

## Indictment of Japan

### Charges against individual defendant: provisional version as of Sept. 1, 2000

1. Regarding establishment and management of "comfort stations" or institutionalized "comfort stations": sexual enslavement of women and girls in established set-ups

1-1. Defendants: HATA Shunroku, YAMADA Otozo, NISHIO Toshizo, OKAMURA Yasuji, OKABE Naosaburo

Defendant HATA Shunroku served as Comsmander of Central China Expeditionary Army, from Februaru 1938 to December 1938, and Defendant OKAMURA Yasuji served as Commander of the 11th Army, Central China Area Army, from June 1938 to March 1940, returned to Hankou in August 1944 to take the post as Commander of the 6th Area Army (headquarters: Hankou), and served as Commander in Chief of China Expeditionary Army from November 1944 to the end of the war in August 1945. About in the end of October 1938, soon after the capture of Hankou by the 11th Army, Hata and Okamura, in collusion with some Staff Officers of the 11th Army, instructed the 11th Army to give private agents a commission to recruit "comfort women" and supervise "comfort stations", and also to give preferential transportation to "comfort women" and recruiting agents of "comfort women" making use of transportational means under the management of the 11th Army. Hata and Okamura thus established and managed the "comfort stations" largest in scale within the China Expeditionary Army district, generally called "Wuchang-Hankou comfort stations". Okamura also supervised and managed those rape-center setups having army doctors in his army check of the women in those centers for venereal diseases and other measures throughout the periods described above when he was either Commander of the 11th Army or and the 6th Area Army. As the results of the above, Hata and Okamura took away from the numerous number of women who were put in those "comfort station" setups in the Wuchang-Hankou area, all the rights for autonomy and self-determination including rights to determine matters on sex activities, forced them to have sexual intercourse against their free will or be raped by many soldiers every day, deprived them of freedom to move by detaining them in those setups against their will and often forcibly transferring them on to battlefields or fronts along with troops and military supplies, and thus sexually enslaved them, including SONG Sin-do, who was made sex slave at "comfort stations" in the Wuchang area from November 1938 to August 1945, as well as HA Sang-suk, who was made "comfort woman" at "comfort stations" in the

Hankou area.

Defendant OKABE Naosaburo took the post as Commander of the 6th Area Army in November 1944 as the successor to defendant OKAMURA Yasuji and remained in the position until Japan's defeat in August 1945. He supervised and managed the Hankou "comfort stations" by having army doctors check the women in those centers for venereal diseases and other measures during the above mentioned term.

Therefore, Okabe took away from the numerous number of women who were put in those rape center setups in the Hankou area, all the rights for autonomy and self-determination including rights to determine matters on sex activities, forced them to have sexual intercourse against their free will or be raped by many soldiers every day, deprived them of freedom to move by detaining them in those setups against their will and often forcibly transferring them on to battlefields or fronts along with troops and military supplies, and thus sexually enslaved them, including HA Sang-suk, who was made sex slave at rape centers in the Hankou area.

Defendant HATA Shunroku served as Commander of Central China Expeditionary Army, from February 1938 to December 1938, and served as Commander-in-Chief of China Expeditionary Army, from March 1941 to November 1944, Defendant YAMADA Otozo served as Commander of Central China Expeditionary Army, from December 1938 to September 1939, and Defendant NISHIO Toshizo served as Commander-in-Chief of China Expeditionary Army, from September 1939 to March 1941.

In each period mentioned above, Hata, Yamada and Nishio, in collusion with some Staff Officers of Central China Expeditionary Army and/or China Expeditionary Army, instructed those Armies to give private agents a commission to recruit "comfort women" and supervise "comfort stations", and also to give preferential transportation to "comfort women" and recruiting agents of "comfort women" making use of transportational means under the management of those Armies.

Hata, Yamada and Nishio thus established and managed the "comfort stations" in Nanjing, including KINSUI-ROU which PAK Yung Sim was put into for 3 to 4 years. Those three defendants also supervised and managed those rape-center setups having army doctors in their army check of the women in those centers for venereal diseases and other measures throughout the periods described above when they

were either Commander of Central China Expeditionary Army or Commander-in-Chief of China Expeditionary Army. As the results of the above, Hata, Yamada and Nishio took away from the numerous number of women who were put in those "comfort comfort" setups in Nanjing area, all the rights for autonomy and self-determination including rights to determine matters on sex activities, forced them to have sexual intercourse against their free will or be raped by many soldiers every day, deprived them of freedom to move by detaining them in those setups against their will and often forcibly transferring them on to battlefields or fronts along with troops and military supplies, and thus sexually enslaved them, including PAK Yung Sim, who was made sex slave at "comfort stations" in Nanjing area for 3 to 4 years from around March 1938 .

