly unequal to conform to the Japanese rule and the patriarchal social system. In times of war, particularly, Japan forced Korean women to contribute to war efforts not only by its labor force but also by giving birth to future soldiers and laborers.

9. While women in Japan were under strict management as the object of labor mobilization, the case of Korean women was not so. Women in Korea were not required to report their professional capabilities. They were also exempt from doing so under the Order Restricting Employment of Youths and under the Labor Coordinating Order. The location and draft of the Women Voluntary Labor Corps were principally based on schools as units. In case of general labor force of women, normal local administrative units were involved together with various employment agencies. These circumstances enabled Korean 'comfort women' to be recruited in a systematic and indiscriminate manner by the Japanese authorities and their surrogates.

Japanese Military Comfort Stations and their Geographical Location

10. [Insert a common description of the system of comfort stations.]
11. The influence of Japan during the Second World War was extended to vast areas covering Aleutian Islands and Solomon Island of the Pacific to the east, New Guinea and other islands of the Mid-South Pacific to the south, and Burma and Andaman and Nicobar Islands of the Indian Ocean to the west. Wherever the Japanese forces stationed, comfort stations were set up as documented by the Allied and the Japanese forces. Comfort stations were also established in the territories that had fallen into the Japanese zone of influence before the Sino-Japanese War such as Japan, Chosun (Korea), Taiwan, North-East China.
12. 'Comfort women' of Korean origin were regarded as a stable source of mobilization by the Japanese military. It can confirmed from the documents and testimonies from the former Japanese soldiers and inhabitants that while they had been distributed in the entire zone of Japanese military influence, Korean 'comfort women' had been dragged along to the foremost front. This meant that they had been sexually exploited even in the places where their survival was under threat.
13. [A map showing the distribution of comfort stations where Korean 'comfort women' were forced to serve]

The accused

- 2.1 **HIROHITO**, born on 29 September 1901 and died on 7 January 1989, had been Emperor of Japan.
- 2.2 **TOJO HIDEKI** (1884 - 1948) was Chief of Staff of the Kwangdon Army in 1937, Vice

Minister of Army in 1938, Prime Minister and, at the same time, Ministers of Army and of Interior Affairs from October 1941 to July 1944.

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

2.4 **KOISO KUNIAKI** (1880-1950) was Commander of the Korean Army (December 1935-July 1938), Minister of Colonial Affairs (1939-1940), Governor-General of Korea (1942-1944), and Prime Minister (July 1944-April 1945).

2.5 **ITAGAKI SEISHIRO** (1885 –1948) was Chief of Staff of the Kwangdon Army in March 1936, Minister of Army (June 1938 – August 1939), the Chief of Staffs of the China Expeditionary Force in September 1939, Commander of the Korean Army (July 1941 – February 1945), and Commander of the 17th Area Force (February 1945 – April 1945, including the Commander of the Korean Army).

2.6 **HATA SHUNROKU** (1879 – 1962) was Commander of the Taiwanese Force in August 1936, Minister of Army (August 1939 – July 1940) and Commander of the China Expeditionary Force (March 1941 - November 1944).

2.7 **TERAUCHI HISAICHI** (1879-1946) was Commander of the Taiwanese Force 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 Force of the South Sea Area from November 1941 till the end of the war.

2.8 **UMEZU YOSHIJIRO** (1882-1949) was Vice-Minister of Army in March 1936, Commander of the 1st Army in May 1938, Commander of the Kwangdon Army (September 1939 - July 1944) and Chief of Staff in July 1944.

2.9 **KITAMURA EIBUN** and **KITAMURA TOMIKO** were Japanese civilian manager of 'comfort station' in Burma.

Superior Authority

3.1 From 25 December 1926 until January 1989, **EMPEROR HIROHITO** was the Emperor of Japan.² He was the Commander-in-Chief of the Japanese Imperial Army and the Navy. His power of command covered matters relating to defense planning, operation plans, 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 for 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 dispatched area, and engaged in military operations. The Emperor's orders were

² See the Japanese Indictment.

based on the advice of the Chief of the General Staff.³ As a matter of military administration, the Cabinet was involved particularly in issuing orders on military matters to nationals and in their enforcement. Under the then Japanese Constitution, he could also issue edicts having the force of law.⁴ Comfort stations were part of the Japanese military establishment; they were designated as war supply facilities in the Japanese military structure. He had overall authority over for the establishment and maintenance of comfort stations run by the Japanese Imperial Army.

