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Letter to request an early solution to the "comfort women" issue and prompt ratification of the Statute of the International Criminal Court (ICC)

Co-Conveners of  
The International Organizing Committee for the Women's International War Crimes Tribunal On Japan's Military Sexual Slavery:  
Yun Chung-Ok, The Korean Council for the Women Drafted for Military Sexual Slavery by Japan  
Indai Sajor, Asian Center for Women’s Human Rights (ASCENT)  
Yayori Matsui, Violence Against Women in War-Network, Japan (VAWW-NET Japan)

1. The Japanese Government should acknowledge the facts concerning the "comfort women" system and also fulfill its legal responsibility by taking swift measures to redress the aging survivors, including enacting legislation for an official apology and state reparation in accordance with the Recommendations of the Final Judgment of the Women's International War Crimes Tribunal.

2. The Japanese Government should promptly ratify the Statute of the International Criminal Court (ICC), which will be established with the ratification of more than 60 nations in order to prevent further incidents of violence against women in armed conflicts and to end the impunity of wartime sexual violence,

We request that the Japanese Government act on these two points, which were agreed on at the International Solidarity Conference 2002 for the Implementation of the Final Judgment of the Women's International War Crimes Tribunal in Tokyo, May 11-12, 2002.

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1. More than ten years have passed since survivors of Japan's Military Sexual Slavery (the "comfort women" system) that victimized great numbers of women in the Asia-Pacific region came forward. The survivors have been demanding that the Japanese Government give an official apology and state reparation, but filled with anger and despair, they are dying one by one without seeing the realization of their demands.

As a response to the voices of the survivors crying for justice, we held the Women's International War Crimes Tribunal in Tokyo in December, 2000. It was a People's Tribunal established by global civil society with the initiative of women all over the world. The Tribunal addressed not only Japan's responsibility for its system of Military Sexual Slavery and other sexual violence, but also aimed to protect women's human rights by ending the cycle of impunity for wartime sexual violence in order to prevent recurrence of such crimes.

Women's International War Crimes Tribunal in Tokyo was attended by sixty-four survivors from eight countries. The judges were all internationally renowned experts in international law and human rights. Each participating country's team of prosecutors submitted a wealth of documentary evidence, which was further substantiated by the testimony of victims, former Japanese soldiers, legal experts and historians at the proceedings. In addition, on the basis of the Charter of the Tribunal, the potential arguments of the accused Japanese Government, which was invited to send a representative to the Tribunal but failed to respond, were examined through an amicus curiae. After carefully examining all of this evidence, the judges applied laws that were in effect at the time when the crimes were committed.

The Final Judgment, handed down in The Hague in December, 2001, recognizes Japan's Military Sexual Slavery as a crime against humanity, finding the Emperor Hirohito and nine high officials of the former Japanese Military and the Government guilty: that is, bearing individual criminal responsibility. It also recognizes that Japan bears state responsibility for providing reparation, due to both the violation of international laws at the time the crimes were committed, and due to its postwar failure to fulfill its obligations to the survivors, who have the right to claim reparation based on international law.

The Hague Final Judgment, a huge volume of 265 pages with 1094 paragraphs, states that although the Tribunal has no legal power, the judgment, which is based on the moral authority of the Tribunal, should be respected by the international community and by individual governments. The Hague judgment is already highly valued as a "historical document of international law," and as the "most
comprehensive and important analysis of the 'comfort women' issue." It has been referred to in documents of the United Nations, including those of the Commission on Human Rights.

The judgment contains seventeen recommendations to the Japanese Government, the former Allied Powers, the United Nations and its member states. To the Japanese Government, it recommends such measures as: acknowledgment of legal responsibility for the "comfort women" system; providing an official apology and state reparation to survivors; research on and investigation into sexual slavery; and disclosure and preservation of related documents; description of the "comfort women" in history textbooks and education for gender equality; support for survivors who wish to return to their home countries and for returning the remains of those who died; and punishment of living perpetrators.

The Women's International War Crimes Tribunal and its judgment showed the world that Japan would never gain the trust of the international community, nor reconciliation with peoples in the Asia-Pacific region, as long as it continued to deny its responsibility for the "comfort women" system, allegedly the largest-scale wartime violence in the twentieth century. The judgment states: "The Tribunal calls upon the government of Japan to realize that the greatest shame lies not in this recording of the truth about these crimes but in its failure to accept full legal and moral responsibility for them". We request with the consensus of all those involved in the Women's International War Crimes Tribunal that the Japanese Government take the judgement to heart, and conscientiously endeavor to solve the "comfort women" problem as soon as possible.

2. The Women's International War Crimes Tribunal was held by global civil society, transcending the borders between perpetrating and victimized countries with support of women of other parts of the world with the conviction that those responsible for war crimes and crimes against humanity should be strictly punished has rapidly spread throughout the world since the 1990s, and the Tribunal reflects this. In particular, wartime sexual violence has drawn the attention of the international community as a crime against women. In the early 1990s the first "comfort woman" broke her silence in Asia. Around the same time, mass rape during civil wars in the former Yugoslavia and Rwanda shocked the world.

These developments gave new urgency to the issue of violence and crimes against women under armed conflict on the agenda of women's movements all over the world in order to end the impunity of wartime sexual violence. In the accelerating process of establishing the ICC, women jurists and human rights activists organized
the Women's Caucus for Gender Justice in order to realize an international criminal court that would properly prosecute wartime crimes against women. When the Women's Caucus launched a worldwide campaign toward the Rome Conference in 1998, it succeeded in including war crimes against women in the Statute of the ICC, one of which was officially referred to as "sexual slavery." This was a great advancement of the global women's human rights movement, which fights against violence against women from the family to the battlefield.

The Women's International War Crimes Tribunal, proposed in the midst of this movement, was expected to be a model for the judgment of wartime sexual violence, before the establishment of the ICC. Accordingly, jurists working to promote the establishment of the ICC got involved in the Tribunal. As a result of campaigns for ratification of the Statute by NGOs by people—including women—all over the world, more than sixty countries had ratified the Statute by last April, which was sooner than expected. As a result, the establishment of the ICC is soon going to be realized.

However, big and powerful countries such as the United States, China, Russia, and India have refused to sign or ratify it. Especially the United States has continuously opposed it, and has even moved recently to cancel its signing, in order to avoid prosecution of any American military officers or soldiers abroad. This is a serious problem for Japan, which has many US military bases in Okinawa and elsewhere, where women and children suffer from US military sexual violence.

We request a speedy ratification by the Japanese government, but if the ratification is bound up with the ongoing promotion of legislation concerning national emergencies, this will be in opposition to the purport of the ICC, which aims to achieve peace by prosecuting those who commit crimes against humanity, genocide, and war crimes.

Therefore, we request that, based on the Constitution of Japan, the Japanese Government soon ratify the Statue of the ICC with the purpose of achieving peace and human rights and preventing wartime sexual violence.