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Civil Society Commitment to Justice and Commemoration

Initiatives of a Women's Museum in a Perpetrator State:
Remembering Japan's Military Sexual Slavery

Mina Watanabe

Women's Active Museum on War and Peace (WAM)

Introduction

I am honored to have the opportunity to give a talk at the Memorium Nürnberger Prozesse, especially in historical Courtroom 600, where the Nuremberg Trial was held after WWII. I visited Nuremberg, a city of peace and human rights, for the first time last year. I spent more than 3 hours in the museum upstairs and was very much impressed by the fact that the Nuremberg Trials are repeatedly being revisited as a lesson for today's international crimes. I am grateful to the Memorium, the women's office of the City of Nuremberg and the Nuremberg Human Rights Center for inviting me. I would also like to extend my gratitude to the Women in One World with their "Museum of Women's Cultures Regional–International" for making this occasion possible.

I am the director of the Women's Active Museum on War and Peace, or WAM for short. WAM is a private museum established in central Tokyo with donations mainly from people in Japan in the summer of 2005, the 60th

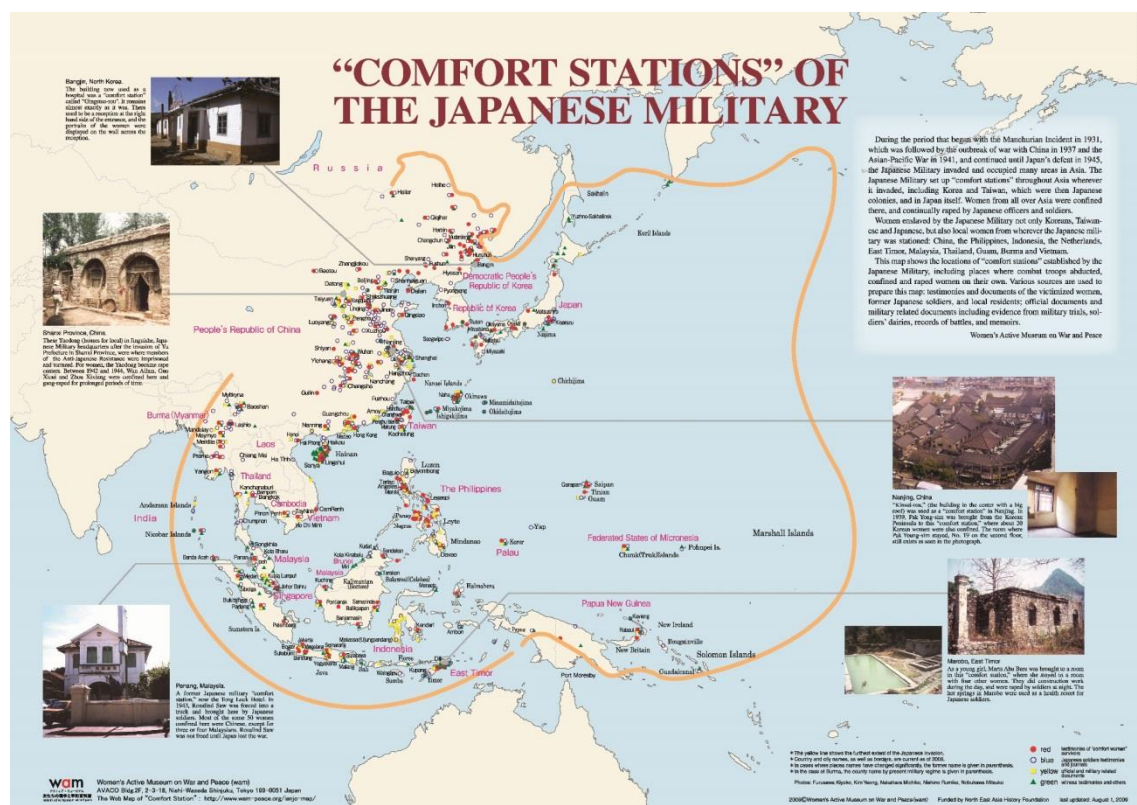


anniversary of Japan's defeat. WAM focuses on violence against women in war and conflict situations, with a particular interest in the issue of Japan's military sexual slavery during WWII, euphemistically called the "comfort women" issue. WAM holds exhibitions, keeps testimonies and documents, conducts fact-finding projects and acts as an advocate in solidarity with survivors of Japan's military sexual slavery in the Asia-Pacific region. Please refer to the brochure distributed.

