APPENDICES
Appendix A

Charter of the
Women’s International War Crimes Tribunal 2000 for the Trial of Japanese
Military Sexual Slavery

(INCORPORATING MODIFICATIONS AGREED UPON
DURING THE HAGUE MEETING, 26-27 OCTOBER 2000)

Preamble

Witnessing the passage of the 20th century without any justice done to women victims and survivors 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, the victimised properly redressed, and the perpetrators punished;

Taking note that 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 covers, under its jurisdiction, violence against women during war and armed conflicts committed after the entry into force of its Statute;

Whereas 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 survivors of the Japanese Military Sexual Slavery continue to suffer, both physically and psychologically, from these violations and from the failure to provide justice, including individual compensation and other reparations, and prosecution of the perpetrators of these crimes;
Aware that after the long and torturous 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 provided by those responsible for the crimes committed against them while one survivor after another is passing away without any redress;

Mindful of the moral responsibility of every member of the global civil society and also a common task for the 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 ending the cycle of impunity for violence against women in wartime and armed conflict situations, and thereby to 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 by 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, the primary task of which will be to bring out truths and to establish the legal responsibility of states and individuals involved in sexual violence, 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 respecting responsibility for the commission of crimes against women in light of the principles of law, human conscience, humanity and gender justice that were an integral part of international law at the time of the offenses, and that should have been applied by, the International Military Tribunal for the Far East, as well as taking into account the subsequent developments in international law, particularly in relation to women’s human rights, which have come to be recognized by the international community as a priority matter as the result of brave struggles of many people, including women survivors themselves, insofar as these developments illuminate the proper application of international law to the crimes against women and embody evolving principles of state responsibility for past violations;

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.

The International Organizing Committee, composed of organizations from the offending country (Japan), organizations from areas where people were victimized (South and North Korea, China,

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 have power to exercise jurisdiction over individuals and States pursuant to the provisions of the present Charter. It shall conduct a public trial on such dates and places as may be determined by the International Organizing Committee.

Article 2
Jurisdiction of the Tribunal
The Tribunal shall have jurisdiction over crimes committed against women as war crimes, crimes against humanity and other crimes under international law and shall cover all countries and regions that were colonized, ruled or under the military occupation and to all other countries that were similarly victimized by Japan before and during the Second World War. These crimes include, but are not limited to, the following acts: sexual slavery, rape and other forms of sexual violence, enslavement, torture, deportation, persecution, murder, and extermination.

The Tribunal shall also have jurisdiction over acts or omissions of States in violation of international law with respect to the crimes as referred to in the above paragraph.

The Tribunal shall also have jurisdiction over claims involving State responsibility under international law as referred to in Article 4.

The jurisdiction of the Tribunal shall extend to the present day.

Article 3
Individual criminal responsibility
A person who planned, instigated, ordered, committed or otherwise aided and abetted in the planning, preparation or execution of a crime referred to in Article 2 of the present Charter shall be individually held responsible for the crime. Those who have concealed the crimes in Article 2 shall be individually held responsible.

The fact that such a crime referred to in Article 2 of the present Charter was committed by a subordinate does not relieve his superior or military commander of criminal responsibility if that superior or commander knew, or had reason to know, that the subordinate was about to commit such acts or had done so and the superior failed to take the necessary and reasonable measures to prevent or repress their commission or submit the matter to the competent authorities for investigation and prosecution.
Article 4
State responsibility

State responsibility arises from the following:

(a) commission of crimes or acts as referred to in Article 2 by military forces, government officials and those individuals acting in their official capacity.

(b) acts or omissions by States such as

   (i) concealment, denial or distortion of the facts or in any other manner its negligence or failure to meet its responsibility to find and disclose the truth concerning crimes referred to in Article 2;

   (ii) failure to prosecute and punish those responsible for said crimes;

   (iii) failure to provide reparations to those victimized;

   (iv) failure to take measures to protect the integrity, wellbeing and dignity of the human person;

   (v) discrimination based on such ground as gender, age, race, color, national, ethnic or social origin or belief, health status, sexual orientation, political or other opinion, wealth, birth or any other status; and

   (vi) failure to take necessary measures to prevent recurrence.

Article 5
Official Capacity and Superior Orders

The official position of any accused person, whether as the Emperor, the Head of the State or Government, a military commander or a responsible government official, shall not relieve such person of criminal responsibility, nor mitigate punishment.

The fact that the crimes are committed pursuant to an order of a superior or of a Government alone shall not relieve a person of criminal responsibility.

Article 6
Non-applicability of the statute of limitations

The crimes within the jurisdiction of the Tribunal shall not be subject to any statute of limitations.

Article 7
Organization of the Tribunal

The Tribunal shall consist of the following organs:

(a) Judges;
(b) Prosecutors; and

(c) A Registry.

**Article 8**
**Qualifications and election of judges and prosecutors**

The judges and the prosecutors shall be appointed by the International Organizing Committee among internationally renowned persons in the field of human rights, taking due consideration of the following:

(a) gender balance;

(b) regional balance; and

(c) contribution in advocacy, protection and promotion of women’s human rights.

**Article 9**
**Rules of procedure and evidence**

The judges of the Tribunal shall decide matters concerning the rules of procedure and evidence for the conduct of the trial, the protection of victims and witnesses and other appropriate matters of the Tribunal as they deem necessary. The following shall be admitted as evidence:

(a) documentation: Written evidences such as official documents, affidavits/depositions, signed statements, diaries, letters/notes or other documents, experts’ views, photos and other visual documents;

(b) personal evidence: Written or oral testimonies of survivors and witnesses, statements of expert witnesses; and

(c) material evidence: Other relevant physical and material evidence.

**Article 10**
**The Registry**

The International Organizing Committee establishes a Registry to the Tribunal. The Registry shall be responsible for the administration and servicing of the Tribunal.

**Article 11**
**Prosecutors: Investigation and Indictments**

1. The Prosecutors shall be responsible for the investigation and prosecution of the crimes referred to in Article 2 of the present Charter, taking into account gender and cultural issues and the trauma faced by the victimized.

2. The Prosecutors shall initiate investigation on the basis of information received from individuals, survivors, non-governmental organizations, or any source, and shall have the
power to question suspects, those victimized and witnesses, to collect evidence and to conduct on-site investigations in order to establish the truth.

3. The prosecutors shall submit indictments to the Tribunal if, upon investigation, there is a reasonable basis for a prosecution.

Article 12
Trial Proceedings

1. The Tribunal shall read the indictments from the prosecutors at the commencement of the trial, and shall ensure a fair and expeditious trial.

2. The hearings shall be held in public.

Article 13
Participation and protection of those victimized and witnesses

The Tribunal shall take appropriate measures to protect the safety, physical and psychological well-being, dignity and privacy of those victimized and witnesses of sexual violence and any other person at risk on account of their testimony, having regard to the nature of crimes being dealt with and taking trauma into account. Such protection measures shall include, but shall not be limited to, audio-visual proceedings and other protective measures to safeguard the identity of those victimized, wherever necessary.