3.2 **TOJO HIDEKI** was [Chief of Staff of the Kwangdon Army in 1937, Vice Minister of Army in 1938, Prime Minister and, at the same time, Ministers of Army and of Interior Affairs from October 1941 to July 1944.] As Army Minister, he was responsible for matters related to the military government. He was responsible for the establishment and maintenance of comfort stations run by the Japanese Imperial Army.

3.3 From August 1936 until May 1942, **MINAMI JIRO** was the Governor-General of Korea. The power of the Governor-General to rule Korea was in principle delegated by the Emperor. Only the creation of administrative institutions and the appointment of officials were decided by the Emperor with the help of state ministers. The budget should be decided with the consultation of the Parliament. The Governor-General had the power to decide even in matters that should have been stipulated in edicts if in Japan proper, and matters within the competence of ministers of each ministry were the same. Within the ambit of delegation, the Governor-General had the command and control over the Army and the Navy and was responsible for all other political affairs.⁵ The Governor-General had both the administrative and the legislative power. The laws in Korea were made by his Orders and Orders of the Government-General. The Governor-General was exceptionally excluded from the supervision of the Minister of Colonial Affairs that exercised control over colonies.⁶

³ See also the testimonies of expert witnesses.

⁴ There were three kinds of edicts except emergency edicts: independent, executive and mandatory edicts. Independent edicts were grounded in the second sentence of Article 9, the Meiji Constitution: "The Emperor shall issue or authorize the issuance of orders necessary for the maintenance of public security and welfare and the improvement of happiness of his subjects." The Emperor's statement, or the content of the Privy Council's deliberation, was to be attached to edicts which should be ...with this direct signature. Then the date of the edict would be entered by the Prime Minister of the Cabinet together with the latter's signature or signatures of other pertinent ministers. 칙령에는 上諭(천황의 말, 추밀원의 심의를 받았으면 그 내용 기재)를 부치고, 親署한 다음 御璽를 찍고, 내각 총리대신이 날자를 기입하고 副署하거나, 다른 국무대신 혹은 주임 국무대신과 함께 부서한다.

⁵ 단지 관제의 제정, 관리의 임면은 천황의 親裁, 즉 국무대신의 보필에 의하며, 예산은 의회의 협찬에 의해 결정된다. 이 이외에는 일본본토의 경우 勅裁에 의해 정해질 사항도 총독의 권한을 정해지며, 각성 대신의 권한 사항도 마찬가지이다. 총독은 위임된 범위 내에서 육해군을 통솔하고 일체의 정무를 총괄했다.

⁶ 총독은 행정권과 함께 입법권도 가지며 총독의 명령인 制令과 총독부령으로써 조선의 법

3.4 **KOISO KUNIAKI** was the Governor-General of Korea from 1942 until 1944, and Prime Minister from July 1944 until April 1945. He was in a similar position as Minami Jiro and Tojo Hideki above mentioned.⁷

3.5 **ITAGAKI SEISHIRO** was the Commander of the Korean Army from July 1941 until April 1945, and at the same time the Commander of the 17th Area Force for the period from February 1945 until April 1945. The Korean Army was directly subordinate to **EMPEROR HIROHITO**. The Commander of the Korean Army held command over the Chief of the Korean 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.

3.6 **HATA SHUNROKU**, **TERAUCHI HISAICHI** and **UMEZU YOSHIIRO** in their respective position as commanders of the Japanese armed forces, had the authority and responsibility to control the troops under his 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.

[During the Russo-Japanese War (1904-1905), despite the Declaration of Neutrality by the then Empire of Korea, its territories became part of the region of war.⁸ The Japanese military sent troops to Korea and began forcibly to occupy parts of the Korean territory. After the conclusion of peace between Russia and Japan,⁹ the representatives of the Korean Imperial Government was coerced to sign the 1905 treaty with Japan, which subjected Korea to a protectorate of Japan.¹⁰ The predominant status of Japan in Korea had previously been acknowledged in the Shimonoseki Treaty ending the Sino-Japanese War (1898), the Treaty of Alliance with Great Britain of January 30, 1902¹¹ and in the secret Taft-Katsura agreement with

규를 제정했다. 식민지를 관장하는 칙부성과의 관계에서 조선총독은 예외로 칙부대신이 조선총독을 감독하는 권한은 없다고 정해졌다. 1943 년의 조선총독부의 사무統理를 내무성이 담당하게 되고 각성의 지시권이 인정되었지만, 실질적으로는 그렇지 않았다.

⁷ Abe Nobuyuki (1875-1953) was the Prime Minister from August 1939 until January 1940, and the Governor-General of Korea from 1944 until 1945. He was in a similar position as Minami Jiro, Tojo Hideki and Koiso Kuniaki above mentioned.

