

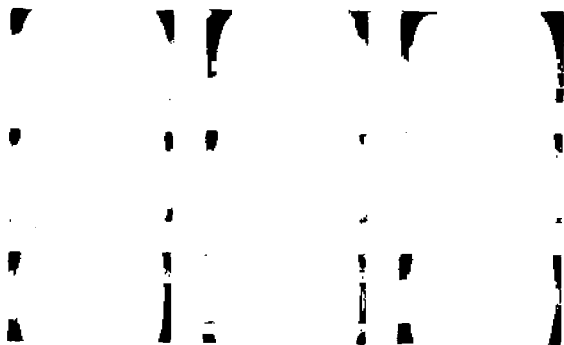


Comfort Women *an unfinished ordeal*



Report of a Mission

International Commission of Jurists
Geneva, Switzerland



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International Commission
of Jurists (ICJ)
Geneva, Switzerland

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Report of a Mission

by
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International Commission of Jurists
Geneva, Switzerland

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Contents

Preface	7
Map	10
Chronology of Dates and Events	11
Chapter One	
Introduction	15
Chapter Two	
Historical Background	21
Chapter Three	
Comfort Stations	29
Chapter Four	
Statements of Victims	55
Chapter Five	
Statements of Ex-Soldiers	121
Chapter Six	
After the War Ended	133
Chapter Seven	
Position of the Government of Japan	141
Chapter Eight	
Position of the Governments of the Republic of Korea, the Democratic People's Republic of Korea and the Philippines	149
Chapter Nine	
Legal Issues	155
Chapter Ten	
Activities of Non-Governmental Organizations	183
Conclusions and Recommendations	199

Preface

As mentioned in the introduction, this is the story of people everyone tried to forget. The matter has been raised before many fora, including those of the United Nations. Much has appeared on the subject in the media. Yet very little concrete action has been taken to provide relief to the victims: the Comfort Women from Korea, the Philippines, and other countries in Asia, whose numbers range between 100,000 and 200,000. Why human rights violations on such a massive scale were not discussed in any meaningful way for more than 40 years is inexplicable.

It is for this reason that the International Commission of Jurists (ICJ) sent a mission in April 1993 to the Philippines, the Republic of Korea, the Democratic People's Republic of Korea and to Japan. The mission inquired into the circumstances concerning sexual services obtained from Korean and Filipino women by the Japanese military during World War II. It also inquired into what responsibility the present Japanese Government bears towards these women and, what steps must be taken and by whom, to resolve issues concerning these women. The preliminary report of the mission was issued in May 1993.

The mission consisted of Ms. Ustina Dolgopol, Lecturer, School of Law, The Flinders University of South Australia and Ms. Snehal Paranjape, an Advocate of the Bombay High Court, India. The mission interviewed over 40 victims, three former soldiers, government representatives, representatives of non-governmental organizations, lawyers, academics and journalists.

Based on documents reviewed and interviews held, the mission concludes that it is clear that the Japanese Imperial Army initiated the setting up of a vast network of comfort stations for the exclusive use of the Japanese Imperial Army, before and during the Second World War. Chinese, Dutch, Filipino, Indonesian, Korean, Malaysian and Taiwanese women and girls were targeted, put into these comfort stations and sexual services were extracted from them under duress.

The Japanese military was responsible for the setting up, use, operation and control of the comfort stations. Detailed regulations were framed by the Japanese military in this regard.

The mission also found that life in the comfort stations was living hell for the women. They were beaten and tortured in addition to being repeatedly raped day after day by officers and soldiers. Living conditions were cramped and shabby, food was usually of a poor quality and in short supply. Although medical check-ups by army doctors took place, many women were afflicted by sexually transmitted diseases. When they were brought to the comfort stations, they were healthy in body and spirit. They left the comfort stations, diseased in body and crippled in spirit.

The report also shows that the suffering of these women did not end after the war. After being abandoned by fleeing Japanese soldiers, some of them reached home, only to live lives of isolation. The pain they have endured has continued throughout their lifetime.

The ICJ is grateful to the Governments of the Philippines, the Republic of Korea, the Democratic People's Republic of Korea and Japan for having met the mission. The ICJ would also like to thank the Task Force for Filipino Victims of Military Sexual Slavery by Japan, in the Philippines; the Korean Council for the Women Drafted for Military Sexual Slavery by Japan, and Dr. Tai Young Lee from the Republic of Korea; the Democratic Lawyers Association of the Democratic People's Republic of Korea; the Japan Civil Liberties Union, the Japan Federation of Bar Associations, and Mr. Totsuka, Mr. Uesugi, Mr. Aitani, Ms. Naomi Hirakawa, and especially Professor Yoshimi from Japan for their hospitality and the invaluable assistance they gave to the ICJ mission. We are very grateful to Mr. George Hicks for having given us useful information on the subject and we also sincerely thank Dr. Christian Tomuschat, Ms. Monika Luke and Mr. Hans-Peter Gasser, for their very useful comments on the legal issues.

And, of course, our deepest gratitude to the women, who, despite all the pain and anguish they have been through, with dignity and courage allowed the mission to interview them.

In August 1993, the Japanese Government, for the first time admitted that “the then Japanese military was directly or indirectly involved in the establishment and management of the comfort stations and the transfer of comfort women”. The government also admitted that recruitment and transportation of the women were carried out against their will by deceit and pressure and that the military personnel directly took part in the recruitments. It also stated that “it is apparent that there existed a great number of comfort women” and that life at the comfort stations was miserable. The Japanese Government has recognized that “this was an act that severely injured the honour and dignity of many women” and it apologized to all these women.

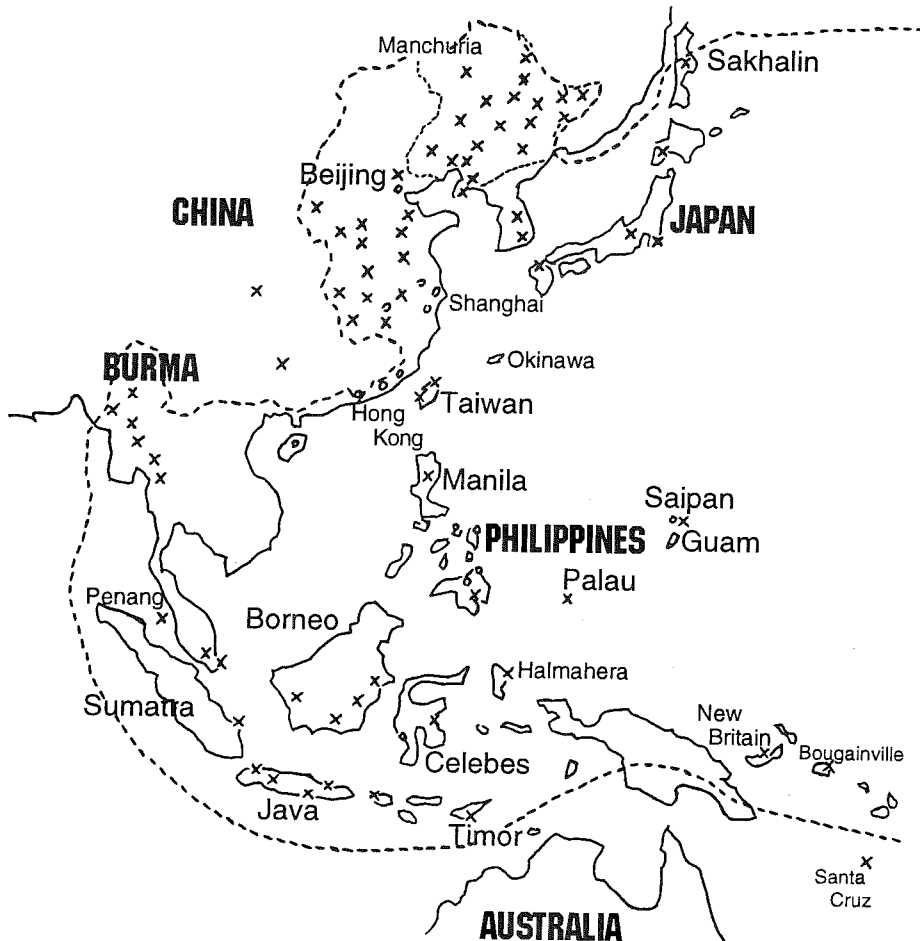
On 2 September 1994 a draft of the report was sent to the Governments of Japan, the Philippines, the Republic of Korea and the Democratic People’s Republic of Korea inviting them to comment on the report. Written comments have only been received from the Government of the Philippines, most of which have been reflected in the report.

Considering the evidence that has come before the mission it is imperative that the Government of Japan take immediate steps to provide full rehabilitation and restitution to the victims. The ICJ sincerely hopes that this report will make a contribution to provide immediate relief to the victims and to ensure that they do not remain forgotten, forever.

Adama Dieng
Secretary General

November 1994

Major military brothels



Sources: The Japan Times, August 5, 1992

- — — Region under Japanese control in 1942
- x Locations cited by individuals
- o Locations shown in documents released July 6 by the government

Chronology of Dates and Events

1894-1895	Sino-Japanese War
1904-1905	Russo-Japanese War
1905	Korea is made a protectorate of Japan.
1910	Japan annexes Korea.
1914-1918	World War I
1925	Japan ratifies the Convention for the Suppression of Traffic in Women and Children, with reservations as to the application of the Convention to its colonies, i.e. Korea, Taiwan and Kwantung and as to the setting of the age of minority, making it 18 instead of 21
1927	Japan withdraws its aforesaid reservation about the age of minority and accepts the age of 21 set out in the Convention
1931	Japan invades Manchuria
1932	Japan sets up military controlled comfort houses/stations in Shanghai
1937	Japan takes Nanking in what is notoriously referred to as the "Rape of Nanking", also marking the beginning of the systematic establishment of military comfort stations in China and elsewhere.
1941-1945	Asian and Pacific War
1942	Japan occupies the Philippines
1937-1942	The Japanese military sets up a network of comfort stations wherever it sends its troops
1943	Cairo Declaration (Refers to the status of Korea indicating that it should be free and independent)
1943	Moscow Declaration as to German War Crimes (foreshadows war crimes trials at the close of war). Also refers to the status of Korea
1945	Potsdam Declaration (foreshadows the creation of an international war crimes tribunal for Japanese war criminals and sets out crimes to be charged: crimes against peace, war crimes and crimes against humanity)

- 2 Sept. 1945 Japan signs the instrument of unconditional surrender, and World War II ends
- 1945 The Cairo, Moscow and Potsdam Declarations indict Japan and Germany for their war of aggression, war crimes, crimes against humanity and crimes against peace, during World War II
- 1945 The United Nations Organization is established
- 15 Nov. 1945 The Supreme Commander of the Allied Forces submits his report (released by the allied translator and interpreter section), entitled: "Amenities in the Japanese Armed Forces", which contains detailed documentation on comfort stations of the Japanese military
- 19 Jan. 1946 Proclamation establishing the International Military Tribunal for the Far East (IMTFE) to try Japanese war criminals (Class "A")
- 1946-1948 Allied nations also create "satellite" tribunals in Asia and the Pacific to try Japanese war criminals (Classes "B" and "C")
- 1948 The Batavia Trial is held in Indonesia, includes a trial of Japanese military personnel who forced about 35 Dutch women to become comfort women
- 1951 The San Francisco Peace Conference is held. The treaty of San Francisco between Japan and the Allied Powers is signed
- 1956 Japan is admitted as a member of the United Nations
- 1965 Japan enters into a bilateral treaty with the Republic of Korea
- 1970-1980 There is considerable public unrest and opposition to the 1965 treaty in the Republic of Korea
- 1988 Women's organizations in the Republic of Korea hear of the institution of comfort stations in the Japanese military, and demand an investigation
- June 1990 Motooka Shoji, Senator, Socialist Party, Japan, demands, in the Budget Committee of the Japanese Diet, that the government look into the matter of military comfort women
- June 1990 The Japanese Government responds that the comfort women issue was the work of neither the Japanese government nor the military, but rather that of private entrepreneurs

- 17 October 1990 An open letter to the Japanese Government is sent by the Korean Women's Association (an NGO), demanding an apology, a memorial and a thorough inquiry
- November 1990 The Korean Council for the Women Drafted for Sexual Slavery by Japan (an NGO) is formed in the Republic of Korea
- April 1991 The Japanese Government replies to the Korean letter, stating that there is no evidence of the forced drafting of Korean women as comfort women, and thus there is no question of any apology, memorial or disclosures by the Japanese Government
- August 1991 Kim Hak-soon, a former comfort woman in the Republic of Korea, testifies in public that she had been forcibly taken as a comfort woman by the Japanese military
- November 1991 Yoshida Seiji, Japanese ex-labour mobilization director, of Yamaguchi Prefecture confirms in the newspaper "Hokkaido Shimbun" the wartime employment, by force and deceit, of comfort women by the Japanese military
- November 1991 Mr. Watanabe, Press Director, Ministry of Foreign Affairs, Japan, states on NHK Television that evidence was insufficient to warrant an investigation
- December 1991 A lawsuit is filed by Kim Hak-soon and others against Japan, in the Tokyo District Court, for damages and other compensation
- December 1991 The Government of the Republic of Korea requests the Japanese Government to conduct an investigation
- 12 Dec. 1991 The Japanese Government initiates an investigation
- January 1992 The "Asahi Shimbun" publishes the research results obtained by Professor Yoshimi, a well known Japanese historian and researcher, establishing the direct role of the Japanese military in the comfort women issue
- 13 Jan. 1992 Chief Cabinet Secretary Kato expresses "deep remorse", and admits for the first time that the Japanese Imperial Army was in some way involved in the running of comfort women facilities
- February 1992 The Comfort Women issue is raised at the United Nations Commission on Human Rights

- May 1992 The Comfort Women issue is raised at the United Nations Working Group on Contemporary Forms of Slavery
- 13 July 1992 The Task Force on Filipino Comfort Women (an NGO) is formed in the Philippines
- July 1992 The Japanese Government makes public its interim findings, releasing 127 documents admitting the involvement of the Japanese military in providing comfort facilities
- August 1992 The issue is raised at the United Nations Sub-Commission on the Prevention of Discrimination and Protection of Minorities
- September 1992 Lola Rosa speaks out in public, the first ex-comfort woman to do so in the Philippines
- December 1992 An international public hearing is held in Tokyo, where ex-comfort women and forced labourers testify about their experiences. International law experts meet to discuss the relevant international legal issues
- February 1993 The issue is once again raised at the United Nations Commission on Human Rights
- May 1993 The issue is once again raised at the United Nations Working Group on Contemporary Forms of Slavery, and the Japanese Government once again repeats its stand that all claims have been settled under bilateral treaties and that Japan is not bound legally to pay compensation to individual victims
- 4 August 1993 The Japanese Government issues an apology admitting its involvement in the establishment and management of comfort stations and the forcible recruitment of women
- August 1993 The issue is raised at the United Nations Sub-Commission on the Prevention of Discrimination and Protection of Minorities

(Events up to December 1993 only have been included)

Chapter One

Introduction

This is the story of people everyone tried to forget. It is inexplicable that human rights violations on such a massive scale were not discussed in any meaningful way for more than forty years. Even now, after extensive inquiries no significant action was taken to acknowledge the victims' pain or to provide relief to them. Perhaps the only reason for this silence and inaction is the fact that the violations were perpetrated against women.

Beginning in the early 1900s and extending to the end of World War II, the Japanese Government, on the advice of its military officers, set up a system of military brothels, euphemistically called "comfort stations", staffed with young girls and women who were tricked, coerced, and in some cases abducted, to provide sexual pleasure to Japanese soldiers. These unfortunate girls and women were called "comfort girls" or "comfort women" (*Jugun Ianfu* or *Ianfu* in Japanese).

Life in the comfort stations was unmitigated misery for these women. They were confined in cubicles of three feet by five feet, where long queues of soldiers violated them day and night. The women were heavily guarded, and could not leave the comfort stations. The security surrounding the comfort stations made it impossible for them to escape. In addition to the degradation of being raped, many of them were beaten and tortured.

Their agony did not end after World War II. There were mass killings of the former comfort women by Japanese soldiers; others were killed because they were put into underground shelters which were bombed. Many of the women were abandoned by the fleeing Japanese soldiers and left to perish in the jungles, succumb to starvation, or reach their homes by whatever means they could find. No one knows the number of women who did not reach home. Of

those who did, many had significant medical problems including bodies riddled with sexually transmitted diseases. The vast majority of the women felt an all-pervasive, but misplaced, sense of shame and guilt. They were pushed into an abyss of isolation by strict social mores. Many were denied sympathy and understanding. A large number of those who married could not bear children, others bore a total aversion to sex and men. For over four decades they have silently suffered the after-effects of the brutality meted out to them.

In April 1988 an international seminar on women and tourism was organized by the Korea Church Women United in South Korea. This seminar was addressed by Professor Yun Chung-Ok, who had been investigating the issue of the comfort women since 1980. In 1980 Professor Yun had met Pae Bong-Ki, the first known Korean former comfort woman who lived in isolation in Okinawa.¹ Soon after the seminar women's organizations in Korea demanded an apology and reparation from the Japanese Government. Then, in June 1990, a member of the Japanese Diet raised this issue at the Budget Committee of the House of Councillors in Japan, demanding that the Japanese Government look into the matter of military comfort women. In 1991, similar demands were made in the Philippines. This issue is now being increasingly raised in both national and international fora.

A disturbing facet of this story is that the Allied Powers had compiled extensive documentary and other evidence, immediately after the war, about the comfort stations, the manner in which the women were recruited, and the vicious nature of the control the Japanese military had over the women. They also knew that comfort stations had been established throughout the Asia-Pacific Region and that Dutch, Korean, Chinese, Taiwanese, Filipino, Indonesian, Malaysian and Burmese women had been victimized.

As recommended by the United Nations War Crimes Commission, international military tribunals were created throughout the Asia-Pacific Region. Class "A" criminals were tried at the International

1 Pae Bong-Ki died four years ago.

Military Tribunal for the Far East established in Tokyo (also called the Tokyo War Crimes Tribunal). Some Class "B" and "C" war criminals were tried before other international tribunals; these operated pursuant to rules issued by the Allied nations responsible for their creation. However, when the International Military Tribunal for the Far East² was established, the crimes perpetrated against these women were not considered at the trial. The plight of some of the Dutch women who had been victimized in Indonesia was brought into the open by the Batavia Trial held in Indonesia and several Japanese military men were tried and convicted for these crimes. Sadly, the local Indonesian women, who had been similarly victimized, were ignored at the Batavia Trial.

A comparison between Germany and Japan in the matter of post-war reparations is inevitable. Germany has paid more than DM 78 billion³ (US\$ 50 billion) in restitution over the past four decades to the victims. In stark contrast Japan has paid only 364,348,000,000 yen (US\$ 1012 million) to four Asian countries, Burma, Philippines, Indonesia and Vietnam (South) and an additional US \$ 300,000,000 to the Republic of Korea.⁴

Germany, moreover, has suitably amended its municipal laws to extend the period of statutory limitation so as to allow trial and punishment of German war criminals even today. Several trials have been conducted by German authorities in Germany against German war criminals.

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- 2 By its instrument of surrender, Japan accepted the jurisdiction of the Allies to try those government and military officials who had committed war crimes, crimes against humanity and crimes against peace. The Tokyo War Crimes Tribunal had aims similar to those of the Nüremberg Tribunal and the Charters of the two tribunals contained almost identical language.
 - 3 Annex G to the Submission made by the War Amputations of Canada to the United Nations Sub-Commission on Prevention of Discrimination and Protection of Minorities in August 1992.
 - 4 See Japan Civil Liberties Union "*Report on Post War Responsibility of Japan for Reparation and Compensation*" (April 1993).

Japan, however, has adhered to its 15-year period of limitation in its municipal law, and has avoided paying compensation to individuals on the ground that all claims have been settled under bilateral treaties. Not a single Japanese war criminal has been tried by Japanese authorities.

After interviewing almost 40 victims and three ex-soldiers, and after talking to lawyers, government officials and members of NGOs in all these countries, the ICJ mission concluded that the women who have come forward thus far were forced to provide sexual services to the Japanese military; the women the mission interviewed, were either kidnapped or deceived into believing they were being given jobs in China, Southeast Asia or Japan; that the Japanese military had sanctioned and was the initiator and controller of a vast network of comfort stations; and that it was responsible for taking these and other women from Korea, China, the Philippines and elsewhere by force and deceit, to serve in these comfort stations. The Japanese Government should therefore take full responsibility for these gross violations of fundamental human rights.

Each of the women interviewed was questioned at length and it is the belief of the ICJ mission that the women were sincere and truthfully recounted their experiences. They have suffered untold misery by reason of the fact that they were forced to work as comfort women in the 1930s and 1940s.

The ICJ mission is of the view that these women are entitled to the fullest possible relief permissible in international law. The Japanese Government cannot shirk its responsibility in this regard. In addition to taking measures to fully rehabilitate the unfortunate victims, the Japanese Government should apologize to them and record history correctly in Japanese textbooks. Above all, the Japanese Government must carry out a thorough investigation into its behaviour with respect to women during World War II, and make public the results of this investigation.

It is necessary to ensure justice to these women as soon as possible; any delay in doing so will only make a mockery of their fortitude in coming forward to reveal their ordeal.

This report contains the historical background to the period when these atrocities were committed by Japan; examines the establishment, staffing, operation and control of the comfort stations; and gives a picture of the life in these comfort stations. It also sets out relevant excerpts from documents in the possession of the Allied Powers; the jurisdiction of the Tokyo War Crimes Tribunal and conduct of the Batavia Trial are also discussed. The testimonies of both victims and ex-soldiers are reported, as is the stand taken by the governments of each of the concerned countries. This report then proceeds to analyse the legal issues with reference to Japan's responsibility under international law. The work done by several NGOs in each of these countries has also been recognized and reported.

The ICJ has endeavoured in this report to focus on the enormity of this tragedy, its unprecedented nature, the vastness of its scale as well as the sheer ruthlessness of those responsible. The ruination of human life that occurred cannot be overstated.

Chapter Two

Historical Background

At the end of the 19th century Japan embarked on a plan to once again expand its influence in China and the Korean Peninsula. The policies it adopted to fulfill these ambitions had repercussions in the form of the virtual enslavement of hundreds of thousands of women across Asia and the Pacific. In the following pages we trace, albeit briefly, the events which form the historical backdrop to this tragedy.

Over the centuries Japan had tried to control or dominate Manchuria and the Korean Peninsula.¹ In his speech to the Parliament of the Republic of Korea in January 1992, the Prime Minister of Japan made the following remarks:

“... We must not forget that our two countries have been linked for thousands of years. Regrettably, during much of this time, my country has historically been the aggressor and yours the victim. I take this opportunity to once again express my most heartfelt apologies for the unbearable pain and suffering brought upon you by my country in the past. Especially with the matter of comfort women coming to light, I am filled with pain and remorse.”²

In 1905 Korea was made a Protectorate of Japan. Many Koreans are of the view that this treaty was void. In 1910 the Treaty of Annexation was signed; under its terms the Korean Emperor ceded all sovereign power over Korea to the Japanese Emperor. The treaty stated that henceforth Koreans were to be Japanese subjects. Many scholars,

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- 1 Chong-Sik Lee, *Japan and Korea - The Political Dimension*, Stanford, California, Hoover Institution Press, 1985).
 - 2 Inter-Ministerial Working Group on the Comfort Women Issue, Republic of Korea, *Military Comfort Women Under Japanese Colonial Rule*, Interim Report (Seoul, July 1992).

Korean and non-Korean, are of the view that this treaty was forced upon the Emperor of Korea and is therefore void under international law.

What distinguishes the period from 1905 onwards in the minds of Koreans is the attempt made by Japan to subjugate Korean culture to that of the Japanese and to eliminate the distinctive identity of the Koreans. Through a series of decrees Japan took control of the system of education, making Japanese the language of instruction and introducing measures for teaching Japanese to adult Koreans. Koreans were also forced to change their names so that they more closely resembled those of the Japanese.³ For Koreans this was a particularly onerous obligation as names denoted ancestry and clan affiliation; to change their names meant breaking with family tradition and fundamentally affected the way in which family honour could be maintained.⁴

The Japanese ruled Korea through a Japanese Governor-General who was usually a high-ranking military officer. The police and gendarmerie were controlled by the Japanese and included some Japanese nationals. Local village offices continued to be run by Koreans, but these officials were not regarded by the Korean people as being independent. To the ordinary citizen, Japan appeared to control the country. Many of the people we spoke with had vivid memories of this period, and described the methods of control used by the Japanese, including the organization of villages into small units, so that strict surveillance could be maintained and any dissent stifled.

Further, Japan exercised effective control over the Korean economy, using Korea's produce and natural resources. Over time Japan began to regard Korea as a potential source of manpower for its general workforce and military. In the 1930s, a purportedly voluntary mobilization programme was introduced, the purpose of which was to marshal the human and material resources of Japan and Korea for national defence. Under this programme many Koreans were taken to

3 *Id.*

4 *Id.*

Japan to work in mines, factories and agriculture.⁵ This programme was enlarged in 1939 and, in 1942, a programme of “collective mobilization” was begun; although supposedly voluntary, the general resentment of Koreans against the Japanese, the number of people required by the Japanese and the methods used to “recruit” people, suggest that the programme was not and could not have been voluntary. Furthermore, strict security measures were used to ensure that these Korean men could not leave their place of work.

An important cause of the decline in Japanese rice imports from Korea in 1939 was the movement of Korean labour from agriculture to industry to supply Japanese military needs in China.⁶ From 1939 until 1942 somewhere between 258,666 and 294,467 men were conscripted and an additional 282,000 men were mobilized “voluntarily”.⁷ In 1944 a compulsory labour mobilization system was put into place; the figures for the years 1943 to 1945 indicate that somewhere between 502,616 and 858,366 men were forcibly conscripted and another 481,000 men were “mobilized”.⁸ These men were taken to Sakhalin, Southeast Asia, South Pacific Islands and Japan; as is well known, not all were repatriated after the war.

With respect to the armed forces, Japan initially adopted a policy of voluntary enlistment into the armed services pursuant to the special volunteer enlistment system. By 1943 there were 6,300 Korean soldiers in the Japanese army.⁹ However, because of the increasing strain on the Japanese labour force and the expanding war in the Pacific, Japan introduced a compulsory draft system in 1943. At the

5 *Id.* Park, Chio-Bong and 34 others vs. The Government of Japan, Memorandum in Support of Complaint against the Government of Japan for Damages Submitted by the Victims of the Asian-Pacific Theatre of World War II, submitted on 6 December 1991.

6 Alan S. Milward: *1935- War, Economy and Society, 1939-45* (Harmondsworth Penguin 1987)

7 Chong-Sik Lee, *supra* n. 1

8 *Id.*

9 Chong-Sik Lee, *supra* n. 1 at 13 and Japan Civil Liberties Union, *supra* n. 4 of Chapter 1 of this Report.

end of the war there were over 200,000 Korean soldiers and civilian employees in the armed forces; approximately 22,000 Koreans died during the war.¹⁰

Women were also regarded as a potential source of labour. As for the men, the programmes for “recruiting” women were nominally voluntary; it is said that women were in fact forcibly recruited or recruited by deceit.¹¹ The programme for women began in 1937 with the all-out mobilization of volunteers. A specific ordinance was passed in 1941 which stipulated that women between the ages of 14 and 25 were to participate in the National Labour Service Corps for 30 days or less per year; in 1943 this was changed to 60 days. Ultimately, in 1944, the ages were revised to between 14 and 45. There was also a “volunteer corps” which had as its purpose the long-term mobilization of women, usually for a period of one to two years.¹² Many women were sent to work in factories, particularly war industries in Korea and in Japan.

It is within this context that the taking of women for the comfort stations has to be understood. By the late 1930s Japan was forcibly conscripting both women and men. Such forcible conscription was tantamount to slavery. Given this situation, it was inevitable that when Japan took the decision to establish comfort stations, Korean women would be taken and forced to submit to sexual slavery in those stations. What distinguished the situation of the women taken for the sexual gratification of the Japanese military from those men and women who were forcibly conscripted or mobilized to work in war industries was the inability of the women to fit into Korean society upon their return. The shame and degradation brought upon them ensured that they would live lives of isolation and would consider themselves to be misfits within their own society.

Japan’s invasion of Manchuria in 1931 and its subsequent march into China in 1937 appears to be the precipitating factor for the

10 *Id.*

11 Memorandum in support of complaint, *supra* n. 5.

12 *Id.*

creation of the comfort stations. Numerous documents describe what has become known as the "Rape of Nanking". The description is both a literal and figurative one; Japanese soldiers ransacked Nanking and the surrounding area and literally raped hundreds of Chinese women. One former soldier poignantly described a song that was sung on the streets of Nanking and Shanghai during this period, which described women selling flowers in the streets of Shanghai. He said it was obvious that the women were not selling flowers and that the title of the song was a euphemism for the fact that women were forced to sell their bodies because of the economic destruction wrought by Japan.¹³

The actions of the Japanese in Nanking brought about an international outcry. Conscious of its image, the Japanese military and Government sought to find a way to avoid such events in future. The ex-soldiers the mission spoke to, as well as Professor Yoshiaki Yoshimi, referred to the attitude of the military towards such actions. It was their view that this attitude made it possible for the Japanese soldiers to conduct themselves in such a brutal way. They said that you would often hear statements in the military that you were not really a soldier unless you could rape a woman. In addition, it was the view of some military officers that soldiers were entitled to rape women as part of their "payment" for being soldiers.

What had happened to the Filipino women must also be understood in the context of the war that had engulfed their country, a war neither they nor their country had chosen to enter. In its judgement, the Tokyo War Crimes Tribunal made the following statement:

"The evidence relating to atrocities and other conventional war crimes presented before the tribunal establishes that from the opening of the war in China until the surrender of Japan in August 1945, torture, murder, rape and other cruelties of the most inhumane and barbarous character were freely practised by the Japanese Army and Navy. During a period of several months the tribunal heard

13 See the testimony of Kouki Nagatomi, in Chapter 5.

evidence, orally or by affidavit, from witnesses who testified in detail to atrocities committed in all theatres of war on a scale so vast, yet following so common a pattern in all theatres, that only one conclusion is possible - the atrocities were either secretly ordered or wilfully permitted by the Japanese Government or individual members thereof and by the leaders of the armed forces."¹⁴

In its judgement the tribunal makes specific reference to massacres perpetrated in anticipation of the Japanese withdrawal from the Philippines. The following description is given of a massacre at the Manila German Club:

"Japanese soldiers surrounded the club by a barricade of inflammable material, then put gasoline over this barricade and ignited it. Thus the fugitives were forced to attempt to escape through the flaming barricade. Most of them were bayoneted and shot by the waiting Japanese soldiers. Some of the women were raped and their infants bayoneted in their arms. After raping the women the Japanese poured gasoline on their hair and ignited it. The breasts of some of the women were cut off by the Japanese soldiers."¹⁵

Files captured by the Allies contain explicit instructions for the killing of Filipinos.¹⁶

With respect to the use of indigenous people in the prosecution of the war, the tribunal made the following comments:

"Having decided upon a policy of employing prisoners of war and civilian internees on work directly contributing to the prosecution of the war, and having established a system to carry out that policy into execution, the Japanese went further and supplemented this source of manpower by recruiting labourers from the native population of the

14 *Id.*, Judgement at 49, 592.

15 *Id.*, Judgement at 49, 640.

16 See text of Judgement at 49, 643-49, 644.

occupied territories. **This recruitment of labourers was accomplished by false promises, and by force.** After being recruited, the labourers were transported to and confined in camps. Little or no distinction appears to have been made between these conscripted labourers on the one hand and prisoners of war and civilian internees on the other hand. **They were all regarded as slave labourers to be used to the limit of their endurance.**¹⁷ (Emphasis added)

Throughout the judgement the tribunal made it clear that the highest ranking members of the government and the military condoned and endorsed the actions being taken by military officers in the field and that the government failed to punish any of those committing such atrocities.

Before closing this chapter it must also be noted that, sadly, for reasons ranging from intimidation to personal gain, some Koreans cooperated with the Japanese authorities and acted as “recruiters” of women. In the statements found in Chapter Four, some of the victims indicated that they were initially taken by Korean civilians. These people cannot have been ignorant of the reasons why the Japanese wanted them to assemble large groups of young girls and women. Unfortunately, the same is true in the Philippines; it is evident from the statements that some of these women were originally kidnapped by Filipinos. It should be clearly understood that we do not see these facts as in any way diminishing the responsibility of the Japanese Government. However, in order for these women to obtain full redress, there must be recognition within their own countries of the pain and the suffering they have endured and a consideration of why such events were allowed to happen. Only in this way can the cause of women’s rights be truly furthered.

17 *Id.*, Judgement at 49, 693-49, 694.

Chapter Three

Comfort Stations

Introduction¹

In an era when women were regarded as inferior to men, the expansionary policy of the then Japanese Government set the perfect background for the gross abuse and humiliation of women, initially in the Korean peninsula and later on in the Philippines and other occupied territories.

Hundreds of brothels were built, staffed, operated, controlled and supervised by the Japanese Imperial Army and Navy, wherever Japanese troops were stationed. These were euphemistically called “comfort stations”. The unfortunate women “recruited” to serve there were called “comfort girls” or “comfort women”, their sole reason for existence being to provide sexual pleasure to the Japanese Imperial Army. Made to live in unhygienic, cramped conditions with no avenue for escape, these women, many of them minors, were repeatedly raped, for periods ranging from three weeks to eight years. At the end of the war, most of them in active combat zones were abandoned to their fate, whilst their Japanese captors fled during the onslaught of the Allied forces.

Some women were used as bullet shields to deceive American soldiers, others died of starvation in the jungles of Burma (now Myanmar), in China and elsewhere, or were left to return to their homes, only to suffer a lifetime of isolation and fear of social rejection.

Japan had waged a successful war with China in Manchuria in

1 Copies of the documents referred to in this chapter were given to the ICJ mission by Professor Yoshimi, who explained the relevance of these documents. He also shared material information about Japan in the 1900's.

1894-1895, and had captured the port of Lushun (Leda) from the Russians in the Russo-Japanese war in 1904-1905. It is common knowledge that Japanese troops during the latter war numbered about 200,000. Given the geography of the region it is probable that the Japanese army was stationed in the Korean peninsula.

Japanese military regulations denied overseas leave to the soldiers. Most of the soldiers were aged between 20 and 25. Fierce battles had raged during these years and, during the Siberian war (1918-1922), the Japanese troops had been on a rampage of rape and plunder, leading to decimation of their numbers, *inter alia* as a result of venereal disease.

Japan had colonised Korea in 1910, and had stationed a large number of troops on the Korean peninsula, on a more or less permanent basis. The administration of Korea was carried out by the Japanese Government through a Japanese Governor-General, who exacted the cooperation of the local Korean village headmen.

In those days, it was customary in Japan to purchase the services of young girls from poor families by payment of a lump sum to their families, and the girls had to work either as maids or prostitutes until the "loans" to their families had been repaid. "Geisha" houses were also common in Japan, in addition to innumerable houses of licensed prostitution which were established with the permission of the local police.

The "Rape of Nanking" in 1937 attracted international criticism of Japan. In addition, Japanese troops had stirred up considerable hostility amongst the Chinese, and the security of Japanese troops was under grave threat.

Comfort Stations in China

A combination of the various factors outlined above, of which the "Rape of Nanking" was the most significant, led to the setting up of comfort stations in Manchuria as well as Shanghai. Instructions for that purpose emanated from the top echelons of the Japanese Imperial Army.

The Official Log of the 9th Brigade Infantry, the troops of which numbered several thousands at that time, refers to a circular sent out by the Chief-of-Staff of the North China Expeditionary Army, Naosaburo Okabe (Lt. General of that Unit), dated 27 June 1938, which was issued to all its units. The circular cautioned that security was jeopardized in North China, the main reason being the increase in rapes committed by the Japanese troops. It stated that the Chinese would resent such conduct and take revenge by killing Japanese soldiers. In order to appease Chinese sentiments and to stop the rapes, the circular went on to state that setting up of comfort houses at the earliest was under consideration.

That these instructions were immediately issued and implemented is clear from the statement of Mr. Nagatomi, who was interviewed by the ICJ mission.²

The reminiscences of Mamoru Iinuma, the Chief-of-Staff of Forces sent to Shanghai, in the form of a diary entry dated 19 December 1937 (which is a contemporaneous recording of events and has high probative value), show that upon receipt of documents from the Central China Expeditionary Army, Iinuma had implemented the Comfort House Scheme. In another entry he sets out that he had requested an officer named Isamu Cho to set up comfort houses without delay. Isamu Cho was a member of the Chief-of-Staff Office and was reported to be notorious for his aggressive and violent tendencies.³

The most striking feature is that these comfort houses were set up without any delay and it is very likely that Chinese women were used for this purpose.

