Prepared Testimony

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Protecting the Human Rights of Comfort Women

Mr. Chairman, thank you for the opportunity to testify on Japan's contemporary responsibilities for the war crimes of Imperial Japan from 1932 to 1945. I am honored and humbled to be here with Mrs. Jan Ruff O'Herne, Grandma Kim Koon-ja, and Grandma Lee Yong Soo. Thank you Mr. Honda for your inspiring opening to this hearing. I am director of Asia Policy Point, a nonprofit research center studying the U.S. policy relationship with Japan and Northeast Asia. My personal research focus is how historical reconciliation or lack thereof affects U.S. foreign policy in Asia.

If I may, I would like to first submit, for the record, five supporting documents on Japan's involvement in establishing the Imperial Military's Comfort Women system.

They are: an excerpt from the 1978 wartime memoirs of former Japanese Prime Minister Yasuhiro Nakasone where he states he established comfort stations (iansho) in Balikpapan, Netherlands East Indies (Borneo); the August 4, 1993 "Statement by the Chief Cabinet Secretary Yohei Kono on the result of the study on the issue of 'Comfort Women'"; a translation of an October 16, 2006 editorial in the Yomiuri Shimbun dismissing the Comfort Women history; a chart outlining the disappearance of any mention of Comfort Women in Japanese textbooks from 1997 to 2006; a map of "Where 'Comfort Stations' Were"; a paper by Professor Alexis Dudden on the December 2000 Woman's International Tribunal on Military Sexual Slavery by Japan; and a paper on the Asian Women's Fund by Professor Andrew Horvat of Tokyo Keizai University's International Center for the Study of Historical Reconciliation.

I am tasked with bringing today's issue, House Resolution 121 calling on Japan to formally acknowledge, apologize, and accept historical responsibility in a clear and

unequivocal manner for its establishment and coordination of military rape camps or more euphemistically the wartime "comfort stations, into the present and responding to the Government of Japan's response to the Resolution.

Why is a war crime, a crime against humanity that happened over 60 years ago, relevant to the United States and to its leadership in the world? Why is it important for Japan now to give an unequivocal apology for one of its greatest, albeit long ago misdeeds?

The answer is two-fold. **Japan is a great nation** and **important ally to the United States**. It is that simple.

Japan's reasons for refusing an unequivocal apology to the Comfort Women unfortunately undermine these positions. The explanations have unsettling parallels to the dismissal of the Holocaust, where the victims are recast as aggressors. More troubling, and unlike today's Germany, most Japanese leaders and especially the current Shinzo Abe government, hold retrogressive and distorted notions of Japan's wartime history.

You will be surprised to learn that over the past few months, Japan's most respected and widely circulation daily published editorials calling the Comfort Women system a "historical fabrication" and senior advisers to the Prime Minister have publicly expressed a desire to dilute or rescind the Kono Statement, the closest declaration Japan has on record apologizing for the Comfort Women tragedy. And within this past week, prominent members of the ruling Liberal Democratic Party (LDP) decided to initiate Diet efforts to revise the Kono Statement and to send their colleagues to Washington to meet with U.S. congressional leaders on this matter.

The United States has an interest in its ally's political statements, especially those that have the potential to inflame emotions among our important regional allies such as South Korea, Singapore, Australia, The Philippines, and countries of great strategic importance to the United States such as China.

Japan's Equivocations

It is unfortunate that the Embassy of Japan has chosen to defend its government's record on the Comfort Women with overstatements and misrepresentations:

- **1.** The Government of Japan <u>has not</u> extended an official government apology. An apology by a Japanese Prime Minister is an individual's opinion. For an apology to be official it would have to be a statement by a cabinet minister in a session of the Diet, a line in an official communiqué while on overseas visit, or to be definitive, a statement ratified by the Cabinet. **None** of these conditions have been met. The few apologies given by prime ministers on this issue (Comfort Women) can be viewed as the equivalent of the President signing a treaty, but the Senate never ratifying it.
- 2. The letters of apology to the Comfort Women by Japanese Prime Ministers (Hashimoto, Obuchi, Mori and Koizumi) do not constitute a government apology.

