

---

## *History and Judgment*

### *The Women's International War Crimes Tribunal*

#### *A People's Tribunal*

The Women's International War Crimes Tribunal on Japan's Military Sexual Slavery was held in Tokyo between 8–12 December 2000. During the Sino-Japanese and Pacific Wars, the Japanese Imperial Army engaged on a massive scale in sexual violence against women, establishing so-called “comfort stations” and associated facilities, as well as coercing and abducting Asian women, who were made into sex slaves. It was in the early 1990s, nearly half a century after the war, that the survivors of this sexual slavery, known as “comfort women,” broke their silence and came forward to demand from the Japanese Government a formal apology, compensation for their suffering and the prosecution of the persons responsible.

The Japanese Government has consistently denied all legal responsibility. It has also ignored repeated recommendations by the international community that mechanisms be set up to ensure the implementation of criminal prosecutions and that the victims be legally compensated. These recommendations include those of the Coomaraswamy Report (1996) written by R. Coomaraswamy, the UN Special Rapporteur on Violence Against Women, and the McDougall Report, written by G. McDougall, the UN Special Rapporteur on Systematic Rape and Sexual Slavery. Against this background, the Women's International War Crimes Tribunal on Japan's Military Sexual Slavery was planned and proposed by the Violence Against Women in War-Network Japan (VAWW-NET Japan)

during the Asian Women's Solidarity Conference held in Seoul, Korea in the spring of 1998. Delegates from countries throughout the world supported the proposal.

The International Organizing Committee for the Tribunal consisted of three groups: VAWW-NET Japan, the organization in the offending country; organizations in the victimized countries and regions (South and North Korea, China, Taiwan, the Philippines and Indonesia); and the International Advisory Committee, which was composed of women activists engaged in disputes in many parts of the world. The Tribunal had two legal advisors: Theo van Boven of the Netherlands and Rhonga Copelon of the USA. Under the terms of the Charter of the Tribunal, drafted by legal advisors from the relevant countries, the Tribunal was composed of the following: (1) chief prosecutors of third party countries; (2) chief prosecutors from the victimized countries and regions; (3) a panel of judges, who are eminent, internationally known legal experts; and (4) witnesses. Testimonies for presentation to the Tribunal were obtained from victims and offenders. Researches and surveys were conducted in many parts of the countries and regions concerned in order to obtain relevant information, which was documented and recorded on video.

Clearly, this people's tribunal, which is not under the control of any state, has no legal authority. Ideally, the Japanese Government should cooperate in organizing an international tribunal that would have such legal authority. However, in view of the difficulties this would present to Japan, the Tribunal was planned as the next best solution. It is similar to the Russell Tribunal, which was formed in 1967 on the initiative of Lord Bertrand Russell and was held in Sweden and Denmark under the chairmanship of Jean-Paul Sartre. The Russell Tribunal was to pass judgment upon acts of aggression and war crimes perpetrated by the United States during the Vietnam War. Sartre stated at the time that the Russell Tribunal had no legal authority, but that its complete independence from any state authority gave it universality and legitimacy. In fact, the judgments of the Russell Tribunal exerted significant influence on the protests against the Vietnam War. Also, the Tribunal's conception of the basic rights of the Vietnamese people was confirmed in the Paris Cease-fire Agreement

concluded in 1973.

Ideally, of course, judgments handed down by war crimes tribunals should have legal authority. For this to happen, however, such tribunals must inevitably be supported by one or more states. "Justice without might is helpless; might without justice is tyrannical. We must then combine justice and might and, for this end, make what is just strong, or what is strong just... And thus, being unable to make what is just strong, we have made what is strong just." (Pascal) With this aphorism in mind, the Women's International War Crimes Tribunal hoped to make a clear judgment about justice rather than to "rely upon" binding force.