Article 14
Judgements

1. The judgement shall be delivered in public and rendered by a majority of the judges of the Tribunal. The judges may issue a separate opinion, concurring in or dissenting to the judgement.

2. The judgement shall state clearly whether the accused has been found guilty or not guilty of the alleged crime or whether there is insufficient evidence available to the prosecutors upon which such a determination, according to a majority of the judges may be based, and the Tribunal shall give reasons for the particular judgement.

3. The judgement may make a recommendation to a person or State held responsible to offer redress to those victimized, including apology, restitution, compensation and rehabilitation.

4. Copies of the judgement shall be sent to the survivors, the accused or their attorneys, the government of Japan, the governments of the States concerned, and international agencies including the United Nations High Commissioner for Human Rights, and shall be widely distributed throughout the world as historical documents.
**Article 15**

**Cooperation**

1. The Tribunal may ask every individual, nongovernmental organization, Government, intergovernmental organization, United Nations organs and other international bodies to cooperate fully with the Tribunal in the investigation and prosecution of persons and states responsible for acts referred to in Article 1 of the present Charter.

2. The Tribunal may ask every individual, non-governmental organization, Government, intergovernmental organization, United Nations organ and any other international body to respect any request for assistance or a judgement issued by the Tribunal, including, but not limited to:

   (a) The identification and whereabouts of persons or the location of items;

   (b) The taking of testimony and the production of evidence;

   (c) The voluntary appearance of persons as victims, as witnesses or as experts before the Tribunal;

   (d) The examination of places or sites;

   (e) The provision of relevant information, records and documents, official or otherwise, and the full opening of wartime archives;

   (f) The protection of victims and witnesses and the preservation of evidence;

   (g) Facilitating or conducting the investigation and prosecution of the persons responsible for the crimes in compliance with its respective international obligations;

   (h) The provision of reparation, including apology, compensation and rehabilitation in compliance with its respective international obligations; and

   (i) Any other type of assistance with a view to facilitating the objectives of the Tribunal.
1. The Prosecutors of the Women’s International War Crimes Tribunal on Japanese Military Sexual Slavery (hereinafter the “Tribunal”), pursuant to their authority granted under Article 2 of the Charter of the Women’s International Crimes Tribunal 2000 for the Trial of Japanese Military Sexual Slavery (hereinafter, the “Charter”), charge the accused, Emperor Hirohito, Iwane Matsui, Shunroku Hata, Hisaichi Terauchi, Seishiro Itagaki, Hideki Tojo, Yoshijirou Umezu, Seizo Kobayashi, and Rikichi Ando with:

**Crimes Against Humanity: Sexual Slavery and Rape**

as recognized in Article 2(l) of the Charter.

2. The Prosecutors of the Tribunal further, pursuant to their authority granted under Article 2 of the Charter, charge the accused Emperor Hirohito and Tomoyuki Yamashita with:
Women's International War Crimes Tribunal

Crimes Against Humanity: Rape

as recognized in Article 2(1) of the Charter.

3. The Prosecutors of the Tribunal further allege, pursuant to their authority under Article 4 of the Charter, that reparations and compensation for violations of international law are owed to the remaining survivors or descendants of deceased victims based on the state responsibility of:

THE GOVERNMENT OF JAPAN

as recognized under Article 4 of the Charter.

FACTUAL BACKGROUND

INTRODUCTION

4. From the late nineteenth century to the mid-twentieth century the Japanese government pursued expansionist policies in north and southeast Asia that culminated in the Asia-Pacific War and the unconditional surrender of Japan in 1945. Japan colonized Taiwan in 1895 and subsequently subjugated Korea in 1905. In 1931, Japan invaded Manchuria, followed by Shanghai in 1932 and Nanking in 1937. In direct response to the notorious scale of sexual violence inflicted upon Chinese women by the Japanese invading troops, Japan instituted a system of “comfort stations.” Between 1937 until Japan’s military defeat in 1945, the Japanese government and the Japanese Army and Navy enslaved Korean, Chinese, Filipino, Indonesian, Timorese, Burmese, Malay, Taiwanese, Eurasian, Pacific Islanders, Dutch and Asian aboriginal women in order to furnish Japanese troops engaged in active military service with sexual recreation. From 1937 through 1945, the period of time covered by this indictment, an estimated tens of thousands of women from Asian countries that were occupied, colonized or subjugated by Japan were forced to serve as military sexual slaves in “comfort stations” authorized by the Japanese government.

TAIWAN

5. In 1895, as the result of the Japanese-Sino war, Japan extended its rule over Taiwan by the terms of Article II of the Shimonoseki Treaty. Japan appointed Governors-General to administer Taiwan. Taiwan remained a colony of Japan during the armed conflict between China and Japan in the 1930’s and throughout the Asia-Pacific War until the Japanese surrender in 1945. Commencing in 1937, Taiwanese women were abducted, forcibly removed, falsely

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1 Taiwanese Indictment paragraph 3.
2 Taiwanese Indictment paragraphs 11, 45 - 47.
3 Taiwanese Indictment paragraph 41.

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recruited or otherwise deceived or coerced into servitude at the “comfort stations.”

The Japanese government, in tandem with the Governor-Generals of Taiwan, and the Japanese Armed Forces transported and “stationed” Taiwanese women in comfort stations located in Hainan Island and Kwantung (Guandong) Province in occupied China, Hong Kong, Singapore and Lasho province in Burma. Although many Taiwanese women were sent to “comfort stations” in Japanese occupied territories, others were coerced into providing sexual services to the Japanese Army stationed in Taiwan. The Taiwanese women endured sexual slavery and other forms of inhumane treatment and at times death at the hands of the Japanese armed forces.

KOREA

6. In 1905, Korea became a Protectorate of Japan. In the 1910 Treaty of Annexation, the Korean Emperor ceded all sovereign power over Korea to the Japanese Emperor, who completely subjugated the Korean population. Japan ruled Korea until 1945 through a succession of Japanese appointed Governors-General and the Korea Army. From 1937 until 1945, the Japanese government enacted the Act of State General Mobilization and forcibly conscripted Korean men into the Japanese Army and Korean women into the National Labour Service Corp. Within this context, and by the ruse of deceitful recruitment, as well as abduction and kidnapping, many Korean women were sent to “comfort stations” in China, Burma and southeast Asia. The Governors-General of Korea as well as other Japanese army commanders and governmental officials participated in enslaving Korean women. Due to Korea’s complete subjugation, Korean women constituted the majority of women forced into military sexual enslavement by the Japanese Government. In the “comfort stations,” Korean women were thus subjected to sexual torture, including rape, as well as to starvation, physical maiming other inhumane acts, and, at times, death.

