

U.N. Human Rights

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including government representatives from the north and the south of Korea, the Philippines, Indonesia, Russia and Cuba and officials of international human rights bodies. However, Japanese government representatives did not show up at the meeting.

Int'l Bodies Urges U.N. to Press Japan To Investigate Forced Korean Labourers

The Fact-Finding Team and Liberation, an international human rights group, on Aug. 25 jointly demanded that Japan admit enslaving Koreans for sex and labor during World War II and give the survivors the utmost compensation possible at a meeting of the U.N. sub-commission of the human rights commission.

The groups rejected Japan's position that the issue was closed with the Tokyo-Seoul diplomatic normalization and asked the human rights commission to collect information from involved countries, international organizations and individuals. They pointed out that Japan and the DPRK are yet to reach a normalization agreement that the sex and labor slaves had never been compensated and that Japan's claim runs contrary to abuse of the International Labor Organization (ILO) Convention it joined in 1932, a clause which forbids forced slavery.

The speech was made by a member of the fact-finding team at the recommendation of Liberation, a London-based non-government organization (NGO) registered with the United Nations. (See the full text on page 6)

While rating highly the sub-commission's decision to conduct an active inquiry into the matter, the group urged the commission Special Rapporteur Theo Van Boven to gather wide ranging information and documents.

Earlier on Aug. 21, the (south) Korean Council for Women Drafted by Japan for Sexual Services and the World Council of

Churches, in the U.N. sub-commission jointly accused the Japanese government of shirking its responsibility on the comfort women issue and said the world could forgive Japan only if it admitted its crime against humanity and make an official apology for it.

The speech was made by Ri Hyo Jae, representative of the (south) Korean Council for Women Drafted by Japan for Sexual Services at the recommendation of the World Council of Churches.

Ri proposed to the United Nations sub-committee to urge Japan to conduct a thorough investigation into the "comfort women" question and pay compensation based on the result of the probe.

In addition to "comfort women", Ri said there were many Korean women who had been forcibly recruited by Japanese authorities during World War II and were forced to work for Japanese enterprises without pay.

The United Nations should press the Japanese government to compensate those women, Ri said.

Their remarks were supported by two NGO groups in their speeches at the U.N. sub-commission on Aug. 25.

"...We maintain that JUS COGENS is not merely substantive but also procedural and includes the full legal ability to seek redress... It is in this light that we maintain the full rights of Koreans enslaved by the Japanese Imperial Forces for compensation are still legally viable and actionable both in Japan and in all United Nations Human Rights bodies, including under the '1905' procedure here at the Sub-Commission," said the International Educational Development:

"Indeed, as an illustration, we are familiar with the fact that there are a number of claims currently being pursued within the United Nations human rights system by former prisoners of war and civilian internees, and indeed the claim over 200,000 Korean comfort women which emanate from the atrocities and gross violations of human rights which occurred during World War II. The fact that such violations were committed, is beyond debate - the lack of an effective procedural mechanism to provide compensatory relief requires, in our respectful submission, the attention of the international human rights community," said the War Amputations of Canada.



Int'l Bodies Urge U.N. to Press Japan to Investigate Forced Korean Labourers

Here is a report made by a member of the Fact-Finding Team on the Truth about Forced Korean Labourers in Japan at the recommendation of Liberation, a London-based human rights body registered with the U.N. at a meeting of the U.N. Sub-Commission of the human rights commission (Geneva) on Aug. 25.

Liberation and KYOSEI RENKO CHOSADAN (the Fact-Finding Team on the Truth about Forced Korean Labourers in Japan) respectfully welcomes this opportunity to speak and are grateful for the progress made by the report of the Special Rapporteur on compensation (E/CN. 4/Sub. 2/1992/8), the recommendation made by the Working Group of Contemporary Forms of Slavery (E/CN. 4/Sub. 2/1992/34 page 28) and the resolution of the Sub-Commission (E/CN. 4/Sub. 2/1992/L. 3).

Liberation sincerely appreciates the Special Rapporteur's final remark on SEX-SLAVES of the Japanese Imperial Forces during World War II, which followed his introduction of his second progress report to the Sub-Commission on 21 August. In it, he urged the immediately concerned Governments to submit information.

On 10th August 1992, in this Sub-Commission, as regards the so-called COMFORT WOMEN of JAPAN, the distinguished Japanese representative, while emphasizing that all claim issues, except the current normalization talks between Japan and the Democratic People's Republic of Korea (DPRK), were settled by the San Francisco Peace Treaty and other bilateral peace treaties, said, "Apart from such legal issues, the Government of Japan will consider, in deepest sincerity, how best we can embody our feelings towards those who underwent such pains and sufferings..."

