



**A PRIMER ON THE
WOMEN'S INTERNATIONAL WAR CRIMES TRIBUNAL
and
Public Hearing on Current War Crimes
Tokyo, Japan
December 8 – 12, 2000**

The Women's International War Crimes Tribunal on Japan's Military Sexual Slavery

The WOMEN'S INTERNATIONAL WAR-CRIMES TRIBUNAL ON JAPAN'S MILITARY SEXUAL SLAVERY (or the Tokyo Tribunal) is a people's tribunal organized by Asian women and human rights organizations and supported by the international NGOs, to hear the cases of sexual slavery and other crimes involving sexual violence committed against the women by Japan. Historically, hundreds of thousands of young women in the Asia Pacific region were raped or either deceived or abducted to become comfort women for the Japanese Imperial Army during the Second World War. The women were held prisoners for periods ranging from one week to more than four years.

After the Second World War, sexual violence committed by the Japanese Imperial Army was hardly prosecuted by the International Military Tribunal for the Far East (The Far East Tribunal) as set-up by the Allied Forces. An exception was the Batavia (Indonesia) Trial where the case of 35 Dutch women who had been victimized in Indonesia, brought their case against 12 Japanese Army officers at the Batavia court. Charges were made on the grounds of having committed war crimes and in defiance of the laws and customs of war, in the Dutch East Indies in 1944. One of the accused was condemned to death and others were sentenced to imprisonment ranging from two to 15 years. That was the only trial in history that gave justice to the comfort women. Today most of the comfort women are still denied of such justice.

At present, the Japanese government continues to deny any legal responsibility for the war crimes and crimes against humanity committed against the women during the Second World War. Currently there are 8 court cases filed by comfort women of various countries such as South Korea, China, North Korea, Taiwan and the Philippines at the Tokyo and other District Courts, including the High Court, yet a number of this cases have been denied by the District Court, especially the case of the Filipino and Dutch comfort women.

The Women's International War Crimes Tribunal will take place in Tokyo, Japan on December 8-12, 2000. The venue of the Tribunal will be at the: Kudan Kaikan, 1-6-5 Kudan-minami, Chiyoda-ku, Tokyo, Japan 102-0074, Telephone No. 03-3261-5521.

The participating victimized countries:

There were many countries victimized by the war of aggression and colonization waged by Japan in the Asia Pacific region during the 1930s to the 1940s. They crossed the continent from the Pacific to East and Southeast Asia. Today the victimized countries participating in the Tokyo Tribunal includes South & North Korea, China, Taiwan, Philippines, Indonesia, Malaysia, Guam, Burma, among others. Historical records showed that Japanese Imperial Army systematically set up comfort stations and facilities for sexual

slavery, in all the occupied and colonized countries, coerced and abducted women to become sex slaves for the purpose of providing sexual gratification to the officers and soldiers of the Imperial Army.

It was in 1991 when Kim Hak Soon, the first Korean comfort woman came out to tell her story publicly. Soon after, former comfort women from other countries – North Korea, Philippines, Indonesia, Taiwan, China, Malaysia, and the Dutch women who were held captive in Indonesia – broke their fifty years of silence to tell their stories. Today around 600 former comfort women from the victimized countries had come out to tell their stories.

And a new page of history has been written.

Women's organizations, non-government organizations and civil society took on the advocacy to demand justice for the former comfort women and seek legal recognition of rape and sexual slavery as war crime, crimes against humanity and genocide. The government of Taiwan, South Korea, North Korea, the Philippines and China had on separate occasions demanded from the Japan government to answer for their wartime responsibility. Because of the comfort women's actions, having brought their cases to court, they had challenged state accountability to the war crimes perpetrated against them. And they have inspired numerous other women victims of current war crimes in different parts of the world.

No other movement has ever brought to the attention of the international community the magnitude of gross human rights violations perpetrated against the women fifty years ago, such as that of the comfort women of Asia.

No other human rights movement have demanded for an end to the cycle of impunity of wartime sexual violence against women, such as that of the comfort women.

No other human rights movement have brought together peoples from different ideological, political, and social movements to unite on common grounds – such as the impact of these movements to unite and reconcile South and North Korea.

No other movement has demanded accountability from a perpetrator country for the grave breaches of human rights violations done to women that happened fifty years ago such as that of the comfort women.