1-2. Defendants: MINAMI Jiro, ABE Nobuyuki

Defendant MINAMI Jiro was Governor-General of the colonised Korea from 5 August 1936 to 1942. He made, for example, the public safety division, Police bureau of the Korean Government General in September 1937 issue to the governors of the colonised Korea the "circular : regulation of bad elements on travel to China", which stipulated that such ID papers necessary for "comfort women" to move to China would be issued by the individual district police concerned under the control of the Korean Government-General. He issued other circulars against the officials of, and the policemen under the control of, his Government-General of the colonised Korea in effect vital to recruiting "comfort women" and transporting them to China. As a result, Minami had the officials of, and the policemen under the control of, his Government-General of the colonised Korea, recruit and send to China many Korean women and girls against their will as "comfort women". Therefore, Minami took away from the numerous Korean women who were put in the rape center setups in China, all the rights for autonomy and self-determination including rights to determine matters on sex activities, forced them to have sexual intercourse against their free will or be raped by many soldiers every day, deprived them of freedom to move by detaining them in those setups against their will and often forcibly transferring them on to or in between battlefields or fronts along with troops and military supplies, and thus sexually enslaved them, including SONG Sin-do, who was made sex slave at rape centers in the Wuchang area of China during the priod of November

1938 through August 1945.

Defendant ABE Nobuyuki was Governor-General of the colonised Korea from 2nd July 1944 to the day of Japan's defeat 15 August 1945. While he was at the post, he followed the already-issued circulars including "circular: regulation of bad elements on travel to China", which his predecessor Minami had made Public safety division, Police bureau of the Korean Government General in September 1937 issue to the governors of the colonised Korea, stipulating that such ID papers necessary for "comfort women" to be moved to China would be issued by the individual district police concerned under the control of the Korean Government-General. He followed the other already-issued circulars against the officials of, and the policemen under the control of, his Government-General of the colonised Korea in effect vital to recruiting "comfort women" and transporting them to China. As a result, Abe had the officials of, and the policemen under the control of his Government-General of the colonised Korea, recruit and send to China many Korean women and girls against their will as "comfort women". Therefore, Abe took away from the numerous Korean women who were put in the "comfort station" setups in China, all the rights for autonomy and self-determination including rights to determine matters on sex activities, forced them to have sexual intercourse against their free will or be raped by many soldiers every day, deprived them of freedom of movement by detaining them in those setups against their will and often forcibly transferring them on to and in between battlefields or fronts along with troops and military supplies, and thus sexually enslaved them, including HA Sang-suk, who was made "comfort woman" at "comfort stations" in the Hankou area from about the end of 1944 to August 1945.

1-3. Defendants: KUMON Arifumi, KOMATSU Mitsuhiko, HONMA Kiyoshi, ANDO Rikichi, ITAGAKI Seishiro, SUETSUGU Nobumasa, KOBAYASHI Seizo

In November 1938, Defendant KUMON Arifumi was a Staff Officer in the 21st Army, Central China Expeditionary Army, defendant KOMATSU Mitsuhiko chief of Recruitment Division, Personnel Dept., War Ministry, and defendant HONMA Kiyoshi the chief of Police Bureau, Home Ministry. Around this time all cooperated in planning the establishment and management of "comfort stations" in southern China, and in collusion :

(1) KUMON and KOMATSU had the Home Ministry instruct police authorities in five

Japanese prefectures to select recruiting agents and make them collect 400 "comfort women",

(2) HONMA had each prefectural governor issue instructions that recruiting agents be selected and that these agents collect many women as "comfort women",

(3) KUMON had the Government-General of the colonised Taiwan instruct each of the police authorities under its control to select recruiting agents and make them collect about 300 women as "comfort women". As the result of the defendants' actions stated above many Japanese and Taiwanese women were recruited against their own will as sex slaves and transported to southern China, and were thus robbed of their rights to autonomy and self-determination, including those concerning sexual activity, and were forced against their free will to have sexual intercourse with or be raped by many soldiers every day. The defendants' actions furthermore resulted in these women being deprived of their freedom of movement by being detained in rape centres against their will and often being forcibly transferred to and between battlefields or fronts along with troops and military supplies, and thus sexually enslaved them. Around November 1938 when Kumon, Komatsu and Honma were recruiting many sex slaves and establishing "comfort stations" in southern China as mentioned above, ANDO Rikishi was the Commander of the 21 Army, Central China Expeditionary Army, ITAGAKI Seishiro the War Minister, SUETSUGU Nobumasa the Home Minister, and KOBAYASHI Seizo the Governor General of the colonised Taiwan. ; the following matters were easily foreseeable for each one of them:

