

Women's International War Crimes Tribunal on Japan's Military Sexual Slavery

December 2000 Tokyo

**We cannot usher in the 21st Century
without having responded to the cry of the "Comfort Women"
demanding prosecution of those who committed crimes against them.**

Tribunal proposed at Geneva and Seoul Conferences

In response to the cry of the "Comfort Women" victimized by Japan's military sexual slavery: "Our honor and dignity can never be restored until the perpetrators of the crimes against us are brought to justice" —we propose to hold a Women's International War Crimes Tribunal on Japan's Military Sexual Slavery around the time of International Human Rights Day in December 2000, which is the last month of the 20th Century, a century in which countless women suffered from sexual violence in war and armed conflicts.

"Violence against Women in War Network (VAWW-Net)" was formed at the International Conference on Violence against Women in War and Armed Conflict Situations, held in November 1997 in Tokyo. When VAWW-NET Japan proposed the Women's Tribunal at a VAWW-NET meeting on April 9, 1998 in Geneva, the proposal received strong support from VAWW-NET members and the idea was further endorsed at the 5th Asian Solidarity Conference held in Seoul on April 15-17.

Prosecution of the war criminals and investigation of the truth

The "Comfort Women" movement started in 1990, and since then survivors from Korea and other Asian countries have come forward and testified their painful experiences. Furthermore, the systematic mass rape which took place over the same period during civil wars in former Yugoslavia and Rwanda shocked the world. As a result, the "Platform for Action" adopted at the UN World Conference on Women (1995, in Beijing) clearly stated that violence against women in war and armed conflict situation, such as systematic rape and military sexual slavery (the "Comfort Women" system) constitutes a war crime, demanding investigation, prosecution of perpetrators, and redress to the victims.

However, the Japanese Government continues to refuse to take legal responsibility, ignoring the demands of victimized countries and the international community. Instead, the Government established the Asian Women's Fund in 1995 to facilitate fund-raising from private citizens as a substitute for state compensation. The victims protested this scheme, stating "Money can never restore our dignity." The Asian Solidarity Conference in Seoul confirmed that, with the decisions of the governments of Taiwan and Korea to provide the survivors with the same amount of money as that offered by the fund, the focus of the "Comfort Women" movement shifted from the controversy over the Asian Women's Fund to investigation of the facts and prosecution of perpetrators.

Tokyo War Tribunal left war crimes against women unpunished

More than 40 participants from 20 countries and areas took part in the International Conference on "Violence against Women in War and Armed Conflict Situations" in Tokyo. These included not only Asian women who are involved in the "Comfort Women" issue, but also women who are working on violence against women in war and armed conflict situations—issue such as sexual violence in the conflicts in former Yugoslavia and Rwanda. The major focus of the Conference was the question: "Why have war crimes against women never been prosecuted?" Accordingly, it was proposed that the Tokyo Tribunal and all other war tribunals that were held in Asian countries after World War II should be thoroughly reviewed.

In the case of the "Comfort Women" too, the issue of prosecution of perpetrators has not been sufficiently dealt with. This issue was raised by Korean women in 1993, but the Japanese movement hesitated to face it. However, victimized women have continued to stress that "Without punishment of those who are responsible, our dignity can never be restored." Therefore, it is urgent that a more concerted effort be made to identify those who were responsible for military sexual slavery.

From the War Crime Tribunals for former Yugoslavia and Rwanda to the establishment of the International Criminal Court

If women from Japan, the offending country, identify those who are responsible for such state war crimes against women as the military sexual slavery system of "Comfort Women", they may also make a contribution to the global women's human rights movement that is calling for elimination of violence against women in war and armed conflicts. Though inadequately, cases of sexual violence were prosecuted at the War Crimes Tribunals for former Yugoslavia and Rwanda as a result of pressure from women. The International Criminal Court defined sexual violence as war crime at its establishment in July 1998. Furthermore, the appendix on "Comfort Women Station" of final report on Systematic rape, sexual slavery and slavery-like practices during armed conflict, which was submitted to the Sub-commission on Prevention of Discrimination and Protection of Minorities of the UN Commission on Human Rights by Special Rapporteur Gay J. McDougall last August, recommended that the Japanese government establishes a mechanism which ensures legal compensation and criminal prosecution (the Japanese government rejected the recommendation in response).