The topic I was asked to speak to today is "civil society commitment for justice and commemoration." In order to highlight recent commitments by civil society, I would like to provide a brief history focusing on how Japan's military sexual slavery became an issue in the 1990's, and how the issue was politicized in the late 2000's. In today's Japan, the media reports the "comfort women" issue as if it were merely a political conflict between Japan and Korea. But when we look back over the almost three decades of our movement, it is clear that the root of the problem always lies with the government of Japan which refuses to come to terms with its past wrongdoings.

I will cover a 28-year struggle in 30 minutes; please forgive my rather simplified explanation. Please note that in today's presentation, I will use the term "comfort women" and "comfort stations" in quotation marks. Although there is no comfort for victims/survivors, and the precise term is "sexual slavery", I retain these terms which have historical significance given that this euphemism was also used during the war.

1, Japan's Military Sexual Slavery



First of all, I would like to show a map of “comfort stations” which visualizes the magnitude of Japan’s military sexual slavery system. The locations of “comfort station” have been identified from official documents, as well as the testimonies of survivors, former soldiers and witnesses. The yellow line shows the outer limit of the territory invaded by the Japanese military. The map confirms that this issue is not merely one between Korea and

Japan. Rather, the practice of Japanese military sexual slavery was widespread throughout the Asia-Pacific region.

The women and girls were gathered or recruited in different ways: some were deceived by brokers with promises of good jobs, while others were forcibly taken by soldiers during battle. They were then plunged into a nightmare of constant rape at the hands of Japanese soldiers. Some endured this for a few days or months, while others were trapped for years. Although the total number of victims is unknown, estimates by historians range from 50,000 to 200,000. After Japan’s defeat, the women and girls were released or abandoned. Some managed to return home while others stayed in the area of their capture; for nearly all, a life began of struggle against poverty, physical disease, psychological trauma and community alienation.

記憶の扉を開けた女性たち

金学順 (韓国/1924-1997年)
すべての始まり
「慰安婦」は民間業者が連れ歩いた」と答弁した日本政府への強い怒りから、1991年8月、韓国で初めて「慰安婦」被害者だったと名乗り出た。

日本人「慰安婦」として
1935年、慰安寮の記事を週刊誌で読み、「生まれ変わらう」と決意。手記を書き始める。終生移した千葉県「かにた婦人の村」に、「慰安婦」の顕彰碑を建てた。
城田すず子 (日本/1921-1993年)

戴季奇 (韓国/1915-1991年)
沖縄に残留
1975年、帰国許可の手続きの時に「慰安婦」被害者だったと報道され、その人生が本や映画に描かれた。

たったひとりの在日として
1992年8月の「慰安婦110歳」がきっかけで、在日韓国人の「慰安婦」被害者として名乗りをあげ、証言を始めた。
宋神道 (韓国/1922年-)

マリヤ・ロサ・ルナ・ヘンソン (フィリピン/1927-1997年)
フィリピンで口火を切る
1992年、ラジオで女性団体による「慰安婦」被害者への呼びかけを聞いて名乗り出た。多くの被害者が後に続いた。

アジアの声に呼応して
1992年の国際公聴会(東京)のニュースを新聞で読み、心を揺さぶられて1994年に名乗り出た。
ロザリン・ソウ (マレーシア/1916年-2002年)

ホットラインに訴えて
1992年、台北市婦女救済基金など女性団体が開設した「慰安婦」のホットラインに申告。以来、名前と顔を少しずつ公表するようになった。
黄阿桃 (台湾/1922年-)

中国の被害者の先頭に立つ
山西省正陽の小学教師・張秋兵さんによる働き取りに託し、1993年の国際公聴会(東京)で中国人被害者として初めて証言する。
万菱花 (中国/1930年-)

韓国女性の勇気で決意
韓国の被害者の名乗り出に激励され、1992年の国際公聴会(東京)で証言した。
ヤン・ラフ＝オハーン (オランダ/1923年-)

女性国際戦犯法廷で
インドネシア軍占領下の女性への性暴力調査を進めていた女性弁護士に誘われ、2000年の女性国際戦犯法廷で初めて名乗り出る。
エスメラルダ・ボエ(左) マルタ・アブ・ベレ(奥ディモール)