Subsequent documents bear eloquent testimony to the proliferation of comfort stations in Southern China as well as Northern China.

A report dated April 1939, prepared by the 21st Army Unit deployed in Southern China, states that there were 850 comfort women under its control, and in addition, 150 comfort women were

2 See Chapter 5.

3 The Diary excerpts were reproduced in the book, "*Document on Battle of Nanking*" published by "Kaikosha", a club of Army officers in 1989.

controlled by various troops, which troops were in turn under the supervision of the 21st Army Unit. In conclusion, the report also states that comfort houses controlled and managed by the Security Division and Head of the Military Police, which were meant for officers, were also open to soldiers. It must be noted that the estimated strength of the 21st Unit at that time was 50,000 to 100,000, which means that either there were more comfort women under their control, documents in that respect not having come to light, or, even worse, that these unfortunate 1000 women had to service more than 30 soldiers a day.

The research report dated 15 November 1945, prepared by the Supreme Commander of the Allied Powers (the allied translator and interpreter section), entitled "*Amenities in the Japanese Armed Forces*" (hereinafter referred to as the Allied Report), was based on captured documents and statements of prisoners-of-war. It refers to regulations governing the use of the Special Brothel in the South Sector Billet, and the regulations governing its operation, issued by the South Sector Guard Headquarters, probably in the Shanghai Area.

Regulations in the South Sector Billet

Relevant excerpts read as follows:

"USE" .."2. Those, other than military personnel, civilian employees, and persons with special permission, those who commit violence through intoxication, those who annoy others, and are dangerous, are strictly forbidden to use this brothel."

.. "4. Inspection of the brothel is prohibited to any one except officers authorised by the Billet Commander."

.. "5. Rates are fixed as per the following chart."⁴

.. "10. The Senior Medical Officer of Regimental

4 The chart enumerates different rates for different ranks of officers depending also upon the nationalities of the girls, that is, Japanese, Korean and Chinese, with Chinese being the lowest paid. It also by implication permits overnight stay from 2200 hours till 0600 hours of the following morning for officers and warrant officers, on payment of higher rates. Non-commissioned officers and privates were not permitted an overnight stay. A daily schedule specifying the days on which various troops and their officers could use the brothel was also part of clause 7.

Headquarters will conduct a venereal examination of the prostitutes and a physical inspection according to paragraph 3 on Thursday morning of each week.”

..“12. The inspecting Officer will report the results of the venereal examination each time to the billet commander.”

..“13. The prostitute will possess licences made as follows :

BUSINESS LICENSE

... Brothel Entertainers' Name

This is to certify that the above person is permitted to conduct business.

SOUTH SECTOR BILLET COMMANDER

“OPERATION”..“4. Prostitutes found unfit by the medical officer will post a placard written “unfit” at the entrance to their rooms; they will rest and recuperate, and will be prohibited from making any contacts until permission is granted.”

..“7(c). Prostitutes will wash their private parts each time.”

..“10. In accordance with the form in the annexed chart, the operator will make out a work statement (two copies) as per chart 1 for each individual and submit it to the billet commander every Saturday.”

The regulations leave nothing to one's imagination and every conceivable detail is mentioned. Ex-soldier Suzuki recalled⁵ that the results of medical check-ups would be communicated to the troops, with ratings for each woman.

Given that records in duplicate were required to be kept of every activity - from the opening of the brothel, to keeping a list of employees, their earnings, etc., every week, week after week, for at least five to six years, it is hard to accept the Japanese Government's assertion that none of these documents exist today.

5 See Chapter 5.

Comfort Stations in Occupied Territories

Philippines

Japan occupied the Philippines in 1942, which resulted in the devastation of the economy and brought misfortune upon Filipino women.

The Allied Report annexes as Appendix A and B respectively the forms required by Manila brothels, and a police report on Manila brothels. The Allied Report also quotes extensively the regulations issued by Lt. Colonel Onishi, Manila, District Line of Communication Squad, concerning the functioning of comfort stations in Manila.

Manila regulations

The Manila regulations were issued in February 1943 by Lieutenant Colonel Onishi, Manila District Line of Communication Squad, and were entitled "Rules for Authorised Restaurants and Houses of Prostitution in Manila". They were contained in a bound, printed booklet.

The pertinent part of the Manila Regulations reads as follows:

- ..“1. In these regulations, authorised restaurants will be taken to mean those places **designated** by the Officer-in-charge of Manila Sector Line of Communications Duties, with the **sanction of the Army Commanding-General** as eating places for soldiers and Army Civilian Employees. Houses of relaxation should be taken to mean **those places designated** by the **sanction** of the officer-in-charge..., with the **sanction** of the Army Commanding-General, will maintain hostesses (geisha or waitresses) **for the entertainment of soldiers and Army Civilian Employees**” (emphasis added).
- ..“2. Managers may close down or suspend the operation of their establishments only with the permission of the Officers-in-Charge.....”

..“4. Authorised Restaurants and Houses of Relaxation will be used only by soldiers and Army Civilian Employees.”

Part Two: Business Operations.

..“5. Persons planning to operate authorised restaurants or houses of relaxation must submit the following documents to the officer-in-charge..... Managers must be Japanese who have had some business experience.

- a. Application for permission to open business: 3 copies (App A Form 1)
- b. Statement of Business Plans: 3 copies (App A Form 2)
- c. Affidavit: 3 copies (App A Form 3)
- d. Personal History: 3 copies

... Business Personnel List: 3 copies (App A Form 4)

... When preparations are complete the Officer-in-Charge ...will be informed, and business may commence after the inspection of the establishment and the physical examination of the employees.”

..“9. The location of and the buildings used as.... houses of relaxation must have the approval of the Officer-in-Charge...”

Part 3: Management

..“12. Managers will refuse admission to all persons who are not soldiers or army civilian employees. Authorised Restaurants and Houses of Relaxation will have separate facilities for officers and high ranking officers, privates, junior and other civilian officials and others. However, the facilities for non-commissioned officers, privates and juniors, and other civilian officials (except for special individuals), will be

taken over by officers and high-ranking civilian officials after 2100 Hours.”

..“13. Managers will present guests of the houses of relaxation with a “relaxation.. ticket” in exchange for an army ticket and will record all receipts of these relaxation tickets by the hostesses.”

These Regulations further specify the hours of operation, once again strictly specifying when and which rank would use the comfort stations, as also the rates of pay. The managers were required to make reports daily, setting out the time of visits, the number of persons of which rank who visited the number of girls available, how many were ill and so on. A monthly business report also had to be sent by the managers to the Officer-in-Charge.

Hygiene was to be looked after by the Army physician, who carried out check-ups once a week and reported in the prescribed form.

The fact that the comfort girls had no freedom at all is amply evident from regulations 29 and 30, which read as follow:

..“29. For the purpose of maintaining good order, the officer-in-charge.... will have officers (army physicians) carry out inspections of the establishment from time-to-time. **When necessary, the assistance of the military-police will be enlisted.**” (emphasis added)

..“30. Hostesses (Prostitutes and Waitresses) may not leave the designated area without permission from the line-of-communications officer.”

..“35.E Bills will be paid with Army Tickets.”

..“36.D Hostesses will not be kissed.” (And the concluding regulation 37, warned that the infraction of these rules will entail withdrawal of permission to continue business.)

The police report, also part of the documents captured by the Allies, indicates that the military police executed stringent control over

all the comfort stations and the relevant reports. This is also reinforced by the statements of the three ex-soldiers interviewed by the ICJ mission.⁶

It is evident that comfort houses, modelled on the Shanghai lines, had been systematically set up in the Philippines, in areas as remote as Davao, Tacloban and Iloilo.

Tacloban Regulations

The Allied Report refers also to the "Tacloban Brothel Regulations", issued by the Matsunaga Force, in a bound mimeographed file. These are once again as detailed as the other regulations discussed above. A significant change is found in Regulation 3, perhaps due to the local conditions. Regulation 3 states:

.. "3. The Commanding Officer and the **adjutant of the garrison unit** will have control over the supervision and direction of the brothels, and they will have Japanese Associations operate them." (emphasis added).

They were intended to operate from 20 June 1942.

Similar regulations are found for Burauen, in a bound, hand-written and mimeographed file, entitled "Brothel Regulations", dated August 1944, issued by the Burauen Sector Brothel and reproduced by the 114th Air Field Battalion. The relevant portions read as follows:

.. "1. This brothel is opening in Burauen Town under the supervision of the Tacloban Sector, Air-Sector Commanding Officer."

.. "2. Use of the brothel is limited to military personnel, or army civilian employees of air and related forces... Request for the use of the brothel by ground-troops of this sector can be granted after consultation by the committee upon receipt of an authorisation from the sector-commanding officer."

6 See Chapter 5.

..“3. The following officers will be placed in charge of the brothel and 98 Air Field battalion will be responsible for its operation.”

These regulations then set out by name and designation the various officers who would form the committee for supervising that brothel.

A strict hierarchy was in force, distinguishing comfort stations for the army and the navy. It is evident that these comfort stations were staffed by Japanese and Korean women, as well as by Filipino women.

Burma, Indonesia, Malaysia and the Pacific

Japanese troops also occupied Burma (now Myanmar), Indonesia, Malaysia and countries of the Pacific. Comfort houses were set up in these areas, and some documents on this subject are reproduced in the Allied Report.

One such document pertains to a Navy brothel at Rabaul (Papua New Guinea), containing instructions with regard to brothels there.

..“1. The Navy Brothels (special warehouses) are as follows.... (refers to a separate diagram).

a: Higashi Rashunso (above Navy Warrant Officers),
Takeishi Unit (Navy Petty Officers), Kita Rashunso
(employees and labourers),

b: No.1 Tokiwaso (senior officials), No.2 Tokiwaso
(officials of Hanin Rank), No.3 Tokiwaso (workers and
transport gang).”

..“2. The Navy Petty Officers and No.2 Tokiwaso had trading hours fixed at 0800 to 1800. Officials of Hanin rank alone could remain till 0600 the following morning.”

..“3. Rates:” (The chart indicates that there were Japanese and Korean Comfort Girls only).

The Allied Report also sets out an interview with a prisoner-of-war, a civilian brothel owner, captured with his wife and 20 army prostitutes near Waingmaw(Wakema), on 10 August 1944:

"Prisoner-of-War, his wife and sister-in-law had made some money as restaurant-keepers in Keijo, Korea, but with their trade declining, they looked for an opportunity to make more money, and applied to Army Headquarters in Keijo, for permission to take comfort girls from Korea to Burma. According to the prisoner-of-war, the suggestion originated from Army Headquarters and was passed on to a number of similar Japanese "business men" in KOREA.

Prisoner-of-War purchased 22 Korean girls paying their families from 300 to 1000 Yen according to the personality, looks and age of the girl. These 22 girls were of ages from 19 to 31. They became the sole property of prisoner of war and the Army made no profits from them ... Headquarters, Korean Army, gave him a letter addressed to all military Headquarters of the Japanese Army, requesting them to furnish any assistance he might require, transport, rations, medical assistance, etc.

...Prisoner-of-war and his wife, with their 22 girls, embarked at FUSAN on 10 July 1942 in a group of 703 girls, all Korean, and some 90 Japanese men and women, all of them of the same base sort as himself. They sailed on a 4000 ton passenger ship in a convoy of seven ships. Free passage tickets were provided by Army Headquarters, but prisoner of war paid for all meals during the voyage. They called at FORMOSA, where 22 other girls bound for SINGAPORE were taken on board, and at SINGAPORE, they transferred to another ship, arriving at RANGOON on 20 August 1942.

At RANGOON they were divided into groups of 20 to 30 girls in each and dispersed to various parts of BURMA, each group being attached to various regiments, units or formations, so that each had its own brothel(s).

...Prisoner of war's group was attached to 114 Infantry Regiment. They spent some months at GOUNGOO, MEIKTILA, and at MAYMYO, following their trade, and

then arrived at MYITKYINA (January 1943). There were already two brothels (there), so altogether there were three brothels with 63 girls in all: 42 Korean, and 21 Chinese girls who had been purchased from CANTON on the same conditions as the Koreans).

...The scale of charges and time-table was fixed by instructions from the regiment, the time-table being so contrived that officers, non-commissioned officers and men would not meet each other at the same time. The schedule was strictly adhered to... Payment was made on a ticket system, the girl retaining the ticket, which was of cardboard about 2 inches square, bearing the name of the house, the regimental seal, and the price of the ticket.

...The house was controlled by 114 Infantry Regiment, Captain NAGASUE of regimental headquarters being the liaison officer in charge. Usually 2 men of regimental headquarters were detailed to the house for the purpose of identification of those frequenting the brothel, although men of other regiments were permitted to visit the brothel if they happened to be in a party of 114 Infantry Regiment men. A military policeman was also on patrol duty at the house. The daily attendance at prisoner of war's house was 80-90 non-commissioned officers and men and 10 to 15 officers.

...In MAYMYO... owing to the large number of units stationed there, some of the houses had definite scheduled days for specific units."

Other interrogations by the Allied forces, set out in their Report, reveal that comfort stations were operated in Akyab, Hparabyin, Alechangyaw (with Korean girls) in Burma, and in Belawan in Sumatra (with Chinese and native girls), as well as in Rabaul (100 Korean and Japanese girls) and on the Trobriand Islands (Papua New Guinea).

In addition to these documents, pioneering work done by Prof. Yoshiaki Yoshimi, the well-known Japanese historian, has brought to

light other documents regarding the sending of comfort women to Southeast Asia.

Extent of and Manner of Recruitment

A telegraphic message dated March 1942, from Rikichi Ando, Commander in Taiwan, addressed to the Minister-of-War (who at that time was Hideki Tojo), requested the issue of travel permits to three outside recruiters who had been chosen in view of the request made by the deployed forces that 50 comfort women should be sent to Borneo.

A reply sent to this states that, as per the Order of the Minister-of-War, approval had been granted to the request made on 12 March by the forces in Taiwan.

Another telegraphic message dated June 1942, from the Japanese forces in Taiwan, states that all 50 women had been sent to Borneo but in view of the shortage, they would like to have sent 20 more comfort women, as there was a real necessity. The message therefore sets out a request for a permit, explaining that one of the earlier-mentioned three recruiters would be taking these comfort women.

An article in the Japanese monthly magazine "Bungei Shunju", (published in December 1955) by Minoru Shigemura, who was a Commander in the Japanese Navy, entitled "Unit by the name of Special Service Personnel Group" (Tokuyoin, which is another expression for "comfort women"), refers to a document of the Japanese Navy, dated 30 May 1942, which had been co-signed by two Director-Generals of the Naval Affairs Bureau. It is addressed to the Chief-of-Staff for the South-West Pacific and specifies that concerning the second stage of advancement of the Special Service Personnel, the following things will be prepared by the Navy:

- accommodation facilities;
- mattresses, bed linen, blankets;
- comfort houses will be of two kinds, one for Officers, the other for Petty Officers and soldiers;
- the comfort houses will be privately operated, but under the supervision of the Navy.

This document also sets out the number of "personnel" sent and their destinations:

- 50 to Penang on the Malaysian Peninsula;
- 45 to Makassar on the island of Sulawesi(Celebes), Indonesia;
- 40 to Balikpapan on Borneo;
- 30 to Java, Indonesia;

Number not determined for Singapore and Ambon.

This immediately raises the question as to who these women were, and by whom, how, and from where they were taken to these comfort stations.

Extremely telling indications can be gathered from two out of the hundreds of documents carefully researched by Professor Yoshimi, to the effect that though initially a number of Japanese women already engaged in prostitution were used in military brothels, the attempt had to be abandoned because of stringent regulations issued in Japan, and because these women were in advanced stages of venereal disease. The most natural choice was therefore the use of virgin Korean girls, recruitment being made very easy by colonization.

It had been discovered by Dr. Tetsuo Aso, a doctor in the Japanese Army who had examined 1000 comfort women, that the Japanese women were seriously infected with venereal disease, whereas the Korean girls who were virgins when brought, were in a better position to resist infection; he said that in comparison, the Japanese women were "dubious gifts to the Imperial Army".

A letter dated 23 February 1938, issued by the Director-General of Police, Ministry of Home Affairs and bearing his seal, addressed to the Governor of each Prefecture with a copy endorsed to the Foreign Affairs Ministry, was about the "handling of women going to China". It stated that women to go into prostitution were being recruited/collected in Japan. In view of the current circumstances in China, the sending of women to China was inevitable and necessary. However, care had to be taken as such conduct might be in violation of international conventions and treaties. The following conditions had to be met for the travel of these women from Japan to China:

- they had to be engaged in prostitution;
- they had to be above 21 years of age;
- they had to be free of any venereal disease.

If these conditions were fulfilled, the women would be allowed to go by the authorities. Women going for such a purpose were to present themselves to the police authorities and obtain identity cards. The condition for issue of such I.D. cards was the consent of the girl's parents which would prove that no act of trafficking or kidnapping was involved.

Another circular letter, dated 4 March 1938, issued by the Chief Secretary of the Army War Ministry, in Tokyo, cautioned about the manner of recruitment, stating that it had become a social issue, that actual recruiters resorted to methods bordering on kidnapping, and that some of them had been apprehended by the police; it stated that given these circumstances, local army authorities should be careful in selecting people for recruitment. In identifying recruiters, the letter cautioned that the Army should contact the local police and the military police. This concerned the recruitment of comfort women in Japan.

A book entitled *Burma - The Untold Story* by Won-loy Chan⁷, a combat intelligence officer on the staff of General Joseph W. Stilwell during World War II, recounts his wartime experiences. Colonel Chan, a Chinese American and a Japanese language specialist, had taken part in the battle for Myitkyina in June-August 1944. He personally interviewed the Korean comfort girls imported and then abandoned by the Japanese Army. He states:

“There are no official records of the Korean comfort girls. No one knows how many of these unfortunate young women were forced into prostitution by the Imperial Japanese forces during World War II. Estimates run as high as 200,000. Mostly daughters of Korean farmers and peasants - although some came from the city slums and some may

7 Chan, W., *Burma-The Untold Story*.

have practised the oldest profession previously - between 1935 and 1945, **they were rounded up by the kempeitai** and sent to China, Burma, Guam, Malaya, the Philippines, the Dutch East Indies, in fact anywhere in the vast Pacific theatre of war where Japanese troops were garrisoned. Thousands were killed during the bloody fighting in the Pacific, Southeast Asia, and elsewhere. (Emphasis added).

...The comfort girls were organized by the Japanese into what they euphemistically called the Women's Volunteer Labour Corps. They were grouped down to platoon level of about 50 girls each. Some were exclusively for the pleasure of Japanese officers. Others served NCO's (Non-Commissioned Officers) while the least attractive were forced to cater to the lowly private soldier of the Emperor. Each platoon-sized group was commanded by a Mama-san, usually a middle-aged Japanese woman who spoke Korean. When the girls weren't engaged in their primary occupational specialty, or were ill, they acted as washerwomen and barracks maids in the troop rest areas."⁸

Yet another Allied Report, unearthed from the US National Archives by the Kyodo News Service, contains a report dated 10 October 1944, based on the interrogation of 20 Korean comfort girls taken as prisoners-of-war along with two Japanese civilian prisoner-of-wars (POWs); this report had been prepared by the US Office of War Information, Psychological Warfare Team, attached to US Army forces, India-Burma Theatre.

These persons were captured by the US Forces around 10 August 1944, in mopping-up operations after the fall of Myitkyina in Burma.

Under the sub-heading "Recruiting", this Allied Report records its findings thus:

"Early in May of 1942 Japanese agents arrived in Korea for the purpose of enlisting Korean girls for "comfort service" in newly conquered Japanese territories in Southeast Asia.

8 *Id.* at 93.

The nature of this “service” was not specified but it was assumed to be work connected with visiting the wounded in hospitals, rolling bandages, and generally making the soldiers happy. The inducement used by these agents was plenty of money, an opportunity to pay off the family debts, easy work, and the prospect of a new life in a new land - Singapore. On the basis of these false representations many girls enlisted for overseas duty and were rewarded with an advance of a few hundred yen.

The majority of the girls were ignorant and uneducated, although a few had been connected with ‘oldest profession on earth’ before.”

The method of “recruitment” left very little scope for a free, informed decision by any of these girls with regard to work as comfort girls. Ex-soldier Ichikawa⁹ has in his interview with the ICJ mission also talked of local police and Japanese military police accompanying these recruiters in Korea at the time of recruitment.

Not only Chinese, Korean and Japanese women, but also women from Taiwan, the Philippines and Indonesia, were used in these military brothels. Some documents also show the use of Dutch women.

In interviews and memoirs, ex-soldiers have disclosed that the nationalities of the comfort women, especially in Southeast Asia, varied. One lieutenant recounts having had relations with women from Spain and Russia, and states that women forced into prostitution included Vietnamese, Thais, Burmese, Dutch and Americans.¹⁰

The Japanese military also tried to force Australian nurses into becoming comfort women, but they were able to resist, due to the timely intervention of the Red Cross.¹¹

9 See Chapter 5.

10 Kim-il-Myon “*Emperor’s Army and Korean Comfort Women*”, 1976.

11 Records maintained by Major-General G. Lloyd have been unearthed by Professor Yuki Tanaka, University of Melbourne, from the Australian National Archives.

The above documents highlight that the top brass in the military and the government were aware of the manner in which the women were recruited; that recruitment was forced; and that the military police, i.e. the kempeitai, had an important role to play in the matter, along with the local police. The testimonies of all the persons interviewed by this mission, including ex-military personnel of the Japanese Imperial Army, victims and others, make a special mention of the kempeitai as overseers of the recruitment of and/or the transportation of the women to comfort stations.

It is also apparent that there was strict segregation of comfort houses for the Navy and the Army, as also for officers and for soldiers. Regulations existed for "Special Clubs" within the Manila sector, as well as for other military brothels.¹²

A very telling regulation, No. 11, reproduced in the Allied Report, expressly sanctioned the use of minor girls as comfort women in these special clubs:

..“11. The officer in charge..... will as a general rule, not permit the employment of minors as geisha or waitresses. In certain circumstances, however, minors may be employed as maids. The permission of the officer in charge is required for any employment of minors as geisha, waitresses or maids.

..“12. When managers request permission to employ minors, the matter will be handled in conjunction with the duty officers of the Manila Sector Line of Communications.”

As the war spread and showed no sign of ending, recruitment of minor Korean girls was facilitated by the Labour Mobilization Laws proclaimed by the Governor-General. The Korean women were also taken to areas as remote as China, Manchuria, Borneo, Indonesia, Papua New Guinea, Ryuku Islands (Okinawa), the Philippines, Malaysia, Singapore and Burma.

12 See Regulations (reproduced in the Allied Report) of 15 November 1945.

The Filipino women interviewed by the ICJ mission stated that they had been kidnapped by Japanese soldiers, confined in garrisons, and forced to provide sexual intercourse to Japanese soldiers. In the case of Gertrude Balisalisa, there is a clear reference to a Shanghai-type comfort station with a weekly medical check-up by a military doctor.¹³

Transportation of Korean girls was in trains, and thereafter in military trucks, and, when taken overseas, by Japanese naval ships, sometimes sailing in convoys of seven or eight. The train travel expenses were borne by the Japanese Army.

Comfort houses/stations were either constructed by the Japanese Army or consisted of houses and structures captured by the Army.

Comfort stations were also set up near the battlefields and consisted of tents or makeshift wooden houses. Comfort women assigned to combat troops had to follow the troops wherever they went. The food and clothing of the comfort women at the front or near camps was provided by the Army. In other comfort houses in the rear, food and clothing was the responsibility of the manager, who was a private person.

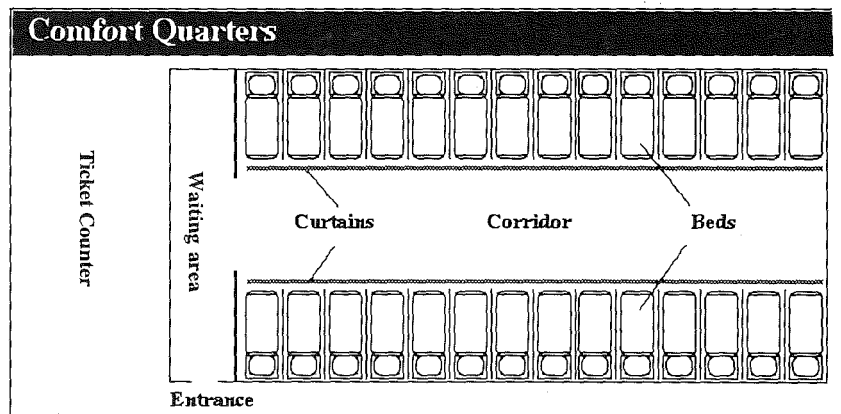
The fact that some houses of prostitution operated by private persons existed, must not be confused with, or be permitted to shift the focus from, the well-planned and executed comfort stations of the Japanese Imperial Army. The majority of the comfort stations were controlled by the Army. Even those managed by private persons were held in a stranglehold by the Army and the kempeitai with regard to their functioning.

The documents referred to above, the documents contained in the Allied Reports, as well as the testimonies of victims, unambiguously point to the vice-like control of the Japanese military over the establishment, operation and control of the comfort stations. The establishment, staffing, conduct and operation of these comfort houses were at the behest of the Japanese military, and were planned and executed by them.

¹³ See Chapter 4.

Life in the Comfort Stations and Subsequently

A cross-sectional diagram of a typical comfort station of the Japanese military would look like this :



Within a tiny cubicle of 3' x 5', a comfort woman had to live, sleep and serve.

If they were "lucky" they would have to serve about 10 foot soldiers a day (each allowed to stay up to one hour). However, because of the abundance of troops, they were usually forced to provide sexual pleasure to 20 - 30 soldiers a day, and then to one or two officers for the whole night, up to the following morning.

ie Kikuichi Fukuyama, 71, was a fighter pilot in the Japanese Army. He had this to say: "The number of drafted soldiers was huge, so the comfort women must have had a hard time... Their bodies must have been worn out. Soldiers usually had no women around them, so they must have acted like beasts at the comfort quarters".¹⁴

That there were long unending queues of Japanese soldiers and officers has been stated by the witnesses interviewed by the ICJ mission. Many also spoke of regular medical check-ups by army doctors, but bitterly complained that this was only to prevent the spread of venereal diseases, whereas injuries suffered by the women as a result of kicking, bayoneting and other forms of brutality were ignored by these doctors.

Mitsuyoshi Nakayama, 78, who served as a military surgeon between 1941 and 1944 in Huaide, Manchuria, said: "Surgeons only checked the women for visible symptoms caused by diseases such as gonorrhoea and syphilis. Some women possibly had internal diseases such as endometritis (an inflammation of the membrane lining the uterus) or clogged oviducts. We did not examine the women for these diseases. I think many of them have become unable to bear children".¹⁵

Ken Yuasa, 77, of Tokyo, said he was assigned to check comfort women in Lu'an in Anhui Province in April 1945. Through weekly medical check-ups, military surgeons came to realize how badly the women suffered from providing sex to such a large number of men. Few surgeons used military brothels, he said.¹⁶

Treatment of the women who had contracted any sexually transmitted diseases, was at military expense; this included the giving of "606" injections, which at that time were extremely high-priced.

A number of witnesses from the Republic of Korea told the ICJ mission that they were severely afflicted with venereal disease even though they had been healthy virgins when they were forcibly taken to

14 *Japan Times*, 5 August 1992.

15 In an interview with the *Japan Times* of 7 August 1992.

16 *Japan Times*, 7 August 1992.

serve at comfort stations. Many of them became incapable of bearing children. Hwang Kum-Joo, a former comfort woman from the Republic of Korea, showed the ICJ mission the scars on her body resulting from an operation performed on her to remove her uterus. A Dutch comfort woman also stated that she was forced to have an abortion to ensure her availability for sex for Japanese soldiers.¹⁷

Appendix "D" to the Allied Report of 15 November 1945 sets out *in extenso* police reports on Manila brothels. The most significant part of the police reports relate to the greed of the private managers of these military brothels. ".... Many managers are interested in nothing beyond their own profit and do their job with no other purpose. They exhibit no concern for the welfare of the geisha, maids or hostesses, nor bother themselves with their health or sustenance nor with such matters as bath facilities. Their selfish conduct requires restraint".

It appears that little was done by the Army authorities or the military police to improve this state of affairs.

The general living conditions of the comfort women were extremely bad. They were provided just enough food and water to enable them to survive. The testimonies of witnesses interviewed by the ICJ mission amply bear this out. They were virtual prisoners at the comfort stations; most were not permitted to leave the premises without permission. Some comfort stations, especially in battlefield areas, were in military camps, surrounded by barbed wire fencing. Regulations for military brothels issued on 22 November 1942 by the Iloilo office of the military administration of the Philippines to the military police at Iloilo and other places¹⁸, *inter alia* stipulated: "Women employees are allowed to take walks between 8 a.m. and 10 a.m. Permission from the office chief is necessary for walks at other times". There was also a map annexed to these regulations showing areas permitted for such "walks".

17 Jan Ruff, at the International Public Hearing, Tokyo, December 1992.

18 Disclosed by Prof. Yoshimi at the International Public Hearing, Tokyo, December 1992.

The comfort women were kicked, beaten, tortured, maimed and brutalised by Japanese soldiers to ensure that they continuously provide sexual gratification to them. Gertrude Balisalisa¹⁹ gives a graphic description of this cruelty, and says "the Japanese were cruel to a point I have not seen". Her statement is supported by that of the Australian nurses interviewed by the Allied forces, as recorded in documents found in the Australian National Archives. They said: "The Japanese were very strict about bowing. Every time we met a Japanese guard or even a native guard we were forced to bow. Sister Oram on one occasion did not see a guard and did not bow, and was made to stand in the sun for one hour without a hat."²⁰ During the time of the military regime a good deal of face-slapping and punching of women's faces went on. On one occasion I saw one woman with her face completely blackened with the blows, and she had lost several teeth in the process. These punches were meted out for very small offences, and frequently the victims were entirely innocent".²¹

The end of World War II brought no solace to these comfort women. They were abandoned by fleeing Japanese soldiers. Reaching home was the beginning of yet another phase of misery for them. They are still living with bitter memories of a sorrowful past, fearing rejection by the society in which they live, trying to pick up whatever shreds of their lives they can still salvage.

Perhaps the most vivid description, apart from the statements of the victims²² themselves, is to be found in *Burma - The Untold Story* by Won-loy Chan: "No one knows what has become of those who survived the war. Most would be in their early or mid-sixties today. United Nations troops in Korea between 1950 and 1953 reported that some of the girls-continued to practice the profession after returning to Korea. Some also did that on Okinawa. For the vast majority, however, the stigma and shame resulting from what they had been forced to do

19 See Chapter 4.

20 These nurses were in a camp in Palembang, Sumatra, Indonesia in April 1944.

21 See *supra* n. 9.

22 See Chapter 4.

prevents research and the absence of official records leaves one to conjecture as to the fate of those still living".²³

Won-loy Chan has given a graphic account of the 20 Korean comfort girls he interviewed in Burma in 1944. He says:

"The 18th and 56th Imperial Japanese Army Divisions in northern Burma each apparently had a platoon of comfort girls attached. Most were kept in the headquarters areas, principally in Myitkyina, and Bhamo. When Myitkyina fell on 3 August 1944, some twenty-one of the girls were still there. How many had attempted to raft down the Irrawady could not be determined. Undoubtedly, many who tried were killed by Allied marksmen from the river banks along with the fleeing Japanese troops. Others probably died from starvation and exposure in the jungles of north Burma"...

...“The girls were young, eighteen to twenty-four was my guess. Some, despite their makeshift clothing and lack of even rudimentary grooming, were still attractive. Their expressions varied. One or two appeared defiant, but most wore looks of fear and anxiety. Some obviously had tears in their eyes or running down their cheeks while some with their heads bowed low appeared to be praying. None exhibited the coquetry usually attributed to camp-followers..."

...“She (their Mama-san) removed the obi (Japanese sash) and took from it neatly wrapped bundles of paper currency that she placed on the ground in front of us.”...

...“Grant and I each picked up a bundle of the money. The bills were each for ten rupees... they were Japanese occupation scrip ... It was a paper promise by the Japanese Government to pay by some unspecified date the amount of ten Burmese rupees. With the loss of northern Burma and what appeared to

23 Chan, *supra* n.7 at 93-94.

be the eventual total defeat of the Imperial forces, the scrip was undoubtedly worthless."...

... "Mama-san explained the whole caper to her girls. Some laughed, some cried, and when I thought of what these girls had endured to earn this worthless scrip I was heartsick"...

..."Grant and I then interrogated the girls again.... They were not courtesans or Mata Haris, and if any of their bed partners had revealed anything, it had meant nothing to them. Taken forcibly for the most part from their families farms and homes in far-off Korea, they were there only for the pleasure of the Imperial Japanese troops. As soon as transportation could be arranged, they were turned over to British custody in India. The Allied press made a big thing of the comfort girls in sensational releases. But I felt only sorrow for them".²⁴

²⁴ *Id.* at 94-97.

Chapter Four

Statements of Victims

Preface to the Statements

Although the documents make it clear that comfort houses were established in the Philippines, the majority of the women interviewed there were not in what one might call a typical comfort house, as that institution evolved in China. Many of the women in the Philippines were taken into military camps and placed either in a room in an established barrack or lived with soldiers inside a tent or, in the case of one woman, inside a tunnel. This pattern may on the surface appear to be different from the experience of the Korean women. However, it was the existence of Japanese Government policy favouring the establishment of comfort houses which led soldiers stationed in the Philippines to kidnap, or have others kidnap for them, Filipinas. Because of this, we see no difference in the responsibility of the Japanese Government towards Filipinas as compared with their responsibility toward Korean women.

The statements taken in all three countries, the Philippines, the Republic of Korea and the Democratic People's Republic of Korea¹, indicate that the majority of women interviewed came from economically disadvantaged families and were particularly vulnerable to force and deceit. The tragedy these women endured must be understood in the context of the societies in which they lived. At the time the women were taken by the Japanese, their societies placed heavy emphasis on chastity and therefore the acts of brutality committed against these women go beyond the immediate suffering of having to endure a continuous rape. What was done to them also meant that the women came away from that experience feeling a

1 This report contains extensive summaries of the statements of 17 women.

profound sense of shame and viewing themselves as lesser human beings. The pain these women endured has continued throughout their lifetime. Most of them felt unable to reveal their experiences to anyone, including members of their immediate family. This forced them to carry alone an enormous emotional and psychological burden and many of the women interviewed made clear that this secret had made them keep their distance both from relatives and friends for fear they might reveal their shame. The pain of what they endured was evident in their language and the great emotional strain which each woman showed during the interview. The violation of their human rights has to be understood as something more than an act for a defined period of time; it was a violation which continues to affect their lives even today.

The ICJ mission was impressed by the enormous courage shown by each of the women and their willingness to testify in detail about their experiences. Each time a woman testified you could see her reliving the experience; we are deeply indebted to each of the women for their forthrightness and their generosity of spirit.²

Statements From the Philippines

Francisca Austari, aged 70

Ms. Austari was born in Santa Cruz, Laguna, on 2 December 1923. She was the eldest child in her family; her father was a tenant farmer and because of the family's economic circumstances she was only able to attend school from first to third grade.

Sometime in 1941, a Filipino approached Ms. Austari while she and some other girls were washing clothes by a river bank. She heard the other women scream out "the Japanese are coming"; they all began to run but she was too slow and a Filipino man grabbed her. He told her she was going to go and wash clothes for the Japanese soldiers who were

2 The statements are presented as they were recorded by the members of the ICJ Mission, either in the first person or in narrative form.

camped in the nearby town. Japanese soldiers were present when this occurred. For the first three months that she was at the encampment Ms. Austari did wash clothes and was told by the Filipino (referred to by Filipinos as a Makapili, which denotes someone who collaborated with the Japanese or is a supporter of the Japanese) that money was being given to her mother for her work. He said that the money being given to her mother came from the Japanese but was handed over by him.

After about three months she was told that no more money would be forthcoming; at this point she refused to wash clothes any longer. Following this the Japanese soldiers took her inside the barracks and raped her. That night five or six Japanese soldiers, one after the other, had forcible intercourse with her. She attempted to resist their attacks on her and was beaten by the soldiers. At various times in the month that followed she would try to close her legs and prevent the Japanese from having intercourse with her. Each time that this happened she was hit and the soldiers would pound on her, particularly her legs, and force her to have intercourse. When questioned about the manner in which intercourse occurred, Ms. Austari indicated that she was forced to have intercourse in different positions with the Japanese, although most commonly she was forced to have her legs raised in the air.

