

## Reopening the Tokyo War Crimes Tribunal, Fifty-Four Years Later: As Recorded in the Documentary Video, Breaking the History of Silence

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*December 8, 2020—now already “last” year—marked the 20th anniversary of an event wherein the International Military Tribunal for the Far East was declared reopened for the purpose of taking up a category of crimes against humanity unaddressed in 1946—crimes against women in the form, specifically, of military sexual slavery. Here, we are speaking of the Japanese military. Its victims, known as “comfort women” (慰安婦) in an especially egregious exercise of euphemism, hailed from all over Japan’s empire, including the homeland, and its theaters of war.*

The Women’s International War Crimes Tribunal (国際女性戦争犯罪裁判) was the culmination of arduous and imaginative work by activists, legal specialists, and scholars from the region and beyond. There were men—many of them—who collaborated in every aspect of this process. During the Tribunal itself, they were present as expert witnesses, as prosecutors, and as authors of amicus curiae briefs arguing for due process on behalf of the deceased defendants as well as the Government of Japan, which declined to send representatives. (See richly documented [program](#) of the Tribunal for listing of participants, video clips, and texts.) The Tribunal represented the committed labor of international civil society, in response to a phenomenon that had been tacitly known for decades, but which, especially in the 1990s, could no longer be ignored, as survivors themselves came forward, but state actors, notably Japan, refused to respond. It is the testimony of these courageous women, many no longer with us, that formed the centerpiece of the proceedings. And that testimony has left us with a vast [archive](#) of research, historical and legal, that must be taken into account in subsequent attempts to address the “comfort woman” issue.

The Tribunal took place over three days, from December 8-10, 2000. The fourth day, while the four-person panel (three women, from the U.S., the U.K., and Argentina, and one man, from Kenya) of distinguished jurists serving as judges deliberated, we were able to hear from women subjected to crimes in ongoing military conflicts. On December 12, the judges delivered a summary of their judgment. The full judgment in the case of *The Prosecutors and the Peoples of the Asia-Pacific Region v. Hirohito Emperor Showa, Ando Rikichi* [and 8 other military leaders] *and the Government of Japan*, amounting to 312 pages in the [pdf version](#), was delivered December 4, 2001 at The Hague.

I had the great good fortune to attend all the proceedings in Tokyo. The venue, Kudan Kaikan, crackled with excitement, with media from all over the world (though tellingly, only

one-third were from Japan) and booths crammed with information and goods from struggles the world over. Pausing over the literature and handicrafts at the Zapatista table, I suddenly felt closer to Chiapas than I ever had at home in Chicago—and not just because I could buy a souvenir with the masked image of Subcommandante Marcos. Judges, prosecutors, witnesses, and survivors were all housed in Kudan Kaikan, which not only had a long association with the emperor and the prewar military but was located not far from Yasukuni Shrine. It was there where those who had died in the emperors' wars since the Meiji Era were enshrined; and there where cabinet members of the Liberal Democratic Party betook themselves for performative visits, rousing affirmation and bitter controversy, depending on one's view of Japan's role in World War II. During a lunch break, one of the veritable army of volunteers walked about, carrying a sign attached to a pole warning us to be careful of what we said "because there are many right-wingers around."

Inside the large hall, over 1000 of us gathered to share in the solemnity and drama that would be sustained for the duration of the proceedings. What our sight could grasp was augmented by earphones providing multilingual translations. Looking back, I reexperience the pride I felt in watching two distinguished African American women jurists: Patricia Viseur Sellers, serving as co-chief prosecutor, and Gabrielle Kirk McDonald, chief justice. That the Tribunal happened at all felt miraculous then and even more so, now. The large miracle contained multiple discreet miracles, such as the North and South Korean prosecutors working together to produce a single indictment. We were even granted perpetrator testimony, in the form of two veterans who shared in some detail their experiences of rape and gang rape in China—acts that the "comfort woman system" was meant to prevent. Surely, they had children and grandchildren? And yet they had brought themselves there, to testify. As they bowed to make their exit, the survivors applauded them.

