

## 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.

tentative agreement.

- ① 2/12 2/12  
② dead person  
③ 6/2 1/2 2/2 2/2 2/2

- 2/12 Approves  
1. 2/2 Simulation  
2. 2/2 2/2 2/2  
3. 2/2 2/2 2/2  
4. 4/2 2/2  
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Explanatory note  
2/12 2/2

### 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), individuals, groups, organizations

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, 5

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

Inviting attention to the fact  
Taking note that

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 <sup>under its jurisdiction</sup> violence against women during war and armed conflicts committed ~~after its establishment,~~ *the entry into force of its Statute.*

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, both physically and psychologically, from these violations without justice including compensation and prosecution of the perpetrators of these crimes,

Aware that after the long and ~~tortuous~~ <sup>✓</sup> silence, survivors of this slavery have demanded in the 1990s that justice be done and their long denied human rights be restored to them,

Alarmed that even after half a century after the crimes were committed, the survivors do not receive a word of acknowledgement of the crimes by the perpetrators, nor is there any genuine apology made or reparations paid by those responsible for the crimes committed against them while one survivor after another is passing away without any redress,

Mindful of a moral responsibility of every member of the global civil society and also a common task for international women's movement to restore justice for the women victims and survivors of wartime sexual violence including sexual slavery,

Determined to restore justice, human rights, and dignity to all victimized women, to contribute to end the cycle of impunity for violence against women in wartime and armed conflict situations and thereby prevent repetition of such crimes,

Convinced that this effort will also contribute toward creating a 21st century and a new millennium free of war and violence against women making the full documentation public to the world as indelible records of the 20th century history,

Desiring to hold a Women's International War Crimes Tribunal 2000 for the Trial of Japanese Military Sexual Slavery ~~in the last month of the year 2000~~, the primary task of which will be to bringing out truths and to establish the legal responsibility of states and

individuals involved in sexual violence and especially the sexual slavery of "comfort women" at "comfort stations" perpetrated by the Japanese Imperial Army in connection with Japan's colonial domination and war of aggression throughout the Asia-Pacific region,

Convinced that the Tribunal is competent to render its judgements in the light of the principles of international law, human conscience, humanity and gender justice focusing on the principles of women's human rights which have come to be accepted by the international community as international human rights as the result of brave struggles of many people including women survivors themselves,

Mindful that while the Tribunal, as a people's and women's initiative, has no real power to enforce its judgements, it nonetheless carries the moral authority demanding their wide acceptance and enforcement by the international community and national governments,

Urging once again that States and intergovernmental organizations take necessary measures to bring to justice the persons responsible for the crimes and to provide reparation including apology, compensation and rehabilitation,

*Adopts*  
Concludes hereby the Charter of Women's International War Crimes Tribunal 2000 for the Trial of Japanese Military Sexual Slavery.

#### Article 1

##### Establishment of the Women's International War Crimes Tribunal

The Women's International War Crimes Tribunal ("the Tribunal") is hereby established. It shall conduct a public trial on such dates and places as may be determined by the International Organizing Committee.

#### Article 2

##### *Competence* ~~Crimes within the Jurisdiction~~ of the Tribunal

The Tribunal shall try crimes of serious violations of women's human rights such as rape, sexual slavery, enforced prostitution or any other form of sexual violence committed by Japanese Imperial Army in various Asian countries under its colonial domination and military occupation before and during the Second World War in violation of international humanitarian law and other international laws as constituting war crimes, crimes against humanity and crimes of genocide.

#### Article 3

##### Competence of the Tribunal

The Tribunal shall have jurisdiction over *acts* ~~natural persons, juridical persons and States,~~ *individuals* pursuant to the provisions of the present Charter.

*It shall have power to exercise  
jur. over  
ind. and State*

*for acts within  
responsible. the jur.  
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the Trib.*

## Re: Article 4

3. The acts of a person constituting a crime within the jurisdiction of the Tribunal committed in official capacity as Emperor, Head of State or Government, an elective or appointed member of the Government, member of the military forces or under military command, shall be attributable to the State without regard as to whether ~~as to~~ such person is still living or dead.