This occurred each night for the next two or three months. She was the only woman in the military camp and was kept inside a room; she was not allowed to go out and was accompanied by a guard when she went to the toilet. Each night soldiers, sometimes two, sometimes five, would come to her room already naked and have forcible intercourse. After two months she was allowed a period of one month's rest. During all of this time it was the Makapili who brought her food; she was most emphatic that there was never any discussion of money. When she asked the Makapili why he had kidnapped her he answered that he was made to get women by the soldiers and had been threatened that if he did not help, he would be hurt.

After the one month's rest she was again forced to have intercourse with the Japanese soldiers. This lasted for three or four months; after this period of time she began to bleed profusely and was taken to a local hospital where her ovaries were removed. The interviewer was shown the

scar from the operation and also the deformity caused in the abdominal area by the operation. After being released from the hospital she was taken home; it was then that she discovered both her parents had died while she was in the military camp. This was obviously one of the worst memories for her since, while she was in the camp, she had held on to a picture of her parents and thought continuously about being able to see them again when she was released from the camp. She described herself as being numb while in the camp and said that, because of her isolation, she began to talk to herself. The only human contact she would have in the daytime was short conversations with the Makapili. After her release she was nursed back to health by her aunt. She has ongoing medical problems as a result of what happened to her.

As both her ovaries were removed during the operation she was unable to have children but did eventually marry when she was thirty years old. She described her husband as being very supportive; when he initially proposed marriage she indicated that she did not want to get married as she had been taken against her will by the Japanese, although she did not describe what had happened to her in detail. Her husband told her she should not feel ashamed as she had been taken by force.

When asked about what she would like to see happen now, Ms. Austari was quite clear that each of the women ought to be compensated directly and that it would not be sufficient compensation to her for the Japanese Government to put money into some sort of foundation or to pay it to the Philippine Government. She emphasized that all of the women were now quite elderly and that action needed to be taken quickly.

Julia Porras, aged 64

Ms. Porras was born on 31 January 1929 in Davao City in the province of Santa Ana. Prior to the war her father owned a piece of land which he farmed with some help and her mother took in laundry. She had five brothers and four sisters.

When the Japanese initially occupied Davao, Ms. Porras and her

family were not afraid, as there had been civilian Japanese working in that area for many years. The military camp was about a kilometre and a half from her father's farm; there were also various outposts and tunnels in the area. Initially, one of the Japanese who had lived in the region for a number of years came to her father's house and said that he would not have any trouble with the Japanese. He put a piece of paper on their door with a character on it which he said would indicate to the Japanese that her family should not be harmed in any way.

However, as Filipino resistance to Japanese occupation began to mount, the Japanese became increasingly brutal towards the civilian population. One day, as she was cooking a meal for the family, she heard her sister who was washing clothes downstairs shout "run". At this point her father was down at the river and her mother was downstairs with her sister. She was surprised at what she heard and looked out of the window. She saw some Japanese men dressed in camouflage outfits moving in the grass towards their house. She saw her sister running and instinctively jumped out of the window and cut her leg on a tree stump near the house. Because she had cut her leg she was slow to get up and as she began to move away from the house, a Japanese soldier caught her by her hair and pulled her to the ground. She began to bow and to shout out that she had surrendered, at which point she was slapped by the Japanese soldier and her mouth and nose began to bleed. Her hands were tied with a handkerchief and she was dragged into the woods where two trucks were waiting. One truck was full of soldiers and the other seemed to be a patrol truck, as it only had a few soldiers. She was thrown into the second truck. At this point the soldiers began laughing at her. The truck took her and the soldiers to a tunnel which was full of military equipment, including machine guns, rifles, bullets and canned goods as well as some cots to sleep on. Ms. Porras described the space to the interviewer; it would have been approximately seven feet in diameter and ten to twelve feet in length; as to height, the tunnel was just large enough to stand in. When she arrived, there were two other women there.

She was forcibly dragged into the tunnel and placed in a corner where she sat for a short while, until the soldiers changed into their uniforms. The first person that came over to her was an officer who she

believes had indicated to the other soldiers that they ought to stay away from her. He untied her hands and began to kiss her; at first she thought that he was trying to calm her down because she was so young and then later realized that his actions were somewhat different from those of someone showing sympathy. As she attempted to evade his moves he grabbed her and slapped her face. At this point he put his hand under her dress and began to pull down her underwear, pushed her down onto a tarpaulin and pushed her legs apart. As she was attempting to keep her legs closed he continued to beat her all over her legs. During all these events the soldier did not take off his own clothes. She continued to shout during the rape as she was in great pain. After it was over she said she was unable to stand and curled up in a corner of the tunnel feeling as if her entire body were in pain. She was bleeding and continued to cry.

After the officer another four soldiers raped her. After this Ms. Porras began to think of committing suicide.

When questioned about any Filipino witnesses to the event, she indicated that the only person who knew that she and the other women were there was a local boy who brought drinking water to the tunnel. Although the space inside the tunnel was extremely small she and the other women were not permitted to talk with one another and were placed in separate areas of the tunnel.

Ms. Porras cannot remember how many soldiers she was forced to have intercourse with each day; she just remembers that each time one soldier was finished she would be forced to wipe herself with a cloth before the next soldier came to her.

During the day she and the other women would be forced to clean the tunnel, fix food for the soldiers and repair the uniforms. Because her clothing had been ripped by the soldiers she was forced to spend the eight months in the tunnel wearing a towel. The rapes continued on a nightly basis and sometimes occurred during the day. In addition to the soldiers in the tunnel she was sometimes forced to have sex with soldiers patrolling their area. As it was dark in the tunnel and the women were forced to keep apart from one another, Ms. Porras does not know what experience the other women had,

but was aware that they were, like her, crying most of the time. There were fifteen to twenty soldiers in the tunnel on a permanent basis.

In the same way with other victims, Ms. Porras described herself as entering into a state of numbness while in the tunnel; she thought constantly about seeing her parents.

When questioned about the issue of money, Ms. Porras said no offer of money had ever been made.

When American bombardment of the Philippines began, many Japanese soldiers fled to the city in order to surrender. At one point, one of the men who had been guarding her and the other women took out his sword and it was her belief that he intended to behead them. Another soldier stopped him, saying they had "given services". At this point the two Japanese soldiers laughed. She waited for a while before running from the tunnel. When she left she headed into the forest and ran about seventeen kilometres back to her family house. There was no one there and a neighbour came by saying that her parents had moved to a different area; she asked him to find her parents and tell them that she was there. While waiting for her parents she again thought of committing suicide as she believed herself to be worthless. Her parents arrived and asked what had happened, but she was unable to answer them and just cried continuously. She believes that her mother knew what had happened, although they never spoke about it. For a period of time after leaving the tunnel she would just sit in her room; she was unable to sleep. She would not go out of the house; the sensation of numbness continued for a long while. Every time a man came to their house she would run and hide. Her parents did not take her to a doctor but her mother did make some boiled guava leaves and told her to put them on her vagina, which was inflamed.

In response to questioning about her expectations of the Japanese Government, she indicated that the victims should be compensated individually and that the money should not be given to the government for distribution. She was also quite clear in her mind that the Task Force should continue to work directly with the women.

Ms. Porras did eventually marry; she was unable to tell her husband about what had happened to her until recently. Her husband had been a member of the Philippine resistance movement and when she finally did tell him, he was very supportive. Some of her children were against her coming forward and telling her story; one daughter was very supportive and said to her "it is good that you lived; you should tell your story". Obviously the pain of what has happened to her has not gone away, and as with many of the other women interviewed, Ms. Porras still feels an element of shame, even though intellectually she knows that none of this was her fault. Ms. Porras is indignant at those people in Japan or in the Philippines who have insinuated that the women went voluntarily. She notes that she was thirteen years old at the time this incident occurred; it is obvious to anyone speaking to her that she continues to feel much pain and regret at having lost a part of her childhood in this way.

Violeta Lanzarote, aged 68

Ms. Lanzarote was born on 7 August 1925 in Iloilo. Her parents were small-scale farmers near a town called Estancia. One day in 1942, when she was seventeen years old, she was walking along the road to Estancia in order to buy some food for her family. It was about 9 in the morning. She encountered a group of approximately ten Japanese soldiers who asked her where she was going. When she replied she was headed to town to buy something, they responded by saying "you will not go to town but will come with us". The Japanese pointed bayonets at her; she was then taken to the local garrison in Estancia. (Ms. Lanzarote said that her parents were aware that she had been taken by the Japanese, as there was a small boy tending some animals along the side of the road and he ran to them after the Japanese went away).

The first day at the garrison she was made to cook food for the soldiers. She saw approximately ten other women although she did not recognize any of them. That night three Japanese officers, Captain Takemoto, Lieutenant Iko and Sergeant Takahashi, came to where she was and all three assaulted her sexually. She spent the next three years in the garrison being forced to have intercourse with these three men.

During the day she would be forced to cook for the soldiers and then each night one or more of the three officers would come to the room where she was staying. This occurred every night except during her menstruation period. She was kept alone in the room and was not allowed to talk to any of the other women. It is her recollection that the building she was in had many small rooms and that in each room there was a woman. The kitchen was near her room and she was only allowed to move between it and her room. She was not permitted to walk around the camp. The only other person she had contact with was a man who helped her do the cooking. He was a Filipino prisoner; the guards did not allow them to speak with one another. She says that sometimes she could hear the other women crying. She also saw some women sweeping the yard but does not know if these were the same women that were in the house with her. She believes that some of the soldiers at that particular camp were Korean.

Although, as shown in Chapter 3, the regulations issued by the Japanese Government for comfort stations indicated that there should be periodical medical examinations of the women, Ms. Lanzarote stated unequivocally that no doctor ever came to examine her. She sometimes suffered from fever; the Japanese officers would provide her with medicine (Biogesic) but never sent a doctor to examine her. Despite the government regulations ordering that condoms be worn, none of the officers ever wore them. Because the three men were officers there was never any time limit as to how long they could stay in her room. The usual length of time that each officer stayed was one hour.

When questioned about the manner in which intercourse occurred, Ms. Lanzarote with much anxiety indicated that she had been forced to have intercourse in varying positions, including anal intercourse. Although she was not beaten, when she refused to have intercourse with the officers they pointed their guns at her.

When she was released she did tell her parents and her brother and sister what had happened to her. Initially she was very reluctant to marry, saying that she could not give the gift of virginity to her husband, but was eventually persuaded by her older sister to get

married. Prior to her marriage she told her husband what had happened to her and he accepted this, saying that none of it was her fault. They had five children but none of the children were told until recently, when she decided to contact the Task Force and make her story public. Her eldest child tried to stop her from coming forward but she went forward believing it necessary that her story be told. It is clear that these events have a continuing impact on Ms. Lanzarote, she frequently suffers from depression and is unable to form close relationships with neighbours and relatives because she does not want to talk about these events.

Juanita Jamot, aged 69

I am Juanita Jamot. I was born on 12 November 1924, in Calbayog City in Samar. I had six brothers and sisters. My father was a fisherman, my mother just a housewife. We were very poor and therefore, being the third eldest child in our family, when I was 12 years old I had to go to Manila in or around the year 1936 to work as a housemaid. My employer was a ship's captain. I had been working for two months when my employer tried to molest me. He wanted me to become his mistress although he had a wife and children. Out of fear that he would molest me I looked for another family where I could work. I found a job in a bakery in Divisoria. This was some time in the year 1942, when the Second World War had already been going on for two years or so. I was 18 years old at that time. After a couple of months the owner of the bakery courted me. We lived together for about five months in a rented room. Suddenly one day, 15 soldiers of the Japanese Imperial Army barged into the building. There were other tenants in other rooms in that building. I was two months pregnant at the time. The Japanese soldiers forcibly took all the men they found in the building, including the person I was living with. Five soldiers stayed behind and took charge of rounding up all the women, including myself. There were at that time five women, including myself. We had gathered at the top of the staircase to find out what the soldiers were doing to the men. Some soldiers, who were dressed in white uniforms, dragged all of us women outside. One of these soldiers singled me out and started touching me all over my body in front of the other four women. This

soldier then started forcibly taking off my clothes and kissing me. I was trying to resist but he had pinned me down to the ground. All this was being done in front of the other four women. This soldier then dragged me outside the house and took me to a nearby hillock. The soldier pinned me to the ground and forcibly took off my clothes. Whilst pinning me to the ground he was simultaneously undressing himself. This way he ensured that I would not escape. He then raped me. I was thereafter brought back to the building by that soldier.

Then all of us five women were forced to board a military truck. We were taken to a place called Oraca Building. This building was located in a place called Divisoria in Manila. When we reached the Oraca Building I saw about ten other women inside the building. I noticed that these ten other women were also Filipino women. I also noticed that these other women, ten in number, were of different ages, some young and some a little older. The soldiers who had brought us to the Oraca Building did not allow us women to talk to each other. Even so I managed to talk to these women who were already in that building and I discovered that they had been held there for almost two months.

In the Oraca Building all of us women, totalling about 16, used to wash the uniforms of the Japanese soldiers and would have to cook food for them. We were also raped by the Japanese soldiers. Some soldiers would come in the morning, some in the afternoon and others in the evening. There were about ten or more soldiers who would rape me each day. I remember feeling numb and helpless during those days of my confinement in the Oraca Building. Since myself and the other four or five women with me were new entrants in the Oraca Building, the Japanese soldiers would force themselves on us more often. There was always a guard in that place where we were confined. There would be a change of guard but the place would still not be left unguarded at any time. Even the soldiers who were guarding this building sexually abused us women and raped us. Most of the Japanese soldiers were also staying in the Oraca Building. Nobody was allowed to enter the building, no Filipinos nor any other persons except Japanese soldiers were allowed entry. Food supplies were brought into the building by the Japanese soldiers themselves and nobody apart from them could enter or leave the building. We were given food by the Japanese soldiers

which was similar to what they themselves ate. No money whatsoever was paid to any of us. I remember that we did not even have soap to wash ourselves or our clothes with. We therefore used to use the same soap which was given to us for washing dishes, to wash ourselves and our clothes.

I cried a lot during those days because I felt totally helpless as the Japanese soldiers were so powerful. I felt that it was impossible to fight back when the soldiers attacked me sexually. When Oraca Building was being heavily bombarded, and when the Japanese learnt the Americans were coming, we were put in a military truck and taken to Intramuros. I was brought to Fort Santiago, in Manila. However, while I was in Intramuros one Japanese soldier raped me even as the bombs were falling. Fort Santiago was a Japanese garrison at that time.

As there was no medical facility available in the Oraca Building, on my request the Japanese soldiers would collect some guava leaves and I would boil the same in water and with that water I would clean my vagina. In order to bring down the swelling of my vagina I used to apply these leaves internally. This helped to bring down and control the swelling and the pain. Because the soldiers were always in a hurry the areas around my vagina, my thighs and other surrounding areas were bruised.

I was the only one who was taken to Fort Santiago. I did not see any of the other women in Fort Santiago. In Fort Santiago there was heavy bombardment. There were pieces of broken glass, rubble, stones and other building material lying scattered all over. Even in this situation, the Japanese soldiers would come and rape me one by one. I felt severe pain because I was forced to lie down on glass pieces and other building material which had crumbled because of the heavy bombardment. It was physically extremely painful for me, more so because of the situation in which I was caught. I remember that three Japanese soldiers sexually abused me even when Fort Santiago was being heavily bombarded. The second soldier was extremely bulky and he forced himself upon me. As his penis was extremely large it tore my insides and I started bleeding profusely. This second soldier continued to rape me even though bullets were flying overhead and he

was watching them fly. After the second soldier left, I was bleeding profusely and I was lying down exhausted on the floor in Fort Santiago. Soon thereafter, the third soldier came and even though he saw that I was bleeding he forced himself upon me. I could not bear the thought of another sexual assault, and I held his penis between my thighs. I did this in order to avoid any further sexual contact. This soldier did not even realize that he had not penetrated my vagina. He was in a terrible hurry. There were bullets, bombs and various materials flying over as a result of heavy bombing by the American forces. Even in this condition he insisted on forcing himself sexually upon me. At that time I also covered myself with my dress because I thought that I should not die naked.

I was at Fort Santiago for the whole day, after which I was taken by the Japanese soldiers to Saint Augustine Church. Saint Augustine Church was full of men who were heavily guarded by Japanese soldiers. I was very frightened. I forced myself into the middle of this big crowd of people and I lay myself flat on the floor. Heavy bombing started and the soldiers, who were Japanese, opened fire on the crowd inside Saint Augustine Church. I soon started feeling the bodies falling on top of me. I covered myself with blood so as to be mistaken for a wounded or dead person. Disguised in this manner I managed to stay alive by evading the scrutiny of the Japanese soldiers who were guarding us at that time. I then lost consciousness. When I regained consciousness I heard the moaning sounds of wounded persons around me. I then covered myself with blood and ran away from Saint Augustine Church. After I ran away I hid behind a few buildings and finally I saw the Americans and I surrendered myself to them. There were six wounded soldiers around at that time and the Americans first attended to those six soldiers and then attended to me and thereafter put all of us on a raft. We were helped to cross the river and we were brought to Divisoria by the Americans, who just left us there. We were taken to Divisoria because there was no bombardment in that area, only sniping.

After the war I took up employment as a housemaid. (She was asked whether she was able to find a husband after the war was over. However, she broke down uncontrollably and was unable to

answer that question for quite some time, until she regained her composure).

I was not able to find the person I was living with earlier, I was not able to find my brother, I had suffered a miscarriage when I was taken to Intramuros because I was raped when I was three months pregnant. I did not tell anybody about anything that had happened to me during the Japanese occupation.

After seeing Lola Rosa (another comfort woman) on a television programme, I was able to talk about my experience for the first time with the members of the Task Force for Filipino Comfort Women (TFFCW).

My sisters learned of my whole story only when I submitted details to a radio programme which was aimed at encouraging ex-comfort women to speak up. Prior to that I had not told anybody about my ordeal.

I lived together with a person who was employed as a driver, in the year 1968, when I was 44 years old. I did not tell him about my past. Even then whilst having sex with him, I found that I was severely restrained and bore an aversion to sex. I had nightmares about my past experiences. My terrible past experience severely crippled my normal sex life. I have separated from my second husband. I also could not bear children and I had several miscarriages and had to be operated upon.

I feel that money is not enough to bring back my youth. Money cannot be sufficient to repay the price I have paid. I feel that the Japanese Government is responsible and should do something for me. I did not have the strength to talk about my past experiences except with the motivation provided by Lola Rosa. I also expect the government, both my own and the Japanese Government, to resolve this problem immediately. It is not a matter of money, because what I have suffered can never be compensated by money. I am medically not well, I have a heart murmur and I have also severe pain in the joints. I cannot afford medical treatment, as I can barely survive. As I am so old now, I am not able to take up any employment, even as a housemaid.

The ICJ mission was taken on a site visit along with Juanita Jamot to the Oraca Building in Manila. The building is now converted into a government office of the Geological Survey Department. When we entered the building, Juanita pointed out to us the place where she was kept confined. It was a huge room with a mezzanine level opposite the area where she slept. She also pointed out to us the place where she and the other comfort women had to cook for the Japanese soldiers. She took us outside to the compound behind the building where she pointed to a spot where she said there was a tap and she told us that the comfort women, including herself, would have to bathe in the open with the soldiers watching them and mocking them. After that Juanita Jamot took us to another room adjoining the main hall where the women were confined. This other room was a small six by three feet cubicle which is now an office.

During this site visit, Juanita pointed out to us that there used to be a cot in this small cubicle and the Japanese soldiers would bring in one comfort woman at a time and rape her by placing her upon this cot. Juanita also remembered that on one occasion she was dragged to this cubicle and was pushed onto the bed with such force that her head banged against the wall. The Japanese soldier who was violating her was not bothered about the pain which Juanita was suffering. On another occasion, Juanita told us that the soldier was in such a hurry that he did not even wait for Juanita to lie down on the bed but he stood her up against the wall and had sex with her standing up. Juanita could do nothing about it except submit to his wishes because she would have been severely beaten and kicked by that soldier. On recounting all these experiences to us Juanita was extremely disturbed and inconsolable.

Gertrude Balisalisa, aged 74

My name is Gertrude Balisalisa. I was born on 17 November 1919. My father was in the civil construction business. My family consisted of my parents, two brothers and a sister. I was the eldest of the family. My brothers were officers in the Philippine army. My brothers were killed in Fort Santiago by Japanese soldiers. My sister is living today.

Shortly before the war I was studying in the third year of law school. I completed my third year. However, my father insisted that I should get married. I was therefore, against my wishes, married to a person who was also a civil engineer and in the civil construction business. We were married in 1941. Thereafter, I had two daughters from the said marriage.

A bridge had been destroyed by guerrillas. This bridge was important for the Japanese because it connected the Province of Camarines Sur with Albay. The Japanese took my husband and ordered him to repair that bridge. My husband obeyed. After the bridge was repaired the Japanese distrusted my husband and therefore my husband and I were made to travel in a car several times up and down that bridge till the Japanese were satisfied that they could use that bridge without any fear of losing their lives or vehicles. That was my first contact with the Japanese.

My father used to stay with us. My husband and my father were away for a few months because of their work. I was alone in the house with the maid and my two small children; the older one was 1 year old and the younger daughter was just a babe in arms. One day I saw a Japanese pick-up truck with the Japanese emblem of the Red Sun stopping in front of my house. Immediately thereafter I heard Japanese soldiers coming into my house. When they saw me they grabbed me and asked me to step down and into the truck. They threatened to kill my children if I did not obey. In those days, when the Japanese asked a person to do something, the choice was either to do it or to die. I wanted to live because of my children. I therefore accompanied them to the truck leaving my children with my housemaid.

I was taken in that truck to Albay and then to Regan Barracks. Regan Barracks had been previously occupied by the Philippine Army, but it was defeated by the Japanese and they took possession of Regan Barracks. That was in 1944. I had managed to escape any violation by the Japanese because my husband was always around. I escaped this fate from 1941 to 1944. However, in 1944, the following incident occurred.

I found on arrival at Regan Barracks that there were five or six other girls, all Filipinas, who were inside. These girls were young, in their

early teens, but there was one older woman among them. We were not allowed to talk to each other and this was made absolutely clear to us by beating and kicking us. Within these barracks they took us to a certain outpost which I suspected was a message centre. There was a sentry who was posted there twenty-four hours a day. This outpost was in a wooded area which was not easily accessible to any person. When we arrived the Commander of that place summoned me and asked me some questions. I replied in English. That Commanding Officer seemed to know English and I asked him how, and he replied that he was a graduate of an American university. He told me very clearly what was expected of me and of the other girls in that comfort station. He told me that we were merely to provide sexual pleasure to Japanese officers who would come there. He also made it very clear that I would have to service even his friends, who were officers, who would visit him at that outpost once in a while. I later learnt that these Japanese officers would frequent this outpost at least three times a week and there were about three or four of them who regularly came there. He warned me not to concern myself about other girls and be involved only with myself.

The first time I tried to resist this Commanding Officer, he got so enraged that he beat me on my leg with a stick. That stick was a steel rod covered with leather. The blows were so violent that there was a swelling immediately just behind my knee-cap and a lump formed, which lump I bear even today. I could not walk at all. The pain was unbearable. He violated me in spite of this pain which I was undergoing. For several days thereafter, whenever he wanted to comfort himself with me, he would have to drag me as I could not walk at all. I tried to catch the name of this officer but I couldn't read Japanese and could not decipher the letters on his badge. This officer wore a khaki uniform, always carried a long sabre or a sword and a gun. He also wore long boots.

I was confined in these barracks for almost one year and two months. None of us comfort girls were allowed to even step out of the outpost. Every day of the week I would have to serve this Commanding Officer. Three or four days in a week, this officer's friends, who were also officers, would visit the comfort house. There were

three or four such officers in number. We were supposed to service all of them. There were in all about six comfort girls in that outpost.

These officers were extremely brutal. The Japanese were cruel to a point I have not seen. On the second day after my arrival there, one of the friends of the Commanding Officer kicked me in my back because I was sobbing miserably when the officer came into the room. I had turned away my face because I did not want to let him see that I was crying. He, however, was enraged that my back was turned to him, and he gave me a severe kick in my back. As a result of that violence I was thrown onto the side of the bed. I crashed against the wooden bed and dislocated two ribs. I was writhing in pain but I was not spared the molestation and the sexual assault.

Once a week the Japanese doctor would come and check us up, but all that they did was to see whether we had any diseases which we could communicate to any of the officers. In one such check-up I told the doctor of the pain in my knee as well as the dislocation of my ribs. He just examined me saying that all this would be treated later. However, I was never treated for this at all.

The Japanese officers who forced themselves upon me were premature ejaculators. Perhaps for this reason they were extremely cruel and brutal and treated us like playthings and possessions, to be mistreated at their sweet whim and fancy. I was always in pain, severe constant pain, everything was connected with pain at that comfort station. The Japanese soldiers/officers would perform abnormal sexual acts with me including anal sex. They would hurt me whilst doing or performing the sexual act. There was no kindness coming from them, no sense of gratitude or even a sense of empathy for our suffering and pain. Many of these officers were not neat and tidy and were unclean. The Commanding Officer, however, was always neat and tidy and he expected me to be the same. He used to give me soap, toiletries, sanitary equipment and sometimes clothes.

Very often these officers would be in a hurry and would not even bother to undress me fully. They would not undress themselves fully and, with this kind of indignity, they humiliated me even further. On other occasions they would be so frustrated that they would even tear off

my clothes in an attempt to force themselves upon me. Many times I would hear other women in that comfort station screaming and crying out in pain. But I was never allowed to go and see or talk to any of them. I wanted to scream myself several times but I refrained for fear that they would inflict more harm and injury on me. I wanted to live because I wanted to see my children.

Although the thought of suicide entered my head several times I did not actually implement it. The first and the most important reason was my children. One day, one of the other comfort women saw members of the "Hukbalahap"³ near the comfort station. She rushed out of the comfort station to talk to one of them. Just as she was running out she was shot in cold blood by a Japanese sentry. My room in that comfort station faced the gate and I saw this entire episode which sent a shiver down my spine. I wanted to live at any cost so as to see my two little daughters.

I could not get any news about my husband or my family. No civilian ever came into that camp. One day there were air-raids upon that outpost. I could see the *Commanding Officer* rush in and rush out with some papers. I suspected that something was wrong. There was some bombing of the outpost. Taking that opportunity I left my room and came out to find that I was completely alone. The other comfort girls also realized that there were no sentries or guards, nor soldiers around us. We all rushed out into the compound. This was the first time that we had met in that entire year of confinement. However, there was no time to talk to anybody. We were so excited that we were free at last and were eager to return to our homes. I ran from that place until I reached a spot where I could hear heavy vehicular traffic. I guessed that this must be a road. I crawled up to the road and I saw, from a distance, several vehicles being driven by American soldiers. I was overjoyed because I knew then that the Americans had finally arrived. I hailed a jeep which was being driven by an American soldier. He stopped and he offered me a ride. He brought me back again to the Regan Barracks where several wounded soldiers and civilians were being treated by American

3 "Hukbalahap" was the local guerilla group in the Philippines.

doctors. I was given first aid and some food and clothing. The American doctor checked me, saw my broken rib bones and my swollen knee and told me that all this would be treated later. They were extremely busy tending to the other more serious cases of severe bleeding and wounded soldiers. With the help of these American soldiers I managed to trace my family, which had moved out of our original house.

When I reached my house my husband received me very warmly while in the presence of the American soldiers. However, when the soldiers had left he immediately distanced himself from me. He told me to sleep in a separate room and made it very clear that he would not share a bedroom with me any more. I swallowed this insult because of the fact that I could at least be near my children. However, he would not allow me to share my children's bedroom. I was thus isolated in my own house. Thereafter, I noticed that my husband also treated me just like a comfort woman. He would come to me whenever he felt the need for sex. He said he did not want to restore our original relationship because he termed me as a left-over of the Japanese soldiers. He could not reconcile himself to the fact that it was not my doing and that I was not at fault. My husband never fully understood or even tried to understand my plight.

Whenever my children wanted to hug or kiss me, if my husband was around he would order the maid to take away the children, thus reducing my contact with my own children. In this situation, I bore him two more children, one son and another daughter. I continued to bear my humiliation because of my children.

A few years later, my husband moved us to another province. On reaching it, I discovered he had another woman whom he was seeing regularly. One day, when I had gone out marketing, I returned to find the house empty. The children and their belongings had disappeared, my husband's belongings had also disappeared. My husband returned only to tell me that he did not want me any more, that I was just a left-over used by many Japanese soldiers, that he did not respect me and that he had found another woman. He also told me that he had sent the children to a relative to be raised by them. He would not tell me who. I

have heard my children went to the United States. I have not seen them since the day my husband sent them away.

I was left alone in that province and I didn't know anybody over there. He just gave me fifty pesos, which was not even enough for my travel expenses. I then approached the Red Cross in that province and asked the social worker, who was a lady, to give me a free plane ticket to Manila where at least I could find some employment. I did not fully explain to her what had happened to me in the past. She was, however, very kind and helpful and I managed to reach Manila with her help.

In Manila I managed to find employment because one of my cousins was married to the Mayor. I worked as a social worker in the city hall. However, when the Mayor's term ended my job also came to an end. I was left to fend for myself. I started giving private tuition, which I am doing even today. My neighbours and friends sometimes help me out by asking me to draft their affidavits and short statements. They also help me in other ways. However, I am completely dependent on my private tuition for my survival. I have even taken an examination qualifying me to give this private tuition.

When I heard Lola Rosa on television I cried and felt miserable. However, I managed to pick up enough courage to approach the Task Force. After I went public in this way, many of the pupils who were taking private tuition from me were withdrawn by their parents. However, most of my neighbours are supportive and understanding. After coming out in public and after sharing my suffering with other former comfort girls, I feel better and unburdened. However, I am unable to support myself or even to pursue any medical treatment for want of funds.

All I want from the Japanese Government is to help me. I have not told anybody of my past except in a confession which I made to a priest. I had locked the secret away in the bottom of my heart. I have lived a life of utter misery and suffering due to no fault of my own.

Anastasia Cortes, aged 70

I was born on 15 August 1923, in Pampanga, Philippines. When I was thirteen years old I went to Manila at the Elpo factory in Grace Park.

However, I was not satisfied with the pay and I moved to another job, in a refreshment store owned by a Japanese. This is where I met my first husband, Guillermo Murillo. We were married in 1939 at the City Hall of Manila when I was sixteen years old. My husband was a sergeant in the Philippine Army. Sometime in the year 1943, one night, Japanese soldiers came to our house to take both my husband and me. My husband was dressed only in his underwear and, as he was being dragged out, he yelled at me to get his clothes. When I went to gather his clothes I discovered a pipe lying there which I hid and brought out with me to the outside room. There I saw a Japanese soldier tying up my husband. I crept up from behind and hit the Japanese soldier on his head with that pipe, but it was of no use. The Japanese soldier turned around and kicked me in the chest. He also bayoneted my husband's head and blood started spurting out. Seeing this I was unable to bear any more and I fell unconscious.

When I regained consciousness my husband and I were being transported on a truck. We were brought to the Spanish quarters in Fort Santiago in Intramuros. There my husband and I were put in a cell as prisoners. My husband was stripped naked and hung upside down and beaten with a huge stick. After that his head was shaved with a blade and the Japanese soldiers even shaved off his scalp. Blood started trickling down my husband's face and the scene was quite horrible. Not being satisfied with this the Japanese fitted steel between my husband's fingers and then pressed it which made the bones in his fingers break. His fingernails were also pulled out one by one. I was forced to witness this torture of my husband. Subsequently, my husband was taken to a cell which was underground and I did not see him thereafter. A Filipino janitor who was working in Fort Santiago at that time, a few days later, came and told me that my husband had been killed along with other prisoners of war, by the Japanese soldiers. (She believes her husband was put in an underground cell, which she pointed to when we visited the fort, and allowed to drown as the tide from the river rose.)

A month after our arrival in Fort Santiago, I was approached by a Commanding Officer of the Japanese army, whose name I remember as Mr. Fukushima, who dragged me out of my cell and took me to a

small room. In that small room he, by sheer brute force, raped me. After that he brought me back to my cell. A few hours after that another soldier came to get me, took me to that same small room with the small cot and raped me. After that I was brought back to my cell and, for several days thereafter, three to four soldiers would get me from my cell, bring me to that same small room and, waiting for each other's turns, would rape me one by one.

I was a prisoner in this manner for about six or seven months. I was sexually molested, raped and abused for about six months repeatedly, by three or more soldiers three times a week, merely as a means to comfort them and to provide for their sexual needs. This was totally against my will and was done by using force and violence against me.

I was taken out of Fort Santiago with the help of a Japanese priest whose name I remember as Reverend Fujita. This priest was approached by my mother-in-law who asked him to help me. That priest asked the army to release me. I was thereafter released. I stayed in my mother-in-law's house and then I discovered that I was three months pregnant. As I did not know who the father was because I had been repeatedly raped by several soldiers, I decided not to have that baby. In order to spare my mother-in-law the agony of discovering that I was pregnant, I ran away from that house and went to Blumentritt, where I worked in a restaurant. During the period of my employment, a number of Japanese used to come to that restaurant and one of them I recognized as a soldier I had seen in Fort Santiago. I was afraid that he might recognize me. I ran out of the restaurant and asked the help of a policeman. This policeman later on became my second husband. Though we were not actually married I lived with him and I bore him six children. My second husband died in 1975 from a stroke.

The entire episode of my being imprisoned, as well as the torture of my first husband, and the forced sex that I was asked to provide, gives me nightmares even today, especially when I see violence on television or in the movies. I was afraid to speak out because others might not understand what I have suffered. At some point, a few years ago, I wrote out my past in a notebook in order to unburden myself. When a campaign was started on the radio to identify comfort women

who had been forced to provide sexual services to the Japanese, I wanted to send them my notebook, but I was overcome with shame and I was afraid that I might be censured, and therefore I kept quiet.

Recently when I saw *Lola Rosa* on television, I tried not to pay attention to her story. My sister-in-law urged me to tell my story to the public. In fact, my sister-in-law had also been a comfort woman and knew what I had gone through during the Japanese occupation. My sister-in-law encouraged me and accompanied me to the office of the Task Force. That same night I told the story to my children, with whom I am living now. I had kept the story a secret for half a century. However, my children were very understanding and supportive.

The ICJ mission visited the house of Anastasia and found that her son, with whom she is living, had taken a holiday just to be present when we visited her. It was an extremely thoughtful gesture on his part. Thereafter we visited Fort Santiago with Anastasia, and she pointed out to us the place where she was confined initially and forced to witness the torture of her husband. Anastasia could also identify the area where her cell had been; she could locate it because she remembered there was a window at one end. Anastasia was terribly disturbed during this visit and when recounting her ordeal.

Statements from the Republic of Korea

Yun Soon-Man, aged 66

Ms. Yun is 66 years old; because of lack of formal education she does not know her birthdate. Her family was originally from the propertied class in Korea; she, her parents and her sisters and brothers lived with her grandparents, as it was her grandfather who actually owned the property. Apparently her grandfather was a member of the Korean Independence Movement and this fact became known to the Japanese. During the lunar calendar month of March, she and some other family members were out in the fields, her grandmother was feeding the cows, her mother was in the house cooking and her grandfather was resting. A village leader, accompanied by three

Japanese soldiers, came to the house and took the grandfather outside and tortured him. Seeing this Ms. Yun went inside and hid herself, but was discovered by a Japanese soldier and was pushed outside the house. This is her last memory of her family as her parents and grandparents died prior to her return to Korea.

After being taken by the Japanese soldiers she was put into a jeep which was full of other Korean girls, perhaps 62 in number. They were taken to Pusan which is a large port on the south coast of Korea, by train; they remained in Pusan, for two days and were then placed onto a ship which took them to the port city of Shimonoseki in Japan. Ms. Yun was taken from her area with 62 other girls, all of whom accompanied her to Shimonoseki. During this period of time none of them were given any food to eat. After their arrival in Japan they were given a rice ball. Initially, they were made to work in a textile factory where they slept in a dorm; they were not permitted to go out of the dorm and they were not given any time off from work. The food apparently was poor in quality and small in quantity. None of the women were paid for their work. They were all told that as Koreans they had to work for the Japanese Emperor.

She was then taken to a small village outside Osaka where there was a military base. It was at this point that she was placed in a comfort house and was raped by Japanese soldiers. The comfort house was a small building which was very poorly constructed. The "rooms" allotted to each woman were only separated by curtains. Ms. Yun found it difficult to describe exactly what had been done to her on her first day there; she indicated that she had resisted and struggled against the Japanese soldiers and was beaten by them. After being raped by several soldiers her vaginal area was swollen and her body was sore. She described the soldiers as being like "crazy dogs" and said that they came into the room already naked. She said that she asked the Japanese why they were assaulting Korean girls and the soldiers responded by saying that they worked for the Emperor. The soldiers also said that they were not being given leave to see their families and that they had a need for women. Ms. Yun said that she only saw Korean girls at the comfort house.