日陰の人生を清算するために
1992年、夫の死後クリスチャンになって、スワラ・ムルダカ新聞に氏名を公表して証言。この記事を讀んだ類のゴジャック記者の精神的な支えが、名乗り出を決意させた。
トウミナ (インドネシア/1924年-)

The International Military Tribunal for the Far East, or the Tokyo Trial, established after WWII, failed to prosecute crimes of sexual slavery adequately. Although several incidents related to rape and forced prostitution were included in the evidence submitted, there was no prosecution for setting up and maintaining a system of sexual slavery. Further, crimes against women and girls on the Korean Peninsula and in Taiwan, both of which were under Japan's colonial rule, were not prosecuted by the Tokyo Trial.

The post-war period in Asia was not peaceful. Many people suffered further armed conflict or dictatorship during the Cold War. This made it difficult for women victims to talk about sexual violence suffered at the hands of a foreign military in the previous war. It was only in the late 1980's and 1990's that democracy movements in places such as in the Philippines, South Korea, Taiwan and Indonesia finally bore fruit. These developments encouraged and empowered women human rights activists to support the victims of sexual violence committed by authorities.

2, Coming Forward of the Survivors in 1990's

Ms. Kim Haksun of South Korea heard on TV that the government of Japan said "comfort stations" had been run as private brothels with no involvement by the government or military of the time. This motivated Ms. Kim to come forward as the first survivor to testify about her experience at the hands of Japan's military on August 14, 1991, and to file a lawsuit against the Japanese government claiming an apology and compensation in December same year. News of Kim's coming-out spread throughout many parts of Asia, encouraging not only survivors from the Republic of Korea, but also those in DPRK (North Korea), the Philippines, China, Taiwan, Malaysia, Indonesia, and East Timor. Women from the Netherlands who suffered in the Dutch East Indies also spoke out.

The coming out of the survivors led the Japanese historian, Yoshimi Yoshiaki, to conduct research on official documents in the library of the National Institute for Defense Studies in the then Japan Defense Agency where he located several tens of relevant official documents. Other historians and journalists followed. Lawsuits by survivors led the Government of Japan to initiate their own fact-finding. Although it was not enough, the authorities declassified documents archived in ministries.

As you may know, at the end of WWII the Japanese government systematically burned official documents in order to evade prosecution by the Allied Forces. However, the "comfort women" practice had been so systematic and taken such deep root throughout the military that it was not possible to burn all the relevant materials. By the end of the government research in August 1993,

around 300 official documents had been located. These surviving documents revealed that the Japanese military planned and controlled the system of sexual slavery from the 1930s until Japan's 1945 defeat.

3, Reaction of the Government, the Courts and the Diet of Japan

The Government

In August 1993 the then Chief Cabinet Secretary Yohei Kono made a statement and acknowledged the involvement of Japan's military in the "comfort women" system. The Kono Statement declares that "Comfort stations were operated in response to the request of the military authorities of the day." It notes: "in many cases [women] were recruited against their own will, through coaxing, coercion, etc., that, at times, administrative/military personnel directly took part in the recruitments", and that "women lived in misery at comfort stations under a coercive atmosphere".

However, the government maintains the stance that the issue of claims was all resolved through the San Francisco Peace Treaty and bilateral agreements signed after WWII. Refusing to take legal responsibility, the Japanese government said it would nevertheless fulfill its "moral obligation" by establishing the Asian Women's Fund, a private fund that collected donations from the private sector and distributed these monies to victims in the limited few designated countries. The survivors, however, demanded "proper government compensation, not charity." This charity scheme was also criticized by a number of UN human rights institutions as an inappropriate measure for victim's reparation.

The Court

Ten civil cases were filed in total by survivors themselves against the government of Japan in domestic courts in Japan; two from South Korea, one from the Philippines, four from China, one from the Netherlands, one from Taiwan, and one by a *Zainichi* Korean resident in Japan.

In 1998, a decision by the Shimonoseki Branch of the Yamaguchi District Court gave Korean plaintiffs reason to enjoy a partial victory. The court accepted that the government was responsible for the absence of legislation to compensate victims after 1993, the year in which the government officially acknowledged its involvement, and ordered that compensation be paid to the victimized women plaintiffs for the government's 'inaction' or 'failure' during that period. However, rather than making a legislative or administrative response, the government of Japan instantly lodged an appeal and contested the ruling exhaustively in court. The Shimonoseki case was ultimately dismissed by the Supreme Court in March 2003.

