



Women's International Crimes Tribunal On Japan's Military Sexual Slavery

**RE: Judgment of the Women's International War Crimes International
the Trial of Japanese Military Sexual Slavery**

in the matter of

**The Prosecutors and the Peoples of the Asia-Pacific Region vs.
Emperor Hirohito et al. and the Government of Japan**

It is now over nine months since the groundbreaking Women's International War Crimes Tribunal on Japan's Military Sexual Slavery, known as the Tokyo Tribunal, was held in Japan last December 8 – 12, 2000. The victimized countries namely North and South of Korea, the Philippines, China, Taiwan, Indonesia, East Timor, Malaysia, including Japan presented indictments prepared by the country prosecutors, testimonies of former 'comfort women', evidence, expert opinions by eminent lawyers, and historians.

We are pleased to invite you to the rendering of the Tokyo Tribunal Judgment that will take place December 3 & 4, 2001 in The Hague, Netherlands.

Het Lucent Dans Theater (The Lucent Dance Theater)
Address: Spuiplein 152
The Hague, Netherlands

This historic Judgment will finally signal the end of more than 55 years of silence about the systematic and widespread rape, sexual slavery, forced abortion, sexual violence, enforced sterilization and child rape, committed by the Japanese Imperial soldiers against the former 'comfort women' during the war.

The Women's International War Crimes Tribunal was established as a result of the failure of states to discharge their responsibility to ensure justice for such crimes. It is an addendum to the International Military Tribunal for the Far East, April 1946 – November 1948 (IMTFE), established by the Allied powers at the end of WWII. Despite overwhelming evidence of the 'comfort women' system, the IMTFE did not prosecute Japanese officials for these crimes. That a court (IMTFE), especially an internationally constituted court, could ignore a systematic atrocity of this dimension is unacceptable. But the primary responsibility lies with the state of

THE CONVENORS

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Japan for its actions and subsequent failure to prosecute, apologize and provide reparations and other meaningful remedies to the former 'comfort women' for over half a century.

The preliminary Summary of Findings handed down by the judges last December 12, 2000 concluded that a state commits an internationally wrongful act when it acts in violation of applicable international law. The Court found that the state of Japan has acted in violation of both its treaty obligations and obligations under customary international law. In its findings the Court observed:

“Japan has violated treaty obligations including the 1907 Hague Convention Respecting the Laws and Customs of War on Land, the 1921 International Convention for the Suppression of the Traffic in Women and Children, and the 1930 ILO Convention Concerning Forced Labour. It also violated norms of customary international law, including those prescribed in the 1907 Hague Convention and 1926 Slavery Convention. Further, in the 1951 San Francisco Treaty, Japan accepted the Judgment of the IMTFE.”

On the individual responsibility of Emperor Hirohito, the judges concluded:

“The Tribunal finds, based on the evidence before it, that the Prosecution has proved its case against the accused Emperor Hirohito, and finds him guilty of responsibility for rape and sexual slavery as a crime against humanity, under Counts 1-2 of the Common Indictment, and guilty of rape as a crime against humanity under Count 3 of the Common Indictment. Additionally, the Judges determine that the government of Japan has incurred state responsibility, as recognized under Article 4 of the Charter, for its establishment and maintenance of the comfort system.”

The Court comprised of the distinguished judges, Carmen Argibay (Argentina), Christine Chinkin (United Kingdom), Willy Mutunga (Kenya) and presided by Honorable Judge Gabrielle Kirk McDonald (USA) (former President of the ICTY) will deliver the highly anticipated judgment.

Please contact Indai Sajor at indai@iccwomen.org or Reena Geevarghese reena@iccwomen.org of the Women's Caucus for Gender Justice to indicate whether you will be able to attend the Tokyo Judgment. As we are raising funds to ensure the presence of as many 'comfort women' as possible, we hope that you may be able to secure funding for your attendance.

We look forward to hearing from you soon and seeing you in The Hague this coming December.

On behalf of my co-conveners, Yayori Matsui and Yun Chung Ok, our best wishes,

Indai Sajor
Philippines