

THE WOMEN'S INTERNATIONAL WAR CRIMES TRIBUNAL

2000

ON JAPAN'S MILITARY SEXUAL SLAVERY

Transcript of the Tokyo Tribunal Proceedings Presided By

JUDGE GABRIELLE KIRK McDONALD

JUDGE CHRISTINE CHINKIN

JUDGE CARMEN MARIA ARGIBAY

JUDGE WILLY MUTUNGA

Taken on **December 08, 2000 at 2:30** in the afternoon

PRESENT: The Registry

Rowena Guanzon, Lawyer
Emiko Miki, Lawyer

APPEARANCES:

The Prosecutors for North and South Korea

(Tape 5 - Transcribed by: Liz Gallo)

**Continuation of the presentation of evidence by
North & South Korea**

REGISTRY: Please be seated we are a bit behind time.

All arise the court resumes session.

PROS. HWANG HO NAM: I am Hwang Ho Nam ~~the first secretary~~

~~for~~ North Korea so I'll continue my ~~statement~~.

from

Presentation

JUDGE MCDONALD: . . . wants to affirm that the witness we saw this morning is the same person who we saw in the video.

PROS. HWANG HO NAM: ^{Yes,} Your honor, ~~I fully understand.~~ Miss Yongsim Pak was videotaped so I will ~~affirm and~~ confirm she was actually on the video. ^{want to} Would you Miss Pak come to the front? [?]

JUDGE MCDONALD: If she does not wish to come up here . . . I do not mean for her to have to come up here. Just some indication that . . . just an affirmation. Okay?

PROS. HWANG HO NAM: Miss Pak during the morning session we all saw the video tape. Is it your testimony? Is it correct? I will ask the question again, during the morning session, we saw the video. Is it your testimony? Can you affirm that? Is your video tape yours correct?

PAK YONG SIM: Yes.

JUDGE MCDONALD: Thank you very much.

PROS. HWANG HO NAM: So I will proceed ^{with another} and ~~I will talk~~ ~~about~~ comfort women ~~about~~ Ms Ha Sangsuk who was also forced to work as a comfort woman. ^{Was it of} ~~clothing?~~ ^{What} ~~did you wear at the time. Not~~ ~~you but the person who actually came to you to~~

Korean comfort
~~take you away?~~ And these women came from all areas of the nation, Kyungsang Province, Cholla Province and all of the Korea and they were all very young like 19 and 20 years old and they were under 20 years old. ←

The number is K045. (Voices on tape but no interpretation) ←

On Sundays some comfort women had to have sex with 20 to 30 soldiers.

Honorable judges, we have the victim Miss Ha Sangsuk. May I have the opportunity to question the witness please? Miss Ha I would like to ask if the person in the videotape is you yourself? (The person has to use the microphone please. Thank you.) Thank you for your testimony on the videotape. Miss Ha, where are you residing right now?

HA SANGSUK: It's been 56 years. I can't speak Korean too fluently so I would like to apologize for not being able to speak the Korean but my hometown is ~~in~~ ^{En} the Choongch'ng ^u ~~province,~~ southern province, Yesan (?) City. My father was killed while he was in the forest and I was kidnapped by the Japanese people and then I was taken to the

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Chungsan, southern province and I was taken to the brothels. I was not able to dance or sing so I was forced to do the laundry and I did forced labor then later I was taken to the Chung Sung area and then I was raped that night then I was taken to Nanjing. At that time, we heard bombing all over the place and I still didn't know what was going on around me and some people would tell me that you're such a young little thing, how young are you to be at this kind of place. Some people would tell me such things. I had to get a permit to be able to travel.

PROS. HWANG HO NAM: Miss Ha, this is ^{the} a picture of ~~the~~ comfort station. Do you recall the name of the comfort station?

HA SANGSUK: It was called San ____.

PROS. HWANG HO NAM: Where do you live now?

HA SANGSUK: I live in Puan (China).

PROS. HWANG HO NAM : And Miss Ha while you were staying in the comfort station what was the most difficult memory you recall?

HA SANGSUK: Well, I was a virgin and I was taken to the doctor and the Japanese doctor told me that I was a virgin alright and somebody who seemed to be

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old enough to be ^{of} ^{15 age} ~~my~~ father slept with me. He raped me and he told me that from this night on, you will be serving the Japanese soldiers. I would have to take dozens of soldiers every night.

PROS. HWANG HO NAM : Thank you Miss Ha.

HA SANGSUK: I couldn't even walk because ^{it} ~~it~~ was hurting so much after being ~~taken advantage of~~ ^{raped} that way on dozens of times a day and in about two months I couldn't even go and urinate anymore ^{be} ~~because~~ I was ^{suffering} ~~hurting~~, I was bleeding. And after six months since I was taken to the comfort station, the Japanese people were defeated.

PROS. HWANG HO NAM: Thank you Miss Ha. Ladies and gentlemen, you have now just heard a live witness by the former comfort women and I'm sure you could ^{guess} ~~gauge~~ how severe the situation was. Now I would like to talk about ~~Ha Shing Ha Sangsuk and Song Shindo~~. ^{This} ~~these~~ ^{is} ~~are~~ victims ^{are} not able to be here today but I would like to talk about the grounds on which I claim that the Japanese government is ~~at~~ ^{guilty}. In 1938, June 15th, ~~they~~ ^{at} the cabinet member ~~thru the cabinet~~ meeting, the Japanese government decided to conduct (Muhan (?) operation.

~~that was ordered and the~~ ^{Army} ~~in charge the military~~
~~army~~ was the 11th ~~Army~~, area army, the commander
was Okamura Yasuji. On September 26th, the Han-gu
^{conquered}
(?) was ~~conquered and the military was on a~~

~~large~~ This is the picture of the area and the
operation was ^{conduct} ~~participated~~ by the 2nd Army and 11th

Army. The 2nd Army was absorbed after that
operation into the 11th Army. ~~The~~ Okamura Yasuji,
who is accused, ~~he~~ was at that time commander of
the 11th Army and also he confessed that at the
time the Vice-Chief of Staff of the Shanghai
Japanese Military said that he actually suggested
comfort stations system. And also the accused
said that at the time of the Muhan (?) operation,
the 60 region of the 11th Army took comfort women.

However, they couldn't do anything about rapes
and other things and they had no choice but to
bring comfort women. And also the adviser of the
11th Army, Murakama, was the one who actually
ordered the decision to build comfort station in

Han-gu(?) And according to this document, the
comfort station in Han-gu was established

^{on} November 25th and also because of the slip system,
the confusion among comfort women and comfort

stations were resolved. ~~And~~ ^T this was the picture of Ms Song who were also the victim of the comfort station. ~~And also she confessed that the~~ ^A . Nagasawa or doctor of the military confessed that comfort stations were established. However there was a new document supporting that there were safety measures in the Han-gu area. The accused Okamura Yasuji, was taking the position of Chief of Commander in 1944, December. And this is the memoir of the commander of the 11th Army. In this document there is a map which indicates that headquarter of the Commander of Wu-han and ~~also~~ comfort stations. There were about a hundred fifty comfort women at least eleven ^{comfort stations} houses for the comfort women. And here we can see the Sanseiroo comfort stations ^{as} ~~as we can see~~ Ha Sangsuk, Song Shindo ⁵ ~~were~~ forced to ^{in the case of} work in this comfort station in ^{was} Han-gu and ^{stay} Pu-an, and also the [?] accused Okamura Yasuji is fully accountable for the establishment and operation of the comfort station. ~~And also~~ Pak Yongsim and Song Shindo were taken from home and forced to ^{be the} work ^{become} as the comfort women. And ⁹ let's look at the accountability of these acts.

