THE WOMEN’S INTERNATIONAL WAR CRIMES TRIBUNAL
FOR THE TRIAL OF JAPANESE MILITARY SEXUAL SLAVERY

Philippines

THE PEOPLES OF THE ASIA PACIFIC REGION

v.

EMPEROR HIROHITO, HISAICHI TERAUCHI, MASAHARU HOMMA, SHIGENORI KURODA, TOMOYUKI YAMASHITA, AND YOSHIHARU IWANAKA

I. INDICTMENT

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 11 of the Charter of the Women’s International War Crimes Tribunal 2000 for the Trial of Japanese Military Sexual Slavery (hereinafter the "Charter"), charge the accused, EMPEROR HIROHITO, HISAICHI TERAUCHI, MASAHARU HOMMA, SHIGENORI KURODA, TOMOYUKI YAMASHITA and YOSHIHARU IWANAKA, with:

Crimes Against Humanity

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

2. During the Second World War, the Philippines was a colony of the United States of America. The U.S. promise of independence for the Philippines was formalized in the Tydings-McDuffie Law, which established a Commonwealth government in the Philippines in 1935, preparatory to its independence. On November 15, 1935, the Philippine Commonwealth was inaugurated. U.S. military bases remained in the Philippines and General Douglas MacArthur was named field marshall of a virtually non-existent Philippine army.

3. However, the Philippines remained a bone of contention for territorial expansion between Japan and the United States. As early as 1905, the United States already feared that Japan might eventually seize the Philippines. In fact, the Taft-Katsura agreement of 1905 and the Root-Takahira agreement of 1908 accepted Japan’s paramount interest in Korea and Southern Manchuria in exchange for recognition of American supremacy in the Philippines. These agreements were a reflection of the opinion that the Philippine Islands would be indefensible in the event of war with Japan. Japan, however, highly dependent on the United States for raw materials vital to her economy and military needs, suffered economic restrictions imposed by the U.S. The restrictions escalated into an embargo in 1941. In order to reduce her dependence on the United States for natural resources, Japan began to consider ways to seize Manchuria and to advance into Southeast Asia. In fact the underlying concept of Japan’s Greater East Asia Co-Prosperity Sphere was to impose economic rule over Southeast Asian countries. In mid-1941, U.S. President Theodore Roosevelt closed the Panama Canal to Japanese shipping and froze all Japanese assets in the United States. Hence, an all-out war against the United States appeared to be the only way out for Japan to break the impasse.

4. The Philippines, struggling at that time for independence, was made an arena of war between Japan and the United States.
5. On December 7 and 8, 1941, the Japanese Imperial Armed Forces made sudden air attacks on U.S. military bases all over the Pacific Ocean and the China Sea. Pearl Harbor was bombed on December 8, 1941, at the same time that Davao City in the southern part of the Philippines was bombed. On December 10, the 14th Army of the Japanese Imperial Armed Forces landed in the island of Luzon, north of the Philippines. Manila, the capital, was declared an “open city” on December 26, 1941. On January 3, 1942, the Japanese military regime was established in the Philippines. Thus was the “formal” beginning of the execution of what the International Military Tribunal for the Far East (IMTFE) in its judgment found as a common plan or conspiracy to secure for Japan “the military, naval, political and economic domination of East Asia and of the Pacific and Indian Oceans, and of all countries bordering thereon and islands therein.”

6. During their occupation, the Japanese Imperial Armed Forces visited upon the population of the Philippine Islands a reign of terror.

7. The records of the International Military Tribunal of the Far East (IMTFE) and those of the Pacific War Crimes Branch of the United States Armed Forces, chronicle the barbarous cruelty inflicted by the Japanese forces on Filipino civilians. Various methods used included hanging by the neck, thumbs or limbs; burning the feet or other parts of the body as they hung suspended; placing bullets between the fingers and squeezing them until the bone breaks; pulling out tongues; prying out toe and fingernails with pliers; searing the flesh with burning wood; boxing with steel knuckles; beating with baseball bats or iron rods; lashing with thorn switches or barbed wire; electric shock; applying gasoline on the skin and hair and burning it; crucifying by nailing through the wrists and skull; lopping off the ears and nose; gouging out the eyes; killing by the use of bayonet through the eyes or other vital organs of the body; chopping the head off by the use of bolos or samurai swords; killing by drowning or choking; starving to death; and burying alive. Japanese forces resorted to cannibalism, provided the human flesh belonged to the enemy.
8. The following are but some of the specific incidents of brutality committed by the Japanese forces in various parts of the Philippines, as synthesized from testimonies and documentary evidence presented to the International Military Tribunal of the Far East.

8.1. In February 1945, the Japanese forces went through Manila in massacre operations. More than 800 men, women and children were herded in St. Paul’s College in Manila and blown up with grenades concealed in chandeliers. Those who escaped from the burning building were mowed down by machine gun fire. In one residential place, more than two hundred people were assembled and butchered to death, after which the Japanese urinated on the dead bodies. In De La Salle College, more than 68 lay brothers, employees, and servants were shot and bayoneted. In San Beda College, Japanese marines went on a beheading spree and threw the bodies into a nearby creek. Nearby at Mendiola Street, they bayoneted nine Filipino civilians right through the eyes. In front of the San Beda College, about seven civilians were tortured; their tongues hang to their chests after the Japanese pulled them by pliers. At the German Club, occupants were burned to death. At the Manila Red Cross headquarters, the Japanese bayoneted and shot the nurses, doctors and patients.

8.2. In Calamba, Laguna, 2,500 were shot and bayoneted en masse. At Ponson, Cebu, the whole village was exterminated. One hundred were assembled in the church and shot by machine gun and those who survived were bayoneted. Eighty civilians in Basco, Batanes were tortured by hanging and burning their bodies before they were killed. At Panglao, Davao, 169 civilians, including children, were massacred. In Cervantes, Ilocos Sur, in August 1945, six Japanese soldiers bayoneted to death five civilians and ate the flesh of their victims.

8.3. The extermination of the population in Batangas province alone and the devastation of public, private and religious property by the forces commanded
by General Yamashita resulted in the death and torture of more than 25,000 men, women, and children, all unarmed non-combatants.

8.4. One of the most shocking atrocities committed against prisoners-of-war in the Philippines was the Bataan Death March involving 62,000 Filipino and 11,000 American soldiers who were forced to march from seven to 11 days without food or water under the scorching sun for more than 120 kilometers. Along the way, they were beaten, bayoneted, and shot. More than 16,000 Filipinos and about 1,200 Americans were killed on the bloody march. In the Mindanao counterpart of the death march in July 1942, about 600 Filipino and American prisoners-of-war were tortured and shot as they walked under the blistering sun for a distance of 38 kilometers. Subjected to forced labor and torture in O'Donnell concentration camp, about 29,000 Filipinos and 1,522 Americans died.