In 8 of the 10 cases filed by survivors, the court found facts of damage as alleged by the plaintiffs. And yet, for all the 10 cases, the women's claims were dismissed finally by the Supreme Court on legal technical grounds, such as the statute of limitations and the pre-1945 principle of the immunity of the State. Other arguments included the assertion that since international law operates only between states, an individual cannot directly draw on international law as the basis of a claim.

The Diet

In the face of criticism against the charity scheme and the ‘inaction’ stipulated by the court, some legislators began drafting a bill to resolve the “comfort women” issue. After negotiations between three opposition parties – the then Democratic Party of Japan, the Japanese Communist Party, and the Social Democratic Party – a single bill was jointly drafted and submitted in March, 2001, to the House of Councillors as the ‘Promotion of Resolution for Issues concerning Victims of Wartime Sexual Coercion Act (Bill).’ The Diet members who drafted the bill sought permission to invite a survivor to provide testimony to the House. However, these requests were never accepted. Although introduced on 8 separate occasions until 2008, the bill was defeated each time as a result of opposition from the ruling Liberal Democratic Party.

4, To End Impunity for Violence against Women in War

The demands of the “comfort women” survivors are simple: fact-finding, full acknowledgement of the facts, official apology, prosecution of the perpetrators, legal compensation for damage, providing education to the public and erecting memorials. These measures coincide with international human rights standards on the right to a remedy and reparation for victims of gross violations of human rights.

I would like to focus here today in Courtroom 600 on efforts for justice by civil society. Because of Japan’s lack of effort, in February, 1994, twenty-seven Korean “comfort women” survivors and their supporters tried to submit criminal complaints to the Tokyo District Public Prosecutors Office in order to have that Office initiate a criminal investigation into and prosecution for the “comfort women” system. Without explanation, however, the office refused to even receive the letter of complaints. Unlike post-war Germany, even after Japan regained its sovereignty in 1952, the people of Japan never attempted to bring to justice any individual who committed war crimes or crimes against humanity during WWII. Most of Japanese soldiers remained silent about sexual crimes committed during the war, and the majority of Japanese were kept uninformed of sexual crimes and wrongful acts in the war.

The 1990's was also the decade when the women's rights movement gained momentum. In 1993, the UN General Assembly adopted the Declaration on the Elimination of Violence against Women, while the 1995 UN World Conference on Women in Beijing adopted a platform for action which made women and armed conflict a strategic area of concern. The International Criminal Tribunals for the former Yugoslavia and for Rwanda were set up in 1993 and 1994 respectively, and both tried cases of rape and sexual slavery, at least some. In 2000, UN Security Council Resolution 1325 on Women, Peace and Security was adopted. To end impunity for violence against women in conflict situations, women's NGOs were successful in having rape and sexual slavery included as war crimes and crimes against humanity in the Rome Statute of the International Criminal Court in 1998. Leading activist and scholar, the late Rhonda Copelon, recalled that the testimonies of the survivors who were enslaved by the Japanese military provided invaluable contribution to the elements of sexual slavery included in the Rome Statute. The Rome Statute does not, however, apply retroactively.

