

SUMMARY OF THE INDICTMENT BY THE PROSECUTORS OF NORTH AND SOUTH OF KOREA

CASE AGAINST HIROHITO AND OTHERS AND AGAINST THE GOVERNMENT OF JAPAN BEFORE THE WOMEN'S INTERNATIONAL WAR CRIMES TRIBUNAL ON JAPANESE MILITARY SEXUAL SLAVERY IN 2000

December 3, 2000

The Prosecutors of North and South of Korea of the Women's International War Crimes Tribunal, while requesting the Tribunal to hold the Japanese government responsible for acts concerning the establishment and maintenance of the Japanese military sexual slavery system, charge also Hirohito and several other individuals with crimes against humanity and war crimes as laid down in the Charter of the Tribunal. These individuals were responsible for the most egregious crimes committed against Korean women who had fallen victims of the Japanese military sexual slavery system.

These crimes had been committed in the context of the military occupation and colonization of Korea by old Japan since 1904. The fact that the venue of the final judgement of this Tribunal is The Hague is particularly symbolic in the light of the Korean history. When the Peace Conference was held here in 1907 to strengthen international peace and justice, the Korean delegates were sent to protest the Japanese domination in violation of the Korean sovereignty and international law. Yet the Japanese objection prevented them from making their case for independence and they had to meet tragic deaths. I humbly request this Tribunal to render a truthful and just decision in order not to repeat similar historic wrongs in contravention of international peace and human rights.

Since the forcible occupation of Korea, Japan had conducted aggressive wars against China and other Asia-Pacific countries as recognized by the International Military Tribunal for the Far East. Nevertheless, the IMTFE did not prosecute and punish individuals responsible for crimes against women which would constitute crimes against humanity and war crimes. As has been indicted and acknowledged last year by this Women's International War Crimes Tribunal, these crimes were nothing less than sexual slavery.

While there were victims of the Japanese military sexual slavery from other Asian and European countries, Korean women were by far the largest victims estimated

to number more than 200,000. This was made possible through the colonization and war policy of Japan. While impoverishing Korean people for the Japanese economy, the Japanese colonial authorities attempted to annihilate the national identity, language, and culture of the Korean people. Korea became sources of material and human resources for the Japanese war efforts.

In this context, the Japanese government officials and the military designed and effected a system of sexual slavery as part of their aggressive wars. Numerous comfort stations had been set up throughout the Asia-Pacific in the barracks and in the vicinity of the Japanese Army, often in the battlefield. Korean women became a stable source of supply for the so called 'comfort women' who were subjected to rape and other sexual violence among other crimes.

The Japanese authorities recruited these women in an organized and systematic manner. Korean women had been violently abducted or enticed in a deceptive way to become 'comfort women'. This forcible recruitment of 'comfort women' had been conducted by the Japanese military, the police, administrative agencies and private persons on behalf of the Japanese authorities. Not different from 'slave hunting', it was in violation of international law and Japanese municipal law which was extended to apply in Korea at that time. Having been classified as war material, Korean 'comfort women' were then dragged or shipped, again forcibly and systematically, away from their homes to various comfort stations in foreign territories. It is not to mention that they had been subjected to the inhumane treatment and slave-like conditions during deportation. Many of them are believed to live there even today as the Japanese government did not make any effort to repatriate them after the war.

In transit to and in Japanese military comfort stations, Korean women and girls, often below the age of 18, had been raped repeatedly and continuously for months and years, dozens of time per day in tightly controlled comfort stations. Acts of rape had been orchestrated by the Japanese military that made detailed regulations for the use of comfort stations and supervised their operation. This multiple gang rape was often accompanied with violent destruction of genital organs and sexually transmitted diseases. Most of Korean victims lost reproductive capabilities.

While raped on a daily basis, Korean 'comfort women' were forced to endure slavery-like conditions, deprived of human dignity and self-determination of any kind. They were put into a virtual detention system with the military on guard. Rooms allocated to 'comfort women' at comfort stations were often tiny cells, frequently with no proper walls. They were obliged to travel to army barracks and forced to serve Japanese soldiers in make-shift army tents, sometimes in fox holes. Food rationing and

clothing was not sufficient in most cases. They were also subjected to forced labor such as cooking, laundering, and nursing.