⁸ Whether the neutral status of Korea was thereby violated is controversial despite the negative view by Oppenheim, *International Law* (7th ed. By H. Lauterpacht), p. 685 n. 4.

⁹ The Peace of Portsmouth on September 5, 1905.

¹⁰ Treaty of November 17, 1905; Martens, *Nouveau Recueil Général de Traités*, 2me Série, vol. 34, p. 727.

¹¹ Martens, *Nouveau Recueil Général de Traités*, 2me Série, vol. 30, p. 650.

the United States.

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.¹² Nonetheless, armed conflicts continued to be unabated between Japan, on the one hand, and the former members of the Korean Army, by then dissolved by the Japanese authorities (1907), and other fighters on the other. The Provisional Government in Shanghai (later moved to Chungchin) and other armed groups for independence had engaged in fighting with the Japanese army in and out of Korea just before the Surrender of Japan in August 1945.

The Japanese military government of Korea had undergone 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 the martial law over part of the Korean territory. The Japanese rule changed its form from the Resident-General (統監部) to the Government-General till 1945. Japan had appointed commissioned generals of the army as Governors-General of Korea. The Governor-General, who was responsible only to the Emperor, possessed absolute power of legislation, administration and justice as a kind of absolute monarch and supreme command over the Korean army. Albeit the harshness of the rule may have been 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.

The Allied governments recognized Korea as a victorious power in the preparatory stage of the Peace Treaty with Japan (September 8, 1951). The Allies had suddenly changed its position at the final stage of peace negotiation with Japan. One of the reasons for this is known to be that the allied accepted the uneasiness and concern expressed by Japan over the financial implications of that position.

4.2 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 will be noted that war crimes recognized in the Tokyo Charter were accepted by Japan in concluding the Peace Treaty in 1951.

4.3 All the 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.

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

4.5 Unless otherwise indicated below, all acts and omissions set forth in this indictment took place between 1937 and 1945.¹³

4.6 Alternatively, the accused in this indictment were also charged for crimes against humanity recognized by Article 2, paragraph 1 of the Charter of the Tribunal.

¹² Treaty of August 22, 1910; Martens, *Nouveau Recueil Général de Traités*, 3me Série, vol. 4, p. 24.

¹³ It has argued that a form of comfort stations run by civilians could be found at the time of the Sino-Japanese War in 1894 and that the army had already set up comfort stations during the Russo-Japanese

4.7 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. [common general allegations prepared by the Chief Prosecutor will be incorporated here]

4.8 **EMPEROR 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. [others]

4.9 **EMPEROR 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 subordinate if the superior knew or had reason to know that his subordinate was 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 subordinate. [others]

Counts

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

5.1 **TOJO HIDEKI**, as Prime Minister and, at the same time, the Minister of Army from 1941 to 1944, participated in the planning and implementation of the Japanese Military 'Comfort Station' Policy with other unnamed organs of the Japanese Government including ministers of the Department of Foreign Affairs and the Department of the Interior.¹⁴

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

5.3 **TOJO HIDEKI** is responsible as prime minister for his acts or omissions in connection with the acts of various branches of the Department of Foreign Affairs, which controlled the consulates and Japanese citizens abroad in maintaining comfort stations. For instance, the Government-General of 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

War in 1904. The Shanghai Incident of 1932 had also seen such establishment.

¹⁴ Although the origins of the '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 after the Chino-Japanese War since 1937. As in other paragraphs charging war crimes and crimes against humanity, the full detail of these crimes is not possible due to the fact that the Japanese government does not still 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. See also the Japanese Indictment.

on 10 January 1942.¹⁵ 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 appropriate) in a document of 14 January 'Matter regarding the method of transportation of comfort women in the occupied territories of the South Pacific Area'.¹⁶

5.4 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.¹⁷ Further, the Director of the Third Division at the Bureau of America in the Department of Foreign Affairs received notice from the Foreign Affairs Deputy-Minister of the Japanese Government-General in Taiwan in September 1940.¹⁸ It stated that all travelers needed to obtain a certificate showing the reasons for the Travel to China, and sought the understanding that the urgency of the travel of 'comfort station' workers made permission granted.

5.5 **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. The Edict No. 300 was amended on 30 March 1942 to add comfort station matters to the work under 'other welfare'.¹⁹ In a circular of 26 March 1942, for instance, director of the said division, Kuramoto Geiziro (倉本敬次郎), stated his wish to set up permanent comfort facilities for soldiers below the rank of non-commissioned officers with the defense donation from the Japanese nationals. Six months later, it was circulated on 3 September that these facilities were established in 100 places in North China, 140 Central China, 40 South China, 100 South Area, 10 South Sea, 10 Sakhalin, 400 in total.²⁰ The Minister of Army routinely attended to the meetings of directors. Further, the Army Ministry systematically sent condoms to military comfort stations²¹ and subsidized the expenses needed for bringing in 'comfort women'.²²

¹⁵ 臺灣總督府外事部長(1942.1.10), 「南洋方面占領地ニ於ケル慰安所開設ニ關スル件」, 자료집 성 2.

