

# Rape tokyo trials to prosecute japanese war

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Rape is one of the most underreported and under-prosecuted war crime that one can find. Mostly because women and men don't speak about it. We only hear about the most brutal or public incidents. It wasn't until very late that rape was prosecuted as a crime against humanity.

In fact, it happened for the first time in 1998. Before that, proof had been presented several times. During the Nuremberg trials, for instance, Charles Dubots, the French prosecutor, presented eyewitnesses, affidavits and depositions that confirmed that German soldiers used rape in concentration camps and in occupied France to attack and repress the resistance (Perez 2007). Further proof was also brought to sustain accusations of sexual violence on Soviets by the German soldiers but it wasn't mentioned at all in the conclusions of the Nuremberg Tribunal.

Around the same time, in 1946, the United States created the Tokyo Trials to prosecute Japanese war criminals regarding crimes committed in Nankin. The Tribunal prosecuted rape under the category: war crimes of 'murder, rape and other cruelties' (Tanaka et. al, 2010). The International Military Tribunal for the Far East in Tokyo was a big step forward for 20 000 chinese women, victims of sexual violence by Japanese officers.

Unfortunately, the trials failed to mention the 'comfort camps' where approximately 200 000 women, -from Japanese conquered and occupied territories in Asia-, were deported, starved, forced into prostitution and, in most cases, killed. It wasn't until 1998, that rape was prosecuted as a crime against humanity by the International Criminal Tribunal for the former Yugoslavia. This prosecution followed the discovery of rape camps held by

and for Serb soldiers during the Bosnian genocide (Dixon, 2002 ; Maier, 2011). The same year, Rwandan officials, such as Jean-Paul Akayesu, were also charged with rape as a war crime regarding the country's genocide in 1994 ; although it took 60 international NGOs, -including 35 Rwandan organisations-, to include rape in the charges of war crimes and crimes against humanity (Dixon, 2002). 1998 was also the year when the Rome Statute, the Treaty that created the International Criminal Court (in the Hague, Netherlands), was adopted by the United Nations and entered into force four years later. Before the ICC, International Tribunals were temporarily created to prosecute crimes in one specific conflict but the ICC was given larger competences and better resources, yet, to this day, it still fails to properly prosecute rape in war.

In fact, in several interviews, Dr Denis Mukwege, the man who repairs women in his hospital in the DRC, said: « since we don't tackle the roots of this violence, it keeps changing faces. We have been pressing the international community to act for 20 years. There is compassion and attention but no action. Only national and international justice can shed light on those atrocities»