

Article 2 Jurisdiction of the Tribunal

1. (a) The Tribunal shall have jurisdiction over crimes against women ^{the following committed} in violation of international humanitarian and human rights law, as follows:

- (i) rape
- (ii) sexual slavery
- (iii) enforced prostitution, or
- (iv) any other form of sexual violence. ^{not exclude}

(b) Such crimes may be tried by the Tribunal in and of themselves as war crimes and crimes against humanity; AND as other war crimes and crimes against humanity ^{committed} including but not limited to torture ^{and} mutilation, or as genocide, where the elements thereof likewise are present. (ALTERNATIVE: when warranted). ^{in connection with}

2. (FOR FURTHER DISCUSSION: Cases involving the State. (See very rough formulation below)] ^{in relation to Art. 4}

3. The Tribunal shall also have jurisdiction over acts ^{or omissions} of the State in violation of international law, ~~including but not limited to the State's~~ ^{with respect to the crimes as referred to in the above}

(a) concealment or distortion of the facts, paragraph 1, ^{in any manner} or its negligence or failure to meet its responsibility to find and disclose the ~~the~~ truth concerning the crimes referred to in paragraph 1 hereof;

(b) failure to prosecute and punish those responsible for said crimes;

(c) failure to ~~provide~~ pay reparations to the victims; or

[(d) failure to necessary measures to prevent recurrence]

3. The ~~territorial jurisdiction~~ ^{scope} of the Tribunal shall ~~extend~~ ^{cover} to all countries and regions that were colonized, ruled or under military occupation and all OTHER countries and regions whose inhabitants were ~~LIKEWISE~~ ^{similarly} victimized by Japan. which. ^{it shall also cover extend to the}
4. The temporal jurisdiction of the Tribunal shall encompass the period (before and day during World War I) in relation to crimes referred to in paragraph 1 hereof, to the present day, ^{specifically} in relation to the acts referred to in para 2 hereof.

Suggestions for Art. 4, para: 2 : FOR DISCUSSION

state responsibility shall be entailed in, but not limited to, the following cases:

(a) where the crimes referred to in Art. 1 and subject to paragraph 1 of the present Article, have been committed by the State military force or other functionaries, (whether ~~the~~ either in their official capacity or in the course of the performance of their functions;

(b) those involving the acts referred to in paragraph 2 of Article 1, (ALTERNATIVE: ~~add-~~ attributable to functionaries or agencies of the State).

7234
pt 2.

1. The Trib. shall have jurisdiction
over crimes against women as
w. c. , c. a. h ^(Committee) or genocide.

These crimes include, but are not limited
to the following acts:

Rape, s. s. en. p, murder, torture,
mutilation any other forms.

2.

Article 3

Individual criminal liability and State responsibility

1. 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.

2. [A State shall be held responsible for acts in breach of international law in relation to the crimes as referred to in Article 2.] State responsibility is entailed in, but not limited to the following cases where:

- a. its military force, committed any of such crimes;
- b. the State itself has concealed or distorted the facts or in any other manner neglected or obstructed its responsibility to find truth and disclose it concerning these crimes;
- c. failed to prosecute and punish those responsible for these crimes;
- d. failed to pay reparations to the victims or;
- e. failed to take necessary measures to prevent recurrence.

3. Those who have concealed evidence of the crimes in Article 2 shall be individually held responsible.

crimes in and other acts in breach of it committed

State organs

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.

5. 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

Territorial jurisdiction of the Tribunal

The territorial jurisdiction of the Tribunal shall extend to all the countries and regions that were colonized, ruled or under the military occupation by Japan and to all the countries and regions whose inhabitants were victimized.

Article 7

Non-applicability of the statute of limitations

State resp ~~is entailed~~ arises from but not limited to the following:

(a) commission of crimes or
in Art 2 by mil forces, get officials

(b) acts or omissions by states such as.

- (i)
- (ii)
- (iii)
- (iv)

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

Article 8

Organization of the Tribunal

The Tribunal shall consist of the following organs:

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

Article 9

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 10

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 11

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 12

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 victims.
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, victims 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 13

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 14

Request to the accused to be present at the Tribunal

The Tribunal may request the individuals who are alleged to have been responsible for the crimes referred to in Article 1 and/or their attorneys to be present at the Tribunal to submit evidence and make oral statements.

Article 15

Participation and protection of victims and witnesses

1. The Tribunal shall allow the fullest possible participation of victims, their representatives and victims-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 victims 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 victim's identity wherever necessary.

Article 16

Judgements

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.
3. The judgement may make an order against a person or State held responsible to offer redress to the victims, 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 17

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 accused, victims, witnesses or 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 victims 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.
-