This is KR 14 to 17. This is the government channels or police bureau and this was issued by the department. This document shows that the Korean people at that time were transferred to China. In order for them to travel, they need to have some sort of identification certificate. So it was very difficult for them to travel without any certification by themselves. This is the format of the identification certificate. There is a ~~line~~ ^{which states} ~~which says~~ the purpose of travel. This ^{SECTION} says that the Government General of Korea had the full knowledge about the establishment and operation of comfort women and comfort stations.

And this shows the hierarchy or commander line of the Government General in Korea. ^{Based upon.} ~~According to~~ this, we can confirm that victim Kim Youngsuk, ^{Ha Sanguk} Song Shindo were forced to ~~work as~~ ^{become} comfort women.

At that time when they were transferred to China, the accused Minami Jiro ^{was} ~~were~~ ^{he was} ~~serving as~~ the Government General of Korea and ~~they were~~ deeply involved in that. So now we will hear testimony of another victim and this is also the testimony of the victim.

JUDGE MCDONALD: It is required under the Charter to make

an affirmation before they testify. I did not want to interrupt your previous offer of testimony but that witness will need to also affirm the correctness . . . affirm her testimony. And Ms Ha, would you like some water?

PROS. HWANG HO NAM: Yes, I understand. I would like to ask Ms. Ha Sangsuk. Do you affirm ~~to the effect~~ that the testimony is truthful in front of the judges?

HA SANGSUK: Oh, are you asking as to whether what I told you about the Japanese soldiers is correct? Of course they took me.

PROS. HWANG HO NAM: Once again I would like to ask you. Can you affirm that what you told in front of these judges is truthful?

HA SANGSUK: Is the Japanese people who took me here? They have to be the ones to take me back home. And they have to give me back my money. Give me fare to go back home and apologize.

JUDGE MCDONALD: mix up the Charter. I'm not implying anything. I'm just trying to let the witnesses understand the requirements of the Charter. That's all.

PROS. HWANG HO NAM: Ms Ha, I would like to simply

ask you whether you acknowledge that what you said at this Court, at this Tribunal is truthful. Do you acknowledge it?

HA SUNGSUK: Yes.

JUDGE MCDONALD: Before you proceed with the other witnesses I think the Registrar would like to have them affirm before they begin their testimony.

PROS. HWANG HO NAM: Next we have Ms. Kim Yong Suk. Ms. Kim Young Suk, do you acknowledge and affirm that you will only tell the truth?

KIM YOUNGSUK: Yes.

PROS. HWANG HO NAM: Ms. Kim Youngsuk, do you affirm the fact that you will only testify the truth and nothing but the truth?

KIM YOUNGSUK: Yes, I do.

PROS. HWANG HO NAM: Honorable Judges, may I proceed with the witnesses' testimony? In that case, I would like to ask the victim Kim Youngsuk a few questions. Could you describe how you were taken to the comfort stations in the first place?

KIM YOUNGSUK: I was only twelve and I was working for ~~this~~ ^{this} ~~richer~~ family in the area and the Japanese police came by and told me that I could make a lot of

money that I should go with him and he took me to this destination for days riding the train and taking horse carriages and I finally arrived in an area called Shenyang and from then on, I became a comfort woman.

PROS. HWANG HO NAM: When you first entered the comfort station, could you describe the situation please.?

KIM YOUNGSUK: It was a Japanese Army and it had a hospital there and there were many, many different rooms which belonged to the comfort station many rooms side by side and surrounding this comfort station, there were high walls with wide barbs all over the place. And we had these guards guarding everywhere.

PROS. HWANG HO NAM: At that comfort station, you were taken to, you were forced to live as sex slave. Could you describe how ~~your rights~~ were violated there? *you*

KIM YOUNGSUK: The police who took me there, told me that I'm leaving now and he told me to just stay there. And when I tried to go with him again, there were dogs all over the place barking. And I could not escape. And I was left at this place and I went to the very last room at this comfort

station and they asked ~~me~~ my name. And I told them my name was 'Kuson' and they said that's such an ugly name. And your new name now is ~~Nakada~~ ^{Odaka} (Indictment page 22, new name is 'Odaka') And they gave me ~~this~~ ^a gown to wear.

PROS. HWANG HO NAM: I'm sorry Ms. Kim, I don't mean to intrude but the screen is showing your scar. Now how did you get this scar?

KIM YOUNSUK: I believe his name was Nakamura. ~~His name was Nakamura and he~~ came in and he told me I really look like a Korean. And he told me his name was Nakamura. I wouldn't have known his name any other way. He told me 'you Korean girl, you look pretty'. He told me, 'Let's have some fun.' And I was only twelve years old. I didn't know what that meant, to have fun. And he stripped me naked. And then he took out his penis. And I was frightened but he was literally forcing me on the ground and he ~~cut me open~~ ^{stabbed} with his sword. Then I was bleeding and then he completely took off his pants and he raped me. He raped me to the point where I was bleeding and I was crying.

PROS. HWANG HO NAM: I'm sorry Ms Kim but how old were you then?

KIM YOUNGSUK: I was twelve.

PROS. HWANG HO NAM: And on your stomach area and on your thigh area, you had other scars?

KIM YOUNGSUK: And there was another soldier, Kanemura, and he came in and he called me names for being a Korean woman. And he told me that unless I know how to worship and serve the Emperor Hirohito and the Japanese soldiers, ~~that~~ I should be punished. He stripped me naked and he also cut me with his sword. And then he hurt my breast area. If you see my body, I'm full of scars. He hurt me all over my body. I hate Japanese soldiers. I can never forgive them. I'm over seventy now but I can never fully forget or forgive.

PROS. HWANG HO NAM: Thank you, Ms Kim. Is there anything else you would like to add?

KIM YOUNGSUK: No. I didn't come here for money. I didn't come here for pity. I want you to know that I lost my youth, my life and here you are, and unless the Japanese government representative comes in front of me and apologizes, I would never forgive them. (Applause)

REGISTRAR GUANZON: Do you swear that everything you stated here is true?

from the audience

MOON PIL-GI: Yes.

PROS. KANG JEONG-SOOK: I am Kang Jeong-sook, one of the prosecutors. Honors, ~~according to the violation~~ *focus on rapes and other* ~~and rapes,~~ and I'll try to ~~prove these~~ violations of human rights ~~and~~ I'd like to present a victim, Ms. Moon Pilgi.

JUDGE MCDONALD: Your name?

PROS. KANG JEONG-SOOK: Kang Jeong-sook.

JUDGE MCDONALD: Thank you. You may proceed.

PROS. KANG JEONG-SOOK: How old were you when you were taken away?

MOON PIL-GI: Fifteen years old.

PROS. KANG JEONG-SOOK: Who brought you?

MOON PIL-GII: The police.

PROS. KANG JEONG-SOOK: How did they take you away?

MOON PIL-GI: From the neighborhood . . . you see I was ~~in~~ *educated* ~~a very poor~~ *academic performance* because parents didn't ask ~~the children~~ *girls* to study that hard. And my father didn't ask me to study because we were under Japanese rule and I didn't go to school.