8.5. Japanese atrocities in the Philippines were not limited to Manila and other large urban centers. These were perpetrated in all cities and in almost all big towns, and in a great number of villages all over the country. The main islands of the archipelago convulsed with terror and destruction and experienced horrible death by mass murder, extermination, rape, mutilation, and torture, ranging from Basco, Batanes, in the far north, to Davao City in southern Philippines; from Puerto Princesa, Palawan, way out west, to Tayabas or Quezon in the eastern coast.

9. To thousands of Filipino women, the Japanese occupation was a harrowing experience of rape, torture, mutilation and extermination. The first week of the Japanese presence in Manila was characterized by many incidents of rape and typified the widespread and systematic rape and other abuses of women through the years of Japanese occupation. On January 7, 1942, three Japanese soldiers went out into the street naked and raped two women in broad day light at the busy intersection of España Street and Quezon Boulevard, in the commercial section of Manila. For four months that they maintained a garrison in Medellín Sugar Central near Bogo, Cebu,
the Japanese sustained a campaign of rape of women before they were exterminated. In Jaro, Iloilo, in September 1943, the Japanese raped two women before beheading them. In February 1945, at Bay View Hotel, Miramar Apartments, Boulevard Apartments, and Alhambra Apartments in Manila, the Japanese went on a wild orgy of debauchery that culminated in the mass rape of young women, as the American troops were advancing into the city. At the German Club women were raped and bayoneted to death, as the rest of about 500 civilians helplessly watched. The breasts of some women were lopped off by bayonets. One was decapitated for resisting rape; a dead body of another was sexually violated. Women were also herded into the Manila Cathedral and raped en masse, before the church was burned with hundreds of people inside. Torture and mutilation of women became a common feature of atrocities. In one Manila residence, among the dead bodies found in February 1945, was that of a woman whose breast was completely slashed off and another whose genitals were ripped off by means of a bayonet. In Tanauan, Batangas, an unborn child was carved out of a woman’s stomach and beheaded by bayonet. In May 1945, at Bacaca, Davao City, Japanese navy men tied a woman to a tree and slashed her with a bayonet, exposing her intestines. In October 1945 at Jagna, Bohol, one woman was raped by 28 Japanese soldiers and two Filipinos who were Japanese collaborators.4

10. Despite this unimaginable scale of wanton atrocities against women, the crime of sexual slavery, planned, organized, facilitated, maintained, controlled, exploited and thus committed by the Japanese Imperial Armed Forces went unnoticed in the war crimes trials after World War II. Neither were the massive rapes committed in the various areas adequately reported, investigated and prosecuted in the International Military Tribunal for the Far East (IMTFE) and other war crime trials after World War II.

11. Without an appreciation and understanding of the nature of rape as a form of gender-based abuse that wrought long-term physical, moral and psychological damage and harm to women victims, the crime of rape was not acknowledged in all its gravity, at par with other crimes that were prosecuted in the trials. More
significantly, the omission of sexual slavery from all the trials after World War II rendered this crime invisible in international law. This effectively silenced the women victims who, without legal and social protection and support, had to bear the burden of their agony and pain in shame and in isolation.

THE ACCUSED

12. During the period from January 1942 to September 1945, accused EMPEROR HIROHITO, in concert with the other Accused, HISAIKI TERAUCHI (as Supreme Commander of the Southern Army which covered operations in the Philippines), MASAHARU HOMMA (as Commanding General of the 14th Army stationed in the Philippines from December 8, 1941 to August 15, 1942), SHIGENORI KURODA (as Commanding General of the 14th Army from 1943 to 1944), TOMOYUKI YAMASHITA (as Commanding General of the 14th Area Army – the new name of the 14th Army as of July 1944 – from 26 September 1944 to September 1945) and YOSHIHIRO IWANAKA (as Commanding General of the 2nd Tank Division or Geki Heidan of the 14th Area Army on November 23, 1944), led, planned, organized and directly participated in the formulation and execution of a common plan and conspiracy to commit, or which involved the commission of, Crimes Against Humanity through sexual slavery and rape, as provided in the Charter of this Tribunal, and, in accordance with the provisions of the said Charter, all accused are directly responsible for their own acts and for all acts committed by any other member of the Japanese Imperial Armed Forces in the execution of such common plan and conspiracy.

13. The said plan and policy embraced the formulation and execution of wars of aggression against countries in the Asia Pacific, the extermination of their population, and crimes against humanity.5

14. In the conduct of the war of aggression in the Philippines, HIROHITO and the other Accused, in concert with other members of the Japanese Imperial Armed Forces,
were involved in widespread and systematic mass murder, sexual slavery, rape, torture and varied forms of mutilation and ill-treatment of extreme cruelty inflicted on civilians and prisoners of war.\(^6\) The crimes of sexual slavery and rape were committed by HIROHITO and the other Accused as part of the said common plan and policy, or formed part of a large-scale and systematic commission of Crimes Against Humanity.

15. The crimes committed by all the Accused are in violation of international conventions, customary norms and general principles of law recognized by civilized nations.

**SEXUAL SLAVERY**

**Introduction**

16. As the Japanese forces sought to make their occupation of the Philippines more comfortable, HIROHITO and the other Accused, in concert with other Japanese military and civilian officials, led, planned, organized and brought about the establishment of facilities for sexual slavery (hereinafter “FSS”), euphemistically called “comfort stations,” in various parts of the country, and, thus, institutionalized Japanese military sexual slavery in the Philippines.

17. These facilities were set up pursuant to a policy to provide members of the Japanese military a steady supply of women for their exclusive sexual enslavement under controlled conditions that provided the least risk to their fighting capacity, i.e., without venereal and other contagious diseases and safe from possible leakage of military information that may be occasioned by contact with the population in circumstances other than those of military operations.

18. Pursuant to and consistent with this policy, Filipino women were made sexual slaves either in (a) establishments directly established by or under the supervision and
control of the Japanese Imperial Armed Forces, or (b) in Japanese-occupied residential houses, buildings, tents and other structures either within or attached to the premises of a garrison or officers’ quarters, or found in geographical areas within the control of the Japanese forces. In all these places, women were confined and deprived of liberty, repeatedly and brutally raped, sexually exploited, and often, under duress, coercion and other threats to life and limb, made to provide their enslavers domestic and manual labor.

**Specifications**

19. Between January 1942 until September 1945, Emperor HIROHITO and the other Accused established, or caused to be established, regulated, and controlled facilities for sexual slavery, in various parts of the country.

19.1. Although the actual number of these facilities is undetermined, available records name a few, as follows:

i. **Luzon (Northern Philippines)**

A Research Report dated 15 November 1945 on “Amenities in the Japanese Armed Forces,” published by the General Headquarters, Supreme Commander for the Allied Powers (Exhibit “A,” hereinafter “Allied Research Report”), has an Appendix B entitled, “Police Report on Manila Brothels,” detailing the medical inspection of 25 FSS in the Malate-Ermita Area. Some of these had names such as the Dawn Club, Chrysanthemum House, Fuji Flower Garden, Shining Flower Garden, Daisy Garden, Coquette Club and Drunkards’ Flower Garden, while others were merely designated in typical military fashion as No. 2, 3, 4, 5, 6, 7 and 8 House of Relaxation.
19.1.2. Visayas Islands (Central Philippines)

There is evidence of FSS in Iloilo, Panay island (Exhibits “B” to “F”), Leyte island (Exhibit “A”), Negros island, and Masbate island.