### *Historical Significance of the Tribunal*

The creation of the Women's International War Crimes Tribunal on Japan's Military Sexual Slavery was highly significant in a number of ways. Firstly; although it was a people's tribunal, it intended to achieve things that the International Military Tribunal for the Far East (the Tokyo Trials) had failed to achieve. In post-war Japan, some conservatives who tried to deny the Japanese Government's responsibility for the Pacific War have continued to criticize the Tokyo Trials, asserting that these were conducted by a one-sided tribunal established by the victorious nations. Support for this assertion has increased rather than diminished. However, to some extent the Tribunal served the interests of such conservatives, since it omitted to prosecute many who should have been accused of war crimes. No responsibility for the war was attributed to the Emperor or to the Imperial regime, for instance. Nobody was declared responsible for the colonial domination of Korea and Taiwan; for the experiments carried out on human beings by the 731 and 1644 Corps in order to develop bacteriological weapons; for the use of such weapons during the war in China; and for the sexual enslavement of the women who were consigned to so-called "comfort stations."

These crimes, whose perpetrators could have, and should have, been prosecuted, were ignored by the United States, which at that

time was the dominant Allied power, in order to protect its interests in occupied Japan. In the colonized countries of Korea and Taiwan, some local people whom the colonial authorities had put in charge of civilian slaves employed as war workers were brought to trial and sentenced to death. With regard to the “comfort women” issue, Major James Godwin, an Allied Powers’ investigator of war crimes, testified that although there was evidence of the imposition of prostitution by the Japanese Army, details of the investigation were specifically censored and suppressed by the United States. The sexual slavery instituted by the Japanese Army was a crime committed by the armed forces of the Emperor against many women from the colonized countries, particularly Korea.

Through its investigation of accusations of sexual exploitation of women by the military, the Women’s International War Crimes Tribunal helped to reveal the extent to which the Imperial regime had been responsible for the war as well as how the colonized countries had been governed.

Secondly, if the victims are to preserve their dignity and recover from their trauma, it is essential, if not sufficient, that those responsible should be judged or where the responsibility lies, be officially stated. In many ways, those who have survived this sexual slavery suffer more from being isolated from society than do the survivors of the Holocaust. A woman who comes forward as a victim may well be considered by society to be “impure.” In an environment in which male sexual mores predominate, such victims often blame themselves and become desperate. Typical examples of such cases are former “comfort women” in Shanshi Province, China who, since the end of the war, have endured serious trauma for over 50 years with no means of explaining to society the suffering they experienced. The fact that many children of former “comfort women” have suffered from physical abuse at the hands of their mothers illustrates deep isolation which the latter, who were forced to keep silent, had to suffer. Coming forward after long silence means the victims’ embankment on a process of socializing their tortuous memories. Only when the responsibility for these offences has been established will the victims feel they have been freed from stigma, from feelings of guilt or even from the trau-

ma they have suffered.

What is important here is to prevent the faulty theories of vulgar Nietzscheism from causing us to associate the judgment of a court of law with retribution. The two are essentially different. It is natural for the victims of violence to feel angry and resentful, but we must distinguish between an act of retaliation on the part of an aggrieved victim and the punishment handed down by a court of law. Retaliation would cause another retaliation, and counter-violence would cause another counter-violence, and this process continues endlessly. Abba Kovner, a Jewish survivor of the Holocaust, dreamed of avenging his victims by poisoning the water supply systems of many cities in Germany, with the aim of killing six million German people. Those who seek only retribution are prepared to act outside the law. The legal punishment of offenders differs from arbitrary acts of retaliation first, because the punishment is determined by a court of law. Second, as Hanna Arendt explains, punishment is similar to forgiveness rather than revenge in the sense that the punishment would intervene in an otherwise endless exchange of violence and cut off the exchange. The surviving victims of Japan's acts of sexual slavery demand that those responsible be punished in accordance with the law, not that they be the subjects of arbitrary retribution. The exclusion of the death penalty is an important factor in allaying suspicions that the tribunal seeks revenge.