No other movement has decided to look at the war crimes and crimes against humanity violations under international law and humanitarian law on the issue of sexual slavery, sexual violence such as that of the comfort women.

The Organizers of the Tribunal

The victimized countries are represented by the following organizations:

- North Korea Committee on Measures for Compensation to the Former Comfort Women for Japanese Army and Pacific War Victims (COCOPA)
- South Korea Korean Council for the Women Drafted for Military Sexual Slavery by Japan
- China Shanghai Research Center on Comfort Woman
- Taiwan Taipei Women's Rescue Foundation
- Philippines Asian Centre for Women's Human Rights (ASCENT)
- Indonesia Indonesian Women's Coalition
- Malaysia Support Network for Malaysian Comfort Women
- Netherlands Support Network for Dutch Comfort Women
- Burma Support Network for Burmese Comfort Women

Supporting the initiatives of the victimized countries from Japan is the Violence Against Women in War-Network Japan. (VAWW-NET Japan)

These organizations comprise the members of the International Organizing Committee (IOC) and the Convenors are:

- **Ms. Yun Chung Ok** of the Korean Council,
- **Ms. Yayori Matsui** of VAWW-NET Japan
- **Ms. Indai Sajor** of ASCENT

An International Advisory Committee has also been set up to provide support and advise to the organizers. These are composed of internationally known human rights advocates, feminists, in the area of peace and development. These are:

- **Edna Aquino**, Amnesty International
- **Ariane Brunet**, International Center for Human Rights and Democratic Development
- **Charlotte Bunch**, Center for Women's Global Leadership
- **Florence Butegwa**, Associates for Change
- **Eugenia Piza Lopez**, International Alert
- **Alda Facio**, ILANUD
- **Marieme Helie Lucas**, Women Living Under Muslim Laws
- **Lepa Mladjenovic**, Autonomous Women's Center Against Sexual Violence
- **Vahida Nainar**, Women's Caucus for Gender Justice
- **Julie Shaw**, Urgent Action Fund
- **Vivian Stromberg**, MADRE
- **Felicity Hill**, Women's International League for Peace and Freedom
- **Regan Ralph**, Human Rights Watch

The objectives of the Tokyo Tribunal

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

Background and Preparation for the Tokyo Tribunal

As the millennium comes to an end, it is but proper to give the women survivors who are all in their advance age a sense of what constitutes justice. Discussion of organizing the International Women's War Crimes Tribunal started in April 1998, when members of the VAWW-NET International (Violence against Women in War Network) met in Geneva to attend the session of the UN Commission on Human Rights. Since then several meetings were done to flesh out the idea of holding the Tokyo Tribunal among the victimized. The VAWW-NET Japan, the Korean Council and ASCENT-Philippines were identified as

convenors of the Tribunal, with all the others participating countries to form the International Organizing Committee (IOC). An International Advisory Committee (IAC) was likewise created composed of internationally known women's human rights activists, lawyers, and feminists to provide support and advise to the IOC.

In these meetings, it was agreed that the main theme of the Tribunal is to define the individual criminal responsibility and accountability of the Japanese government under international law and humanitarian law for its war crimes and crimes against humanity. Succeeding meetings have been held whenever there is a possibility for the members of the Organizing Committee to be together in other international conferences or gatherings to discuss about the charter, the rules and procedures of evidences, the country research and prosecution teams, the judges, chief prosecutors and experts to be invited.

The first prosecutors meeting was held in Manila last July 29-31, 2000 attended by 40 participants from the victimized countries and Japan including observers. The IOC members met together with the country prosecutors and chief prosecutors for the first time to discuss the legal framework for the indictment and to approve the Charter. Long discussions on the elements of war crimes, framework of the indictments, rules of procedures and evidence and structure of the country indictments were thoroughly discussed.

Another meeting was held in September 15-18, 2000 in Taipei. The participating countries presented their indictments and finalized all the necessary requirements for the holding of the Tribunal. Meanwhile, teams of prosecutors from the victimized countries and Japan composed of respected lawyers and academicians are working on the indictment, doing research, gathering evidences, studying the charter, and meeting the former comfort women.

Is redress possible in the Tokyo Tribunal?