¹⁶ 外務大臣(1942.1.14), 「南方方面占領地ニ對シ慰安婦渡航方ノ件」, 자료집 성 2. 관호 안의 글은 초안에는 있으나 삭제 표시가 가해져 있어, 외무성의 심사를 대변하고 있음에 틀림없다. See also the part of the Japanese Indictment on the set-up process of comfort stations in Borneo, Indonesia.

¹⁷ For example, see *Re control of travel to China* [Taipai Provincial Governor] (13 Jan. 1939); *Re various statistical report on the temporary arrangement for nationals to travel to China* (11 June 1941).

¹⁸ 高雄州知事(1940.8.23), 「渡支事由證明書等ノ取寄不能ト認メラルル對岸地域ヘノ渡航者ノ取扱ニ關スル件」, 자료집 성 1.

¹⁹ 당시 온상과에 근무했던 이노우에(井上正規)의 회고담. 앞의 책 *慰安婦と戦場の性*, 105 쪽에서 재인용.

²⁰ [金原節三業務日誌摘録]. 앞의 책 *慰安婦と戦場の性*, 105 쪽에서 재인용.

²¹ 陸軍省經理局建築課(1942), [陸亞密大日記]. 日本の戦争責任資料センタ-(1993), 季刊 戦争責任研究秋季號, 第1號, 25~28 쪽 참조.

²² 미국 국공립문서자료, 1944~1945. 앞의 책, 日本の戦争責任資料センタ-, 34~36 쪽 참조.

5.6 **TOJO HIDEKI** is similarly responsible as prime minister for his acts or omissions regarding the involvement of the Department of the Interior in the implementation of the Japanese 'comfort station' policy. This involvement may be exemplified by the following, albeit not relevant for Tojo's case. In matters of the departure of comfort station managers, the Head of the Police and the Security Bureau at the Department of the Interior regarded the travel of women for immoral purposes as indispensable in consideration of the reality in the field in February 1938. He decided their departures to China to be tacitly approved for a while, and instructed that the situation of the recruitment of women be supervised carefully.²³

5.7 **EMPEROR 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. He stood at the apex of the Japanese military comfort stations policy linked with the Chief of Staff and the Minister of the Army, and then with Commanders of the Korean Army, the Taiwan Army, the Kwangdon Army, the China Expeditionary Force, and the Force of the South Sea Area.

5.8 **EMPEROR HIROHITO** and **TOJO HIDEKI** had a clear knowledge of the acts committed throughout the comfort stations against 'comfort women'

By their participation in these acts, **EMPEROR HIROHITO** and **TOJO HIDEKI** 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)

5.9 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 the lower rank officials of the Japanese authorities and civilian managers in cooperation with the former.²⁴

5.10 (Kim Gun-ja (1926 -) is one of those Korean victims of the Japanese military sexual slavery. In March 1942 when she was 16 years old, she followed a Korean man with military uniform of no rank

²³ 内務省 警報局長(1938.2.23), [支那渡航婦女の取扱に関する件], 자료집성 1.

²⁴ The concept of 'forcible recruitment' should not be confined to cases where physical force was used in the recruitment. It also covers a situation as a whole where a woman was recruited and could not return.

mark, who sent her to a comfort station named 'Kingaku' at Hunchun (현재 중국지명?) in North China. At that time, she thought that she was on errand by her stepfather Choi Chul-ji, a policeman in Chulwon, Gangwon Province.²⁵

5.11 The case of Park Young-sim (1921 -) is another example of forcible recruitment with the involvement of the local police. In March 1938, this 17 year old victim was approached by the Japanese policeman who told her that there was a vacancy at a military hospital. He sent her to a Nanking comfort station.²⁶

5.12 There are also cases in which local administrative authorities in cooperation with the military and the police were involved in the recruitment process. Kim Bok-dong (1926 -) testifies that she was told to serve 3 years at a factory making military uniforms as 'Taishintai' by a leader of task force and a head of the village who came with a Japanese soldier wearing yellow uniform with rank mark. It was 1941 when she became 15 years old. She was sent to Kwangdong, China, at first, then dragged along throughout Asia as will be seen below.²⁷ There are other cases where even girls of the age of 12 were similarly victimized.²⁸

