Before the

[illegible]

in the matter of

[illegible]

Summary of Findings
[illegible]

[illegible] will be based on the conviction that these Crimes must not be allowed to go unpunished. The Tribunal was established to redress the historic evidence of inadequate, selective, inconsistent and obfuscate enforcement against women, particularly sexual crimes, and even more so when they are committed against nonnationals or aliens. Finally, the Tribunal was established out of the conviction expressed over and over again by the brave yet powerless survivors, in the latter stages of their lives, that acknowledgment and a sincere apology for the crimes committed against them will help to restore their dignity, their self-confidence, and their peace. This is done with the hope and expectation that such atrocities will never happen again. The Tribunal recognizes that all of the women, and of the Japanese people individually accountable for violations of international humanitarian law, provide a collective gift. The Tribunal has no intention of detracting from that important principle.

The work of the Tribunal is made possible by the services of global civil society. The authority for this Tribunal comes not from a state or intergovernmental organization but from the people of the Asia-Pacific region and, indeed, the people of the world to whom Japan owes a duty under international law to provide redress. Some will say this Tribunal took due process measures to ensure judges were put on to preside over cases that matter, that 'real' prosecutors and lawyers had been hired, and that a jury of 'real' people were selected to hear the evidence. But the Tribunal, like so many human rights initiatives, came into being to overcome the exclusion and devaluation of women's voices and to bring the governments of Japan to recognize that the greatest threat to law is not upholding its full legal responsibilities and providing redress.

The Women's Tribunal has been brought into existence by an International Organizing Committee (IOC) created by representatives from Japan, the Philippines and South Korea, each of whom have been deeply involved in assisting the survivors to give voice to their experiences and to have them validated. The work of the IOC was supported by the organizers of other tribunals on Japanese war crimes, particularly the Women's International War Crimes Tribunal 2000 for the Trial of Japanese Military Sexual Slavery held in December 2000, Tokyo.

The IOC and the prosecutors started the efforts of this Tribunal, which was approved by the larger civil society consultative committee, in March 2000, including but not limited to sexual violence, rape and other forms of sexual violence, enslavement, torture, deportation, persecution, murder and extermination. A central issue the IOC had to address was the ability to conduct a trial in the absence of the defendants. The IOC was sensitive to the fact that the defendants would be under no obligation to appear before the Tribunal and would be prepared by their governments to defend their actions. Japan has a long history of [illegible] and has [illegible]

specially selected to assist the Tribunal to monitor the security procedures established during the past year in the chief prosecutor's office, participation of the Registry in, and coordination of, the evacuation of witnesses to these proceedings. These chief prosecutor's submissions are composite endeavours on behalf of the Tribunal's prosecutors [illegible]

10. The Tribunal is called upon to determine the responsibility of persons [illegible] with [illegible] the Japanese government and military, including Emperor Hirohito for criminal slavery and rape as crimes against humanity. It is important to emphasize that none of the accused before the Tribunal stand trial for the events of sexual slavery. Nevertheless, it is the Tribunal's duty to do what the IMTFE, the model for the Tribunal, failed to do. Therefore the Tokyo Tribunal [illegible] will apply the then applicable law, including the accused and witnesses' established the relevant legal and factual findings of the IMTFE.

11. The Charter of the Tokyo Tribunal [illegible] gives jurisdiction over breaches of rules of [illegible] derived from the common law of international war crimes trials. The Tribunal accepts [illegible] individual criminal culpability with state responsibility. Under article 5, individuals [illegible] violate customary international law to find and declare the rights of persons [illegible] failure to prosecute and punish [illegible] to protect the [illegible] well-being and dignity of the human person, the discrimination, and failure to take the necessary measures to prevent crimes.

12. Article 5 authorizes the Tribunal to exercise discretion regarding the [illegible] of persons who stand trial before it. [illegible] relevant, reliable, probative, credible, [illegible] and [illegible].

13. The government of Japan was served with notice of the proceedings on November 9, 2000 and was invited to attend and participate in all matters regarded to be [illegible]. The Tribunal's [illegible] and the provisions of Japanese [illegible] [illegible] [illegible] and [illegible] [illegible] [illegible]

comprehensive, effective and well-publicized manner. The Tribunal also appreciates the willingness to testify of the former soldiers and their openness.