PROS. KANG JEONG-SOOK: Who actually ~~took~~ *did* you away? *take*

MOON PIL-GI: One of my neighbors.

PROS. KANG JEONG-SOOK: Were there anybody ~~who~~ with that neighbor?

MOON PIL-GI: It was a truck and I was ^{taken to} ~~on~~ the truck.

PROS. KANG JEONG-SOOK: When you were taken away?

MOON PIL-GI: Yes.

PROS. KANG JEONG-SOOK: That was police, right?

MOON PIL-GI: Yes. That was police.

PROS. KANG JEONG-SOOK: So you went to the Manchuria area.

~~so how were you raped?~~ ^{What happened?}

MOON PIL-GI: When I arrived in Manchuria, I think it took
about ten days to arrive at Manchuria area.

PROS. KANG JEONG-SOOK: ~~So when you arrived, you were~~

~~raped.~~ Can you describe what happened in
Manchuria?

^{when you arrive}

MOON PIL-GI: Yeah, when I arrived at comfort station, I

didn't know where I was. But anyhow in the
comfort station, I was forced. For example, they
tried to rape . . . you know . . . they tried to
make myself as a . . . you know . . . sexual slave.

So I fainted.

^{was}

PROS. KANG JEONG-SOOK: How did they do that?

MOON PIL-GI: They tried to rape me and they were forcing

me, they were treating me as a slave. And they

kicked me, hit me, when I was not ~~very~~ good ~~at~~ ^{to}

~~that~~ ~~them.~~ ~~And also~~ . . . and ~~burned~~ my skin. You know

^{them}

~~and if~~ there was ~~bread~~ burning, scorching iron

bar, and you know I have a scar, still,
underneath my arm.

PROS. KANG JEONG-SOOK: Were there only soldiers?

MOON PIL-GI: Yeah, mostly soldiers.

PROS. KANG JEONG-SOOK: Were you able to escape?

MOON PIL-GI: How could I do? You know in order to escape,
I need to know the places but we were surrounded
by the soldiers, ~~or~~ the wires and all were
military stations. I was so young. ~~Now~~ I was
scared to be killed.

PROS. KANG JEONG-SOOK: So you were under ~~guard~~?

surveillance

MOON PIL-GI: Yes.

PROS. KANG JEONG-SOOK: As Kim Youngsuk, Moon Pil-gi

testified, in 1939 and 42 respectively, they were
taken to Shenyang and the border area of China
and Russia and they stayed there until the end of
the war. And they forced to serve as comfort
women ~~and they~~ the area was ~~the area~~ ruled by
the commander ~~and the commander's name was~~
Umezuro Masuji Yoshijiro. Let's look at the video
testimony by Kim Bokdong. Kim Bokdong was very
sick and she couldn't travel by ~~airplane~~ so we
videotaped testimony.

KIM BOKdong:

- Video presentation -

(End of Side A, English tape 5-7)

(Start of Side A, English 6-8)

- Video presentation -

PROS. KANG JEONG-SOOK: Thank you. The case of Kim Bokdong

is a very typical case ^{with most} ~~with most~~ of the comfort women in Korea. Kidnapped at fifteen, Kim Bokdong was taken to Guangdong, Hongkong, Malaysia, Indonesia and ultimately Singapore. Once the

comfort stations were established they were taken ~~advantaged~~ of sexually ^{violated.} ~~and~~ ^{These stations were} ~~was~~ under the commandship of the 31st Army, Ando Rikichi. Now

I would like to give you a summary of what ~~I could say about~~ these testimonies of the victims.

What was waiting for them at the comfort stations, only rape was waiting for them.

Although they resisted ^{because} of the physical threats and bodily injury ^{they} were not able to escape from the situation ^{In order to end this}

hell-like situation, they even tried to escape or commit suicide. Some even became addicted to opium. As you can see it was literally

impossible to escape. There were guards, barbed wires and guard posts. And even if they were able to escape, these were strange places and these were islands that were isolated, they could not speak the language, they did not have money, and those who were captured while they were trying to escape they were not only punished, some were actually executed. Under severe ~~guard~~ *control* of the Japanese military, they ~~had to be~~ *were forced to become* sex slaves ~~for~~ *became* tens and dozens of ~~military~~ *of soldiers*. When necessary, the Japanese military even set up ~~this~~ *These women* make-shift comfort stations ~~and they~~ were sent to isolated islands, to the extreme front lines of the war, they were literally risking their lives in the middle of bullets. As you can see, the fact that the comfort station was a systematic rape supported by the government can be shown in the following military rules and regulations ~~and~~ *dealt with*. *the* these rules were made to control the military personnel and ~~it talks about the regulations on~~ prevention of venereal disease and the issuance of army tickets for these stations, etc. *These* victims, once they came back to their home country, tried very hard to come to grips with

the situation ~~and~~ some people actually tried to
deal with ~~it~~ by painting. (Picture shown) This ~~drawing~~ was ~~drawn~~
~~by one of the victims.~~ ^{the trauma} ~~And~~ ^{survivors} she tried to depict
her horrible ~~life~~ ^{experience} in the comfort station in ~~New~~
~~Guinea,~~ ^{on} one of the New Guinea Islands. As you
can see in the backdrop, you see this beautiful
island scenery, however, you see these soldiers
with guns. How ironic the picture is. Thank you.

PROS. YANG HYUN-AH: My name is Yang Hyun-ah, and I will
now present to you the crimes committed against
the comfort women. Is your name Ah Boksun?

REGISTRY GUANZON: Did you tell the truth?

AHN BUP-SOON: Yes, I do.

PROS. YANG HYUN-AH: Thank you very much. Before I begin
hearing the testimony, let me briefly tell you
the background information about this situation.
In 1945, on August 15, the W.W.II ended. But
did that end the suffering of the comfort women?
No. Honorable judges, I would like to state that
we need to shed light on the life of the comfort
women after the war. However, we do not have
enough evidence because all of these evidence was
destroyed and classified as state's secret
documents. I would like to say that to begin

with. I would like to present to you witnessing testimony by the victims and also for those deceased, also the living, surviving victims, will also talk about the other people's suffering as well. Even though the war ended in 1945, most of these comfort women did not even know that the war ended. They often testified that one day they woke up and all the soldiers were gone. In other words, they were just left behind. They were abandoned. They could not even come back home. As a result, what do you think happened to these comfort women? Usually, these comfort women had to face one of the following three consequences; first, they died. Already, they were faced with threats to their lives, throughout this stage, even before the end of the war and had to go into the mountains areas and they had to survive somehow by eating snails and snakes. Especially in areas like Saipan and Okinawa, which were the areas of the II WW, they were actually killed instantly because of the bombing. In other words, most of these comfort women who are surviving today actually witnessed how their fellow comfort women were killed in this bombing.

or thru hunger. Also there are even testimonies that says some of these sick comfort women were actually herded into this one place and were bombed. Sometimes there were even testimonies that said that these comfort women were put into one place and bombed to eliminate any evidence. As you can see, we presume that the actual number of comfort women taken from the Korean peninsula could exceed far more than what we are presenting. Such elimination attempts on the part of the Japanese government to hide the secrets about the comfort stations is one of the reasons why we do not have the accurate number of victims. Now I would like to ask one of the victims, Ahn Bop Sun. Yes may I ask the question first? How old are you now?

AHN BUP-SOON: I am 76.

PROS. YANG HYUN-AH: Which comfort station were you at?

AHN BUP-SOON: In Singapore.

