Clio

Women, Gender, History

39 | 2014

Gendered laws of war

The Women's International War Crimes Tribunal, Tokyo 2000: a feminist response to revisionism?

*Le Tribunal international des femmes de Tokyo en 2000. Une réponse féministe
au révisionnisme ?*

Christine Lévy

Translator: Anne Epstein

Electronic version

URL: <http://journals.openedition.org/cliowgh/508>

DOI: 10.4000/cliowgh.508

ISSN: 2554-3822

Publisher

Belin

Electronic reference

Christine Lévy, « The Women's International War Crimes Tribunal, Tokyo 2000: a feminist response to revisionism? », *Clio* [Online], 39 | 2014, Online since 10 April 2015, connection on 01 May 2019. URL : <http://journals.openedition.org/cliowgh/508> ; DOI : 10.4000/cliowgh.508

The Women's International War Crimes Tribunal, Tokyo 2000: a feminist response to revisionism?

Christine LÉVY

The Women's International War Crimes Tribunal on Japan's Military Sexual Slavery (hereafter the Women's International Tribunal) took place in Tokyo, Japan from December 8-12, 2000.¹ The Violence Against Women in War Network (VAWW-NET),² the main organizer of the Tribunal,³ had been constituted following an international conference there in 1997. At the conference, approximately 40 women activists from 20 different countries had come together to discuss the atrocities committed against women during armed conflicts, reflecting the growing international awareness of such crimes following the events in the former Yugoslavia and in Rwanda.⁴ The trial in Tokyo capped a decade in which former "comfort women" had begun speaking out about their experiences.

¹ The Women's International War Crimes Tribunal on Japan's Military Sexual Slavery, *Nibongun seidoreisei o sabaku josei kokusai senpan hôtei*, better known as *Josei kokusai senpan hôtei*. See Nishino 2009 and <http://www1.jca.apc.org/vaww-net-japan/english/womenstribunal2000/basicpapers.html>.

² VAWW-NET 2002.

³ http://vawwrac.org/?page_id=213 (accessed June 24, 2013).

⁴ The International Criminal Court was established by the Rome Statute, voted by 60 countries at the Rome Conference in July 1998 (accessed June 24, 2013): <http://www.parl.gc.ca/content/lop/researchpublications/prb0211-f.htm#lestatut>

Why a new trial in Tokyo?

No acknowledgement of sexual violence

Japan began setting up “comfort stations” in 1932, and more systematically from 1938,⁵ deporting young women from various Asian countries, but mainly from Korea, to military field brothels in occupied territory. As the conflict expanded, growing numbers of these young women and girls, referred to euphemistically as “comfort women” (*ianfu*),⁶ were brought to the war zones through lies, trickery, violence or force, right up until Japan’s defeat. When the army retreated, these women were generally abandoned, but some were also killed in the “collective suicides” – *gyokusai*⁷ – that took place toward the end of the war, for example in Saipan.⁸

Even though these facts were known when the Tokyo War Crimes Trials (International Military Tribunal for the Far East – IMTFE) took place from 3 May 1946 to 4 November 1948, the issue went largely unmentioned, since sexual violence against women was not, as such, recognized as a war crime. In terms of international

⁵ Historian Yoshimi Yoshiaki has found documentation on the first establishments in 1932 and 1933 (Yoshimi 1995: 14-21) but the archives show that they only began on a larger scale in 1938 (Yoshimi 1995: 34-35 and 2000: 58-59).

⁶ The term *ianfu* is a euphemism that designates women forced into “sexual service” in centers known as “comfort stations” (*ianjo*), directly or indirectly managed by the Imperial Japanese Army. The Army introduced the word *ianfu* (*wianbu* in Korean and *weianfu* in Chinese or Taiwanese) to give an aura of legality to this form of prostitution (Hayakawa 2005: 17-28). It appears in official army documents from 1938 on, although the first *ianjo* (comfort station) dates from 1932 (Yoshimi 1992: 90-92 and 2000: 43-45). Steadily declining estimates of the number of *ianfu*, a subject of debate, have been advanced by the leading “revisionist” historian, Hata (who in 1993 put their number at 90,000 and in 1999 at 20,000), while other historians, particularly in China, have raised their estimates considerably, suggesting there may have been as many as 400,000 (Su 1999).

⁷ *Gyokusai* (literally “shattered jewel” or “to die gallantly as a jewel shatters”) was the term used by the Japan’s Supreme War Council to refer to the annihilation of all forces engaged on a battlefield. No official suicide order ever existed, but it was forbidden for any troop to retreat or surrender.

⁸ Sometimes Japanese *ianfu* advised Korean women to surrender (Senda 1973: 133), thinking this might save them.

law, Article 46 of the “Laws and Customs of War on Land” (Hague Convention, 1907) provided only for convictions for rape if it was seen as a violation of family honor. At the time, the prosecutors from the Netherlands, China and France had given written proof of the violence inflicted on “comfort women” in Indonesia, East Timor, China, and Indochina. These violent acts had also been denounced during the trials of Class B and C war criminals, for example in China, Guam, and Saigon. But only the wrongs suffered by women from Allied countries were considered. For nearly fifty years, the women of Asia had to remain silent in their native countries, and they continue to maintain their silence to this day in Indonesia⁹ and in Malaysia, where only one woman has come forward as a former *ianfu*. The bilateral treaties signed by Korea and Japan in 1965 make no mention at all of their existence.