The organizers are convinced that redress, for women victimized in time of wars and conflict situations, in the past to the present, is possible in the light of the principles of international law, humanitarian law, human conscience, humanity and gender justice.

The Tribunal has no real power to enforce its judgement, but as a people's and women's initiative, it nonetheless carries the moral authority to demand their wide acceptance and enforcement of the judgement by the international community and civil society and pave the way for law reforms in national governments.

The people involved in the Tokyo Tribunal

Other than the convenors and members of the International Organizing Committee, there is a global campaign among women and men to support and endorse the Tokyo Tribunal. Local, national, regional and international campaigns are being initiated not only by the victimized countries but by human rights and peace institutions, networks working for humanitarian assistance and women's organizations.

Partial listings of Tribunal Members:

The Judges:

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

Pierre Sane, Senegal (Secretary General of Amnesty international)

Vitit Muntarbhorn, Thailand (former UN Rapporteur on the sale of the children, child prostitution, and child pornography)

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

Christine Chinkin, United Kingdom (Expert on Gender and International Law)
(Other eminent persons are still being contacted)

The Legal Advisers:

Rhonda Copellon, (Professor of Law, City University of New York)

Theo Van Boven, (Professor of law, Maastricht University, the Netherlands)

Kelly Dawn Askin, (Professor of law, Washington University)

The Chief Prosecutors:

Patricia Viseur-Sellers, Legal Adviser for Gender-Related Crimes in the Office of the Prosecutor for the International Criminal Tribunal for the former Yugoslavia, and until recently the Rwanda Tribunal;

Ustinia Dolgopol – Professor of Law, Flinders University, Australia

Hina Jilani – Lawyer for the Supreme Court of Pakistan

The Experts:

Herbert P. Bix –Emperor Hirohito

Theo Van Boven –right to reparation

Gay McDougall – racism and gender

Yoshiaki Yoshimi – Japanese Imperial Army

Fritz Kalshoven – state responsibility

(others are still being contacted)

The Country Prosecutors:

For North Korea

Hwang Ho Nam, Secretary General, COCOPA

Jong Nam Yong, lawyer, Executive Member, COCOPA

For China

Mr. Zhou Hong-jun, Law Professor & Deputy Chief of the International Economic Law Institute of East China University of Politics and Law

Mr. Su Zhi Liang, History Department, Shanghai Teachers University

For South Korea

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

Dr. Cho Si Hyun, Prosecutor, Professor of Law, Sungsin University Law School, International Law

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

Mr. Chang Wan-Ick, Prosecutor, Lawyer, ANSAN

Mr. Park Won-soon, Prosecutor, Lawyer, General Secretary, Peoples Solidarity for Participatory Democracy

Ms. Kang Jeong-sook, Prosecutor, Research staff, Korean Institute of Jungshindae, Women history)

Dr. Ha Jong-moon, Prosecutor, Professor of Hanshin University

Dr. Yang Hyun-ah, Lecturer at Seoul University

For Taiwan

Mr. Liao Ying-Chih, lawyer, International Law

Ms. Lu Chia Hsiang, Taipei Women's Rescue Foundation

Mr. Chuang Kuo-Ming (Henry), lawyer, international law

For Philippines

Dr. Merlin Magallona, Professor of Law, College of Law, University of the Philippines

Atty. Sedfrey Candelaria, Asst. Dean, Ateneo University College of Law

Dr. Purificacion Quisumbing, Chairperson Philippine Judicial Academy, Supreme Court of the Philippines

Prof. Ricardo Jose, Professor of History, University of the Philippines,

Atty. Evalyn Ursua, Professor of Law, University of the Philippines

Ms. Aurora Javate de Dios, Dean, Miriam College

For Indonesia

Nursyahbhani Katjasungkana, lawyer and Secretary General of Indonesian Women Coalition for Justice and Democracy

Antarini Ama, lawyer of the Indonesian Women's Coalition for Justice and Democracy

Asnifriyanti Damanik – Legal Aid Indonesia Women Association for Justice

Paulus R. Mahulette – Lawyer, LBH Jakarta (Jakarta Legal Aid Institute)