- that in order to establish and manage "comfort stations" it would be necessary to recruit women even through the means of enforcement, coercion, intimidation, deception, enticement and others;
- that the recruited women would be forced to have sexual intercourse against their will or be raped by many soldiers on a daily basis;
- that the women would be forcibly moved along with the soldiers and military supplies responding to the movement of battle lines and;
- in other words, that the very reality of "comfort stations" constituted sexual slavery, which was manifestly against principle of humanity.

However, although Ando, Itagaki, Suetsugu and Kobayashi knew that the "comfort stations" in reality were manifestly against principle of humanity, they either (i) thought that the 21st Army's establishing and managing "comfort stations" which were, in fact, sexual slavery was inevitable for the general

purpose of maintaining military strength: ie, in order to prevent antagonism against Japan that might be aggravated by frequent incidents of rape, and the decline in military strength as a result of the spread of the venereal disease, to improve morale by getting rid of soldiers' stress, and to prevent information leaks that might result from soldiers' close relationships with local women at the fronts, or they (ii) failed in their duty to fully realize that the 21<sup>st</sup> Army was in fact practicing sexual slavery in establishing and managing "comfort stations" manifestly against principle of humanity. In any case they failed in their duty, to prevent the 21st Army from using the Home Ministry and the Government General of the colonised Taiwan to recruit women either on their own initiative or through private agents through means including enforcement, coercion, intimidation, deception, enticement and others, and neglected the fact that at least 400 Japanese and 300 Taiwanese women were made sex slaves at so-called "comfort stations" and thereby committed crimes against humanity. (1-4., etc. to be sent later)

2. Conventional Mass rape (widespread or systematic rape)

2-1. Defendants: MATSUI Iwane, Prince ASAKANOMIYA Yasuhiko, NAKAJIMA Kesago, SASAKI Toichi, NODA Kengo?

At the time of the Nanking offensive, which the Imperial Headquarters ordered on December 1, 1937, defendant MATSUI Iwane was the commander of the Central China Area Army, defendant Prince ASAKANOMIYA Yasuhiko was the commander of the Shanghai Expeditionary Army belonging to the Central China Area Army, defendant NAKAJIMA Kesago was commander of the 16th Division of the Shanghai Expeditionary Army, defendant SASAKI Toichi was commander of the 30th Infantry Brigade of the 16th Division, and defendant NODA Kengo was commander of the 33rd Infantry Regiment of the 30th Brigade [The chart of the unit organization is necessary]. During the period between around December 1937 and February 1938, soldiers of the units including those under their commands that were involved in the Nanking offensive committed gang and systematic rapes against a great number of noncombatant Chinese women, murdered tens of thousands of noncombatant Chinese people, set fire to Chinese people's houses and assets, and looted whatever they wanted. The defendants knew of these facts either (i) by learning it directly and on-sitedly, (ii) through their subordinates' reports, (iii) through media reports, or (iv) through notes from the Imperial Headquarters that was concerned about news reports European and U. S. journalists released for all

over the world. Essentially, the defendants had the duty to control their subordinates so that they might not commit violations of wartime legislation, including systematic rape against noncombatant women, murders of noncombatants, the arson of local residents' houses and assets, and looting. Nevertheless, the defendants failed to keep to this duty and consequently allowed soldiers under their command to commit gang and systematic rape against a total of about 20,000 Chinese women in the entire area of Nanjing, including the above-mentioned victim Yang Mingtin, and to murder many of them after rape, and to inflict much suffering and severe damage even upon those victims who survived, by giving damage to their genital organs, physical wounds against their resistance, and post-traumatic syndromes (PTSD) which have not yet been healed.