PROS. YANG HYUN-AH: Then in 1945, on August 15, did you know that the Japanese army was defeated?

AHN BUP-SOON: No. But one day I found that no Japanese soldier was around. There were some comfort women who gave birth to children, and these women were

sent back to their homes, but I was left behind by myself.

PROS. YANG HYUN-AH: What did you mean by having children?

Whose children?

AHN BUP-SOON: These were children of these Japanese soldiers. So since they gave birth to Japanese soldiers' offspring, they were given first priority to be sent back home.

PROS. YANG HYUN-AH: Okay so are you saying that okay those g_____ who gave birth to Japanese soldiers then what?

AHN BUP-SOON: So I was left behind. I was Korean and I wanted to beat up any soldier that came into sight, so I walked out into the street, but there were no soldiers around and there were only a few Korean people left and somebody told me that I had to go into the mountains and that there was no food in the mountain area, so I had to survive on any kind of vegetation or corn.

PROS. YANG HYUN-AH: What did you say you cooked?

AHN BUP-SOON: I said tree leaves. So over a year I stayed in the mountain area. And then I was eventually led to another place.

PROS. YANG HYUN-AH: So when you came back to Korea, did

you come Back with other comfort women?

AHN BUP-SOON: No, no, no it was just me. Other people left before I was able to. I heard that most of these comfort women were all killed on a ship going back to Shimonoseki. This ship was bombed. And I heard the ship sank and children and women were all killed.

PROS. YANG HYUN-AH: So you are saying that from your comfort station, only you survived?

AHN BUP-SOON: That's correct. That's why I had no fellow comfort women around that I could talk to.

PROS. YANG HYUN-AH: is there anything else that you would like to add?

AHN BUP-SOON: Well if you asked me if I have anything else to say of course I could talk about things for hours on end. I only have numbered days left in my life. I'm only waiting for the day I die.

PROS. YANG HYUN-AH: Is there anything you would like to say to the Japanese people?

AHN BUP-SOON: We are still surviving. I don't think all these perpetrators are deceased now. I think some of these perpetrators are still surviving. I would like to tell these perpetrators that you should face up to the truth. That they should

own up to the truth and disclose the truth. And we have to correct the situation when they say that nothing of that sort has happened. It really happened. I don't think all these perpetrators died so I think they should own up to the truth. Thank you.

JUDGE MCDONALD: Judge Argibay has a question.

JUDGE ARGIBAY: May I ask you something. I didn't . .

heard .. or didn't register when you said how old were you when you were kidnapped.

PROS. YANG HYUN-AH: She didn't say . . . she said . . .

excuse me. .

AHN BOP SUN: When I was 17 years old.

JUDGE MCDONALD: We have no additional questions. We thank

each of you very much for coming to this tribunal to testify and I would like to thank Ms Kim Young Suk who has left the witnesses on the stand. Thank you very much for coming to testify, each of you.

PROS. YANG HYUN-AH: So, first, the one is that of the

comfort Women; second type was the forced station abroad, meaning Diaspora. Today in Cambodia, in China, in a lot of areas, there are several Korean comfort women found living. And also in

area of Moohan in china, about 32 comfort women are currently residing. This book shows that the testimonies of these comfort women. In 1994, they were able to see the Korean people from Korea. When they went to the country, they were forced to live there. How can these people be compensated? The third consequence was, fortunately, some of these comfort women were able to come back home. However, they were left with nothing. They had no support, no money, no place to live. In abroad, in the chaotic era of 1940's, they faced so difficulty to come back home alone. The surviving victim Che Gup Soon, walked from Manchu area to come back home and it took four years for her. During that process, she witnessed so many people dying on the street and she faced so much difficulties. During that course there were lots of women who died, killed and raped on the course of coming back home. So the difficulty and pain of the comfort women did not end with the end of the war. Rather they died even after the war and they could not come back home forever. Because there was so much human casualties and forced living abroad was the real

consequence of the deliberate abandonment of the Japanese government and the military. And this abandonment is the same as murder in war. The Japanese government and military should be held accountable and responsible and should apologize in a stern manner. So what happened to these comfort women who managed to come back home, were they able to come out of their past atrocities and memories? No I don't think so. For the past 50 years, they were in silence. These difficulties and atrocities were beyond description and they lived with these pains. So let us look at the post-colonial trauma of these victims. First of all, the trauma that they had is more than physical, it is mental and spiritual difficulty. Whenever they think about the past atrocity, they remember all these bad and also suffered from nightmare. And on their bodies, on their hearts and on their minds, all the atrocities and brutality of the Japanese military were there. Its indelible. And this is continuing also now. This is the very characteristic of the trauma of the comfort women. Okay, now let me be more specific about

this trauma. First, the one is the physical trauma. As I told you already, during the work as comfort women, they were kicked, tortured and these women had bad bodily injury, so much scars and trauma. And also, because of numerous rapes, they were conflicted, they had sexually transmitted diseases and they were forced to conduct abortions, so they lost the capability to give birth. And their genital areas were all destroyed. They were not able to get pregnant again. And also, some women suffered from syphilis. So this is the physical trauma that I showed you. Let me show you slides of this trauma.

JUDGE MCDONALD: . . . you held of a book, would you like to read into the record the title of the book and it may be in Korean. I presume it is. But would you like to offer into evidence that book?

PROS. YANG HYUN-AH: Yes.

JUDGE MCDONALD: Certainly read the title since you made reference to it and the author.

PROS. YANG HYUN-AH: "Comfort Women Who Were Forcefully Drafted Into China." That was the title of the book. It was edited by "Tong Shin Deh" Research

Institute and Korean Counsel of Sexual and Military Comfort Women by Japanese military soldier.

JUDGE MCDONALD: It will be then admitted and the Registrar will number it or letter it appropriately. Thank you.

PROS. KIM UN YONG: I am Kim Un Yong, for North Korean Prosecutor. Your Honors, from now on, I would like to talk about the screen, which shows the trauma of the victims. This is victim Pak Yong-Sim. She lost her mother. She lived with her stepmother. And she was enticed by the Japanese police and was dragged to several places and she was forced to live as a sexual slave. Everyday, an average of 30 to 40 Japanese military came to her to rape her and when she was transferred to the prison camp, she was pregnant, as you can see. She was pregnant. But one day she had severe bleeding and she had operation in the camp hospital. After that she suffered several diseases as an aftermath of her comfort women service and in 1967, her womb was eliminated. Her uterus was eliminated. (Next slide) She is Kim Yong-Suk and at that time, she was only 12

years old. She was such an innocent girl, who could have lived happily with her family. And she was immature young girl who was unable to satisfy the sexual needs of these military soldiers, however the Japanese soldiers brutally raped her and also they cut her genital area with their sword. The Japanese soldier used a sword and also, her leg bones were broken, because the Japanese soldier kicked her. As you can see, you can see a lot of scars, tens of scars and also the sword attacked her breast area and stomach area. And up to now, because of that injury, she has severe diseases and has some problems in digestion. And because of the broken bones, she could not walk properly, and as you can see, she is suffering from so much pain in her legs, even she's 70 years old, more than seventy years old. She is suffering everyday because of so much disease and aftermath of this bodily injury.

This is also trauma of Chun Sun Myong. She was very poor and she was only 19 years old. She was enticed to join the comfort station because she heard that she would earn a lot of money in 6 months and she was forced to work as a comfort

woman. One time she was so tired and so sad and the Japanese soldiers threatened to kill her and kicked her and tortured her. So from those injuries she took out her uterus when she was forty.