Moreover, murder were committed from time to time in a leisurely manner. Those who tried to escape were to receive severe punishment, often with public beheadings. In the front line, 'comfort women' were exposed defenselessly to life-threatening situations, no action being to protect them from the effects of war. The injection of '606' (salvarsan) for the treatment of venereal diseases as a method of enforced sterilization, often led to abortions and death of many 'comfort women'. Many 'comfort women' committed suicide while in detention at the comfort stations.

When the Japanese military were defeated, the Japanese military perpetrated mass killings of 'comfort women' of unknown numbers. These killings are believed to be committed with the intent of systematically destroying the evidence of the crimes. Otherwise, the Japanese military deliberately abandoned Korean 'comfort women' at the battlefield without providing them with any means of subsistence. Many of them were killed in the confusion of war. Some returned home alone by foot. Still others had to find a new life in a foreign country and are still waiting to be repatriated.

In sum, the Japanese military sexual slavery was not only violence against women during wartime but also racial discrimination practiced against the Korean people during the colonization. A genocide had been committed against the entire nation.

In order to illustrate life-long sufferings and hardships that the Japanese military sexual slavery has inflicted to the survivor victims, I would like to present a video.

[video showing]

As has been shown, the Japanese military sexual slavery has inflicted upon Korean 'comfort women' a wide range of extreme physical and reproductive damages and ailments, among others. The abortions following pregnancy and the sexually transmitted diseases experienced due to the systematic rape inflicted by countless men have left many women victims infertile. Due to the assault and torture, the majority of these women still suffer from physical symptoms such as chronic headaches, indigestion, sleep disturbances, insomnia, heart palpitations.

The surviving victims of the crime of Japanese military sexual slavery continue to suffer gross psychological trauma. This has brought speech disorder, identity crisis, loss of self-respect and self-confidence, heavy reliance on painkillers and other medicines, tobacco and/or alcohol addiction and incessant nightmares. It also affects

their general ability of adjustment, emotional state, and ability to make interpersonal relationship, among others. They are experiencing severe depression, pessimism, instability, loss of will to live and so on. The denial of responsibility by Japan has become a second source of inflicting of damages and suffering to them.

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

On behalf of Korean victims and survivors of the Japanese military sexual slavery, the Korean prosecution team charge **HIROHITO**, the then Emperor of Japan with crimes against humanity and war crimes as he had overall authority over the establishment and maintenance of comfort stations run by the Japanese Imperial Army.

ITAGAKI SEISHIRO, **OKAMURA YASUJI**, **UMEZU YOSHIJIRO**, **ANDO RIKICHI**, and **MATSUYAMA YUZO** in their respective positions as commanders of the Japanese armed forces, had the authority and responsibility to control the troops under their command. As commanders of various armed forces, they exercised powers and duties consistent with their superior position. They were responsible for the establishment and maintenance of comfort stations found in army barracks and in areas under their respective command and control. **MINAMI JIRO**, who had been Governor-General of Korea from 1936 to 1942, should also be held responsible for planning, instigating, ordering, committing, aiding, abetting or otherwise participating in the planning, preparation or execution of any acts or omissions concerning comfort stations. Alternatively, these individuals were criminally responsible as a superior for the acts of his subordinates. Each in their capacity as superior failed to take necessary and reasonable measures to prevent further

international criminal acts or to punish the subordinates when he knew or had reason to know that his subordinates were about to commit such acts or had done so.

No statutory limitations apply in the present case. Head of state immunity from prosecution cannot be accepted.

I would like to end my presentation with the statement of the the High Commissioner for Human Rights: “[t]o end impunity for acts of sexual violence and sexual slavery during armed conflict, political will and concerted action on the part of the international community, Governments and non-governmental actors are required”(E/CN.4/Sub.2/2001/29, para. 34.).