Special Military Tribunal of the Supreme People's Court of China (1956), which tried those accused of committing war crimes during the Sino-Japanese War, is an excellent example. The War Crimes Courts of Europe and the United Nations excluded the death sentence, the maximum penalty for crimes against humanity being life imprisonment.

Thirdly, the Women's International War Crimes Tribunal may well contribute to the development of international human rights law and, more particularly, the process of extending its application to cover all crimes against humanity. The concept of crimes against humanity was effectively introduced at the Nuremberg Trials, which were established to consider Nazi mass persecutions. The trials confirmed that crimes against humanity include murder, extermination, enslavement,

deportation and other inhumane acts as well as acts of political, racial and religious persecution, whether they were committed during or before the war, and whether or not they violate the laws of the country where they were committed. This confirmation is further reinforced by the Charter of the Nuremberg Tribunal (1946), the Genocide Treaty (1948) adopted by the UN General Assembly, the reconfirmation of the “Nuremberg principles” by the International Law Committee (1950), and the principle of the non-application of the Statute of Limitations Convention.

These principles now play a central role in the development of international human rights law, which has not only facilitated the pursuit of Nazi criminals that still continues in Germany and other Western European countries, but also the UN deliberations in 1973 on apartheid in South Africa. After the Cold War ended, international human rights law became the cornerstone of the activities of the International War Crimes Tribunals established by the United Nations to deal with the conflicts in Rwanda and in former Yugoslavia. Recently, it was used as grounds for the international actions taken against General Pinochet, the former President of Chile.

Japan’s crimes against humanity, as well as other war crimes and crimes against peace, were deliberated on at the Tokyo Trials. The sentences handed down by the Tribunal did not differentiate between war crimes and crimes against humanity, of which it took no account. If the above definition of crimes against humanity were strictly applied, many acts would have formed the subjects of prosecution (e.g., experiments conducted by the 731 Corps on human beings; Sanko operations; use of Korean people as slaves, which the Cairo Declaration condemned; forcible abduction of Korean and Chinese people; and use of “comfort women” as sexual slaves).

Since the end of the Occupation, both West and East Germany have investigated more than 100,000 Nazi war criminals, more than 6,000 of whom have been convicted. In Japan, by contrast, not one case has been examined and not one person, convicted. Gay McDougall, a member of the UN Commission on Human Rights, which published a report recommending that the Japanese Government punish people responsible for such crimes, pointed out the contrast between Europe

and Asia. In post-war Europe, he remarked, importance is still attached to trying war criminals but in Asia, there have been no convictions for similar atrocities perpetrated during the Pacific War. Park Won-Soon, a lawyer of the former Korean comfort women, has asserted that “there is no logical reason why the war crimes and crimes against humanity committed by Japan should be treated differently from those committed in the West. The goddess of justice never has two faces.” (In 1994 Park Won-Soon submitted to the Tokyo District Public Prosecutor’s Office a bill of indictment calling for the punishment of the persons responsible for the Korean “comfort women.” His bill was not accepted.) Imperial Japan committed with impunity these crimes against humanity. Responsibility for this rests, firstly, with the Japanese Government and judicature and secondly, with the Japanese people, who have allowed it. In this sense, the Women’s International War Crimes Tribunal, although only a people’s tribunal established at the suggestion of VAWW-NET Japan, is very important. (Members of VAWW-NET Japan include foreign nationals such as North and South Korean residents.)

It has been pointed out that the sexual slavery practiced by the Japanese military was not only a crime against humanity but also violated international laws prohibiting slavery, the International Labor Convention (No. 29) Concerning Forced Compulsory Labor, and several other international laws in force at that time. However, if the Women’s International War Crimes Tribunal finds those who practiced this sexual slavery guilty of a crime against humanity, this would be the first occasion where sexual violence against women by the military is adjudged to be a crime against humanity. This did not happen either at the Russell Tribunal or at the Tokyo Trials. It was not until the 1990s that rape became an offense that could be considered a crime against humanity, for which sentences were handed down during the International War Crimes Tribunals concerned with the conflicts in Rwanda and former Yugoslavia. The Women’s International War Crimes Tribunal could contribute significantly to public awareness of the massive incidence of sexual violence committed by the military during internal conflicts in post-war Asian countries.