This is victim Lee San Gyong. She became pregnant at the age of 16. And the baby was taken out of her uterus and the baby was thrown away. And she was not able to get pregnant because her uterus was taken out. This shows the scar, which shows that the sword actually opened her stomach.

This is Yu Sun Ok, the soldiers also cut her stomach. You can see the scar on this screen as well. She is suffering from heart disease and she has so much difficulty in understanding and she passed away already.

As you can see this is the victim Chung Ok Sun. As you can see how brutal the scar is. At the age of 14, she was forced to live as a comfort woman and she could not endure the horrible life and she tried to escape. Because of that reason, because she was trying to escape, iron rod beating started and water torture conducted and

also the tattoo was made on her tongue, lips, breasts and stomach. Because of this torture she lost one eye, and she lost her tongue. So she could not speak at all for ten years. And also, because of these scars of humiliation, and she could not speak anything about it, for the 10 years she could not take a bath with anybody. And she suffered so much and she passed away. As you can see from these screen, all of the comfort women, forced to work as comfort women, because of that unreasonable request from the military soldiers of Japan, they need to undergo such brutal torture and beating. Up to now, even 40 or 50 years later, even the comfort women are continuing to suffer these great injuries, bodily and mental injuries. Some of these comfort women are still surviving, but some of these women are passing away. Now we'll leave that. We need to credify how brutal, how outrageous the atrocities committed by the Japanese government. Thank you.

JUDGE MCDONALD: I have one question, if I may. Could you please tell me how many Korean comfort women are currently alive, to your best information.

PROS. KIM UN YONG: From North Korea, 43 had been

discovered. Yes I would like to answer the question. From the North Korea only up to this point 218 former comfort women have been discovered and about 20 some victims have come forward to testify, and many of these have passed away and only 23 are surviving now.

JUDGE MCDONALD: . . . North Korea . . . there are 218

former comfort women from North Korea and somewhat over twenty have come forward.

PROS. KIM UN YONG: Yes, 218 from North Korea only and

these are only the assessment that we were able to make. I am sure there are more. And out of those 218, over about 43 have actually agreed to testify. And out of these people, over 20 people have passed away. So we now have 23 victims surviving. There have been 198 survivors of military comfort women in South Korea among them now there are approximately 155 survivors alive and among them, approximately 65 gave her full testimony so that we can write on their stories.

JUDGE MCDONALD: Thank you.

PROS. KIM UN YONG: Yes, we heard about the physical

evidence of bodily post-colonial damages. Now of course these bodily injuries can be shown in the

form of photographs, but how can we ever describe the trauma that was imposed on our minds and spirit. So from this point we will talk about the second and the third points which are damages to the victims' minds and spirits. Those survivors in S. Korea could not marry anybody else after this experience, because many of these people suffered from mutilization, genital distortion, and because of infertility they considered themselves unfit to marry, so most of these women lived alone for their entire lives. And even when they actually marry somebody, it was not exactly a marriage per se. They had to be a 2nd wife to a man, or they had to stay in a marriage with somebody much older or incompetent. Because of their horrible experience as comfort women, their family dynamics have been forever destroyed as well. Many of these comfort women were not welcomed by their families. And they themselves could not go back home because of their humiliation and they did not feel that they were worthy of coming home. So as you see, the close knit of family life did not exist in these women's lives. Therefore, they had to suffer

from hunger and loneliness throughout their lives. Moreover, even those women who were able to give birth suffered from many of the side effects. For instance some of their children became infected with syphilis because of the dormant syphilis germs within these women and these offspring suffered from psychosomatic disorders and they are still suffering everyday watching their children suffer. So what do you feel that these scars on these women's hearts would look like? Upon arrival home, some of these comfort women had to be institutionalized in mental hospitals and most of these people are still suffering from Tinities, most of the times, they feel claustrophobic and they often wonder what people are talking about them when they see people gathered around. In other words, they are constantly beset with fear and anxiety in dealing with people around them. From now on, I would like to show you some screens that we have prepared for you which shows testimony by the victims describing their trauma on their mental states. This study was conducted at a hospital and intern area during September and October on

mental distress. We conducted PTSD, Post Traumatic Stress Disorder test and experiences of traumatic events were evaluated. 14 survivors from south Korea participated in this test and all of them showed irregular responses to these test, showing irreversible effect. These women are constantly having nightmares and they cannot talk about these horrible experiences. They want to avoid it, they want to deny it and although they are constantly beset with these horrible memories, they cannot verbalize their trauma. Even if they express it, they could not find anybody who could feel empathy towards them or understand them. On top of that they are suffering from sleep disorders, depression, powerlessness, psychosomatic symptoms. In other words, as their anxiety worsens, in the case of psychosomatic symptoms, these people are actually showing physical symptoms. Most of these victims are complaining about body aches throughout the body they and are constantly suffering from these mental disorders as well. So let me briefly show this video.

- Video presentation -

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Thank you, thank you. The victim, Yoon _____ Bum passed away after a month after this video was taped. Now we don't have much time left. To perpetrator, to the Japanese government, we don't have much time left. Perpetrator needs to have some time to make apology and to make a reparations. They don't even so much time give up the word (?). So Honorable judges please be fair and give us a fair judgment. Thank you.

JUDGE MCDONALD: I have just one question. I have one question, if I may? I too may have missed that when you began the presentation of the study. When was it conducted? By what group?

PROS. KIM UN YONG: Yes, it was conducted by Intansarang(?) Hospital, in South Korea. It was taken place in September 21st . . .

JUDGE MCDONALD: Of 2000. I think I saw the page on one of the

PROS. KIM UN YONG: Yes . . 2000 . . yes.

JUDGE MCDONALD: Thank you very much. Just one moment.

(End of Tape 6)

(Start of Tape 7)

MALE PROSECUTOR

Honorable judges and participants, we

W. J. Kim

took a long time and we saw many testimonies so finally working up all our testimonies and presentations we want to provide some legal ground for that. So first of all the individual responsibilities and liabilities will be described by a prosecutor Cho Si Hyun from South Korea and from the North Korean prosecutor we will hear about the state responsibility, Mr. Jong Nam Yong, from North Korea will be presenting this.

PROS. CHO SI HYUN: I'm Cho Si Hyun from common prosecutors of Korea. Honorable judges and participants you've heard most barbarous and outrageous crimes on the earth and the inflictions which still continues have been presented. You also heard all the testimonies of the victims. According to all the evidence submitted to the judges and the testimonies, I'd like to charge the accused as a person individual accountability. The common prosecutors will indict the accused as shown on the screen. First, OKAMURA YASUGI In relation to the comfort women station we already presented hard evidences. Anyhow, OKAMURA YASUGI was the first high ranking official who was deeply

involved in the establishment of the comfort women. Umezu Yoshijiro as you already saw, he served as a commander of the Quantum army from September 1939 to June 1944 and there were comfort women approved by him and they established the comfort stations in Manchu area and borderline with Soviet Union. Ando Rikichi. Matsuyama Yuzo. He served as division commander of the Burmese army 1st division and he is responsible for atrocities committed against Korean comfort women. In particular, as you can see on the screen, there were some news coverage about the comfort women in these areas. This is very notable. Next one is Minami Jiro. Minami Jiro as we've already seen previously he was in the position in charge of transportation and recruitment of the comfort women in Korea. He had full authority over the recruitment of the comfort women. And he was found guilty on the legal ground of invasion of China in the International Military Tribunal for the Far East. However, in that tribunal as a commander of the Japanese army in Korea he didn't have any responsibility identified. In the International

