

FORMER COMFORT WOMEN SEEK JUSTICE IN U.S. COURTS

Background

In 1991, Ms. Hak-Soon Kim, a former “comfort woman” and victim of Japan’s military sexual slavery during World War II, became the first survivor to give public testimony regarding her ordeal. Since that time, hundreds of other victims have spoken out, and a massive advocacy campaign was launched as the world came to realize the truth about comfort women. The “truth” was that over 200,000 women and girls – sometimes as young as 10 years old -- had been subjected to systematic rape and torture by the Japanese military during the war. Only 25% are estimated to have survived.

Despite growing international pressure, Japan has steadfastly refused to acknowledge its legal and moral responsibility for the comfort women atrocity. In 1994, Japan created the privately-funded “Asian Women’s Fund,” which the victims rejected as a patronizing gesture intended only to avoid legal liability. Earlier this year, Japan’s Ministry of Education approved eight school textbooks, which omit all facts and references to wartime atrocities, including sexual slavery, perpetuated by the Imperial Army.

Historic Lawsuit in the U.S.

On September 18, 2000, 15 former comfort women from Korea, China, the Philippines and Taiwan filed a historic, class-action lawsuit in U.S. federal court against the Government of Japan. The first of its kind for “comfort women,” the lawsuit is based on an 18th century law called the “Alien Tort Claims Act,” which allows foreigners to sue in U.S. court for torts committed in violation of international law.

On March 7, 2001, Japan filed a motion to dismiss the lawsuit, arguing, among other points, that it is entitled to “sovereign immunity” in U.S. courts and that it had resolved all war-time issues, including comfort women claims, through various post-war treaties.

U.S. State Department Intervenes in Support of Japan

In a surprising and uncalled-for move, the U.S. State Department, though not a party, intervened in the lawsuit on April 27, 2001, filing a “Statement of Interest” on behalf of the U.S. government. The U.S. Statement supported Japan’s position, stating that Japan is entitled to sovereign immunity and that postwar treaties had resolved the women’s claims.

The U.S. Statement of Interest is legally and morally untenable in many respects. First, the Statement ignores well-accepted tenets of international law, which reject sovereign immunity for egregious human rights violations. Moreover, the U.S. ignores the fact that unlike the 1951 U.S.-Japan Treaty, treaties between Japan and the women’s home countries did not waive individual claims. As the United Nations has acknowledged, Japan could not have waived the women’s claims because it denied the very existence of “comfort women” until the 1990’s. But, most importantly, the U.S. -- when it could have chosen not to intervene – chose instead to support and advocate for the atrocious and inhumane acts of Japan.

Demand for U.S. Accountability

As residents and citizens of the U.S., we must hold our government responsible for its irresponsible actions. The U.S. intervention has seriously jeopardized what could be the last opportunity for the “comfort women” to make a meaningful legal challenge in the courts.

Through our petition to Secretary of State Colin Powell, we demand the following:

- That the U.S. immediately withdraw its Statement of Interest from the comfort women lawsuit;
- That the U.S. publicly condemn Japan for the mass rape and sexual slavery it perpetuated during the World War II era;
- That the U.S. engage in negotiations with Japan to urge an immediate and just resolution of the comfort women issue, including a full apology, restitution, and measures to disclose and preserve the historical truth about comfort women;
- That the U.S. urge Japan to immediately resolve all claims for atrocities committed during the World War II era.

To learn more, contact Young Koreans United of USA at 773. 506. 9299. Young Koreans United is a membership-based organization established in 1984 to promote peace, justice and human rights in Korea and the United States through education, organizing and advocacy.