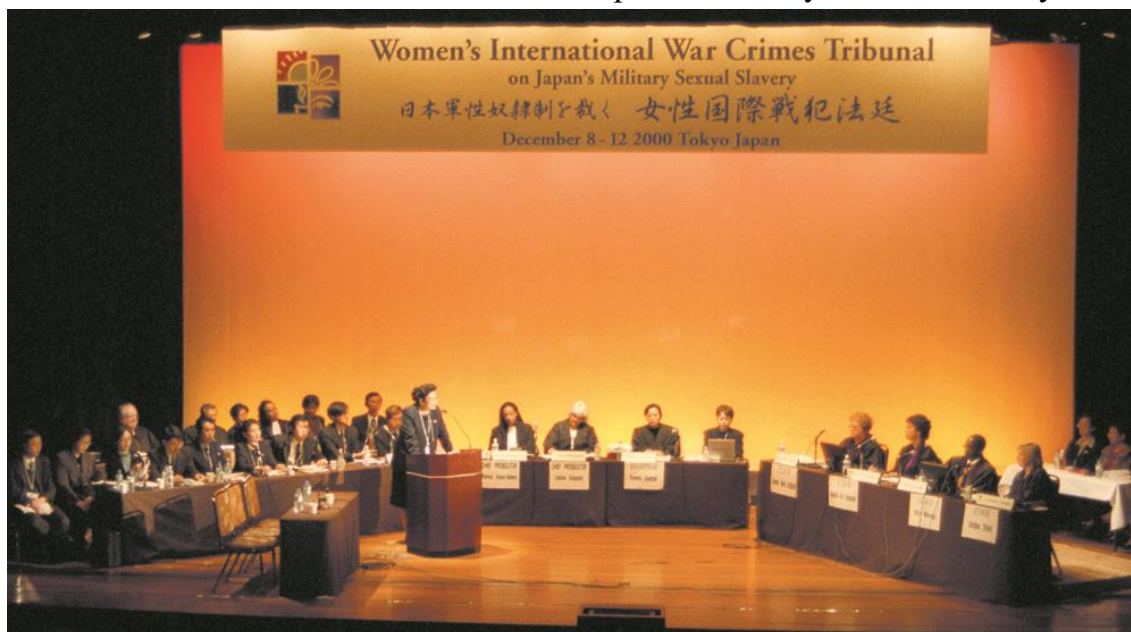
Women's Tribunal on Japan's Military Sexual Slavery

This picture is entitled "Punish Those Responsible for the Sake of Peace." A survivor from South Korea, Ms. Kang Dok-yung, painted this picture just before she passed away in 1997. While attention is invariably focused on the victims, who are asked to give a detailed account of their experiences, perpetrators remain untouched for the crimes. Although raped by numerous soldiers, survivors did not know who made the system. These survivors



wanted to see the faces of the men responsible for their suffering.

In order to meet the survivors' demand for justice, the "Women's International War Crimes Tribunal on Japan's Military Sexual Slavery" was



conceived by the global civil society. This people's tribunal was premised on the understanding that "law is an instrument of civil society" that does not belong exclusively to governments. Accordingly, when states fail to exercise their obligation to ensure justice, civil society can and should step in. With the conviction that these failures must not be allowed to silence the voices of survivors, nor the state of Japan allowed to escape accountability for its crimes against humanity, the Women's Tribunal was held in December 2000 in Tokyo by women and men from 5 continents. It proceeded as if it were a reopening or continuation of IMTFE, the Tokyo Trial, which had failed to prosecute the system of sexual slavery.

Citizens from ten countries each formed a country-based prosecutor team for the victims, along with two international prosecutors, one of whom was a gender advisor for ICTY and ICTR. 64 survivors from 8 countries took part. The presiding Judge was Judge Gabrielle Kirk McDonald, a former President of the ICTY. Through a 3-day proceeding, the women's tribunal tried to make clear not only the damage suffered by victims but also who was responsible for the system of sexual slavery committed under Japan's military during WWII.

One year later, the Tribunal's judgement was delivered in The Hague, the Netherlands. The judges found ten high-ranking officials, who had never been tried for sexual crimes in the postwar trials, guilty of crimes against humanity for their command responsibility in Japan's military sexual slavery system. One of these was Emperor Hirohito. The power of the Tribunal lay in its capacity to

examine evidence, develop an accurate historical record, and apply principles of international law to the facts presented. One of the purposes of establishing our museum was to preserve the testimonies and documents accumulated during the three years of tribunal preparation.

5, Japan's Revisionism and Denialism Escalated

The wounds and scars of survivors seem to heal somewhat when they feel that civil society understands them, but we see that scabs are torn from old wounds and bleeding starts again when the government of the perpetrating country denies what really happened.

On March 1, 2007, then Prime Minister Shinzo Abe in his first term of office denied the “forcible recruitment” of women. While there were denials by other leading politicians, it was especially shocking that an incumbent Prime Minister denied the sexual enslavement by the Japanese military that had been acknowledged throughout the world. The “comfort women” issue gained international attention again. Survivors in the Asia-Pacific strongly resented and were deeply distressed by the revisionism of the perpetrating country, Japan. This is a picture of Filipino survivors protesting in front of the Japanese Embassy in Manila with signboards saying “I was forced” or “PM Abe liar.” Instead of listening to the survivors, the government of Japan in the same March 2007, made a cabinet decision that “no reference was found among the materials the



government had found by the time [of the 1993 Kono Statement] that directly indicates the so-called forcible taking-away [of comfort women] by the military or authorities,” This statement shows clearly that the Japanese government does not accept testimony as evidence.