Military Tribunal for the Far East, they did not charge Minami Jiro for his involvement in the crimes against Korean comfort women as well as others. Next one is Itagaki Seishiro. He also served Chuson Army in Korea. In particular we can talk about Tojo Hideki. He had overall commanding authority as we can see in this screen. He was the highest ranking official who executed the policy about comfort women. However, Tojo Hideki, was in the position who gets order from the Emperor Hirohito. All the documents related to the Emperor Hirohito shows that Hirohito had full knowledge about all the atrocities committed in the comfort stations and also even though he committed the crimes he didn't have any measures taken against it. As we have seen up to now according to the evidence and testimonies including videotaped testimonies we will make a translation of it and by tomorrow we will submit these evidences to the judges to this tribunal. In Sino War and during the Second World War these accused established and executed so called comfort station policies and also they forcefully mobilized and recruited comfort women in Korea

which numbers about a 100 thousand and also they committed rape and other sexual violence, bodily injury, mutilation, torture, detention and even they murdered these women and beyond the description inhumane treatment were committed by these military soldiers.

Now I will tell you specifically the legal grounds of the responsibility. They planned, instigated, ordered and commissioned, aided abetted the crimes committed against the comfort women. And also because of their highest ranking authority and position they held within the Japanese government and military even they didn't stop their officials and they should be held responsible for not taking any measures against the officials commitment. These crimes according to International law were committed systematically and this constitutes rape and enslavement. During the morning session International Prosecutor Patricia already made this point clear on the basis of international law, these constitute rape and crimes against humanity and war crimes. War crimes in particular prohibits any violation or infliction

against women or children and all infliction of crimes against women and children constitutes violence against humanity and this amounts to persecution and deportation and mistreatment so this is clear that in terms of these evidence clearly constitutes war crimes but these accused were not punished and they passed away and a lot of related people still survive without being punished. This is the hard truth, why they are not punished why are they going on with impunity? The first reason is that they all lied. They knew very well about these crimes committed however including the International Military Tribunal For the Fact East, they neglected punishment against these accused. This clearly constitutes the obligation to punish these accused and they neglected their duty to punish their accused. The fact that these accused were not punished means how dire consequences can these atrocities bring and these people actually neglected dire consequences made after these atrocities. Even further the victims were not able to be open to the public were not able to identify perpetrators. It was due to the culture element

or the social atmosphere, which prohibited these women to be more open to their experiences. The forceful occupation, colonization, inflicted by the Japanese government was a shield for these accused so we couldn't settle the past experience. This was the very reason why we still haven't punished these accused. We want to identify the limitation that this tribunal has because this is not legally binding tribunal. In indicting these accused we have so much difficulties and I'm sure all tribunal will very much be understanding. This happened about six decades ago and most victims have passed away the surviving victims are sometimes very sick and are very old. The victims sometimes lost the memories of the suffering and they reached such an old age and more importantly the perpetrator and perpetrated government destroyed, covered up these evidences. Here we prosecutors, call for the Japanese government and the Japanese military to open the information. We don't have any right to ask officially or we don't have authority to force the Japanese government to interrogate these accused. Honorable judges and Chief Judge

even with the limitations of this tribunal and the difficulties faced by prosecutors, I really want you to come with guilty verdicts against these accused. We need to do justice for the victims, and the women about the violation inflicted on them. This is not for vengeance or retaliation this is not our purpose. Our efforts will be made to lay a foundation for the further peace and also our little effort to help these comfort women to rehabilitate in their later life. And this is our real appeal to come up with some peace among these peoples. Thank you.

JUDGE MCDONALD: Do I understand that each of the defendants have been named in the indictments of North and South Korea are deceased?

PROS. CHO SI HYUN: Yes, Your honor.

JUDGE MCDONALD: Is it your position that the tribunal should impose a sentence on these individuals or any of them?

PROS. CHO SI HYUN: . . . found them guilty and recommending damages.

JUDGE MCDONALD: Of course. I'm leaving aside for the moment state responsibility. I spoke a thing on individual responsibility. Thank you very much. I

would like to thank counsel from North and South Korea for its very efficient, organized and if I may say joint presentation. Thank you very much. You haven't finished. Thank you again.

MALE PROSECUTOR: Your Honor, sorry. We have still another presentation on additional state responsibility. Sorry.

JUDGE MCDONALD: Very good, I'm sorry. I was premature.

We're running a little late but you may proceed. Because its been very efficient and very organized. And I'll thank you again when we're finished.

PROS. JONG NAM YONG: Thank you for your appreciation.

Honorable judges, I'm representing the North Korean prosecutors. My name is Jong Nam Yong and I am here to speak about the state's responsibility for the Japanese government. But before I begin my subject I feel that I should make a mention about the number of comfort women, the total number of comfort women from the Korean Peninsula. Earlier, the panel of judges asked about the grounds for coming up with certain procedures for the number of Korean comfort women. Of course, the task of coming up with a

total sum of how many comfort women from the North and South Korea were taken away is a very vital issue, however, I believe that this subject due to the concealing attitude on the part of the Japanese government could not have been proceeded as we wanted so therefore coming up with an absolutely accurate number of comfort women forcibly taken away by the Japanese military would be close to impossible. At the same time, the issue with comfort women, there are many estimates being presented. Of course through UN related international bodies and through various international fora there has been mentions of about over two hundred thousand Korean women being taken away therefore with related documents people are saying that roughly about two hundred thousand comfort women were taken away from the Korean Peninsula. And according to our own research we have found ways to prove that number, one way or another however due to time constraints I will not go into the details about the calculations and I would like to submit that document as a separate exhibit. However, I would like nevertheless mention a thing or two about

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the total number of comfort women from Korea. The estimate by the International Organizations saying that over two hundred thousand comfort women were taken away from Korea have been proven one way or another on various occasions. There are mentions that over 70% or even 90%, some are even saying that 100% of these comfort women were from Korea but on the average we are saying over 80% of the entire comfort women population was from Korea.

In the beginning of the war we are estimating about 80 thousand women and at the end of the war about 150 thousand women from Korea to have been taken away by the Japanese military. Of course, this was calculated on a proportionate basis based on various evidences and data, and as witnesses testified from the beginning until the end not many comfort women were able to survive many of these people were killed and they died due to diseases therefore, the Japanese government has guaranteed the existence of comfort stations without being worried about these witnesses. The special rapporteur Gay McDougal has said that only 25% of the entire

comfort women population survived from the war. In other words over 75% of these women were killed. So based on many of these data we were able to calculate these figures and many of the researchers from Japan and from other countries have said that during this process those women who were killed were replaced by new women and they are saying over 50% of the women who were first taken away in the beginning of the war have been replaced at a later stage. Out of the 150 thousand comfort women, if you consider the 50% of these women to be replacement for older, those killed comfort women we could even assume about 220 thousand and if you there again consider over 70 or 80% of the entire comfort women population to be Korean then even in a rough calculation we could safely say about 200 hundred thousand women. So I am confident in saying that over 200 hundred thousand women from Korea were taken forcibly by the Japanese military. And if you ask me whether there were documents saying that about 80% of these women were Korean, I would say, yes. But due to time constraints I will present these documents in written form to you as a separate

exhibit. Now I would like to go on to the state responsibility.