Liberation regrets that the door has not been widely opened so that all issues can be solved to the satisfaction of the victims of the gross violation of human rights committed by Japan.

There are other points which Japan should have mentioned.

First, as the Japanese representative admitted, there has been no agreement between Japan and the DPRK and any claim regarding KOREAN COMFORT WOMEN and FORCED LABOUR OF KOREAN MEN AND WOMEN has not been settled at all. Japan has no excuse to deny its legal responsibility. Liberation strongly urges Japan to recognize that Japanese acts forcing Korean women to engage in prostitution and other men and women to work in slavery, constitute a crime against humanity, a violation of freedom from slavery, and a violation of the Forced Labour Convention (1930) ratified by Japan in 1932.

Second, Liberation wishes to submit evidence of the existence of a large number of victims who were KOREAN FORCED LABOURERS, regarding whom the Japanese representative said nothing.

As a result of the investigation made by the Fact-Finding Team, lists of 145,000 forced Korean labourers were uncovered, despite the desperate attempts by Japan to destroy all the evidence of the crime. Unfortunately, even these lists do not reveal the full extent of the atrocities committed by Japan. Before the end of World War II, the Governor-General of Korea reported to the Imperial Diet of Japan that about 1.5 million Koreans were forced to work in Japan, and about 4.5 million in Korea. They were systematically and forcibly displaced and worked under Japanese law and regulations.

Many big Japanese companies were

allowed to use those Korean FORCED LABOURERS. Management of these labourers was handled in close cooperation with police authorities. Therefore, it was possible for those companies to force them to work for 10-12 hours a day. About 60% of the Korean forced labourers were sent to work underground in mines. 80-90% of the pit workers were Koreans. The contract term of labour which was usually 2-3 years was forced. This term was forcibly renewed. The wages for the Koreans were much lower than those of the Japanese. Various expenses, for such as forced travel and meals, were deducted from this low pay. The balance was not paid, as it had to be deposited in order to prevent their escape. Even at the time of their liberation, the companies refused to refund the deposits, as instructed by the Japanese Government.

It is believed that 576,000 Korean forced labourers died in Japan during the war. The individual victims were not given any compensation by Japan. Any punishment has never been inflicted on the perpetrators of those violations of human rights and fundamental freedoms by the Japanese justice system. Japan presents a striking contrast to Germany, where not only effort to punish the Nazi war criminals has been made, but also a large amount of compensation has been paid to victims of Nazi atrocities.

Liberation is particularly grateful for the annex of the Special Rapporteur's report (E/CN. 4/Sub. 2/1992/8, pages 21-25), which points out that "the notion of gross violations of human rights and fundamental freedoms includes" at least "slavery and slavery-like practices" and "systematic discrimination" (para. 10). Other relevant points in the annex, which should be mentioned are: paras. 5, 6, 10,

17, 25, 27 and 28. In para. 17, the annex states: "Non-monetary reparation serves the moral and social welfare of the victims and causes of justice and peace" and it includes "(a) the verification of the facts and the full and public disclosure of the truth; (b) the public acknowledgment of responsibility for violations committed;... (g) the prevention of the recurrence of violations by such means..."

The annex raises six possible examples for the prevention of recurrence. These seem not exhaustive. Liberation should like to suggest another example of this kind. That is education for children and the general public, in which historical facts of gross violations are to be thoroughly discussed.

It is absolutely necessary to establish an international tribunal system which can settle claims from individual victims of gross violation, as the annex suggests in para. 25.

Liberation also wishes to suggest that, in case of JUS COGENS, it may be necessary to confirm in a Principle that any state has no capacity nullify or abandon human rights and fundamental freedoms; and, as a result of this, any treaty, by which the right to compensation is nullified or abandoned by any state, is null and void.

Lastly, Liberation wishes to request as regards the gross violation of the human rights of KOREAN COMFORT WOMEN, and KOREAN MEN AND WOMEN VICTIMS OF FORCED LABOUR, the following:

* Liberation requests the Special Rapporteur on compensation to further invite information from all reliable sources such as the governments of Japan and other relevant countries, international organizations, NGOs and individuals, and prepare a separate report on Japan.

* Liberation urges Japan to investigate these cases thoroughly; submit all the relevant information to the Special Rapporteur; admit legal responsibility in international law; and pay full compensation to each of the victims.

* Liberation requests the Sub-Commission and the Secretary-General to give the utmost assistance to the Special Rapporteur.