[illegible] the Judges of the Tribunal, the Registrar and all other Tribunal officials whose efforts ensured the smooth and efficient functioning of the proceedings.

[illegible] of the judges is based on a profound respect for the collective will of people and for the instruments set up for the rule of law in civil society. This principle is founded on the conviction that the cornerstone of the international legal order is legal accountability -- the calling into account of individuals and states for policies and acts that violate established norms of international law. To give no such consideration is to invite its continual and inevitable erosion. This principle applies with particular force to overwhelming [illegible] crimes of sexual and gender violence.

[illegible] sexual violence against women is epidemic and has suffered from centuries of war in [illegible] societies. Testimony in these proceedings demonstrates that the institutionalization of sexual slavery, of girls and women, is an integral part of the [illegible] they can perpetrate. Significant progress has been made in this decade toward investigating and prosecuting crimes of sexual violence in the International Criminal Tribunals for the former Yugoslavia and Rwanda. This effort is another step towards outlawing impunity and recognizing the gross injustice of the brutality that has [illegible] the very humanity of women.

[illegible] to the witnesses, the testimony of those who survived rape and sexual violence was considered by their representatives to be a courageous act. They were willing to suffer humiliation and shame as a consequence of sexist attitudes that [illegible] responsible for their own injuries. The privilege of the Tribunal will contribute to the appropriate abolition of victim-blaming and assist in changing the widely held [illegible] and stereotypes that continue to be pervasive today.

[illegible] of the Tribunal's Report will be [illegible] for the evidence heard and used by the Tribunal during its proceedings. Judgement will be rendered [illegible] International Women's Day.

PRELIMINARY LEGAL ISSUES

The "Comfort Women" System

1. [illegible] "comfort station" was established in March 1937 in Shanghai [illegible] after Japanese invasion. The [illegible] nature of the comfort system and the Japanese government's response to the outrage generated by the [illegible] rape and pillage of Nanjing [illegible] to the "rape of Nanking." As a result, other sexual slave facilities and a [illegible] trafficking network were established to compel women into providing "sexual services" for the Japanese military. Japan's efforts [illegible] formal "recruiting and screening women [illegible] were implemented [illegible] 20th century, deliberately intended to [illegible] upon rape in occupied territory, [illegible] relations among the local population, [illegible] and prevent the Japanese soldiers [illegible] Korean women and girls were forced or coerced into these [illegible] often "recruited" by deceit or pretense. The process was frequently [illegible] officially sanctioned treatment.

2. Daily [illegible] Japanese troops, [illegible] and other [illegible] were subjected [illegible] conditions [illegible] were [illegible] by some [illegible] and [illegible] [illegible] [illegible]

[illegible] on March 2, 2021, testing their survivors' and prosecutors' and the [illegible] of justice that is the spirit of justice.

According to [illegible] the [illegible] of 1945 and the prosecutors' [illegible] of Japan [illegible] violence [illegible] 1945. We find that crimes against humanity—[illegible] exceptions of violations—should have been prosecuted by the [illegible] and have now been properly prosecuted in this case. We further find that rape and sexual slavery, when committed on a widespread, systematic or [illegible] basis, constitute crimes under international law [illegible] and have long been recognized as [illegible] crimes under international law. Sexual slavery is not a new crime but [illegible] particularly egregious, [illegible] and denotes the form of enslavement [illegible] the exercise of any or all of the powers of ownership over a person." It [illegible] [illegible] forced or coercive transfer, forced labor, and other [illegible] of a human being to one's property. The conception of the "comfort women" as part of the [illegible] of war represents the industrialization of [illegible] slavery on an unprecedented scale, carried out [illegible] and [illegible] [illegible] [illegible]

the municipal law of a State is a violation of a State's international obligations but such a breach under its internal law is not thereby rendered lawful in international law.

6. The conduct of any organ or agency of a State shall be considered an act of that State under international law, whether by its origin it belongs to the constituent, legislative, executive or judicial power, whether its functions are of an international character, whether it holds a superior or a subordinate position in the organization of the State. Armed forces are agents of the state. Responsibility attaches to a State for wrongful actions and omissions within its territory for which the competent authorities of its organs, agencies, officials and employees could have prevented or punished.