It was at this point that, while attempting to resist a soldier, Ms. Yun's arm was broken and because of lack of medical attention it healed incorrectly and her arm is permanently deformed at the elbow. Essentially, she is left without use of her left arm. She said when she tried to resist the Japanese soldiers that, in addition to being beaten and tortured, she was told by them that she had been put there to serve them with her sexual organ. She lived in comfort houses in Japan with 16, 17 and 18 years old. Her third comfort house was near a battle field and despite the air raids, she was forced to continue to have sex with the Japanese soldiers. She said that many of the girls she had seen in the comfort houses died because of the poor conditions.

When asked to describe the conditions at the comfort houses, she said that there were long lines of soldiers and that each soldier was given a very short period of time to be in the room with an individual woman. If any soldier took "too long" there would be banging on the door and other soldiers would be calling for them to come out.

In addition to having had to endure these acts of cruelty and hardship, Ms. Yun continues to carry deep emotional scars, saying that she "hates herself because she was not given the chance to be a good girl".

Ms. Yun returned home when she was 18 but, as her family members were all dead, she went to live at a Buddhist temple, cooking and cleaning for the monks. Because of her experiences she had to have a hysterectomy and continues to rue the fact that she has never been able to have children. At the age of 28 she married a man twenty three years her senior and lived with him and his five children for three years, but as she had not been able to have any children, his family refused to give her any property after his death. She lived for many years in a Buddhist temple, helping the monks by cooking and cleaning and doing general chores.

Until deciding to come forward with her story two years ago, she had never told anyone about her experience in the comfort houses. It is obvious that she continues to be very angry about what has happened to her. Her situation, like that of many of the other women, has to be

understood in the context of Korean society, where it is essentially the children who are responsible for taking care of their parents as they grow old. Government funding is only available for those people who have no relatives who are able to support them and the level of assistance is quite low. One of the members of the mission visited Ms. Yun in her home which consists of an outdoor kitchen, a shared toilet area and a room approximately six foot by six foot with one window and a door. Her dream is to be able to own her own house and to have some additional space in which to live.

Another difficulty being faced by Ms. Yun and several of the women interviewed in South Korea, is that Japanese lawyers, media personnel and others come to Korea fairly frequently and seek to interview the women who have come forward. The constant interviewing is becoming a source of distress to the women, particularly as they cannot see it serving any useful purpose to them. There are also complaints that the women are not being told about the reasons for the interview. Ms. Yun expressed a level of frustration against her own government, suggested that it had not been doing enough on behalf of the women and that the money to provide support to the comfort women should be coming from the Japanese Government, not the Korean Government. She was most insistent that the Japanese apologize for what had been done to the comfort women in particular, and to the Korean population in general.

After talking about these matters, Ms. Yun returned to her experiences at the comfort house and in the period immediately after her release. She said at the time her arm was twisted she also had three ribs broken and asked herself how anyone could do this to another human being. She spent six to seven months in bed and it was only through the efforts of the other comfort women that she survived. They would hide rice from their own meals and bring it to her and feed her. She also said that when women tried to run away from the comfort house they were shot; one of her friends had to have a leg amputated as a result of a gunshot wound. When the bombing began at the last military base where she was located, she ran away from the camp and eventually

found a Korean civilian and stayed with that family until the following year, when she returned with them to what is now South Korea.

While in the comfort house she was not able to go out of the house, as the military police were in charge of watching the house. The only thing they were allowed to do was to clean their clothes periodically. When she arrived home she had a number of skin problems and other medical complaints but was not taken to a doctor and her aunt used herbal remedies to treat her.

After some additional questioning she described the incident with her arm in a bit more detail, saying that a Japanese officer arrived at the comfort house and that she refused to have sex with him because he was "too fat" and that he got angry and twisted her arm and broke it. Because of her condition this was her last experience of being raped. After she recovered she was not used as a comfort woman again.

Because of her experiences at the comfort house she has eschewed social relationships, stating quite emphatically that she does not deal with people easily.

Kim Bok-Sun, aged 67

Ms. Kim was born on 20th February 1926 by the lunar calendar. Her place of birth was Kangjin, Cholla Province.

She lived in a remote village with her grandfather, her parents and two siblings, both of whom were girls. Her parents were poor farmers. She was able to complete six years of formal schooling, but because of the financial situation of her family, had to leave. Her parents were divorced when she was twelve years old and she went to live with her paternal uncle. Her two older sisters were able to get married and so she was the only one who went to live with the uncle. She helped with the chores around the farm and the house.

In 1944, her uncle became concerned about her situation, having heard that girls were being kidnapped for "sex slavery". She did not believe that she was at risk of being kidnapped, because she was "immature" and "tall and fat". She said that her uncle had tried to convince her to get married but that she had refused a marriage proposal made to her.

Her uncle became increasingly concerned about her welfare and told her she should stay out of sight and remain in the family's attic. She followed her uncle's instructions for approximately two weeks, then believing that the atmosphere had calmed down, went out in the yard to have lunch with her cousins. As there was no gate around the family's house it was possible for neighbours and others to see what was happening in the general vicinity of their house.

During lunch a Korean man in a military uniform came in with two Japanese military police. The Korean man sat on the ground while she and her cousins finished their lunch and then said to her uncle "Why do you leave your niece at home, you must send her to Japan for one year in order for her to work. She can earn big money there. And when she returns with the money she can meet a good man and get married." She asked this Korean man how much she would earn per month and how long she would have to stay in Japan and when she would be able to go home. He again repeated that she would stay for one year and said that she could either be paid monthly or have all her money deposited during that period and take it all with her when she left. Her uncle indicated that he was responsible for her as her parents were divorced and that she should get married in Korea and not go to Japan.

At this point the mood of the Korean and the Japanese changed; until that point they had been quite friendly to the family but when her uncle said no, the Japanese stood up and dragged her out of the yard. She asked to be able to take her personal belongings with her and was told that she would not need any clothing or other belongings as they would all be provided to her. She was driven to Kwangju, where she was made to stay in an inn with five other girls. No one would tell her what was happening to her; she asked the Korean man, a Mr. Chae, what was happening but he did not respond. As she understood Japanese, having had some schooling, she overheard the Japanese telling Mr. Chae not to say anything to her. During the two days at the inn she spoke to some of the other women and found out that they all had come from different places; some of them were married, some of them were quite young. One Japanese soldier and the Korean man, Mr. Chae, also stayed at the inn. They were guarded by both men, who accompanied them on any trip they wished to take to the toilet. After two

days they boarded a train and the Japanese soldier paid for the tickets. They were put in the freight section of the train, which made many of the girls more nervous than they were before and they kept calling out "where are you taking us to". None of their questions received a response. She again attempted to elicit a response from the Korean man and the Japanese man again told him not to speak with her.

They arrived in Seoul and were put on another train and taken to Inch'on, where she was taken to a Japanese military camp. She estimated there were already sixty girls at the camp. The building they were put into had three rooms, each housing twenty girls. Six girls were put into another separate room. She stayed there one night and was examined by a Japanese doctor. The doctor did chest x-rays and four of the six girls were declared to be healthy; two others had consumption and were sent home. After this process, a group of twenty girls were put together; each was told that they would have to change their names to a Japanese name. Her Japanese name was Kaneya Mitsuko. They stayed at this military camp for one week and the only thing that was said to them was that they were all going to Japan. They were given two sets of pants, two sets of underwear and two t-shirts. They were then put on a ship and sent to Pusan; from this point onwards, it was only the Korean civilian who accompanied them.

At that time she believed that they were going to Japan to work in a factory. She said that they were carried in a Japanese battleship from Pusan to Osaka; some of the women were left at Shimonoseki. On arrival at Osaka they were taken to a military camp where she saw forty other girls. She and the other women were put into a plywood building. At that point she again asked Mr. Chae whether she was really going to have a job in a factory and what kind of factory it was. She was then told that there were no longer any jobs open in Japan and that they would have to move on to another country. Further, that it would be to a "hot country". She was then taken by military ship to Saigon with approximately sixty other women. There she was sent to a large military camp where the women were divided into groups of twenty; at this point all of the women had realized that they had been deceived and had come to the realization of what was going to happen to them.

She and nineteen other women were confined to room No. 3, where they sat around talking about what was going to happen to them. They told each other that they would now be used for the sexual desires of Japanese soldiers. They were confined to the room and that surveillance on them was tight. The room was locked at night and when the women went to the toilet, a guard would accompany them. They were then sent from the camp in Saigon to Rangoon in Burma; at this point the girls had been divided into smaller groups. She said that she was told by Mr. Chae that she should put up with the pain of what was going to happen to her for one year and that she should try and endure the mental suffering that she would experience. She was told by Mr. Chae that if she cried and resisted, she would be hit and beaten by the Japanese; she decided to resign herself to her fate and consequently was not beaten.

At Rangoon they were placed on a military truck and travelled for about an hour and a half into the mountains, finally arriving at a military base. There they saw a sign indicating the name of the comfort station. The buildings were run down and, from her description, it would appear that they were made of plywood. The building had a central corridor with ten rooms on each side and toilets at one end. The rooms were numbered one to twenty and she was put into room number three and her Japanese name hung on the door. Throughout the night many of the girls cried and she could hear them being hit by the Japanese soldiers because of their crying. The next day they were forced to begin "accepting" Japanese soldiers; for that day they were sent as many soldiers as the number on their room. Apparently, the Japanese soldiers went into the comfort house with tickets which they gave to Mr. Chae. Ms. Kim stated that she asked one of the soldiers for a notebook and kept count of the number of soldiers that she was forced to serve in that book. The maximum number that she was forced to accept in one day was twenty. Although many of the girls were bleeding at the end of their first day the Japanese soldiers continued to come and the girls were told by a Japanese doctor that they were not bleeding because of what was happening to them but because they were menstruating. Some of the women were given a rest period of three or four days to recover from the pain.

This comfort house was heavily regulated; there were separate hours for the private soldiers, petty officers and officers. Only officers were allowed to stay overnight. The hours for the private soldiers were nine to three, for the petty officers three to seven and the officers from nine to the following morning. Because of the time constraints, many of the soldiers would strip before entering the room. Because of her fear of venereal disease, Ms. Kim collected used condoms left by the soldiers. She said that when the soldiers finished, they would just drop the condoms in the room and that, when she was finished, she would collect them and put them into a chemical solution so that she would have a supply available in her room. It appears that in this comfort station the women were able to refuse soldiers who were not using, or were unwilling to use, condoms. Although they did go away, Ms. Kim indicated that when she refused to have sex with some of the soldiers because they were not wearing the condoms, they beat her before leaving.

She remained at this comfort station for three months, after which there was heavy bombing in the area and the Japanese said that they were moving out and would have to go into fox holes. The women were forced to accept soldiers in these fox holes and Ms. Kim described vividly the fact that they were forced to do so even in the rainy season in Burma. She did say that, occasionally, some of the officers were kind to them, providing them with some additional food or trying to offer some solace to them. Apparently, there were women from some other countries working as labourers in the military camp; she believed some of them were from India; these women were not used as "sex slaves" but as labourers. She said that many of these girls died of malaria. When the Japanese decided to move the military camp because of the intensity of the bombing, Mr. Chae told her and a friend of hers which truck to get on to and advised them to be the last to get on the truck. However, she and her friend decided not to get on the truck and hid in the darkness; a few minutes later Mr. Chae came back and they decided to make their way through the jungle. They found their way into India and spent five months with an Indian family. When they found out that the air raids had stopped they

decided to go to Rangoon in order to go home; on their way to Rangoon the other woman in the party drowned.

She said while she was in Rangoon she was interviewed by some English soldiers who questioned her about where she was from and to whom she related her story about being a "sex slave". She said that she was not sure that the soldiers actually believed her because at that time she developed malaria; the English provided her with medicine. She believed that the English only took some simple history from her. She and Mr. Chae were told to head for Bangkok in order to get home to Korea. They went by train and headed for an English military camp and from there went by ship to Pusan. Apparently Mr. Chae paid for the train fare and for the ship's passage.

She went back to her home village but was unable to locate any of her family. She has lived alone since that time. She operates a small restaurant, which she has done for the past thirty-four years.

When asked about whether or not Mr. Chae was paid by the Japanese soldiers, she said that he was paid monthly by them although his pay was not related to the number of soldiers who used the comfort station. She also indicated that she was not examined by a doctor during her stay at the comfort station. She was just told to observe the rules, particularly to make sure that the soldiers were wearing condoms. Asked to describe the location of the comfort house, *vis-à-vis* the military camp, Ms. Kim indicated that there was a perimeter fence around the camp and that the comfort house was immediately outside the perimeter fence. The rooms in the comfort house were approximately five feet by three feet. It was the only building immediately adjacent to the military camp and was the only building that had women in it. The closest village was approximately one hour away.

Ms. Kim indicated that she continues to be upset at Japan's denial of their responsibility for creating and operating the comfort stations. She is most insistent on a formal apology from the Japanese Government.

As is the case of many of the other women, Ms. Kim has lived an isolated life, keeping herself secluded from other people in large part because of her sense of shame about what happened to her. She said

that it was a miracle that she had survived, as many of the women in the comfort station died because of the conditions there.

Kang Soon-Ae aged 65

Ms. Kang was born on 27 September 1928 by the lunar calendar. She was born in Tokyo as her parents had migrated there to work. She returned to Korea in 1936 when she was eight years old; she, her parents and two brothers and a sister went to live in Masan. Because of the family's poor circumstances, when they arrived in Masan she was forced to beg food from the Japanese soldiers there. Her family continued to live in dire circumstances.

One day when she was thirteen years old she and her mother were scavenging for food under a bridge (rice would drop out of passing trucks overhead), when they were approached by the Japanese military police. Her father saw what was happening and tried to stop the military police from taking her, but he was hit with a knife and began to bleed. At that time she was just in her undergarments; these were traditional undergarments of baggy pants and a pyjama-like top. She was taken by the military police to a station where she found thirteen girls already waiting. She recognized the men as being military police as they had white armbands with red letters. They were taken to a Korean inn and all the girls were put into the same room. When the girls asked where they were being taken, they were told that they were going to a "nice place". She believed that before they departed for Hiroshima, thirty-five girls had been collected by the military police. They travelled on a ship named Hokido.

When they arrived in Hiroshima they were taken to a movie theatre where they were joined by a group of girls who had arrived from what is now North Korea. The two groups of girls were put together and eventually were sent to an orchard to pick fruit. She stayed at the orchard for four months at which point she was put on to a ship called the Mido Maru, which she believes to have been an army ship; they headed for Palau. Aboard the ship were Japanese officers and soldiers and some Korean soldiers. It was the Korean soldiers that told the girls where they were going; the Japanese soldiers refused to tell them anything. Neither the Korean nor Japanese soldiers told them why they

were going to Palau Island, although the Korean soldiers said to them "You'll never return to Korea, if you go you'll die there (meaning Palau)".

On the way to Palau the ship was wrecked at sea; everyone fell into the water. For reasons that are not clear to her, the Japanese soldiers became very angry and started to strike out at some of the girls; she was stabbed in the leg by one of the Japanese soldiers with his sword. The interviewer saw the scar on her leg. Only thirteen of the girls survived the shipwreck. They were taken to an island called Kaikonshima, where they remained for a couple of days. As her clothes had been destroyed during the shipwreck, she was given a military uniform to put on. They were put on another ship and taken to Palau; the voyage took one month and three days; the name of the ship was the Osaka Maru. When questioned about whether or not any of the Japanese soldiers had attempted to assault them sexually while on the ship, she indicated that they had not.

When they arrived at Palau they were taken to an army camp; she described the life there as being very difficult, as the ship that had brought them there was to return to Japan for food but it was shipwrecked on the return voyage and they had to survive on the fruits growing on the island. Apparently, the people living on the island helped them to select edible fruits and vegetables.

She and the other women all lived in the army camp. Each woman was put into a single room. Each girl was forced to "accept" between five and thirty-five soldiers a day. The soldiers were quite cruel. (The interviewer was shown scars on the side of her pelvis which came from cigarette burns. There were also scars from cigarette burns on her hands. By this point in the interview, Ms. Kang was very upset.) Sometime during September or October 1945, the Japanese soldiers began to run away and a number of officers committed suicide. It was at this point that the women learned that the Japanese were losing the war with the Allies. A number of soldiers attempted to kill the women that were in the army camp and Ms. Kang showed the interviewer a scar on her back where she had been stabbed by a sword. She also has a scar on the back of her head where the sword hit her. She described other

acts of brutality by the Japanese soldiers, saying that one woman had her breast cut off and another had had her stomach cut open by a Japanese soldier. Eventually, American soldiers came to the site where they had been housed and began to distribute food. She was never interviewed by the American soldiers as to the reasons why she was there, nor as to what her experiences had been.

She was eighteen years old when she returned to Korea from Palau; an American army ship took her back to Korea. She arrived on the first of January, which was the traditional day for holding ceremonies for the dead, and she arrived to find her mother holding such a ceremony for her. She lived with her mother until her mother's death a few years ago. She has never married and her only relative is a nephew, whom she recently told about her trauma. As with the other women interviewed, the pain of having had her body mutilated and of having been unable to marry and bear children was at least as great as the pain of having gone through the continual rapes and brutality inflicted by the Japanese soldiers.

Woo Yun Jae, aged 65

Ms. Woo was born on 27 July 1928, in Hamkyung Province; the name of her village was Samsu Kun. She lived with her grandfather, parents, two brothers and a sister. Her parents were landowners and therefore she was able to attend school for several years. In 1943, when she was almost sixteen years old, a policeman whom she believes to be Japanese, and a civilian who spoke Korean but could have been either Korean or Japanese, came to visit her home. They insisted on taking her from the house and, when her parents attempted to resist, the police said that they were just going to talk to her and wanted her to come to the police station for questioning. It appears that the chief of their village, a Wong Po Chin, was aware that girls were being taken by the Japanese. She was put onto a military truck and taken to the Haesanjin Station, where she was put on a train with other girls who had also been taken and placed in military trucks. When they asked where they were going, they were first told that they were going to Japan to get jobs in a factory. As the windows of the train were covered over, they were unable to see where they were headed and were only allowed out of

the train when they arrived in China. They were then transferred to another train; after sometime they arrived at a station and were taken to a military camp. On arriving at the military station, she was pulled out of the vehicle in which she had been riding. She was placed in a house and, when she resisted the attempts of a Japanese soldier to sexually assault her, she was kicked in the buttocks and then, once she had fallen to the ground, she was kicked around her head. Because of her attempt to commit suicide she was not touched for the first couple of days in the military camp. Eventually, a Japanese officer came to her room, spent some time talking to her and attempted to have her engage in sexual intercourse with him. She repeatedly told him that she wanted to go home and eventually did have intercourse with him, believing that if she did so she would be able to go home. However, this did not happen and after the officer had finished, the soldiers began to come into her room and raped her repeatedly. She said that she believes that about twenty to thirty soldiers came into her room, at which point her vaginal area was very swollen and her clitoris was very sore. She said despite the pain she was forced to accept additional soldiers day after day on a continuous basis. She described the soldiers as being like brutal animals who attacked her without regard to her physical condition.

At no time was there any discussion about money. There were no medical examinations given to the women. If the women did not engage in sexual intercourse with the soldiers they were beaten.

Some time in 1944 she saw the Japanese put up a floating bridge over the Hung Pok River and cross the bridge to the other side. The soldiers never returned to the military camp. Having nowhere to go the women remained at the camp until the following year, when some Korean journalists arrived in the area and told her that the Japanese had been defeated in that area of China. She was asked whether she wanted to go to Korea and, upon saying yes, she was taken to the train station. A ticket was purchased for her and she spent three days on the train and returned to Korea near the town of Buyongdae oh; she then went to stay with her paternal aunt. The Japanese soldiers in the area retreated shortly after her arrival; once they had retreated, her father came to find her and took her through a mountain pass back to the house in which he and the family were living. They waited

approximately another eighteen days and then discovered that Korea had been liberated.

She did not tell her father or other family members what had happened to her; she only told them that she had been sent to Manchuria. At the time she was taken from her village, five other girls were taken with her and she was the only one to have survived. The mother of one of the other women died shortly after her return and she believed it was because of the grief of knowing that her own daughter had died.

She was ill when she returned from China with various stomach and intestinal complaints. She was treated with various herbs and other forms of oriental medicine, but was not taken to a hospital.

As her family was unaware of her story, they urged her to marry and, given the conservative nature of her family, she felt that she had to accept this, although she felt an immense amount of shame at what had happened to her. She has never told her husband, who is now seventy-six, ten years her senior. Although she was told that it would be impossible for her to have children, she has had one son; he does not know of her ordeal. She is convinced that if her son and husband find out about her experiences it will bring "tragedy" into her life. She has not been willing to tell her story before the Korean public thus far because of the shame she believes it will bring on her and her family. She continues to have medical problems which she believes are an outcome of her experiences in the comfort house.

Hwang Kum Joo, aged 71

I was born in 1922, at Buyo-Kun, Chungchong Nam Province. My ancestors were noble persons. My father studied at Meiji University in Tokyo, where he completed his study in the field of law. At the time of graduation he fell seriously ill. Hence, the economic situation of our family declined. His health became worse and therefore my father returned to Puyong. He was suffering from a kind of cancer. I was the eldest child of the family and I was responsible for looking after everybody. I had one younger sister and one younger brother. I did not go to school because there was no money. When I was twelve years

old I went to work as a maid in the city of Seoul, with a rich family. I worked in that household for one year. The second wife of my employer treated me very badly. I learnt that she had paid a large amount of money to my family. I protested against the ill treatment to my employer. He therefore took me to his first wife's residence in Hamhung City in Hamkyung Province. I worked at that house for about three years.

In Hamhung, Japanese officers went around telling each family to send at least one daughter to the army ammunition factory. The house in which I was staying consisted of a family of three daughters and my employer's first wife. His three daughters were studying in school and or college. My employer's wife was worried. I therefore offered to go in place of those girls. I felt obliged to repay the kindness shown by my employer to me. I therefore suggested to my mistress that I be allowed to go, in order to earn more money and improve my economic situation. The Japanese officers said that young girls would be taken to work in ammunition factories and would get a lot of money after about three years. My mistress therefore said that if I went to work in this ammunition factory instead of her own daughters, she would arrange for my marriage in a good family. With all this persuasion and with the hope of improving my economic lot, I decided to go. The Japanese officer decided the place and time where I would meet him. At that place, when I went at the appointed time, there were twenty young girls who were all Korean, aged between seventeen and nineteen years. They seemed to be unmarried young girls. We were put on a train. One man was dressed in the uniform of an army policeman. He wore a khaki uniform, had a badge on his arm and carried a long sword as well as a rifle. He was Japanese. There was no other person with him. When we took the train there were about thirty young girls in all already on the train. Therefore there were a total of about fifty girls on that train. There were several military police on the train. The windows of the train had black curtains so we could not see outside. However, I managed to peek out and I saw the military policeman who had brought me there, exchanging papers with the other military policeman and soldiers. No pictures were taken of us, nor were our names recorded, nor were we asked to disclose our names.

It was autumn. It was quite cool. The family with which I had worked had given me an expensive coat which I wore at that time. I was nineteen years old and it was about the year 1941. I remember that the engine of the train was changed several times. We were given rice every three or four hours, but we couldn't eat because of our anxiety. One and a half days' journey was what it took for us to reach in the evening a place called Jilin, which was in Manchuria. When I was working I had learnt to read and write Japanese. Therefore at Jilin Station I could read the name of the station. I saw there a large number of soldiers who looked like young Korean students. From other trains there poured out many young Korean girls. Hundreds of young girls assembled at the station. We were taken to an army truck which was waiting for us. Twenty of us girls were pushed into one truck. There were five or six such trucks and they went off in different directions with their truckloads of young Korean girls. The trucks were old, dirty and ramshackle. The road was bumpy and the journey was miserable. Many of us girls were hurt during the journey, which lasted for about five or six hours. It soon became dark and we were very sick. We had headaches and body aches. We arrived in what looked like a camp. We were made to stay in a tent. The Japanese referred to it as koya. It was very cold. All twenty girls were pushed into one small tent. There were five other similar structures existing around our house. I don't know what happened to the other trucks which had left the station along with ours. I remember it was dark and cold and we were to go to a dining area which was supposed to be in an adjoining tent. I couldn't step outside because it was too cold. We were given one set of blankets, which were dirty and old. I could see that it was army material. However, it was not sufficient and all of us girls huddled together, piled up our blankets one on top of the other, and shared this entire pile, which when shared was quite warm. We consoled ourselves with the thought that the next morning we would be taken to the factory.

The next morning when we came outside we saw many soldiers around. We cleaned ourselves and were pushed by some soldiers into a restaurant where we were told to eat. The food was served to us in small bowls of tin, which was also army material. The restaurant was in

a tent. After finishing breakfast we went back to our tent. Two soldiers came to our house and saw two of us. They took me outside to a soldier's tent which was bigger, cleaner and well equipped. I later on learnt that it was an officer's tent. However, at the time when the soldier summoned me, I thought that he was taking me to the ammunition factory at last. In the tent, one high-ranking Japanese officer looked at me. I pleaded with him to let me go to a factory and start working so that I could earn some money. He asked me where I was from and I answered. He then asked me to take off my clothes. I refused. He then grabbed me. I resisted with all my might. However, he took his bayonet and used it to cut off my clothes. He even cut off my underwear with the bayonet. I was wearing Korean clothes at that time. With all this I was so scared that I fainted. There was a bed in that tent and when I returned to my senses I found that I had clothes only on the upper portion of my body and that I was bleeding from my vagina. I was a virgin before I was raped in this manner. I cried and cried. I also discovered the officer lying down beside me. He tried to pull me to him again and when I struggled, in that violence, I fractured a bone, perhaps in my back. My back still hurts and it is difficult for me to walk even now. Thereafter, the officer told me to leave. I wrapped up my clothes in a blanket, wrapped myself up in another blanket and one of the soldiers took me back to my tent. I noticed that there were drops of blood falling onto the ground when I walked from that tent back to my tent.

After that I could not move for a week. I couldn't even walk. The same officer, however, came to see me and on the third occasion when he came to see me he took me to his office. My vagina still hurt. He asked me to perform oral sex, as I had told him that he should not violate me any more. I refused. He beat me very badly. He threw me around and even kicked me. I fainted again. This was repeated quite often. I stayed for four years in this camp. Fortunately, officers were moved around to other places. When new girls arrived, the officers used them because they were virgins.

After about two months I was sent to a proper comfort house which was right beside the tent which was occupied by us. The comfort house was a small house. It consisted of small cubicles separated by a

long corridor. The cubicles were on either side of that long corridor. The size of the cubicles was such that one could spread only one blanket on the floor and the entire room would be covered. There were about ten to fourteen such rooms separated by ten wooden partitions. I didn't know who was in the other rooms because we were not allowed to talk to anyone. About thirty soldiers a day used to queue up before each room on weekdays. However, on Saturdays and Sundays about forty to fifty soldiers would queue up. There were long queues. "Quickly, quickly" they used to say to each other. Each one stayed for about five to ten minutes in each room. "Hayaku" they used to say, which I later on learnt was Japanese for quickly. The room used to get very smelly. I used to block my nose with grass to avoid the stench. Sometimes, in order to avoid them, I used to lie to them, telling them that I was diseased. Many soldiers did not even care about becoming contaminated; they used to say that in any case they had to die on the battlefield so they might as well enjoy themselves. Even during menstruation they had sex with me. I used to bleed almost all the time.

After a few months of this routine, I opted to go to the battle front to another comfort station in order to escape the ordeal which I was suffering at this particular comfort station. I stayed at the battle front comfort station for about two months. However, I quickly learnt that the situation there was much worse because there were even more soldiers there, and also all kinds of soldiers. I therefore decided to go back to Manchuria at the first opportunity. The movement of soldiers to Manchuria came around that time and I followed them. I became pregnant on at least three occasions. The first time I only realized it when I was in the third month of my pregnancy. We used to be given a strong injection called 606 for prevention of venereal disease. However, that injection must have been too strong because I had a miscarriage. The second time I had to be taken to the army hospital to have an abortion because I was two months pregnant. The third time also I was taken to the army hospital and an abortion was performed on me. The injection 606 was given to us twice a month.

Inside the camp our lives were miserable because we were not even allowed to hold our heads high and walk. We had to walk with our heads down in order to prevent us from seeing the faces of the soldiers

around us. The army used to provide us with clothes, two or three times a year. There were no sanitary towels so we used to utilise old clothes for that purpose. However, towards the end of the war no clothing was given at all. We used to steal the soldiers' old clothes. Many of the comfort girls there got severe venereal disease. They used to be treated at the army hospital for eight to ten days and then would be brought back to the comfort station. If any girl went to the army hospital on three occasions for treatment, she would not come back to the comfort house after the third time. She would just disappear. Towards the end of the war, from ten girls, only eight remained. However, out of those eight I was the only one who was healthy and could move about. The other seven girls fell seriously ill with venereal disease. We didn't get enough to eat. The number of soldiers decreased little by little. Some of the girls were replaced by other girls if they got severe venereal disease. However, at the end of the war new girls did not arrive.

One day, when we woke up, we discovered that there were no soldiers' queues and there was nobody in sight. There was no sign of any food. It was very quiet. We wondered why and, about ten o'clock in the morning, I plucked up enough courage to step out of the comfort house. There was nobody around. I went to the restaurant in the neighbouring tent. Nobody was there. Looking for food I noticed that there were dirty dishes and piles of bowls with the soldiers' bags lying around. I tried to drink some water and, from a distance one soldier shouted, "Why are you there?" he said. "Japan has been bombed and your country is liberated, so you can go home now". He said his responsibility was to transfer communication from one distant outpost to another and he had gone to the mountain when he received the news. He said he was trying to go back to Japan. He discarded his army uniform, wore plain clothes, and told me to return to Korea as soon as possible because Chinese soldiers would arrive and would kill me. After that he left me and went away. All the Japanese soldiers had run away. There were just the eight of us girls left behind. All of us were Koreans, seven were seriously ill and I was the only one who could move around. I said to them "Korea is liberated". They said I should leave them and go. However, I didn't have any clothes to wear,

nor any shoes nor any money. I found some old soldiers' clothing. I wore that. The shoes which were discarded by the soldiers were too big. I wore them nevertheless and with great difficulty walked in those loose shoes. I went to the comfort station and told the other girls that I was going. We bid a very tearful farewell to each other.

I went to army camps which were in the surrounding areas. Not a soul was around. At a certain spot I discovered many persons on their way to Korea. Some of them were former comfort women like me, some were soldiers, some were labourers, all Koreans walking together towards home. When we reached a spot from where we could take a train ride, the train driver, who was Japanese, allowed us to board the train without paying any money. We took two such train journeys. The rest of the way we walked. It took us a very long time to reach home, almost four months. I reached Seoul and I discovered that I had severe venereal disease. I was operated on and my uterus was removed. I still bear the scars of that operation. For about ten years thereafter I was treated with penicillin to no avail. Before my operation I used to bleed continuously. I was also given blood transfusions. After the operation I took about two years to recover.

At Seoul railway station I had a lot of lice, therefore I was sprayed with DDT. In fact, DDT was sprayed all over my body. I decided that I could not go back to my own family in such a condition. I stayed on in Seoul and never contacted my family at all because I was feeling ashamed. I did not marry, because I had developed a deep-rooted aversion to men and sex. I don't like to think about men at all. I developed a close friendship with a man but I could not continue that friendship because of my disease and my bleeding. I took care of five children who were orphaned during the war. One of those children is dead. The four of them, whom I care for as if they are my sons and daughters, are in Seoul and Pusan. However, when I tried to have them admitted to school, these children could not be registered as my children. They therefore had to be put in school under my neighbours' names. However, my neighbours were circumspect about these children obtaining rights of inheritance over their own property and therefore, after a while, this arrangement was discontinued. My children do not want to take care of me. I did not tell anybody of my past

because I was totally ashamed of myself. I met my mother on one occasion but I could not tell her anything. Some of the people from my village had seen me at Seoul and had gone and informed my mother and she came to see me. I didn't meet her after that. My mother asked me to get married but I didn't want to. She asked me for an explanation but I had none that I could give her, in view of the total sense of shame that I felt for my past.

My sister is still alive, she is still living in our village. I went to the village to obtain some forms for filing a civil suit in Tokyo. At that time I met my sister in the village but I couldn't tell her anything. My sister married at a very early age in order to avoid the same kind of fate which most parents realized would befall their children, especially girls. My sister must have escaped from a similar ordeal because of the fact that she married early. I was the only unfortunate one in the family to suffer the kind of experiences that I did. I feel that my past was abnormal and, if disclosed, would bring disrepute to the family. It was also considered shameful if a girl stayed single and the family was blamed for that. A girl had to be married. After my ordeal during the Second World War I was treated with total disregard by society because I did not have a husband. I have braved all these circumstances and adverse situations. I am now managing a restaurant; however I do not serve alcohol there because I am reminded of the conduct of the Japanese soldiers when they got drunk and came to the comfort station. I have lived a life of isolation and I hope that the Japanese Government will do something for me."

Kim Sang-Hi, aged 71

I was born on 29 December 1922 at Miryang, in the south-eastern part of the Republic of Korea. My father was a government official. One day he fell off his horse, broke his leg and couldn't walk thereafter. I came from a rich family. My brother was employed in the city. Hence, the whole family moved to the city when I was about seven years old. The name of the city was Taegu. We were in all five children, two brothers, two sisters and myself. I didn't go to school because I was more interested in household work. My father became a scribe; he would write documents for illiterate people. When I turned sixteen years old,

I went to take a photo of myself with a friend of mine. My father never used to allow any of the girls to step out because he was aware that there was danger lurking outside the doors of our house. However, being at that foolish age I went without telling him or anybody else in the family. On my return, when I was just coming out of the photo studio, three Japanese-speaking men accosted us. The three men were wearing uniforms. Two men held me on both sides with their arms under my armpits. One man stood behind me and pushed me forward into a waiting truck. My friend was two years older than me. I was too frightened so I called out for my mother. The soldier who was behind me gave me a brutal kick from the back. I noticed that some girls were already in the truck and were crouching with fear. We travelled for about ten minutes and stopped in front of a house, where ten more girls were brought out and loaded onto the truck as if they were goods. It was dark, because the truck was covered with a sheet. We came to Taegu Railway Station where we were told to get down from the truck. We were pushed onto a train, twenty girls in all. We were given some kind of blouse and a blue skirt and a yellow military overcoat. Many of us were crying and were extremely frightened. It was a long overnight journey. We arrived at Anshan in China and from there went to Theryon. We were then made to walk from there to a house in which there was a Korean woman. On seeing me she clapped in sympathy. All of us girls were given food. We went to the pier and were made to get into a boat. It was a cargo ship. After the boat journey we arrived at a place where we were put in a truck. I noticed that all the houses in the area were damaged. We reached a house, all twenty girls together, and we stayed there for one night.

The next morning we were divided like possessions. I was separated from my friend. I cried and cried and I was really miserable. I was then made to board a train and after another long journey we arrived at Sozu. At that place there were only soldiers and no civilians at all. We were given a room which was exactly like a pigsty. There was only one blanket which we had to share. We were locked in from the outside. Towards late evening the chief officer came there and without any explanation he came over to me and started molesting me. I resisted. He raped me. I was bleeding profusely. That night that chief

repeatedly raped me. Thereafter everyday, from ten to thirty soldiers used to visit me and force sex upon me. I lost consciousness after five days. When I woke up I found myself in a military hospital. The military doctor was a good person. He was Japanese. He reported to that chief officer that I was too young and if this kind of treatment continued I would die. I had to be shifted out of the hospital. However, that military doctor was then transferred away from that hospital. I returned to the comfort station. After about ten days, I couldn't stand it and I drank poison with a view to committing suicide. That poison was a bottle of disinfectant. I was again taken to the military hospital where I remained for a long time. I was disappointed that I could not die as I had wished.

The army camp to which I had been assigned moved to Nanking. It was situated there for about one year. Thereafter we were taken to Singapore. It took us one month to reach Singapore, because of severe air raids. On the ship nobody bothered me because the air and sea raids were very frequent. I wanted to jump into the sea to commit suicide but I couldn't reach the upper deck because we were at the bottom. When we were brought up for air onto the top deck we were heavily guarded. There were only soldiers on the ship, no civilians. When we reached Singapore it was the spring of 1943. There were about ten girls with me. On the way I saw soldiers working as prisoners of war and they were in their underwear because it was terribly hot. At that time I didn't know what nationality they were, but I later learned that they were American soldiers.

At that time I developed an appendix problem which required an operation but no surgery was possible. For almost a week I numbed the pain with ice. After that I contracted tuberculosis. I was in hospital for one year and during that time I got a kidney infection. The day I came out of the hospital I was required to go back to my duties at the comfort station. If I refused they would beat me profusely.

