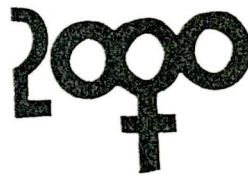


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**<Women's International War Crimes Tribunal
on Japan's Military Sexual Slavery in 2000>
and The Issue of Japanese Military Sexual Slavery**



■
When : June 4th(Fri.)-5th(Sat.), 1999.

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■
Host : The Korean Council for the Women Drafted for Military Sexual Slavery by Japan
Association of National Assembly Members Studying the 'Comfort Women' Issue
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■
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On the Constitution and the Procedure of the Women's International War Crimes Tribunal on Japan's Military Sexual Slavery in 2000

Sihyun Cho¹⁾

*A Tribunal such as ours will be necessary until the last starving man is fed
and a way of life is created which ends exploitation of the many by the few.*
- Bertrand Russell

It is sad and despairing that this millenium is passing away without the slight prospect of genuine and effective action at the government level to redress the unspeakable atrocities committed by the Japanese Imperial Government and its military forces against Asian peoples, especially those women forced into sexual slavery in so-called comfort stations'. The Japanese government still refuses to take remedial action in accordance with its international obligations as recommended in the recent report of the UN Special Rapporteur, Ms. Gay McDougall, for example.²⁾ Witnessing also that women in the world continue to bear the blunt of similar violence whether in wartime or not, it gives a sense of urgency to see that the legacy of the Japanese military sexual slavery will be passed to the next millenium without justice being done and hindering reconciliation and peace between the societies of offenders and those of victims.

In an effort to rectify this situation and to put pressure on the Japanese government to take legal responsibility on the military comfort women' issue, the concerned civil societies in solidarity with victims are in the process of

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2) Systematic rape, sexual slavery and slavery-like practices during armed conflict. UN Doc. E/CN.4/Sub.2/1998/13 (22 June 1998).

establishing an international tribunal.³⁾ Broad consensus on the objectives and the character of the Tribunal is emerging in the previous and the present gatherings. The primary reason for this initiative, as I understand, is that there is currently no effective mechanism available and no action taken by the international community to hold the State of Japan, not to mention the individuals involved, responsible for the atrocities. The court proceedings in Japan regarding the military comfort women' issue has so far produced no tangible result. In these circumstances, the Tribunal will give fresh impetus to the movement toward the resolution of the military comfort women' issue.⁴⁾ In the hope of contributing to the successful holding of the Tribunal, some comments and suggestions on matters of a more technical nature will be made in the following.

1. The Nature of the Tribunal

Before making concrete proposals on the workings of the Tribunal, a few remarks on the nature of the Tribunal are necessary in order to identify some of the guiding principles on the matter.

The task that the Tribunal set itself to perform is to examine the two, related but separate questions: the responsibility of Japan and other States and the individual criminal responsibility for various crimes against women subjected to sexual slavery by the Japanese military. There are limitations in fulfilling this task, which stem from the very nature of the Tribunal. First of

3) See various papers presented to the 1998 International Symposium How to Hold Women's International War Crimes Tribunal on Japan's Military Sexual Slavery in the Year 2000? (Tokyo, 12 December 1998).

4) On the venue of the Tribunal, many factors suggest it to be other than in Japan. For example, the Allied trial of the German atrocities after the Second World War stands on a different philosophy in that the perpetrators would be brought back to the scene of their crimes and judged on the spot by the peoples they have outraged. As for the Japanese atrocities, there are many countries that have not been given even a chance to hold trials in their own countries. Further considerations should be given to humanitarian grounds that most of the victims are quite aged and their health is in such a state that they may be unfit for the travel to give testimony to the tribunal. It should therefore be made clear from the beginning that if it is held in Tokyo despite all these concerns, it is to bring changes, in solidarity with Japanese NGOs, to the intransigent attitude of the Japanese government and to make the Japanese society more responsive to the protection and the promotion of human rights.

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all, it is a tribunal set up not by States, but by civil societies, although its full title, Women's International War Crimes Tribunal on Japan's Military Sexual Slavery' may suggest otherwise. The Tribunal will be international in its subject matter (the nature of wrongdoing and crimes involved), its composition, and applicable law.