19.1.3. Mindanao (Southern Philippines)

There is also evidence of several FSS in Davao, Butuan City (Exhibit “G”) and in Cagayan (Exhibits “H” and “I”).

19.2. These facilities were governed by rules and regulations issued by Japanese authorities. For example, under the “Rules and Regulations for Authorized Restaurants and Houses of Prostitution in Manila” issued in February 1943 by Lt. Col. Onishi, Manila District Line of Communication Squad contained in the Allied Research Report (Exhibit “A”), the establishments referred to were to be managed by civilians of Japanese nationality who had succeeded in securing “the sanction of the army commanding general” via an application submitted to the designated Officer-in-Charge (OIC) tasked with supervision of these FSS for army personnel. According to these regulations, “Apart from the above (regulations), the establishment of entertainment and rest facilities for guests and the inauguration of other means of relaxation will be encouraged.” Separate FSS were established for the air and naval forces under similar regulations and placed under the supervision of commanding officers and adjutants of garrisons and air depots. Furthermore, the Allied Research Report contains two sets of regulations for FSS in Leyte province. One was entitled “Tacloban Brothel Regulations.” The other, the “Brothel Regulations,” was for an FSS in the town of Burauen. There was also another set of regulations for an FSS in Panay Island in the Visayas which was essentially the same as the above, except that the Panay FSS was operated by an association of Japanese civilians.
19.3. The establishment and maintenance of facilities such as those abovementioned were not isolated incidents. They were, in fact, an institutionalized system that formed part of the amenities authorized to be provided for Japanese armed forces under the given conditions specified by the regulations. The uniformity, similarity and regularity in the manner these FSS were operated indicate that these facilities were policy actions on the part of the Japanese government. In fact, the Allied Research Report contains interrogations of Japanese FSS managers that recount the same pattern of management and operation of FSS in Burma and other places in the Pacific. One such interrogation yields the testimony of a husband and wife captured in Waingmaw, Burma stating that “the suggestion (to apply to the Army headquarters in Keijo to bring 'comfort girls' to Burma) originated from Army Headquarters and was passed on to a number of similar Japanese ‘businessmen’ in Korea.”

19.4. Control of the Japanese military and civilian administration over these facilities was clear from the said rules and regulations. While the Officer-in-Charge (OIC) had the power to close down the operations of an FSS, managers were not allowed to suspend operations without permission from the OIC. The managers were required to submit personnel lists and have them approved by the OIC (after a medical examination), and had to secure permission to change or increase personnel and submit regular business reports. The rates (paid in tickers) were also fixed by the military authorities and were similar for all the FSS in Philippines and in other countries. In fact, even the locations of these FSS had to be approved by Japanese authorities.

19.5. The security provisions in these regulations were unequivocal about the intent behind the Japanese government’s policy of providing FSS for their personnel. They were amenities provided for designated personnel, e.g., “soldiers and army civilian employees,” under a controlled environment. Notably, the regulations specifically prohibited conversations or discussions on military matters.
19.6. Time schedules for the use of FSS by senior officials, junior officers and enlisted men were also given in these regulations. In some cases, days were designated to different units.\textsuperscript{15}

19.7. The regulations prescribed the regularity of physical examinations for venereal disease, contagious and skin diseases by an army physician, and required that the doors to the rooms of the diseased women should be marked in red. Soldiers were required to use condoms. The amenities to be found in each room were likewise detailed in these regulations. Several regulations specified the cleanliness required of the women such as that they take daily baths or that they wash their private parts after "each time." The set of regulations issued by Lt. Col. Onishi even specified that "The hostesses will not be kissed."\textsuperscript{16}

19.8. These regulations were strictly followed as shown in the following documents:

19.8.1. Special Issue dated 23 November 1942 from the Iloilo Branch, Visaya Section, Military Government addressed to the Iloilo Military Police Squad, on the subject, "Rules and Regulations of Comfort Station (Asia Kaikan & First Comfort Station)" (Exhibit "J").


19.8.3. Results of VD check conducted in Comfort House No. 1 on May 12, 1942, May 19, 1942 and May 29, 1942 prepared by the Iloilo Army Clinic, one addressed to the Commander, Iloilo M.P. Squad (Exhibits "B" to "D"); Reports of Result of VD Checkings, Performed by the Clinic of Iloilo Commissioned Branch from June 9 to Nov. 10, 1942 with Hanko of Matsumura. (Exhibit "E"); Circulars
dated Nov. 27, 1942 and Dec. 27, 1942 issued by the Iloilo Guard Troop entitled, “Information on the Result of VD Check” (Exhibits “F”).

19.8.4. Report from Sta. Cruz Clinic (Leyte) (Laguna), Field Hospital No. 2, 16th Division, for February 23-May 14, 1944, stating action on VD contamination, including medication used (Exhibit “L”).

20. The regulations cited above by themselves attest to the conditions of slavery in which the women lived: without rights or the basic freedom of liberty or freedom of movement; treated, not as human beings, but as objects of sexual exploitation by the Japanese troops. For one, the regulations explicitly state that the women are not allowed to leave the premises without the express permission of the military authorities. In one set of regulations, the women are explicitly forbidden to have sexual intercourse anywhere else. The only provision made for their leaving the facility for sexual slavery was when they became diseased and thus constituted a hazard to their Japanese masters. In such cases, the regulations stated, the officer-in-charge were to facilitate their return home or their disposal.

21. During the same period, Filipino women were made sexual slaves by the Japanese military forces in places other than the abovementioned facilities, the establishment, maintenance and control of which were governed by rules and regulations formulated by Japanese authorities. Forty-six of these women had the courage to expose the sexual slavery, repeated rapes, torture, and inhumane treatment they experienced by presenting their claims at the Tokyo District Court in April 1993. The following methods and patterns of perpetration of sexual slavery in these other facilities by Japanese military forces and the profile of the victims are culled from the testimonies of 18 plaintiffs in the Philippine “comfort women” compensation suit filed against the Government of Japan at the Tokyo District Court (Exhibits “M” to “EE”).
21.1. The ages of the survivors, at the time of their abduction, range from 14 to 24 years old.

21.2. All of them were abducted either in chance encounters with Japanese military forces or in raids where they were forcibly taken from their homes.