How could this experience shared by millions of soldiers have been ignored in Japan itself? Mythologized in certain literary and cinematic representations, the magnitude and horror of it only came to light at the beginning of the 1970s with the publication of an essay by investigative reporter Senda Kako. He was the first to introduce the term *jugun-ianfu* (comfort woman serving the army) in 1973. His book based on research in Korea after Japan and Korea re-established diplomatic relations became a bestseller. It served as the basis for many works later published on the subject in Japanese and in English, and it was translated into Korean. But it wasn't until the democratization movement of the 1980s got underway in South Korea that Korean historians took an interest. The women's rights activist and historian Yun Jeong-ok played a pioneering role by publishing her own study in January 1990 in the independent Korean newspaper *Hankyoreh*, created in 1987 by opposition journalists repressed under the military dictatorship.¹⁰

⁹ An article published in the newspaper *Asahi shinbun* dated 13 October 2013, revealed that the Japanese Minister of Foreign Affairs had on 30 July 1993 sent a confidential directive to the Japanese embassies in Indonesia, the Philippines and Malaysia requesting that they not question local populations about the *ianfu* issue.

¹⁰ Led by General Chun Doo-whan (b. 1931) following the dictatorship of President Park Chung-hee (1917-1979) from 1961 à 1979.

Out in the open: ten years of revelations, demands and controversies

Although historians did not totally ignore the existence of the comfort women, it was only in the 1990s that their history began to occupy a specific place in Japanese political and ideological debates.

In May 1990, during the South Korean president's official visit to Japan, Korean women's organizations demanded reparations for the women drafted into the "women's volunteer corps," or *teishintai*, a euphemism used in both South and North Korea to refer to the *ianfu*.¹¹ On 6 June 1990, in response to a question from Socialist senator Motooka Shoji, a member of the Japanese government provoked anger in South Korea and strong reactions in Japan by denying all direct responsibility by the army. Faced with Japan's insistence that the women were recruited only by private businessmen, thirty-seven Korean feminist groups created the Korean Council for the Women Drafted for Sexual Slavery by Japan,¹² and presented their seven demands in a letter addressed to the Japanese government.¹³ In 1991, Kim Hak-sun (1924-1997) was the first comfort woman to come all the way to Tokyo to testify, before a room packed with journalists. She brought a case against the Japanese state as part of a group legal action launched together with former forced laborers.

¹¹ Letting them disappear within an umbrella term that could cover both women who had only worked in factories and those who had been drafted into sexual slavery.

¹² The Korean Council for the Women Drafted for Military Sexual Slavery by Japan. In Korean and Japanese only the euphemism *teishintai* appears in the name of the Council.

¹³ These seven demands were:

Acknowledgement that force was used to recruit the *ianfu*.

An official, public apology from the Japanese state.

Full disclosure of the barbarity of the acts committed against them.

A monument erected in their memory and honor.

Payment of legally recognized compensation to surviving victims or their families.

Transmission of the facts about the *ianfu* to future generations through history education.

Creation of an archive and a documentation center.

The Japanese opposition mobilized to support them, demanding that a government commission be created to investigate. It was in this tense political climate that Japanese Prime Minister Kiichi Miyazawa arrived in South Korea on a state visit in 1992. The head of Japan's government expressed regret and promised to create a commission to investigate. Its conclusions were summarized in the 1993 Kôno Declaration, named for then-Chief Cabinet Secretary Yohei Kôno, a member of the Liberal Democratic Party (LDP).¹⁴ This declaration, which acknowledged the direct or indirect involvement of the Imperial Japanese Army "in the establishment, management, and transport of the comfort women," as well as the forced nature of their recruitment, was considered historic. In 1995, as part of a Peace, Friendship, and Exchange Initiative on the fiftieth anniversary of the war's end, the creation of a semi-private compensation fund known as the Asian Women's Fund¹⁵ was announced, amid tensions, at the initiative of Murayama Tomiichi, the Socialist Prime Minister of the coalition government during the first, brief change of government since 1948. The Korean Council for the Women Drafted for Sexual Slavery by Japan criticized the semi-private character of the fund. Its appeals for donations from the public and reliance on volunteers made it seem to them like a charitable operation, rather than the official reparations they had demanded of the government.

Meanwhile, the right wing of the LDP was mobilizing actively against acknowledgement of the Japanese army's involvement. Certain members of the Japanese government had already asserted in 1994 that the *ianfu* voluntarily prostituted themselves: with the far right wing of the Liberal Democratic Party (LDP) back at the helm, the "Kôno Declaration" was criticized for having gone too far. The statements of the Minister of Justice, Nagano Shigeto,¹⁶ in 1994, reflected this retreat and signaled the start of a revisionist offensive that has continued to develop, intended to call into question the

¹⁴ The party in power since 1955.

¹⁵ *Josei no tamenô ajia heima kokumin kikin* in Japanese.