The well known example of such a tribunal that similarly tackled the first question of State responsibility, is the one established on the initiative of Bertrand Russell and others. Held in two sessions in Stockholm and Roskilde in 1967, the Russell Tribunal was concerned with the responsibility of the United States and other States for their acts in violation of international law during the Vietnamese War.⁵⁾ As the Japanese government has already acknowledged its involvement in the setting up of comfort stations⁶⁾ and there has developed a forceful argument holding the Japanese government responsible for their acts during wartime,⁷⁾ there seems to be no particular difficulties in dealing with the first question.

As for the second question of individual criminal responsibility, there is no direct precedent for the type of tribunals we are considering. This makes the tasks of the Tribunal unique and more daunting than the others. The call for punishment of those responsible for the crimes since 1993, first made by the Korean Council for the Women Drafted for Military Sexual Slavery by Japan, achieves momentum with the McDougall report. The non-governmental nature of the Tribunal suggests, however, that it has no real power to mete out justice in the sense of the award for reparations and penalties. This also shows that it will be inadequate simply to follow or adapt the existing law and procedure obtaining in criminal courts run by the governments either at

5) *Prevent the Crime of Silence: Reports from the sessions of the International War Crimes Tribunal founded by Bertrand Russell*. London. Stockholm. Roskilde (selected and edited by Peter Limquenco and Peter Weiss with additional material selected and edited by Ken Coates and a Foreword by Noam Chomsky. 1971): also found in <http://www.homeusers.prestel.co.uk/littleton> and <http://www2.prestel.co.uk/littleton>.

6) UN Doc. E/CN.4/1996/137, annex I.

7) See, e.g., Radhika Coomaraswamy, the UN Special Rapporteur on violence against women. Report on the mission to the Democratic People's Republic of Korea, the Republic of Korea and Japan on the issue of military sexual slavery in wartime. UN Doc. E/CN.4/1996/53/Add.1(4 January 1996): Ustinia Dolgopol and Snehal Paranjape. *Comfort Women: An Unfinished Ordeal* (International Commission of Jurists, 1993).

the national or intergovernmental level.

The question then may be raised at this juncture whether the criminal tribunal of a non-governmental character will serve our purpose. It is possible for people to regard this Tribunal as difficult to understand, and even irrelevant in the absence of any power to implement its judgements. Why then the War Crimes' Tribunal? We need to focus our effort to explain to others the necessity and justification for such a Tribunal. We should be able to turn their initial curiosities into constant concern and support for the victims of violence against women committed in flagrant violation of basic canons of the international community. Make them aware of their own duties and responsibilities for these crimes albeit they did not take a direct part in the crimes. And show them guiding lights through changing their own society for these crimes not to be repetitive. It will be a defining moment and a turning point for the efforts to come to terms with the past. We have to win the heart and mind of the international public as well as our domestic audience.

The Tribunal will be established by the people who voluntarily take initiatives to put an end to impunity for the perpetrators. The mandate for such a tribunal comes not from the authority of States, but elsewhere: the conscience and humanity of all peoples in the international community.⁸⁾ The proposed Tribunal is not to take the law into the hands of a group of people, but to raise the public awareness of the comfort women' issue. It will give an opportunity to step up efforts to find the truth shifting the focus from the establishment and operation of comfort stations' to systematic sexual violence committed against Asian women in this rape camps. It is to bring home to the audience that what happened to them is clearly criminal in character, providing also an occasion to ponder on their societies for possibilities of change for the better protection of women's human rights. It will also encourage them to participate in the build-up of a society where we would like to live in justice and peace by helping them to confront their inescapable past. By setting an example of courageous and sincere efforts to come to terms with the past, it will further provide education to the present and future generations. The focus of the Tribunal on criminal responsibility aspect should

8) Cf. Jean-Paul Sartre. Inaugural Statement, *supra* note 2.

not mislead us into believing that it has the power to punish anyone and enforce its judgements in the ordinary meaning of the term. Nor does the Tribunal have sufficient resources to undertake the functions of the International Tribunals for the Former Yugoslavia and Rwanda. Rather, the Tribunal here in question is a court of conscience and only a first step toward the long process of seeking the truth, identifying and doing justice to the perpetrators. It is essentially a call to the peoples in the world to push their governments to take action to this end.

Moreover, it will be noted that many rules of international law have been formed in the context of international relations of States. Different considerations will come into play in the working of the non-governmental Tribunal. If we demand the application of international law, it is not because that law applies between States, but because it reflects the conscience of the peoples in the world and the elementary considerations of humanity' in the words of the International Court of Justice.⁹⁾ For the proper functioning and the productive outcome of the people's tribunal as a new way of campaign, therefore, we need formative, creative and imaginative ideas. It is essential to have sufficient room of flexibility to meet new challenges and to solve various issues, formerly untrodden, which may arise in the actual working of the Tribunal. Much will depend largely on whether we succeed in designing the workings of the Tribunal conducive to the achievement of the goals set above. Bearing in mind various points made above, I would like to make concrete proposals on the questions relating to the jurisdiction, applicable law, composition and procedural aspects of the Tribunal.