CHINA

7. The military invasion and eventual political domination of China was a Japanese strategic objective in the first half of the twentieth century. When Manchuria “fell” to Japan in 1931, soon followed by Shanghai, Nanking and the remaining territory of China, the Japanese government swiftly moved to establish “comfort stations” to redress the acknowledged problem of massive rapes committed by the Japanese troops against Chinese women. “Comfort stations” were set up in Manchuria, Shanghai, Zhejiang, Hunan, Fujian and various locations in the south.

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4 Taiwanese Indictment paragraphs 53 - 55.
5 Taiwanese Indictment paragraphs 8 & 47.
6 Taiwanese Indictment pages 4, 6 & 11
7 Taiwanese Indictment pages 6 - 8.
8 Japan annexed Korea in 1910, thereby indirectly increasing Japanese rights in China, since Korean settlers in Manchuria thereby became the subjects of the Japanese Empire. The number of Koreans in Manchuria by 1 January 1928 amounted to 800,000 people. See II The Tokyo Judgement 38 (Dr. B.V.A. Röling ed. 1977) (hereinafter “Tokyo Judgement”).
9 Korean Indictment page 3-4.
10 Korean Indictment paragraphs 49 & 50.
11 Korean Indictment pages 4-5 & 8.
12 Korean Indictment, paragraphs 63, 65, 67, 69, 71 and 74 respectively.
13 Chinese Indictment page 2; see also the Tokyo Judgement at 53-54.
14 Chinese Indictment page 8.
15 Chinese Indictment page 9.
16 Chinese Indictment pages 3 –6
17 Taiwanese Indictment page 4.
and north of China.\textsuperscript{18} As part of the conquered population, Chinese women were frequently captured, kidnapped, ordered to leave their villages, and forcibly retained in the “comfort stations.”\textsuperscript{19} In 1938, the Guangzhou area of occupied China alone reportedly had over one thousand women enslaved in “comfort stations.” By 1945, the Japanese Army operated a system of military sexual enslavement throughout occupied China.\textsuperscript{20} Notwithstanding the Japanese government’s administrative response to massive rapes, Chinese women continued to be sexually assaulted by Japanese occupational forces.\textsuperscript{21}

**INDONESIA**

8. Indonesia, known as the Dutch East Indies, was a colony of the Netherlands until 1947.\textsuperscript{22} In 1941, the official Japanese war strategy included the planned invasion and occupation of Indonesia. The Japanese forces that landed in Java on March 8, 1942, overthrew Dutch sovereignty and divided Indonesia into military occupation zones.\textsuperscript{23} The Japanese Army, under the command of the Southern Expeditionary Forces, controlled the islands of Java, Sumatra and Borneo\textsuperscript{24} and the eastern region of Indonesia. Japanese occupation policies centered on conscription of Indonesian men and women as a means to sustain the Japanese war effort.\textsuperscript{25} Under such programs, many Indonesian females between 13 and 17 years of age were forcibly and deceptively sent to “comfort stations.”\textsuperscript{26} The Japanese occupiers meanwhile incarcerated the Dutch population of Indonesia in several local detention camps.\textsuperscript{27} Some Dutch women were then removed from detention camps and placed in “comfort stations” to serve Japanese officers.\textsuperscript{28} Taiwanese and Korean women who were enslaved by the Japanese army were sent to “comfort stations” in Indonesia, while many Indonesian women were sent abroad to “comfort stations” in Burma, Singapore and the Philippines.\textsuperscript{29}

**THE PHILIPPINES**

9. At the conclusion of the nineteenth century, the Philippines became a U.S. protectorate.\textsuperscript{30} On December 8, 1941, one day after the Japanese attack on Pearl Harbor in the Hawaiian Islands, the Japanese Army attacked Mindanao Island in the Philippines.\textsuperscript{31} The Japanese Army invaded Manila on January 2, 1942, effectively defeating the Filipino forces and subjugating the Filipino population to four years of military occupation.\textsuperscript{32} In accordance with Japanese governmental policy, “comfort stations” were established wherever sizeable Japanese Army garrisons existed.\textsuperscript{33} The successive Commanders of the 14th Area Army, under the command of the Southern Expeditionary Forces, established “comfort stations” in Manila, Iloilo, in the Panay Island and

\begin{footnotesize}
\begin{enumerate}
\item Chinese Indictment pages 8-14 and 16-17.
\item Chinese Indictment page 7.
\item Chinese Indictment pages 18 and 20.
\item Chinese Indictment pages 15-16.
\item Indonesian Indictment page 2.
\item Id. See also Netherlands Indictment page 1 paragraphs 2 and 3.
\item Indonesian Indictment page 5.
\item Indonesian Indictment page 2
\item Id.
\item Id. See also Netherlands Indictment paragraph 4.
\item Id. See also Netherlands Indictment paragraph 12.
\item Id. See also Netherlands Indictment paragraph 9.
\item Filipino Indictment page 2.
\item Filipino Indictment pages 2 - 3.
\item Filipino Indictment page 3.
\item Filipino Indictment paragraph 16.
\end{enumerate}
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Tacloban in Leyte Island. Filipino women were forced to sexually serve the Japanese soldiers in other stations such as Cayagan de Oro City, Butuan, and Masbate. In some cases, the Japanese Army administered the “comfort stations” yet licensed civilians to operate them. Due to the presence of the Japanese occupational forces, Filipino women were frequently captured and raped for several days or longer by Japanese soldiers at locations where formal “comfort stations” had not been established. Thus the creation of “comfort stations” did not eradicate massive sexual violations by Japanese soldiers. A notorious planned mass rape occurred in Mapanique, on November 23, 1944. In that military operation, Japanese forces executed Filipino men and then proceeded to rape the village women at the nearby army garrison in the infamous Bahay na Pula (Red House).

EAST TIMOR

10. The Portuguese colonized the island of Timor in 1702. In 1896, East Timor became a separate colony ruled by the Portuguese while the remaining part of Timor came under Dutch rule. Allied troops landed in East Timor on December 17, 1941, and retreated in 1942 when the Japanese forces invaded Dili, the capital, and then occupied the country. After evacuation of the Allied forces, in January 1943, the Japanese military conducted punitive expeditions against the Timorese inhabitants who were suspected sympathizers of the Allied forces. The Japanese military occupation resulted in the establishment of “comfort stations” in places such as Suku Fatubosa, Bobnaro, Aileu and Dili. East Timorese girls and women were forcibly recruited from various parts of the island to serve Japanese military personnel sexually and as forced laborers. The “comfort stations” were facilitated through the Liurajs, traditional kings, who during occupation were compelled to turn over their residences to the Japanese military for use as “comfort stations.” The women and girls were made to endure multiple acts of sexual violence, at times committed by more than one Japanese soldier. Women from China and Indonesia were also made to serve in comfort stations in East Timor.