¹⁶ A former army chief of staff, he was forced to resign 11 days after taking office for his revisionist statements about the Nanjing Massacre in the Japanese newspaper *Mainichi Shimbun*.

truthfulness of the women's testimony. This has consisted, on the one hand, of a campaign of insults against former *ianfu* on the internet and in mangas, and on the other, of works by historians close to politicians on the right or extreme right such as historian Hata Ikuhiko,¹⁷ who contests, for example, the conclusions of Yoshimi Yoshiaki,¹⁸ a professor at Chuo University.¹⁹ For over two decades, the right and the extreme right have vied with each other to claim that no proof exists that any women were coerced. Prime Minister Abe, back in power since the December 2012 elections, regularly repeats the same message. Revisionist historians of the Fifteen-Year War (1931-1945) and the Asia-Pacific War (1937-1945) have challenged feminist histories by questioning the validity of the testimony of former *ianfu*, through a systematic campaign of slander against them. These battles over interpretations of history are closely linked to the antagonism between those working to transform Japan into a "normal" – that is, armed – country, no longer bound by Article 9 of the 1946 Constitution that proclaims Japan's everlasting renunciation of war, and adherents to the tenets of postwar pacifism who want their point of view to prevail and not be marginalized.

The convergence of national and international criticism

International condemnation of violence against women is the product of the convergence of two movements, one pacifist and the other feminist. The most significant steps in winning support from the international community for this cause can be traced through successive reports produced by different UN commissions. The first of these was presented in 1993 by Theo Van Boven, Special Rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities. There, for the first time, he used the expression "sexual slaves" concerning the system established by the Japanese Imperial Army (UN, E/CN.4/Sub.2/1993/8). Also in 1993, the World Conference on Human Rights in Vienna recognized that violations of the fundamental rights of women in situations of armed

¹⁷ Hata 1999.

¹⁸ Yoshimi 1992.

¹⁹ Nanta 2001.

conflict infringe the founding principles of the Universal Declaration of Human Rights. In 1995, the Action Plan adopted during the Fourth World Conference on Women in Beijing specified that acts of violence against women in armed conflicts constitute war crimes, and urged the countries in question to carry out thorough investigations, compensate the victims, make authentic apologies, and prosecute the criminals. In 1996, Radhika Coomaraswamy²⁰, Special Rapporteur on Violence Against Women for the UN Commission on Human Rights (E/CN.4/1996/53/Add.1), included in her report recommendations addressed to the Japanese government about fulfilling the demands of the comfort women.²¹ In 1998, Gay J. McDougall,²² Special Rapporteur of a working group on systematic rape, sexual slavery, and slavery-like practices in armed conflict for the Committee on the Elimination of Discrimination against Women and the Protection of Minorities of the UN Commission on Human Rights,²³ underlined the need to break the vicious circle created when sexual violence in wartime goes unpunished. These different reports brought international support for the mobilization Korean and Japanese feminists had initiated on behalf of Korean survivors. But in Japan, repeated attempts to seek justice met with failure, providing impetus for a new project: to hold an international people's tribunal, modeled on the Russell Tribunal of the 1960s.²⁴

²⁰ She was named Under-Secretary-General, Special Representative for Children and Armed Conflict by UN Secretary-General Kofi Annan in April 2006.

²¹ Many experts are critical of the content of this report, based on the book, filled with errors, by George Hicks (1995), and of the report's inexact references (Onuma 2007: 149).

²² <http://www.unhcr.ch/huridocda/huridoca.nsf/0/3d25270b5fa3ea998025665f0032f220>

²³ This report was also criticized: in particular, the (inaccurate) reference to the declaration of a deputy, Arafune Seijuro (1907-1980), according to which only 25% of the 200,000 comfort women had survived. Arafune ("Arahune" in the report) refers to the treaty which nowhere mentions the existence of the *ianfu*, but cites 1,030,684 Korean forced laborers or draftees, of whom 102, 603 had perished (<http://www.awf.or.jp/1/facts-07.html>, accessed 01/07/2013).

²⁴ This was a people's tribunal founded in November 1966 by Bertrand Russell and Jean-Paul Sartre following the publication of Russell's book *War Crimes in Vietnam*.

The Women's International Tribunal and its objectives

On 8 December 2000, 1,300 people attended the opening of the Tribunal in the main auditorium of Kudan Kaikan Hall in Tokyo, a grand Western-style building with a traditional East Asian roof designed by the architect Ryoichi Kawamoto in 1934. The Tribunal was not connected to the judicial system of any state or group of states, nor was it part of an international organization. Rather, this people's tribunal was the product of its activist founders²⁵ will to bring the truth to light and to draw attention to the rules of international law that could apply to matters of public concern. The Tribunal's role was to make the voices of former comfort women heard. Its short duration – keeping in mind that the Tokyo War Crimes Trials lasted 28 months – shows that it was mainly intended as a media event.

The Charter, the prosecutors and the judges

The Charter of the “Women's International Tribunal” was drafted by the International Organizing Committee (see below) and approved by judges selected because of their reputations as leaders of the campaign to stop violence against women: Gabrielle Kirk McDonald, former President of the International Criminal Tribunal for the Former Yugoslavia; Carmen Argibay, member of the Supreme Court of Argentina and President of the International Association of Women Judges; Christine Chinkin, Professor of International Law in London and participant in many UN Observer Missions; and Willy Mutunga,²⁶ president of the Kenyan Bar Association and of the Kenya Human Rights Commission.

The Charter²⁷ established the tribunal's jurisdiction as covering crimes against humanity, including sexual crimes. It required that the

²⁵ Those who initiated it included a representative of the Korean Council for the Women Drafted for Military Sexual Slavery by Japan, Yun Chung Ok, Yayori Matsui, representative of VAWW-NET Japan, and Indai Sajor, representative of the Asian Centre for Women's Human Rights (ASCENT).