2. Jurisdiction

The principal questions to be submitted to the Tribunal may be put in simple terms as follows: (1) Is the State of Japan responsible under international law for acts with respect to military comfort women? (2) Are those individuals involved in the commission of various criminal acts against

9) *Military and Paramilitary Activities in and against Nicaragua (Nicaragua v. United States)*, Judgment of 27 June 1986, I.C.J. Reports 1986, p. 114.

military comfort women' responsible under international law?¹⁰⁾ (3) Are other States under an obligation to take action to hold the defendants responsible, for instance, to investigate and punish them? For purposes of the Tribunal, these questions may be dealt with in a single, rather than separate, procedure, as will become clear in the following. The above formulation of the subject matter may, of course, be subjected to further refinements. There are many unresolved issues such as the time frame of the jurisdiction (*ratione temporis*) which are beyond the scope of this paper.

Moreover, as the Tribunal will not be a court of law in the ordinary sense, it will be appropriate to give the platform for other issues not of a legal character to be raised. It will be then within the jurisdiction to treat the complex interplay of various factors operating in relation to the commission of criminal acts of extreme barbarity in gross violation of the basic canons of international law – nationalism, militarism, colonialism, racial discrimination, discrimination against women, class structure and so on. The Tribunal will entertain materials on such matters as the identification and in-depth analysis of these factors, which are not necessarily relevant in the normal court hearings.

If the whole purpose of the Tribunal is not merely an exercise for the application of international law *de lege lata*,¹¹⁾ it is important to bring light to the structural problems such as social, cultural, legal, institutional, psychological, and historical aspects of the issue. It is essential that the special characteristics of the crimes against military comfort women' will be fully taken into account in the application of relevant norms in which the victim's and the gender perspectives are also to be fully integrated.¹²⁾ In this sense,

10) The War Crimes Tribunal for Yugoslavia stated that Under present international law it is clear that States, by definition, cannot be the subject of criminal sanctions akin to those provided for in national criminal systems. *Prosecutor v. Blaskic (Objection to the Issue of Subpoena Duces Tecum)*, IT-95-14-AR 108bis, Decision of 29 Oct. 1997, para. 25: 110 *International Law Reports* 698.

11) See, in particular, Ustinia Dolgopol, *A Women's International War Crimes Tribunal Its Potential Contribution to the Development of International Law* (a papers presented to the 1998 International Symposium, *supra* note 2).

12) Cf. Kelly D. Askin, *Sexual Violence in Decisions and Indictments of the Yugoslav and Rwandan Tribunals: Current Status*, *American Journal of International Law*, vol. 93 (1999), p. 97.

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fact-finding investigation and research assumes the central place in the proceedings. The legal analysis will be useful for the advocacy work in the future.

Further to be noted is that the tribunal is not that of history. Although the alleged crimes had been committed in 1930-40s, there are victim-survivors, dwindling in number, and their families whose sufferings are present and continue to be unredressed. This has also wider implications for the world today as similar types of violence against women especially during armed conflicts are rampant in other parts of the world.

In these respects, fact-finding efforts may be directed to cover the following areas: the roles and the degree of involvement by the Japanese government and the military as well as individuals concerned (for example, the police, the military, the military civilian personnel, the colonial authorities, the military government in occupied territories, and indigenous collaborators) in the forced conscription of women for sexual slavery (age, number, origin, social status etc.), the establishment, management and operation of comfort stations', and the treatment and the conditions of comfort women' in comfort stations'. Special efforts need be made in order not to lose sight of distinct as well as common features of the sufferings of each women victim. More needs also to be known about physical and psychological harm inflicted on victims (and their families, relatives, friends), their living and health conditions after the war, their reception by the society, the process of rehabilitation and reintegration.

Specification of crimes and responsible individuals

The selection of those who will be brought to the tribunal is critical for the success of the whole proceedings. The Tribunal simply cannot try all those responsible for the atrocities.¹³⁾ Although this question will be decided in accordance with the progress made by the investigation team, a few comments are in order.

