

# Former comfort women are victorious

*Women's International War Crimes Tribunal convicts Japan for crimes against humanity*

*"What is true of every member of the society individually, is true of them all collectively; since the rights of the whole can be no more than the sum of the rights of the individuals." —Thomas Jefferson to James Madison, 1789.*

On December 7, Hirohito, emperor of Japan during WWII, and the government of Japan, were found guilty of crimes against humanity in connection with the "comfort women" system, which subjected an estimated 200,000 girls and young women to sexual slavery and other inhumane treatment at the hands of the Japanese military from 1938 through the end of the war in 1945.

"Comfort women" (*Jungshindae* in Korean) is a euphemistic term used by the Japanese themselves for women who were imprisoned and forced into prostitution for the Japanese military. Originally, the Japanese used a term which referred to a national labor support organization mobilized to aid the war effort by employing teens and young women in munitions factories and other essential industries. The system of military sexual slavery was introduced by the Japanese government as a way to cut down on venereal diseases among the troops, reduce military intelligence leaks to the occupied populace, and to increase morale among the soldiers. So-called "comfort stations," literally rape centers, were created everywhere Japanese troops were stationed. About 80 percent of these sexual slaves were Koreans, and the rest were from other countries occupied by Japan, including China, the Philippines, Malaysia, East Timor, and Dutch Indonesia. Only about 20 percent of the 200,000 women survived the experience. Only a few hundred former comfort women are alive today and 76 of the survivors assembled at the Tribunal.

The judgment rendered December 12 in Tokyo, by the Women's International War Crimes Tribunal, was a preliminary version of the final judgment, which will be issued on March 8, 2001 (International Women's Day.)

The "people's court" approach is not binding on the government, but it is expected to create international pressure on Japan to heed the former comfort women's demands.

The preliminary judgment held the state of Japan responsible for not only the kidnappings, detention, assault, rape, murder and ill-treatment of innocent women, but also for the murders and abandonment of these women at the end of the war.

For example, some Korean women who were taken to Japan or to China to work in brothels as comfort women were left there by Japanese troops after the war and were never able to return to Korea. Other comfort women were bombed or burned to death in fires set intentionally by retreating Japanese troops to get rid of the evidence - the comfort stations along with the women who were imprisoned there.

The judgment also recognized the long-term mental illness and physical ailments suffered by the surviving women due to deprivation, trauma, and physical and mental abuse by Japanese military. It also specified the psychological suffering inflicted by the Japanese government since the war through the state's continuing refusal to take responsibility for the comfort women system.

The March 8 final judgment will charge specific Japanese military and government leaders for specific crimes under the international law of 1945. It is unlikely that any of the individuals convicted in this tribunal are still alive.

## WHY A PEOPLE'S TRIBUNAL?

The choice of a "people's tribunal" was not the first choice of organizers on how to bring justice to the issue of the former comfort women. Demands through more conventional means began in 1990 when Chung-ok Yun, a professor at Ewha Woman's University and cofounder of the Korean Council for Women Drafted into Sexual Slavery by Japan (the Korean Council), wrote a letter to the Japanese government on behalf of the former comfort women of Korea, demanding an official government apology, punishment of perpetrators, financial reparations, correction of written history to reflect the truth, and a permanent memorial to the comfort women, among other demands. The Japanese government did not reply.

Yun was not surprised, but neither was she dissuaded. She continued her campaign, on which she had researched and lectured since 1970, by successfully reaching out to the former Korean comfort women, none of whom were publicly known at that point. The Korean Council was founded in November 1990, and starting in August, 1991, one survivor, then more and more came forward. They organized, and began to demand justice as a group. Since then, the Korean Council has lobbied continually on behalf of the former comfort women, using every means of persuasion and public support available to them. Their demands have remained the same.