5.13 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. [Song Shin-do, born in 1922, was deceived to be sent to a comfort station in Muchang, China in 1938 after listening to a Japanese lady who told her to find a job and make a lot of money.²⁹] Similarly in 1941, Son Pan-im, born in Hadong, South Kyungsang Province in 1924, followed a 'Satomi', Japanese in her forties, who asked to send her to a good office. She took a ship with 40 other girls in Pusan.³⁰ Ha Sang-suk, born in 1928, believed a Korean man who he was recruiting a group of entertainment for the army. She was forced to become a 'comfort women' at Jeogkyungri, Hankou in China.³¹ The nursing work was another pretext frequently used to recruit women in a deceptive manner.³²

5.14 Kidnapping and other types of violence were also widely resorted to as reported in the testimonies of others.³³ For example, Kim Bok-sun, born in Gangjin, South Cholla Province in 1926, was told by her father to hide as there were cases of virgin abduction in September 1944. One day, while hiding for about a week, she had a lunch with her family. Then she was taken away by a Korean and a Japanese who told them that they would make her earn money. Passing through Incheon, she heard the leader say that they would go to factory in Japan. She arrived at Osaka and took the 'Arabiramaru' to

contrary to her will and wishes.

²⁵ See the Selective Testimonies, Appendix below.

²⁶ Ibid.

²⁷ Ibid.

²⁸ Hwang Sun-i, Lee Ok-bun.

²⁹ See the Selective Testimonies, Appendix below.

³⁰ See Annex II below.

³¹ See the Selective Testimonies, Appendix below.

³² See Annex II below.

³³ See *ibid.*

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Saigon, then to Burma where she began the life of 'comfort women in Rangoon.

5.15 The procurement of women with the consent of their family, often made under duress, was merely the pretext to conceal and justify forced character of recruitment.³⁴ 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' has been no different from 'slave hunting'.

5.16 The forcible recruitment of 'comfort women' had frequently been accompanied with other sexual violence such as rape and gang rape as well as torture, mutilation and other assault perpetrated by the recruiters and Japanese soldiers. It also resulted in the infliction of separation from and destruction of their families (diaspora).³⁵

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5.17 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, had usually been dispatched by the local military force in pursuance with its need.³⁶ They were either handpicked by the Japanese military or selected by the relevant military headquarters of mobilized areas upon requests from each expeditionary force.

5.18 The forcible recruitment of 'comfort women' in 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 the license issued by the military or overseas diplomatic services and go to places with some connections or familiarity. They had resort to the normal administrative channel 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.

5.19 The Japanese military and administration exercised an enormous power of influence on Korea and its people, and the mobilization of the Korean "comfort women" was almost impossible without the understanding and the direct involvement of the Korean Government-General. The Korean Governor-General 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

³⁴ Ibid.

³⁵ Ibid.

³⁶ Yoshimi...

of Korean 'comfort women.' Among others, the relevant governors-generals were **MINAMI JIRO** (from 1936 to 1942), **KOISO KUNIAKI** (from 1942 to 1944), and Abe Nobuyuki (from 1944 to 1945).

5.20 It is undoubtful that 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. (김군자 등헌지 위안소 사령관들).

5.21 In addition, the Japanese Imperial Army had 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 Kwandong army in the special intensive training in 1941 when the Japanese Imperial Army stationed in Kwandong requested the Korean Government-General to roundup 20,000 Korean "comfort women". Hara Zenshiro, a staff officer of the Kwandong 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 Kwandong army.³⁷ The Korean Government-General sent 8,000 Korean women to the northeast China. **UMEZU YOSHIJIRO** was Commander-in-Chief of the Kwandong Army from September, 1939 till July, 1944, Yamada Otozo being his successor.

5.22 Both the Japanese Imperial Army and the Navy built comfort stations through their respective chain of command with **EMPEROR HIROHITO** at the apex.

5.23 When the Japanese military occupied Burma in 1942 under **TERAUCHI HISAICHI**, Commander-in-Chief of the Force of the Southern Regions from November, 1941 till the end of the war, agencies from Japan came to Korea to recruit Korean women for 'comfort services' in the occupied territories of South-East Asia in 1942, in particular, the headquarters of the Korean Army directly 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 Headquarter of the Korean Army. They procured 22 Korean women between 17 to 29 ages at the price of 300 to 1,000 won. The Headquarter of the Korean Army gave them a letter demanding all Japanese troops to provide every necessary assistance such as transportation, food and clothing.³⁸ [문옥주]

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

5.25 **EMPEROR HIROHITO**, **TOJO HIDEKI**, **MINAMI JIRO**, **KOISO KUNIAKI**, **TERAUCHI HISAICHI**, **ITAGAKI SEISHIRO** and **UMEZU YOSHIJIRO** who had the knowledge and understanding of the nature of the acts committed 'comfort women', were responsible through their acts or omissions for the crimes committed in the recruitment of Korean 'comfort women'.