2-2. Defendants: IWANAKA Yoshiharu, MORI Iwao, KAWAI Shigeo, KANOE Buhei

On 23 Nov 1944, Defendant Mori was in charge of Chief of Staff to the second tank division, Defendant Kawai the staff officer responsible for operations, Defendant Kanoe the commander of punitive force against the village of Mapanique. One day before the above day, upon planning operations of attacking Mapanique, which was regarded as a den of anti-Japan guerillas, KAWAI planned to dampen the guerillas' fighting spirit by acts of systematic gang rape against women of the village, who were civilians. MORI approved the plan, knowing that the above operations planned by Kawai were violations of the wartime international laws and regulations prohibiting rape of women, who were civilians, and gave KANOE, the commander of the punitive force against Mapanique, the instruction that "sacrificing some of the women there could not be helped", and as a result made the soldiers of the punitive force rape tens of non-combatant Filipino women in a systematic way. On the same day, Defendant IWANAKA, commander of the second tank division, was reported by Mori that, upon implementing the punitive mission against Mapanique, which was regarded as a den of anti-Japanese guerillas, they were to dampen the guerillas' fighting spirit by committing gang rape of the civilian women in a systematic way. He had the duty to understand that such attack operations were against the wartime international laws and regulations prohibiting rapes of non-combatant women, and to prevent conducts of such operations against international law. However, he neglected his duty and approved the above attack operations, consequently, allowing the soldiers under his command who took part in the punitive mission

rape tens of non-combatant women in a systematic way.

3. Intermediate form between established "comfort stations" and conventional mass rape (Kidnapping, confinement and rape except for cases of established rape centers and mass rape)

3-1. Case of the Philippines (of Tomasa Salinog)

Defendants: OTA Seiichi?, NAGAHAMA Akira?, HIRO-OKA Gen'nosuke

Defendant OOTA Seiichi? was the commander of the 14th Army (Area Army) military police from July 1941 to September 30, 1942 and defendant NAGAHAMA Akira? was in the same position from September 30, 1942 to February 1, 1945. During their tenure, they were responsible for the establishment and management of 17 "comfort stations" (with 1,064 women total) for soldiers and NCOs, and four clubs for officers (with at least 119 women) in Manila, two "comfort stations" in Iloilo in Panay Island, and a "comfort station" in Tacloban in Leyte Island. The two defendants also confined a great number of women from Korea, Taiwan and the Philippines to the "comfort stations" by force and abused them as sexual slaves for officers and men belonging to the 14th Army (Area Army). Defendant HIRO-OKA Gen'nosuke belonged to the Independent Garrison 33rd Infantry Battalion -- Battalion Commander Lieutenant-Colonel SENOU Yasumi?, succeeded by TAGA in December 1942 -- which landed near San Jose, Antique Province, Panay on April 17, 1942, together with the KAWAMURA Saburo Detachment of the 9th Infantry Brigade of the 5th Division. At the night of a day between late April 1942 and December 20, 1943, when the Battalion moved to Davao, Mindanao, he and other men entered Tomasa Salinog's house. Striking off the head of her father who tried to fight them, they dragged away a 14-year-old girl (Tomasa) by force, confined her to a house next to their garrison for a long period, and raped her repeatedly throughout the period along with other military men.

3-2. Shanxi Province, China

During the period between around early 1941 and early 1944, when the victim Wan Aihua and other women suffered sexual violence, the unit -- at least including the main forces of the 1st Company -- belonging to the 14th Independent Infantry Battalion was based in western Yuxian-Prefecture, Shanxi Province, in China. This unit committed various forms of sexual violence: (1) Women, including the

victims Wan Aihua, Wang Gaihe and Zhou Xixiang, were abducted, confined, raped and tortured on the Japanese military base in retaliation for anti-Japanese activities by themselves, their husbands or fathers; (2) Women, including the victims Zhao Runmei and Gao Yin-e, were abducted, confined and raped on the Japanese military base as a part of a retaliation campaign against anti-Japanese or non-cooperative residents; (3) Specified women, including the victims Yin Yulin and Yang Xihe, were regularly raped or gangraped at private houses in villages the Japanese military dominated entirely; (4) Specified women, including the victims Yang Xizhen and Nan Erpu, were abducted by Japanese NCOs, who were called, for example, "Unit Commander," confined to military facilities for a long period, and owned and raped by the NCOs. The victim Nan Erpu was made even to have a baby; and (5) The Japanese military ordered the Public Order Maintenance Association (a provisional administrative organization for getting cooperation from Chinese people, which remained even after a pro-Japanese, puppet village chief was elected), a puppet village chief and others to "supply" women. Moreover, the Japanese military established facilities like "comfort stations" using private houses in villages, and committed various forms of sexual violence over a long period, including confining and raping women. Official and legal "comfort stations" were established by Quartermaster corps in urban areas by the Japanese military. Therefore, in the war front where the establishment of "comfort stations" was not feasible, soldiers repeatedly abducted, confined and raped women. Such behavior was formally regarded as a violation of military discipline, but in fact there were no factors that made soldiers feel guilty. The case of sexual violence, as seen in the western part of Yuxian-Prefecture, must have occurred against women in any area, which the Japanese military turned into the war zone. In this sense, it can be said that "comfort stations" were established to avert such a situation in the war front as seen in western Yuxian-Prefecture. In other words, the recruitment of "comfort women" probably never failed to involve such cases as the above-mentioned. Therefore, it can be thought that sexual violence at military "comfort stations" and the cases of sexual violence seen in the western part of Yuxian-Prefecture were linked in terms of both the process and the structure.