The prime minister is not doing this with the approval of his Cabinet, thus these letters are only his personal views. As Article 65 of the Japanese Constitution reads, "Executive power shall be vested in the Cabinet."

The Koizumi "apology letter" to the Comfort Women is not unique. His predecessors and he have sent exactly the same letter and none personally address the individual recipient. Most important, the first sentence of the so-called apology letter, which reads "in cooperation with the Government of Japan" skirts responsibility. An official apology should read "on behalf of," which it clearly does not. Thus, Japanese prime ministers view these letters simply as a burden and an obligation.

The letters also *only* accompany the disbursement of funds to those women who are willing to accept Japan's atonement money from the Asia Woman's Fund. They have also not been included in the "atonement" settlement with the Dutch nor sent to any Indonesian survivors. Moreover, like all other Japanese war crime apologies, the letters appear insincere. In 1996, then Prime Minister Ryutaro Hashimoto said he would not sign the letters. The public disclosure of his reluctance led many to question the honesty of the process. In the end, he did sign the letters and issued the first for the Fund in August 1996.

3. The "Kono Statement" is not an apology. On August 4, 1993, then Chief Cabinet Secretary Yohei Kono issued a statement reporting on the results of an investigation of the veracity of the Comfort Women's claims. He announced that the Comfort Women system was "Undeniably...an act, with the involvement of the military authorities of the day" and said that the "Government of Japan would like to take this opportunity once again to extend its sincere apologies and remorse to all those, irrespective of place of origin, who suffered immeasurable pain and incurable physical and psychological wounds." He, however, ends the statement with a hint that the Government will continue to study the issue ("continue to pay full attention to this matter, including private researched related thereto").

Most important, a Chief Cabinet Secretary is an approximate equivalent of a White House Press Secretary. An important government apology does not come from a press secretary. In addition, the Kono Statement was offered shortly after the fall of one prime minister and barely five days before the beginning of another's government. Thus, Mr Kono was a lame duck, responsible to no one.

4. Current Prime Minister Shinzo Abe has said he would support the Kono Statement, <u>but only under duress</u>. The Prime Minister, under pressure from the Opposition party, said twice in the week before his early October trip to China that his government "respects" the Kono Statement. He, however, added "in a narrow sense, there are no facts that endorse the existence of such a system of forced labor." His first expression of "respect" was so reluctantly made, that he was asked to repeat it. Shortly after this admission, a senior member of the LDP said, "although the prime minister says he respects the Kono Statement, I don't think that is what he means." The Prime Minister is a member of several conservative groups that, notwithstanding documentary evidence,

believe the Comfort Women were well-paid prostitutes supervised by independent operators outside military control.¹

On January 29, 2007, the Tokyo High Court ruled that the government-owned broadcaster, NHK, had altered a program on Comfort Women after meeting with then Chief Cabinet Secretary Shinzo Abe (now PM) and possibly also with the current chairman of the LDP Policy Research Council Shoichi Nakagawa. The Court ordered NHK to pay compensation to a Japanese woman's rights group for the alteration of the program.

5. The Asian Women's Fund (AWF), designed to compensate the Comfort Women, is <u>not</u> a government fund. Although a laudable and notable effort, AWF is not a government organization. Indeed, the Foreign Ministry worked very hard to distance itself from any institutional association. Scholars now find it strange that the Japanese Ministry of Foreign Affairs through its Embassy of Japan in Washington now claims ownership of the Fund.

In order to side step rightwing criticism of acceptance of the Comfort Women history, some senior Foreign Ministry officials worked with prominent Japanese citizens to establish AWF in 1995. Government funds were allocated to provide the operating expenses and medical care disbursements. Funds raised from Japanese citizens were used for the "atonement" payments to the survivors. This is not the definition of "reparation," which is a government payment. The majority of Comfort Women wanted the national government of Japan to take responsibility for their history--not just some well-meaning Japanese citizens.