²⁶ Currently the president of the Kenyan Supreme Court.

²⁷ « Annex 2 – Charter of The Women's International War Crimes Tribunal On Japan's Military Sexual Slavery », *Droit et cultures*, 58 [http://droitcultures.revues.org/2189] (accessed 28 June 2013).

court determine the guilt or innocence of the defendants based on the evidence presented, but Article 14 specified that because of the massive destruction of documents at the time of Japan's defeat it would also be possible to register an indeterminate verdict in some cases. In practice, the central focus of the trial would be the question of the Emperor's responsibility. The Emperor was accused of letting the system of sexual slavery continue by maintaining his silence.

The groups of prosecutors from different Asian countries²⁸ included specialists on violence against women and representatives involved in the defense of comfort women. Chief Prosecutors Patricia Viseur Sellers²⁹ and Usitinia Dolgopol represented them. In their submissions to the Tribunal, they asked that the verdict be determined in application of the laws in force at the time. They enumerated the international laws of the period that the Japanese government and army had violated. They emphasized that the denials and silence of the Japanese government had perpetuated this violation of international law. Patricia Viseur Sellers in her closing statement stressed that the Asian Women's Fund did not constitute an appropriate response by the Japanese government, and that she expected the Court to recommend just and satisfactory reparations for the victims.

The Organizing Committee had made an effort to bring together experts from five continents through this trial. By obtaining support from high-ranking women professionals in international law, the committee showed that the trial was intended not only as a tribunal for denouncing sexual crimes, but also as a step toward adoption of international laws prohibiting violence against women in wartime. And indeed, the first judgment to qualify rape as a crime against

²⁸ Ten countries were represented: Japan, South Korea, North Korea, Philippines, Indonesia, East Timor, Malaysia, Taiwan, China, and Holland.

²⁹ She was a Legal Advisor for Gender Related Crimes and Senior Acting Trial Attorney in the Office of the Prosecutor for the International Criminal Tribunals for the former Yugoslavia and Rwanda.

humanity would be pronounced by the International Criminal Tribunal for the former Yugoslavia at the Foca trial in 2001.³⁰

In the absence of any representative of the Japanese government, which had ignored the invitation of the Tribunal, three lawyers acting in the capacity of *amicus curiae*³¹ came to present the arguments for the defense.

The witnesses

The Tribunal's aim was to focus on the victims, in response to revisionists who had rehabilitated various arguments put forward by the defense during the Tokyo War Crimes Trials of 1946-1948,³² and to the separate judgment pronounced by the Indian judge Radhabinod Pal, for whom the real wrong committed by Japan was not its war crimes but rather its attack on the Western powers' colonies.³³ While referring to new paradigms of postcolonial historiography, the Tribunal reaffirmed the principles of the Nuremberg and Tokyo tribunals, rejecting any potential amalgam between its own anti-colonial critiques and those of the revisionists who maintained that Japan had simply wanted to liberate the colonies of the Asian continent from the yoke of Western imperialism. Committed activists and lawyers working for the cause also saw this as an opportunity to point out that even international law had in practice reproduced political values reflecting Eurocentrism and masculine domination, by totally ignoring the plight of these Asian women reduced to slavery. To make public the facts in

³⁰ The ICTY condemned three Serb military leaders for using rape as a weapon of terror and tool of ethnic cleansing [<http://www.viol-tactique-de-guerre.org/le-tribunal-penal-international,522.html>] (accessed 20 June 2013).

³¹ An Anglo-American legal term designating an individual or entity who is not a party to judicial proceedings but is allowed to provide information to the court that might shed light on issues of law or fact.

³² It should be noted that much false testimony was given, without sanction (Akazawa 1989: 45-46).

³³ Five judges (from India, France, Holland, Australia and the Philippines) disagreed on the final verdict, but from opposing viewpoints. The Philippine representative considered the sentences too light and strongly criticized the Indian judge's opinion. The French judge thought it illogical to exempt the Emperor.

this international forum was to offer the victims an opportunity for true catharsis.

And indeed the testimony of the women constituted the high point of the Tribunal.³⁴ Thirty-five of the sixty-four plaintiffs, representing eight countries, were able to take part in the trial and testify. Video conferencing enabled those who could not be present to participate. All testified on their own behalf. A Chinese woman, Wan Ai-Hua, who was 14 years old at the time of the events and had suffered particularly serious physical consequences, was literally overwhelmed by her memories and had to be hospitalized (testimony related in § 168-169). One after another, these accounts told of suffering lasting months and months – even years and years – following rapes committed before some of them had even reached puberty, under threat of violence, in front of their families, or after the murder of other family members. Marta Abu Bere of Timor, a young girl taken away along with another friend her age, told of facing repeated rapes at night after serving soldiers all day. Women who tried to resist were severely repressed. Song Shin-do (b. 1922) had a Japanese name (Kaneko) tattooed on her left arm and suffered numerous other after-effects including hearing loss in her left ear and scars from a sword on her thigh and lower abdomen; following an ordeal of more than seven years, shuttled from one “comfort station” to another, she had lost all faith in humankind. Initiating legal proceedings, making her voice heard, and sharing her suffering with other people she felt that she had recovered a little of her human dignity. Maria Rosa Luna Henson (b. 1927) was imprisoned for nine months in a storeroom at a slaughterhouse where from two in the afternoon to ten at night she had to receive an uninterrupted line of soldiers. Accused of alerting villagers of an offensive by the Japanese army, she was tortured and finally saved *in extremis* by members of a Philippine guerilla group.