VICTIM, CASE NO. 1: "If I could kill one Japanese soldier with my own hands, I would be able to close my eyes I could never forgive. I cannot not die because I could not forgive. I have to pay them back. I have to pay them back. Those cruel soldiers they made me into who I am now. I am crippled I can't do anything anymore. I will kill them."

VICTIM NO. 2: I shiver at the memories of these barbaric soldiers. They have to kneel in front of us they have to beg us to forgive them and they have to come up with the necessary operation. There can be no group more cruel than the Japanese.

VICTIM :KIM BOK SUN: They have to kneel before us. They have to make remedies. Even the Japanese soldiers should come to us and kneel down to us and they should apologize and apologize and again to be forgiven.

VICTIM PAK POK SUN: All the people of the Japanese government - you see I cannot die without seeing them punished.

VICTIM CHE PONG SUN: You know I will only close my eyes,

only after when I get repaid a thousand or a hundred thousand times. We didn't have any crimes committed. We did not have any reason to be dragged as comfort women, over two hundred thousand women. They killed us, they beheaded us, tortured with water, they tortured with fire, and they poisoned us. And they used the nail to kill us. We were so young ladies under 20 years old and they ruined our lives and they did these terrible things to us. And I will get the same amount of reparation. I will get the same repayment, or compensation. These compensation and redress should be made by The Japanese government and I have the right to get these compensation from the Japanese government without any conditions attached.

PROS. JONG NAM YONG: We just heard from the video Witness about the victim's anguish, anger and their requests, however the Japanese government is admitting that she is morally responsible but they are continuously denying the legal responsibilities. Now if such logic holds, in other words, if the country might be morally responsible but not legally liable? I do not

think so. I think that the Japanese government should take on full legal responsibility for these atrocities. Now I would like to outline the criteria and the conditions that I could set forth as grounds for state liability. For one thing under article 4 of the charter of the tribunal the Japanese government should be responsible for the sex slavery. Another, under general legal practices and norms the Japanese government should take legal responsibility, such general legal norms can be outlined in various forms but I will outline it in the next following three item:

#1 Escape has 4 legal responsibility for its wrongdoing when I say its wrongdoings it includes all state organs and all the public servants under a government and all the wrongdoings perpetrated by these government officials should be considered the country's responsibility.

#2. Natural persons or incorporated entities. If these natural persons and institutions commit crimes against others not for their own private gain but for the gain of state then the state holds the legal responsibility.

Lastly, a state even if its state population members if individuals live in the country commit the crime for their private gain if the state was aware of this illegal action and could not and did not come up with any measures to deal with this legal actions then the state is also held liable that is the principle acts and omissions for acts and non-- under this legal logic the practice of sexual slavery committed by the Japanese soldiers was directly planned, committed, condoned by the Japanese government and the Japanese government officials and the military officials were fully involved in transaction and this action. Also the Japanese government was fully aware of the private companies and individuals nationals to act as private agencies or job agencies in enticing these young women to go into the practice of comfort station without knowing the consequences of their decisions. Also the Japanese government condoned the fact and also was aware of the practice of these private brothels committing egregious crimes based on comfort women station and overlooked the situation deliberately and

they let the situation to continue fully knowing and they are now claiming that it was the decision on the part of these comfort women themselves. And they are also saying that it's the responsibility of these brothels but in fact, because of these legal grounds the government is fully responsible. Then you might be asking, are there clear evidences or case studies done on the Japanese government involvement on these issues? Yes, we do have these evidences and due to time constraints these evidences will also be presented to you as a document such as designated with separate exhibit numbers and we will not talk about this detail case studies at this particular time. Secondly, I would like to talk about specific legal grounds on the part of the Japanese government taking the state responsibility. The Japanese sexual slavery is in direct violation of the 1907 Hague Convention, specifically of Article 46 and please refer to Article 46 of the Hague Convention. Secondly, the Japanese Imperial army sexual slavery system is in direct violation of the 1910 treaty forbidding women's trafficking and also another

treaty prohibiting children's trafficking and I believe the Japanese government has joined this treaty in 1925 therefore the treaty takes full respect on the Government of Japan. Also the Japanese army sexual slavery system is also in direct violation of Article 6-3 of Tokyo International Criminal Tribunal of 1946. And the Japanese government has announced that it would accept the conditions of this 1946 Tokyo tribunal during the 1951 San Francisco Peace Treaty therefore, the Japanese government is effectively joining the convention and also the 1926 labor convention can be one of the grounds for the Japanese government necessity to responsibility. Although the Japanese government did not officially join the 1926 Slavery Convention the process prohibiting slavery is an international norms and practices and it is a part of *jus cogens*. *Jus cogens* is effective regardless of joining a treaty of by a particular state therefore the Japanese government is fully responsible under these *jus cogens* rules. Lastly, the state of Japan in 1930 is in violation of that 1930 ILO Convention

specifically Article 29. Article 29 forbids elimination of forced labor and at that time only the healthy individuals between age 15-45 were subject to forced labor and the ILO Convention specifically states that any state that forces labor on people beyond this age bracket was in violation. And as you know the comfort women's age bracket ranged more than that and especially the fact that we had young women younger than 15 years of age was also victimized in this process should be seen as something significantly serious. Therefore it is in direct violation of the ILO Convention. Also the Japanese Imperial army sexual slavery system violates Article 2-1 and 2-2 of the Charter of the year 2000 tribunal that we are hereby participating in. Under this article the Japanese sexual slavery system constitutes Crimes Against Humanity and constitutes war crimes and I would like to solemnly declare that this is the case. Within this context then, should the current government of Japan be responsible for the crimes committed by the former Japanese government? Yes they

should and I'd like to talk about how they could do so in the following lines.

First of all the Japanese government should thoroughly identify and investigate its military enslavement during war time and this information should be fully disclosed. As I previously told you already the total number of comfort women and the number of the comfort stations and the locations and the names of the comfort station operators and also the disclosure of the comfort station should be made clear and should be disclosed in full manner.

Secondly, the Japanese government as for the military sexual enslavement during the wartime acknowledge atrocities committed during the wartime should be make official apologies toward these victims. These apologies should not be just a mere lip service. It should be accompanied by sufficient compensation and reparation. In addition, this reparation and compensation should not be taken advantage of by some politicians by exchanging some rhetorics. It should be made in writing with announcement or agreement and it

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should take the form of the formal written agreement and it should be publicized.

Third, we ask the Japanese government to conduct sufficient government level compensation about its violations against victims. This is a general rule that is privy everywhere. Perpetrators should repay its atrocities for victims and perpetrator country; the Japanese government should make reparation to these women. And also this money or this reparation shouldn't be made by private fund or privately collected money, it should be made at the level of the government; it should be made as government compensation. And this reparation should be given not only to surviving victims but also all descendants and remaining families of the deceased of the comfort women, this our request.

Fourth, we request the Japanese government to restore the dignity of the comfort women and in an effort to eliminate any future incidents about the violation of these comfort women currently, some right wing conservatives people within Japan argue that these comfort women provided their service to earn money and these remarks ruin the

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whole essence of the comfort women's argument and ruins the dignity of these women. And the Japanese government are not taking any measures against these unreasonable remarks. Therefore the Japanese government should take a very rational position and it should prevent any further incidents like this and these unreasonable remarks should be prohibited and these measures should be very practical and should be implemented.