6. The Asian Women's Fund was <u>never</u> designed to compensate all the Comfort Women. Only women from South Korea, Taiwan, and the Philippines are considered part of the Fund. Korean women left behind by retreating Japanese troops in Burma, Thailand, Cambodia, China, and North Korea were not included. Survivors who came from U.S. territories such as Guam where Japanese troops were stationed or those who emigrated to the U.S. were not included. Men, who as boys claimed to have been also abused in this system, were also not included.

The compensation for Indonesian survivors went directly to the government to build apartments; none of which have benefited any Indonesian Comfort Women. Survivors were also given only three years to respond to appeals from the Asian Woman's Fund to identify themselves. For many elderly, poor, generally illiterate and outcast women this was simply too little time to come forward.

The Dutch government negotiated a separate agreement with the Government of Japan for medical compensation for its survivors. In fact, the issue was so contentious in the Netherlands that the Dutch foundation that usually coordinated Japanese war crime compensation, the Foundation of Japanese Honorary Debts, refused to work with the

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¹ "LDP Panel Starts Review of Kono Statement, Arranging US Visit," *Sankei Shimbun* (27 January 2007) p. 5, Translation by the US Embassy, Tokyo.

AWF. The Fund thus had to "create" a new foundation in the Netherlands, the Project Implementation Committee in the Netherlands (PICN), to identify survivors and to manage the disbursement of funds.

Recently, the Government of Japan released to a Diet member the figures of compensation and sources of funding. From 1995 through 2002, the AWF raised roughly \$5 million from the public for "atonement payments" and through 2007 used \$14 million from the Government of Japan for medical and other payments. Altogether the Fund spent \$19 million for the Comfort Women with operating costs being \$27 million.

The breakdown is as follows:

- a) total government money for support projects is "about 1,400,000,000 yen"
- b) total government grants for AWF's running cost and other projects is about 2,791,000,000 yen
- c) total donations is "565,005,636 yen"
- d) total amount government spent on AWF is about 4,191,000,000 yen (a +b)
- e) total money AWF spent for former Comfort Women is about 1,965,000,000 yen (a+c)
- f) total AWF spent is 4,756,000,000 yen (a+b+c)
- 7. It is <u>not true</u> that the Asian Women's Fund was terminated because so few women remain. It is estimated that only 40 percent of the remaining survivors have been compensated by the AWF. The Fund was never intended by anyone to be a permanent body and its mandate was only for 10 years. The time was up. The AWF is not comparable to the German Future Fund (GFF, formally called the Remembrance, Responsibility, and the Future Foundation, http://www.stiftung-evz.de). It is a Fund intended simply to deal with one past issue and then move on. Unlike the GFF, AWF was never designed to be an organization on which to build a new, open relationship of trust. It was a formula, a modality.
- **8. International agreements have <u>not</u> taken care of all compensation issues.** Neither the Tokyo War Crimes Tribunal from 1946-48 nor the 1951 San Francisco Peace Treaty note or include the Comfort Women atrocity in their documents. The reality of this war crime was not acknowledged in the international community until 1993.

The boiler plate expression "subsequent international agreements" used by Japanese diplomats to summarize other war crime related accords, refers primarily to the 1965 Japan-Korea Treaty of Normalization by which Korea gave up all further demands for

reparations from Japan, and the 1972 agreement between Prime Minister Kakuei Tanaka and Chinese leaders that the PRC would not seek compensation from Japan for war damages. In return, however, it was understood that Japan would actively support the PRC's economic development. In the case of both China and Korea, Japan did this by means of soft loans.

Again, in neither case was the issue of Comfort Women mentioned or recognized. Both treaties were signed out by brutal, dictatorial regimes eager to win cover for their own egregious human rights record.