In addition to these poignant and moving testimonies, the Court heard from historians, psychologists and lawyers who had defended the victims at trials held during the 1990s. Statements were also taken from two former soldiers, Kaneko Yasuji (b. 1920) and Suzuki

³⁴ See Ajia 1997.

Yoshio (b. 1920), prisoners of war who had returned to Japan in 1956 and joined the Association of Returnees from China (Chukiren),³⁵ created in 1957. Published by this association in 1957,³⁶ the first collection of eyewitness accounts of the war crimes committed in China had been forcefully attacked by veterans' associations. Nor did the collection receive any better reception from the public, which saw the book as an instrument of communist propaganda. But investigations conducted in the province of Shanxi during the 1990s and 2000s revealed how widespread mass rape had been in China,³⁷ corroborating their testimony. The men's depositions at the trial refuted arguments which had aimed to legitimize the requisition of women as a means of preventing rape. They insisted that this policy did not eliminate mass rape. They explained that although the official regulations prohibited it, rape was tolerated and even encouraged as a means of demoralizing and humiliating the enemy.³⁸

The prosecution, the defendants, and the verdict: the question of the Emperor

Although the explicit purpose of the Tribunal was to break the silence and denounce the "culture of impunity" (§ 9), it was also a response to the revisionist offensive described above. This second aim explains the Women's International Tribunal's constant references to the International Military Tribunal for the Far East (explicit in § 81-83), despite its criticism that the latter did not condemn sexual crimes against women. The Tokyo trial of 1946-1948 was still regarded as the founding act of a new democratic regime, like the new democratic and pacifist Constitution of 1946. As the Nuremburg and Tokyo trials had done, the Tribunal aspired to demonstrate the responsibility of the army and the Japanese state, not by trying individuals for crimes committed in the exceptional

³⁵ This association has to date published over 116 collections or books of eyewitness accounts.

³⁶ Collective 1957.

³⁷ Kasahara 1997: 6. See the list: http://www.nc.jp/asahi/tyuukiren/web-site/backnumber/06/kasahara_seihanzai.htm (accessed 26 June 2013).

³⁸ Paragraph § 559 of the judgment of 2001 also refers to statements made during the Tokyo War Crimes Trials, according to which soldiers were advised to kill women after raping them "to avoid trouble".

circumstances created by war, but by sanctioning the existence of a crime which had been organized and systematized.

Who was on trial?

The accused included Emperor Hirohito (1901-1989), General Andô Rikichi (1884-1946),³⁹ Hata Shunroku (1879-1962),⁴⁰ Itagaki Seishirô (1885-1948),⁴¹ Kobayashi Seizô (1877-1962),⁴² Matsui Iwane (1878-1948),⁴³ Terauchi Hisaichi (1879-1946),⁴⁴ Tôjô Hideki (1884-1948),⁴⁵ and Umezû Yoshijirô (1882-1949).⁴⁶ Yamashita Tomoyuki, known as the “Malaysian Tiger” and executed in 1946 in the Philippines, was accused because of his responsibility in the mass rapes committed in Mapanique, Philippines. With the exception of the Emperor, who had been exonerated during the trial at the end of the war, all of the defendants were men who had been condemned in 1948 and had either died or been executed since. The Emperor had of course been spared for political reasons, after intervention by General MacArthur. In exchange, the Emperor had agreed to give up his divine status in a declaration broadcast on Japanese radio on 1 January 1946. To justify the Emperor’s exemption from indictment, he had been presented as a mere symbolic authority who did not intervene in worldly affairs and held no decision-making power. This had required some cooperation from the defendants themselves, and also that certain compromised members of the Imperial family should not appear before the court.⁴⁷ In postwar Japan, the issue of the Emperor’s guilt

³⁹ Former governor of Taiwan, arrested in Shanghai at Japan’s defeat, he committed suicide in 1946.

⁴⁰ Sentenced to life in prison, he was freed in 1955 by the Hatoyama government.

⁴¹ Sentenced to death and executed in 1948.

⁴² Governor-General of Taiwan in 1937, arrested as a war criminal, he was released before the trial.

⁴³ Sentenced to death and executed in 1948, he was held responsible for the Nankin massacre.

⁴⁴ Commander of the Japanese army in North China, he died in prison in Malaysia.

⁴⁵ A general and politician, he was Prime Minister from 1941-1944. Sentenced and executed in December 1948.

⁴⁶ A general, he died serving a life sentence in prison.

⁴⁷ Bix 2000; Dower 1999.

had become a strict taboo, enforced through systematic intimidation by extreme-right-wing activists.⁴⁸ Quite paradoxically, the end of the Cold War did not pave the way for consensus on the question of Japan's responsibility for the war. Alongside certain signs of appeasement, a new, very popular brand of revisionism emerged, represented by figures like manga author Kobayashi Yoshinori,⁴⁹ that called into question the Tokyo War Crimes Trials in the same terms as before. The purpose of the Women's International Tribunal was both to reaffirm the political responsibility of the defendants of 1948 and to invoke again the primary responsibility of the Emperor, but this time for crimes connected with the institutionalization of sexual slavery and rape.

