

1. *Phragmites australis* (Cav.) Trin. ex Steud.

1. *Chlorophyll a* and *Chlorophyll b* were determined by the method of Arar and Collins (1971) using a Shimadzu 1010 spectrophotometer. The concentration of chlorophyll was expressed in mg g⁻¹ of dry weight.

1. *Journal of the American Medical Association*, 1997; 277: 1033-1038.

and outraging against any civilian women of (comparable gravity) constitutes both crimes against humanity and war crimes when they were committed as part of a widespread or systematic attack.

The Tribunal shall in particular prosecute sexual slavery, rape, enforced prostitution, and other sexual violence against women.

Article 4

Personal jurisdiction

The Tribunal shall have jurisdiction over natural persons (including dead persons), legal persons and the state pursuant to the provisions of the present Charter / Statute.

Article 5

Individual criminal responsibility

1. A person who planned, instigated, ordered, committed or otherwise aided and abetted in the planning, preparation or execution of any of the crimes referred to in articles 2 and 3 of the present Charter / Statute shall be individually held responsible for the crime.

2. The official position of any accused person, whether as Head of State or Government, as a military commander or a responsible Government official, shall not relieve such person of criminal responsibility nor mitigate punishment.

Article 6

Command responsibility of superiors and subordinates (in system of command)

1. The fact that any of the acts referred to in articles 2 and 3 of the present Charter / Statute was committed by a subordinate does not relieve his superior of criminal responsibility, if the superior 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 such acts or to punish the perpetrators thereof.

2. The fact that an accused person acted pursuant to an order of a Government or of a superior shall not relieve him of criminal responsibility, but may be considered in mitigation of punishment, if the Tribunal is convinced that justice so requires.

Article 7

State Responsibility

1. A state shall be criminally responsible for when it failed to restrain its military force from committing a crime referred to in articles 2 and 3 of the present Charter / Statute and its act constitutes a serious breach on a widespread scale of an international obligation of essential importance for safeguarding the human being, such as those prohibiting slavery and genocide.

2. A state shall be responsible additionally for its negligence, if it is recognized that it has concealed (or distorted) the facts concerning the above written crimes, has failed to punish the responsible and pay reparations to the victims and intentionally or unintentionally has neglected to relieve its responsibility.

Article 8

Territorial and temporal jurisdiction

1. The territorial jurisdiction of the Tribunal shall extend to the areas of East Asia including the Korean Peninsula and China, South-East Asia including the Philippines and Indonesia as well as the Pacific islands.

2. The temporal jurisdiction of the Tribunal shall extend from before and during the Second World War to the present day as long as the aftereffects of the crimes can be observed.

Article 9

Immunity of the statute of limitations

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

Article 10

Organization of the Tribunal

1. The Tribunal shall consist of the following:

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

Article 11

The Registry

The Registry shall be responsible for the administration and servicing of the Tribunal.

Article 14

Rules of procedure and evidence

The Tribunal shall accept the most of the following evidence. Those shall compose part of the records of the Tribunal.

- (a) Written evidences: official documents, affidavits / depositions, signed statements, diaries, letters/notes or other documents, experts' views, photos and other visual documents
- (b) Witnesses: victims' testimonies, oral statements and expert witnesses
- (c) Material evidences: ?

Article 15

Commencement and conduct of trial proceedings

1. The Tribunal shall ensure that a trial is fair and expeditious.
2. The hearings shall be public.
3. The working languages of the Tribunal shall be English. Translation and interpretation into other languages shall be provided in accordance with the circumstances.
4. The Tribunal shall request the accused to appear in court, read the indictment and satisfy itself that the rights of the accused are respected.
5. In case the accused is unable or refuses to appear in court, the Tribunal shall appoint the defense counsel who represent the accused.

Article 16

Rights of the accused

1. All persons shall be equal before the Tribunal
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 3. The
 4. The
- provisions of the

Article 17

Protection of victims and witnesses (and participation?)

1. The Tribunal shall provide the protection of victims and witnesses. Such protection measures shall include, but shall not be limited to, the conduct of in camera proceedings and the protection of the victim's identity.
2. The Tribunal shall have regard to the nature of crime where it involves sexual or gender violence and shall take appropriate measures to protect the safety, physical and psychological well-being, dignity and privacy of victims and witnesses. These measures shall not be against the rights of the accused and the fair and just proceedings.

Article 18

Judgments

1. The Tribunal shall pronounce judgments on persons and the state convicted of any of the crimes referred to in articles 2 and 3 of the present Charter / Statute.
2. The judgment shall be rendered by a majority of the judges of the Tribunal, and shall be delivered by the Tribunal in public. It shall be accompanied by a reasoned opinion in writing, to which separate or dissenting opinions may be appended.
3. The Tribunal shall have jurisdiction to order convicted persons or the state offer reparation to the victims. Reparation includes restitution, compensation and rehabilitation.

Article 19

Penalties

The Tribunal may impose the following penalties:

1. Imprisonment not exceed a maximum of 30 years, or a life imprisonment when justified by the extreme gravity of the crime.
2. A fine
3. A forfeiture of property
4. Re-education concerning the women's human rights including violence against women

Article 20

1. The Tribunal is not the court under state sovereignty; accordingly it has no power to enforce the judgments.
2. Copies of the judgments shall be sent to the accused or his / her attorney, the government of Japan, the governments of the concerned nations, the United Nations High Commissioner for Human Rights, and make them widely known to be left as historical documents.

*****Further consideration of gender perspective is needed

Any comments or suggestions to this 2nd draft are welcomed.

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