I was in Singapore until the end of the war. There was no way to escape from any of these places. In each of these places we were required to service thirty to forty soldiers a day for each girl. In Singapore the comfort house was a wooden house and in other places we

lived in brick houses. Towards the end of the war I developed cancer of the womb and my uterus had to be removed. I did not immediately return after the war was over. I came back in 1946. The food was extremely bad during my stay at the various comfort stations. Prior to the end of the war there was not enough food to go around. I learned of the end of the war from a Japanese soldier. He came to me and said that the war was over and we had to escape. He said to leave everything behind except one set of clothes. He bolted all the doors and pasted some paper over them. Myself and the other comfort girls ran into the mountains. The soldiers accompanied us till there and then left us and went away. We started cutting the forest. We survived on soup made from grass. Many of us died of starvation. I almost died too because I was sickly and weak. However, I had some leftover pills with me which were given to me by that kind Japanese military doctor in my comfort station in China. I imagine that those must have been vitamin pills because I did not die of starvation, I survived. The soldiers did not come into the mountains with us. However, Japanese civilians had made a camp. Korean soldiers wearing civilian clothes had also formed a camp in the jungle. We were watched by soldiers wearing turbans and I think that these must have been Indian soldiers. They were dressed like military personnel in military clothes and were dark skinned and kept an eye on us. They were carrying guns. A few days later a person called Smith, who I later learned was the Chief of the Singapore American soldiers, came and explained to us that we had to return to Korea but that we could not do so immediately and we would have to wait for some more time. He brought us boxes of food and drink. There were three camps. Each camp had about sixty to one hundred people. Many girls were gathered from Java, Sumatra, and other areas. We were repatriated camp by camp. Our camp leader spoke to Smith but none of us got a chance to speak to Smith. I don't remember if any photographs were taken of our camp.

We returned to Korea by ship. I was covered with lice. I couldn't eat very well on the ship. We arrived at Pusan. There American soldiers sprayed us with DDT, gave us toilet facilities, and generally helped us. Thereafter I took a train and arrived in Seoul. I came to Taegu and I went home. I was eagerly welcomed back. I had returned after

nine years. I did not tell anybody about my past. I used to cry and be miserable and lonely. When I was thirty two-years old my father died. When I was thirty-three my mother died. I had not married until then. Thereafter I met a widower with three children. I was not married to him legally, but we lived together as man and wife. I couldn't bear children because my uterus had already been removed. I raised the three children, who were in fact my step children. I did not tell my so-called husband about my past but he could hazard a guess. On one occasion someone came to my husband and told him that he had seen me in China. My husband got suspicious and life got worse for me after that. In spite of that I raised the three children as my own.

In 1981 I could no longer bear my husband's ill treatment and I cut off relations with him altogether. I have not kept contact with the children. Nor have I told my children where I am. I presume that their father must have told them about my past and hence they must be avoiding me. When I decided to tell my experiences and my miserable life as a comfort woman in public, the reaction of some people was kindness, but most of them who were not educated treated me with contempt. I still feel isolated from society. I felt worse when I initially reported my past life. I fell sick for three months after my initial reporting; however, now when I tell my story over again, I feel better, having talked about it. I feel light and unburdened.

Statements from the Democratic People's Republic of Korea

Chong Song Myong, aged 69

Ms. Chong was born on 10 August 1924, in Wonsan City; she was the eldest daughter in a poor peasant family. Her father's name was Chong Myong Gin and her mother's name was Won Pok Don; she had five brothers and sisters. Her father died in July 1936, when she was twelve years old. She entered primary school in 1933 and remained in school for six years, until 1939. After her father's death, her mother became a peddler in the area of Wonsan City, but was unable to pay the rent and the owner of the house threatened to evict them.

About this time a Japanese man came to the house and suggested to her that if she were to go a city called Mokpo and enter the factory, she would be able to earn enough money in six months to be able to live in Korea for three years. She had not met him before and did not know why he came to the house at that point. Her mother refused the man's offer and told her not to go, but she felt strongly that she should go in order to help provide for her family. She was put on a train with nine other girls and sent to Seoul. When they arrived in Seoul they changed trains and headed for Pusan. The Japanese man who had come to her house paid for her train tickets to Pusan. He was dressed in civilian clothing.

When they arrived in Pusan she asked him why they were there, as he had said they were going to Mokpo, and was told that Pusan had bigger factories and that she would be able to find a better job there. They slept in an inn that evening and the next day she was taken to the port at Pusan where the Japanese man kept a close watch on her; he would even accompany her to the toilet. At Pusan port there was a group of approximately four hundred girls; she asked him where they were going and he responded by hitting her on the ears and told her not to speak to him any more. She was able to communicate with this man because she had learned Japanese in primary school; at that time it was compulsory for educational instruction in Korea to be given in Japanese.

The ship headed south and she understood that they were going to the tropics. The ship passed by way of Singapore, where two hundred girls were left, and then went on to Rangoon. The trip took approximately forty days. The boat was a Japanese military ship which had a crew of Japanese soldiers. The women were placed in the ship's hold where there were no windows and the air was stifling. She described the situation as being very difficult. The Japanese man who had taken her from her home did not accompany her on the ship but left her in the care and control of the crew. She described the food as being very poor in quality; basically they were served boiled barley with salted vegetables. She recalls that all the women were so hungry that their conversation centred mostly around food. When they arrived in Rangoon the girls were divided into groups of twenty and each group was placed on a truck and sent off in different directions.

It took her and the women she was with three days to get to their location; because of the constant air raids they could only travel at night time. When they arrived at their destination she saw a wooden board which said Tai Kudara Comfort Station. She described the house as being made of bamboo and divided into small rooms, each about four feet by six feet. Ten girls were put into the comfort station at Tai Kudara and the other women were taken to a comfort station approximately four kilometres away. She described the comfort station as having a small entry area, a central corridor and five rooms on each side of the central corridor.

The Japanese ordered her to change her name to Kinue, saying that all women must now have Japanese names. All the Korean women were forced to change their names. In the comfort station the women were told that they would no longer be able to speak Korean and that they should speak in Japanese. In addition they were forced to adopt Japanese-style dress and to give up their Korean dresses. Each room had one straw mat, one blanket and a pillow, which was essentially dirty cotton stuffed with rags. The hours for the comfort station were 9am to 3pm for ordinary soldiers; 3pm until 6pm for non-commissioned officers and 8pm through the following morning at 7am for officers. No-one entered her room the first night that she was at the comfort station; however the next day a number of Japanese soldiers from the surrounding areas arrived at the camp. The first man into her room was the assistant of the regiment commander; she believes that it was the 33rd regiment that was posted in this area.

She found the experience to be very shameful and described him as having "torn away" her virginity. A few days later the same man came back again and this time she attempted to resist him, whereupon he took out his sword and threatened to kill her. She continued to resist, at which point he forcibly took off her clothing and she says that she was beaten ruthlessly and lost consciousness. This man, who she believes to be a lieutenant, was apparently responsible for beating a number of the women in the comfort station. She was revived by the other comfort women. She indicated that she lived in constant fear of being killed by the Japanese soldiers and did not think that there was any way out of the situation. She said that the women were beaten frequently if the

soldiers accused them of having done something wrong. All in all, she was there for approximately two years.

She said that she awoke one morning and realized that there were no Japanese soldiers in the area and was told by another comfort woman that the Japanese had been defeated; when questioned about how the news had arrived at the camp she said that she did not know, all she knew was that this other woman said that the Japanese had been defeated.

She was not aware of any of the women having become pregnant; one woman died of malaria. She said that once a week they were given a medical examination by a military doctor. According to her, the manager of the comfort station was a Japanese lieutenant. She developed some sort of skin disease which was treated by a male Korean nurse at the military station. Apparently her legs developed purple bubbles which, when pressed, let out a clear liquid. A number of the other women developed the same condition and when the commander of the regiment saw the bandages on their legs, he asked who had provided them with treatment. The majority of the women kept silent but one woman, afraid for her life, did reveal that it was the nurse and she says at this point the male Korean nurse was beaten and later died. As a result of her experiences at the comfort house she suffered from a number of medical complaints and at age forty had to have her uterus removed.

Of the twenty girls at the comfort station, one died of malaria; therefore there were nineteen left at the time of the Japanese defeat. They decided to walk in an attempt to head back to Korea. They begged for food from the villages in the different areas that they went through and also ate wild fruits and edible grasses. Eventually they crossed the border into Thailand, where they came to an Immigration Centre; there they found six hundred Korean men and women who they believed to be forced labourers. They spent six months there and were provided with food by the Thais. The name of the Immigration Centre was Ahu Cha. She stated that the Thai Government allowed the men and women in the Immigration Centre to go home and provided them with ship's passage to Inchon which is a port in what is now South Korea. The journey took thirty days.

She arrived to discover that South Korea was divided at the 38th Parallel and was unable to go home as her village was north of the 38th Parallel. She stayed in a village called Kim Chin Ri but eventually was able to cross the 38th Parallel and arrived home in 1946.

She found her mother as well as her brothers and sisters. She felt unable to tell them about what had happened to her and said that she had been taken to Burma as a field hospital nurse. She lived with her mother until her mother's death ten years ago. In all of that time she never told her what had happened to her. Her reasons for coming forward at this time are that she believes it is important to expose what happened to Korean women during the Japanese occupation of Korea and during the Second World War. She said that she read about the issue in newspapers and heard about it on radio and saw programmes about it on the television. She said that she was particularly angry about the fact that the Japanese originally denied their involvement in the running and managing of the comfort stations and remains angry at their refusal to apologize.

Ri Po Pu, aged 72

Ms. Ri was born on 16 March 1921 by the lunar calendar. She grew up in the sub-county of Anju in South Pyonyang Province. Her father was a servant on land owned by a Kim Yun Si An; in addition to her father's work, her mother did cooking and washing for the family.

When she was eighteen years old, a Korean policeman came to her family to say that he was going to establish a bar in Beijing and that she should come with him because she could earn lots of money. The man was known to the family that her parents were working for. She went with him to Beijing along with four other women. Those women left the train near the border with China and when she arrived in Beijing she was the only woman left. The bar manager ordered her to play music and sing songs, whereupon she responded by saying that you told me that I was coming here to cook. He was quite angry with her and sent her to the kitchen, where she washed vegetables. She was there for a total of three days; several times the manager told her to dance in the bar and she continued to say that she wanted to go back home.

On the third day another Japanese man came to the bar and the policeman who had taken her from her village told her to follow that man and that, if she did so, she would be freed and allowed to go home. This was not to be the case as this second Japanese man took her to the comfort station. She does not know the exact location of the comfort station; she indicated that she was so frightened that she didn't pay attention to the direction in which they were heading. When they arrived, she was sent to a house which was in the style of a military barracks. There were several doors and behind the doors were mats. She had been taken to the military camp in a military vehicle.

The room she was given was very narrow, and had room only for one person and had a small place where her dresses could be put. She was given two blankets, one to go under her and the other for a cover, and two pillows. On the first night she was not approached by any soldiers. She stated that when the Japanese man came to the bar he was dressed in civilian clothing, but she later saw him dressed in the uniform of a captain. Apparently there were three other girls in the truck with her but they continued to travel with the Japanese soldiers who were also in the truck and she does not know where they went to.

The day after her arrival, many soldiers began to come to the house and she was ordered by the manager to change into Japanese clothing. At some point the manager, who was a Japanese man, ordered a soldier to hit her and she did not understand why she was being hit. As she did not fully understand Japanese and the soldiers did not speak Korean there was no real communication between them. Apparently she managed to get through the first day without being raped, but on the following day a number of soldiers again came to her room. She again resisted and then an officer came to her room, who she believes to be a captain; she describes him as having three stars and a gold string across the front of his uniform. The captain told the soldiers not to touch her and sent them away.

The following day an officer came and forcibly raped her. When she resisted his efforts she was pushed to the floor and raped. He remained in her room throughout the night. She told him that she wanted to go home but, as he only spoke Japanese and she only spoke

Korean, he did not understand what she was saying to him and responded to her with grunts. The day after this ten persons came into her room and violated her. By the end of this she was unconscious and therefore lost count of the number of men who came to her room. She said that she continued to resist them, but that she was tired and weak and was unable to stop them from violating her.

When asked to describe the location of the comfort station, she indicated that the station and the soldiers' barracks were about twenty metres apart, but that both were inside the perimeter fence. She believes that the comfort station was an old storehouse.

At some point during her ordeal, after she lost consciousness, someone threw cold water on her and she awoke to find that there were still a number of Japanese soldiers outside her room. She decided to make an attempt to run away, thinking that one way or another she was going to die. She left the house through a rear door where a Chinese man was cooking food. She ran out of the door and ran about one hundred metres before being shot by a Japanese soldier. Apparently the Chinese man had yelled out that one of the girls was running away and the soldiers followed her. One bullet went into her knee and the other went into her groin. The interviewer was shown the scars from these injuries. There was a sterile solution in the room which she was to use to wash herself and she applied some of this solution to her wound.

She was taken back to the comfort station. Despite the fact that she had been wounded she was forced to accept soldiers. She believes that, as she was new to the comfort station, every soldier wanted to go to her room. She was not given any medicines nor was she given a bandage. She tore her clothes to fix them like a bandage around the wound, which apparently swelled quite profusely. Because of the swelling in her groin area it was impossible for the soldiers to have sex with her, so she was carried by five soldiers to a lake and was thrown in; however she did not land in the deep part of the water and was able to crawl four kilometres to a village called Linjo.

At the village she encountered an old man who was selling tea. She begged him for food and also asked him to provide her with Chinese trousers and a jacket, which he did, so that she could disguise herself and

attempt to look Chinese. She then crawled to the train station (as her wound had not received any treatment, it was still quite painful and she was unable to walk). At the train station she met a Korean who asked her what had happened to her but she felt unable to tell him and just said that she had fallen down. He gave her the train fare and asked her to carry a parcel with her to Korea. However, because of her wound she was unable to board a train and stayed in the town for about a month. She said that one Chinese man asked her what had happened and she again lied and said that she had fallen down. She says that he gave her a piece of opium which she put into her wounds and that eventually they began to heal and she was able to walk with two sticks. She boarded the train and arrived in Chong Jin during the summer months, while the Japanese were still occupying Korea. They were defeated four months after her arrival there. After their defeat she went back to her native village.

Her recollection of the time spent in the various places was not clear; it appears that she spent approximately one year in the comfort station prior to running away and being wounded, and then four years wandering in China before being able to head home. She was unable to tell anyone of her experiences as she thought what had happened to her would disgrace her in the eyes of her fellow citizens. She lived an isolated life, devoting herself to her work. She said that she kept thinking to herself, "...if I expose my life and what happened, what will my fellow citizens think of me?" However, after watching a television programme where it was stated that the Japanese were unwilling to apologize and had denied that the military was involved in the running of the comfort stations, she decided to speak out. It was important to her that the younger generation of Koreans learn what had happened and about the crimes committed by the Japanese. She repeatedly stated that, as a woman, what had happened to her was very disgraceful and emphasised that for a Korean woman it was difficult to speak out. She indicated that she was determined not to die before the government gave an official apology for what had happened. She also stated that she has often been struck with grief by the fact that she was unable to have children; she said that as a human being it was her wish to have children, but because of what the soldiers had done to her she felt

unable to marry and therefore had not been able to have children. She indicated that this was particularly difficult for her in the context of Korean society, where it is important to have someone, particularly children, to bury you. She said, "if I die, who can bury me?" She recognized that other villagers would perform a burial ceremony but repeated that it was "a great pity" for Koreans not to have children to bury them.

Kim Yong Shil, aged 69

Ms. Kim was born on 24 October 1924. Her birthplace was Pho Chon-Ri in Ryanggang Province; she is now living in Hye San City.

As a child she lived with her father and mother and five brothers and a sister. As her father was ill he was unable to work and her mother was what is termed a "daily worker", that is, someone who goes to a factory each day hoping to fill the place of a worker who has not shown up for work on that day. She said that she was unable to attend school as her family was too poor. As a child she was a "baby tender" for neighbours and sometimes begged in the streets for food and money.

When thirteen years old, she was told by her father to go to her paternal aunt's house in order to live. She followed her father's instructions but when she arrived in her aunt's village she discovered that the aunt had moved. She stayed in the aunt's village, Hyoui Ryong, for five years, believing that it would be too much of a strain on her family if she were to return home. During those five years she acted as a baby tender, sometimes ran errands for various people, was a servant in a bar and sometimes was forced to beg on the streets.

One day when she was eighteen, a stranger, who was Japanese, came up to her and said, "why not work in a factory and earn some money?" She says that he was dressed in khaki trousers and a black jacket. He told her to follow him and arrived at a place where there were thirteen other Korean girls. She said that they were all approximately the same age as she and all of them were told that they were going to work in a factory. The following day a military truck arrived and the Japanese man ordered all the girls to get into the truck.

The truck took them to the railway station and they were taken by train to Chyong Hak Dong, which is on the border where the Soviet Union, China and Korea meet.

When the train stopped at the border station the Japanese man who had accompanied them ordered them off the train and they were put into a military vehicle and taken to the countryside. She said she remembers seeing Japanese soldiers along the way. She began to ask where the factory was, as she was beginning to worry, and the man ordered her not to speak. When they arrived at a place with military barracks, she was ordered to get off the truck. Near the barracks was a house, which from her description appears to have been made of plywood, with a door made from a straw bag. The house was on the road leading into the camp and was on the camp side of the sentry station; therefore it appears that it was actually inside the military base. There were some women at the door who called out to her and said, "why have you come here, you can't get out of here, you can't get out of this dirty place without dying". The Japanese man said to her "Please come quickly". She then came to what she believed to be a store house and was given a Japanese dress and told to change her clothes. After changing her dress she and the other women were gathered together in the courtyard and they were given some food, which she said was boiled barley and a thin soup. As she was afraid she ate little.

The women who had been inside the house when she arrived were put onto a truck and she and the other girls were taken into the house. The house was in fact two smaller houses which were connected by a central corridor, with rooms on both sides. In each room there was a mattress, a blanket and a pillow made from straw. The rooms were large enough to contain two persons and no bigger. She stated that when she was taken to her room she was given a Japanese name and a small piece of cloth was put on the door that had her new Japanese name on it.

That evening soldiers began to come into her room. She said the first person who entered was the man who had spoken to her about going to work in a factory. He was now dressed in a military uniform.

He came into the room and took off her clothes and she immediately became afraid and stood in a corner of the room. She was embarrassed by what was happening and attempted to resist and then fell down and was forcibly violated. After this incident seven more soldiers came into the room. She said she found it impossible to sleep in that situation. Apparently, the comfort house was used by soldiers from the surrounding areas, as well as those that were actually stationed in the camp. She later learned that there was another comfort house nearby. In the daytime the ordinary rank and file soldiers would come to the comfort station, then in the early evening "lower ranking" officers would come and at night time "the high ranking" officers would visit. She has no idea of the exact amount of time that she was forced to receive soldiers. All she remembers is that there were long queues and that the soldiers would stand in the queues singing songs.

In addition to being forced to have sex with soldiers at the comfort station, she and the other women were taken to what she described as a mobile station for two or sometimes more days. They would be taken to an area and forced to receive soldiers and then taken back to the camp. She said that when they were at the military camp they were given small amounts of food, but at the mobile stations there was no food. She said that she saw the man who had originally approached her several times and that each time he came back to the camp he arrived with new women. It appears that the procedure was to take the women who were already at the comfort station, move them to another one and have the new girls placed into this comfort station. Ms. Kim was taken to another station somewhere on the Chinese/Soviet border. When questioned about the soldiers' treatment of the women, she said that she was hit by some of the officers, including the man who had initially deceived her.

She described one incident in particular detail. One night she found herself so tired that she was unable to go to the dining room for dinner and then, having laid down, in her room was approached by a soldier. She tried to resist him and as he had sat down on her stomach and had begun to hit her about the face she decided to strike back at him and bit him on the arm. The fierceness of his response left her with two broken teeth and a bloodied face. He apparently took out his sword and

attempted to kill her but her screams brought other soldiers to the room and they dragged the officer out. She ran into another room at this point. She stated that as a result of his humiliation from the incident, this officer committed suicide and that another officer accused her of having killed him. She claims that she was then taken and tortured; she stated that water was poured into her mouth and nose and that when her stomach was swollen the soldiers placed a board over it and began to move it back and forth across her stomach and forced the water out. As this continued she lost consciousness and came to in her room.

She stated that she saw three girls killed, one girl because she spoke Korean, another because she had had a child and that she and the child were thrown into the river, and another woman because she was too weak to continue to "serve" in the comfort house. One day the Japanese soldiers came to them and said that they were going back to Japan and that the women must follow them. The women thought that if they followed, they would continue to be violated and might be killed, so they decided to run away. They climbed to a nearby hill where they stayed for three days; they finally descended because of hunger. They came to a village and heard that the Japanese had been defeated in the war. She and the other women begged for food in the surrounding area and finally she made her way back to Chong Jin. When she arrived at her village she found that her mother and father had died and that her brothers and sisters were scattered.

She felt very shy because of what had happened to her and felt herself to be "shameful". She lived in an agricultural village until recently, when she moved to Hye San City. She never married and continues to live alone. As with the other women, it was the presentation of the television programme about the comfort women which prompted her to come forward and tell her story. She initially testified in 1992, after having thought about it for quite a while. She also believes it is important for the Japanese to apologize and to pay compensation to the women. She noted that she was made particularly angry by Japanese statements that some or all of the women had gone to the comfort stations in order to earn money. She said that no woman would sell her body in this way.

Chang Su-Wol, aged 69

I was born on 21 March 1924, in Anju County, South Pyongyang Province of DPRK. My father was a worker at a factory. There were six members in my family. As my family was poor, I could not go to school.

When I was 16 I found a job at a sandal factory. I worked there for one year. One day, a stranger, a Japanese, approached me with an offer of a job where he said I would earn three times the amount of my salary. I was young and very poor. I was persuaded by that stranger to accept his offer. He took me to the railway station and asked me to board a train. He kept a strict watch over me even when I went to the toilet. On leaving, I had told my family that I was going to earn much more money in my new job.

The stranger was dressed in khaki clothes; he was not carrying any weapons, nor did he wear any badges. I don't know how long the train journey took. After we got off the train, we took a horse-drawn cart, and arrived at Chichi Haru in North China. When I left my village, there were seven other girls with me who also went to Chichi Haru. In China, I found, at that place, 15 more girls. All of us were Koreans, aged between 15 and 30.

On reaching our destination, the stranger pushed us girls into rooms. It was a brick house with many rooms; the rooms had numbers on them. Each girl was pushed into a room.

I was 17 years old then. I did not get any chance to talk to any of the other girls. We were told we would be taken to a factory.

I was forced to undress. I resisted. I was then threatened with a sword placed on my neck. I struggled, and my finger was cut. I decided to commit suicide; but the other girls persuaded me not to die on foreign land.

The manager of the place was a Japanese man called Yoshida. There were long queues of soldiers all through the day. I would get tired and exhausted, but would be beaten with leather strings and allowed no rest at all. In the daytime, I had to serve soldiers, and at night, officers.

Sometimes we were made to sit close together, all the girls, and then the officers would choose a girl each, push us into a room, and force sexual intercourse on us. This went on until 7 am the next morning. Even if I was menstruating, I was forced to have sex.

On one occasion, my stomach became bloated because of what I think was improper menstruation. I was taken to a hospital. I was not pregnant; as over 30 people in a day would have forcible sex with me, it was impossible for me to become pregnant.

That hospital was about 5 km away. I was taken there by Yoshida, and I had to walk there. Black paste was applied to my stomach, and I was given an injection. After one week, I was taken back to the comfort station by Yoshida.

All of us girls had medical check-ups once a week by the Japanese Army doctor. The comfort station was a temporary structure. The food was boiled barley and cabbage, it was insufficient. The room in which I was confined was large enough to accommodate just one straw mat. I had one quilt and a pillow apart from the mat. That was all. In winter, I was provided with a skirt and blouse.

Soldiers were to give me tickets. At first, I could not understand why they were giving me these. I gave them back. The soldiers insisted that I should keep them, and I did. Every soldier gave me a ticket. In the morning, the manager would collect the tickets from the girls. The girls with small collections would be beaten by the manager.

Finally I decided to run away. I selected a moment in the evening when the officers would choose us, because there was a possibility of us being taken to their barracks. At midnight, I pretended to go to the toilet. In fact, after every soldier left, we had to wash our genitals. I ran away after being confined at that place for four years.

After a time I found some Chinese farmers who gave me food and a place to rest. Two other girls also escaped and they caught up with me a little distance away. We shared the bread given by the farmers. We walked and walked. On the way we met some Koreans. They were farmers. They provided us with clothes.

I returned to my family, but I could not tell anyone of the suffering I had had to endure. I was ashamed, and would not speak out. I wished to live a normal life like every other woman, with a husband and family. But because of my shameful past, I thought I could not marry.

I have been living alone. I am still alone.

Kim Tai Il, aged 77

I was born in 1916, in Sariwon City. My family was poor. I used to earn money as a baby tender. I worked from the age of eight years. When I was twelve, my father deceived two Korean men by promising to marry me off to them and receiving money in exchange. He broke his promise and was sent to jail. I found a job in a textile mill owned by a Japanese. After three years of working there, I repaid the money taken by my father from those Korean men.

The section chief of that mill, a Japanese man called Fukuda, told me that he had found a job for me where I could earn more money. I thought I should go, as I could earn more. I had learnt a little Japanese in one of the houses where I had worked as a baby tender.

The section chief took me to Pusan. On arriving there, I found 50 Korean girls who were aged 14 to 16. Fukuda took all of us on a boat, and all of us arrived in Shimonoseki. The 50 girls were dispersed in different directions.

I was taken by him to the Den Nogi Hospital at Osaka. The staff of the hospital was about 800. I was 16 years old at that time. I did all kinds of menial jobs, and was humiliated for being a Korean. No salary was paid to me. My food consisted of leftovers from the Japanese.

I was raped by the chief of the hospital one night on New Year's Eve after I had worked there for 2 years. The next morning he took me to Tokyo and told me to go with a stranger. He told me I'd be happy at the place where the stranger would take me. Later I found out I had been sold to the 12th Division as a comfort girl.

The stranger was a military soldier, a Japanese. He took me to Shimonoseki, put me on a ship, and then took me to Chang Chun Manchuria. The 12th Division was in charge of Manchuria.

On my arrival in China, I found about 200 Korean girls. I was not told what was happening. I did not ask any questions while travelling; I was afraid of the soldiers, of being beaten. The girls were surprised to see me. They told me it was a miserable place.

I moved with the 12th Division. I was with them for 5 or 6 years, forced to provide sexual services to the soldiers.

Then I was moved to the 6th Division. The 6th Division was notorious for its cruelty. They were very proud of themselves.

Along with 50 other girls, I was moved to Shanghai along with the 6th Division. I was 22 years old. We arrived on 17th January. I had to serve 40 to 50 soldiers every day at Shanghai.

The 6th Division was wild and outrageous. They would stick their swords in the mattress the moment they entered the room. They frightened me, and forced sex on me. In the evenings I sometimes lost consciousness. My life there was difficult and intolerable. I tried to commit suicide on 3 different occasions.

Sometimes I was mobilised as a nurse. During a battle, I was given a helmet, a red-cross bag, and made to work as a nurse by day and as a comfort girl at night.

The food was boiled barley and salted carrot. It was insufficient.

I personally know that many comfort girls had to follow combat units, and ill and pregnant women were put in a trench and killed by hand grenades.

I moved with the 6th Division to Nanjing, Singapore and other places.

After a month in Singapore, the Japanese were defeated. The Japanese killed some of the Korean women; I escaped with two others. We three girls crawled on and on, and found a Chinese house. At first they were afraid. We said, "we're Korean, please help us".

They hid us, gave us food and clothes and found a Korean family for us.

We stayed at the Korean house. That's where I heard of the unconditional surrender of Japan, as there was a radio in that house.

I would like the Japanese to apologize and I would like compensation for all that was done to me.

Chapter Five

Statement of Ex-Soldiers

While in Japan, the members of the mission had the opportunity to interview three former soldiers. They were Mr. Kouki Nagatomi, a member of the Special Mission Organization which was the intelligence branch of the Japanese military, who was involved in the establishment and maintenance of a comfort station while stationed in China; Mr. Ichiro Ichikawa, a member of the military police; and Mr. Yoshio Suzuki, who was a member of the Japanese army also stationed in China. Their reasons for coming forward varied, but all three agreed that it was time for the history of Japan during this period to be told. As did the victims, the soldiers emphasised the importance of finding measures at the international level both to ensure this type of conduct did not occur in future and to punish the perpetrators. The statements are set out in the order in which they were recorded; as with the victims' statements, we have tried to summarise them as faithfully and accurately as possible.

Mr. Kouki Nagatomi

On the date of testifying Mr. Nagatomi¹ was 77 years old; he was born in 1916. Before setting out his story Mr. Nagatomi indicated that it had been very difficult for him to decide to come forward and testify, but that he had decided to do so because he was concerned by the present policies of the Japanese Government, in particular the failure of the government to express its remorse for the past behaviour of Japan and the government's intention to amend Article 9 (the "peace provision") of the Constitution. Mr. Nagatomi indicated that he found it unfortunate that the Japanese Government was following proposals made by the United States of America without having given sufficient

1 Mr. Nagatomi was taken prisoner by Communist troops and placed in a camp in Taiyuan, Shanxi Province, where he was tried for war crimes and sentenced to 13 years in prison (see *Japan Times*, 6 August 1992).

consideration to Japan's own history. He also believed the government was continuing to evade the issues raised by the comfort women as well as by those individuals who were forcibly conscripted into the Japanese labour force prior to and during the Second World War.

In 1937 Mr. Nagatomi went to China as a representative of the student coalition called "The Patriotic Student Association Federation" and was present in China during the Nanking massacre. Early in 1938 he joined the army as a civilian cooperating with the military. Later that year Mr. Nagatomi joined the Special Mission Organization which served as a form of secret service in the military. Its job was to control and manage the local population, mitigate anti-Japanese feeling and maintain security within the armed services. After joining the Special Mission Organization, Mr. Nagatomi was sent to Anching to establish an office there. During his stay in the Nanking and Shanghai areas, Mr. Nagatomi heard soldiers talking about what had occurred in and around Nanking during the episode commonly referred to as "The Rape of Nanking". It was said by the soldiers that between Shanghai and Nanking there were no virgins. Mr. Nagatomi indicated that the damage and destruction of Chinese homes, property and means of production were so great that villagers were forced to come to large cities such as Shanghai in order to earn a living. Women were forced into prostitution because of the poverty of their families. The conduct of the soldiers was of concern not only to the outside world but to the military itself. As a result Mr. Nagatomi was told to set up a comfort station for soldiers in the Anching area. This was done by having an outside person establish a comfort house; the women in this comfort house were Chinese. This was done in 1938.

Mr. Nagatomi recounted a particular incident when seven or eight girls had been recruited for approximately 100 yen each. They were brought to the Special Mission Office where several officers held a lottery, the winner of which was able to choose the girl he wanted to sleep with. After that the other people in the Office were able to "purchase" the remaining girls; they were given "exclusive custody" of the girls. Mr. Nagatomi admitted that he had purchased one of the women, and although she was allowed to go home, when he wished her services he would send for her and she would have to come and stay with him.

Mr. Nagatomi indicated that it was his view, on being stationed in China, that military comfort houses were established wherever there was a military presence in China.

Mr. Nagatomi moved to another post near the Mongolian border. The troops stationed in this area were assaulting houses and demanding women and young girls on a continual basis. Because Mr. Nagatomi spoke Chinese, a local official approached him to ask him how these raids on Chinese women could be stopped. Mr. Nagatomi advised him that the establishment of a comfort house could prevent such behaviour and as a result a comfort house was established in that area. This was in 1942. Again members of the local population were used "to recruit" women from the general vicinity. Mr. Nagatomi did not know much about the organization of this particular comfort station; it was his general impression that the women were between 17 and 20 years old and that the comfort station was open only to Japanese soldiers.

When Mr. Nagatomi was questioned about what had happened to the women in the comfort station after the surrender by Japan, he indicated that his unit left the women behind and that he believed that they were probably cared for by the Allied forces who came into that area of China.

Mr Ichiro Ichikawa

Mr. Ichikawa was born on 15 December 1920; he was a tailor and also a school-teacher, from 1935 until 1941.

In his opening remarks Mr. Ichikawa said that he shared the feelings of Mr. Nagatomi as to why it was important to speak out. He indicated that when he first heard this issue being raised in the media he realized the government was claiming that it had not been involved, which he knew was false. He said that he had personally managed a comfort station in which there were Korean women and he provided this information during a nation wide call-in. Mr. Ichikawa was tried as a "C" class war criminal and detained in Siberia for five years after the Second World War. He believes that Japan should express its repentance for what happened during the Second World War.

With respect to his career in the military, Mr. Ichikawa indicated that he was drafted in July of 1943 and sent to a military police academy in Manchuria. In March 1944 he became a fully-fledged member of the military police and was assigned to a regiment in Manchuria. The work of the military police covered essentially three areas: espionage; policing; general affairs.

The military police had extensive powers over the navy, army and civilians. Members of the military police were paid higher salaries than those of soldiers or naval personnel and were also given a generous budget for their activities, which included the recruitment of spies and the buying and selling of opium. During his stay in Manchuria, Mr. Ichikawa was put into the general affairs section of the military police. When he arrived at his post he was told by his commander that he was to be in charge of a comfort house; at that time he was 23 years old and this was the first time he had seen or frequented such a place. During his testimony Mr. Ichikawa drew a general outline of a comfort house under his control, which showed an entrance area and small waiting room with a central corridor running down the building and small rooms off the side of that corridor. He indicated that each of the rooms was approximately 4 feet by 5 feet and was furnished with just a mat, a mattress and blanket. This particular building was made of brick.

According to his testimony the house was under the control of the military, although there were outside managers, a husband and wife of Korean origin, who were stationed there to oversee the women. Mr. Ichikawa was emphatic that this house and many other houses were under the control of the military. He said that there would be some truth to a statement that there was a private sector, because certain comfort houses were run by the private sector; these were usually frequented by military officers. Private houses were more often established within a local restaurant, but even these catered specifically to military officers.

With respect to the comfort station which was under his control, he indicated that all ranks in the military were able to have access to this comfort house. The fee paid varied according to the rank of the soldier. Upon arrival a soldier would obtain a permit for entry; those for the

rank-and-file were black, those for non-commissioned officers were blue and those for officers were red. The military police kept an accurate account of the number of times a soldier visited a comfort house. Given the low rate of pay of the soldiers, suspicions would be raised if a rank and file soldier visited such a house more than once or twice a month, as they would not have had the funds to support more frequent visits. Too great a frequency might indicate that the soldier was trafficking in a prohibited substance or was defrauding the local population.

The military police were also concerned that no secrets be revealed from users to the women and so wanted the *number of visits limited*, in order to prevent relationships developing between a soldier and a comfort woman. What was of particular concern was the possibility that a soldier might reveal the movement of troops, by saying to one of the women that he was on his way out in the near future. Every morning the Korean couple provided to the military police a list of users for each woman and the military police would look to see if one particular soldier was visiting the same woman too often.

Once a week there would be a medical check on each of the women; this was done by a military doctor. The purpose of these was to determine whether or not the woman was suffering from a venereal disease; Mr. Ichikawa emphasised that this was not done for the benefit of the woman but for the benefit of the soldiers. Most of the women were suffering from urethritis, an inflammation of the urethra. Mr. Ichikawa was also firm in his view that the practice of medically checking the women solely for the benefit of the soldiers was inexcusable.

He did not know whether any of the women were paid. The managers bought food for the women in the commissary; he does not recall ever seeing a woman making a purchase for herself.

Mr. Ichikawa was frank enough to state that he had availed himself of the service. There were approximately 30 women at this comfort station, all of whom were Korean. The station was located in the centre of the town and troops stationed in the general area as well as those moving through were able to have access to it.

When questioned about the use of force in recruiting the comfort women, Mr. Ichikawa stated that he was unable to say whether or not force had been used in this comfort station, as it was already in existence when he reached the town. What he did say was that if the military police had intervened in the recruitment, there would have been no way for someone to resist their demands.

Mr. Ichikawa was critical of other soldiers and military officers for not coming forward. He also indicated that one of the military newspapers had criticised those former soldiers who had testified in favour of comfort women, but he believed it was important to do so. He was also of the view that many of the soldiers would still believe that what they did was acceptable.

When questioned about the reports that he made on the soldiers' activity in the comfort stations and in particular about the existence of documents, Mr. Ichikawa said that the documents from the Korean managers were sent to him personally and that he would include the information in his verbal reports to his supervisors. The original documents remained with him and these documents were destroyed when the war ended.

When asked about the number of men who would enter each woman's room and engage in sexual activity every day, he said that he believed the number at the comfort station near his military base was 15 to 20.