MALAYSIA

11. The Japanese attacked Malaysia on December 8, 1941, shortly after the attack on Pearl Harbor. After capturing Singapore on February 15, 1942, the Lieutenant-General of the 25th Army set up a military government and ruled the occupied territories. Japanese troops entered towns demanding that community leaders provide women for the “comfort stations” to serve soldiers’ sexual needs. Soldiers also forcibly kidnapped young girls and women from their homes. Comfort stations were set up in various locations including Kuala Pilah, Negri
Women were subjected to sexual slavery including continuous and multiple rapes accompanied by other physical violence. The Japanese government knew that this system of sexual slavery existed.

SYSTEM OF COMFORT STATIONS

12. The overall Japanese strategy aimed to militarily defeat its enemies and to expand Japanese political domination into east and southeast Asia. The establishment of facilities of sexual slavery or “comfort stations” was integral to the military strategy and was authorized at the highest military and political levels. There were several military objectives behind the “comfort stations.” The most clearly documented objective was the intent to deter Japanese soldiers from raping local women and thus contain the anti-Japanese sentiments among the occupied population.

13. In 1932, in the aftermath of the takeover of Shanghai, the frequency of rapes of Chinese women caused Japan to be concerned about its international image and the security of its occupation forces. After 1937, as the Japanese military actions escalated in Shanghai, Nanking, Hankou and Kwantung (Guandong) areas of China, the forcible or deceptive recruitment of non-Japanese women intensified. From 1941 until the unconditional surrender of Japan in 1945, “comfort stations” proliferated alongside of Japanese military operations. The War Ministry institutionalized the military sexual slavery system.

14. Concomitantly with the military operations, the Commander of the Central Chinese Area Army and the Commander of the Kwantung (Guandong) Army, and the North China Area Army, through their Chiefs of Staff directed the setting up of “comfort stations.” In July 1941, the Commander of the Kwantung (Guandong) Army through his Staff Officer requested that 20,000 comfort women from the Korean peninsula be transported to China in preparation of the Guandong Army Special Exercise. Thus, between 1937 and 1945, successive Commanders of
the China Expeditionary Armies authorized and otherwise participated in recruitment for “comfort stations” and their subsequent operation.59

15. The establishment of “comfort stations” in China involved high-level Japanese military and cabinet figures as well as the Governors-General of Taiwan and Korea.60 In 1938, the Commander of the 21st Army requested a shipment of several hundred Taiwanese women. Continuing throughout 1939, the succeeding Commander of the 21st Army continued the policy of “comfort stations” by accepting previously “ordered shipments” of women and by initiating new requests. Those new requests were then relayed by the Japanese prefectural governors via the Home Ministry.61 In 1941, the War Minister was also the Prime Minister of Japan.62 The constitutional responsibilities of the Prime Minister included informing and advising the Head of State about the execution of governmental policies.63

16. In 1942, the Commander of the Japanese Southern Expeditionary Army directed a request to the War Ministry to authorize the Japanese army in Taiwan to deliver 50 women to Borneo.64 As a result, the War Ministry approved the hiring of three civilian brokers to secure the Taiwanese women who would satisfy the sexual needs of the Southern Expeditionary Army.65

17. The Allied Report on the Amenities in the Japanese Armed Forces, based upon captured Japanese documents, unfailingly demonstrates that “comfort stations” were highly regulated as a matter of official policy.66 For example, the “comfort stations” in the occupied Shanghai South Sector were obliged to: keep a fixed rate chart; conduct weekly venereal examinations and physical inspections; issue licenses to “brothel entertainers”; ensure that the private parts of the women were washed after each act; and submit detailed work statements to the Billet Commander every Saturday.67 The Allied Report’s description of “comfort stations” run by civilians in the Philippines confirmed that the Officer-in-Charge of the Manila Sector Line of Communications, with the sanction of the Army Commanding General, regulated all aspects of the “comfort stations” including: approval of the selection of managers; location of the establishment; admission, according to rank of army personnel; access of designated civilians; and hours of operation.68

18. The hierarchy of rank recognized in the Japanese Armed Forces was imprinted on the regulation of “comfort stations.”69 The Allied Report documents that officers were permitted to use the “comfort stations” in the evening with the “right” to spend the night.70 Non-commissioned officers and enlisted men or civilian laborers were confined to shorter access,

59 Japanese Indictment pages 3 – 4; see also ICJ Report at 30-47(detailing the documentary evidence describing the system of comfort stations).
60 Japanese Indictment pages 1 - 2 & 7 - 8; Chinese Indictment pages 7 – 13; see also ICJ Report at 29 & 41.
61 See Expert Opinion of Professor Yoshimi.
62 Id. (noting that General Hideki Tojo held both positions at that time).
63 Japan Const. art. 55 (1889).
64 Japanese Indictment page 5; Indonesian Indictment paragraphs 12 - 13 (actually stating that the request was for forty women to be sent to Borneo); see also ICJ Report at 41.
65 Japanese Indictment page 5.
67 Id. at 12-13.
68 Id. at 9-12; see also Taiwanese Indictment paragraphs 19.7 - 19.8.4.
69 See Allied Report at 18.
70 Allied Report at 10 & 13; see also Taiwanese Indictment paragraph 19.6.
either in the morning or afternoon.\textsuperscript{71} Other hierarchical constraints intoned the overt racism of the Japanese policies. European-Dutch women were supplied to “comfort stations” that served Japanese officers, aboriginal Asian women mostly serviced laborers or low-ranking servicemen.\textsuperscript{72}

19. Irrespective of national origin, racial background, class status, or the type of “comfort station,” the enslaved women suffered untold physical and mental torture. Starting with forced or deceitful recruitment or abduction,\textsuperscript{73} often accompanied by threats, beatings, humiliating examinations and initial rapes,\textsuperscript{74} Japanese policies generated continuing crimes upon women from subjugated or occupied countries. Upon arrival at any one of the hundreds of “comfort stations” the women were reduced to slaves, made to endure daily sexual violence including countless rapes, subjected to constant confinement in narrow cells, death threats, starvation rations, social isolation, countless beatings, maiming, and at times exposed to enemy fire and even murdered by retreating Japanese forces.\textsuperscript{75} As a consequence of the Japanese military slavery system, numerous women contracted venereal diseases and urinary infections. Some endured unsafe medical procedures such as abortions or removal of their sexual organs and suffered chronic mental disorders.\textsuperscript{76}

THE ACCUSED


Positions and Authority of the Accused

21. From 1937 until 1945 the accused, Emperor Hirohito, was the invested Head of State of Japan, under the provisions established by the Meiji Constitution.\textsuperscript{77} As Head of State, Emperor Hirohito was the de jure leader of Japan. His political powers were independent from and superior to the legislative, judicial and administrative powers of the Japanese government.\textsuperscript{78} His political position was superior to that of the Prime Minister, the Ministry of War, the Home Ministry, and other cabinet members.\textsuperscript{79} As his subordinates, the Ministers were bound by the