We knew we were watching a living history, one that inadvertently and yet necessarily presented us with an invaluable secondary narrative, that of serial colonialism and occupation. It began with the courageously pioneering Dutch survivor testifying that Batavia [Indonesia] was "paradise" until the Japanese came. Later, the video shows her sitting close by, with intent interest, as we hear testimony from Indonesian survivors. And then, it is East Timor's turn. The prosecutor for Indonesia expresses her regret to the court that she had not been able to prepare fully because of Indonesia's military occupation of East Timor. The prosecutor for Indonesia covers her face in her hands. She will applaud the Timorese survivors as they depart after their spirited testimony. In fact, it was in the course of pursuing Indonesian violence against women that the survivors of Japanese military sexual slavery were discovered. Esmeralda Boe and Marta Abu Bere left an indelible impression with their surprised response to the ritual question of whether they promised to tell the truth: why would they not? They had not come to Japan for sightseeing.

The final day took place in a different, still larger venue. And there was delivered, in Gabrielle Kirk McDonald's calm, warm tones, the pronouncement of Hirohito's guilt. Who among us will forget that moment?

Many of these scenes can be found in the invaluable documentary, *Breaking the History of Silence*. The Tribunal it records was a historical event whose significance is both reinforced and newly revealed with the passage of time. The intensified denial and hatemongering by nationalist groups and the backtracking of the Government of Japan (read the pathbreaking ["Statement by Chief Cabinet Secretary Yohei Kono"](#) of 1993, not officially disavowed, but increasingly difficult to find) are dispiriting and worse, but they cannot negate the event and its record. Or the power generated by the collective effort to give respectful hearing to those

who had been denied the right to report the destruction of their lives and the theft of their dignity.

Watch the documentary and explore the records archived, all accessible at the site of the [Women's Active Museum on War and Peace](#). There you will see the scrupulous efforts made to gather historical records, apply legal reasoning, and present concrete suggestions for a path ahead. Some of this is concisely presented in the follow-up video, [Hague Final Judgment](#), which, incidentally, captures a moment when Japanese members of a small party attempting to deliver a copy of the Judgment to the Japanese Embassy are told by officials—yes, Japanese—that they must be addressed in English.

Inevitably, to watch the documentaries today is to register loss, beginning with many of the survivors, including the Timorese. They were already frail twenty years ago from their hard, hard lives. Also gone is Matsui Yayori, co-convenor and the spirit behind the entire undertaking. Still young attorney Kazuko Kawaguchi, one of the Japanese prosecutors. The two Japanese veterans. And with a start, followed by piercing grief, we identify the face of prosecutor Park Won-soon, social justice activist, campaigner for the rights of “comfort women,” and longest-serving mayor of Seoul until he took his own life in July 2020, apparently in response to allegations of sexual harassment.

Please read the succinct, updating essay below by Watanabe Mina, who was deeply involved in the Tribunal and is now Director of the Women's Active Museum. And then turn to the videos.

**-Prof. Norma Field**

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### **Revisiting the Women's International War Crimes Tribunal: Saying “No!” to Impunity.<sup>1</sup>**

by **Mina Watanabe**

The year 2020 marked the 20-year anniversary of the Women's International War Crimes Tribunal on Japan's Military Sexual Slavery (hereafter the Women's Tribunal) held in Tokyo in December 2000. For this occasion, the Women's Active Museum on War and Peace (WAM) has organized a special exhibition focusing on the Women's Tribunal, entitled “The War Responsibility of the Emperor - Voices Against Oblivion.” It is intended as a challenge to the citizens of Japan, who concealed and then consented to forget the emperor's responsibility, as head of state and chief commander, for the conduct of the Japanese military in World War II.<sup>2</sup>

The establishment of WAM embodies the last wishes of Matsui Yayori, a prominent journalist and women's rights activist who proposed and then exerted herself to realize the Women's Tribunal. She held this to be a responsibility that women in Japan needed to shoulder. Tragically, she died of cancer only two years after the Women's Tribunal. Three years later, in August 2005, WAM was installed in a small corner of a building in Tokyo, thanks to donations mainly from people in Japan. Since then, WAM has held exhibitions, archived testimonies and documentary evidence, engaged in fact-finding projects and participated in actions in solidarity with the victims/survivors of Japan's military sexual slavery, or the “comfort woman” system.