21.3. More than half of them were forcibly taken from and enslaved in various provinces of Luzon (Northern Philippines), and the rest (except one from Mindanao) from various provinces in the Visayas (Central Philippines), specifically in the following areas:

Manila, Caloocan, Laguna, Pampanga, Isabela, Sorsogon (all in Northern Philippines), Antique, Iloilo, Capiz, Tacloban, Negros Occidental (all in Central Philippines), and Davao (in Southern Philippines)

21.4. Eight of them witnessed the killing, beheading and torture of family members and others in the village at the time of their abduction. For example,

21.4.1. Anastasia Cortes, of Grace Park, Caloocan, who was 19 years old when she was forcibly taken from her home with her husband, related that:

"They were brought to Fort Santiago in Intramuros, which used to be the Spanish headquarters. They were put in a cell. The Japanese soldiers stripped her husband naked, hung him upside-down, and started to beat him with a stick. Then they shaved his head, along with his scalp... Then they placed steel plates between his fingers and then pressed on them, until his fingers cracked. His fingernails were pulled out one by one... It was as much a torture for her as it was for her husband..."

21.4.2. Tomasa Salinog, from San Jose, Antique, was 13 years old when she was abducted and her father brutally murdered:
"Her father resisted the two Japanese as they tried to take her away. He was hit by Capt. Hirooka with a sword and fell. She ran to her father and held him in her arms. It was then she knew his head was severed. She saw her father’s head in the corner of the room . . ." 

21.4.3. Juanita Jamot was 20 years old, married and living with her husband in Grace Park, Caloocan when Japanese soldiers rode into town on a truck and forcibly entered their home. The soldiers captured all the men and put them in a truck. Her husband and one of her brothers were also taken. That was the last time she saw her husband and brother. 

21.4.4. Rosario Nopueto was 17 years old and one month pregnant when Japanese troops attacked her village. The Japanese soldiers herded the residents to the foot of a hill and tied their hands behind their backs. Some of the residents were beheaded including the father and sisters of Rosario Nopueto. 

21.5. All the survivors were brought by Japanese soldiers to structures adjacent to or within the premises of a garrison, held captive, and repeatedly raped by officers and by other Japanese military personnel. Many were raped by two to 15 Japanese at a time. Apart from sexual assault, many of the women were subjected to sexual humiliation such as being forced to strip, stay naked, dance, etc. 

21.6. All survivors were under constant guard; some had no freedom to leave even their room, tent or tunnel; others were given limited liberty to stray only within the garrison premises. They were also forbidden to talk to the other women who were in a similar situation. Many were not only sexually exploited but were also ordered to provide their enslavers various services, including doing laundry and cooking for the soldiers, and digging foxholes.
Excerpts from the testimonies of some of the survivors described those conditions thus:

21.6.1. Maria Luna Rosa Henson

"In the garrison, Henson and the other women were forced to provide sex for the Japanese...

"At times, she would be brought to some quarters or houses of Japanese soldiers.

"The women were guarded at all times. They were free to roam around the garrison but could not go out of the building. The women were not even allowed to talk to each other..."

21.6.2. Anastasia Cortes

"The commanding officer, named Mr. Fukushima, took her out to his room, where he used her. After that, he brought her back to her cell. A few hours later another soldier came to get her and brought her to a small room where she was raped. The day after, soldiers would get her in her cell and bring her to the same small room where they would wait their turn to use her. She stayed in Fort Santiago as a prisoner for 6 or 7 months. For 5 months, sexual molestation using force and violence was repeated several times by three or more soldiers against her will three times a week...

21.6.3. Tomasa Salinog

"Two Japanese confined her in a room, one of which was Capt. Hirooka. The next morning, before dawn, Capt. Hirooka and another Japanese soldier came into the room and demanded sex. Although she resisted strongly, Hirooka eventually raped her...

"... For three days she was left alone but then Japanese soldiers started raping her again. She fainted so many times that she does not remember how many soldiers raped her. She only remembers that two to five soldiers a day came into her room to rape her. Very often she was continuously raped from afternoon to late at night.

"... There were windows on two sides of the room. The door was locked from outside..."
21.6.4. Estilita Morandante Salas

"From then on, she was locked up inside the room and could never leave. The three soldiers came almost every day and raped her. They did not use condoms but took showers before raping her. In the room, there was a table, desk and a bed. There was a bathtub as well..."

21.6.5. Rosario Nopueto

"The Japanese soldiers brought her into a small hut called Kamarigu. The hut was very small and had no windows."

"There were other Kamarigu in the garrison in which some Filipino women were apparently kept.

"Three Japanese soldiers in the small hut sexually abused her for three months. They detained her in the hut and gave her food three times a day. Soldiers always watched the hut so she could not escape. She was able to leave the hut only when she fetched water to drink or went to an outhouse."

21.6.6. Juanita Jamot

"They were taken to a nearby place in Binondo called the Oraka Building... When they arrived at the building, which was then being used as a Japanese military post, there were already about 10 other Filipinas there... She was raped by a total of five men that night... The other women were treated in the same manner...

"The next morning, the watchman awakened the women and instructed them to take a bath... There appeared to be about forty or fifty Japanese soldiers on the second floor. The women were not allowed to go out because guards were always watching them... The fifteen were made to take care of the soldiers. They had to wash uniforms, clean, and cook the meals...'

Some Japanese soldiers came during the daytime to the women's room on the first floor. Most of them came after supper... In the beginning, about five women each were raped by three to four soldiers... Because so many soldiers came and went, Jamot does not remember anyone in particular or recall any of their names."
21.6.7. Simplicia Marilag, who was captured while approaching Sto. Tomas University (in Manila) on suspicion of being a spy, was brought to Gregorio del Pilar Elementary School (also in Manila), then used as a Japanese garrison, where she was repeatedly raped over a period of time.

"The officer would come into the room to rape her three or four times a week. He raped her as many as three times a day. She could not escape since there were soldiers guarding outside..."

"While being confined, she was not allowed to wear clothes most of the time thus she became weak and came to be inflicted [sic] with spells of coughing."

21.6.8. Cristita Alcober

"She, together with other villagers, were taken to an airport beside the seashore where they were forced to work digging foxholes..."

"...there were [sic] a dormitory where some hundreds men and about thirty women stayed... The dorm was like a prison. There were guards all the time...

"...Every night a few Japanese soldiers would come and took about ten women out of the dorm and handed them over to tens of soldiers waiting in the nearby beach. Japanese soldiers would rape women in foxholes or under coconut or banana trees. One woman would be raped from [sic] two to five soldiers in one night."

21.6.9 Felisa Decandulo Bornelez

"She was taken on foot for about three hours to the public market. The market was near the Panay River which was the Japanese army port at that time..."

"From that day, she was used as a 'comfort woman' at the public market. She was put in a room surrounded by curtains and was forced to have sex with the soldiers. There were many rooms like this in the market. They were made by pitching tents on concrete floors. There were no beds in the rooms..."
"She was forced to have sex with the men at night and wash their clothing during the day in the nearby river. There were more than 100 uniforms to wash each day. . . . ."

21.7. The survivors were enslaved for periods ranging from a month to three (3) years. Most of them were able to escape their fate only when American or guerilla attacks forced the Japanese troops to flee. One of them is a survivor of a massacre that preceded a Japanese retreat.

22. The 19 women lived with the long-term effects of their experiences. The violence and harm they experienced had physical, psychological and reproductive health dimensions.