³⁷ See also the Japanese Indictment, pp. 2-4.

³⁸ 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

By their participation in these acts, **EMPEROR HIROHITO, TOJO HIDEKI, MINAMI JIRO, TERAUCHI HISAICHI, ITAGAKI SEISHIRO, UMEZU YOSHIJIRO, 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, inhumane treatment, torture, 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, persecution).

[When Yun Du-ri (1928 -) was 16 years old in 1943, the policeman belonging to the Southern Police Station took hold of her in front of the railway station at Pusan-jin, Korea. He put her into custody of a soldier who sent her to Japan.]

히군자(위문단 모집), 하상숙, 송신도: 업자에 의한 사기 등 - 업자파견은 현지부대 요청

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

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

5.27 When Kim Gun-ja got in the truck after taken by a recruiter, she found 7 women with a about 40 year old Korean man wearing army uniform. The truck ran about full day and night, according to her, when she found an army truck waiting for them. She was moved to that truck which drove quite a while and stopped at an old inn-like two-story house with a sign board 'Gingaku Ianzo' in Hunchun, Manchuria.

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

5.29 These plans for forcible transfer had been systematically executed. A number of wartime documents proves the involvement of various Japanese authorities in the deportation of Korean women to

the Ogasawara Islands, see Annex I.2.

be sent to comfort stations. The 'free' entrance to China without needing passports was no longer the case after the Sino-Japanese War. For the travel to China, it was required to obtain certificates of identity or passports from the police, in other words, the State authorization. [주석]

5.30 In the memorandum of 10 March 1938 relating to the passage to Hankou, China, for example, the Department of External Affairs in the Government-General of Korea ordered the local police to restrict the travel to that destination as the military comfort stations reached their limits. [주석] The travel to areas of military operations and remote places required the travel document from the stationing forces or the military police in the field. [주석]

5.31 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 bring 'employed' women in numbers stated in certificates issued by the police officer in charge at the consulate of China. [주석]

5.32 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. [주석]

5.33 The Kitamura couple and 22 Korean women departed from Pusan with 703 Korean women and about 90 Japanese managers on 10 July 1942. They arrived at Rangoon on 20 August via Taiwan, where the ship it took up 22 women for Singapore, and Singapore. In Rangoon, they divided up into groups of 20-30s, each forming separate comfort stations 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 several months, they came to Myitkyina around January 1943. The comfort station run by Kitamura was called Kyohei with two other comfort stations in the area.³⁹]

5.34 The Japanese military classified Korean women and girls in transit as 'war material'. [주석] They were subjected to the inhumane treatment and slave-like conditions during deportation. [증언 - 이웅수, 홍애진]

5.35 Emperor Hirohito, Tojo Hideki, Minami Jiro, Itagaki Seishiro and [Terauchi Hisaichi] 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, Emperor Hirohito, Tojo Hideki, Minami Jiro, Itagaki Seishiro, [Terauchi Hisaichi] and Kitamura Eibun and Tomoko committed:

Count 5:

a WAR CRIME recognized in Article 2 (1) of the Charter of the Tribunal (unlawful deportation and

³⁹ 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.

transfer).

Count 6:

a CRIME AGAINST HUMANITY recognized in Article 2 (I) of the Charter of the Tribunal (deportation)).

Crimes Committed at the 'Comfort Stations'

1. Rape (Counts 7-8)

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

5.37 Two or three days later since Kim Gun-ja arrived at a comfort station in Hunchun, 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 in the ear. The eardrum in the right side was torn apart and bled. The wound was left unattended and she lost hearing afterwards. She was given the Japanese name 'Kimoko' or called 'Room No. 9'. She never speaks the Japanese. Japanese soldiers came even on Sundays from 9 AM till 7 PM. They usually came in groups on foot or in trucks led by an officer. Officers came at night. Soldiers were waiting 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 another man. She could not dream of escaping after seeing an escapee battered.

5.38 하군자 - 당시 호부대의 관리 감독하; 김군자 (강정숙).

5.39 송신도 소장참조, 강정숙

5.40 **EMPEROR HIROHITO, TOJO HIDEKI, MINAMI JIRO, ITAGAKI SEISHIRO** and **TERAUCHI HISAICHI** participated in these acts of rape by granting Japanese soldiers access to Korean 'comfort women', by issuing detailed instructions for the visit of comfort stations, and by making thereby their visits routine part of the army life. They also encouraged and approved rapes by the Japanese soldiers.