Prosecutors from different countries had drafted the list of defendants. Thus, although Okamura Yasuji⁵⁰ remains conspicuously absent from the list of principal defendants, despite the fact that the archives show him to be the instigator of the system of comfort stations,⁵¹ his name does figure on a separate list of defendants drafted by the Chinese and Korean prosecutors; and he is also cited in the historical description of the installation of the comfort stations (§ 142-200). It is amply clear that this Women's International Tribunal of Tokyo aimed to pick up where the IMTFE had left off, and also to build on the criticism emitted by the left and the extreme left regarding the Emperor's exemption from responsibility. Both the indictment and the verdict that was handed down amply illustrate this.⁵²

⁴⁸ For example in 1990, Hitoshi Motoshima, the mayor of Nagasaki, was attacked by an extreme right group for his statements about Emperor Hirohito's responsibility.

⁴⁹ Thomann 2007; Nanta 2001.

⁵⁰ He escaped arrest in Japan thanks to General He Yingqin, Minister of War of Chiang Kai-shek's government, who decided to try him in China to spare him appearing before the IMTFE. Found not guilty, he took charge of repatriating one million Japanese soldiers and one million Japanese civilians living in China.

⁵¹ Inaba 1970.

⁵² <http://www.iccwomen.org/wigjdraft1/Archives/oldWCGJ/tokyo/judgmentannounce.htm>

The verdict

On the fourth day, the tribunal delivered the verdict. It was published in a final text on 4 December 2001 in The Hague. Emperor Hirohito was found guilty of criminal negligence according to § 2 of Article 3 of the Charter of the Tribunal. General Matsui was acknowledged to be guilty of participating in the system of sexual slavery, in accordance with § 1 of the same Article 3. The announcement of their guilt brought intense joy and displays of great satisfaction on the part of the victims and everyone present.

To be recognized by an international community brought the victims both catharsis and a feeling that they were supported morally, encouraging them to pursue their action. The Tribunal was not of course empowered to enforce the judgment it had handed down, but it brought international legitimacy to the demands of these former comfort women. It must be noted that because of the systematic destruction of documents by the Japanese army as defeat approached, the Tribunal chose not to pronounce on the guilt of the remaining defendants, drawing here on the precedent set by the Tokyo War Crimes Tribunal which did not rule on the cases of two defendants (note 9, p. 7 of the report).⁵³ The Japanese government's impunity in the case of the comfort women was attributed to the Tokyo War Crimes Tribunal which, although aware of the facts, had showed serious discrimination in its rulings (§ 4). Nonetheless, the principal defendant remained the Japanese state, which had done nothing for over half a century and then remained unresponsive to the demands made since the 1990s.

Toward new feminist perspectives?

The most original aspect of the Women's International Tribunal, extending the work of the movement to support the comfort women that began in the 1990s, remains the central role it reserved for eyewitness testimony. Such accounts, particularly because they describe events dating back more than fifty years, must of course be used with caution. Pressure on the witnesses from the public and

⁵³ <http://www1.jca.apc.org/vaww-net-japan/english/womenstribunal2000/Judgement.pdf>

activist organizations also intensified as the movement developed.⁵⁴ But the fact that the words of former comfort women were considered, while not to be overemphasized, also suggests that the rise of women's history spurred an epistemological break in this area. Since the 1970s, the methodological encounter between women's history and oral history (leading to testimony being collected directly from women), still in its infancy at the time, had led feminists to discover the existence of former comfort women, notably in Okinawa. In 1977, lawyer Omori Noriko⁵⁵ began by interviewing a former Chinese *ianfu*, Pae Pong gi, on the island of Okinawa where traces of 134 "comfort stations" have been identified to date, according to the Women's Active Museum on War and Peace (WAM).⁵⁶ She then led a team of lawyers in the legal proceedings initiated by Chinese women from the province of Shanxi, making over 20 trips there during the 1990s and 2000s to conduct research on sexual slavery.

Along with the Nanjing Massacre and – particularly during Koizumi-led governments – Japanese prime ministers' controversial courtesy visits to the Yasukuni Shrine, which honors the souls of those who have died in the service of the Emperor since the Meiji Restoration⁵⁷ (including war criminals executed in 1948 and transferred there unofficially by those in charge of the shrine)⁵⁸ the fate of the "comfort women" has been one of the thorniest issues in Japan's recent diplomatic relations, particularly with South Korea and China. Today, along with the disputed border islands of Senkaku/Diaoyu and Takeshima/Dokdo (the Liancourt Rocks), the

⁵⁴ Soh 2008: 79-106.

⁵⁵ Omori & Kawada 2010.

⁵⁶ <http://www.wam-peace.org/index.php/ianfu-mondai/qa>

⁵⁷ The Yasukuni Shrine was initially built in 1869 to honor soldiers who had died fighting for the Emperor during the civil wars. More than two million of a total of nearly two-and-a-half million soldiers died during the Asia-Pacific war, making the shrine a symbol of that conflict.

⁵⁸ It was only on April 19, 1979 that the transfer of the souls of 14 Class A war criminals, including Hideki Tōjō, came to light. This secret transfer shocked the public at the time. In the Yasukuni Shrine's brochure, these individuals are presented as "martyrs of the Showa era" (1926-1989).

question of the comfort women remains a source of Japan's deteriorating relations with both countries. Within Japan, together with the army's responsibility for mass suicides in Okinawa and the Nanjing massacre, the question of the *ianfu* has also provoked ongoing debates over the content of school textbooks. The most violent reactions in this respect have come from conservatives allied with negationists in Japan, resulting in the creation of the Japanese Society for History Textbook Reform in 1997.⁵⁹ The Women's International Tribunal was a response to these denials, attracting international support for the memory work being undertaken by militant pacifists concerned to defend both the victims and human rights.

