

**Charter for the
Women's International War Crimes Tribunal 2000 for
the Trial of Japanese Military Sexual Slavery
(approved 30 July 2000)**

Preamble

Witnessing the passage of the 20th century without any justice done to women victims and survivors of sexual slavery committed by the Japanese Military in various Asian countries under its colonial domination and military occupation before and during the Second World War, being one of the most horrendous forms of wartime sexual violence known in this century;

Witnessing also that violence against women, especially during armed conflicts, continues to be unabated in many parts of the world today;

Noting that violence against women has received further international attention through the Vienna Declaration adopted at the World Conference on Human Rights in 1993 and the Beijing Platform of Action adopted at the Fourth World Conference on Women in 1995, which explicitly stated that violence against women during armed conflict including rape and sexual slavery was a war crime, and that its truth should be identified and disclosed, the victimised properly redressed, and the perpetrators punished;

Taking note that the International War Crimes Tribunals for the Former Yugoslavia and Rwanda established by the United Nations in the early 1990s have prosecuted those who were responsible for violence against women and the International Criminal Court covers under its jurisdiction violence against women during war and armed conflicts committed after the entry into force of its Statute;



Whereas that the Japanese Military sexual slavery has been a particularly grave and egregious form of violence against women in violation of the then existing principles of international law and deeply shocking the conscience of humanity;

Noting that the military tribunals conducted by the Allied Powers throughout Asia following the end of the Second World War seldom prosecuted Japan's military sexual slavery and other cases of sexual violence against women as war crimes, and that, in the subsequent decades, the existing national and international systems of justice have failed to bring the perpetrators to justice;

Cognizant that women survivors of the Japanese Military sexual slavery continue to suffer, both physically and psychologically, from these violations and from the failure to provide justice, including individual compensation and other reparations, and prosecution of the perpetrators of these crimes;

Aware that after the long and torturous silence, survivors of this slavery have demanded in the 1990s that justice be done and their long denied human rights be restored to them;

Alarmed that even after half a century after the crimes were committed, the survivors do not receive a word of acknowledgement of the crimes by the perpetrators, nor is there any genuine apology made or reparations provided by those responsible for the crimes committed against them while one survivor after another is passing away without any redress;

Mindful of a moral responsibility of every member of the global civil society and also a common task for international women's movement to restore justice for the women victims and survivors of wartime sexual violence including sexual slavery;



Determined to restore justice, human rights, and dignity to all victimized women, to contribute to end the cycle of impunity for violence against women in wartime and armed conflict situations and thereby prevent repetition of such crimes;

Convinced that this effort will also contribute toward creating a 21st century and a new millennium free of war and violence against women making the full documentation public to the world as indelible records of the 20th century history;

Desiring to hold a Women's International War Crimes Tribunal 2000 for the Trial of Japanese Military Sexual Slavery, the primary task of which will be to bringing out truths and to establish the legal responsibility of states and individuals involved in sexual violence and especially the sexual slavery of "comfort women" at "comfort stations" perpetrated by the Japanese Imperial Army in connection with Japan's colonial domination and war of aggression throughout the Asia-Pacific region;

Convinced that the Tribunal is competent to render its judgements respecting responsibility for commission of crimes against women in light of the principles of law, human conscience, humanity and gender justice that were an integral part of international law at the time of and that should have been applied by the International Military Tribunal for the Far East, as well as taking into account the subsequent developments in international law, particularly in relation to women's human rights, which have come to be [accepted] recognized by the international community as a priority matter as the result of brave struggles of many people including women survivors themselves and insofar as these developments illuminate the proper application of international law to the crimes against women and embody evolving principles of state responsibility for past violations;

Mindful that while the Tribunal, as a people's and women's initiative, has no real power to enforce its judgements, it nonetheless carries the moral authority demanding their wide acceptance and enforcement by the international community and national governments;



Urging once again that States and intergovernmental organizations take necessary measures to bring to justice the persons responsible for the crimes and to provide reparation including apology, compensation and rehabilitation;

The International Organizing Committee, composed of organizations from the offending country (Japan), organizations from areas where people were victimized (South and North of Korea, China, Taiwan, the Philippines, Indonesia, Malaysia, and others); and the International Advisory Committee (comprising eminent scholars and human rights activists).