#### 4. Charges of Defendant H (facts constituting an offense)

During the period from 1931 to 1945, Defendant H had the prerogative of

supreme command that was distinguished from any of the three powers (i. e., legislative, judicial, and administrative). He was also commander-in-chief of the Japanese military. He was thus in the position to--based on the information supplied to him by the military authorities and on his own strategic judgments--instruct the Imperial Military headquarters' war strategies and tactics, to make sure that the Imperial headquarters abide by the international law, and thereby directing them to instruct the Japanese military issue such operation or mission orders that would concur with the international law of the time. However:

#### 4-1. Liability for cases of "comfort stations"

In 1932 during the First Shanghai Incident, Defendant H received reports of numerous cases of rape committed by Japanese soldiers, and consequently paid attention to what practical measures had been taken by his military to prevent rape by Japanese soldiers so as to avoid that the rampancy of the soldiers' raping further aggravate the already-strong anti-Japanese sentiments in China at the time. Defendant H learned that the Japanese army decided to set up "comfort stations" in the depot section, in an attempt to solve the uncontrolled occurrences of rape committed by the Japanese soldiers. "Comfort stations" are to be seen as licensed prostitution system stretched to the depots in the forefront battlelines during the aggressive war. Considering the large scale and rapid expansion of the front battlelines during the war, and also given the fact that at least 50,000 women were relentlessly made into "comfort women" up until 1945 within the whole Asian region, Defendant H should have been able to easily foresee that, in order to set up "comfort stations" at every single depot (supply stations) of the front battlelines, women had to be recruited by force, coercion, threat, deception and/or allurement, and that the recruited women would be forced to have sexual intercourse with a large number of soldiers day after day, and that the women would be forced to be transported along with the troops and military supplies whenever the battlelines moved around. In other words, it would have been easy for Defendant H to comprehend that the actual situation of "comfort stations" would be nothing but a sexual slavery system that was manifestly against principle of humanity.

It was either that 1) Defendant H had fully realized that the "comfort stations" would be a sexual slavery system in and of itself which was manifestly against

principle of humanity, but thought he had no choice other than setting up the comfort stations in order to prevent the already-strong anti-Japanese sentiments from aggravating further, to protect soldiers' physical fighting capacity against venereal diseases, to boost soldiers' morale by securing outlets for their stress and repression, to prevent vital information from leaking through soldiers' and officers' personal/private interaction with local women of enemy countries. Defendant H might have thus thought the Japanese military had no other choice than building comfort stations in order to maintain its fighting forces. Or, it could have been that 2) he neglected his duty to inform himself of the actual situation of "the comfort stations" that was nothing but a system of sexual slavery that manifestly against principle of humanity. Defendant H also neglected his duty to stop the army or the civilian brokers from recruiting the women by force, coercion, threat, deception and/or allurements, making at least 50,000 of these women into "comfort women," i.e., sexual slaves in the whole region of Asia until Japan lost the war in 1945.

Considering Defendant H's capacity as the exclusive possessor of prerogative of supreme command and as commander-in-chief of the Japanese army, and also his spiritual positioning that equaled to that of a god vis-a-vis Japanese soldiers, had he decided to abolish the "comfort stations," it would have been possible to eradicate the sexual slavery system. And given the depth and magnitude of the human rights violation which the victimized women were forced to experience, and the grave consequences thereof, Defendant H's neglect of his duty to stop the army to recruit the women by force, coercion, threat, deception and/or allurements, holds significant illegality that should be considered as significant as that of Defendant H's initiating and soliciting these actions with full knowledge of the actual situation of the comfort stations.