9. Mention of *Hwang Geum Joo v. Japan* **is simply not relevant**. It was a decision about U.S. federal court jurisdiction. It has no relevance to resolutions passed by Congress.

Effect on US Foreign Policy

The Japanese government's unequivocal admission of past wrongdoing would demonstrate a deep commitment to historical truth and to human rights. Such a public commitment could only strengthen, not weaken the U.S.-Japan relationship that is now said to be based on "common values."

An unequivocal admission of past wrongdoing would remove a lingering, corrosive issue weakening the ties between Japan and major U. S. allies in the region, namely ties with South Korea, the Philippines, Singapore, and Australia.

An unequivocal admission of past wrongdoing would highlight the differences between the murderous, kidnapping criminal regime in control of North Korea and democratic, open Japan.

Benefit for Japan

An unequivocal apology for a past program of state-sponsored sexual violence against women solidifies Japan's long support of the myriad international standards and rulings regarding war crimes, crimes against humanity, sexual violence, and human trafficking.

Among the most important are:

- -- 1921 International Convention for the Suppression of the Traffic in Women and Children.
- -- 1930 ILO Convention # 29 Against Forced Labor
- -- The Geneva Convention and its additional protocols.

- -- Universal Declaration of Human Rights. Article 19 of the Declaration identifies the right to "seek, receive, and impart information," under which experts have included survivor rights to know the truth.
- -- The 2000 UN Security Council resolution 1325, which asked member states to guarantee the protection of women in conflict situations. Japan, it should be noted, is a leading member of 'Friends of 1325,' which advocates the resolution's implementation.
- --Support by the G-8 and the OECD for Resolution 1325 (Japan is a member of both)
- --Japan's new (2005) enforceable laws against human trafficking. However, the U.S. State Department still reports that Tokyo does "not fully comply with the minimum standards for the elimination of trafficking."²

For the International Community

Japan is the precedent for today's understanding of humanitarian issues and sexual violence in war. The most important tool in prosecuting/stopping sexual violence in war in the future is the precedent of past recognition of sexual violence, enslavement, and exploitation. Japan's wartime military rape camps are the modern precedent for all the issues of sexual slavery, sexual violence in war, and human trafficking that so dominate today's discussion of war and civil conflict—Bosnia, Rwanda, Nicaragua, Sierra Leone, Darfur, Burma.

The Japanese "Comfort Women system"—complete with doctors assigned to military units to check for STDs and condoms (with the brand name, Attack #1!) requisitioned by the thousands—consisted of the legalized military rape of subjugated women on a scale and of duration previously undocumented.

Japan is not oblivious to the sufferings of women during wartime. In 2004, the Japanese ambassador to the United Nations noted, "the manner in which women are often obliged to live during armed conflict is indeed a moral outrage. They are usually neither the initiators of conflict nor the wagers of war, and yet their gender is often specifically targeted. This situation should in no way be tolerated."³

Japanese diplomats and citizens do understand that the legal battles and emotional and physical traumas of the Comfort Women have led to justice and restored honor to many women survivors of today's ethnic and sectarian violence.

³ Statement by H.E. Ambassador Toshiro Ozawa Security Council Open Debate on Security Council Resolution 1325: Women, Peace and Security, 28 October 2004, Ministry of Foreign Affairs of Japan website, http://www.mofa.go.jp/announce/speech/un2004/un0410-11.html

² Trafficking in Persons Report 2006-Report Home Page, Released by the Office to Monitor and Combat Trafficking in Persons, VI. Country Narratives -- Countries H through P, U.S. State Department, June 5, 2006, http://www.state.gov/g/tip/rls/tiprpt/2006/65989.htm

Can Japan Do the Right Thing?

Yes, and there is precedent for leadership by the prime minister to circumvent Japan's political process. That example was just last year.⁴

In July 2006, Prime Minister Koizumi brushed aside legal and bureaucratic prevarication in order to resolve a longstanding injustice: a misleading government-sponsored campaign of the mid-1950s encouraging emigration to the Dominican Republic. Koizumi said, "Throughout this period the emigrants had faced tremendous difficulties in settling down because of the insufficient preliminary research and disclosure of the information. The emigrants thereafter underwent the years of hardship that were combined with unfortunate circumstances."