\textsuperscript{71} Id.
\textsuperscript{72} The Netherlands Indictment paragraphs 9 - 11.
\textsuperscript{73} Japanese Indictment pages 2 & 4; Chinese Indictment pages 6 - 7, 23 - 24; Taiwanese Indictment paragraphs 12-17; Filipino Indictment paragraphs 21 - 21.4.4, 30.1, 31.2; Indonesian Indictment paragraph 16; Korean Indictment paragraphs 45 - 55.
\textsuperscript{74} Japanese Indictment pages 2 & 4; Chinese Indictment pages 6 - 7, 19, 23 - 24; Taiwanese Indictment paragraphs 18 - 20; Filipino Indictment paragraphs 21 - 21.4.4, 23. - 26, 30.4; Indonesian Indictment paragraphs 19 – 23, 31.4; Korean Indictment paragraphs 45 - 55.
\textsuperscript{75} Id.
\textsuperscript{76} Japanese Indictment pages 13 - 14; Chinese Indictment pages 23 - 24; Taiwanese Indictment paragraphs 18 - 23; Indonesian Indictment paragraphs 20 - 26; Korean Indictment paragraphs 63 - 68 & 74 - 75.
\textsuperscript{77} Japan. Const. arts. 1 & 4.
\textsuperscript{78} Id.
\textsuperscript{79} Id.; see also Japan Const. art. 55.
constitution to serve Emperor Hirohito and to advise him about domestic and international political relations and military operations of Japan.80

22. As Head of State, Emperor Hirohito was also the Supreme Commander of the Japanese Army and Navy.81 The Supreme Commander was superior to and held command responsibility over the military Chiefs of Staff, their commanding generals and other armed forces personnel.82 Emperor Hirohito exercised ultimate command authority of the Japanese Army, including direct jurisdiction over each of Japan’s Expeditionary Armies and Japan’s Area Armies that invaded and occupied China, Indonesia (the Dutch East Indies), the Philippines, Malaysia and Burma.83 As Supreme Commander, Emperor Hirohito possessed the authority to instruct the Imperial Military Headquarters to formulate national war policies, to plan and conduct military operations, to supervise support of military operations as well as to ensure the overall war making capacity of Japan.84

23. As Head of State and Supreme Commander, Emperor Hirohito also exercised ultimate political and military rule over the Japanese ruled territories of Korea and Taiwan.85 Japanese army divisions permanently stationed in these possessions were subordinate to the command of the Chiefs of Staff and to Supreme Commander, Emperor Hirohito.86 Each Japanese possession was administered by a Japanese appointed Governor-General who obligatorily reported directly to Emperor Hirohito.87 As such, the accused was apprised of the governing policies, military operations, and general status of Japanese interests in each colony during the time period at issue in this indictment, 1937 to 1945.88 The Governors-General were in a subordinate position to the accused, Emperor Hirohito.

24. In addition to his de jure authority as Head of State and Supreme Commander, the accused, Emperor Hirohito, had and exercised de facto authority. He was revered as a spiritual leader and ruled Japan and the Japanese people by divine provenance.89 His orders, decisions, directives and policies were as such, unquestioned and unconditionally obeyed by members of the Japanese government, the Japanese armed forces and the Japanese people.

25. Accused Iwane Matsui held two positions between 1937 and 1938. In 1937, he was recalled from retirement to command the Shanghai Expeditionary Forces.90 Also in 1937, he was appointed Commander of the China Expeditionary Force, a position directly subordinate to the Emperor.91 He remained Commander of the China Expeditionary Force only until February 1938.92 In these positions, Iwane Matsui commanded the troops that captured Nanking in 1937.93 In the Tokyo Judgement, he was found guilty of the atrocities committed in Nanking.94

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80 Japan Const. art. 55.
81 Japan Const. arts. 11 & 12.
82 Id.
83 Id.; see also Japanese Indictment pages 5, 9-10; Taiwanese Indictment paragraphs 32 - 34; Indonesian Indictment page 21.
84 Id.
85 Korean Indictment paragraph 1; Taiwanese Indictment paragraph 3.
86 Id.
87 Taiwanese Indictment paragraphs 4, 11 & 34; see also Expert Opinion of Professor Yoshimi.
88 Japanese Indictment 9-10 and supporting documents.
89 Japan Const. art. 3.
90 See Tokyo Judgement at 453.
91 Id.
92 Id. at 277.
93 Id. at 453-54
26. In February 1938, accused Shunroku Hata was appointed to be Commander of the Central China Expeditionary Forces.\textsuperscript{95} Three days after that appointment, he became leader of all Expeditionary Forces in China.\textsuperscript{96} During a brief period of time sometime during the spring or summer of 1939, Shunroku Hata served as the Aide-de-Camp to the Emperor.\textsuperscript{97} In August 1939, Shunroku Hata became the Minister of War and remained in that position until July 1940.\textsuperscript{98} From March 1941 until November 1944, Shunroku Hata returned to the field as Commander of the China Expeditionary Forces.\textsuperscript{99}

27. From 1937 to 1945, the accused Hisaichi Terauchi held two high-ranking positions in the Japanese government.\textsuperscript{100} In 1938, Hisaichi Terauchi was the Commander of the North China Area Army. In addition, from November 1941 until the end of the war in 1945, Hisaichi Terauchi was also the Commander of the Southern Expeditionary Forces.\textsuperscript{101} As such, he commanded the Japanese Army in the Philippines, Indonesia, Malaysia, Timor and Burma.

28. From 1937 to 1945, accused Seishiro Itagaki held a number of high-ranking positions. From June 1938 until August 1939, Seishiro Itagaki was the War Minister and as such was responsible directly to the Emperor.\textsuperscript{102} As of September 1939, Seishiro Itagaki held the position of Chief of Staff of the China Expeditionary Force.\textsuperscript{103} From July 1941 until April 1945, Seishiro Itagaki served as Commander of the Korean Army.\textsuperscript{104} From April 1945 until Japan’s surrender, Seishiro Itagaki commanded the 7th Area Army, which operated in the areas of Java, Sumatra, Malaya, Borneo and other surrounding islands in Indonesia.\textsuperscript{105}

29. During the relevant time period, accused Hideki Tojo held successive positions in the Japanese government. In 1937, Hideki Tojo was Chief of Staff of the Kwantung (Guandong) Army.\textsuperscript{106} In May 1938, Hideki Tojo became Vice Minister of War.\textsuperscript{107} From 1941 until July 1944, Hideki Tojo held three positions simultaneously: Prime Minister, War Minister, and Head of the Home Ministry.\textsuperscript{108} As Prime Minister, Hideki Tojo was in a position to review the actions of all governmental ministries involved in the war effort. Hideki Tojo was responsible under the Meiji Constitution to report to and to advise the Emperor about the functioning of the government.\textsuperscript{109}