5.41 **EMPEROR HIROHITO, TOJO HIDEKI, MINAMI JIRO, ITAGAKI SEISHIRO** and **TERAUCHI HISAICHI** planned, instigated, ordered, aided, abetted or otherwise participated in the commission of systematic rape against 'comfort women'.

By their participation in these acts, **Emperor Hirohito, Tojo Hideki, Minami Jiro, Itagaki Seishiro** and **Terauchi Hisaichi** committed:

Count 7:

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

Count 8:

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

2. Torture (Counts 9-10)

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Damage to reproductive health
social beings

5.42 Korean 'comfort women' had been subjected to destruction of genital organs and sexually transmitted diseases. In most cases, they had lost reproductive capabilities. They had also been subjected to other forms of violence such as torture and assault with bodily harm. These violent acts were more the eventual outcome of the Japanese policy of comfort stations than isolated incidents. There is no known case of punishment of perpetrators of these brutal acts.

5.43 **EMPEROR HIROHITO, TOJO HIDEKI, MINAMI JIRO, ITAGAKI SEISHIRO** and **TERAUCHI HISAICHI** 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.

5.44 **EMPEROR HIROHITO, TOJO HIDEKI, MINAMI JIRO, ITAGAKI SEISHIRO** and **TERAUCHI HISAICHI** planned, instigated, ordered, aided, abetted or otherwise participated in the commission of torture against 'comfort women'.

By their participation in these acts, **Emperor Hirohito, Tojo Hideki, Minami Jiro, Itagaki Seishiro** and **Terauchi Hisaichi** 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)

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5.45 Korean 'comfort women' had been forced to endure slavery-like conditions deprived of human dignity and self-determination of any kind while being continued to be raped. They had been subjected to a virtually detention system with the military on guard. Freedom of movement was almost nonexistent: even outings on holidays had to be accompanied with the supervising soldiers. Severe punishments, often with beheading in public, were inflicted upon those who ventured to escape. Although army tickets were issued for the purpose, most of 'comfort women' were not paid for their sexual services which were not voluntary after all. All too frequent, even ill or menstruated 'comfort women' were forced to receive Japanese soldiers. Together with violent methods, debt was a tool to maintain control over 'comfort women'. Debt had initially been incurred through payment of money prior to deportation and increased over time. Rooms allocated to 'comfort women' at comfort stations had often been tiny cells often 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 were varied, but not sufficient in most cases.

5.46 강정숙 노예화 사례 첨부

5.47 Kim Bok-dong was dragged along various comfort stations from Kwangdon, Hong Kong, Singapore, and Indonesia. She was forced to do nursing work near the end of war.

5.48 Pak Young-sim had been subjected to serve at a 'Kumsuro' comfort station in Nanjing for about three years. She was then sent to a '입?맹' comfort station in Burma via Shanghai. After two years, she was transferred to Songsan. The troops stationed in 입?맹 at that time included the 113 Regiment, the 56 Division belonging to the Burmese Area Force. [The ferocious attack by the Allied annihilated the Japanese defence army in September 1944. She and other 3 Korean 'comfort women' were taken prisoners by the Chinese army. After staying at the prisoner-of-war camp in Gonmyoung, she returned to North Korea.]

5.49 송신도 소장참조

EMPEROR HIROHITO, TOJO HIDEKI, MINAMI JIRO, ITAGAKI SEISHIRO and TERAUCHI HISAICHI planned, 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 direct control or under the strict control and supervision of the Army exercised by **EMPEROR HIROHITO, TOJO HIDEKI, MINAMI JIRO, ITAGAKI SEISHIRO and TERAUCHI HISAICHI** in concert with other high or low level officers and soldiers.

By their participation in these acts, **EMPEROR HIROHITO, TOJO HIDEKI, MINAMI JIRO, ITAGAKI SEISHIRO and TERAUCHI HISAICHI** 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)

5.50 **EMPEROR HIROHITO, TOJO HIDEKI, MINAMI JIRO, ITAGAKI SEISHIRO, and TERAUCHI HISAICHI, [others?]** 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.

5.51 As part of the persecution, **EMPEROR HIROHITO, TOJO HIDEKI, MINAMI JIRO, ITAGAKI SEISHIRO, and TERAUCHI HISAICHI** planned, 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.

5.52 In concert with Japanese political leaders, military commanders, or authorities in Korea, **EMPEROR HIROHITO, TOJO HIDEKI, MINAMI JIRO, ITAGAKI SEISHIRO, and TERAUCHI HISAICHI**, 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 the their respective position of the 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'.