23. The victimized women and girls suffered physical injuries while vigorously resisting their kidnapping from homes and while being assaulted. The women were beaten, hit and wounded by bayonets or blunt objects on the head, thighs, abdomen and stomach, collarbone and in the genital area. All the 19 were also subjected to beatings for any displeasure they had caused their masters.

24. Many of the women were disfigured and scarred, and had contusions and head injuries, among others. Four women suffered from evident serious bodily injury. One woman suffers from atrophy of the arm. Another was paralyzed on the left side of the face and suffered from enlargement of the heart, which eventually caused her death. Still another, whose head was almost severed, lives with recurring pain on her neck and paralysis of the nerves in the neck area.

25. Because of the multiple rapes experienced by the women on practically a daily basis over periods extending from a week to three years, many of them suffered from sexually transmitted diseases such as syphilis and gonorrhea which were cited in medical reports of the comfort stations in the Philippines. Some suffered miscarriages, vaginal bleeding and erosion, removal of the uterus and infertility. Constant subjection to multiple rapes and violent acts as well as poor nutrition and unhealthy conditions left many women sickly and afflicted with pneumonia, malaria.
and other illnesses. Some of the victims eventually became pregnant as a result of the rapes. Of those who married after the war, two are known to be unable to bear children.

26. The horrific experience of being raped repeatedly over a period of time had debilitating effects on the mental and psychological health of the victims. This was aggravated by other traumatic experiences preceding the rapes, such as witnessing the torture and murder of their loved ones and friends, and the burning and destruction of their homes. These experiences left indelible memories of terror. Victims felt totally dehumanized, bereft of self-respect and self-esteem. Many suffered recurring trembling, numbness, nightmares and flashbacks over the years, symptoms that are associated with Post Traumatic Stress Disorder (PTSD).

27. After the war, many of the women experienced rejection by their family, friends and communities. They were unable to enter into loving relationships with men because of their experience. All became afraid of sexually relating with men or their husbands. Under these circumstances, the women often felt that they were to blame for their own victimization. It did not help that the government and society as a whole failed to provide them any form of support or assistance.

28. Although many Filipino women victimized eventually managed to continue with their lives, some with husbands and children, they were able to do so only by hiding the truth about their past. Those who dared tell their husbands or partners say that it had been a cause of conflict and eventual separation. Most of the victims attest to the lifelong impact of their traumatic experiences which still haunt them to this day. Finally “coming out” to reveal their terrible past helped many to come to terms with unresolved feelings of hatred, rage and frustration at not being acknowledged as victims of war. However, negative reactions from people who misjudge their intentions deeply hurt them. A woman revealed that she felt “re-traumatized” by the cruel and insensitive words of others since she came out as a survivor. The greatest injustice of all and the biggest source of disappointment and anxiety is the denial of
the Japanese government of their infamous role in perpetrating Japanese military sexual slavery.

29. The impact of military sexual slavery of Filipino women was not only on the victims; there were also social costs to their families and the communities and to society as a whole. Although the violence was meant to intimidate, terrorize and subjugate the women into complete submission to the Japanese troops, it was also meant to destroy the spirit of whole communities.

30. The Sexual Slavery of Tomasa Dioso Salinog (Exhibit “FF,” Videotaped Testimony)

30.1. Tomasa Dioso Salinog was only 13 years old when she was taken away by Japanese soldiers sometime in April 1942. She and her father, Evaristo Salinog, had just returned to San Jose, Antique (in the central part of the Philippines) after taking refuge in the mountains of San Remigio, Antique.

30.2. The soldiers broke into their house, awakening Salinog and her father. Salinog’s father tried to stop the soldiers from taking her away, but one of the soldiers drew his samurai sword and hit Salinog’s father. He fell to the floor and she ran to embrace him. A Japanese soldier kicked her and it was then that she noticed that her father’s head was decapitated from his body. Salinog later learned that the soldier who beheaded her father was Captain Gennosuke Hirooka.

30.3. Hirooka and his men dragged Salinog out of the house and brought her to another house some hundred meters away from the residence of the Salinogs.

30.4. The next morning, before dawn, Hirooka and another soldier appeared in Salinog’s room. Despite her resistance, Hirooka was able to rape her. Then, when she was still on the floor, the other Japanese soldier came on to
her to also rape her. Salinog resisted again but was hit on the head with something hard. She fainted. When she regained consciousness, Salinog found herself naked and a Japanese soldier was wiping off with warm water the blood from the wounds on her head and body. The scar of the wound she had on her head still remains.

30.5. Salinog remained a prisoner in that room for about a year until she escaped in March 1943. Except for the three days that followed the night when she was first raped, Salinog was constantly raped by one Japanese soldier after another. On some occasions she was continuously raped from early afternoon till the dead of the night. She hated the coming of the evening and would begin to cry each time a Japanese soldier appeared.

30.6. Most of the time, Salinog was kept in one room in the house. There were times when she was fed only once or twice a day. At times she was allowed to go out of the room and walk around the house. It was on those occasions when she was able to talk with other women who came to the house to rest. In her conversations with the women, she learned that they stayed in a nearby house where the women were also compelled to provide sexual services to Japanese soldiers. The Japanese soldiers abducted some of the women from other places in Panay island.

30.7. From the window of her room, Salinog could see the other house. She would see Japanese soldiers arrive regularly in that house.

30.8. Salinog escaped in March 1943 but was captured by a certain Col. Okumura who brought her to another house owned by a certain de los Santos. There she washed clothes, did ironing and marketing, prepared food and was sexually abused by Col. Okumura. On occasions, Okumura offered her to visitors or friends who also sexually abused her. She stayed there until the Japanese Imperial Army fled and the American forces liberated Panay.
30.9. While she was held captive by Captain Hirooka, Salinog often cried. She also often cried for her father who was murdered. For years after the incident, she would cry each time she recalls the things that happened to her during the time she was sexually enslaved. To this day, she still feels shame, hurt and pity for herself. There were times when she even attempted to take her life. She did not enter into a relationship with men for fear of being hurt. She decided to remain single.

31. **The Sexual Slavery of Maxima Regala de la Cruz (Exhibits “GG” and “HH,” Affidavit and Videotaped Testimony)**

31.1. Sometime in August 1944, Maxima Regala de la Cruz, who was then 15 years old, was held a sexual slave by the Japanese Imperial Armed Forces.

31.2. At about nine in the morning of the first Monday of August 1944, Japanese soldiers seized Maxima Regala and her mother, Amanda, while they were walking in the market of San Ildefonso, Bulacan (in the northern Philippines). At that time, the Japanese Military Army had already occupied the town of San Ildefonso since December 1941.

31.3. Maxima and her mother were brought to a big house owned by one Lola Insang but was then used by the Japanese forces as a garrison. They were brought to the second floor of the house and led inside a room. Later that evening, a soldier came and took Maxima’s mother to a separate room.