\textsuperscript{94} Id.
\textsuperscript{95} Tokyo Judgement at 277.
\textsuperscript{96} Id.
\textsuperscript{97} Id. at 446 (stating that Hata was the Emperor’s Aide-de-Camp during the Nohoman Incident) & 152 (stating that the attack on Nohoman began in May 1939 and concluded in September 1939).
\textsuperscript{98} Id. at 445-46.
\textsuperscript{99} Id. at 446.
\textsuperscript{100} In addition, General Terauchi held high positions of power prior to 1937. He was the Commander of the Taiwan Forces in 1934 and Minister of the Army in 1936. From August of 1936 until January 1937, he was the Minister of War.
\textsuperscript{101} Korean Indictment paragraph 21.
\textsuperscript{102} Japanese Indictment page 4; Korean Indictment paragraph 19 (incorrectly stating that Itagaki was the Vice-Minister of the Army); see also Tokyo Judgement at 152.
\textsuperscript{103} Korean Indictment paragraph 19.
\textsuperscript{104} Id.; see also Tokyo Judgement at 449.
\textsuperscript{105} Tokyo Judgement at 449.
\textsuperscript{106} Korean Indictment paragraph 15.
\textsuperscript{107} Tokyo Judgement at 462 (please note that the Korean Indictment refers to this position as the Vice Minister of the Army.)
\textsuperscript{108} Id.
\textsuperscript{109} Korean Indictment paragraphs 39-43.
30. From March 1936 until May 1938, accused Yoshijirou Umezu was Vice Minister of War.\textsuperscript{110} Yoshijirou Umezu was then Commander of the 1\textsuperscript{st} Army in May 1938, and finally Commander of the Kwantung (Guandong) Army from September 1939 until July 1944 and Chief of Staff in July 1944.\textsuperscript{111}

31. Accused Seizo Kobayashi was the Governor-General of Taiwan from 1936 until 1940.\textsuperscript{112}

32. Accused Rikichi Ando was the Commander of the 21\textsuperscript{st} Army from at least November 1938 until sometime in 1942.\textsuperscript{113} From 1942 until 1944, Rikichi Ando served as Commander of the Taiwan Army.\textsuperscript{114}

33. The accused Tomoyuki Yamashita was the Commanding General of the 14\textsuperscript{th} Army from September 1944 to September 1945.\textsuperscript{115} In this position, he commanded and was responsible for the troops operating in the Philippines during that period.\textsuperscript{116} Tomoyuki Yamashita issued the guidelines\textsuperscript{117} and was responsible for the attack of the 14\textsuperscript{th} Army directed against the inhabitants of Mapanique, which included massive sexual violence against the female population.\textsuperscript{118}

GENERAL ALLEGATIONS

34. Unless otherwise specified, all criminal acts or admissions set forth in the indictment were committed between 1937 and 1945 in the countries indicated in the predicate paragraphs that precede the charges.

35. In each Count alleging crimes against humanity, the acts or omissions were committed as part of a widespread or systematic attack directed against the civilian population.

36. The attack against the civilian population occurred during the armed conflict between China and Japan from 1932 to 1941. The attack continued during the Asia-Pacific War of 1941-1945.

37. The accused, Emperor Hirohito, Iwane Matsui, Shunroku Hata, Hisaichi Terauchi, Seishiro Itagaki, Hideki Tojo, Yoshijirou Umezu, Seizo Kobayashi, Rikichi Ando, and Tomoyuki Yamashita are individually responsible for the crimes alleged against them in this indictment, pursuant to Article 3 of the Charter. Individual Responsibility includes planning, instigation, ordering, committing or otherwise aiding and abetting in the planning, preparation, or execution of a crime in Article 2.

38. The accused, Emperor Hirohito exercised the ultimate political and military authority in Japan. He commanded the Japanese Army and Navy, including the Japanese Expeditionary Forces and Japanese Area Armies, and controlled the entire populations of occupied, colonized

\textsuperscript{110} See Tokyo Tribunal at 463.
\textsuperscript{111} Korean Indictment paragraph 22; see also Chinese Indictment page 11.
\textsuperscript{112} Taiwanese Indictment paragraph 45.
\textsuperscript{113} Japanese Indictment page 4.
\textsuperscript{114} Id. page 5.
\textsuperscript{115} Filipino Indictment paragraph 12.
\textsuperscript{116} Id.
\textsuperscript{117} Id. at paragraph 35.2
\textsuperscript{118} Filipino Indictment paragraphs 35.1 - 36.
and subjugated countries. Inasmuch as the accused was in a position of superior authority, pursuant to Article 3 of the Charter, he is criminally responsible for the acts of his subordinates, including members of the armed forces, members of the Japanese Cabinet, the Governors-General of Korea and Taiwan, and civilians authorized to act on behalf of his military and political subordinates.

COUNTS 1-2

“COMFORT STATION” CRIMES

39. From 1937 through 1945, during the armed conflict between China and Japan and throughout the Asia-Pacific War, the Japanese government, and armed forces, led by Emperor Hirohito, instituted a system of military sexual slavery to provide sexual services to the Japanese armed forces. Referred to by the Japanese authorities as “comfort stations,” these establishments were set up throughout the conquered and occupied countries and controlled by the Japanese Army and the Japanese Navy, including, but not limited to China, Indonesia, the Philippines, Taiwan, East Timor, Malaysia and Burma.

40. Thousands of women were enslaved, and subjected to continuous mental and physical suffering, countless acts of sexual violence, including countless rapes, other forms of sexual torture, starvation, threats, confinement, isolation, other forms of inhumane acts and at times death at the hands of the Japanese Army, the Japanese Navy and their agents.

Specific Charged Acts

41. In December 1937, shortly after the Central China Area Army invaded Nanking under the command of Iwane Matsui, and following the international outcry regarding the massive number of rapes committed during that invasion, Iwane Matsui oversaw the setting up of “comfort stations” in the cities and towns between Nanking and Shanghai in an attempt to control the behavior of his troops. At least twenty “comfort stations” were established in Nanking.

42. In March 1938, Vice-Minister of War Yoshijirou Umezu, acting on the authority of the Minister of War, set up “comfort stations” in northern China. Continuing the establishment of “comfort stations,” in June 1938 when Hisaichi Terauchi commanded the North China Area armies, similar orders were issued to establish “comfort stations” to serve each unit under his command. He thus oversaw the implementation of the policy of “comfort stations.” Hisaichi Terauchi therefore bears responsibility for those orders and the actions taken to carry them out. The Vice Minister of War, Yoshijirou Umezu, also bears responsibility for these actions.