13) To illustrate the dimension of the task, it will be sufficient to that the Tokyo trial took more than two years with 4436 documents submitted in evidence and the testimony of 49 people. Utsumi Aiko, Tokyo Tribunal and Sexual Violence (paper presented to the 1998 International Symposium, *supra* note 2.

First, the former Japanese Emperor, Hirohito, cannot stand as defendant because he has died, while his responsibility for the crimes against women during the period of time in question may well be referred to in determining the culpability of the State of Japan and those who will be indicted before the tribunal. The list of persons mentioned in the State and criminal proceedings will be made public by the Tribunal

Second, considering the considerable passage of time after the commission of the alleged crimes and the resulting difficulties in securing evidence with death and dispersal of alleged criminals and witnesses, it will be more effective to focus on the identification and location of those living who took senior positions of authority in the State apparatus at that time than those who committed sexual violence themselves. These high ranking military and civilian personnel are answerable to the crimes under the command responsibility. The burden of proof in this category is relatively easy to fulfil. For this, the structure of command and the decision making process will be highlighted.

Third, it is important to remember that the facts which need be proved in each category of international crimes vary. While the degree of the governmental and the military involvement in setting up and running of comfort stations' is crucial in attributing State responsibility to the Japanese government, the manner of conscription, voluntary or enforced, for example, is not relevant in establishing criminal responsibility for sexual violence against women in comfort stations'. The systematic and organized character of these crimes are relevant in making them additional crimes such as crimes against humanity and genocide.¹⁴⁾ The Tribunal should show that the problem is not confined to the involvement of the Japanese government in the establishment and management, but the State apparatus, especially the military, took a direct part in mass rapes committed within and without the comfort stations'.

Post-war Responsibility

The fact that the Japanese government has so far not taken no genuine action to resolve the issue of military comfort women' needs a further

14) For the relevant categories of international crimes, see in particular the McDougall report, *supra* note 1.

assessment before the Tribunal. The Japanese government has instead indulged in the practice of denying, covering up, concealing, and distorting the truth and further making defamatory statements against victims, not to mention destroying and hiding documents and materials during and after the war. It is believed that there had been widespread killing and abandonment of comfort women' without leaving any means of subsistence in a foreign and often hostile terrain. Thorough investigation is required to illuminate this aspect. The Japanese government is clearly under the international legal obligation to investigate the criminal acts and to make reparations including compensation and apology.¹⁵⁾ No doubt the concealment of the truth hinders any reconciliation efforts.

The Tribunal may also be asked to answer the question (3) above mentioned. It is known that the Allied Powers had compiled extensive documentary and other evidence about the military sexual slavery in the immediate aftermath of the war. If they themselves had not condoned what happened to those women, making them complicit in the commission of the atrocities, they owe a duty at a minimum "to explain [why they did nothing to bring those offenders to trial or to obtain reparations for the victims] and to make public all records in their possession, pertaining to this issue."¹⁶⁾ It may be questioned further whether they and other States (including victimized countries) have additional obligation to take action to hold the defendants responsible, for instance, to investigate and punish them.

3. Composition of the Tribunal

The question of composition of the Tribunal and the allocation of appropriate roles of the participants should be decided in consideration of the objectives, the character and the limited resources available to the Tribunal. To facilitate the agreement on this seemingly technical matter, the following suggestions will be made.

15) *Velasquez Rodriguez Case*, Judgment of July 29, 1988, Inter-Am.Ct.H.R., Ser. C, No. 4 (1988), 95 *ILR* 259.

16) Dolgopol and Paranjape, *supra* note 5, p. 203.

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The number of judges shall be sufficient to reflect various perspectives on the issue. The qualification of judges need not be confined to lawyers, considering that the purposes of the Tribunal are not merely to call for compensation and punishment of those responsible for the crimes. Their minimum presence, however, will be required for the proper proceedings of the Tribunal. Those with expertise in other areas and moral authority, who may be regarded as representing the conscience of the international community, preferably of international eminence, will suffice, ensuring, of course, women's participation. The idea that they should come from countries other than the offending country and victimized countries needs further examination.¹⁷⁾

In addition to conducting the trial, the other function of judges will be to issue judgements. Considering the time constraints for writing judgements, it needs not to be full and long. It may be more effective to render a concise and emotive judgement addressing to the citizens of the global civil society with the identification of essential facts and the application of law. It will be doubted whether this should necessarily be a legal judgement.