Punish the guilty! For the sake of peace by Kang Duk-kyung, 1995 (Courtesy of the House of Sharing)

Prior to and during preparations for the 20th anniversary exhibition, we assembled and researched the archives. It was on February 6 of 1994 that an epochal event took place: six Korean women, who had been subjected to sexual enslavement as “comfort women” to the Japanese military, arrived in Japan, statement of complaint in hand. The Tokyo District Public Prosecutors Office declined even to receive their statement. Footage from that day reveals frustration and anger pouring from the words and evident in the faces of Kang Duk-kyung, who painted “Punish the Guilty! For the sake of peace,” as well as Kim Soon-duk, Yi Young-suk, Mun P’il-gi, Pak Tu-ri, and Pak Ok-ryō. The force of their emotion is overwhelming. This action, which sought the punishment of responsible parties, met with a chilly reception from Japanese society as a whole. Even among supporters, there were responses tinged with negativity, such as “our kids might be bullied” or “some people’s parents could be targeted.” But there were others who said, “I wanted to quit being Japanese, but now I know what I need to do,” and expressed their resolve at the report-back assembly after the action. The *halmoni* had hurled their cries at the heart of postwar Japanese pacifism, which had failed, even in its dreams, to imagine the possibility of punishing those responsible for

colonialism and the war of aggression.

What Kang Duk-kyung and the others sought was not punishment of the foot soldiers who had directly caused them to suffer, but of those who were in positions of responsibility. Who was it that came up with the system of Japanese military sexual slavery and ordered its implementation? Whose face should we see behind the maintenance of this inhumane system? They wanted the truth to be revealed. Mun P'il-gi, who, during her 1994 visit, had shouted out the demand that those in charge be punished, would often ask after the two former Japanese soldiers, Kaneko Yasuji and Suzuki Yoshio, witnesses at the Women's Tribunal. She had come to care about their well-being. These *halmoni* had witnessed the anguish caused by the memory, seared into soldiers' hands, of the killings they had been ordered to commit. We can readily imagine that the ones the *halmoni* could not bring themselves to forgive were those with power, the ones who had never had to sully their own hands, who never experienced pain, who spent their postwar years in comfort and died surrounded by their families.

Japanese society remains predisposed not to pursue the responsibility of those in charge. Public documents are destroyed or falsified so that "higher ups" are not held accountable, even as those actually compelled to commit criminal acts are robbed of their lives—all the more so if they are sincere. Surely, many have had these thoughts as they watched the allegations of deception and falsification of official documents unfold in the case of the Moritomo and Kake educational institutions.

To mark the twentieth anniversary of the Women's International War Crimes Tribunal, WAM has launched a web-based [archival project](#) dedicated to the Tribunal. We will be conducting interviews and adding documents, updating the contents throughout 2021, hoping that people in Japan as well as the global community will revisit this people's initiative for justice for the survivors of military sexual slavery. Courtesy of Video Juku, "[Breaking the History of Silence](#)," the documentary video of the Tribunal, will be available for free until December 4, 2021, the day the final judgement was delivered at The Hague 20 years ago.

We hope that many of you will visit, with proper coronavirus precautions.

Please click [here](#) for the digest and full versions of the video, *Breaking the History of Silence* as well as the *Hague Final Judgment*.

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**Mina Watanabe** is the director of the Women's Active Museum on War and Peace (WAM) based in Tokyo. She has been campaigning internationally for the rights of survivors of Japan's military sexual slavery system and has written alternative reports for, as well as lobbied at, a range of UN human rights institutions.

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## Notes

<sup>1</sup> Adapted by Watanabe Mina from her opening essay to the [wam newsletter](#) [wam □□□] no. 46

(November 2020) and translated by Norma Field. Please see [here](#) for the extensive range of articles pertaining to the “comfort women” published at The Asia-Pacific Journal.

<sup>2</sup> [WAM, as a museum in keeping with the spirit of the “Women’s International War Crimes Tribunal on Japan’s Military Sexual Slavery,” has decided to stay open on four specific public holidays.](#) The majority of public holidays in Japan are closely linked to the Emperor system, and during the Asia-Pacific War, these holidays were deployed as occasions for deifying the Emperor. We open our doors on the Emperor’s birthday and comparable occasions as a refusal to participate in such celebration. We hold seminars to discuss the Emperor system and the kinds of discrimination rooted in it, such as patriarchy, colonialism and racism, which still prevail in Japanese society.

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