43. In November 1938, Rikichi Ando, upon becoming Commander of the 21st Army, assumed responsibility for the continuing recruitment, establishment and development of “comfort stations” initiated by his predecessor. His predecessor had requested the Home Ministry to recruit women to staff “comfort stations” for the troops of the 21st Army. The Home Ministry had referred a request that the Governor-General of Taiwan provide women for “comfort stations” and drafted plans to supply the 21st Army with women for the “comfort

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119 See Expert Opinion of Professor Yoshimi.
120 Chinese Indictment pages 8-9.
121 See Expert Opinion of Professor Yoshimi.
122 Id.
stations.” 123 Seizo Kobayashi, the Governor-General of Taiwan, and Rikichi Ando, Commander of the 21st Army, thus bear responsibility for those acts.124

44. In or around July 1941, Yoshijirou Umezu, as Commander of the Kwantung Army, oversaw the plan to recruit as many as 20,000 “comfort women” for the troops preparing to invade the U.S.S.R.125 With assistance from the Governor-General of Korea, and the Commander of the Korea Army, Seishiro Itagaki, at least 3,000 women were forcibly “recruited” and deported from Korea to northeastern China to be military sexual slaves.126 For these actions, Yoshijirou Umezu, and Seishiro Itagaki bear responsibility. As War Minister at the time, and thus as overall Commander of the war effort, Hideki Tojo also bears responsibility for these actions.

45. From 1941 through 1944, Shunroku Hata, as Commander of the Central China Expeditionary Forces, was responsible for actions of troops under his command. The Tokyo Judgement found that Shunroku Hata’s troops, while moving south through China in the areas of Hankow and Kwelin in 1944, “recruited women labor [sic] on the pretext of establishing factories [then] forced the women thus recruited into prostitution for Japanese troops.”127 Shunroku Hata is responsible for that fraudulent recruitment and the subsequent crimes committed against women forced to work in the “comfort stations” created to serve his troops in Central China. As War Minister at the time, and thus as overall Commander of the war effort, Hideki Tojo also bears responsibility for these actions.

46. In March 1942, Hisaichi Terauchi, then Commander of the Southern Expeditionary Army in southeast Asia, requested that the War Ministry, then headed by War Minister Hideki Tojo, provide “comfort women” from Taiwan for facilities in Borneo.128 Rikichi Ando, head of the Army in Taiwan, Hisaichi Terauchi and Hideki Tojo bear responsibility for those actions. Hisaichi Terauchi, as Commander of the Southern Army also bears responsibility for the “comfort stations” established and operated throughout Japanese occupied southeast Asia between 1941 until 1945.

47. As Supreme Commander of the Army and Navy, as well as the de jure and de facto Head of State for Japan during all of the incidents listed in paragraphs 39 through 45, Emperor Hirohito bears responsibility for each incident in addition to each defendant listed therein.

48. Taken together, and with the additional evidence that the Prosecutors will introduce to describe the existence and functioning of the overarching system of military sexual slavery, the incidents described in paragraphs 38 through 46 provide sufficient facts to find that each defendant planned, participated in and/or condoned or omitted to act in regard to the illegal system of military sexual slavery perpetrated through the “comfort stations” from 1937 through 1945. In addition, each defendant is also responsible for the rapes perpetrated against the “comfort women” in perpetuation of the system of “comfort stations.”

49. The Prosecutors reallege and incorporate the general allegations in paragraphs 34-39, and paragraphs 39 through 48 insofar as they relate to Emperor Hirohito, Iwane Matsui, Shunroku

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123 Id.
124 Id.
125 Id.
126 Id.
127 Tokyo Judgement at 393.
128 See Expert Opinion of Professor Yoshimi; see also Taiwanese Indictment paragraph 12.
Hata, Hisaichi Terauchi, Seishiro Itagaki, Hideki Tojo, Yoshijirou Umezu, Seizo Kobayashi and Rikichi Ando.

50. For their direct participation, as pursuant to Article 3 of the Charter, Emperor Hirohito, Iwane Matsui, Shunroku Hata, Hisaichi Terauchi, Seishiro Itagaki, Hideki Tojo, Yoshijirou Umezu, Seizo Kobayashi, and Rikichi Ando are charged with Crimes Against Humanity as listed below. In addition, Emperor Hirohito is charged in the alternative for his position as a superior and as the Supreme Commander, pursuant to Article 3 of the Charter with Crimes Against Humanity:

**Count 1: SEXUAL SLAVERY**, as recognized by Article 2(l) of the Charter,
**Count 2: RAPE**, as recognized by Article 2(l) of the Charter.

**COUNT 3**

**MASS RAPE AT MAPANIQUE**

51. In 1942, the invasion of the Philippines was notorious for the rapes inflicted upon the female population of Manila. These rapes prompted the Japanese government to institute and later to intensify the military sexual slavery system. Nevertheless, rapes of the local women by the Japanese occupational forces continued in the Philippines. In addition, women were captured and taken to make-shift locations or the individual barracks for the purpose of sexual abuse by the Japanese soldiers, where they were forced to stay for days, weeks or months.

52. The notorious mass rape of Filipino women in Mapanique, on November 23, 1944, at the army garrison in the infamous Bahay na Pula (Red House) was planned and executed by the Japanese Army. While the Filipino men suspected of being guerrilla fighters were tortured and executed, the women and children were sexually tortured, including forced nudity, gang rapes and public rapes. In addition, the women were subjected to egregious forms of mental suffering, witnessing relatives killed, tortured and raped.

53. Paragraph 8, and the general allegations in paragraphs 34-38, as well as paragraph 51 and 52, insofar as they relate to Emperor Hirohito and Tomoyuki Yamashita, are hereby re-alleged and incorporated.

54. For their participation in the Mapanique mass rapes as pursuant to Article 3 of the Charter, and or in the alternative for their positions as superiors and commanders as pursuant to Article 3 of the Charter, Emperor Hirohito and General Tomoyuki Yamashita are charged with Crimes Against Humanity:

**COUNT 3: RAPE** as recognized by Article 2(l) of the Charter.
The Women’s International War Crimes Tribunal on Japan’s Military Sexual Slavery

APPLICATION INSTITUTING PROCEEDINGS
filed in the Registry of the Court on 20 November 2000

Women survivors and victims of Japan’s Military Sexual Slavery
(The People of the Asia-Pacific Region v. Japan)

Re: Application for Restitution, Reparations and Satisfaction

By: The People of the Asia-Pacific Region through their representatives who seek to protect the rights of women in the Asia-Pacific Region

Against: Japan

The People of the Asia-Pacific region respectfully request that Japan be ordered to make full restitution and pay reparations for all material and moral damages done by officials of Japan.

Subject of Dispute

1. As set out in the paragraphs of the common and country indictments submitted to the Tribunal various officials of the State of Japan violated the rights of the women who are survivors and victims of Japan’s military sexual slavery. These violations constitute breaches of Japan’s international obligations.

2. After numerous attempts to achieve a satisfactory resolution to this issue, the People of the Asia-Pacific region file this application with the Women’s International War Crimes Tribunal on Japan’s Military Sexual Slavery with a view to obtaining a finding that Japan is guilty of serious violations of international law committed upon the person of each and every woman subjected to military sexual slavery.

Basis for Jurisdiction

3. Sovereignty ultimately resides in the people of each state and territory and therefore the region. This Tribunal has been given jurisdiction over this application by the People of the Region so that it may adjudicate this matter.