In addition to providing catharsis for the victims, the tribunal also made the public aware of the problem of violence against women in general. It drew attention to new paradigms of women's history as well as to analyses of historical issues such as the connections between prostitution and patriarchal society. The virulent reactions to the Tribunal showed that the women subjected to such humiliation continue to face both contempt and prejudices, reflecting the persistence of misogyny in today's societies.⁶⁰ During the first decade of the twenty-first century, an antifeminist offensive was founded precisely on efforts to discount the former comfort women. But why would the movement to support them raise so much suspicion in a Japanese public that in principle has fewer prejudices about Korea and Koreans than the previous generation had, as demonstrated by the successful reception in Japan of the World Cup hosted by South Korea in 2002, and of the Korean TV series *Winter Sonata* (*Gyeongja*) broadcast in Japan in 2003-2004?

In 1998, Ueno Chizuko published a book⁶¹ announcing feminism's radical and historic break with nationalism. Fifteen years later, Japanese feminist associations are more determined than ever to continue seeking solidarity with the women of other Asian countries. Breaking with nationalisms of all kinds offers both a starting point and the perspective required to supersede the antagonisms of the past

⁵⁹ Nanta 2001.

⁶⁰ Ueno 2010.

⁶¹ Ueno 1998.

but also of the present. Although the Tribunal definitely condemned nationalism in Japan, it had more difficulty moving beyond that of other nations, in particular South and North Korea.

What is preventing real solidarity and satisfactory resolution of the problem of the comfort women? The Tribunal's verdict emphasized the insufficiency of the Kono Declarations and of the official apologies subsequently offered by the Prime Minister (§ 977 and § 978). The word "owabi" was seen as ambiguous compared with the expression *shazai*, which better conveys a sense of guilt (§ 985 to § 988). However, the criticisms of the Asian Women's Fund were in some ways biased.⁶² For example, the final verdict published in The Hague in 2001 mentioned nowhere that just over a half of the former *ianfu* accepted compensation and the letter of apology from then-Prime Minister Hashimoto (1937-2006) of Japan. The Asian Women's Fund was of course not well regarded in Korea, but the results of its work varied from one country to another. In Holland, the 79 women who came forward all accepted compensation from the fund, and many responded to the Prime Minister's letter of apology with letters of thanks and recognition. In the Philippines also, many women accepted the compensation and the letter. In total, 364 women received payments, with the majority from the Philippines (about 450 women came forward in 2000 during the information campaign) and the Netherlands (79). In South Korea, only seven out of 231 accepted, and only one in Taiwan, who was not officially counted.⁶³ In South Korea, a national campaign raised awareness and funds to support the former *ianfu* financially. The Korean government under President Kim Dae-jung gave them financial aid on the condition that they not have accepted any money from the Asian Women's Fund. Eleven women who had received compensation from the Fund were thus denied additional aid, and were then violently stigmatized as "traitors" to the national cause.⁶⁴

Although the Japanese state can be criticized for not taking steps to resolve the issue of the statute of limitations – is there a statute of

⁶² Ônuma 2007.

⁶³ Ônuma 2007: 75.

⁶⁴ Yamashita 2011: 220-222.

limitations on crimes against humanity? – did the Fund and its initiators not seek to make up for this in an unfavorable context? Did they set out to support the deplorable attitude of the Japanese state, or try to advance the cause of the victims? The Fund's impact remains to be assessed. The few generally positive lines about it in the ruling are not convincing. Finally, while the Tribunal continually reiterated the need for material reparations based on legal recognition, it brought no progress on that front, its judgments remaining only wishful thinking, since they were based on an initiative without sufficient support from local forces to have any influence on the balance of political and diplomatic power relations.

The movement to rehabilitate the former comfort women is far from having exhausted or resolved the political and social issues it raises. A project of critical reflection in various directions is under way, with some approaches moving to deepen the feminist perspective⁶⁵ while others see questions of gender and post-colonialism as inseparable.⁶⁶ These debates enrich a movement whose aim was to reestablish historical truth, restore the dignity of the victims, and bring them justice. The essential role of this Tribunal was to participate in the fight to stop violence against women in wartime. The founding of the Women's Active Museum on War and Peace in 2005 is its most substantial achievement. Yet although the Women's International Tribunal created a framework for bringing the issue of gender into the memory of war, it did not bring an end to the memory wars in the region. Both the political and the diplomatic conflicts at the time of writing, in 2013, make this clear.

Translated by Anne EPSTEIN

⁶⁵ Yamashita 2008; Soh 2008.

⁶⁶ Kim 2011; Suzuki 2006.