He was then questioned about violence towards the women, other than sexual violence, and stated he did not believe that this occurred. (It should be noted here that many of the women we interviewed were personally the victims of physical violence as well as sexual violence.) He also asserted that the women were able to go out of the comfort station and that they were able to speak with one another and were given money to spend. (This is also inconsistent with the testimony we heard from the women, but without having interviewed women from that particular comfort station it is impossible to determine whether Mr. Ichikawa's testimony in this regard was accurate or not.)

When questioned about the efforts made by the Japanese soldiers to

repatriate the Korean women when they realized that defeat was imminent, Mr. Ichikawa stated that at the time Koreans were discriminated against and that Japanese soldiers began to leave by train but that the Koreans were not allowed to get onto a train. He believes that many of the women were lost because the soldiers did not know what to do about them.

Finally, Mr. Ichikawa indicated that he wanted to stress that he had personally made sure that all women in that comfort station were evacuated when the Soviets invaded. When questioned about the age of the women at the comfort station, Mr. Ichikawa asserted that the women were above the age of 20.

As to the documentation concerning the women, he indicated that the military police did maintain documents on the women and would have had in their personnel files the women's Korean names. It was his belief that these documents were destroyed at the end of the war and that it would be very difficult to trace the women through the soldiers as these might or might not remember the Japanese names assigned to the women. (It should be noted that this portion of Mr. Ichikawa's testimony supports what was said by the Korean women, i.e. that they were forced to give up their Korean names and take Japanese ones.)

Mr. Yoshio Suzuki

Mr. Suzuki was born in 1920 and joined the military at the age of 19. He was placed with a unit stationed south-east of Beijing. He stayed there until the end of the war, at which time his rank was sergeant major.

Mr. Suzuki was located at the headquarters of the 51st Division; a comfort station called by the name of Hoshi Star Club was located near the military headquarters and contained 100 Chinese women. Its physical layout was similar to that described by Mr. Ichikawa except for the fact that there were curtains between the rooms. Behind each curtain there would be a bed. Unlike other comfort stations that Mr. Suzuki had heard described, he indicated that there were no queues at this comfort station because of the number of women. He also stated that there was a comfort house located at the battalion headquarters which

contained Japanese women and was strictly for the use of the officers. He said that there was a network of comfort houses and wherever a company of soldiers was stationed there would be at least one or two comfort houses which contained Korean women and would have five women per house. According to him, the rank-and-file soldiers utilised the houses mainly on Sundays. They would be given a leave permit upon exiting from the military camp and would also be given a condom. He was firm in his testimony that the condoms were supplied by the military.

Mr. Suzuki stated that in some cities there would be more than one or two comfort houses. He stated that the comfort houses were effectively the only place the soldiers had to go when given leave. With respect to their method of operation he said that the fee, which was 1 or 1.5 yen in 1942-43, was very low. There was a time limit of one hour. At other comfort houses many soldiers queued outside each door; there could be 10 people waiting in line. The one hour was a theoretical time limit as after 5 to 10 minutes the other soldiers would bang on the doors and tell you to hurry up. Many soldiers began to undress outside the door and would come out of the rooms undressed.

Mr. Suzuki said that he did not utilise the comfort house when he was an ordinary soldier but did do so when he became a non-commissioned officer. As an officer he did not want to be seen waiting in line and as the officers had two extra hours of leave he went to the comfort station after the others had left.

He then referred to his stay in Ujo, where there was only one company of soldiers. He indicated that there was no exclusive facility for officers but that as the officers were able to go out any night during the week, they used the comfort stations during weekday evenings. He also said that by 1944, when it was apparent that the Japanese would lose the war, many petty officers were desperate and began to go out more frequently at night, and that holes were cut in the fence. He said that this behaviour sometimes led to the formation of closer ties with some of the women.

When questioned about the military's involvement, he stated that there was a clear signboard above the comfort station saying that it

was accessible only to soldiers and civilians working for the military. The doctor's reports with respect to the existence of venereal disease among the women were made public. Reports would indicate which women were to be put "off duty". At this comfort house there were five women and he said that usually one in five was "off duty". Apparently the doctors gave ratings to the women, indicating whether their physical health was good, fair (which meant they had minor problems) or bad (which meant they were sick and were not to be with soldiers). He said that this information passed through the chain of command and therefore was evidence of the military's involvement in the running of the comfort houses.

He was most adamant in his rejection of the stated reasons for the operation of the comfort houses, which were to prevent rape of local women and the spread of venereal disease in the armed forces. He said that to his mind there was not a single woman in any of the comfort houses who enjoyed complete health; all of them were suffering from some form of disease. Further, as the women were virgins when they arrived at the comfort house it was impossible that venereal diseases originated with them; the comfort houses were responsible for spreading venereal disease throughout the armed forces. He further asserted that a significant percentage of his colleagues had some form of venereal disease and that he knew of several cases of syphilis among his colleagues. With respect to the issue of rape, he admitted that what happened to the women in the comfort houses was rape.

Mr. Suzuki indicated that the spread of venereal disease through the armed services had another effect on the local population. As many officers and soldiers were unwilling to indicate to the military doctors or to staff in military hospitals that they had venereal disease, they resorted to having paramedics obtain medication for them on the open market. As up to 30% to 40% of the soldiers who had been in the military for 4 to 5 years had some form of disease, this meant that they were spreading the disease through the women. Furthermore, the medication used by the soldiers, Biodoc 606, was expensive and could not have been obtained by the soldiers with their monthly salary. What many soldiers did was to volunteer to take part in military excursions in the area and while out on an excursion they would burgle houses or

rob the local Chinese population. Mr. Suzuki claimed that these acts became so serious that they were drawn to the attention of the military authorities and that eventually soldiers were body checked on their way into camp to see if they were carrying large amounts of cash. As he was a non-commissioned officer he was asked by the rank-and-file to carry in money because he would not be subject to a body check; he stated that he did in fact undertake to do this.

Mr. Suzuki also remarked that by this point in the war many of the soldiers were “numb” in the sense that they had no feelings toward anything and could commit acts of brutality without feeling any sense of remorse. He commented that the brutality of the soldiers should not be underestimated and that even the existence of the comfort houses did not prevent the soldiers from engaging in acts of rape against local women.

During his testimony Mr. Suzuki recounted an incident. One of his superiors was or seemed to be cooking his dinner over a fire and Mr. Suzuki asked whether he could cook for him. The officer continued to cook, then offered Mr. Suzuki a piece stating that it was the brain of a local Chinese woman. He asserted that he was eating it because he believed it could cure him of syphilis.

Another incident recounted by Mr. Suzuki was a New Year’s Eve gathering in 1944 during which officers exchanged rice cakes with the comfort women living in a comfort house called Dava. When the idea was first suggested he hesitated, but was told by the kitchen staff that this was the usual practice.

The purpose of recounting this story was to show the military’s active involvement with the comfort stations and that there were a series of fixed routines between the officers and the women in the comfort stations. Mr. Suzuki went on to recount that later that evening, after some of the officers had drunk sake, Japanese rice wine, they went to the comfort station and found the house occupied by non-military personnel, at which point he lost his temper and became quite violent with these “intruders”. He said that he was never reprimanded or penalised for the actions he undertook that night.

It is his recollection that the comfort houses in the area where he was posted were staffed by Chinese, Korean and Japanese women. He believes that the Japanese women who were present had been geishas in Japan.

When questioned about his knowledge of the way in which the women were recruited, he said that when he spoke with a particular woman whom he visited frequently, she told him that she thought she was going to be a nurse with the Japanese military. He indicated that she said repeatedly that she had been deceived; she cried for most of the time that he knew her. Mr. Suzuki also stated that his colleagues told him that they had heard similar stories from the women that they went to. Each woman claimed to have been deceived and wanted to go home. As the women were controlled by the organizers and managers they could not go home; also none of them had money. He also believed that the women were afraid of the managers and that they were constantly supervised and afraid to go out of the comfort house.

Mr. Suzuki stated that by 1945 military discipline had broken down and that there were many occasions on which the women in the comfort house came into the military buildings asking for things such as soap and clothing, he assumed that their life was extremely bad. He estimated that they were suffering from extreme poverty. Mr. Suzuki was not aware of the number of soldiers that each woman was forced to receive each day, but does remember that on Sundays there were long queues of soldiers and he estimated that each woman would have been forced to receive 20 to 30 soldiers.

The ICJ mission noted that as was the case with the victims, the soldiers had a vivid recollection of the events and could recount their stories in detail. What was most remarkable was the fact that both victims and soldiers remembered songs they had been taught or heard continuously. Mr. Ichikawa was able to remember the refrain of a Korean love song he had learned in China from a Korean comfort woman.

Chapter Six

After the War Ended

Japan officially unconditionally surrendered to the Allied forces on 2 September 1945. The Second World War abruptly came to an end.

Germany, the other aggressor State, had been censured in the Moscow Declaration of October 1943 by the Allied Powers. In the Moscow Declaration the Allied governments affirmed their previously announced intention to ensure retribution for those responsible for the atrocities of the war. In this Declaration it was announced that members of the German armed forces responsible for the atrocities would "be brought back to the scene of their crimes and judged on the spot by the peoples they have outraged", and that major war criminals "whose offences had no particular geographic location" would be punished.¹

The United Nations' War Commission was formed in 1943², for the purpose of investigating war crimes. It undertook the preparation of lists of war criminals and to make recommendations to the member governments on the various aspects of the proposed trials relating to the apprehension, trial and punishment of war criminals. In preparing these lists, the Commission took into account documents placed before it by the member governments. Between 1945 and 1947 Pacific and Far Eastern Sub-commissions were created. In addition most of the Allied countries created their own war crimes offices.

In 1945, the Allies agreed to the setting up of the Far Eastern Commission. This Commission set the policy for prosecution of Japanese war criminals and delineated the definition of war crimes.³ This took place in April 1946.

1 Oppenheim and Lauterpacht, 1952, vol.ii, 7th. ed., p.577

2 Piccigallo, P.R., *The Japanese on Trial* (University of Texas Press, Austin 1979)

3 *Id.* at 10-11.

Pursuant to the Moscow Declaration and other pronouncements of political will to bring to justice the perpetrators of war crimes, on 8 August 1945, the United States of America, France, the United Kingdom, and the Union of Soviet Socialist Republics entered into an Agreement for the "Prosecution and Punishment of the Major War Criminals of the European Axis". Article 6 thereof sets out the crimes which would be tried - crimes against peace, war crimes, crimes against humanity. An International Military Tribunal was set up in 1945. The Nuremberg trials went on from 20 November 1945 to 1 October 1946. Other war crimes trials were held by the Allied Powers individually in various countries, e.g. Germany, Austria, Italy and so on.

The International Military Tribunal for the Far East (IMTFE)⁴ was set up by the Supreme Commander's Proclamation on 19 January 1946; a bench consisted of not less than six and no more than 11 members. The Tokyo Tribunal was conferred jurisdiction to try crimes against peace, crimes against humanity and violations of the laws or customs of war (Article 5 of the Proclamation). Only those charged with offences which included crimes against peace were to be tried in Tokyo. This contrasted quite markedly with the Nuremberg trial. All other war criminals were to be tried by national and other courts.⁵

Japanese war crimes suspects were classified as "A" (aggressive war charges amongst others), "B" (conventional war crimes), and "C" (atrocities, i.e. crimes against humanity). Twenty-eight major Japanese war criminals were indicted before the Tokyo Tribunal. Two of the accused died during the trial. One was declared unfit for trial. None of the accused were acquitted on all counts. There was one dissenting judgement.

A large number of "B" and "C" class Japanese offenders were tried in the Asia-Pacific region by the victorious countries. The Australians

4 Also called the Tokyo War Crimes Tribunal (and hereafter referred to as the Tokyo Trial or Tribunal).

5 Piccigallo, *supra* n.2 at 12.

conducted trials, *inter alia*, at Singapore, Borneo, New Guinea, New Britain, Darwin and Hong Kong. The British held trials, *inter alia*, in Hong Kong, Singapore and Rangoon, the Chinese in Shanghai and Nanking, the French in Saigon (Indo-China) and the Americans in Yokohama, various places in China, Manila (until 1947) and throughout the Pacific. After 1947 the Philippines Government took over prosecution of war crimes trials in the Philippines.

The Dutch held trials in Java, Borneo and elsewhere in the Netherlands East Indies. One such trial was held in Batavia (the former name of Jakarta). The Batavia court was the only one to try and punish the Japanese for coercing 35 Dutch women into prostitution. At least two such trials took place, one of a Batavia hotel keeper and the other of Japanese military officials for raping women who had been interned at a camp in Ambarawa, Java. The Dutch Government has recently made public the findings of the later Batavia trial, after blanking out the names of the victims and the accused. One of the accused was condemned to death and others were sentenced to imprisonment ranging from two to 15 years for committing crimes against humanity, namely coercion to prostitution, abduction of girls and women for forced prostitution, rape, and bad treatment of prisoners.

The Batavia Court

In its Verdict 231, the Temporary Court Martial in Indonesia, convicted several Japanese military men for offences committed by them against about 35 Dutch girls and women who had been forced to become comfort women for Japanese military. In this trial specific charges were framed against the defendants, one of which read thus:

“7th Defendant: On or around 23, 24, 25 and 26 February 1944, or at least in or around the month of February 1944 in Semarang and Ambarawa, having abducted girls and women to force them into prostitution, or at least having allowed subordinates under his command, both Japanese and non-Japanese subjects or foreigners in the service of the hostile Japanese nation to abduct the girls and women

referred to above, to force them into prostitution, by selecting girls and women from each of the camps of Semarang East, Gedangan and Halmaheira, in Semarang and the No. 4 and No. 6 Camps in Ambarawa, or to have been selected by the earlier mentioned subordinates and to have abducted or having the women and girls thus selected, abducted under the pretext that they would have to do office work for the Japanese authorities, from the Camps already mentioned to premises situated on Kanarielaan in Semarang, when he knew or should reasonably have suspected that none or at least a minority of the women and girls thus abducted would voluntarily submit to prostitution, so would have to be forced to do this.”

The charges against this Defendant were on the grounds of his having committed war crimes of rape, abduction of girls and women, forced prostitution and coercion to prostitution. The Court Martial observed thus:

“Considering: that in Court the statements (not under oath) of the Japanese Captain, Reserve Captain, Colonel, Medical Doctor, and another Reserve Captain, have also been read aloud and shown to the Defendants, from which it appears:

That it was discovered when by the end of February 1944 the military authorities were taking over the internment camps in Central Java from civil command, that women belonging to these camps had been employed as prostitutes in Semarang brothels; that **this was considered undesirable by Head Quarters of the Prisoners of War and Civil Internment Camps as the conclusion might be drawn that this has been done under duress, this being in contravention of international law.**” (emphasis added).

“.. Considering that in the opinion of the Court Martial, if they (Japanese military) had openly and clearly revealed the purpose of what the women and girls were in for they would

have met with stiff resistance and have had great difficulties and that it is highly questionable if they would have succeeded in recruiting women and girls from those camps, without the use of force..”.

In these circumstances, there can be no doubt at all that the generally understood meaning of war crimes was and continues to include various atrocities, including rape, abduction of women and girls for forced prostitution, and coercion to prostitution. Japan is therefore responsible for the atrocities perpetrated by the then military upon these comfort women.

But the trial failed to take note of the large number of Indonesian women who had been similarly coerced into prostitution by the Japanese military. No one bothered about them and the thousands of Korean, Chinese, Malaysian, Taiwanese and Filipino women who had suffered the same plight as these Dutch women.

The Verdict 231 as well as documents set out in Chapter Three of this report were all available to the Allied countries — in fact the report *Amenities in the Japanese Armed Forces* was prepared by the Supreme Commander and/or under his instructions. Yet, human rights violations on such a gigantic scale were simply ignored by all those who could have done something.

Subsequent Events

Thereafter, Japan was admitted as a member of the United Nations in 1956. At San Francisco a Peace Conference was held in 1951 for settling questions arising from World War II. A treaty was signed on 8 September 1951 between Japan and the Allied Powers. Allied Powers were defined to mean States at war with Japan. Korea was not considered to be at war with Japan. Korea was not represented at the Peace Conference, and neither was China. Under this Treaty, Japan accepted its liability to pay reparations to the Allied Powers for the damage and suffering caused by it during the war, reference was made to further bilateral treaties which might be entered into for this purpose. The Philippines was represented at the 1951 Conference.

Korea was recognized as an independent State by Japan in the San Francisco Peace Treaty. Korea thus went totally unrepresented at San Francisco, and even at the Tokyo Tribunal, and was in no position to try even "B" and "C" class Japanese criminals. The then Government of the Republic of Korea concluded a bilateral treaty on war reparations with Japan in 1965, which purported to limit Japan's financial liability to pay monetary compensation to US \$ 300 million. At that time there was considerable public sentiment against the treaty in the Republic of Korea, which was crushed by the then South Korean Government.

Reparations

Post-war reparations were paid by both principal aggressors, Germany and Japan. The inadequacy of Japan's payments, however, is evident in comparison with the payments made by Germany.

To begin with, both Houses of Parliament in the Federal Republic of Germany have repeatedly stated their adherence to the policy of their government: that restitution for the crimes of the National Socialists is one of the most important and urgent obligations of the German people.

Germany has enacted legislation specifying the persons and the compensation to be paid, as also assistance to be given to survivors of deceased victims. Legislation has also been passed in Germany relaxing the statute of limitation in matters concerning the trial of war criminals.

Bilateral treaties have also been entered into by Germany for payment of reparation to States and compensation to victims not eligible under legislation. Eleven European States have received from Germany an aggregate of DM 876 million (US \$ 565 million) in this regard. It is estimated that payments will continue to be made until the year 2000, bringing the total to DM 102 billion⁶ (US \$ 66 billion).

6 Annex G to the Submission made by the War Amputations of Canada, *supra* n. 3 of Chapter 1 of this report.

Japan, in stark contrast, has paid 364,348,000,000 yen (US \$ 1012 million) as war reparation to four Asian countries: Burma, Philippines, Indonesia, and Vietnam (South). Japan has further paid US\$ 300,000,000 to the Republic of Korea. Almost all the payments were made for the benefit of society in general and were not directly received by individuals.⁷ In fact, Japan has not made any payment of reparation or compensation after 1965.

⁷ See Japan Civil Liberties Union , *supra* n. 4 of Chapter 1 of this Report.

Chapter Seven

Position of the Japanese Government

An Overview of Japan's Statements

When the issue of comfort women was raised in the Diet in 1990, the Japanese Government's reaction was that it was the work of private persons and that neither the Japanese military nor the then government were involved.

When Professor Yoshimi of Chuo University, Japan, unearthed and made public wartime correspondence which unequivocally showed Japan's initiative and control in setting up, using and operating the comfort stations, the Japanese Government's reaction was that there was some involvement of the Japanese military. The Japanese Government appointed a Task Force to investigate the issue, and published an interim report which did not ascribe full responsibility to the Japanese military in this matter. In the most crucial area - recruitment of the comfort women - the report was non-committal. This led the Japanese Government to proclaim that the military had not used coercion to recruit the women.

When the comfort women issue was raised before the various organs of the United Nations, the Japanese Government put forward submissions as to why no action should be taken against it. These submissions were repeated from 1991 until 1993. In brief, the position of the Japanese Government has been as follows:

- i. It has stated that the purpose of the United Nations, which is clearly set out in the Preamble of the Charter of the United Nations, is to save succeeding generations from the scourge of war. The United Nations is thus not an organ for discussing past issues of particular countries, especially those which occurred before its establishment.

- ii. It claims that the mandate given to the Special Rapporteur on the Right to Restitution, Compensation and Rehabilitation for Victims of Gross Violations of Human Rights and Fundamental Freedoms does not include in its scope recommendations on individual cases/claims for compensation.
- iii. It argues that the 1503 procedure¹, as discussed by the United Nations Sub-Commission on Prevention of Discrimination and Protection of Minorities in Resolution 1991/104, cannot be applied as a reparation or relief mechanism in respect of the claims for compensation for human rights suffering or other losses which occurred during World War II.
- iv. It seeks to argue that the claims, including the question of compensation, have been dealt with by Japan, in accordance with bilateral and multilateral peace treaties, as well as other relevant treaties, with the countries concerned. As an example, it cites the 1965 Treaty with the Republic of Korea which purportedly resolves all claims between the two countries. It states that talks are going on with the Democratic People's Republic of Korea.
- v. It argues that it is neither the understanding of the International Law Commission nor of the international community that the 1905 Agreement between Japan and Korea (by which Korea became a protectorate of Japan) is invalid.
- vi. It says that the Japanese Government is doing its utmost to ascertain the true facts of this matter. It says that apart from the legal aspects of the issue, the Government of Japan is now giving serious thought as to how it might

¹ Under the 1503 procedure, allegations concerning "situations which appear to reveal a consistent pattern of gross and reliably attested violations of human rights" are dealt with in closed sessions of the Commission on Human Rights and the Sub-Commission.

best convey its feelings of compassion to those who suffered.

The Japanese Prime Minister has also tendered an apology for what has been done to Korea and has expressed "pain and remorse" for the situation of the comfort women.²

Position Presented to the ICJ Mission by Japan

In Japan, the ICJ mission met with Mr. Takano, Deputy Director-General, Asian Affairs Bureau, Ministry of Foreign Affairs and Mr. Arata Fujii, Deputy-Director, North-East Asia Division, Asian Affairs Bureau, Ministry of Foreign Affairs.

The Asian Affairs Bureau is responsible for heading the Government Task Force on the issue of the comfort women and is overseeing the government's attempts to locate and publish all relevant documents.

At the time of the meeting, the Task Force had published one report and was intending to continue to survey all relevant documents. It is the government's intention to make public what they have learned, but during the meeting Mr. Takano was unwilling to disclose what further information had been obtained by the task force since the government's publication of its report in July 1992.

It continues to be the government's position that it is under no legal duty to compensate the Korean and Filipina victims, as treaties with each of their countries "finally and completely" settled all claims. Mr. Takano also declined to admit that the government of the day had actually sanctioned the use of the comfort stations. He did say that there was evidence of the military having constructed such houses, having bought supplies and having provided support for such facilities, including the control of sanitary conditions.

Although it is the government's position that the use of force has not been decisively concluded, it has accepted that a number of the

² *Supra* n. 2, in Chapter 2 above.

documents revealed thus far show that force was used. In its statements on this matter the Japanese Government has recognized that force and threats were directed against some women, but has not taken a final position on the matter. The government was not claiming that all of the women had entered the comfort stations voluntarily.

Having said that his government did not believe it was under a legal responsibility to offer compensation, he pointed out that the government had expressed its remorse about these occurrences, and would consider possible measures to show that remorse. No specific measures had been finalized. Although recognizing that time was a matter of great concern, given the ages of the women, he would not make a commitment to a specific date by which the Japanese Government would decide on the appropriate measures to be taken; however, he did say this would be done as soon as possible.

When asked about the possibility of using an administrative framework, he said that this would be given consideration, but there was a need to work out a process by which the credibility of all witnesses could be judged and through which a reliable assessment of the situation could be made. He also pointed out that the task was a large one and that the government had conducted an overall survey of documents so that it could assess what had happened and could obtain facts directly related to individual cases. He said that documents from both Japan and elsewhere were coming to light daily, but as these were matters that had occurred fifty years ago it was difficult to amass an accurate description of the entire picture.

When questioned about the possibility of separating the issues of research into the general situation of the comfort women and that of compensation for the individual victims who have already come forward, he indicated that he could see that those issues could logically be separated but that in reality, for political reasons, they were very closely connected. He suggested that it was difficult to deal with five separate countries and the Japanese Government faced problems in finding a solution that would be appropriate to each of these countries, given each country's culture and difference in approach.

It is the government's view that the "real facts" must be established.

At this point in the interview Mr. Takano had to leave for another appointment and Mr. Fujii took over as spokesperson.

The conversation returned to the issue of the treaties and particularly the treaty between the Republic of Korea and Japan. Although he admitted that the issue of the comfort women had not been discussed during the negotiations over that treaty, Mr. Fujii reiterated that it was his government's position that all such claims were subsumed within the treaty. He stated, as had Mr. Takano, that politically the Government of Japan recognized that it should provide some form of humanitarian compensation, which it considered to be a voluntary measure on its part. He also referred to the position of the Korean Government, which had stated that it would not require compensation from the Japanese Government. (This position was confirmed when the members of the mission spoke to a representative of the South Korean Government during its stay in Seoul, but ignores the position taken by the victims and organizations working most closely with them.) Mr. Fujii stated that it was his government's understanding that the Government of the Republic of Korea wanted a sincere investigation and a disclosure of all relevant facts. He recognized that in the discussions between governments, it was not always easy for individuals to be heard. He suggested that the victims would not be satisfied with measures such as compensation that were not accompanied by a full investigation. He seemed to be suggesting that to pay compensation while undertaking to complete the report would not be an acceptable solution.

Returning to the legal issues, he again reiterated that, in his view, it was possible that all claims, even those not being contemplated by the negotiating parties, could be settled by broad language within a treaty and that the concept of property rights and interests contained in the 1965 treaty between Japan and Korea could include issues that had not been imagined at the time that treaty was negotiated.³ He also thought that it was possible that the Koreans had not raised the issue at the time

3 See Chapter 9 for a full analysis of the legal issues.

because they thought it shameful.

He again emphasized that there was a distinction between a legal position and a moral position. The Japanese Government recognized that such behaviour and actions should not be repeated. His government also recognized the misery that had been experienced by the women both at the time and on their return to their countries of origin.

When questioned about the possibility of reopening the treaty or having its provisions interpreted before the International Court of Justice, he stated that in his view neither government wished this to occur and therefore it would not be possible. With respect to the Democratic People's Republic of Korea he indicated that "normalization talks" were taking place and that these talks did include the issue of the comfort women. As to Taiwan, there was no treaty between Japan and Taiwan as negotiations had ceased when Japan recognized the Government of the People's Republic of China and that, given Japan's relationship with China, it was difficult to find a solution. However, this issue was being considered by the Japanese Government. When questioned about the report made by Professor Theo van Boven on the right of victims to restitution, the government representative indicated that no formal view with respect to this issue had been taken on the contents of that report.

In respect of the issue of compensation, he stated that he was not convinced that traditional international law gave the right to seek compensation, saying that the area of international human rights law was new. In his view it was not clear whether a right to sue on behalf of these women could arise under international human rights law.

When questioned about some of the records that were being looked into by the Japanese Government, he stated that all departments that had had any possible connection with the establishment or operation of the comfort stations had been ordered to search for relevant documents. These included the Police Department and Department of Labour, both of which indicated that they have no documents relevant to the issue of the comfort women.

Although many lawyers and scholars in Japan have made the

comparison between the compensation paid thus far by the Japanese Government and that by the Government of Germany (most of which was paid by the Federal Republic of Germany when Germany was a divided country), he refused to engage in the comparison and would not state which programme of compensation was better or worse. Again there was no concrete information given as to when the second government report might be published.⁴ However, it was reiterated to the ICJ mission that the government did want to do something for the victims.

4 Published in August 1993.

Chapter Eight

Position of the Governments of the Republic of Korea, the Democratic People's Republic of Korea and the Philippines

The Position Presented to the ICJ Mission by the Government Representatives:

The Republic of Korea

From the government's perspective, the most important issues are that Japan undertake a thorough investigation and sincerely and comprehensively apologize. It is important to the Government of the Republic of Korea that Japan acknowledge its past mistakes and demonstrate its commitment to future peaceful and mutually beneficial relations.

The South Korean Government wants Japan to trace all those responsible for committing these atrocities and make them testify. Apparently the Japanese Government did contemplate taking the testimony of the former soldiers while conducting its investigations into this issue, but did not do so because of opposition from members of its right wing.

The South Korean Government has formed its own committee to investigate and deal with this issue. This committee has so far received 150 claims and it has announced compensation for the victims. The bill was passed by the Cabinet, and will be debated before Parliament. It will be effective from July 1993. It consists of giving each victim a lump sum of 5 million South Korean won (US \$ 6,250), an additional sum of 150,000 won (US \$ 188) per month, free medical services, priority in allotment of low-income housing, and access to the

social security system by those who have no other means of support. A screening procedure will be put in place to handle claims and victims designated as "lowest income persons" will receive an additional sum of 56,000 won (US \$ 70) per month.

The South Korean Government is not advocating strenuously for compensation; the reasons for this are varied and complex. They do not feel that money alone is a solution and do not want Japan to conclude that it can purchase goodwill. The government fears that the victims will be considered as professional prostitutes if compensation is paid without acknowledgement of the true facts. Public opinion in their country, according to them, supports their view. It is important that all Koreans share responsibility for the plight of these women.

If the Japanese Government or the Japanese people decide to pay compensation, the government will not prevent individuals from receiving such compensation. The government, however, will not allow that to be a solution of this issue. The Japanese are willing to give a small amount of money to the victims but money is not a sufficient solution. Previous Japanese payments on other issues are viewed as having been 'tied money', payments with conditions, and it is their view that 'tied money' will create problems for them and the victims. The government will assist NGOs in this issue. The representative refused to make any comment on the proposal of the Japanese, as reported in Japanese newspapers, to pay compensation by creating a Red Cross Fund for victims.

The meeting was held with Mr. Byung-Woo Yu, Director General, Asian Affairs Bureau, Ministry of Foreign Affairs, Seoul, Republic of Korea.

Democratic People's Republic of Korea

The government emphasized that Japan has not 'liquidated its shameful past'. Japan and the Democratic People's Republic of Korea have not as yet 'normalized' relations and this issue is one amongst others that must be solved through negotiations

between the two countries. Eight rounds of talks have been held between the two governments so far. The Government of the Democratic People's Republic of Korea has demanded a satisfactory solution of the issues of forced labour, comfort women, and victims of the Pacific war. Japan's proposals have centred around the payment of money without any specific recognition of the violations of human rights it perpetrated and it has proposed to solve these issues in the same way it did with the Republic of Korea in 1965.

As the 1965 treaty with the Republic of Korea does not include an apology from Japan, the Government of the Democratic People's Republic of Korea maintains that it cannot accept a solution to these problems in that way. At the bilateral talks, Japan said that the colonization of Korea was legal and denied it violated international law with respect to the comfort women issue or the use of forced labour. The Government of the Democratic People's Republic of Korea feels that these atrocities are violations of fundamental human rights norms which now have the status of *jus cogens*.

Crucial to a resolution of these matters is an apology by Japan and adequate compensation. From the outset of the talks, the government raised the issue of the comfort women. From the 1st to the 6th round of talks, Japan ignored the issue. It denied that there was any government involvement.

After the research of Prof. Yoshimi brought documents to light, Japan admitted its involvement. It has, however, evaded an honest apology and payment of compensation. There has been no progress in these talks.

The Government of the Democratic People's Republic of Korea demands a thorough investigation, publication of the results, an apology by Japan, and compensation. It demands that individuals as well as the people of the Democratic People's Republic of Korea as a whole should be compensated by Japan. This is important, as most of the victims are now dead. How do you resolve the issue for all those affected, given that 100,000 to

200,000 women were taken?

The amount of compensation finds precedent in the amounts paid by Germany for its war crimes and crimes against humanity, and the apologies made and compensation given by the United States of America and Canada to civilian internees.

They believe that Japan is recalcitrant. It took Japan half a century to admit its involvement - they hope that it will not take so long for Japan to make reparations.

Japan is talking of its contribution to world peace and security. Their self-defence corps is to be sent overseas and the Democratic People's Republic of Korea fears that there is no guarantee that the crimes will not be repeated again.

From the government's viewpoint this is not an easy issue to solve at a governmental level. They feel that the voice of international justice will have a salutary effect on Japan.

The Government of the Democratic People's Republic of Korea has formed a Measures Committee to locate any former comfort women survivors and to investigate their statements. Due to the sensitive nature of the issue within the Democratic People's Republic of Korea and the difficulty of locating survivors as well as establishing documentary evidence, the work of the Measures Committee is not as complete as the government would like it to be.

The meeting was held with Mr. Li Sam Ro, Ambassador, Ministry of Foreign Affairs, Democratic People's Republic of Korea.

The Philippines

When the issue was raised in 1992, the Aquino Government asked Professor José Ricardo to investigate the comfort women issue. Professor Ricardo in his report concluded that there were no Filipino comfort women. However, in the light of documents disclosed by the Japanese Government, the Government of the

Philippines has had to retract its initial stand. A government Task Force for Comfort Women (TFCW) was formed in response to a resolution of the Senate and it is looking into the matter.

The government regrets that it is unable to offer a compensation package similar to that of the South Korean Government. However, the government continues to engage in a quiet dialogue with Japan. Many facts need to be clarified, including the number of women involved. As Japan is likely to focus on all countries from which women were taken, numbers from each country have to be ascertained, especially the number of Korean and Chinese women. The government did not have any comment to offer about the Treaty of Peace with Japan, but candidly admitted that the comfort women issue was never raised by any side at that time.

The government has been gathering documents from Washington and Tokyo. Some of these documents contain the names of women taken by Japanese soldiers. The government representative was aware that more research was necessary with respect to files held in the Philippines and was receptive to the idea that an approach be made to the UN Advisory Services Programme in the field of human rights.

The government has also made it clear to the Japanese Government that any settlement of compensation on this issue would be outside the scope of Japan's Official Development Assistance.

The NGOs in the Philippines have asked the government for help, and the government was more than willing to cooperate. It confirms the accuracy of the information about the comfort women and comfort stations that have been unearthed by the NGO called Task Force on Filipino Comfort Women (TFFCW).

The government is willing to offer assistance to the non-governmental sector, having regard to the limits of its resources. Some social security assistance has been given to some of the

women. The government recognizes that it may have to do more to encourage women to come forward and to provide them with necessary services.

The meeting was held with Mr. Jose Zaide, Assistant Secretary of the Office of Asian and Pacific Affairs, Department of Foreign Affairs.

Chapter Nine

Legal Issues

Introduction

In the following pages the rules of international law that were applicable to Japan from the 1920s onwards will be discussed. This period has been selected as the documentary and oral evidence suggests that Japan began to recruit women forcibly for sexual slavery sometime in the early part of the 1930s.

First and foremost, Japan as a subject of international law is responsible for all the breaches of applicable rules of humanitarian law imputable to it. It is hereafter discussed which rules of humanitarian law are applicable to the occurrences described and what role the peace treaties concluded between Japan and the Republic of Korea and Japan and the Republic of the Philippines play in this connection. The next issue considered is whether the authors of the crimes can and must be prosecuted and the impact of non-prosecution of the authors of the crimes on the legal rights of the victims. Lastly, issues pertaining to the existence of individual claims for compensation are reviewed.

A. State responsibility on the part of Japan

In the first part of this chapter, the question concerning Japan's responsibility for the abhorrent acts committed by Japanese soldiers will be considered. Among those are the imputability of the acts of the Japanese soldiers to the State of Japan, the issue of breaches of obligations of public international law, and whether any claim that may have arisen has at a later stage become extinct.

1. Imputability of the acts of the Japanese soldiers to the State of Japan

The acts of the Japanese soldiers have to be attributed to the Japanese State according to the relevant rules of public international law. Documents obtained by the mission of the International Commission of Jurists contain special requests made by field officers to commanders in Tokyo for the recruitment and transportation of the comfort women to their areas. This evidence demonstrates the knowledge on the part of high-ranking members of the military of the existence of comfort stations and at the same time shows their active involvement in the recruitment and placement of women in those stations.

As those officers acted as officials, not as private individuals, their actions must be imputed to the Japanese State irrespective of the fact that they may have been *ultra vires*.¹

2. Breach of an obligation of public international law

Obligations within the field of public international law can result either from treaties or rules of customary international law.

(a) Treaty Law

First, the violation of obligations resulting from treaties are reviewed.

The Geneva Convention Relative to the Protection of Civilian Persons in Time of War of 1949² is not applicable *ratione temporis* to the acts committed by the Japanese soldiers.

1 L. Oppenheim, H. Lauterpacht, *International Law*, vol.i, (Longmans, Green and Co., London, New York, Toronto 1955), paras. 153, 153a. Article 5 of the International Law Commission's Draft Articles on State Responsibility adopts the test that the organ of the State must have acted in that capacity, See YBILC, 1976, ii Part 2 at 30.

2 United Nations Treaty Series, vol. 75 at 287.

Japan became a party to the Hague Convention Respecting the Laws and Customs of War on Land of 1907 (The Hague Regulations)³ in 1912. According to Article 2 of the Convention, the Regulations are only applicable, however, if all of the belligerents are parties to the Convention (general participation clause). Since not all belligerents of the Second World War were parties to the Convention, the Nuremberg Tribunal⁴ as well as the Tokyo Tribunal⁵ ruled that because of the general participation clause, the Hague Regulations could not be applied directly, but served as good evidence of the customary international law existing at the time of war.