Fifth, the Japanese government should collect and investigate all the remains, bodies burned of the comfort women from all of the world and the Japanese government should return these burns and remains of these women to their own home country. That's one of the reparation that we request. In addition to that, as we already heard during our testimony including MS Ha Sang-Suk and other victims are still living in Cambodia, China and South S_____. Recently we are finding more comfort women residing in these areas. Taking into consideration these comfort women of the request a lot of measures should be taken for these women to return to their home or to allow

these people to visit their home nation. And also all the people who planned, instigated, executed the sexual slavery should be accused and should be prosecuted and the surviving accused should come forward to the tribunal and should be tried and the Japanese government should create a special court to punish these accused criminals. For the deceased accused even though they died already, under the name of this tribunal we needed to declare a guilty verdict against these accused and we need to show that if a person violates human rights or commits a crime against another people although he/she dies he/she should be punished under history and law.

JUDGE MCDONALD: Remain seated. You may proceed counsel.

PROS. JONG NAM YONG: Finally but not least, the Japanese government is trying to distort the history in the textbook and also they are trying to cover up the lives of the comfort women and they want to destroy these history from the current history. And also the Japanese government glorifies these military people who committed these crimes and even the government makes these people, as a hero of a war. The Japanese

government if they distort or deny this history this should be prevented in the future. And also the Japanese Government should make formal apology and also it should describe the history as it is, as it was in the textbook of history. And this will help the Japanese people understand their past and their history. Furthermore, the Japanese government should create a monument or museum and the Japanese government should create special archives that can accommodate documents relevant to the happenings in the past. And the Japanese government should preserve all the relevant document to be reviewed and shown to the Japanese people and other interested people. This will prevent other similar incidents in the future. That is the true duty of the Japanese government. As a member of the common prosecutors of North and South Korea in this tribunal, I strongly call for these reparations to the Japanese government. Thank you.

JUDGE MCDONALD: Thank you counsel. There is a question from one of the judges and I also have a question.

(End of Tape 7)

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(Start of Tape 8)

Dec. 8 tape 8 (Liz)

JUDGE CHINKIN: I would like first of all to thank you very much for your very full coverage of the law and of the grounds for what you said the reparations and also for the oral testimony.

PROS. JONG NAM YONG: Thank you.

JUDGE CHINKIN: I would like to pick up on a couple of the points related to the law. Maybe I missed this. You went through the various treaties that you said the Japanese responsibility rests upon. First of all the 1907 Hague Convention, Article 46, did you say Japan had become a party to that Convention?

PROS. JONG NAM YONG: The 1907 Hague Convention, yes, Japan joined the Convention in 1910. So, yes, it is effective.

JUDGE CHINKIN: Convention? 1930 ILO Forced Labor Convention.

PROS. JONG NAM YONG: Yes. Yeah, yeah, yeah.

JUDGE CHINKIN: Equally. And then you mentioned, ... doctrine of International Law, the idea of *jus cogens*. And I wondered if you could just say another couple of words about why you think the

1926 Convention had by 1945 become *print*_____ of International Law that would be binding upon Japan even if it was not a party. You mentioned 1926 convention, Japan is not a party and yet nevertheless it is a *print*_____, a *jus cogens* norm, and I wondered if you could explain why in 1945 which is the date that we must consider Japanese responsibility you could argue the past was at that point *jus cogens*. Just very briefly.

PROS. JONG NAM YONG: Yes earlier I talked about ILO Convention and that was 1930 Forced Labor Convention and for this treaty, in 1932 the Japanese government has joined so it is legally effective. And the next issue is the Slavery issue. Japan in 1926, of course did not become a signatory to that Convention, Slavery Convention so therefore I am not proposing that the 1926 Slavery Convention has any legal effect on the Japanese government. However, anti-slavery convention related practices are the basic humanitarian practices therefore creating the grounds for *jus cogens*. I believe the world agrees to that. And I believe these are internationally practiced norms, therefore,

although it would be difficult to claim liability for the Japanese government based on the 1926 Slavery Convention, I believe that it would be quicker and more effective to talk about the *jus cogens* as the grounds for claiming liability for the Japanese government. Because the Japanese government is claiming that there was no such international practice preventing slavery before the WWII, I do not feel that that is true so I felt that it would be more effective to claim *jus cogens* in this case.

JUDGE MCDONALD: I just have one question again relating to the number of former comfort women or victimized survivors. The figures that we were given are those figures of former comfort women or victimized survivors who have acknowledged the fact that they were former comfort women. Now the figures I'm talking about is 198 for South Korea and 218 from North Korea, and the reason that I ask is that there are of course maybe many more. It is simply that they have not come forward for whatever reason. Am I correct in that assumption?

PROS. JONG NAM YONG: Yes, that is correct.

JUDGE ARGIBAY: Follow up on the numbers. You and your co-

Counsel have mentioned that there are many Korean comfort women who remained outside Korea, in Cambodia, in China, in other countries, are they included in the numbers that you have given us. Or is that another unknown number. And do we have any idea what that number might be?

PROS. JONG NAM YONG: Earlier, we gave you the figure of those victims who came forward and I told you that in the total of 218 people and that only 43 have become official witnesses and those are only from North Korea. And when it comes to outside the Korean peninsula like China, Sakhalin and Cambodia, I'm afraid we do not have the correct assessment as to how many victims are still surviving in these regions. And in the future, as we pursue further investigation, it will become more clear.

JUDGE MCDONALD: I believe one of your co-counsels wishes to supplement that or perhaps not.

PROSECUTOR: Those victims who are still remaining outside Korea, is very difficult for me to assess accurately. But if I talk about how many people we were able to identify so far although this is not the exact number, if you look at the book

that we showed you, those women in Korea and those women in China and in other areas, outside of Korea, we're thinking that there might be about 40 some victims and of course there is room for more discovery in the future. But those that have been identified so far, only 40 some people.

PROS. JONG NAM YONG: . . . compliment, supplement for your question on that issue . . .

JUDGE MCDONALD: Yes.

PROS. JONG NAM YONG: Okay. It is really shameful even to confess she was comfort woman. Under the concept of Confucianism, like Korea and other Asian countries, so that is the reason why we have so small numbers who have quickly confessed and also a few years ago there was a former comfort woman who had remained in Cambodia and she had forgotten everything because she was forced to live there. Even in teens as many witnesses have given today so we cannot have the exact numbers for the many in foreign countries still. Okay so your Honor, we are finishing our presentation. Thank you for your attention and kind comments for us. Thank you very much.

(APPLAUSE)

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JUDGE MCDONALD: We mentioned the request for the slides

that you have presented, that is receiving the hard copy and we also the judges have also asked if possible to indicate the sources where appropriate some of course do not call for the source. The second request is, that is, indicating the sources may take longer but if you can provide us with a hard copy of the slides as soon as possible that would be very helpful.

Secondly, one of the judges is desirous of the receiving the written submission that some of you have used as you questioned witnesses or really presented your legal arguments. That would also be very helpful to the judges in preparing their summary of findings. I realize there will be translations problems but we would appreciate your cooperation. And again I will thank North and South Korea for presenting a very well organized presentation together should I say efficient, it was run overtime but it certainly was very well organized. You presented a tremendous amount of material in a relatively short period of time. We must in the future try to keep to the time. Thank you very much.

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END OF NORTH & SOUTH KOREAS PRESENTATION

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