7. Japan has violated treaty obligations including the 1907 Hague Convention Respecting the Laws and Customs of War on Land, the 1921 International Convention for the Suppression of the Traffic in Women and Children, and the 1930 ILO Convention Concerning Forced Labour. It has also violated norms of customary international law, including those prescribed in the 1907 Hague Convention and 1926 Slavery Convention. Further, in the 1951 San Francisco Peace Treaty, Japan recognized the judgments of the IMTFE.

8. The failure of the Japanese state, the end of the Second World War to ensure that its officials complied with their own constitutional and international obligations

9. Even after the Second World War, Japan signed a number of treaties, including the San Francisco Peace Treaty, the Settlement between Netherlands and Japan, Settlement Reparations Agreement between the Philippines and Japan, the Treaty on Basic Relations between Japan and the Republic of Korea and the Agreement on the Settlement of Problems Concerning Property and Claims between Japan and the Republic of Korea. The Tribunal finds that the Peace Treaties are not applicable to the case before it as they were signed by treaty to waive the liabilities of the aggressors for crimes against humanity.

10. The Tribunal finds the assertions of the Chief Prosecutor regarding the inherent gender bias underlying the Peace Treaties unpersuasive. The Tribunal notes that women, either as individuals or as a group, did not have an equal voice or equal status to men at the time of the conclusion of the Peace Treaties with the direct consequence that the issues of military sexual slavery and rape were left unaddressed in the Treaties and formed no part of the background to the negotiations and ultimate conclusion of the Peace Treaties. The Tribunal considers that such gender biases in international peace processes contribute to the continuing culture of impunity for crimes perpetrated against women in armed conflict.

REPARATIONS

I saw or at the entrance of the exhibition they have erected in front of us and beg us to forgive them. They should apologize and apologize
Survivor Witness Testimony

The testimony of the survivors revealed the constant re-infliction of pain and embarrassment of secrecy and shame as a result of the government of Japan's failure to fulfill its unredeemed legal responsibility. We note that for over 50 years the government of Japan has violated the principle that reparations be "adequate, effective and prompt."

In reaffirming the government of Japan's obligation to provide reparations, we recall the long-standing principle of international law that the state must provide a remedy for its international wrongs. The state's responsibility is to provide restitution, compensation, rehabilitation, satisfaction and guarantees of non-repetition. Reparation includes any or all forms that are applicable to the situation and cover all injuries suffered by the victim.

The governments of Japan have consistently refused the duty to offer unequivocal apology, even until this day. The prosecutors and many of the survivor witnesses acknowledged the demand for a meaningful apology—that is, an apology based on full acknowledgement of the wrongdoing and clear acceptance of legal responsibility. We note, however, that the official Japanese position has moved from the destruction of exculpatory documents, to silence to liberally-defined levels of military involvement, to a partial "apology" which does not compare with its treatment obligation. The cause of Japan's deliberate resistance to fully acknowledge its wrongdoing has perpetuated the shame and silence, isolation and indescribable pain of the survivors and depriving them of the possibility of closure and peace.

The duty to acknowledge the wrongdoings and a need to create an alternate public historical record to assume the responsibilities of such atrocities to future generations. The failure and refusal by the citizens of the government of Japan to educate the people of Japan and the next generations are truly lacking.

It is incumbent on the Japanese government to take vigorous measures, in accordance with the decisions, to restore their dignity in the eyes of society. It is further necessary for the Japanese government to compensate for "any economically assessable damage[s], both material and emotional, resulting from both the initial violation and subsequent one the continuing violations." Under international law, compensation may be paid by the government and must be adequate to the material loss, lost opportunities and emotional suffering of the victims and the families, one cited above. The fact and fact that the Asian

[illegible] does [illegible]

[illegible] additional [illegible] isolation, [illegible] health problems and the [illegible] compensation.

[illegible] for [illegible] and psychological care, as [illegible]

CONCLUSION

[illegible] by the Tribunal during [illegible] as it stood [illegible] summary of [illegible]

[illegible] has [illegible] guilty of [illegible] against humanity, under [illegible] against humanity, under [illegible] the Judges [illegible] responsibility, as [illegible] maintenance [illegible]

[illegible] suggest the [illegible] at this stage. [illegible] used will be [illegible]