

Questions & Answers

“Women’s International War Crimes Tribunal” on Japan’s Military Sexual Slavery December 2000, Tokyo

Question: What is the “Women’s International War Crimes Tribunal”?

Answer: It is an international people’s tribunal, with groups of women at the core of the project. It is a means for us to tackle the issue of criminal responsibility of the perpetrators for the war crimes against women committed by the Japanese government and military during the Asia-Pacific War (1931 – 1945).

Question: How might it be different from mock trials?

Answer: In fact, there can be two types of trial to bring justice to the victims. One is a criminal court that is held by states and the other is people’s tribunal. Our Women’s Tribunal aims to take the good points of the two types. We are planning to invite, as judges, prosecutors and other tribunal members, internationally eminent experts of international human rights, humanitarian and criminal laws. This will enable to compile a judgement based on close examination of factual evidences and legal analysis of who, how and to what degree, were criminally responsible for the so-called “comfort women” system. The whole process of the “Women’s Tribunal” will be carried out in a manner as fair and professionally competent as possible based on the Charter of the Tribunal.

Question: Why do you want to hold this tribunal?

Answer: For a victim of sexual violence, it is crucial for the healing process to be able to feel sure for herself the fact that she is indeed a victim

of a crime and not to be blamed. It is also important that she feels what happened to her is something that should not have happened at all in the first place, and should never happen again. In the same manner, it is crucial for them to be able to feel reassured that society at large acknowledges it as such. However, contrary to such a need on the part of the victims, the Japanese government has constantly denied its legal responsibility in the case of military sexual slavery, not matter how strongly victims cry out “We are not to be blamed. Japanese military men should be responsible.”

Japanese courts also have not only failed to fully acknowledge the legal responsibility of the government, but also, in some cases, have rejected to acknowledge the fact itself that the women were victimized. The kind of attitude of the Japanese government can be also seen in the case of the Tokyo District Public Prosecutors Office. It refused in 1994 even to receive the letter of accusation brought to them by a group of Korean victim women, disregarding their hopes and efforts to travel all the way from Korea to Tokyo to directly hand it to them.

The International Criminal Court, whose statute was adopted in Rome in 1998, to be a permanent tribunal for justice on war crimes, crimes against humanity and genocide, will not be established until full sixty States ratify its Statute. In addition, the crimes committed in the past will not be covered by its jurisdiction.

In contrast to European countries that have prosecuted Nazi war criminals until today, Japan has never punished its own war criminals.

We have now decided to hold our own tribunal as

citizens of Japan, the offending country in order to respond to cries of the victimized women and to find justice for them.

Question: What are the objectives of the Women's Tribunal?

Answer: We want to restore dignity to the women survivors. We also want to prevent the recurrence of war crimes against women. Today, armed conflict is repeatedly taking place throughout the world. Many men in a war situation exercise violence against women and children, as a means of war, as a part of the spoils of war, or as a way to take out their own desire or frustration, claiming that it is or was inevitable in a war situation like their own. Not bringing these crimes to justice suggests that society at large does not condemn these acts as crimes, thus providing more room for them to be committed again. We want to stop this "cycle of impunity", and ultimately, prevent war itself and violence against women.

Question: When will the Tribunal be held?

Answer: We will hold the Women's Tribunal in the last month of the Twentieth Century or December 2000 in Tokyo and to get the judgement. However, the investigation and documentation to present evidence to the Women's Tribunal has been already vigorously carried out in the countries concerned.

Question: Who will hold the Women's Tribunal?

Answer: the International Organizing Committee will hold it for the Women's Tribunal. This Committee is designed so that three different categories of organizations and individuals are represented: organizations representing victims, people of Japan (VAWW-NET Japan) and the International Advisory Committee consisted of members who are working on sexual violence in

current armed conflict situations. The list of names of organizations and individuals is as follows:

1. Organizations representing victims

(Represented by YUN Chung-Ok)

- The Korean Council for the Women Drafted for Military Sexual Slavery by Japan (South Korea)
- The Asian Center for Women's Human Rights (ASCENT) (the Philippines)
- Shanghai Research Center on "Comfort Women" (China)
- Taipei Women's Rescue Foundation (Taiwan)
- Pacific War Compensation Committee (North Korea)
- Jakarta Legal Aid Institute (LBH) (Indonesia)