### *The Deconstruction of International Human Rights Law*

The Women's International War Crimes Tribunal on Japan's Military Sexual Slavery is also ideologically significant insofar as the proceedings of the Tribunal lend themselves to a deconstruction of international human rights law. Deconstruction here would question the universality of the law by exposing the limit of its influence on those outside it, on those it has not protected. Who are these people?

First, they are those who were under colonial domination. The drafting of the laws in question, largely by Western imperial powers, was designed to provide a set of international rules to be followed by these very powers. The characteristics of these international laws are clearly reflected in the fact that (a) the Tokyo Trials failed to punish Japan's behavior in the countries it had colonized, and (b) they took no account of the damage inflicted by Japan upon Asian countries. The latter was neglected in order to protect the interests of the United States and other Allied powers in post-war Japan.

Another example of the shortcomings of international law is the Military Court of Justice in Batavia, which prosecuted cases in which Dutch nationals were forced to become "comfort women," but ignored Indonesian women who had undergone similar treatment. The Women's International War Crimes Tribunal investigated the position of war victims in the Asian region who had been denied the protection of international law because they are nationals of colonial countries formerly governed by Japan and the Western powers.

The international laws also failed to protect women, particularly "comfort women," who were at the bottom of the social scale in patriarchal societies. Under traditional laws, injury sustained by a woman was regarded simply as injury inflicted upon the man who owned her. "Comfort women" were exported as military supplies in the same way as horses and cattle. They were made available to Japanese soldiers as gifts from the Emperor and used as slaves in countries where they could not make themselves understood. The survivors were discarded when the war ended and had to keep silent about their ordeals even after they had returned home, in order to avoid stigma. These women

should be regarded as “subaltern” who have scarcely been referred to in the annals of history.

The establishment of the Women’s International War Crimes Tribunal was the first attempt to listen to the voices most difficult to hear, the cries, murmuring and pleas of these women, and to let them be heard under the protection of the law. In this sense, the Tribunal represented a radical criticism of conventional, male-dominated international laws and of the Tokyo Trials, which overlooked crimes against “comfort women” even though there was ample evidence of those crimes. It roundly criticized the “indifference toward women” that had been displayed by traditional international law, from the point of view of gender justice.

What, then, is the deconstruction of law? What is the question about the “universality” of the law? It is all about shedding light on those it fails to protect—people who were under colonial domination and others like the “comfort women.” It is an effort to restore the protection of the law or apply the universality of the law to all such people.

What criticisms can be leveled at the universality of law? Can such criticisms bring into being laws that are truly universal? Will the process of deconstruction result in reinforcing the universality of law? Will the Women’s International War Crimes Tribunal, which was founded on the principle of the universality of laws that originated in the West, of human rights, of justice and of human dignity, form part of a movement to globalize the West?

Of course, deconstruction of the law provides an opportunity to engage in a thorough criticism of existing legislation. It is also a universalizing process in that it will bring the protection of the law to those to whom it was formerly denied. However, one cannot go so far as to equate universalized international human rights law with Western legal imperialism. We should not confuse the historical origin of the law and the scope of its principles. International human rights laws, the concept of crimes against humanity, the principles of human rights and of human dignity, all were born in Europe. Nevertheless, they cannot be regarded as exclusively European. The Haitian Revolution, which gave birth to the world’s first black republic, was one in

which African slaves in Haiti fought against France, inspired by the principles of the French revolution. The Vietnam Republic's Declaration of Independence (1945) quotes from the French Declaration of Human Rights and the American Declaration of Independence. This is because they showed the Vietnamese that the laws of the colonial powers themselves contained a philosophy that branded colonial rule as unjust.

