

New Draft Charter

Draft Charter of Women's International War Crimes Tribunal 2000 for the Trial of Japanese Military Sexual Slavery (31 March 2000)

The following draft charter is agreed after the meeting of a lawyers group from the participating organizations in the Womens War Crimes Tribunal 2000. Those participated in the above meeting were: Sihyun Cho (South Korea), Ho Nam Hwang (North Korea), Yasuchi Higachizawa (Japan), Eleanor Conda (the Phillipines), Kazuko Kawaguchi (Japan), Merlin M. Magallona (the Phillipines), and Chun Ae Ri (North Korea).

The agreement is reached on the basis of the earlier drafts of VAWW-Net Japan and the Korean Council. The question whether the reference to crimes of genocide in Article 2 below should be retained remains open. To emphasize the seriousness of responsibility of the Japanese Government on the matter, it is decided to include a paragraph on international crimes of States as may be adopted by the UN International Law Commission at a later stage.

The final Charter will come with the approval of organizations participating in the Tribunal.

Preamble

The International Organizing Committee, composed of organizations from the offending country (Japan), organizations from areas where people were victimized (South Korea, North Korea, China, Taiwan, the Philippines, Indonesia, Malaysia, and others), and an International Advisory Committee (comprising eminent scholars and human rights activists),

Witnessing the passage of the 20th century without any justice done to women victims of sexual slavery committed by the Japanese Military in various Asian countries under its colonial domination and military occupation before and during the Second World War, being one of the most horrendous forms of wartime sexual violence known in this century,

Witnessing also that violence against women, especially during armed conflicts, continues to be unabated in many parts of the world today,

Noting that violence against women has received further international attention through the Vienna Declaration adopted at the World Conference on Human Rights in 1993 and the Beijing Platform of Action adopted at the Fourth World Conference on Women in 1995, which explicitly stated that violence against women during armed conflict including rape and sexual slavery was a war crime, and that its truth should be identified and disclosed, its victims properly redressed and its perpetrators punished,

While the International War Crimes Tribunals for the Former Yugoslavia and Rwanda established by the United Nations in the early 1990s have prosecuted those who were responsible for violence against women and the International Criminal Court now being established will cover under its jurisdiction violence against women during war and armed conflicts committed after its establishment,

Whereas that the Japanese Military sexual slavery has been a particularly grave and egregious form of violence against women in violation of the then existing principles of international law and deeply shocking the conscience of humanity,

Noting that the military tribunals conducted by the Allied Powers throughout Asia following the end of the Second World War seldom prosecuted Japan's military sexual slavery and other cases of sexual violence against women as war crimes, and that, in the subsequent decades, the existing national and international systems of justice have failed to bring the perpetrators to justice,

Cognizant that women victims of the Japanese Military sexual slavery continue to suffer,