31.4. That evening Japanese soldiers took turns in raping Maxima. Her mother was also repeatedly raped in another room.

31.5. For three months, Maxima and her mother were kept as prisoners in the garrison and raped everyday. In the daytime, while the soldiers conducted their raids in the villages, Maxima and her mother shared a room. A soldier guarded them at all times, even when they had to go to the bathroom. In the
evenings, soldiers coming back from military operations sexually abused Maxima and her mother in separate rooms. Maxima and her mother could not escape because there were guards at every door.

31.6. Maxima could not recall the exact number of times she was raped because, after the first time she was raped, she often fainted each time a Japanese soldier entered the room or touched her. When she regained consciousness, she would only feel the aches and pain all over her body.

31.7. After the third month, Maxima and her mother found an opportunity to escape. One day, there was more confusion than usual and the soldiers were ordered to go out in the field. Maxima practically carried her weak mother down the stairs and out of the garrison, crawling their way through the backyards of other people's houses. A man they met along the way helped them. With the help of the man, they crossed rivers and rice fields and eventually reached their village, Mapanique, in Candaba, Pampanga.

31.8. Maxima's father kept asking them what happened and where they had been all this time but she and her mother could only shake their heads and cry. They felt both pain and shame. They could not speak about the hardship and cruelty they experienced in the hands of the Japanese soldiers.

RAPE

Introduction

32. The year 1944 was the height of the war in the Pacific. In the Philippines, Japanese soldiers numbered more than 500,000. The guerilla movement had spread throughout the provinces, particularly in Luzon and the Visayas. American forces began to launch massive attacks. On July 9, the American forces captured Saipan and on July 21 they landed on Guam. American offensive reached Central Luzon in the
Philippines on October 18 and 19. Several battles ensued from October 20-26. The Japanese forces lost the decisive naval battle for Leyte Gulf on October 24 to 26. The Japanese forces, suffering from near annihilation in the Southern front, advanced northward from Leyte. In a fit of rage and desperation, the Japanese troops waged a heightened systematic campaign of brutality, terrorism and murder against the Filipino population. Manila was the second most devastated city of WW II, after Warsaw. Meanwhile, Yamashita was forced to retreat into the mountains of northern Luzon. With this backdrop, the attack on Mapanique in Pampanga province, known for its strong guerilla resistance movement, was, for the Japanese Imperial Army, a necessary move. With large-scale fighting in Luzon forthcoming, the Japanese military forces knew the danger of a powerful guerilla army in the rear. Rice harvest was also approaching, which was critical from the standpoint of the hard-pressed enemy.

33. In other parts of the country, as in the town of Mapanique, Japanese troops were on a rampage, leaving behind trails of destruction, massacres and other unimaginable atrocities.

**Specifications**

34. The Japanese occupation of the Philippines from January 1942 to September 1945 was characterized by brutal and violent rapes of Filipino women of such geographical scope and magnitude that the commission of these crimes could not but be a systematic operation. Although the actual number of women who suffered rape will never be determined, records of the Tokyo War Crimes Trial and the Pacific War Crimes Branch of the United States Army Forces evidence the massive scale of mass rape. Rape incidents spanned the northern to the southern parts of the Philippines. Provinces where the rapes were committed include Bataan, Pampanga, Nueva Ecija, Batangas (including the mass rape of women in Tanauan), Bulacan, and Manila (including the mass rape in Bayview Hotel and other adjoining apartments) in the northern part of the Philippines; in Bohol, Panay, Cebu, and Iloilo in central...
Philippines; and Davao in the South. The mass rape in Mapanique did not appear to be of record in any of the war crimes tribunals.

35. The Mapanique mass rape

35.1. In the early morning of November 23, 1944, Mapanique, a village in the town of Candaba in Pampanga province, northern Philippines (Exhibit "II") was attacked by troops of the 2nd Tank Division or Geki Heidan. The 2nd Tank Division was under the Shobu Group of accused General Yamashita, who was also the Commander of the 14th Area Army. General Yamashita replaced Lt. General Shigenori Kuroda on September 26, 1944 and assumed control of the 14th Area Army on October 19, 1944. The Geki Heidan was under the command of Lt. General Yoshiharu Iwanaka, with headquarters at San Miguel, Bulacan.

35.2. The raid of Mapanique was executed in accordance with the strategy of the Japanese Imperial Armed Forces to stunt the growing threat posed by the guerrilla resistance in the country, especially in Central Luzon. On October 11, 1944, Accused YAMASHITA issued guidelines for operations in the Philippines which outlined a scheme to safeguard the rear lines from attacks by guerrillas (Exhibit "JJ"). Lt. General Iwanaka, presumably in pursuance of the said Order, issued Geki (2nd Tank Division) Operations Order No. A-46 dated 22 November 1944 (Exhibit "KK") to purge Mapanique of "elements of anti-Japanese Communist Filipinos" on November 23, 1944. In the same Order No. A-46, Buhei Kanoe, Assistant to the Chief of Staff of the Strategic Section, 2nd Tank Division, was designated commander of the Subjugation Unit to accomplish the mission. Detailed instructions were later issued for carrying out the mission, as shown in Exhibits "LL" to "NN."

35.3. The troops of the 2nd Tank Division ravaged the village of Mapanique. After heavy bombing and shelling which hit people, houses and other property, Japanese troops rounded up the village folk. Men were interrogated about the
guerillas, tortured, and later killed, while the women and children watched. Rice and other food supplies and other items of value were taken.

36. Women and girl-children were raped in houses, ricefields, swamps, and in the “bahay na pula” (literally, “red house”), a privately-owned house located at Anyatam, San Ildefonso, Bulacan, then occupied and used by the Japanese Imperial Army as garrison (Exhibits “OO” and “PP”). It is about two to three kilometers from Mapanique.

37. Of these women, 32 are included herein as complainants, some of whose testimonies are presented as follows (Exhibits “QQ” to “WWW,” Affidavits and Videotaped Testimony).

38. The Rape of Juanita Maniego Briones

38.1. Juanita was born on December 25, 1931 in Mapanique, Candaba, Pampanga.

38.2. The first time she saw Japanese soldiers was in 1944 when they attacked the village of Mapanique. She was at the house of her aunt. It was still dark that morning of November 23, 1944 when she and her aunt were awakened by sound of explosions. They hid under the house when the alarming noise became more frequent. After awhile, they heard voices of Japanese soldiers saying: “Kura! Kura! Rarake! Rarake!” (Lalake, Lalake), meaning “where are the men?” Five Japanese soldiers found them and ordered them to come out. Outside, soldiers were herding the residents of the village to the school grounds. Some of the men were being mauled and she could not bear to look at them.

38.3. They were brought near a big machine gun in front of the school building. There were people and luggages in the school grounds. The men were being executed a few meters away from them.
38.4. Later, Japanese soldiers ordered the women to carry the luggages and other loot and proceed to the “bahay na pula.” At “bahay na pula,” a Japanese soldier told Juanita, by way of signaling, to lie down on the grass. She refused and he pushed her down. There was a big tree at the back of the house. He tied Juanita to the big tree. Then he removed her skirt. Juanita struggled against him and tried to keep her legs together, but the soldier placed his gun which had a sword or bayonet in between her legs. The soldier then pulled down his pants and came on top of Juanita with his face close to her face. He was saying something, which Juanita could not understand. Juanita bit him and the soldier slapped her. The soldier finally succeeded in raping Juanita.