Another difficult question is whether we will have prosecutors to indict the alleged criminals. There was also an idea to constitute an international prosecution office before the trials to conduct investigation into the crimes and to issue indictments of alleged criminals, which may conduct an important preparatory work for the eventual trial before the non-governmental tribunal. It will be noted, however, that the prosecution system originally represents the State authority stemming from the structure of modern States which seeks to monopolize the distribution of penal justice. The proceedings may take the form of 'civil actions', i.e., victims bring their cases to the Tribunal. There is also a danger that victims may just be relegated to the status of witnesses instead of being a center of the whole process.

If the organizers of the Tribunal decide to have prosecution element, efforts should be made to ensure that victims and their representing

17) VAWW-NET Japan Research and Investigation Team. Aims of the International Research and Investigation Committee Proposal from Japan (paper presented to the 1998 International Symposium How to Hold Women's International War Crimes Tribunal on Japan's Military Sexual Slavery in the Year 2000? , Tokyo, Japan, 12 December 1998).

organizations play a greater role, perhaps by way of appointing one prosecutor for each country at least. It is to be born in mind that the real justification for the Tribunal comes from victims whose sufferings continue till today. In other respects, similar considerations will be taken into account as in the case of judges. The possible functions of prosecutors will be discussed in the next section.

The introduction of juries needs to be considered in this connection, too. The idea is that they may symbolize the target audience of the message the Tribunal will send out. The process of deliberation may be open to the public and each jury may be encouraged to write their own verdict for their eventual publication. The whole participants in the proceedings of the Tribunal will also be able to draft and pass resolution(s).

The question of defense counsel receives different treatment by the participants in the preparatory meetings. The proceedings will be in principle open to all who wish to present their cases before the Tribunal. It is questionable, however, whether we should make special arrangements ourselves. I doubt personally whether it is really necessary to prove the impartiality of the participants and give the semblance of fair trial in achieving the objectives of the Tribunal. It is after all one way of doing campaigns. The proper way of the Japanese government and the defendants to put forward their arguments in defense is to respond to the call for justice before national or international courts.

The Tribunal may have a secretariat in charge of administering and recording the sessions. At the preparation stage for the Tribunal, the secretariat may function as a pivot for sharing information and public relations as well as other preparatory works. Their roles are different from those of international tribunals. The Women's Tribunal International Organizing Committee inaugurated in February 1999 may assume the role of secretariat.

4. Procedure of the Tribunal

There is an interesting suggestion to adopt a charter to regulate this and other aspects of the trial. It apparently draws on the analogy of the

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Nuremberg and Tokyo trials, modeled also on the more recent Statutes of the War Crimes Tribunals for Yugoslavia and Rwanda and the International Criminal Court. As will be seen in the following, the same considerations will not be always relevant in resolving procedural issues arising before the non-governmental Tribunal. While the governmental tribunal needs an elaborate procedure as exemplified by these Statutes, flexibility may be the heart of non-governmental tribunals with no pre-set and exacting framework. The technical issues involved in the criminal procedure may frustrate rather than enhance the objectives of the Tribunal. Practical issues concerning procedural aspects are better be solved in consensus of the organizers and judges to avoid unnecessary complexities and possible drainage of resources.

As for the proceedings examining the responsibility of the State of Japan under international law, victims may submit an invitation letter, if not an application, to the Tribunal, which then may transmit the letter or application to the Japanese government at an appropriate time before the trial. A reply by the defendant to the application is not likely in the light of the present state of affairs. The lack of acceptance by the Japanese government of the competence of various human rights committees under international human rights conventions will also be noted.

Prosecutors or the Prosecution Office, if it is decided to appoint them, may issue indictments against the accused persons. It may be useful as a strategy to raise public awareness of the coming Tribunal. In the indictments will be outlined the facts and applicable laws in a detailed manner. The investigation team and legal team should cooperate fully to do this. The problem, however, is that whether the prosecutors have sufficient time to concretize the charges to be put into such indictments well in advance of the holding of the Tribunal. Here again the exact rule of evidence obtaining in other contexts is difficult to maintain in this Tribunal.¹⁸⁾

As to the means of securing the presence of the accused and witnesses (not only victims), the Tribunal may consider whether to issue requests, summonses or subpoenas to appear at the trial. Considering that much of

18) Cf. *Prosecutor v. Rajić* (Review of Indictment), Case IT-95-12-I, Decision of 29 August 1995: 108 ILR 10.

evidentiary materials are in the hands of States, it will be questioned whether the Tribunal will request the production of certain documents in the hands of the authorities and individuals (*subpoena duces tecum*). A campaign at the preparatory stage of the Tribunal to disclose and open their wartime archives and documents will be useful. In the event that they do not respond to the requests, it has to be born in mind that the Tribunal lacks legal basis and power to compel compliance with these requests.¹⁹⁾ The Tribunal operates on the basis of cooperation.