Instead of appealing a landmark court decision, Koizumi declared, "The Government is truly remorseful and apologizes for the immense hardship the emigrants have undergone caused by the response of the Government at that time."

He added the "the Government has judged, in full consideration of the facts that the emigrants are now aged, among other factors, that the case of the emigrants to the Dominican Republic must be solved as early and as fully as possible. In light of this, the Government has decided to offer a special one-time payment for each of the emigrants."

In so many ways what Koizumi has offered these hapless victims of the Japanese government deception is the same as what the Comfort Women want: a government apology, a government reparation, and a government not hiding behind legal sophistries.

Conclusion

Rep Mike Honda (D-CA) was right in identifying "equivocal" as the most important element in Japan's war crime apologies.⁵ It is the Government of Japan's continual splitting of hairs in its apologies that have allowed this issue to fester and responsibility to be avoided. None of the apologies to the Comfort Women by Japanese government officials would constitute an official apology in Japan. They have been *kabuki* theater, representations of remorse for the benefit of a foreign audience unfamiliar with Japanese law.

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⁴ Statement by Prime Minister Junichiro Koizumi toward the Early and comprehensive Solution of the Case of the Emigrants to the Dominican Republic, July 21, 2006, http://www.kantei.go.jp/foreign/koizumispeech/2006/07/21danwa_e.html. Another good example happened just a few days before this hearing. On February 6, 2007, Japan's Supreme Court ordered the government to pay healthcare benefits to Japanese atomic bomb survivors who emigrated abroad. As the Presiding Judge Tokiyasu Fujita said, "To claim that the time limit had expired goes against the principles of faith and trust, and is not acceptable." "Top Court: Hiroshima Must Pay Hibakusha," *The Asahi Shimbun* (English Edition) (7 February 2007), p 1.

⁵ Among the most equivocal is the June 9, 1995, Diet resolution commemorating the 50th anniversary of the end of the Pacific War. The politics of this resolution limited it to being approved by only half of the Lower House and expressing remorse rather than apology. See: Ryuji Mukae, "Japan's Diet Resolution on World War Two: Keeping History at Bay," *Asian Survey*, Vol. 36, No. 10 (October 1996), pp. 1011-1030.

This resolution carries the force of the political will of Congress and the American people. It asks the Japanese government to cease injuring itself through a craven and unnecessary denial of objective fact. It asks the Japanese government to cease tarnishing the reputation of the Japan-U.S. security relationship, an alliance vital to the security of the region. For governments in the region, U.S. silence on the Comfort Women contributes to a sense of U.S. complicity in trying to bury the past. And bury is the right word in this instance—for the Comfort Women themselves—the only persons who can accept an apology—are passing on.

Approving this resolution is a good and decent thing to do. It is unacceptable to view rape as merely endemic to war, or an incidental adjunct to armed conflict. Rape is a unique weapon focused on non-combatants and intended to instill terror in its victims and to demonstrate the power of the perpetrators. It is a truly uncivilized act, and Imperial Japan's widespread use of rape during its Asian conquests was beneath that culture's better values.

There is wide, bipartisan support for H.Res.121. The resolution projects U.S. leadership and attention to the important—but currently unresolved—issues dividing America's Asian allies and exacerbating differences between countries in Asia.

Reconciliation and regional peace in Asia are at the heart of Mr. Honda's resolution. The Comfort Women issue is not yesterday's problem. It is today's and, if it is not dealt with now, it will be tomorrow's problem as well. A multitude of vital U.S. interests are served by a definitive resolution of this moral issue still troubling the governments and peoples of Asia. It is also good for our very close ally Japan, as its government seeks long-overdue recognition of Japan's 60-year history of constructive, responsible and resolutely peaceful membership in the modern world community.

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