39. The Rape of Rosalina Manalastas Buco

39.1. Rosalina was born on February 1, 1930 in Mapanique, Candaba, Pampanga. In the early morning of November 23, 1944, she and her family heard cannon shots and explosions. They fled their house but Japanese soldiers caught her and her parents, brother and sister and brought them to the school. On the way, her father managed to escape. At the school grounds, the soldiers tied up the men’s hands behind their backs. Some men were dead from the beatings by the Japanese soldiers; others were barely alive. She saw the men led into a classroom; later the classroom was set on fire.

39.2. The soldiers ordered the women to carry the things they looted from the houses to the “bahay na pula.” Rosalina got separated from her family. When they arrived at the “bahay na pula,” they were not released. Rosalina, a certain Lusing, and a third woman were brought to a room on the second floor of the house. At around midnight, three Japanese soldiers entered the room and paired up with each of them.

39.3. Rosalina screamed and bit and fought back. The soldier hit her and spit on her. He then put his hands on her neck and squeezed hard. She must have lost consciousness for a few seconds because when she opened her eyes, she was lying
on her back on the wooden floor and a Japanese soldier was on top of her. He was raping her. Rosalina became aware that the two other women were also being raped. She could hear their screaming and crying. When the three Japanese soldiers were done with them, they left the room laughing. They were allowed to leave “bahay na pula” the next morning.

40. The Rape of Florencia Macapagal dela Peña

40.1. Florencia was only 13 when the Japanese arrived. Her family moved to Mapanique in 1944. With her father out in the farm, there were only five of them in the house on that morning of November 23, 1944 – her mother, a brother, two little siblings, and herself. At about four in the morning, they heard explosions. Her brother advised them to stay in the house lest they be mistaken for rebels. The Japanese soldiers came to their house and took them to the schoolhouse, where they saw the Japanese soldiers killing the men. She also saw the soldiers kill her brother.

40.2. Along with other women, she was ordered to carry things to the “bahay na pula.” When they got there she was separated from the others and sent to the grassy portion of the lot. Late in the afternoon, two Japanese soldiers took her to a room on the second floor of the house. When they entered the room, the soldiers slapped her and pushed her to the bed. One held her hands as they undressed her. She kept fighting. One soldier kicked and punched her on the legs. She heard one soldier call the name of the other soldier: Captain Hiwara. Captain Hiwara raped her. The other soldier took pity on her and refrained from raping her. When the captain left, the other soldier asked her not to report the incident. The soldier then left and locked her inside. She cried and called for her mother. She was released the next morning at around six o’clock.
41. The Rape of Lucila Hernandez Payawal

41.1. Lucila was born on June 29, 1929. She spent her childhood in Mapanique, Candaba, Pampanga, and went to school there where she finished third grade. Early in the morning of November 23, 1944, she and her relatives heard the explosions from the bombing of Mapanique. When the explosions stopped, they saw Japanese soldiers entering the village from all directions. The soldies caught her and her relatives and brought them to the school grounds. In the school grounds, the soldiers separated the men from the women. They remained in their positions for hours. A Japanese soldier ordered her and some other women to follow him.

41.2. The soldiers directed Lucila and the other women to bring them to their homes. Upon entering Lucila’s house, the soldiers started breaking things. They dismantled a sewing machine and directed Lucila to put the sewing machine along with some of their clothes in a sack. Lucila was ordered to carry the sack to the school grounds, and later to the “bahay na pula.” Before leaving Lucila’s house, the soldiers burned the house.

41.3. After reaching the “bahay na pula,” a soldier led Lucila inside the house and pushed her inside the first room on the left side of the dining hall. In the room, the soldier suddenly grabbed her skirt and pulled it down. He also pulled her panties down. She screamed and wrestled against him but he was stronger. The soldier gave her another strong push and she fell down to the floor. He came on top of her and raped her. Before the soldier could finish putting on his pants, another soldier came in and raped Lucila. Then a third soldier came in and also raped her. By this time Lucila was quite hysterical. She was screaming and scratching the soldier’s head and arms. The soldier slapped her before he left the room. Lucila felt blood on her thighs. She wiped the blood off with her skirt. When the third soldier left the room, Lucila put on her skirt and torn panty. When the sun was up, she was allowed to leave the room and the “bahay na pula.”
42. The Rape of Tarcila Mangulabnan Sampang

42.1. Tarcila was born on January 16, 1930, and was raised in Mapanique. At dawn of November 23, 1944, she and her family were awakened by the sound of heavy mortar fire. Shells hit the area beside their house, instantly killing all their farm animals. Her father left the house to hide. She, her mother and two siblings were left in the house. Sometime later, everyone, including Tarcila and her family, was rounded up and brought to the schoolhouse. The soldiers brought in the men they caught, including her father. The men were made to stand right in front of them. The soldiers kept striking the men. A pro-Japanese collaborator kept pointing at Tarcila's father, calling him a guerrilla. Her father was singled out and separated from the other men. They cut off his penis. After that, the other men were ordered to form a line and shot to death. The women were then ordered to carry the things looted by the Japanese soldiers from the houses to the “bahay na pula.”

42.2. When they reached “bahay na pula,” two Japanese soldiers pointed their bayonets at Tarcila and forced her to go with them. They brought her to a tent at the farthest end on the side of the house. The other women were brought to the house. Tarcila was crying. Before she could protest, one soldier kicked her and she lost consciousness. When she woke up, the soldiers had already raped her. She was kept in the tent the whole night and was raped by the two soldiers repeatedly.

43. The Rape of Leonora Hernandez Sumawang

43.1. Leonora was born on December 12, 1931. In the early morning of November 23, 1944, she was awakened by the sound of explosions. The village of Mapanique was being bombed. She, her parents and siblings hid in a pit under their house. Then Japanese soldiers came shouting, “Rarake, rabas, rarake!” (“Lalake, labas, lalake!”), meaning, "All men come out!" Leonora’s father came out of the pit and met them. Leonora followed when she saw that the
soldiers were taking her father with them. The Japanese soldiers grabbed her. Two soldiers held her hands, one on each side, while a third soldier followed behind, poking her back with the tip of his rifle.

43.2. The soldiers led her to a house owned by one Tandang Sora. She was so scared and refused to enter the house. The soldiers pushed her inside; Leonora stumbled and crawled to a corner. Then the soldiers approached and tried to undress her. She fought back, but one soldier caught her hands while the other held her feet. They pushed her down to the floor until she was lying flat on her back. The third soldier unsheathed the bayonet from his rifle and used its blade to tear off her underwear. She was wounded in the process since she continued to struggle. Then he raped her. The two other soldiers holding her followed, one after the other. Leonora was only 13 years old at that time and did not have her menstruation yet. She must have fainted at some point during the rape because after a while she only realized the soldiers were gone.