For Japan

Atty. Kazuko Kawaguchi, Chief Lawyer, VAWW-NET Japan

Atty. Yuichi Yokota, Lawyer, VAWW-Net Japan

Atty. Yasushi Higashizawa, Lawyer, VAWW-Net Japan

Professor Koki Abe

Professor Shin Hae Bong

For the Netherlands

Atty. Henry Grant, (Professor of Law & former Prosecutor ICTY)

The Public Hearing on Current War Crimes

A one-day public hearing is being organized to hear the testimonies of the victims from on-going war and conflict around the world, to demonstrate that the crimes against the former 'comfort women' is still happening to women today. The public hearing will comprise of testimonies of victims and survivors of wars and conflicts in different regions of the globe such as Guatemala, Colombia, Chiapas, Liberia, Sierra Leone, Congo, Nigeria, Rwanda, Somalia, Sudan, Kosovo, Bangladesh, Kashmir, Cambodia, Vietnam, Burma, East Timor, Afghanistan, Algeria and Puerto Rico.

The hearing will not only present testimonies of women who had been victimized by war but also provide a forum simultaneously to talk about the initiatives of women and men in other countries to rise and demand justice and peace in their communities. The public hearing will usher the continuing work of women and men for justice, peace and end to impunity.

The series of consultative meetings among the women's and human rights groups, peace networks and law reform advocates. The four themes that were eventually identified at this meetings represent the source or the root cause of wars/conflicts and human rights violations.

The themes identified are:

- ***Conflicts/violations resulting from extremism.*** Many countries are in situations of war, conflict and unrest as a result of rise of the power and stronghold of states, groups and organizations that profess extreme ideologies based on nationalism, ethnicity, religion, race, marginalization, majoritarianism, which take violent forms and terrorizes the communities.
- ***Conflicts/violations resulting from militarism:*** Aggression, invasion, state repression, military or other kinds of occupation and foreign policy of powerful countries are the source of conflicts in many countries around the world today. In the process, fundamental rights of peoples, particularly women are violated.
- ***Resource-based conflicts/violations:*** Access and dispute over resources have been the root cause of wars and conflicts. Disputes over land, natural resources, borders, territories, water, natural resources have intensified in many countries and their communities.
- ***Violations during post-conflict and the lasting impacts in the event of non-resolution of conflicts on peace and reconstruction:*** Women are often ignored or marginalized during the peace process and in the subsequent efforts of reconstruction and rehabilitation. Many forms of violence against women take place as accountability often are not ensured during this phase.

The public hearing will be held on December 11, after the third day of the Tokyo Tribunal proceedings and followed the next day by the Tokyo Tribunal judgement. The Women's Caucus for Gender Justice for the ICC in New York is the Secretariat for the public hearing.

Women's Caucus for Gender Justice, PO Box 3541 Grand Central Post Office, New York, NY 10163, USA Tel. 1-212-697-7741 & Fax. 1-212-949-7996 Email <iccwomen@igc.org>

The people supporting the Tribunal

Various organizations and individuals have already endorsed and expressed their support for the Tribunal. UN Special Rapporteurs will be invited to attend the proceedings. In particular, UN SR Rhadhika Coomarswamy will specifically attend the Public Hearing on Current war Crimes to hear the cases of women for her next report at the UN Commission on Human Rights in March 2001. Following are the initial list of these organizations:

NGO Coalition to the International Criminal Court (CICC); Amnesty International (AI); CIDA-SEAGEP; Shaler Adams Foundation; Akina-Mama-Wa Africa; Asian and Pacific Development Center (APDC); International Women's Human Rights Law Clinic (CUNY- NY); ISIS-WICCE; ISIS-Manila; International Center for Human Rights and Democratic Development (ICHRDD); Women Living Under Muslim Laws (WLUML); Women's International League for Peace and Freedom (WILPF); Equality Now; International Alert; Human Rights Watch; Urgent Action Fund; MADRE; Autonomous Women's Center Against Sexual Violence; Coalition Against Trafficking in Women (CATW); Asia Pacific Forum on Women Law and Development (APWLD); Global Alliance Against Trafficking in Women (GAATW); Australian National Committee of Refugee Women; INFORM, Sri Lanka; AGHS Legal Aid Cell, Pakistan;

Asian and Pacific Development Center (APDC); Revolutionary Association of the Women of Afghanistan;
Women's Caucus for Gender Justice – ICC and more.

The Convenors of the Tribunal

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