Nelson Mandela's battle against apartheid was not a battle against Western law by people whom the law did not protect. It was a battle against White men's laws, a battle waged by comparing those laws with other Western principles such as the Charter of Freedom (1953), whose draft was, in turn, based upon the Universal Declaration of Human Rights. If the law is required to be universal, even if it originated in Europe, then it should protect, from the moment of its inception, people beyond the frontiers of Europe. According to Derrida, a universal law should be of *déracinement* in nature. The law can be compared to a nomad; it has no permanent place of residence and crosses all borders. Once it has been created, in whatever part of the world, its place of origin should become irrelevant and it should afford its protection to everyone, at any time and in any place. Since the law is not the property of any one individual, it belongs to nobody.

The universality of the law is not only territorial. Olympe de Gouge, in her Declaration of Women's Human Rights, maintained that France's Declaration of the Rights of Man protected only the rights of males, although it proclaimed the human rights of all people. She was sent to the guillotine. However, when France's Declaration of the Rights of Man referred to the freedom, equality and rights of all people, it should have proclaimed the universality of these principles.

Non-western people who are denied protection from international laws can use as a weapon the universality of the Western laws. When Western countries flout the laws that originated in the West, non-Western peoples can respond by claiming that the protection afforded by the law is being denied them.

This battle is not an internal war within the West, and viewing it

in the framework of “Western” law, or as a “very Western” battle is a misunderstanding based on the essentialist view of culture. Crimes against humanity have their prehistory in the West and were subjected for the first time in the Nuremberg Tribunal to positive law or statutory man-made law. However, once the crimes had been judged by laws that declare the principle of humanity as universal, those laws can then be used by people who have suffered from acts of violence allegedly committed by Western countries.

Why is the law applied only to the crimes committed by the Nazis and their accomplices and not to similar crimes committed by Europeans against non-Europeans? For example, in the recent trial in France of Maurice Papon, his act of signing the deportation order of Jews from the Bordeaux area to Auschwitz was considered a crime against humanity. But his oppression of Algerians living in and around Paris and the killing of several hundred people when he was Superintendent-General during the Algerian War were not. Why did France, which had abolished the statute of limitations regarding crimes against humanity in 1964 (before Germany did), pardon the acts of cruelty perpetrated by the French army during the Algerian war and give those responsible permanent immunity from prosecution? Demanding the universal application of laws prohibiting crimes against humanity will expose the crimes committed by the European countries that drafted these laws. Such a demand will also help disclose the Eurocentric character of certain acts of violence.

This may lead to prosecutions of other war crimes not dealt with by the Tokyo Trials, namely, those committed by the Allied Powers and particularly by the United States. Significantly, although it had no legal powers and even as it avoided handing down a judgment on the use of atomic bombs for self-defense, the International Court of Justice decided that the use of atomic bombs violates international law. Nonetheless the dominant view in the US is that atomic-bombing is not a crime. The problem also lies in Japan, which is conflicted by an emotional memory of Hiroshima and Nagasaki and a refusal to accept responsibility for its own aggression during the war.

The bombing of Hiroshima and Nagasaki, together with other damage inflicted on Japan during the war, resulted from Japanese

aggression in Asia lasting over 70 years, starting in Korea. It is clearly inconsistent, therefore, to condemn the atomic bombs, whilst ignoring Japan's responsibility for acts of aggression against Asian countries. Moreover, Hiroshima was one of the military bases from which Japan's aggression in Asia was conducted. During the Sino-Japanese war, it was the site of Meiji Emperor's headquarters. Moreover, in the history of indiscriminate strategic bombing, which started with Guernica and continued, after Hiroshima and Nagasaki, to include the bombing of North Vietnam, Japan bears a serious responsibility for the bombing of Chungking, the first full-scale indiscriminate strategic bombing campaign in history. We must not forget that Japan was also developing atomic bombs during the war.