Since Japan was not a signatory to the Slavery Convention of 1926⁶, it cannot be held responsible for breaching any obligations under this Convention in respect of the comfort women.

Japan can be held responsible for a breach of the International Convention for the Suppression of the Traffic in Women and Children of 1921⁷, which it ratified in 1925. Under the terms of the Convention Japan was obliged to take all steps necessary to discover and prosecute persons who were engaged in the traffic of women and children.⁸ Clearly, Japan's activity of forcibly recruiting and coercing into prostitution women from the Korean peninsula as well as women in the occupied territories was inconsistent with the provisions of the Convention. However, upon ratification Japan exercised its prerogative under Article 14 to declare that the Territory of Chosun (now Korea) was not included in the scope *ratione territorii* of its acceptance of the Convention. Nonetheless, Japan must be held responsible for having violated its obligations under the Convention with respect to women

3 Martens, NRG (3e serie), vol. 3 at 461.

4 Judgement of the Tribunal, Cmd.6964, pp. 64, 125

5 The Tokyo War Crimes Trial, annotated and edited by R.J.Pritchard and S.M. Zaide, Vol.20, "Judgement and Annexes" (Garland Publishing Inc. New York and London, 1981) at 48, 498

6 League of Nations Treaty Series, vol. 60 at 253

7 League of Nations Treaty Series, vol. 9 at 415

8 See Articles 2 and 3 of the Convention on the Suppression of the Traffic in Women and Children.

taken from the Korean peninsula for the following reasons: Firstly, many of the women were initially taken to Japan and once they landed in that country the obligations of the Convention became applicable to them. Furthermore, the provisions under Article 14, which allowed countries to make the provisions of the Convention inapplicable in their territories, was inserted because of concern about practices which had continued as a local custom in many territories controlled by the then colonial powers. Such practices included the payment of dowry and "bride price". It was not viewed appropriate to attempt to solve all of these issues by means of the Convention. However, it was not the intent of the drafters of the Convention to allow countries to engage in the practice of creating and fostering trafficking in women. Article 14 was inserted to protect, to some extent, the economic interests of a number of the colonial powers, it was not designed to foster the future creation of a traffic in women, but served to allow a slower phasing out of the practice in certain areas of the world. Therefore Japan cannot invoke that provision to escape its liability for the treatment given by it to the Korean women under the Convention. Thus, Japan has violated its obligations under the 1921 Convention and can be held responsible for the same.

As Japan is not a party to the 1933 Convention on the Suppression of Traffic in Women of Full Age⁹, it cannot be held responsible for a violation of that treaty.

(b) Customary Law

Having established which treaty obligations Japan violated, it now has to be examined whether it as well violated its obligations under customary international law.

At the beginning of the 20th century it was generally accepted that customary international law prohibited the practice of slavery and that all nations were under a duty to prohibit the slave trade.¹⁰ In that

9 League of Nations Treaty Series, vol. 150 at 431.

10 H. Lauterpacht, *International Law and Human Rights*, (London, Stevens & Sons Ltd. 1950) at 334-335; A.M. Trebilock, *Slavery* in: R. Bernhardt (ed.): *Encyclopedia of Public International Law*, Instalment 8 (North-Holland, Amsterdam, New York, Oxford, 1985) at 482-483.

regard the work of the League of Nations provides evidence that the 1926 Slavery Convention was declaratory of international customary law. Article 22 (5) of the Covenant of the League of Nations required States administering a mandate to provide for the eventual emancipation of slaves, suppress the slave trade and prohibit forced labour.¹¹ In addition, in 1924 the Temporary Slavery Commission was instituted by the Council of the League of Nations. The efforts of that Commission led to the Slavery Convention of 1926. In order to monitor the implementation of that Convention, the Permanent Advisory Committee of Experts on Slavery was instituted.

Article 1 of the 1926 Slavery Convention sets out the following generally recognized definition of slavery and the slave trade:

“(1) Slavery is the status or condition of a person over whom any or all the powers attaching to the right of ownership are exercised. (2) The slave trade includes all acts involved in the capture, acquisition or disposal of a person with the intent to reduce him to slavery ..., and, in general, every act of trade or transport in slaves.”

Once the women concerned had been taken away from their families and villages the military acted as if it owned the women. Thus they treated them as slaves. In addition, the kidnapping and transportation of the women, which was condoned, authorized, or supervised by the Japanese military, was a form of slave trade. In that respect, Japan violated the prohibition of slavery which was already a constituent part of public international law. This violation gives rise to responsibility on the part of Japan.

By the time the Japanese soldiers forcibly recruited the Korean and Filipino women, the prohibition of traffic in women and children was part of customary international law.¹² Thus, in addition to the

11 CTS, vol. 225 at 188.

12 See Report of the Sixth Committee to the Assembly of the League of Nations in 1926, League of Nations Official Journal, Special Supplement No. 44 at 416.

aforementioned 1921 Treaty prohibiting the traffic in women and children, Japan was also bound by identical provisions of customary international law. Therefore, by the conduct of the Japanese soldiers, who were promoting and themselves actively engaging in the traffic and sale of women, Japan was in violation of those norms of international law as well.

Customary international law in the humanitarian sector requires the belligerents to respect the lives of civilians. In that respect, the Hague Regulations (Article 46) reflect customary international law.¹³ The treatment of the comfort women by the Japanese soldiers violated their family honour as protected by Article 46 of the Hague Regulations. The concept of family honour includes the right of women in a family not to be subjected to the humiliating practice of rape.¹⁴ There can be little doubt that the systematic raping of Filipino women by the Japanese soldiers infringed these norms.

By their way of treating the Filipino women, the Japanese soldiers revealed disregard for the women's lives, so that Article 46 of the Hague Regulations must be considered violated in that respect as well. The term "respect for the lives of persons" in Article 46 is broader than a prohibition of arbitrary killing.¹⁵ The importance of human dignity and the need to encourage respect for human dignity were also recognized by the drafters of the Hague Convention.¹⁶ Thus, the reference to "the lives of persons" is a reference not only to their life as

13 L. Oppenheim, H. Lauterpacht, *International Law*, vol. ii, 7th.ed.(Longmans, Green and Co., London 1952) at 229, 335; G. Schwarzenberger, *International Law as applied by International Courts and Tribunals*, vol. ii, (Stevens & Sons Ltd., London 1968) at 218; Judgement of the Nuremberg International Military Tribunal, Cmd. 6964 at 64, 125; Judgement of the International Military Tribunal for the Far East, War Crimes Reports, 15 (1949) at 13.

14 G. Schwarzenberger, *supra* n. 13 at 219.

15 J. Pictet, *Humanitarian Law in Armed Conflict*, (A. W. Sijthoff, Leyden, 1975) at 122.

16 See A. Mechelynck, *La Convention de La Haye Concernant les Lois et Coûtumes de la Guerre sur Terre*, (Maison d'Éditions et d'Impressions, Gand 1915) at 350 *et seq.*

such but also to their dignity as human beings.¹⁷ The continual brutality of the Japanese soldiers towards the Filipino women, including the continual rapes which they had to endure, was an affront to their human dignity. Hence, with regard to the Filipino women, Article 46 of the Hague Regulations was infringed entailing responsibility on the part of Japan.

However, as Korea was at that time a colony of Japan, Article 46 of the Hague Regulations as the basis of the relevant customary international law did not apply to it. Articles 42 *et seq.* only refer to occupied or enemy territory, whereas they do not regulate the protection of the belligerents' own inhabitants, as in the case of the Koreans. Thus, in this respect the Hague Convention cannot be invoked to prove the existence of a parallel norm of customary international law. Generally, public international law in the humanitarian field **in those days did not contain any rule** stating how governments had to deal with their own citizens. This issue was completely left to domestic law.¹⁸

As explained hereinabove, the treatment of the comfort women by the Japanese soldiers violated the women's family honour as protected by customary international law. The concept which requires belligerents to respect family honour is part of customary international law.¹⁹ It has been incorporated in various ways in almost all instruments, both national and international, concerning the conduct of hostilities, since the "Ordinance for the Government of the Army" published by Richard II of England in 1386. The respective guarantee includes as a minimum the right of women not to be subjected to the humiliating practice of rape. Thus, through the treatment by the Japanese soldiers, the victims' family honour was seriously infringed. Therefore, Japan is further

17 Pictet, *supra* n. 15 at 122.

18 K. J. Partsch, *Human Rights and Humanitarian Law* in: R. Bernhardt (ed.), *supra* note 10, Instalment 8 (1985) at 292.

19 Schwarzenberger, *supra* n. 13 at 218.

liable on this additional ground to make reparation to the Filipino women.

3. Possible Impact of The Treaties for The Settlement of Claims

a) The 1965 Agreement on the Settlement of Problems Concerning Property and Claims Between Japan and the Republic of Korea.

It is often said that history repeats itself and in an ironic twist of fate, Japan is now using arguments against the comfort women, similar to those they used during the negotiations leading to the signing of the 1965 Agreement, in order to prevent inclusion of any claims for reparation concerning their activities in the Korean peninsula prior to the Second World War. Contrary to Japan's assertions domestically and internationally, that treaty does not and was never intended to include claims made by individuals or on behalf of individuals for inhumane treatment suffered during the period of Japanese colonial rule of Korea.²⁰

Japan has claimed that there is no legal basis for compelling it to provide compensation to the former comfort women. This position has two prongs, one, that the 1965 Agreement resolved all claims between the two countries including their peoples; and two, that international law did not give rise to any such claims. This latter assertion has been refuted earlier. We now consider the first assertion that the treaty was intended to cover all claims.

Japan's position concerning the 1965 Agreement relies on the language used in Article II, which reads as follows:

“(1) The Contracting Parties confirm that [the] problem concerning property, rights and interests of the two

²⁰ See Shigeru Oda, “*The Normalisation of Relations Between Japan and the Republic of Korea*”, [1967] 61 Am. J. of Int'l Law 35.

Contracting Parties and their nationals (including juridical persons) and **concerning claims** between the Contracting Parties and their nationals, including those provided for in Article IV paragraph (a) of the Treaty of Peace with Japan signed at the city of San Francisco on September 8, 1951, is settled completely and finally.”²¹ (emphasis added)

(There are exceptions to this statement which are relevant to the Korean women at present residing in Japan, as it excludes from the coverage of the treaty those who were residing in the other country from 15 August 1947 onward.)

Japan has chosen to rely on the word “claims” in the first paragraph, as it could not rely on the phrase “property, rights and interests”, as that phrase is defined in the agreed minutes to the agreement as “all kinds of substantial rights which are recognized under law to be of property value”. As the women’s claims are equivalent to claims in tort, it cannot be said that they have a property value. It is generally understood that claims in tort are not considered to be property until such time as a judgement is rendered.

The word “claims” is not defined in the Agreed Minutes or in any of the protocols to the Agreement. Although Korea had attempted from 1945 onwards to have Japan recognize the sufferings and indignities it had wrought on the Korean peninsula during its colonial occupation, Japan had steadfastly refused to do so.²² During negotiations Korea attempted to seek reparation, but eventually withdrew such a claim because of the strong Japanese opposition.²³ Japan had taken the position that “she would be prepared to compensate the claims of the Republic of Korea, insofar as they were based upon justifiable legal

21 United Nations Treaty Series Vol. 583, No. 8473, p.258: Agreement on the Settlement of Problems Concerning Property and Claims and on Economic Cooperation between Japan and the Republic of Korea, signed at Tokyo on 22 June 1965.

22 See Lee, Chong-sik, *supra* n. 1 of Chapter 2 of this report.

23 Oda, *supra* n. 20 at 46.

grounds,"²⁴ but in the end rejected all claims having to do with reparations.²⁵ The outline of claims presented by the Korean representatives to Japan and which we believe are being referred to in Article II are in respect of bullion transferred to Japan for the period 1909-1945, savings deposited at post offices in Korea by Korean workers²⁶, savings taken by Japanese nationals from banks in Korea and monies transferred to Korea from 1945 onward, property in Japan possessed by "juristic persons" which had their main office in Korea, debts claimed by Koreans against the Government of Japan or Japanese nationals in terms of negotiable instruments, currencies, unpaid salaries of drafted Korean workers, and the property of the Tokyo office of the Governor-General of Korea.²⁷ It is quite clear from this list of claims that nothing in the negotiations concerns violations of individual rights resulting from war crimes, crimes against humanity, breaches of the slavery convention, the convention against the traffic in women or customary norms of international law. In fact, it was the enormous gulf between the positions of Japan and the Republic of Korea with respect to Japan's colonial rule which caused the negotiations between the two countries to drag on over an eighteen year period.

Treaties are to be interpreted according to the logical construction of their provisions, using the ordinary meaning of the words contained in the treaty. In addition weight is to be given to the context of a particular article in a treaty as well as the intention of the parties.²⁸ All of the provisions in the 1965 Agreement concern either the disposition

24 Oda, *supra* n. 20 at 46.

25 *Id* at 47.

26 The work done by the Committee for Fact Finding about the Truth of Forced Korean Labour as well as the report of the JCLU demonstrate that at the close of the war, large sums of money were held by the Japanese postal service on behalf of those who had been conscripted into labour in Japan.

27 Oda, *supra* n. 20 at 46.

28 Pertusola (Decision No.95 of 8 March 1951), 13 *Reports of International Arbitral Awards* 174 at 179.

of property or the regulation of commercial relations between the two countries, including the settlement of debts. Bearing in mind that one of the purposes behind the treaty was to create a foundation for future economic cooperation between the two countries, it is not odd that this should have been the main thrust of the treaty. The word "claims" in the context of this treaty cannot be given as broad a reading as Japan would urge. Therefore, it is our conclusion that the 1965 Agreement cannot be relied upon by Japan to shield itself from claims by the comfort women of the Republic of Korea.

By contrast, under Article IV of the Treaty on Basic Relations Between Japan and the Republic of Korea²⁹, Japan seems in fact to have obligated itself to take all steps necessary to promote the human rights of these women. Pursuant to that article, Japan has undertaken to be "guided by the principles of the Charter of the United Nations in [her] relations" as well as to "cooperate in conformity with the principles of the Charter of the United Nations in promoting [the] mutual welfare and common interests" of the two countries.³⁰ Article 1, paragraph 3 of the Charter of the United Nations includes international cooperation for the purpose of developing and encouraging respect for human rights and fundamental freedoms. As the former Japanese Government was responsible for massive violations of the human rights of these women, it is incumbent upon the present government to take steps to make retribution for those violations and not to perpetrate further violations by denying the victims any effective redress for their grievances.

b) The Treaty of San Francisco and the 1956 Reparations Treaty

The position between the Philippines and Japan is somewhat different. The Philippines, unlike the Republic of Korea, was present during the negotiations for and the signing of the San Francisco Peace Treaty in 1951. During those negotiations the Philippines indicated its

29 Of 22 June 1956, United Nations Treaty Series, Vol. 583, No. 8471, p. 44

30 Oda, *supra* n. 20 at 42-43.

dissatisfaction with the discussions on the issue of reparations. It felt that Japan should be made to pay reparations for the damage and destruction caused by its occupation of the Philippines.³¹ For a number of reasons the issue of reparations was not dealt with in any effective way during the negotiations which led to the signing of the Treaty. Commentators have noted that the United States was concerned that its taxpayers would be funding the reparations, as it headed the Allied command in Japan, and that the Allies were keen to have Japan remain a viable economic power so as to act as a bulwark against China.³² As a consequence, an article was inserted into the Treaty to give recognition to the fact that Japan had an obligation to pay reparations but that it was at that time unable to do so. The text of Article 14, paragraph (a), starts with the following proviso:

“It is recognized that Japan should pay reparations to the Allied Powers for the damage and suffering caused by it during the war. Nevertheless it is also recognized that the resources of Japan are not presently sufficient, if it is to maintain a viable economy, to make complete reparation for all such damage and suffering and at the same time meet its other obligations.”³³

Japan also agreed to undertake negotiations with any of the Allied Powers whose territories it had occupied during the war with a view “to assisting to compensate those countries for the cost of repairing the damage done, by making available the services of the Japanese people in production, salvaging and other work for the Allied Powers in question.”³⁴

At the time the drafters understood this article to mean that Japan

31 Notes, *An Introduction to the Japanese Peace Treaty and Allied Documents*, [1951] 40 Georgetown L. J. 91 at 93.

32 See The Tokyo War Crimes Trial, *supra* n. 5, Vol I ; Oda, *supra* n. 20 and Lee, *supra* n. 1 of Chapter 2 of this report.

33 United Nations Treaty Series, Vol.136, No. 1832, p.46, Treaty of Peace with Japan, signed at San Francisco on 8 September 1951.

34 *Id* at Article 14 (a) (1).

recognized its duty to make complete reparations, that it was in fact unable to do so but that it might in future be obliged to make further reparations.³⁵

The provisions set out in Article 14, paragraph (b) of the 1951 San Francisco Treaty, also do not specify which claims were being waived - it reads thus: "Except as otherwise provided in the present Treaty, the Allied Powers waive all reparations claims of the Allied Powers, other claims of the Allied Powers and their nationals arising out of any actions taken by Japan and its nationals in the course of the prosecution of the war, and claims of the Allied Powers for direct military costs of occupation".

The Government of the Philippines remained dissatisfied with this conclusion and did not immediately ratify the Treaty of San Francisco. Further negotiations were conducted between the Philippines and Japan, which resulted in a reparations agreement signed by the two countries in May of 1956; it was at this point that the Philippines ratified the Treaty of San Francisco. The 1956 agreement obligates Japan to provide services and capital goods to the Republic of the Philippines; there is no obligation for a transfer of money.³⁶ The agreement does not set out the damage for which reparations are being paid.

In Article 6, paragraph 2, the parties agreed: "By and upon making a payment in yen under the preceding paragraph, Japan shall be deemed to have supplied the Republic of the Philippines with the services and products thus paid for and shall be released from its reparations obligations to the extent of the equivalent value in United States dollars of such yen payment in accordance with Articles 1 and 2 of the present Agreement."

35 Sinco, V. G., (1952) 27 Phil. L. J. 367; and Oda *supra* n. 20.

36 Article 1, Philippines and Japan Reparations Agreement, United Nations Treaty Series, Vol.285, No. 4148, p. 24.

Because of the lack of specificity in the agreement, it is difficult to determine what issues were raised on the part of the Philippines and considered to be included in the reparations agreement. It cannot therefore be assumed that the claims of the women forcibly taken and raped by the Japanese and used as comfort women are deemed to be included in the treaty. The jurisprudence created following World War I indicated that reparations could be due and owing to governments as well as to individuals. Reparations paid to governments are paid on behalf of an entire people because of damage caused to their country as a whole. Claims of individuals are based on the particular damage they have suffered.³⁷

No evidence is available to indicate that the right of individuals to seek compensation for injury intrinsic to them as human beings, was waived or given up. Hence, having regard to the context of the negotiations and the historical development of the treaty as well as the serious consequences that may ensue from a conclusion of waiver based on such inadequate evidence, it would be inappropriate to conclude that the Government of the Philippines, when signing this treaty, intended to deprive any of its citizens of a right to sue the Japanese Government in a court in Japan for violations of international law committed against them, or that it intended to prevent its citizens from seeking redress in the international arena.

This argument is strengthened by the view in international law that a treaty may be subordinate to consensual *jus cogens* laid down in other treaties. The Charter of the United Nations is considered to have created such consensual *jus cogens*.³⁸ By the time the 1956 Agreement had been signed, Japan had become a member State of the United Nations and therefore was subject to the Charter of the United Nations and the peremptory norms it contained. The Universal Declaration of Human Rights reiterated the right to an effective remedy; this document was deemed to be declaratory of international norms and its

37 Chorzow Factory (Merits) P.C.I.J., Ser.A., no.17, p.29.

38 See Schwarzenberger, *supra* n. 13 at 743. This issue differs from the general issue of *jus cogens* and treaties discussed above. Consensual *jus cogens*, that is, binding norms voluntarily agreed to, does not pose the same jurisprudential difficulties.

principles were considered to be binding on all member States of the United Nations which, by becoming members, accepted the Charter's obligation to promote human rights. Japan's commitment under the Charter to promote human rights includes a responsibility to provide an effective remedy for violations of human rights. The treaty concerning reparations should not be used nor interpreted in a manner which would undermine the human rights of Filipino women.

B. War Crimes

In addition to the above examination, it has to be considered whether persons who abducted and raped the Korean and Filipino women committed war crimes or crimes against humanity punishable under international law and should be prosecuted by Japan.

The Charter of the International Military Tribunal of Tokyo (Article 5) defines war crimes as "violations of the laws or customs of war." It was stated by the Tokyo Tribunal that the violations of the provisions laid down in the Hague Convention No. IV (being norms of customary international law) undoubtedly constituted war crimes.³⁹

Article 5 of the Charter of the Tokyo Tribunal included additionally as crimes coming within the jurisdiction of the Tribunal for which there was to be individual responsibility :

*"Crimes against humanity: namely, murder, extermination, enslavement, deportation, and other inhumane acts committed, before or during the war, ..."*⁴⁰

When Japan signed the Treaty of Peace in San Francisco on 8 September 1951⁴¹, it "accepted the judgements of the International Military Tribunal for the Far East and of other allied war crimes courts

39 *Id.* See The Tokyo War Crimes Trial, *supra* n. 5 at 48, 437.

40 Piccigallo, P., *The Japanese on Trial* (University of Texas Press: Austin & London 1979) at 9-33.

41 United Nations Treaty Series, vol. 136 at 47.

both within and outside of Japan ..."⁴² Having expressly accepted the judgement of the Tokyo Tribunal, Japan consented both to the basis for the Tribunal's jurisdiction found in its Charter, and to the definition of crimes against humanity. The acts of Japanese soldiers can thus be examined in the light of the Charter of the Tokyo Tribunal.

The abduction and systematic raping of women and children represented inhumane acts against the civilian population. In the case of the Filipino women, these acts were at the same time war crimes in the strict sense. Since inhumane acts against any civilian population are considered to be war crimes, the abductions and rapes of the Korean women which were committed in connection with the acts against the Filipino women constituted crimes against humanity as well.

The defence of having acted according to superior orders cannot be accepted as:

"... members of the armed forces are bound to obey lawful orders only and they cannot therefore escape liability if, in obedience to a command, they commit acts which both violate unchallenged rules of warfare and outrage the general sentiment of humanity."⁴³

In the Charter of the Tokyo Tribunal, superior orders did not provide absolute immunity. If, in the interest of justice, this was required, the defence was admitted solely in mitigation of guilt.⁴⁴

The Japanese soldiers who abducted or raped Korean and Filipino women and children were therefore guilty of committing war crimes and crimes against humanity. This result is reinforced by the fact that several Japanese military men were convicted for offences committed by them against 35 Dutch women who had been forced into becoming comfort women, as has been discussed in Chapter 6.

42 Art. 11 of the San Francisco Peace Treaty.

43 Oppenheim, Lauterpacht, *supra* n. 13, para 253.

44 Schwarzenberger, *supra* n. 13, at 516.

It is to be considered, however, whether the peace treaties concluded with Korea and the Philippines included general amnesties, thus preventing a prosecution of the persons responsible for the crimes. Until well into the 19th century, general amnesties were included in peace treaties explicitly or implicitly.⁴⁵ In the course of the 20th century, amnesties in peace treaties became less and less acceptable.⁴⁶ When personal criminal liability was expressly provided for in the Charters of Nuremberg and Tokyo at the end of World War Two, the concept of general amnesty was completely dropped.⁴⁷ As provisions expressly providing for amnesties do not exist in the peace treaties in question, the existence of a prohibition on prosecution cannot be assumed to exist.

Since according to the Japanese Criminal Procedure Act, a time limitation exists concerning the prosecution of the crimes in question, Japan is not able to prosecute and punish the persons responsible anymore. However, Japan cannot escape its responsibility on this count by taking advantage of its own wrongful inaction to prosecute and punish the perpetrators of these atrocities.

Liability Arising From Non-Prosecution

In addition, Japan is bound to make retribution to the victims through the Governments of the Philippines, the Republic of Korea and the Democratic People's Republic of Korea, for its failure to investigate into and initiate prosecution against the perpetrators of the atrocities committed by them during World War Two against these women and children. Precedence for such liability being fastened upon Japan can be found in the Janes' Case⁴⁸, wherein a US/Mexican Claims Commission was called upon to consider a claim of the United

45 See Oppenheim, Lauterpacht, *supra* n. 13, para 274; A-M de Zayas, Amnesty Clause in: R. Bernardt (ed.), *supra* n. 10, Instalment 3 (1982) at 15 *et seq.*

46 A-M de Zayas, in: R. Bernardt (ed.) *supra* n. 10, Instalment 3(1982) at 17.

47 *Id.*

48 United Nations Reports of International Arbitral Awards, Vol.IV, p.82, Laura M.B.Janes *et al* (USA) v. United Mexican States, November 16, 1925.

States of America on behalf of Laura M.B. Janes, the widow of a murdered American citizen, against Mexico. The United States of America claimed compensation on behalf of the widow and her children, against Mexico, for the failure by Mexico to take steps to investigate into the conduct of, to apprehend and prosecute the murderer of an American citizen, Byron Everett Janes. The court awarded damages in the sum of U.S. \$12,000 as there was a denial of justice, resulting from the failure to fulfil the State's own international duty to prosecute and punish the offender. Thus, the judgement proceeded on the basic principle that in such matters considerable injury was caused to the individual, rather than to the State. It is also significant that in the Janes' Case the United States of America was not making any claim other than that on behalf of the widow and children of Byron Everett Janes.

In these circumstances, Japan ought not, and cannot escape liability to individual victims in Korea and the Philippines.

C. Individual Claims to Compensation

Having established in the above sections that Japan violated its obligations under international law, it now remains to be considered whether or not individuals affected by those violations have a right to bring them to the attention of the international community and in addition to seek restitution for such violations. This question involves consideration of two issues: first, whether the individual was a subject of international law and, secondly, whether the individual, as a procedural matter, had a right to bring a claim before either a municipal or international tribunal.

Having adopted the theory of dualism, Japan has asserted both domestically and internationally that the individual is not a subject of international law. This issue has been debated by scholars, diplomats and others for several centuries. One view, taken by those who adhere to the dualism theory, is that international law and municipal law regulate different subject matters and that international law regulates relations between sovereign States whereas municipal law applies within a State

and regulates the relations between citizens and the State.⁴⁹ Adherents to the monism school believe international law dominates; where there is a conflict, municipal law must give way or, alternatively, that municipal law and international law may give rise to similar norms and that national legal norms are valid because they comport with the international legal order. There are variants on this theme, such as the "monist-naturalist theory". Other scholars take the view that the two systems usually operate in different fields, but that there is a core area where the two overlap, in which case States are responsible to the international community for practices which deviate from international norms.⁵⁰ The debates over which approach is the more appropriate and should apply in any given country continue. According to the theory of strict dualism, the individual cannot have rights and obligations under international law.

For our part, we prefer the views of scholars such as Lauterpacht, whom we believe to be more in agreement with international practice and with the greater weight of opinion. We also believe that with respect to Japan the judgement of the Tokyo War Crimes Tribunal is pertinent. As Lauterpacht has noted:

"To lay down that crimes against humanity are punishable is, therefore, to assert the existence of rights of man granted in a law superior to the law of the State. Thus, upon analysis, the enactment of crimes against humanity in an international instrument signifies the acknowledgement of fundamental rights of the individual recognized by international law."⁵¹

49 See Brownlie, I., *Principles of Public International Law* (Clarendon Press Oxford 1973) at 45-48.

50 *Id.*

51 Lauterpacht, *supra* n. 10 at 36. Although this was said in reference to the Nuremberg Tribunal, the decision of the Tokyo Tribunal as to the jurisdiction conferred by its Charter is based on the judgement rendered at Nuremberg and its opinion gives rise to the same considerations.

Furthermore, the principles of international law set out in the Charters of the Nuremberg and Tokyo Tribunals were specifically recognized by the General Assembly in 1946 when it affirmed the principles "of international law recognized by the Charter of the Nuremberg Tribunal and the judgment of the Tribunal".⁵² In addition, Article 3 of the 1907 Hague Convention (IV) is another indication that the international community has recognized an individual's right to compensation.

Jurisprudence developed in the Permanent Court of International Justice also suggests that it was possible for an agreement "to create direct rights and obligations for private individuals."⁵³ Decisions taken in various national tribunals support this approach.⁵⁴

In its decision in *Danzig*, the Court stated that the objects of a particular agreement as well as the intention of the parties to that agreement must be closely considered when determining the effect of the obligations it creates. When one examines the Hague Convention and norms it sets out concerning war crimes and crimes against humanity, the Slavery Convention and the Convention on the Suppression of Trafficking in Women and Children, it is clear that in each of those agreements the object is the individual and the purpose of the agreement is the protection of the rights of the individual.

As noted by Lauterpacht, there is a difference between the creation of rights or making someone the beneficiary of rights and the giving of the procedural capacity to sue.⁵⁵ Japan has taken the position that the individual was never given the procedural capacity to sue under international law and therefore claims could not have been instituted in Japan for violations of human rights. But the practice of national and international tribunals clearly indicates that this was not so. The

52 *Id* at p.38 n. 30.

53 Permanent Court of International Justice, Advisory Opinion Number 15: Series B, No 15, at page 17-18 cited *id.* at 28-29.

54 *Id* at page 29 note 9.

55 *Id*; see also Ezejiakor, G., *Protection of Human Rights Under the Law* (Butterworth, London 1964).

Central American Court of Justice, the Mixed Arbitral Tribunals created by the Peace Treaties of 1919 and the Polish-German Upper Silesian Convention all conferred rights upon individuals to sue.⁵⁶

It would be impossible at this juncture for anyone to state definitively what the courts in Japan would have done in the period that followed World War II. We believe that this is the relevant period and not the years 1928-1945, as it was only at the close of the war that the situation of the "comfort women" would have come to light and could possibly have been made the subject of a claim. We also recognize that writers in this field differ as to whether or not an individual could be given a right to sue his/her own government. However, this issue has more to do with forum, that is whether or not an international tribunal or arbitration commission had to be established by treaty in order to vindicate the violation of the individual's rights by his own government, and therefore is also a procedural matter.

This distinction between procedure and substance is one of importance. In the domestic sphere it is areas of substantive law which give rise to concerns about retrospectivity of the law. The normal rule in the majority of legal systems is that when procedural rules change, the parties must accept the procedure at the time they appear before a tribunal.

In judging Japan's position, note must also be taken of the emerging consensus at the international level of a right to an effective remedy, as set out in Article 8 of the Universal Declaration of Human Rights. That Article states:

"Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by the law."

This Article does not refer to violations of the Declaration itself but rather of violations "of the constitution or of the law". The drafters

56 See *Id* and Brownlie, *supra* n. 49 at 535 *et seq.*

must be taken to have been aware of issues concerning customary international law and in particular the resolution of the General Assembly adhering to the principles of the Nuremberg Charter and hence to an appreciation that the law included international norms. Japan became a member of the United Nations in 1956 and by doing so adhered to the provisions of the Universal Declaration of Human Rights.

It should be noted here that the decision of the Permanent Court of International Justice (1928) in the Chorzow Factory (Merits) Case, is relevant. In that case the Court indicated that both individuals and the State may have claims for reparation and compensation. The existence of an agreement for reparation between States does not negate the possibility of an individual bringing a suit on the same set of facts for violations of their rights and for payment of compensation to them. Furthermore, with respect to violations of conventions where States have undertaken specific obligations, violations of those conventions can give rise to a right of reparation which need not be stated specifically in the convention itself.⁵⁷ In this view, violations of the Convention on the Trafficking in Women and Children could give rise to the right of compensation for both the Korean and the Filipino women.

With respect to the issue of responsibility, Lauterpacht makes the following comments:

“it must be borne in mind that the State is a corporation, a juristic person, and that reasons of convenience and justice require that, in the normal course of affairs, the collective entity of the State should be the subject of responsibility. ... independent political societies function in the form of the corporate entity of the State, and it is appropriate that the general principles of law applicable to juridical personality and to the corporate capacity for action should apply also in the case of States. ... it is clear that for the purposes of redress, in terms of economic compensation, for violation of treaties

⁵⁷ Chorzow Factory (Merits), *supra* n. 37.

and of customary international law, the State as a whole is as a rule, from the practical point of view, the proper situs of attribution of responsibility.”⁵⁸

It would also be useful at this juncture to note that the International Covenant on Civil and Political Rights ratified by Japan, (hereinafter referred to as the Covenant) guarantees the following in Article 2(3) of Part II:

“Each State party to the present Covenant undertakes:

- (a) To ensure that **any person** whose rights or freedoms as herein recognized are violated **shall have an effective remedy**, notwithstanding that the violation has been committed by a person acting in an official capacity;
- (b) To ensure that **any person** claiming such a remedy shall have his right thereto determined by competent **judicial, administrative, or legislative authorities, or by any other competent authority provided for by the legal system of the State**, and to develop the possibilities of judicial remedy;
- (c) to ensure that the competent authorities shall enforce such remedies when granted.”

The Covenant also protects under Article 9 (5) the rights of a person by stating thus: “Anyone who **has been** victim of unlawful arrest or detention shall have an enforceable right to compensation”. (emphasis added).

These provisions make it clear that international law recognizes the right of individuals to seek compensation for unlawful detention, wherever it may have been committed. In addition, it also provides a right to the aggrieved person to seek redress before an appropriate forum.

It therefore follows that lawsuits can be filed by the former comfort women, wherein, the Government of Japan would be a proper defendant and would be legally bound to make full and complete

58 Lauterpacht, *supra* n. 10 at 41.

reparation. However, it is also obvious that the remedy/forum which the Government of Japan is obliged to provide, under the norms of international law, should be one where the claims can be disposed of within a reasonable time-frame. The facility of filing lawsuits in a civil court in Japan, where ordinarily claims take upto nine years to be disposed of by a court of first instance and where the victims (who have already filed lawsuits) are faced with preliminary objections about the jurisdiction of Japanese courts being taken by the Government of Japan, cannot be considered to be the fulfilment of this obligation on the part of Japan.

Retrospective Operation of Law/Statute of Limitation

Japan has ratified the International Covenant on Civil and Political Rights. Article 15 of the Covenant binds Japan to the following:

“(1) No one shall be held guilty of any criminal offence on account of any act or omission which did not constitute a criminal offence, under national or international law at the time when it was committed. Nor shall a heavier penalty be imposed than the one that was applicable at the time when the criminal offence was committed. If, subsequent to the commission of the offence, provision is made by law for the imposition of the lighter penalty, the offender shall benefit thereby.

(2) Nothing in this article shall prejudice the trial and punishment of any person for any act or omission which, at the time when it was committed, was criminal according to the general principles of law recognized by the community of nations.”

Article 15(2) therefore expressly permits prosecutions in respect of war criminals who were guilty of committing atrocities during World War II.

It cannot be over-emphasized that war crimes and crimes against humanity can consequently be punished at any time after their commission and that there can be no statute of limitation to curb this right

of an individual to require a State to prosecute and punish any such war criminals.

Since the present claims pertain to war crimes and crimes against humanity, it would be futile to take up the defences of retroactive law or statute of limitations, especially because the concept of reparations takes within its sweep the prosecution of the offenders.⁵⁹

The issues raised by the situation of the comfort women are unique. They are not directly analogous to the war crimes trials which have taken place in recent years in many countries of Europe, North America and Australasia. There are two avenues of redress being pursued by the women: the first is on the diplomatic front, where the women are requesting Japan to enact legislation which would provide for compensation for the injuries they have suffered, and the second is by litigation in Japan where the women allege violations of international law in the context of an international tort claim. These law suits do not involve an assertion of universal jurisdiction such as has been made in the war crimes trials. Rather, the women have gone directly to Japan to provide it with an opportunity to make adequate redress either legislatively or through its legal system.

As demonstrated earlier, the substantive areas of the law do not involve questions of retrospectivity. The only issue which is open to a claim of retrospective application of the law is the ability of the women as individuals to seek damages for violation of customary international law in a municipal court. This issue is of no importance on the diplomatic front, because Japan could enact legislation irrespective of whether the women had a right to sue. Therefore the question of retrospectivity only has importance in the context of the law suit initiated in Japan.

It is our view that under the precepts of international law prevailing at the time these facts came to light (and which would be the time

59 See Report by Theo van Boven, *Study concerning the right to restitution, compensation and rehabilitation for victims of gross violations of human rights and fundamental freedoms* (United Nations document E/CN4/Sub.2/1993/8).

under domestic law that one would view a cause of action as having arisen), Japan was under an obligation to undertake the payment of compensation; this right of necessity includes the provision of a forum for the hearing of claims. Furthermore, as this is an issue which is similar to domestic issues of "standing", it would be possible for Japan to either waive the issue or alternatively to enact legislation to enable the victims to go to trial on merits. We are of the opinion that Japan should give serious consideration to the enactment of such a measure if it does not intend to solve the general question of compensation legislatively. (It is our belief that a legislative solution is more appropriate because it would entail a speedier resolution of the issues.)