The Korean Council also reached out to other women's organizations, joining forces with women's advocate and former journalist Yayori Matsui, founder of the Violence Against Women in War Network (VAWW-Net Japan) in the early '90s, and later with a third comfort women's advocacy organization, ASCENT of the Philippines, led by Indai Sajor. The organizations began their own informational and educational events to raise the profile of the comfort women issues. In 1994, there was a public hearing on Japanese Sexual Slavery in Tokyo, and several events have been held since then.

Throughout this time, Japanese government never appreciably changed its stance, although it went from denying the government's responsibility for the comfort women system to admitting it in 1998, when then Prime Minister Keizo Obuchi offered Japan's fullest apology, saying he felt "acute remorse" for the colonization of Korea and crimes that resulted from it.

A "people's court" approach was chosen because, after nearly ten years, the former comfort women still had received no action on their demands. Korean and Filipino comfort women's groups had pursued legal action through the Japanese courts. All suits had been dismissed.

The Japanese courts relied on one of two grounds for dismissal: that peace treaties struck after the War Crimes Tribunal of the Far East (the Tokyo Tribunal) in 1946 had taken

care of any and all war crimes claims; or that the "statute of limitations" law, through which the Japanese government set a time limit on all claims of all war crimes, had expired. These grounds were used numerous times.

One suit which took nine years to prepare, was dismissed in 15 seconds using this rationale by a Japanese judge on the day before the Tribunal began, according to Sajor, who represented the ASCENT organization and the 46 former comfort women who filed the suit demanding \$9 million and an official apology.

The United Nations High Commission on Human Rights took note of the activities of the Korean Council and other groups, and assigned two special rapporteurs to investigate the claims of the comfort women. In 1998, Radhika Coomaraswamy and Gay MacDougall filed reports, and the High Commission on Human Rights adopted these reports, which called on Japan to immediately apologize, make reparations and meet other demands of the former comfort women. Japan refused.

Some Japanese government officials have issued personal apologies to survivors of the comfort women system, amounting to personal regrets and sorrow about their plight. The former comfort women have accepted these apologies, but have continued to push for official state admission of responsibility of crimes committed by the state.

Japanese private foundations have set up a fund, dubbed the Asian Women's Fund, which was designed to supply a kind of reparation payment for former comfort women. Although some very poor women have accepted money from the fund out of desperation, most have refused it. A majority of survivors consider the fund to be an insult, an insinuation that the situation can be remedied with money, and that an apology is unnecessary.

## IN PURSUIT OF INTERNATIONAL JUSTICE

The "people's court" approach is also calculated to gather sufficient support from the international community to enforce international law. In pursuit of this support, the

organizers of the Women's International War Crimes Tribunal assembled a slate of 50 respected international human rights organizations as cosponsors, invited teams of prosecutors consisting of the top international law experts from every victimized country, and signed on four renowned international law judges, including presiding jurist Gabrielle Kirk McDonald, an American, and former president of the U.N. War Crimes Tribunal on the former Yugoslavia (*see feature on McDonald, page 33*). Radhika Coomaraswamy of the United Nations High Commission on Human Rights also attended and spoke in support of the Tribunal's actions.

Tribunal organizers recognized that enforcement of international law requires the international community to be cognizant of crimes against humanity in other countries. It also depends on a commitment by the international community to understand and honor the precepts of international law and to be willing to enforce them. The Tribunal structure provided public education and awareness as well as a forum to seek justice outside conventional courts.

The Tribunal was, most importantly, a call to nations to renew support of and faith in international law. The judgment is only a beginning. Now the international community, particularly the U.S, must do its part in pressuring the state of Japan to meet the former comfort women's demands, which are slight compared to the grievous offenses they suffered. Time is short. The survivors are elderly and dying. It is time to see justice done for the former comfort women, and by inference, for their present-day counterparts, the victims of sexual violence in recent wars and conflict, who were also represented at the conference.

In 1990, when the Korean Council wrote the now-famous letter, and months later, when the first comfort woman, Hak Soon Kim, went public, the inevitable process of justice, long suppressed, was set in motion. Whether the momentum begun at that time continues will depend on the motivation of the international community, and will be seen in the months and years ahead. ●