It is also not accurate to assert that Japan is the only victim in the world of atomic bombs for the *hibakusha*, victims of Hiroshima and Nagasaki, include people from more than 20 countries. To de-nationalize the memories of Hiroshima and Nagasaki, we must recall that the victims included several thousand Koreans who were forcibly taken to Japan and who were erased from Japanese memory after the war.

Emperor Hirohito himself bore a heavy responsibility for the use of atomic bombs. It was he who delayed Japan's surrender by refusing to accept the terms of the Potsdam Declaration offered by the Allies because they did not guarantee the continuity of the Imperial regime. The Emperor's delayed decision was also responsible for the air raids on a number of Japanese cities, including the Great Tokyo Air Raid, and for the Battle of Okinawa. Had the Emperor surrendered promptly, there would have been no atomic bomb. (It can be said that his decision came too late for everyone who was killed in the war.) If the Japanese people had brought his delayed decision into question and pursued the issue of his responsibility, the country's postwar history would have been completely different. When, as Japanese, we ask who was responsible for Hiroshima and Nagasaki, no discussion can be regarded as a reasoned one unless it takes account of these factors.

The issue of Hiroshima and Nagasaki was the basis of the issue of "America," which began at the end of the Second World War and still

continues. As I mentioned at the beginning, it was the United States which failed to support its expressed belief in the justice of international law when it neglected to bring Japan's serious responsibilities to the attention of the Tokyo Trials. Jean-Paul Sartre, who chaired the Russell Tribunal, said in his inauguration speech that "the Nuremberg Tribunal, an ambiguous reality, was created from the victor's rights no doubt but, at the same time, it created a precedent, the embryo of a tradition. Nobody can go back; or stop what has already existed; nor, when a small and poor country is the object of aggression, prevent one from thinking back to those trials and saying to oneself that it was this very same thing that had been condemned then." What the Russell Tribunal condemned was "this very same thing," namely, that the government of the United States betrayed the promises made at the Nuremberg Tribunal when the US waged war against Vietnam, a small and poor country.

Since the end of the Cold War, the United States, a superpower, has forced "humanitarian" military interventions by using its overwhelming power. These actions have often impeded the development of international human rights law. Consider the handling of the US air raids on Yugoslavia, which were conducted with the aim of deterring crimes against humanity. The International Criminal Court on former Yugoslavia decided, apparently under pressure from the United States, that the latter's responsibility for the damage caused by these air raids should not be the subject of deliberation.

Of particular importance is the Rome Statute signed in 1998, which established a permanent International Criminal Court. The Rome Conference, attended by the representatives of 160 countries, 31 international organizations and 139 NGOs, adopted the statute by an overwhelming majority (120 in favor, seven against, and 21 abstained). Kofi Annan, the UN Secretary-General said of the statute, "The establishment of the Court is a gift of hope to future generations, and a giant step forward in the march toward universal human rights and the rule of law." The Court has the power to exercise its jurisdiction over persons accused of the four most serious crimes: genocide, crimes against humanity, war crimes, and crimes of aggression, when a country lacks the will or ability to do so. This can be a

milestone in the development of international human rights law. However, the United States has strongly opposed the Statute. In order to avoid the impeachment of its nationals, the US tried to incorporate an exception clause which violates the principle of the tribunal and is under severe criticism from other countries.

The Rome Statute is epoch-making in that it clearly defines as a crime sexual violence perpetrated during military conflicts. This was in response to the most important request put forward by the Women's Caucus, an international NGO which had serious concerns about the absence of prosecutions of the Japanese Army's sexual slavery and the mass rapes in former Yugoslavia.