Comments made by Professor Theo van Boven in his paper *Reparation for Victims of Gross Violations of Human Rights* before the International Symposium held by the Japan Federation of Bar Associations provide cogent reasons as to why Japan should undertake such actions. He argues that if compensation is not given for gross violations of human rights, the belief grows among the perpetrators and others that such acts can be carried out with impunity. This leads to concern that such violations will occur in future.⁶⁰

If Japan undertook to provide the victims with a rehabilitation scheme, this would be a clear recognition on its part of the harm and injustice that former government and military officials brought to innocent civilians in the pursuit of a militaristic policy. It would be a means of establishing responsibility and revealing the truth. Rather than pursuing a strategy of defending itself, Japan might give thought to setting a precedent in this area. It would be a means of demonstrating its commitment to leadership in the international arena in the areas of human rights and peace.

60 Japan should be particularly sensitive to this issue as criticism was lodged against it for providing forces to the United Nations Peace Keeping Force in Cambodia because of fears that it had not yet indicated to the international community its peaceful intentions. Japan would be aware that it remains distrusted by many countries in Asia and we believe that an action by it providing for reparation will go a long way towards demonstrating in practical terms the "sincere remorse" that it has expressed in recent years on visits undertaken by government officials to various countries in Asia.

With respect to the question of a statute of limitations, this issue again arises solely in the context of the litigation pending in Japan. There is no impediment internationally or domestically for the Japanese Diet to enact legislation giving full reparation to the women. Therefore this is not an issue which should affect debate about the question of reparations at the international level.

As to the law suits filed by the women, we understand that under Japanese law a defence of statute of limitations can be waived although there is an outside period of 20 years; after this point it would appear that the statute of limitations poses an absolute bar to a law suit. This again raises difficult issues concerning the overlap between municipal and international law. International law does not recognize statutes of limitations⁶¹ in the area of criminal jurisdiction over war crimes and crimes against humanity.⁶² We would think that, by the process of analogy, when the claim being made is a tort claim for violations of these international rights, no statute of limitations should be applicable and that in this regard municipal law should give way to international law. Again, another possibility for the Japanese Government is to enact specific legislation waiving the statute of limitations in this case so that the issue does not have to be litigated before the courts.

We do not believe that there would be any unfairness or injustice caused to Japan by taking such an action. The purpose of a statute of limitations is to prevent "stale" suits from going forward and to avoid cases being brought when the evidence pertaining to the issues may

61 See Brownlie *supra* n. 49.

62 For discussion of the war crimes legislation in the United Kingdom, Canada and Australia, see generally, Cottrell, R. *The War Crimes Act and Procedural Protection*, (1992) *Crim. L. R.* 173; Fenrick, W. J., *The Prosecution of War Criminals in Canada*, the *Dalhousi Law Journal* 256; and Triggs, G., *Australia's War Crimes Trials: A Moral Necessity or Legal Minefield?* (1987) 16 *Melb. Uni. L. R.* 382. For an exhaustive discussion of the question of the non applicability of statutory limitation to war crimes and crimes against humanity, see Economic and Social Council study submitted by the Secretary General, *Question of Punishment of War Criminals and of Persons Who Have Committed Crimes Against Humanity*, E/CN.4/906 (15 February 1966).

well have disappeared. Those considerations are not present in this case. The concept of "staleness" has to do with individual defendants being able to order their affairs and the assumption that, after a certain period of time, past behaviour cannot be used against them. This has less relevance to a government, as its ordering of its economic and other affairs does not depend upon whether or not it believes a law suit will be brought against it. As to the evidence, it is clear from the contents of this report that material evidence concerning the allegations made by the women is available. There are thousands of pages of documentary evidence as well as the oral evidence of the women and the former soldiers. There is no possibility of anyone being prejudiced by proceeding with the trial of the law suit on merits at this point.

Chapter Ten

Activities of Non-Governmental Organizations

In all human rights causes where public opinion needs to be moulded, non-governmental organizations (NGOs) have been of pivotal importance. It was indeed heartening to meet representatives of such well-motivated, well-directed NGOs in the Philippines, the Republic of Korea and in Japan.

Particular mention must be made of the NGOs in Japan, as they are represented by Japanese men and women, all united in the cause of justice. Having understood the grim picture of Japan's military past, they have put in untiring effort to educate their fellow citizens in Japan about it.

Tremendous work has been done by the NGOs in these three countries in relation to identifying ex-comfort women, summarizing their memories as comfort women, helping them to come to terms with their past, generating public empathy for them by seeking the cooperation of the mass media, encouraging the women to speak out in public, generally empowering the women, improving their living conditions, and also placing their demands before national and international forums and the Government of Japan.

The Republic of Korea

In the Republic of Korea, the NGO movement for this issue is spearheaded by the Korean Council for the Women Drafted for Sexual Slavery by Japan (hereinafter referred to as the "Korean Council"). The Korean Council is a federation of individuals and organizations in South Korea and abroad.

In April 1988 an international seminar on Women and Tourism was organized in Korea by the Korea Church Women United. Professor Yun Chung-Ok, who, since 1980, had been investigating the issue of

the comfort women, addressed the seminar. Soon after the seminar when President Roh Tae Woo was to visit Japan in May 1988, three women's organizations, Korea Church Women United, Korea Women's Association United and National Council of Female University Students Representatives, issued a statement demanding an apology and reparation from the Japanese Government. It was in these circumstances that the Korean Council was formed in November 1990, to deal extensively with this issue. The Korean Council requested a response from both the Korean and the Japanese Governments.

The efforts of the Korean Council set off a chain reaction in Japan, where the question was raised in the Diet by the Opposition. The Japanese Government flatly denied any involvement of the Japanese military. This, and the campaign of the Korean Council, encouraged an ex-comfort woman, Kim Hak-soon, to publicly reveal her experiences as a comfort woman. Enraged by the Japanese Government's false denial of its involvement, she was the first ever victim to have spoken out on this issue since its occurrence.

Professor Yoshimi's research in Japan, based on official Japanese documents, and the testimony of Kim Hak-soon about the involvement of the Japanese military, was followed by a hasty apology by the Prime Minister of Japan during his visit to South Korea in January 1992.

The Korean Council was ably assisted by a Research Group for the Women Drafted for Sexual Slavery by Japan, consisting of committed young women, who sifted through all the information coming in, and compiled statements of victims who wanted to speak out. These statements have been published in the form of a book, in Korean and Japanese, and an abridged version is available in English.

The Korean Council has relied on hotlines, radio and newspaper appeals to locate the former comfort women. So far testimonies of about 170 victims have been documented.

The Korean Council also organizes weekly demonstrations, on Wednesday afternoons, of the former comfort women and individuals and organizations supporting them outside the Japanese embassy in Seoul. The 50th such demonstration was held on 20 December 1992.

Eyewitness accounts of these demonstrations make special mention of the spontaneous expression of anger by the participants, of the emotional upheaval experienced by the women and their hope for justice.

The Korean Council is an interesting blend of young and not-so-young volunteers sharing a common zeal and dedication to bring justice to these women. It is supported by the World Council of Churches. The Korean Council has made a list of demands on behalf of these women. They are :

1. The Japanese Government should reveal the crime of *Jungshindae*, i.e. comfort women;
2. The Japanese Government should formally apologize;
3. The Japanese Government should erect a memorial for these victims;
4. The Japanese Government should pay reparations to these victims/their bereaved families;
5. The crime of *Jungshindae* must be accurately recorded in Japanese school text books and history books;
6. The Japanese Government must punish such offenders, as are alive today.

The Philippines

On 10 March 1992, the Philippine Daily Inquirer, a local Manila newspaper, reported that among the thousands of World War II comfort women were 19 Filipino women from Iloilo. The Bayan Women's Desk (an NGO) received a document dated March 1942, which was a medical report by a Japanese Army doctor on 19 Filipinas. The report included the names of 13 of them. The document also contained a sketch of the location of a comfort house near the plaza in Iloilo city.

Gabriela, a women's organization with a chapter in Iloilo, conducted a preliminary investigation together with Bayan Women's Desk and the Asian Women Human Rights Council (AWHRC) in July

1992. The investigation led to the identification of a former *kempeitai*, Sikitchi Nossimoto, aged 70, who was living near Iloilo city under the Filipino name of Nonito Santillan. He confirmed that the comfort house was indeed in Iloilo, near a certain Paris Hotel at Dela Rama Street. This was corroborated by a former G-2 Intelligence member. Testimonies of old women in Rizal, Incore New Site and Incore Proper were also gathered. These revealed that truckloads of women were brought to the Paris Hotel for Japanese soldiers; some were found dead only days after arrival. Some of these women were Korean and some Taiwanese.

Bayan Women's Desk began looking for more survivors and further information, and pressed a list of demands.

It called upon the Philippine Government, then under President Aquino, for an investigation. The Presidential Commission on Human Rights requested a professor at the University of the Philippines, Professor José Ricardo, to make an enquiry report on forced prostitution in the Philippines during the Japanese occupation. Professor José Ricardo submitted his report on 26 June 1992 to the Presidential Commission, containing his finding that there were no major instances of forced prostitution in the Philippines, and there were no Filipino comfort women. However, in July 1992, the Japanese Government published the preliminary report of its own enquiry, making public some 127 documents and setting out its finding that the Japanese military was involved in the comfort women issue. Some of these documents clearly established that several Filipino women had been victims of sexual exploitation by the Japanese military.

On 13 July 1992 the Task Force for Filipino Comfort Women (TFFCW) was formed under the AWHRC-Philippines network to coordinate the campaign. At present it has 14 member organizations, and the AWHRC-Philippines and Bayan Women's Desk serve as the lead agency and secretariat of the TFFCW.

The TFFCW has opened local chapters in Pampanga, Iloilo, Bacolod, Antique and Capiz since August 1992 in order to gather more information.

Having heard that the Japanese Government was denying that the women had been taken by force, a greatly distressed ex-comfort woman, Rosa Luna Henson (popularly known as Lola Rosa, Lola meaning grandmother in Tagalog), contacted the TFFCW and narrated her bitter experiences. This was a major breakthrough for TFFCW, as she was the first ex-comfort woman to speak out in the Philippines. She also told her story in public on 18 September 1992. She has since been the inspiration for many other victims to reveal their stories. The TFFCW have located 50 such victims so far.

The TFFCW has been organizing public meetings, investigations, radio broadcasts, hotlines and newspaper campaigns with considerable success. Lola Rosa has herself participated in these activities, giving courage to women to speak out.

In April 1993, at the end of a public meeting in Davao, when Lola Rosa was at the airport, she was approached by a tearful woman who shared with her the agony that that woman had suffered as a former comfort woman.

After Lola Rosa went public with her narration on 18 September, the Philippine Government, then under President Ramos, was forced to react to the issue, Professor Ricardo's report was ignored, and the President directed the Department of Foreign Affairs, the Department of Justice, and the National Commission on Women to conduct a deeper study into the issue. A government task force has since been formed.

The TFFCW also holds weekly demonstrations of former comfort women, members of the public and sympathisers before the Japanese mission in Manila.

The demands of the TFFCW are:

A. Against the Japanese Government:

1. to apologize to the Filipino people, especially to women victims/survivors and their families;
2. to pay adequate compensation to the women victims and their families;

3. to include references in textbooks of the reality of women's human rights violations by forcing them to work as comfort women, and that this is a war crime of Japan, so that wars, militarism, and the consequent abuses against people, especially women and children, may not be repeated;
4. to admit that the Japanese military used force and violence in the taking of comfort women and that the Japanese Government's assertion to the contrary is false.

B. Against the Philippines Government:

1. to undertake an official investigation and search for surviving comfort women and/ or families;
2. to demand compensation and a formal apology from the Japanese Government for the victims, survivors and families;
3. to record the fact in text-books and history books;
4. to formally demand the United Nations Commission on Human Rights to conduct a thorough investigation and to censure Japan for its human rights violations and cover-up of information for 50 years.

C. For a repeal of the peace-keeping operations law (PKO Law) of Japan which opens up, once more, the possibility of dispatching Japanese troops to Asian countries and the rest of the world.

D. To forge a strong solidarity network for all Asian women drafted for military sexual service by Japan.

The TFFCW has been actively assisting Japanese lawyers in the filing of lawsuits by Filipino former comfort women against Japan for damages and other reliefs in the Tokyo District Court. The first such case was filed in April 1993 by Lola Rosa and others.

The TFFCW has also started a campaign of "adopt one Lola" so as to ensure that the former comfort women who have spoken out are "adopted" or looked after by families, thereby also ensuring public sympathy for the plight of these unfortunate women.

The Korean Council and the TFFCW have placed their respective demands before the Japanese Government and have also voiced them before national and international forums, including the United Nations.

Japan

This section includes the efforts being undertaken by non-governmental organizations within Japan as well as the law suits filed on behalf of the Korean and Filipino comfort women. There is support both for the women and for their claims for reparation within Japan itself. It was the impression of the ICJ mission, on the basis of those organizations with which they spoke, that a significant percentage of the Japanese population believe that the comfort women and those men and women forcibly conscripted for work in civilian industries or the military during the war should be compensated. Many organizations are devoting themselves to educating the public about Japan's actions in Korea and other parts of Asia in an effort to foster better relations between Japan and the countries of northern and South-east Asia. These organizations believe that issues of social justice are at stake, as they perceive the root cause of Japan's behaviour prior to and during World War II to be racism. They consider it crucial that this issue be addressed so that an ethos of equality can be established in Japanese society.

The work which has been undertaken by these organizations is of enormous significance. Through their efforts as well as the efforts of the Korean Council and the TFFCW, this issue has become one of international concern within a space of 5 years. The non-governmental organizations in the various countries have worked together closely and give support to one another. Their efforts have created a climate which has allowed the former comfort women to come forward and to feel that they will be believed and accepted. In addition, as a result of their

work, the Japanese Government has had to admit its involvement in the creation and maintenance of the comfort stations.

The following pages outline the activities being undertaken by the Coalition of NGOs working for Women Drafted into Sexual Slavery by Japan, the Report on Compensation made by the Japanese Civil Liberties Union, the Public Hearings, the international meeting held by the Japan Federation of Bar Associations and the various law suits.

The ICJ mission met with representatives from the Coalition of NGOs Working for Women Drafted into Sexual Slavery by Japan. Included at the meeting were representatives from the following organizations:

- The Association of Anti-Prostitution Activity;
- Matsushiro Korean "Ianfu" (Women in Slavery for Sex) Association (Japan);
- The Investigation Group on the Truth About Forced Korean Labourers in Japan;
- The National Christian Council;
- The Forum to Ponder on the War Victims in the Asian-Pacific Region and Engrave it on Our Mind;
- The Japanese Committee for the Filipino "Comfort Women";
- Association to Clarify the Japanese Responsibility in Post World War II;
- The Comfort Women Hotline (an umbrella group of ten non-governmental organizations);
- The Working Group on the Settlement for Compensation of War Victims;
- The Foundation for Human Rights in Asia - Filipino Support Group (this is an umbrella organization for 15 non-governmental organizations).

Although the groups differ in the focus of their work, they agree that restitution should be made to all those who were taken by Japan either

as comfort women or as forced labourers. Their definition of restitution encompasses the need for a full investigation of the facts, including the taking of testimony from former comfort women and conscripted labourers, the payment of compensation to individuals and the making of a full and complete apology by the Japanese Government. Many of these groups have expressed their concern that the former Japanese soldiers are being rewarded in the form of pension benefits, while at the same time compensation is denied to those who were forcibly taken from their homeland and coerced into providing services for the Japanese Imperial Army. All of the organizations the mission spoke with believe that negotiations should take place between the Japanese Government and the individual women or organizations representing the women; they do not believe government to government negotiations will be useful.

Several organizations have collected records showing the names of those Koreans, men and women, conscripted as civilian labourers, and have revealed the names of corporations which utilized the services of such labourers. Others are attempting to compile information on the comfort women, tracking down documents which contain names and which will allow a more complete count to be made. Records have been obtained from within Japan as well as Korea, the Philippines, the United States of America and the United Kingdom.

In addition, these organizations have raised money to sponsor visits by Filipino and Korean women to Japan for the purpose of conducting public education campaigns. They have also organized public meetings and have educated the media about their work.

By and large these organizations were critical of the efforts being undertaken by the Japanese Government. They do not believe enough is being done to conduct a full-scale investigation of the matter, and are worried that certain government departments are withholding documents. Furthermore, they are critical of the government's failure to take testimony from the comfort women. One organization, the National Christian Council, reprinted a transcript of an interview they had had with the Japanese Government, where this issue was raised. In response to a question about the taking of testimony, the government

indicated that the time and expense involved in such an exercise would be enormous and the government was not willing to undertake it. The government indicated that it believed that in order to conduct interviews of the comfort women, they would also have to conduct interviews of former soldiers, and stated that many former soldiers were reluctant to give testimony. Neither the non-governmental organizations nor the members of the mission consider this to be an adequate response.

These organizations have also suggested that temporary emergency relief be given to the women because of the poverty in which they are presently living. The government has not accepted this suggestion. In addition, many of them would like to see the former Allied Powers do more to release pertinent records; although a number of organizations have received copies of some documents through contacts in other countries or through ministries of foreign affairs, they are convinced that additional relevant documentation exists.

What was done by the Japanese had to be understood as a violation of the human rights of women. This issue was discussed with the coalition; we asked whether there was a relationship between what had occurred with respect to the Korean women and the attitudes displayed towards women in Japanese society during the 1920s and 30s. Those organizations which have worked specifically on women's issues believe there is a strong connection. During the 1930s Japan had a system of licensed prostitution. Although the conditions in the comfort houses were far more appalling than in houses of prostitution (and there were obvious differences in the way women were "recruited" for those two institutions), the existence of licensed prostitution in Japan created an atmosphere in which men saw it as their "right" to have women to gratify their sexual pleasure. This attitude no doubt influenced those officers who initially suggested that brothels be created for Japanese soldiers stationed in China. It was also pointed out that the system of licensed prostitution led to the exploitation of poor women, particularly women from rural areas, a pattern which we saw repeated when women were taken from the Korean peninsula.

At the close of the meeting, those present indicated their frustration with their government's failure to respond adequately to these events and voiced their concern that the government would continue to "go slow" with respect to this issue. The coalition was also critical of members of Parliament, believing they had not done enough with respect to the issue; it was suggested that the Diet could put pressure on the government to move more quickly and to respond in a more positive fashion. All of those present expressed their hope that the international community would put pressure on the Japanese Government to take decisive action.

The international public hearing held in Tokyo

In 1992 a number of individuals and organizations came together to organize a public hearing "concerning the post-war compensation of Japan"; the hearing was held in Tokyo on 9 December 1992. The public hearing was widely reported in the international and local media. During the hearing a number of former comfort women came forward to testify; the women were from the People's Republic of China, Taiwan, the Republic of Korea, the Democratic People's Republic of Korea, the Philippines and Australia (originally from the Netherlands). In addition, testimony was given by those conscripted as labourers for the Japanese war effort. A report of the public hearing is about to be published, and a video of the hearing is available.

Symposium held by the Japan Federation of Bar Associations

In conjunction with the public hearing referred to above, the Japan Federation of Bar Associations held a symposium on 10 December 1992, "Human Rights Day", on the subject "War and Human Rights - Legal Analysis of Post-War Reparations."

Report by the Japan Civil Liberties Union

The Japan Civil Liberties Union (JCLU), an affiliate of the International Commission of Jurists, issued a report in April 1993 concerning the post-war responsibility of Japan for reparations and compensation. The articles in the report were prepared by the

members of JCLU and include an introduction, which presents an overview of the reparations issue, a report on military comfort women, a report on the problem of restitution to non-Japanese soldiers and civilians, a report on the issue of compensation to the Korean people, and excerpts from the decision of the Supreme Court concerning a claim for damages brought by relatives of Taiwanese soldiers who died whilst serving for the Japanese Imperial Army. The various authors highlight the amount of compensation paid by Japan to its own military personnel, pointing out that immediately after Japan regained its independence it reversed the position that had been taken during the Allied Command, enacted a series of laws which provided for compensation to families and war invalids, and ultimately enacted laws authorizing pensions for all former soldiers. These laws contained nationality clauses which excluded Koreans, Taiwanese and others who had been forced to serve in the Japanese military. The authors argue that these exclusion clauses violate Japan's international obligations, as they discriminate against those who were under the colonial rule of Japan. In this regard they point to a decision of the Human Rights Committee concerning France and its former soldiers from Senegal, which holds that payments of differing amounts is discriminatory. They argue that if this decision were applied to Japan, any Korean or Taiwanese who fought in the Japanese military should be entitled to exactly the same pension benefit as that being paid to former Japanese soldiers.

In addition, they argue that steps taken by the United States and Canada to pay restitution to nationals of Japanese extraction interned during World War II should be emulated by Japan and compensation should be paid to those who were unjustly treated in the Korean peninsula and Taiwan. In their view the measures taken by the German Government to pay reparations to citizens of the various States affected by the activities of the Nazi army as well as to Jews who suffered under the Nazi holocaust also provide an appropriate model.

The report has been published in English.

The law suits

During their stay in Japan, the members of the mission met with the coalition of lawyers who are handling the various claims filed by the Filipino and Korean women. As of May 1993 there were 18 cases pending against the Japanese Government. Some of the cases concern only forced labour either within the Korean peninsula or within Japan, while others involve both forced labour and comfort women. Some of the cases are concerned solely with the comfort women; one involves women who are now residing in the Republic of Korea, another, Filipino women and the third, a Korean woman at present residing in Japan.

The first case involving comfort women was filed in December 1991, nine of the plaintiffs were "used" as "comfort women" by the Japanese military from the period 1938 to 1945. The plaintiffs alleged that they were taken against their will, some being abducted and others being taken under the pretext of "nurse recruitment". They were taken to "comfort facilities operated by the Japanese military at Fukuoka, Shanghai, Taiwan, Kahoku (North China), Rabaul and Rangoon, where they were confined and forced to have sex with many men for some years."¹

It is alleged that these acts of the Japanese Government were crimes against humanity, violated customary norms of international law, including prohibitions on the traffic of women and the slave trade. Reference is also made in the complaint to the Cairo and Potsdam Declarations, which were statements issued by various Allied governments during World War II and which recognized that the Korean people had been living under conditions of virtual servitude and should regain their independence at the close of the war. These

1 Description of the Case for Compensation for Korean Victims of the War in Asia and the Pacific, provided by the coalition of lawyers in both Japanese and English. The complaint details the conditions under which the plaintiffs were forced to live, the "systematic, organized and continual gang rape" committed by the Japanese military and the abandonment of the women at the close of World War II.

declarations are relied on in order to demonstrate that Japan had enslaved the Korean people and therefore committed crimes against humanity (enslavement of a people is an aspect of a crime against humanity).²

In response to this complaint, the Japanese Government has stated that the claims are without foundation, as the notion of crimes against humanity was used solely in the Nuremberg trials against European defendants³, and is not applicable against Japan. Although it admits that it was involved in the maintenance of the comfort houses, it has not admitted that it either established them or ran them on a day-to-day basis. Furthermore, the Japanese Government challenges the assertion that the women were recruited involuntarily. It also denies that these activities amount to a crime against humanity.

The government has strongly resisted the attempt of the lawyers to have testimony taken from the various plaintiffs;⁴ the lawyers argue that the women are old and therefore their testimony should be made a matter of record as soon as possible.

Although Japan has raised the issue of the bilateral treaty between itself and the Republic of Korea in the international arena, this issue has not been raised in this law suit.

With respect to the claim filed during April 1993 on behalf of a Korean woman now residing in Japan, the allegations are similar to those in the complaint detailed above. The legal basis of the claim as it presently stands is principally that the acts of Japan amounted to crimes against humanity and violated customary norms of international law. In response Japan has asserted that there was no municipal law which gave individuals a right to sue for violations of

2 See Chapter 9 for a more detailed discussion of crimes against humanity.

3 This assertion is not correct, see Chapter 9.

4 See Japan Christian Activity News, February/March 1993, in which a dialogue between the members of the Japan Christian Council and the government is reported. In that dialogue the government claimed that the taking of testimony would be enormously difficult because it would involve not only the women themselves but also former soldiers.

international norms at the time these events occurred, and therefore no suit can be brought at present. The complaint in this law suit also relies on violations of the ILO Forced Labour Convention and international norms prohibiting slavery.

The lawyers the mission met stated that the government has consistently taken the position on the domestic front that war damage, having been caused to so many people, must be tolerated. Its public attitude towards these claims is similar; it has justified its stance to the Japanese population by pointing to all the injuries they had to endure. Only victims of the atomic blasts have received compensation.

As noted above, a claim was filed in April 1993 on behalf of 18 Filipino women who were taken and used as comfort women by the Japanese. A description of the claim provided to the mission recounts the history of the Japanese occupation of the Philippines, discusses the relationship between the institution of comfort women and sexual discrimination, in particular the way in which women are deprived of their dignity by being perceived as a sexual tool of men. The following statement forms part of the complaint:

“what differentiates “comfort women” from other war victims is the factor that the victims of sexual violence share. It is the difficulty that they face in speaking out the whole truth. They tend to catch public attention and curiosity, even though they are not responsible for their experiences. Moreover, there exists a social structure that makes them feel ashamed. The same goes for rape victims.”

The lawyers argue that because of this it is more difficult for the judicial system to grasp the realities of the damage done to such victims. Details are given as to the way in which the women were captured, raped and maltreated. Various documents are referred to, including: “The Regulations of Authorised Restaurants and Comfort Stations in Manila”, published by Lieutenant General Oonishi of the Quarter Master Corps in Manila, a report on venereal examinations undertaken in Iloilo by the Military Police, the diary of a member of the 35th Infantry Battalion and a report from the military station at Santa Cruz Sanatorium, Laguna, concerning the contracting of venereal disease by comfort women.

The legal grounds for the claim are as follows:

1. Violations of the Hague Convention (No 4) of 1907, in particular Article 46 of the regulations, which provides for respect of family honour and Article 3 of the Convention, which recognizes the right to compensation for violations of the regulations;
2. Crimes against humanity;
3. The Paris Peace Conference of 1919 and the Treaty of Versailles, in which it was recognized that crimes against peace, which would include what are now considered to be crimes against humanity, could give rise to claims for compensation; and
4. The Charter of the Tokyo War Crimes Tribunal, in particular Article 5, which defines crimes against humanity as including "murder, extermination, enslavement, deportation, and other inhumane acts... or persecutions on political or racial grounds..."; and in addition it is also alleged that an individual's right to seek compensation cannot be affected by the failure of a government to protect her claims.

The Japanese Government has stated in its defence that domestic law at the time did not provide for a right to sue for violations of international law and without such a law there was no possibility of bringing a claim within Japan prior to World War II; therefore any claim as to such a right is seeking retrospective application of the law. The government also asserts that the Treaty of San Francisco and the Bilateral Treaty between Japan and the Philippines settled all issues of compensation.

Unfortunately copies of the defences lodged by the government in these actions were not available in English either from the plaintiffs' lawyers or from the government; it is possible therefore that other issues have been raised by the government.

Conclusions & Recommendations

Conclusions

1. The Japanese Imperial Army and Navy initiated the setting up of a vast network of comfort stations for the exclusive use and “enjoyment” of the Japanese Imperial Army and Navy, before and during the Second World War. The Japanese military planned and executed the provision of comfort facilities to its troops, wherever they were located. Chinese, Korean, Taiwanese, Filipino, Malaysian, Indonesian and Dutch women and girls were put into these comfort stations and sexual services were extracted from them under duress.
2. The taking of these women, even where it was done initially by private persons, was soon handled by the Japanese military itself. It appointed recruitment agents who were given special permits for travel to and from military establishments. These recruiters were actively assisted by the military (kempeitai) and local police, to ensure that the girls and women “volunteered”.

It is indisputable that these women were forced, deceived, coerced and abducted to provide sexual services to the Japanese military.

3. Detailed regulations were framed by the Japanese military for the setting up, use, operation and control of the comfort stations. The regulations were so detailed that they reduced the women to mere commodities.
4. Life at these comfort stations was living hell for the women. They were beaten and tortured in addition to being raped by 15, 20 or 30 soldiers a day and officers by night, day after day, for periods ranging from 3 weeks to 8 years. Living conditions were cramped and shabby. The lives of those who had to follow troops around at battlefronts were put at risk, day after day. Food was usually of

poor quality and in short supply. Although medical check-ups by army doctors sometimes took place, many women were afflicted by sexually transmitted diseases. When they were brought to the comfort stations they were virgins, healthy in body and spirit. They left the comfort stations diseased in body and crippled in spirit.

5. As transportation within all areas controlled by the Japanese military was strictly regulated, it is obvious that the military was aware that thousands of Korean women were being transported within Korea and from the Korean Peninsula to places such as China, Burma, the Philippines, the South Pacific, and the Ryuku Islands (Okinawa). Even when passage was arranged on passenger ships, passage had to be authorized by military officials. The witnesses have testified to the fact that many of them were actually transported on military ships, trains and road vehicles. As these were under the control of the then Japanese Government, it bears responsibility for trafficking in women. This responsibility should be accepted by the present government.
6. From 1942 onwards, Japan occupied and controlled the Philippines. It is clear that Filipinas were being kidnapped and forcibly detained within military camps. There is sufficient evidence to show that military officials in the Philippines were aware of the fact that Filipinas were being kidnapped and placed in comfort stations.
7. Documents obtained by the ICJ mission contain special requests made by field officers to commanders in Tokyo for the recruitment and transportation of comfort women to their areas. This again demonstrates the knowledge on the part of high-ranking members of the military of the existence of the comfort stations and demonstrates their active involvement in the recruitment and placement of women in those stations. It could not have been otherwise, as Japan was at war and it is clear that any area controlled by the military, and in particular a military camp, would be under tight security regulations.
8. It also emerges from the testimony of the witnesses that, in some

camps, Japanese soldiers attempted to kill women who had been in the comfort houses when they realized they were about to lose the war. As these soldiers were under the command of the Japanese military, it remains responsible for their actions.

9. An extremely tragic consequence of the confinement of these women was that their suffering did not end after the war. Faced with untold difficulties, after being abandoned by fleeing Japanese soldiers, some of them reached home, only to live lives of isolation. Typically, it has been a trial of the victims who have had to pay the price of the violations inflicted upon them.
10. Estimates of historians that 100,000 to 200,000 women were made to serve as comfort women are consistent with the large number of Japanese troops stationed throughout the Asia-Pacific region. The vast scale on which these atrocities were perpetrated is truly appalling. Although women were not treated equally in any society at this point in time, they had never been humiliated to this degree, in such vast numbers, for so long.
11. The grinding poverty they were living in, and their social framework, made these girls and women extremely vulnerable to force, fraud, deceit, coercion and abduction. In the context of the Philippines, the Japanese atrocities and wanton acts of brutality caused many of the women to be doubly victimized. A number were arrested on suspicion of being guerrillas or guerrilla sympathisers, subjected to acts of torture, then confined in military camps as comfort women. Others were forced to watch relatives being killed or tortured.
12. Even if it could be established that some of the women did agree to go "voluntarily" to the comfort stations, under no circumstances could they have ever imagined what they were letting themselves in for. Further, there was no way they could have known that the military would kill or attempt to kill them or abandon them after the war.
13. The then Government of Japan was directly or vicariously responsible for all that happened to these women. Its actions

violated customary norms of international law concerning war crimes, crimes against humanity, slavery and the trafficking in women and children. These acts should have been made a part of the trials which took place at the close of the war. Unfortunately the focus of those trials was on acts committed against nationals of the Allied powers. Japan should take full responsibility now, and make suitable restitution to the victims and their families.

14. The investigation conducted by the Japanese Government is inadequate and appears calculated to placate sentiments rather than being focused on a solution to the issue. A fuller and more complete investigation by Japan is necessary.
15. Regarding the Japanese Government's investigation, although it is important to uncover as many documents as possible, it is equally important to interview witnesses. Former soldiers and officers of the military are alive and should be interviewed with respect to this issue.
16. Questions have been raised within Japan as to whether the government is in fact making public all documents available to it. It has been said that many documents were burned or destroyed in other ways at the end of the war and hence the complete picture may never emerge from documentary evidence. In saying this, we do not mean to undermine in any way the obligation of the Japanese Government to continue to search for all records relevant to this matter. It is difficult to believe that there are no existing police documents with respect to the "recruitment" of women from the Korean Peninsula. The police were often given instructions as to the number of people that needed to be recruited from a specific area and it is difficult to believe that all of these documents were destroyed. Furthermore, recruiters had to be licensed by the local police and, again, it is difficult to believe that all documents authorizing these individuals have been lost or destroyed. The Police Department is the only department other than the Department of Labour to say that there were no documents in its files concerning this issue. We find it hard to accept that this is an accurate statement.

17. In addition, more effort should be made to uncover the diaries of soldiers and officers. Where such materials have been made public, they have been useful in documenting the establishment and operation of the comfort stations. Serious efforts should be made by the Japanese Government to locate all existing diaries.
18. The Allied Powers had full knowledge in 1945 of the fact that these atrocities had been committed. They did nothing to bring those offenders to trial or to obtain reparations for the victims. Clearly they owe a duty to explain this, and to make public all records in their possession, pertaining to this issue.
19. Neither the 1965 Agreement on the Settlement of Problems Concerning Property and Claims Between Japan and the Republic of Korea, nor the 1956 Philippines and Japan Reparations Agreement, present an impediment to the women's claim against Japan. The former was never intended to and did not include "claims" involving the violations of human rights. The latter agreement was for reparations to the "people" of the Philippines because of the devastation wrought on their country. The issue of compensation for individuals was not part of the negotiating process, therefore the treaty was not intended to and should not be interpreted as having settled this issue.
20. Some mechanism should be established quickly to determine the case of each of the women who have come forward so far. It is not sufficient to rely on the court cases in Japan; these may take up to ten years to resolve. Given the age of the victims, this is not an adequate means of redress for the violations of human rights which have been perpetrated against them.
21. As there was no attempt made to hold Japan responsible for its treatment of the comfort women at the close of World War II, the international community, and particularly those countries that were members of the Allied forces, have an obligation to these women to put pressure on the Government of Japan to ensure that it takes adequate measures to rehabilitate and provide full restitution to the women, as those terms are used in the report of Professor Theo van Boven, Special Rapporteur for the study on the Right to

Restitution, Compensation and Rehabilitation for Victims of Gross Violations of Human Rights and Fundamental Freedoms. Many of the victims have been surviving at the mercy of friends and relatives. They are beyond the age where they can be expected to work. Many need constant medical attention and care. Some of them are heavily indebted having taken loans for their bare subsistence. Their rehabilitation will therefore ensure them adequate shelter, medical aid and a decent standard of living. Having regard to the years of neglect already suffered by the women, an immediate interim payment of US \$40,000 per victim is warranted.

Recommendations

- 1(a) Japan should make a full and complete disclosure of all information it has in its possession concerning the operation and maintenance of the comfort stations, including the methods by which women were taken to those stations, the manner in which they were transported, and the ways in which they were treated at the comfort stations.
- (b) Japan should expeditiously provide and set up an administrative forum where the claims of the victims can be heard and disposed of within a time-frame of six months or so. Alternatively, Japan should enact appropriate legislation enabling disposal of the pending law suits expeditiously on merits waiving preliminary technical objections of jurisdiction and limitation.
2. If no action is taken as suggested in 1(b), Japan should take steps to fully rehabilitate the victims. This would include making full restitution, as also providing rehabilitative measures such as medical coverage, a decent shelter and other similar measures. Japan has an obligation to fully rehabilitate the victims for the harm they have suffered.
3. In the event of Japan's refusal to rehabilitate the women a tribunal or an arbitration panel, consisting of international law experts from countries not directly concerned with this issue, should be formed as soon as possible. NGOs and individuals should also be permitted to

appear in their own right as parties. All parties must agree in advance to abide by/accept the opinion of the tribunal/panel.

4. Pending action under (2) and (3) above, the Japanese Government should pay, as a purely interim measure, without prejudice to its rights and contentions, the sum of US \$40,000 for the rehabilitation of each woman who has come forward. For this, the NGOs representing the women should submit lists of victims to the Japanese Government.
5. If the Japanese Government persists with its present policy on this issue, the NGOs representing the women should pursue the matter with appropriate organs and specialized agencies of the United Nations, with the aim of seeking the advisory opinion of the International Court of Justice, so as to have the legal issues authoritatively clarified.
6. The Governments of the Republic of Korea and the Philippines must immediately move the International Court of Justice for interpretation of the respective treaties.
7. Those countries that were members of the Allied forces must make a public disclosure of all information in their possession which pertains to this issue and ensure that Japan does take adequate measures to provide full rehabilitation and restitution to the victims.

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