Prime Minister Abe’s denial prompted resolutions by foreign national assemblies throughout 2007, including the US House of Representatives, the House of Commons of Canada, and the European Parliament. Each called on the government of Japan to acknowledge sexual slavery and to apologize to victims unreservedly. Some parliaments of victim countries, namely the Netherlands, South Korea and Taiwan, also passed resolutions, and more than 40 local assemblies in Japan passed statements calling on their national government to take steps to resolve the issue.

The treaty bodies of the UN international human rights conventions also reacted. Major UN human rights institutions, such as the Human Rights Committee, Committee on Economic, Social and Cultural Rights (CESCR), Committee on Elimination of All forms of Discrimination Against Women (CEDAW), Committee against Torture (CAT), Committee on the Elimination of Racial Discrimination (CERD), and Committee on Enforced Disappearances (CED) have so far made recommendations to Japan on the “comfort women” issue. Now the “comfort women” issue is understood as ongoing human rights violation rather than the violation of the past. The 2008 recommendation by the Human Rights Committee stated in very clear and concise terms what the GOJ should do. It reads:

The State party should accept legal responsibility and apologize unreservedly for the “comfort women” system in a way that is acceptable to the majority of victims and restores their dignity, prosecute perpetrators who are still alive, take immediate and effective legislative and administrative measures to adequately compensate all survivors as a matter of right, educate students and the general public about the issue, and refute and sanction any attempts to defame victims or to deny the events.

6, Efforts for Remembrance by Civil Society

Denial and revisionism by the Japanese government, however, has escalated since 2012 under Abe’s second round as prime minister. Now the GOJ claims in international fora that “comfort women” were not sex slaves.

With survivors gradually dying one by one, we must not allow the second erasure from history of women’s suffering that was once invisible. Survivors strongly want their memory preserved and passed on to ensure that no-one should ever again endure the suffering forced upon them. The “comfort women” museum movement by civil society is now spreading throughout Asian

countries. There are four museums in South Korea, two in China, one in Taiwan, one in the Philippines, and one in Japan. Since the “comfort women” issue has largely been removed from compulsory education textbooks in Japan, passing on the history to the next generation has become a crucial activity for us.

Erecting Memorials

Erecting memorials is also a means of commemoration. On December 14, 2011, a “girl statue” was erected in front of the Japanese embassy in Seoul through citizen initiatives. The memorial was put into place on the day of the 1000th demonstration by survivors calling for reparation. The Wednesday Demonstrations have been carried out in hot summers and freezing snow every Wednesday since January 8, 1992, with two exceptions: the Wednesdays just after the 1995 Great Hanshin Earthquake and the 2011 Great East Japan Earthquake and Tsunami. Instead of kneeling and giving flowers in response to the erection of this statue, the Japanese government officially requested its removal to the South Korean government, claiming that the monument negatively affects the “dignity of [Japan’s] diplomatic establishments abroad”.

The attitude of the Government of Japan, and its attempts to force the issue into oblivion, infuriated survivors and their supporters. The erecting of statues has thus become a movement with more than 90 erected in South Korea. The movement is present also in the US, China, Canada, Australia and Germany. In many cases, these civil initiatives are pressured by objections from the Japanese government. Chief Cabinet Secretary SUGA repeatedly insists that “erecting a comfort women statue abroad is not consistent with the position of the Japanese government; it is extremely regrettable.” He has never explained exactly how the statues are inconsistent.

In Germany, statue initiatives were undertaken in Freiburg, Wiesent and Bonn. I regret to say that most plans were altered following pressure from the Japanese government. The initiatives in Freiburg and Bonn were not successful, and even a statue erected in Wiesent by a private entity on private premises was altered. Following persistent meddling by the Japanese government, by about a month after the installation the owner had removed the plaque at the statue base that had provided a historical explanation of the “comfort women” issue. The girl statue was thus silenced.