5.53 They established a pattern of sexual slavery whereby the Japanese military, the administrative, civilian operators took Korean women out of 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.

5.54 While the total number of 'comfort women' is yet to be calculated, it is evident that most of them 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. Yet it is difficult to deny the connection with the Japanese policy to exterminate the national identity of the Korean people.

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

5.56 Discriminatory practices against Korean 'comfort women' had been rampant in the comfort stations such as charges for access to them. Among the 'comfort women' who were sent to the foremost front, most of them had been Korean. There was little chance of survival for them.

By their participation in these acts, **Emperor Hirohito, Tojo Hideki, Minami Jiro, Itagaki Seishiro and Terauchi Hisaichi** 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)

5.57 There had been many cases of murder according to the testimonies from victims. Murders, in the consummation of inhumane conditions of 'comfort women', had been committed from time to time in a leisurely manner, sometimes as a form of punishment referred to above. As the Japanese forces accompanied 'comfort women' in the frontline, they were exposed defenselessly to threats of death in the war theaters 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

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of war: they were not treated differently from other members of the Japanese forces, regarded merely as 'expendables', not human beings.

5.58 When the 'comfort women' got pregnant, artificial abortions were undertaken. Cases of infanticide were also reported.

5.59 **Emperor Hirohito, Tojo Hideki, Minami Jiro, Itagaki Seishiro, and Terauchi Hisaichi** planned, instigated, ordered, aided, abetted or otherwise participated in the acts of murder against 'comfort women'.

By their participation in the above acts or omissions, **EMPEROR HIROHITO, TOJO HIDEKI, MINAMI JIRO, ITAGAKI SEISHIRO and TERAUCHI HISAICHI** 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)

5.60 The Japanese military injected the drug known as '606' to Korean 'comfort women' regularly for the professed purpose of preventing sexual diseases. This resulted in sterilization, the deprivation of reproductive capability, often death.

5.61 Kim Gun-ja contracted 매독 and were given 606 shots for three days. She got once pregnant, but miscarried.

5.62 ~~Handwritten notes and signatures are present over this line.~~

5.63 Opium and other intoxicating drugs were used by the Japanese soldiers. Acts charged under crimes of enslavement above shall come alternatively under this heading.

5.64 **Emperor Hirohito, Tojo Hideki, Minami Jiro, Itagaki Seishiro, and Terauchi Hisaichi** planned, instigated, ordered, aided, abetted or otherwise participated in the acts of inhumane treatment against 'comfort women'.

By their participation in these acts, **Emperor Hirohito, Tojo Hideki, Minami Jiro, Itagaki Seishiro and Terauchi Hisaichi** 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)

5.65 When the Japanese military were defeated, they abandoned an unknown number of Korean 'comfort women' at the battlefield without leaving any means of subsistence. Some of these women were killed in the confusion of war or taken prisoners by the Allied. Others could return home by themselves by foot. Still others had to find a new life in a foreign country still waiting to be repatriated.

5.66 Kim Gun-ja met the liberation at a Gokasi comfort station where she stayed an year and half after Hunchun. The manager did not give no money and told the 'comfort women' to go if they wanted. 7 of them walked about two weeks to reach the Bakdu Mountain. Afterwards, it took a month and eight days, sometimes on trucks, for them to arrive at Chulwon, north of Seoul. 자신들 돈 안 받고

5.67 In addition to these deliberate acts of abandonment, the Japanese military perpetrated mass killings of 'comfort women' of unknown numbers. There exist testimonies of the survivors mentioning the massacres in the Truk Island in the Pacific and other front areas against the Allied forces. [동충] In Okinawa, Korean 'comfort women' were forced to stay with the defending soldiers who were exposed to the deadly Allied attack. [주석]

5.68 These killings are believed to be committed with the intent of systematically destroying the evidence of the crimes of the Japanese authorities particularly against 'comfort women'.⁴⁰

5.69 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.⁴¹

5.70 Emperor Hirohito, Tojo Hideki, Minami Jiro, Itagaki Seishiro, Terauchi Hisaichi, and KOISO KUNIAKI planed, 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, Emperor Hirohito, Tojo Hideki, Minami Jiro, Itagaki Seishiro and Terauchi Hisaichi committed:

Count 19:

⁴⁰ This has also been the main reason for the difficult conjecture of the exact figure of Korean 'comfort women' in total.

⁴¹ For denial, concealment, and distortion of the crime of Japanese military sexual slavery still being

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1.6.65
→ causing
another
suicide
to not appear

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).

(name)

Prosecutor

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