One of the critical issues regarding the criminal procedure is whether the Tribunal will proceed in the absence of the accused. Considering that the established practice of international criminal tribunals answers it in the negative,²⁰⁾ to do otherwise will raise the criticism that the Tribunal contracts the rule of international law. Again, the focus of the proceedings is to initiate and call for efforts in identifying responsible persons and their roles in the sexual slavery of the military comfort women'. If there are persons who admit guilty and are willing to appear before the Tribunal, the proceedings will of course be a lot easier.²¹⁾

The Tribunal may proceed to reading of charges (by prosecutors), hearing testimonies of witnesses, submission of evidence and research results. The allocation of roles of each participant is essential. One or two victims from each participating country will give testimony within reasonable time limits. Testimonies of former military men may also be made. The written material may be presented to the tribunal with a concise statement on its contents. It may be necessary to devise necessary protective measures for the accused admitting guilty, victims and witnesses in the event of possible harassments against them.

On the question of granting awards of compensation and the imposition of penalties, it is doubted what useful purpose they would serve for our objectives. This appears to be just a symbolic gesture, also making the trial

19) Cf. *Prosecutor v. Blaskic* (Objection to the Issue of *Subpoena Duces Tecum*), IT-95-14-PT. Decision of 18 July 1997: IT-95-14-AR 108*bis*. Decision of 12 August: 110 ILR 608.

20) E.g., Article 63, the Statute of the International Criminal Court, UN Doc. A/CONF.183/9 (17 July 1998).

21) Cf. Article 65, the ICC Statute.

look artificial. It will be sufficient for the Tribunal to find whether the accused is guilty. The trial before the non-governmental tribunal is part of the overall efforts to urge those of authorities to take effective measures to solve the issue of military comfort women'.

Another difficulty facing the Tribunal concerns an appeal procedure. The allowance of appeal against its judgements is not absolutely indispensable for our purpose, nor deemed necessary. If the defendant government and the accused feel the need to appeal or criticize the judgements, they should come forward and tell sincerely what they know and have done to the victims rather than picking on the defects of the procedure and the absence of real power of the Tribunal. As suggested in the above, the proper way of doing so is to fulfil their international duties.

From the above, it is clear that the procedural questions which will arise before the Tribunal are different in nature from those under other courts. It is suggested to solve these questions pragmatically in reliance on common sense and general principles of law to ensure fair and just trials rather than pursuing triple procedural niceties in a predetermined set of rules.

Conclusive Remarks

One of the main purposes of the Tribunal is to make the public aware of the fact that the atrocities committed against military comfort women' are crimes under international law and to put pressure on Japan and other States to take action to bring justice to the perpetrators. It is also to make the international public conscious that they themselves are suffering the consequences of these crimes, making them realize their duties and responsibilities to take action to put an end to the vicious cycle of impunity. The establishment and the proceedings of the Tribunal should be tailored to these purposes. Its distinctive character as a victims' Tribunal shall be recognized. The Tribunal will serve as a forum for telling the stories of women victims to which the governments refuse to listen. The holding of the Tribunal is like a mystic spell that a real' court will eventually bring justice to the victims.

Topic 3. "The Composition and Activities of the Women's International War Crimes Tribunal"

As urged by Ms. McDougall in her final report, the United Nations should take steps, inter alia, to "(a) gather evidence on individual military and civilian personnel who may have established, supported or frequented Japanese rape centres during the Second World War; (b) interview victims; (c) forward the preparation of cases for trial to Japanese prosecutors; (d) work with other States and survivors' organizations to identify, arrest and prosecute offenders within their jurisdictions".²²⁾ In doing so, the UN, and in particular the UN High Commissioner for Human Rights, it is suggested, should give every support and assistance to the preparation and the holding of the Women's Tribunal on Japanese Military Sexual Slavery. The UN's participation will be particularly welcome and an important and encouraging contribution to the success of the Tribunal.

Needless to say, more needs to be worked out to meet the challenges from the innovation of the Tribunal of how to approach the issue of individual criminal responsibility in a tribunal of civil society. I hope that this will be done in a spirit of solidarity and cooperation to further our goals.

22) *Supra* note 2, Annex. para. 63.