Adopts hereby the Charter of Women's International War Crimes Tribunal 2000 for the Trial of Japanese Military Sexual Slavery.

Article 1

Establishment of the Women's International War Crimes Tribunal

The Women's International War Crimes Tribunal ("the Tribunal") is hereby established. It shall have power to exercise jurisdiction over individuals and States pursuant to the provisions of the present Charter. It shall conduct a public trial on such dates and places as may be determined by the International Organizing Committee.

Article 2

Jurisdiction of the Tribunal

1. The Tribunal shall have jurisdiction over crimes committed against women as war crimes, crimes against humanity and other crimes under international law. These crimes include, but are not limited to the following acts: sexual slavery, rape and other forms of sexual violence, enslavement, torture, deportation, persecution, murder, and extermination.

2. The Tribunal shall also have jurisdiction over acts or omissions of States in violation of international law with respect to the crimes as referred to in the above paragraph.

X (3. The Tribunal shall also have jurisdiction over claims involving state responsibility under international law as referred to in Article 4.

4. The jurisdiction of the Tribunal shall cover all countries and regions that were colonized, ruled or under the military occupation and (to) all other countries that were similarly victimized by Japan before and during Second World War. It shall also extend to the present day.

Article 3

Individual criminal responsibility

A person who planned, instigated, ordered, committed or otherwise aided and abetted in the planning, preparation or execution of a crime referred to in Article 2 of the present Charter, shall be individually held responsible for the crime. Those who have concealed the crimes in Article 2 shall be individually held responsible.

Article 4

State responsibility

State responsibility arises from the following:

- (a) commission of crimes or acts as referred to in Article 2 by military forces, government officials and those individuals acting in the official capacity.
- (b) acts or omissions by States such as
 - (i) concealment, denial or distortion of the facts or in any other manner its negligence or failure to meet its responsibility to find and disclose the truth concerning crimes referred to in Article 2;
 - (ii) failure to prosecute and punish those responsible for said crimes;
 - (iii) failure to provide reparations to those victimized;
 - (iv) failure to take measures to protect the integrity, wellbeing and dignity of the human person; or



(v) failure to take necessary measures to prevent recurrence.

Art 3

Official capacity

Article 5
Command Liability and Superior Orders

1. The official position of any accused person, whether as the Emperor, the Head of the State or Government, a military commander or a responsible government official, shall not relieve such person of criminal responsibility, nor mitigate punishment.
2. The fact that such a crime referred to in Article 2 of the present Charter was committed by a subordinate does not relieve his superior or military commander of criminal responsibility if that superior or commander knew, or had reason to know, that the subordinate was about to commit such acts or had done so and the superior failed to take the necessary and reasonable measures to prevent or repress their commission or submit the matter to the competent authorities for investigation and prosecution.
3. The fact that the crimes are committed in pursuant to an order of a superior or of a government alone shall not relieve a person of criminal responsibility.

Article 6
Non-applicability of the statute of limitations

The crimes within the jurisdiction of the Tribunal shall not be subject to any statute of limitations.

Article 7
Organization of the Tribunal

The Tribunal shall consist of the following organs:

- (a) Judges;
- (b) Prosecutors, and
- (c) A Registry.



Article 8

Qualifications and election of judges and prosecutors

The judges and the prosecutors shall be appointed by the International Organizing Committee among internationally renowned persons in the field of human rights, taking due consideration of the following:

- (a) gender balance
- (b) regional balance
- (c) contribution in advocacy, protection and promotion of women's human rights
- (d) professional knowledge and experience in international humanitarian and human rights laws and international criminal laws
- (e) experience in dealing with crimes of gender and sexual violence.