#### 4-2. Liability for the Rape of Nanking

Soldiers of the Japanese military, of which Defendant H was the commander-in-chief, systematically gang-raped an exorbitant number of civilian Chinese women, massacred tens and thousands of civilian Chinese people, and set these Chinese civilians' residences and properties on fire and ruthlessly looted them on a massive scale, during the period from around December 1937 to around February 1938. Defendant H must have been informed of these facts either through

1) briefing by his military staffs, 2) news reports, or 3) accounts from the Imperial headquarters which were informed by European or American journalists' reports of the Rape of Nanking to the world media sources. Therefore, he had the responsibility to control the situation and to suppress the soldiers (of the Japanese army of which he was the commander)' organized and massive-scale gang raping of civilian women, massacring of civilians, of burning down their residences and properties and then of looting them. Defendant H was responsible for restraining his military's actions that would offend international law in time of war. Yet Defendant H neglected his responsibility to control such actions, and invited the gravest consequences including the following: the soldiers who took part in the battle of Nanking systematically gang-raped as many as 20,000 Chinese women, including Yang Mingtin; and these soldiers murdered many of the women who they had raped; the rape victims who barely survived the killings still have wounds on the their sexual organs, and scars on other parts of the body from attempting to resist the rape, and PTSD that is left incurable to this day.

If only Defendant H ordered his army in Nanking to refrain from raping civilian (nonmilitary personnel) women on a massive scale, the Rape of Nanking would not have happened. Such dreadful situation as The Rape of Nanking would have been easily avoided given H's capacity as the supreme commander of the Japanese army and given his spiritual positioning as a god to the Japanese soldiers. Moreover, given the severe consequences of the human rights violation which the raped women went through, and given the fact that H was in such powerful position that he simply had to "choose" to avoid such consequences of human rights violation from happening at all, H's neglect of his duty to avoid such dreadful situation as the Rape of Nanking holds illegality that is to be regarded identical to that of his actively ordering the execution of the Rape of Nanking.

## 5. Responsibility of the State of Japan

### 5-1. Grounds for Japan's State Responsibility

- a) During World War II, the defendant H was the head of the State and supreme commander of all the Japanese armed forces. In addition, all of the above-mentioned defendants were leading members of the Japanese military or government.
- b) Around August 15, 1945, when the Japanese government accepted unconditional surrender, Japan tried to destroy the evidence of war crimes. The General Staff and the Army Ministry sent a notification to all army units to order them to burn all confidential documents. The Navy issued a similar order to

all naval units. The Home Ministry also did so to local governments and the police. These acts made it impossible or extremely difficult to find facts and make the truth public.

- c) When it was recognized that wartime sexual violence had not been duly prosecuted nor punished from the standpoint of gender justice in the Tokyo Tribunal, the above defendants, including H, should have been prosecuted as criminal defendants and properly punished as promptly as possible in the Japanese court. (Such a procedure should have been adopted at least before they are prosecuted here in the Women's International War Crime Tribunal 55 years after the end of the War.) That is, Japan has continued to neglect the duty to prosecute and punish the war criminals.
- d) Japan is liable to compensate for the above-mentioned illegal conducts done by Japanese military officers and government officials. Such conducts naturally constitute civil illegal act because they constitute a criminal crime. Nevertheless, Japan has not yet paid any reparation as a part of restitution for the damage from the illegal act.
- e) As mentioned above, Japan has not fulfilled obligations to find and disclose the truth about the past war crimes and crimes against humanity nor duties to prosecute and punish those responsible for such crimes. Given this fact, it can never be said that Japan has taken necessary measures to prevent war crimes and crimes against humanity from occurring again in the future.

#### 5-2. Contents of Japan's State Responsibility

The responsibility of the State of Japan that arises on the above grounds (a) to (e) is serious and grave in light of the defendants' serious infringement on the human rights of victimized women and the gravity of the damage as a whole that surpasses all imagination. Just like the United States of America, which was judged to be guilty in the Russell Tribunal for its involvement as a state in the Vietnam War, an aggressive war as a crime against humanity, the State of Japan should be judged to be guilty for its aggressive war in the Asia-Pacific region and the grave damage from sexual violence during the war.

Now Japan should fulfill this serious and grave state responsibility. To this end,

- a) Japan should establish a fact-finding body to clarify the entire damage from sexual violence during the aggressive war, and immediately make open all war crime-related documents under the control of the government to help private citizens' efforts to find the truth;
- b) Japanese prosecutors should prosecute the defendants who still survive, and the Japanese court should give them suitable punishment except death penalty.
- c) The Japanese government should pay victims a proper amount of reparation as soon as possible.
- d) The Japanese government should take necessary and sufficient measures to prevent wartime sexual violence from occurring again in the future.