Particularly shocking was the case in the Philippines. On December 8, 2017, a statue was erected on Roxas Boulevard in Metro Manila in memory of the suffering of women sexually abused by the Japanese military during WWII. The Statue was proposed by a Philippines civil society organization, authorized by the National Historical Commission of the Philippines and handed over to Manila City on December 8, 2017. Rodrigo Duterte, the Philippines’ president,

initially stated that the statue was a symbol of “freedom of expression”. But after unrelenting pressure from the Japanese government, the statue was demolished by the government of the Philippines during the night of April 27, 2018. Filipina survivor Ms. Estelita Dy, who was sexually enslaved by Japanese troops in 1945 at the age of 13, declared before the media that “it’s a personal insult to us comfort women,” “the world needs to know that here in the Philippines, there are comfort women, too...it’s like they want to erase our existence and for the world to forget about the crimes the Japanese soldiers committed.”

Creating a “Comfort Women” Archives

Given that the survivors, the living evidence, are passing away one by one, safeguarding documents has also become a crucial activity for all supporters in the Asia-Pacific. It is especially vital in Japan, where revisionism and denialism are rampant. We have twice received bomb threats, including an envelope containing explosives.

WAM has launched a project to set up “comfort women” archives and to preserve and digitalize testimony audiotapes, pictures, videotapes and publications acquired by civil society. We are also trying to make visible the official documents related to “comfort women”. Since the 1993 conclusion of Japan’s official research, more than 500 documents have been located through the efforts of independent scholars and civil society. These include materials located in archives that the Japanese government did not research, such as in the UK, Australia, the Netherlands, South Korea, China and Taiwan. We have translated the document titles into English and Korean. Around 800 related official documents are available on WAM’s website archives. We believe these documents are extremely precious because it is generally very difficult to preserve official evidence of the sexual enslavement of women by military forces during war and conflicts.

Initiatives for UNESCO Memory of the World register.

In 2016, we nominated the documents related to Japan’s military sexual slavery for the UNESCO Memory of the World register. This is a photo of the signing ceremony in May 2016. The nominators were activists and scholars from 8 countries and regions, namely, the Republic of Korea, China, Taiwan, the Philippines, Indonesia, East Timor, the Netherlands, and Japan. The Imperial War Museum in the UK also joined the nomination, and national archives in places such as the US, Australia, China, Taiwan, the Republic of Korea and the Netherlands permitted us to nominate their “comfort women”-related documents to UNESCO. More than 2000 documents were nominated under the name “the voices of comfort women”.



However, the government of Japan openly opposed this civil initiative to register the “voices of comfort women” with the UNESCO Memory of the World. When Prime Minister Abe heard of this initiative in May 2015, he stressed that “It is important to start making all-out efforts now so as not to get [these materials] registered [in MOW]”. This followed the great dissatisfaction of the Prime Minister and his party after the registration the previous year of documents related to the Nanjing Massacre. Refusing to learn from its own past aggression and perpetration, Japan rather adopts policies that whitewash these on every possible occasion. The government of Japan has accordingly made an “all-out effort” to prevent the registration of the documents. In 2017, Japan, as the top contributor to UNESCO in the absence of the United States, suspended its contribution of 34 million dollars. This “tactic” was very effective.

In October 2017, presumably as a result of Japan’s pressure, UNESCO left the registration of our documents pending “for dialogue.” Since that time, the process has stalled. The rules of registration are now under review, with the Japanese government strongly opposing the “politicization of the UNESCO Memory of the World”. Japan is insisting that member states be involved in the decision-making process, a very contradictory measure to “avoid politicization.” If the Japanese government’s idea is adopted as the Memory of the World process, the consequence will be that records of human rights violation by member states will not be registered in the Memory of the World due to intervention from perpetrator governments. The lesson of Japanese history is that documents are often more endangered by political intentions than by natural disasters.

used in armed conflict, we are constantly distressed by the fact that the global community has not been successful in eliminating this form of violence in war. Besides heightening awareness and calling on each government to act, Japanese citizens have an important role to play. That role is to make the responsible government accountable – even after 70 years have passed – for the sexual crimes committed against “comfort women” during WWII. Establishing such a precedent will make a very significant contribution to the global community as well as the victims who haven’t be able to come forward due to unsafe situations.

It is a constant struggle to hold the government accountable and to preserve the memory of sexual crimes committed by the military of one’s own country. But struggle we must, for that is our responsibility to the generations of the future. Thank you for your attention.