Article 9

Rules of procedure and evidence

The judges of the Tribunal shall decide matters concerning the rules of procedure and evidence for the conduct of the trial, the protection of victims and witnesses and other appropriate matters of the Tribunal as they deem necessary. The following shall be admitted as evidence:

- (a) documentation: Written evidences such as official documents, affidavits/depositions, signed statements, diaries, letters/notes or other documents, experts' views, photos and other visual documents;
- (b) personal evidence: Written or oral testimonies of survivors and witnesses, statements of expert witnesses; and
- (c) material evidence: Other relevant physical and material evidence.

Article 10

The Registry



The International Organizing Committee establishes a Registry to the Tribunal. The Registry shall be responsible for the administration and servicing of the Tribunal.

Article 11

Prosecutors: Investigation and indictments

1. The Prosecutors shall be responsible for the investigation and prosecution of the crimes referred to in Article 2 of the present Charter, taking into account gender and cultural issues and the trauma faced by the victimized.
2. The Prosecutors shall initiate investigation on the basis of information received from individuals, survivors, non-governmental organizations, or any source, and shall have the power to question suspects, those victimized and witnesses, to collect evidence and to conduct on-site investigations in order to establish the truth.
3. The prosecutors shall submit indictments to the Tribunal if, upon investigation, there is a reasonable basis for a prosecution.

Article 12

Trial Proceedings

1. The Tribunal shall read the indictments from the prosecutors at the commencement of the trial, and shall ensure a fair and expeditious trial.
2. The hearings shall be held in public.
3. The working language of the Tribunal shall be English. Translation and interpretation into other languages shall be provided as necessary.

Article 13

Participation and protection of those victimized and witnesses



1. The Tribunal shall allow the fullest possible participation of those victimized, their representatives and organizations in the preparation of indictments and the trial proceedings.

2. The Tribunal shall take appropriate measures, [including after the holding of the Tribunal,] to protect the safety, physical and psychological well-being, dignity and privacy of those victimized and witnesses of sexual violence and any other person at risk on account of their testimony, having regard to the nature of crimes being dealt with and taking trauma into account. Such protection measures shall include, but shall not be limited to, audio-visual proceedings and other protective measures to safeguard the identity of those victimized wherever necessary.

Article 14 Judgements

The Tribunal shall determine its jurisdiction in accordance with the judges' appointment or d.p. to the judges

1. The judgement shall be rendered by a majority of the judges of the Tribunal, and shall be delivered by the Tribunal in public.

2. The judgement shall state clearly whether the accused is guilty or innocent of the alleged crime based on evidence before the Tribunal, and the reasons for the particular judgement.

not guilty

3. The judgement may make an order against a person or State held responsible to offer redress to those victimized, including apology, restitution, compensation and rehabilitation.

4. Copies of the judgement shall be sent to the survivors, the accused or their attorneys, the government of Japan, the governments of the States concerned, and international agencies including the United Nations High Commissioner for Human Rights, and shall be widely distributed throughout the world as historical documents.



Article 15

Cooperation

1. The Tribunal may ask every individual, non-governmental organization, Government, intergovernmental organization, United Nations organs and other international bodies to cooperate fully with the Tribunal in the investigation and prosecution of persons and states responsible for acts referred to in Article 1 of the present Charter.

2. The Tribunal may ask every individual, non-governmental organization, Government, intergovernmental organization, United Nations organ and any other international body to respect any request for assistance or a judgment issued by the Tribunal, including, but not limited to:

- (a) The identification and whereabouts of persons or the location of items;
- (b) The taking of testimony and the production of evidence;
- (c) The voluntary appearance of persons as victimized, as witnesses or as experts before the Tribunal;
- (d) The examination of places or sites;
- (e) The provision of relevant information, records and documents, official or otherwise, and the full opening of wartime archives;
- (f) The protection of those victimized and witnesses and the preservation of evidence;
- (g) Facilitating or conducting the investigation and prosecution of the persons responsible for the crimes in compliance with its respective international obligations;
- (h) The provision of reparation including apology, compensation and rehabilitation in compliance with its respective international obligations, and
- (i) Any other type of assistance with a view to facilitating the objectives of the Tribunal.