4. Women from Japan have been included in the Application because they have no reasonable hope of achieving a resolution of this matter within their own country and they are part of the larger class of women who bring this application through their representatives.
Legal Grounds

5. The People as the ultimate holders of sovereignty have the right to require States to adhere to their international obligations, particularly those that relate to the protection of the individual and concern serious breaches of international humanitarian law, international human rights law and customary norms of international law.

6. The Women are entitled to have their rights asserted by the global community, as it is a fundamental tenet of modern international law that certain rights transcend national boundaries.

7. The People of the Asia Pacific region are entitled to institute proceedings against Japan as it has violated major principles of international law that profoundly affect the dignity of the human person.

8. The particulars of those legal violations are as follows:

8.1 Officials of the Japanese government and military consciously decided to establish and maintain a system of military facilities for sexual slavery. All acts necessary to build this system were authorised by those acting in their official capacity. Such acts included but were not limited to: the recruitment of women by force and deceit; the building of facilities or the use of existing structures for such facilities; the allocation of material resources such as furniture, bedding and clothing; and the use of medical personnel of the armed forces to facilitate the operation of these facilities. Acts committed by officials that are attributable to the State of Japan and constitute violations of its international obligations are set out in the common and country indictments. All these acts were done either with knowledge of the consequences or with reckless disregard for the consequences that included rape, torture, murder, slavery, mutilation and inhumane treatment. Such acts were in violation of Japan’s obligations pursuant to international humanitarian law, the international law of human rights and general international law.

8.2 In carrying out the plan to establish and maintain a system of military facilities for sexual slavery, officials of the State of Japan engaged in acts which constituted the trafficking of women and children contrary to Japan’s international obligations.

8.3 At the time the system for military sexual slavery was put into place, the international community had accepted that men and women were to be treated equally. The creation of a system that allowed the systematic rape, torture, murder, mutilation and brutalisation of women was a breach of Japan’s international obligations.

8.4 Equality among the races was a fundamental tenet of the League of Nations and was a customary norm of international law. The creation and maintenance of the system of military sexual slavery violated Japan’s international obligations as it was sustained on the basis that non-Japanese people were inferior to Japanese people.

8.5 In violation of its obligations concerning the treatment of civilian detainees, the State of Japan took women from civilian internment camps and placed them into facilities for military sexual slavery knowing that they would be raped, tortured and treated inhumanely.
Officials of the Japanese government engaged in a course of conduct designed to destroy evidence of the war crimes and crimes against humanity committed by its military contrary to its obligations under international law.

The failure to prosecute those responsible for war crimes and crimes against humanity is a violation of Japan’s obligations under international law.

The forcible and deceitful taking of women was a violation of Japan’s obligations under the Convention Concerning Forced or Compulsory Labour.

By its ongoing refusal to investigate these matters thoroughly, the State of Japan continues to violate the obligations it has to the international community.

The State of Japan further violated its international obligations by refusing to acknowledge its participation in the above acts when presented with evidence that officials of the former government had engaged in the course of conduct set out in paragraphs 8.1 to 8.6 above. This violation was exacerbated by the repeated refusal of the government to heed the requests for satisfaction and reparations made by the international community through the offices of the United Nations, in particular Special Rapporteurs on human rights matters appointed by duly constituted bodies of the United Nations.

The State of Japan has allowed members of the government and supporters of the government to engage in acts which have as their purpose the destruction of the reputation of the women whose lives have been affected by the system of military sexual slavery. Its failure to control the acts of these individuals displays a contemptuous disregard for the rights of women. This continuing violation is a reflection of the gender and racial bias that permeates the government’s actions in this area.

The State of Japan has further breached its international obligations by displaying a contemptuous disregard for the human rights mechanisms of the United Nations, in particular the right of the international community to monitor compliance with human rights norms and practices.

The refusal of the State of Japan to compensate directly all women affected by the system of military sexual slavery is an act of gender bias and therefore is itself a breach of Japan’s international obligations.

By allowing members and supporters of the government to make comments that suggest rape in war is not a breach of international law, the State of Japan is in breach of its obligations under the Geneva Conventions of 1949 and the general principles of international humanitarian law in that it has failed to ensure respect for the provisions of those Conventions. The obligation to ensure respect for the Conventions places an affirmative obligation on the government to educate the public as well as the Armed Forces about the types of conduct prohibited by international humanitarian law.
Factual Basis of Claim

9. The facts demonstrating the above violations of Japan’s international obligations will be proved at trial and are particularised in the common and country indictments.

Decision Requested

10. The People of the Asia-Pacific region request that Japan be declared in breach of its international obligations and that it be ordered to make appropriate forms of restitution, reparations and satisfaction. The orders for restitution and reparations should be in keeping with the nature of the harms inflicted by the Government of Japan, particularly the ongoing nature of those harms.

11. The harms inflicted by the State of Japan on the women subjected to the system of military sexual slavery include but are not limited to the following:

   11.1 Systematic and repeated rape
   11.2 Torture
   11.3 Mutilation
   11.4 Slavery
   11.5 Sexual Slavery
   11.6 Murder
   11.7 Inhumane treatment
   11.8 Emotional Trauma
   11.9 Psychological illness
   11.10 Physical illness
   11.11 Isolation
   11.12 Interference with or destruction of family relations
   11.13 Pain and suffering, including recurrent nightmares
   11.14 Damage to reputation
   11.15 Loss of opportunities, such as education
   11.16 Loss of earnings and earning capacity
   11.17 Damage to Personal Dignity
   11.18 Permanent deprivation of the enjoyment of life
   11.19 Interference with sense of community and sense of belonging to a given society
11.20 Being subjected to gender discrimination
11.21 Being subjected to racial discrimination
11.22 Costs required to obtain legal and other forms of expert assistance.
11.23 Costs associated with medical and other health related services, social services and medicine.

12. The People of the Asia Pacific region request the Tribunal to take into account the aggravation of the injuries suffered by the women as a result of the failure of the government of Japan to address this issue in an appropriate fashion as of 1992.

13. It has not been possible for the applicants or the women to exhaust local remedies as the law as applied in Japan is not in keeping with international law.

14. The specific forms of relief requested by the Applicants are as follows:

14.1 The issuance of an apology and guarantees of non-repetition.
14.2 The establishment of a mechanism for the thorough investigation into the system of military sexual slavery and the creation of a designated archive.
14.3 A full and frank public disclosure of the truth and acceptance of responsibility.
14.4 Restoration of the Honour of the Victims and Survivors through the creation of Memorials and a Museum.
14.5 Taking of steps to educate the Japanese public about the system of military sexual slavery.
14.6 Creation of scholarships and grants for those wishing to research this and related issues.
14.7 The payment of compensation adequate to redress the harm.
14.8 Return of the Bones of the Deceased
14.9 Repatriation of Survivors who wish to be repatriated.
14.10 Bringing to justice those responsible for war crimes and crimes against humanity.
14.11 Strengthening the independence of the judiciary.

Respectfully requested by the People of the Asia Pacific Region through their representatives who seek to protect the rights of women in the Asia-Pacific Region