

# A chilling system

*Motive, opportunity, and circumstantial evidence of a government-run system demonstrated*

“You are the eyes and ears of the world,” Chung-ok Yun, of the Korean Council for Women Drafted for Sexual Slavery by Japan, told the assembled audience of 1000 at the Women’s International War Crimes Tribunal, held December 8-12 in Tokyo.

The Tribunal consisted of a panel of four judges which heard the cases developed by prosecutors from nine victimized countries and from experts on history, psychology and Japan’s law and constitution. The prosecution’s objective was to prove Japanese government involvement in the comfort women system, which existed from 1938 to 1945. It took three continuous days of testimony for all to be said.

Yun said the four international law judges were chosen based on “their integrity and their probity” and that the surviving former comfort women “have risked their lives and their reputations in order to be here.” She asserted that the voices of conscience to be heard would not be from of any government or power, but from the people, and that any justice rendered was “not just for the survivors or even for this generation, but for the generations to come.”

Indai Sajor, co-convenor and director of the Asian Center for Women’s Human Rights in the Philippines said that the proceeding was not a formality, mock trial or public relations exercise, rather it was designed to provide a framework for a fair hearing of the facts. “Even if these judges have the power, they do not have the license to find judgment however they please... Their determination depends on fact, as well as compassion and law. Moreover the judges must exercise their power within a given framework, a framework that society itself sets in place,” she said, referring to the Tribunal’s charter and its basis of international law. Yet, she added, the capacity of the Tribunal is greater than that of any nation, because it is conducted with agreement across the participating nations. “Citizens have the power to exhaust the limits of the legal and moral boundaries they have imposed on themselves. Because together, nations have the capacity to raise the bar on what constitutes being civilized,” she stated.



Women's International War Crimes Tribunal, Tokyo.

Chief Prosecutor Patricia Visser-Sellers, who is the legal advisor for gender-related crimes in the Office of the Prosecutor for the International Criminal Tribunal for the former Yugoslavia and for the Rwanda Tribunal, stated the prosecutors’ assumptions in preparing their case. She said they must prove that crimes committed against the former comfort women were against the international law of 1945, not the law of today. Only in that way can the prosecutors prove that the Japan in 1945 knowingly violated the international law of its time, and that the War Crimes Tribunal of the Far East (in 1945) knowingly overlooked the violations of international law and crimes against humanity indicated by the comfort women system. Regulations and treaties agreed upon as early as 1907 in The Hague, show that both slavery and rape were recognized as violations of human rights in 1945, Visser-Sellers said.

Chief Prosecutor Ustinia Dolgopol, a senior lecturer on international law at Flinders University in Australia, explained how the military leaders during that period of Japanese imperial aggression were successful in establishing a military system in which “ordinary soldiers believed that they could rape, mutilate and torture women with impunity.”

She also said the prosecutors would prove that Japanese officials were responsible for the recruitment of women, that they had to give permission for the women to travel

across Japanese territory and on military vessels, all of which required military cooperation and permission from the sitting Japanese governors general in the occupied territories. All of these offenses add up to violations of standing treaties of the time such as the Geneva Convention, and against international law provisions of that time, including laws against trafficking in persons, forced labor, kidnapping, slavery and rape.

Dolgopol said the prosecution would be able to place the blame on the Japanese government of today because of its refusal to apologize for the comfort women system and to pay reparations to survivors. Dolgopol particularly cited Japan’s continued refusal to submit to the instructions of the United Nations High Commission on Human Rights, adopted by the Commission in 1998 (which ordered Japan to immediately apologize and pay reparations). By ignoring these demands, “Japan has compounded the complainants’ suffering,” she said.

Dolgopol’s statement also mentioned the Asian Women’s Fund, a fund collected by Japanese private foundations as a kind of reparation for former comfort women. This fund, she added, “is not an appropriate response to the needs of the victims,” because reparations can only assist in restoring dignity to survivors if they proceed from the government and are accompanied by an apology, and if the reparations are developed in consultation with the

affected victims. “The Asian Women’s Fund has had the opposite effect,” she asserted.

She also pointed out that the government of Japan had been notified of the Tribunal November 9 and had been invited to participate in the proceedings. No reply was received from the government.

## THE NORTH AND SOUTH KOREAN JOINT PROSECUTION

A block of time was given to every prosecution team to present the case for its country. The North and South Korean joint prosecution team had a whole day for its arguments. Prosecutor Song Bok Hong emphasized that Koreans were an easy tar-



Some of the North and South Korean Joint prosecution team members.

get for the comfort women recruitment due to the annexation of Korea by Japan in 1910 which gave the Japanese access to and control over the Korean people. She said women were vulnerable due to the low position women occupied in Korean society combined with the extreme poverty caused by the Japanese occupation. Young women were often the first to be asked to leave the family and obtain employment.

Emperor Hirohito was the supreme authority and commander in chief of

Japan, and was named in the Korean indictment. The Korean team also named Prime Minister Tojo Hideki; Minami Jiro, governor general of Korea; Itagaki Seishiro, commander of the Chosen Army, and certain commanders of Japanese armed forces. The Korean team also referenced a telling document, Edict No. 300 sealed with the emperor’s seal in March of 1942, which amended certain organizational structures within the army, specifically naming the comfort stations.

The Korean team presented a more than 12 examples in synopsis of women’s accounts which took in every kind of crime imaginable: kidnapping, assault, rape, torture, maiming, forcible abortions, sterilizations, forced use of harmful or intoxicating drugs, forced labor, and casual murder used as punishment and deterrent for the other women. Because of their youth, because of frequent injuries and deprivation, and due to deliberate efforts by the Japanese to keep information from the women, many did not know where they were taken or how long they were kept imprisoned. There were three testimonies in person by former comfort women whose whereabouts could be

documented through names on rosters, or through photos of them taken at a recognizable location, or by other means. Pil Ki Mun told the judges she was 15 years old and was picked up in a truck by her neighbor, evidently a collaborator paid to coerce or kidnap girls for the comfort stations. “I was put on a truck. I arrived in Manchuria. It took 10 days. I didn’t know where I was. A man tried to rape me. I fainted. They forced me. They kicked me and burned my skin with a red hot iron bar. I still have the scars on my arm.” Youngsim Pak, of