2. Offending country, Japan

(Represented by Yayori MATSUI)

Japan Organizing Committee (secretariat: VAWW-NET Japan)

3. International Advisory Committee

(Represented by Indai Lourdes SAJOR)

Ariane BRUNET (Canada)

Charlotte BUNCH (USA)

Florence BUTEGWA (Uganda)

Ustina DOLGOPOL (Australia)

Alda FACIO (Costa Rica)

Eugenia Piza-Lopez (Mexico / Britain)

Marieme Helie LUCAS (Algeria / France)

Lepa MLAJENOVIC (Serbia)

Vahida NAINAR (India)

Helke SANDER (Germany)

Legal Advisors

Theo van Boven (Maastricht University, the Netherlands)

Rhonda Copelon (City University of New York, USA)

Question: Who will be prosecuted, and in what way?

Answer: The Charter of the Women's Tribunal drafted by the International Organizing Committee decides the mandate of the Women's Tribunal. It is to make clear the criminal responsibility of the individuals, who was/were to what degree responsible for the system of Japanese military sexual slavery, by closely examining the chain of command under which those crimes were conducted. When those things are clarified, then the Women's Tribunal will make clear what sort of punishment is appropriate for which individual. The Women's Tribunal will also make clear the state responsibility.

Question: Will the Women's Tribunal prosecute the crimes of 50 years ago?

Answer: The statute of limitation does not apply to a grave violation of human rights. This is a well-established principle of international law. The Women's Tribunal will primarily look at the crimes committed during the Asia-Pacific War (1931-1945). It will also look at the post-war period until the present, when effects of the damages are still being suffered. The Women's Tribunal will also examine the responsibility of the post-war Japanese government, which deliberately destroyed much of the wartime documents and does not disclose available documents even now. The Women's Tribunal will assess the present Japanese government's negligence and inaction with regard to prosecution and proper and just reparation throughout the post-war period.

Question: What areas will the Women's Tribunal cover?

Answer: The Women's Tribunal will look at the war crimes committed against women throughout East Asia, Southeast Asia and Asia-Pacific areas, including the Korean Peninsula, China, Indonesia and the Philippines. Japan will also be covered.

Question: Will the Women's Tribunal punish the people found guilty?

Answer: As it is a people's tribunal and not a legitimate State court, the Women's Tribunal will have no power for any kind of enforcement. Therefore, it will be in no way able to exercise punishment. However, the Tribunal aims to find out what kind of punishment would be appropriate for the crimes concerned, in order to make clear their nature and gravity.

Question: Will the Women's Tribunal try those people who are now dead?

Answer: We hope that the Women's Tribunal will include those who are dead now to be prosecuted in order to make clear their responsibility to clarify the nature and extent of the system of responsibility.

Question: Have there been any other war crimes tribunal on this issue?

Answer: Right after WWII, there were a number of war crimes tribunals and military trials throughout Asia, including the Far East Military Tribunal held in Tokyo (the Tokyo Tribunal). However, the culpability for military sexual slavery was not given its due recognition. Although there is a variety of documentation on the interrogation and investigation conducted then with regard to sexual violence against women committed by the Japanese troops, only very few cases were presented to those tribunals on the basis of sexual violence against women alone.

Question: How do other countries now deal with the issue of war crimes during WWII?

Answer: The conventional courts in Western Europe have constantly been trying the war crimes committed by Nazis and have convicted 6,000 people so far. In April 1999, a British court convicted a former Gestapo for life imprisonment. Such countries as Britain and France passed legislation in 1990s to provide for legal procedures to bring to justice those who were responsible for Nazi crimes. Prosecution of war criminals is increasingly seen as important in Western Europe. Similarly, ending the cycle of impunity for war crimes against women is increasingly recognized important in many parts of the world. Acts of sexual abuse and sexual slavery are being tried at the two ad-hoc war crimes tribunals for the former Yugoslavia and Rwanda.

Question: Can I do anything to support the Women's Tribunal?