As this presentation shows, international human rights law has extended across all frontiers, including that between men and women, and is progressing toward new horizons beyond those created by conventional Westernism and masculinism. The Women's International War Crimes Tribunal is expected to contribute to movements such as the deconstruction of law by handing down, at an international level, a clear judgment on Japan's wartime and colonial responsibilities. Three days of trial followed by a day of "Public Hearing on Crime Against Women in Recent Wars and Conflicts" produced the Summary of Factual and Legal Findings written by eminent international law specialists on the last day. The document clearly stated that the Japanese Imperial Army's "comfort women" stations and wartime sexual violence were breaches of international law and constituted crimes against humanity. Also, the Supreme Commander of the Army and Navy, Emperor Hirohito and other military and high-ranking officials did have legal responsibilities and that post-war Japanese governments have been negligent and liable for neither recognizing such responsibilities nor apologizing and compensating the victims until today.

The five-day Tribunal presented itself to be an engaging and impressive experience. First of all, every participant heartily applauded the courage of the victims to testify after a long forced silence. An enormous effort is generally required for sexually abused victims to speak about their experiences in front of an audience. The act of recounting is itself a profound trauma, not to mention the social prej-

udice that stigmatizes victims. (Ms. Wan Aihua from China lost consciousness while testifying before the tribunal.) Victims came from South Korea, North Korea, China, Taiwan, the Philippines, Indonesia, East Timor, the Netherlands and Malaysia (a video-taped testimony). One cannot help but feel astounded at the massive scale and scope of the Japanese Imperial Army's sexual slavery as told by the 64 victims.

The prosecution team of each country and area made their fullest efforts to prove that the atrocities inflicted on these women were historical facts. As a result of a top-level conference in June 2000, South and North Koreans were able to form a joint prosecution panel and presented a joint indictment disregarding the political division. The Japanese prosecution team invited internationally recognized historians and international law specialists to serve as expert witnesses. These specialists presented factual arguments about the past and explained the individual rights to be compensated under current international law. Two former Japanese soldiers of the Imperial Army presented themselves as offenders' witnesses and confessed their crimes. "We dare to bear the shame and ventured to appear and witness," they stated, "as we would like everyone to know how hideous a war is." A tremendous applause arose from the floor, including from the former "comfort women."

The four Judges and the two Chief Prosecutors were all legal experts of international law, currently playing important roles in their fields worldwide. It is of special significance that the presiding Judge was Ms. Gabrielle McDonald, the President of the UN International War Crimes Tribunal on former Yugoslavia. One of the Chief Prosecutors, Ms. Patricia Sellers, had served as the Legal Advisor for Gender-related Crimes in the same Tribunal as well as in the Rwanda Tribunal. Both Presiding Judge McDonald and Chief Prosecutor Sellers are African-American women. Chief Prosecutor Sellers explained that as a descendant of "Negro slaves," she feels a special kind of closeness to the demands of the former "comfort women" who were forced to be "sexual slaves."

In the Summary of Factual and Legal Findings, the four Judges read out selected excerpts of the victims' testimonials in the Tribunal.

It seemed to be an earnest attempt on the part of international law experts to feel for themselves the pain of women who were about to be eradicated from history and to let the victims' voices resound in the space of law. Presiding Judge McDonald repeatedly emphasized that the Tribunal was independent of any state authority and that it was a People's Tribunal. International law was fundamentally developed as rules between Western imperial powers, but it originally constituted the concept of *jus gentium* (People's Law). Judge McDonald added that if a nation-state commits a crime against humanity and does not hold itself liable, people's solidarity beyond national borders would be needed to rectify the problem. Her remarks provide a pivotal insight for the future of international law.

Almost 10 years have passed since the "comfort women" issue was brought to light. All this time, there have been repeated recommendations from international organs to the Japanese government to acknowledge its legal accountability and compensate the victims. It must be admitted that the "judgment" delivered by the Tribunal finally put an end to the validity of the interpretation of international law by the Japanese government. Aged victims are dying day by day. The Japanese government should now exercise a bold policy change.