44. All women survivors of the Mapanique mass rape were not able to continue their studies after the war. In fact, less than 50% of them had some formal education, and only up to third year of grade school. Most affected are the women who live with the belief that they had lost all opportunity for personal growth. The burning of their village brought further untold poverty and destitution. Although a majority got married, they experienced psychological trauma that affected their sexual relationships with their husbands. Others decided to remain single because of fear of sexually relating and of feelings of shame and disgrace. One married a man from another village but when he learned of his wife’s experience during the war, he turned to drinking until he got sick and died. One survivor decided to live with a man without getting married because she felt she was not worthy of the rite. Having experienced violence, the women, including the men, have maintained silence about their traumatic experiences for more than fifty years.
II. CLAIM FOR REPARATION

1. The Prosecutors of the Tribunal further presents the claim that, pursuant to Article 4 of the Charter of the said Tribunal, reparations for the acts of EMPEROR HIROHITO and of all the other Accused constituting Crimes Against Humanity in the foregoing Indictment be made to the remaining survivors or descendants of deceased victims, as a duty arising from State Responsibility under international law incurred by

THE GOVERNMENT OF JAPAN

FACTUAL BACKGROUND AND SPECIFICATIONS

2. For purposes of the said claim for reparation, the factual background, the specifications, and the statement of the offense for Crimes Against Humanity committed through sexual slavery and rape in the said Indictment are hereby incorporated as integral part of this claim.

BASIS OF CLAIM

3. Emperor Hirohito and all the other Accused charged with Crimes Against Humanity committed in the manner described in the foregoing Indictment acted in their official capacity or in the exercise of governmental authority conferred on them by the Government of Japan. They acted on behalf of the Japanese State and their conduct is considered acts of the said State under general international law and pursuant to Article 4 (a) of the Charter of the Tribunal.
4. In defining the state responsibility of the Government of Japan under Article 4 (b) (i) of the Tribunal’s Charter, it must be said that for more than 45 years, it had concealed and persistently denied sexual slavery as systematically perpetrated by the Japanese imperial forces during the Second World War. It continued to maintain this attitude of concealment and denial as late as 6 December 1991, even as it was confronted by claim for damages by former Korean comfort women in the Tokyo District Court. During a session of the Diet in June 1990, the Japanese Government explained that the facilities for sexual slavery (FSS) were maintained by private agents, not by the Japanese military authorities, thus engaging in distortion of facts.

4.1. It was only in the face of public disclosure of documents on FSS from the archives of Japan’s Defense Agency that the Japanese Government was forced to admit in 1992 that the maintenance of the said facilities was done by the political leadership and military high command of Japan. The Japanese Government then offered its apology after decades of denial.

4.2. Despite the result of its own study as to the truth of the FSS as established and maintained by Japan’s political and military leadership during the war years, the Japanese Government has never taken steps to prosecute and punish the officials responsible for the said crimes. Hence, the application of state responsibility as defined under Article 4 (b) (ii) of the said Charter.

4.3. Neither has the Japanese Government offered, much less provided, reparations in compliance with its duty under international law and pursuant to Article 4 (b) (iii) of the said Charter.

III. PRAYER

In the premises, the Peoples of Asia Pacific Region through the undersigned Prosecutors pray that the Government of Japan be adjudged as follows:

Philippine Indictment and Claim for Reparation
On the herein Indictment,

(1) to issue a formal written acknowledgment of the perpetration of the Crimes against Humanity by Emperor Hirohito and all the other Accused; and

(2) to cause to be published a formal apology in the international mass media for the said Crimes against Humanity addressed to the remaining survivors or descendants of deceased victims and to the Peoples of the Asia Pacific Region.

On the Claim for Reparation,

(1) to pay compensation to all victims for the damages done them such as physical and mental harm; the pain, suffering and emotional distress; lost opportunities, including education; loss of earnings and earning capacity; damage to personal dignity, in such amount as will be determined just and reasonable by the Tribunal;

(2) rehabilitation of those victimized, including medical, psychological and other care and services; and

(3) such other remedies as the Tribunal may deem just, necessary and appropriate under the circumstances.

6 October 2000.
The Philippine Prosecutors Team:

MERLIN M. MAGALLONA, Head

SEDREY M. CANDELARIA

ELEANOR C. CONDA

AURORA JAVATE DE DIOS

RICARDO JOSE

PURIFICACION V. QUISUMBING

EVALYN G. URSUA

Philippine Indictment and Claim for Reparation
ENDNOTES


3 The Tokyo War Crimes Trial, Vol. 6.
4 Id.
6 Id.

8 Id. at 10.
9 Id. at 12.
10 Id. at 14-16.
11 Id. at 16-17.
13 Id. at 17.
14 Id. at 9.
15 Id. at 16.
16 Id.
17 This fact was established by Report No. 128 of the General Headquarters, United States Army Forces, Pacific, War Crimes Branch, dated 17 December 1945, on the Massacre of Civilians in Miagao and Tibration, Iloilo Province, Panay, P.I., by the Japanese in August 1943 and March 1944. Rosario Paulino (later Nopueto) testified before an investigating body on 18 November 1945. (Material available for examination by the Tribunal.)
19 Tokyo War Crimes Trial, Vol. 6; U.S. Army General Headquarters Reports.
21 Based on interviews and testimonies of the women survivors of mass rape, the following were slain by the Japanese Imperial Army in Mapanique on November 23, 1944: Aga, Federico; Alarcon, Ponciano; Alonso, David; Alonso, Isabelo; Alonso, Pablo; Alonso, Pascual; Atencio, Jose; Balajadia, Ambrosio; Balajadia, Juan; Balajadia, Lucio; Bernardo, Tomas; Buco, Nicolas; Bulaon, Tomas; Bulaon, Victor; David, Eladio; David, Felix; David, Isaiah; Galang, Benito; Gonzales, Eugenio; Gonzales, Leonardo; Guevarra, Jose; Hernandez, Ellinio; Lalu, Lucio; Lapuz, Pedro; Lapuz, Nicolas; Lantangan, Lorenzo; Manalastas, Diosdado; Maniego, Ramon; Ocampo, Pedro; Onsayco, Jose; Onsayco, Ricardo; Padilla, Isidro; Padilla, Juanario; Pangilinan, Leoncio; Pangilinan, Saturno; Pelayo, Pedro; Puno, Daniel; Puno, Pablo; Puno, Pascual; Ponzalan, Abad; Quilantang, Baldomero; Quilantang, Pedro; Sampang, Feliciano; Soliman, Diocesio; Regala, Juan; and Turla, Gervacio. Several others who were killed are remembered only by their popular or first names: Ko Puro; Andoy; Allan; Apong Adan; Amor; Tata Selo; Buena. A number of these men were hit by gun shots, bombs or bayonetted. Some were not seen again after that fateful day. A big number were tortured and beheaded in full view of the women, then thrown inside the schoolhouse. The school was burned with the dead and dying men inside. The following day, November 24, 1944, those men who were able to escape returned and interred the remaining bones in front of the schoolhouse.