Bibliography

- AKAZAWA Shiro. 1989. *Tokyo saiban [The Tokyo Tribunal]*. Tokyo: Iwanamishoten, Iwanami bukkuretto n°10.
- AJIA, Foramu (ed.) 1997. *Moto ianfu no shogen : gojunen no chinmoku o yabutte [Eyewitness accounts of former "comfort women": Breaking the fifty-year silence]*. Tokyo: Kôseisha.
- BIX, Herbert. 2000. *Hirohito and the Making of Modern Japan*. New York: Harper Collins.
- COLLECTIVE. 1957, *Sankô: Nihonjin no chugoku ni okeru senso hanzai no kokubaku [Kill everyone, burn everything, pillage everything: Japanese confessions about the war crimes committed in China]*. Tokyo: Kobunsha.
- DOWER, John W. 1999. *Embracing Defeat: Japan in the wake of World War I*. New York: W.W. Norton & Co. New Press.
- FUJIMURA-FANSELOW, Kumiko (ed.) 2011. *Transforming Japan: how feminism and diversity are making a difference*. New York: Feminist Press at The City University of New York.
- HATA, Ikuhiko. 1999. *Ianfu to senjô no sei [The Ianfu and sexuality on the battlefield]*. Tokyo: Shinchosensho.
- HAYAKAWA Noriyo (ed.) 2005. *Senso boryoku to josei [War, violence and women]* vol. 2: *Gunkoku no onnatachi [The women of militaristic countries]*. Tokyo: Yoshikawakobunkan.
- HICKS, George. 1995. *The Comfort Women*. Tokyo: Yen Books.
- INABA, Masao. 1970. *Okamura Yasuji taisho shiryô, senjo kaiso [Archives of General Okamura Yasuji, memories of the battlefield]*. Tokyo: Harashobô.
- KASAHARA, Tokushi. 1997. Nihongun no zangyakukôï to seihanzai [Acts of cruelty and sexual crimes by the Japanese army]. *Senso sekinin kenkyu* 17: 38-50.
- KIM, Puja, 2011. *Keizôkusuru shokuminchishugi to jendâ [Gender and the persistence of colonialism]*. Tokyo: Seorishobo.
- LÉVY, Christine. 2012. "Femmes de réconfort" de l'armée impériale japonaise : enjeux politiques et genre de la mémoire. *Online Encyclopedia of Mass Violence* [<http://www.massviolence.org/Femmes-de-reconfort-de-l-armee-imperiale-japonaise-enjeux>].
- NANTA, Arnaud. 2001. L'actualité du révisionnisme historique au Japon. *Ebisu* 26: 127-153.
- NISHINO, Rumiko. 2009. Le tribunal d'opinion de Tokyo pour les "femmes de réconfort". *Droit et cultures* 58: 75-84.
- ÔMORI, Noriko, and Fumiko KAWADA. 2010. *Ianfu mondai ga tôtekita koto [The questions raised by the Ianfu issue]*. Tokyo: Iwanamishoten.

- ÔNUMA, Yasuaki. 2007. *Ianfu mondai towa nandattanoka, media, enu,ji.ô, seifu no kôzai* [What was the meaning of the ianfu issue? Merits and faults of the media, NGOs and the government]. Tokyo: Chuokoron.
- SENDA, Kako. 1973. *Jugun ianfu, koe naki onna Hachimannin nokokubatsu* [The army's comfort women: the accusation made by 80 000 "voiceless women"]. Tokyo: Futabasha.
- SOH, Chunghee Sarah. 2008. *The Comfort Women: sexual violence and postcolonial memory in Korea and Japan*. Chicago: University of Chicago Press.
- SU, Zhiliang. 1999. *Wei an fu yan jiu* [Studies of the comfort women]. Shanghai: Shanghai shu dian chu ban she.
- SUZUKI, Yûko et al. (eds). 2006. *Nihongun ianfu kankei shiryô shûsei* [Collected documents concerning the jûgun ianfu] vol. 1 & 2. Tokyo: Akashishoten.
- THOMANN, Bernard. 2007. Le procès de Tokyo et la mémoire nationale : le retour du débat sur la guerre 1937-1945. *La Vie des idées* 14 December [www.laviedesidees.fr/Le-proces-de-Tokyo-et-la-mémoire.html]
- UENO, Chizuko. 1998. *Nashonarizumu to jendâ* [Nationalism and gender]. Tokyo: Seidosha.
- 2010. *Onnagirai: nippon no misojini* [Hating women: misogyny in Japan]. Tokyo: Kinokuniyashoten.
- VAWW-NET (ed.) 2002. *Josei kokusai senpan hôtei no zenkiroku* [Complete Annals of the Women's International Tribunal against war crimes], 2 vols. Ryokufu shuppan.
- WAM, *Women's Active Museum on War and Peace*. 2006. Exhibition Catalogue, *Josei kokusai senpan hôtei no subete ianfu higai to kagai sekinin* [All About The Women's International War Crimes Tribunal].
- YAMASHITA, Yeong-ae. 2008. *Nashonarizumu no kyôma kara ianfumondai e no mô hitotsu no shizô* [Moving beyond narrowly nationalist perspectives – Towards another perspective on the Ianfu question]. Tokyo: Akashi Shoten.
- YAMASHITA, Yon'e (Yeong-ae). 2011. Revisiting the "Comfort Women": moving beyond nationalism. In *Transforming Japan: how feminism and diversity are making a difference*, ed. Kumiko FUJIMURA-FANSELOW, 213-228. New York: Feminist Press at The City University of New York.
- YOSHIMI, Yoshiaki (ed.) 1992. *Jûgun ianfu shiryosbu* [Collected documents on the Jugun ianfu]. Tokyo: Otsukishoten.
- 2000. *Comfort Women: sexual slavery in the Japanese military during World War II*. New York: Columbia University Press [Translated by Suzanne O'Brien from the Japanese: *Jugun ianfu*. Tokyo: Iwanami Shinsho. 1995.]