The international movement emphasizes the need for criminal prosecution of sexual violence under war and armed conflict situations today. We have no time to loose as the victimized women are aging and dying.

In solidarity with women of victimized countries and the international women's movement.

We therefore decided to propose an "Honor and Justice to 'Comfort Women'!-Global Campaign 2000" focusing on a "Women's International War Crimes Tribunal on Japan's Military Sexual Slavery" to be held around the 8th of December (Pearl Harbor Day, marking the beginning of the Pacific War) and the 10th of December, International Human Rights Day. The main objective is to pressure the Japanese government to admit its legal responsibility and to prosecute the perpetrators of the sexual slavery system.

The proposal was enthusiastically supported by Yun Chung-ok, Co-Representative of the Korean Council for the Women Drafted for Military Sexual Slavery by Japan, and Lee Mikyung, Member of the National Assembly. They expressed hope that women from many countries would cooperate to make the Tribunal a success. Former "Comfort Women" responded by saying: "Please try to identify the individual Japanese military men who made us suffer so much!" Their proposal was included in the resolutions that came out of the Seoul Conference.

We were also encouraged that the proposal for the tribunal was supported by the women working in the field of violence against women in war and armed conflict situation who attended the

VAWW-NET meeting in Geneva--women from the Philippines (Asian Center for Women's Human Rights), Korea (Korean Council for the Women Drafted for Military Sexual Slavery by Japan), Serbia (Autonomous Women's Center Against Sexual Violence), Algeria (Women Living Under Muslim Laws), Canada (International Center for Human Rights and Democratic Development), United States (international group for women's human rights), etc. The support from women in these countries is essential, because prosecution of perpetrators will require not only access to the archives in Japan, but to archives in the countries of the former Allied Powers, expertise in international law, and reports from the war criminal courts for former Yugoslavia and Rwanda.

Let's conclude the 20th century of violence against women with the women's tribunal

The 20th Century, a century unrivaled in its level of war crime against women, and the century when women broke their silence to stand up against such crimes, will close with bringing charges against Japan for its state responsibility and post-war responsibility as an offending country. In doing so, we hope to pave a path towards creating a 21st Century of peace without violence, a future where women's human rights are respected and taken seriously. We look forward to participation of NGOs and individuals that are involved in the "Comfort Women" issue in Japan and abroad as well as the cooperation of experts in specialized fields such as international law and history.

What is the Women's International War Crimes Tribunal on Japan's Military Sexual Slavery?

■ Objectives

In order to make the Japanese Government take legal responsibility for the "Comfort Women" issue, clarify the fact that the Japanese Military sex system constituted a war crime against women, to identify the perpetrators of the crime and their punishment, and to record the complete proceedings of the Tribunal in history.

■ Approach

- | | |
|--|--|
| (1) A women's initiative | (6) Responsibility of women from the offending country |
| (2) An international solidarity | (7) Setting a precedent for punishment of war crimes against women |
| (3) In partnership with specialists | (8) Paving the way for violence-free 21st Century |
| (4) A grassroots movement | |
| (5) From the perspective of "women's human rights" | |

■ Investigation to proceed Tribunal

An International Committee will be formed in order to investigate the truth through the following activities:

1. Investigate wartime documents which are kept by the national and local governments in Japan.
2. Collect testimonies and writings of former Japanese military personnel.
3. Request archives in China, Taiwan, Korea, and other victimized countries to disclose documents.
4. Request "Comfort Women" in each country to testify particularly on the Japanese military's involvement in establishing and maintaining "Comfort Station" system.
5. Screen out materials on sexual violence from archives that were presented to the Tokyo Tribunal and other war crimes trials that were held in various parts of Asia right after WWII.
6. Collect wartime documents from former Allied Powers, namely the United States, the United Kingdom, the Netherlands, France, Australia.
7. Collect materials from war crimes tribunals of former Yugoslavia and Rwanda.
8. Research and identify international and domestic laws that are applicable to the Tribunal.

Violence Against Women in War

Network - Japan



Chairperson, Yayori Matsui
2-10-10 Shiomi, Koto-ku, Tokyo 135-8555
Fax: +81-3-5337-4088
E-mail: vaww-net-japan@jca.ox.apc.org