

Notes -- Conference Call
January 17, 2001

Present: Gaby, Carmen, Christine, Indai, Kelly, Rhonda, Barbara, Chyrel,
Tina, Molly, Willy?

1. Schedule for Completion
2. How to Divide up work? Allocation of responsibilities
3. Non-common Defendants
4. Draft Order
5. Structure of Judgment
6. J. Baghwati's participation – postpone for next meeting
7. Judges' availability for issuance of judgment – will discuss via email
8. Other matters

Schedule for Completion

CUNY team: We don't have all of the exhibits, the exhibit list, or the transcript.

Indai: Eleanor bringing list of exhibits with her to NY and will also send via email. Problem with the fax.

Transcript takes enormous time. Also political crisis in Philippines has made it difficult to devote full attention to this.

Carmen will send CUNY her entire box of exhibits.

March 8 date should be postponed. Not publicized yet.

Rhonda suggested that Gaby and she look for a law firm that could help with the judgment, firstly the transcript.

Indai: a lot of mobilizing, organizing work to do to prepare for the issuance of judgment. Two or more "comfort women" from each country

will be a part of the issuing of the judgment. The organizers need to know at least what month we can get judgment done.

Rhonda: we as judges & legal advisors need to say when we realistically could have judgment & availability of judges, IOC has to decide other issues.

Judges will indicate via email (un)availability & we will also indicate when we can have it, unanswerables are about transcripts & documents. Indai wants a ballpark date by end of this month.

Draft Request/Order

This was written because it is difficult to figure out some of the exhibits and also we need to figure out how to deal with the additional defendants.

Tina: additional defendants – about 35

- ✓ Most are high-ranking
- ✓ don't have Korean indictment
- East Timor: lower-level people
- Malaysia: some high-ranking, some intermediate, one low-ranking, one civilian
- Other indictments: high-ranking people

Were additional defendants tried before? That is something to research. We know that the Allies tried and convicted over 5,000 Japanese. Likely some of the defendants among them.

We should request specifically in the draft request: that they tell us more specifics about these additional defendants. Indicate exhibits for each defendant. Indicate information that identifies the person in their status and location in the material. (particularly a concern for the low-level accused). Or advise if they no longer want judges to consider certain defendants.

One option: Deal with additional defendants in findings of fact – but not make a finding of guilty or not guilty.

(Gaby was told by South Korean prosecutors that they would send an amended indictment. This has not been received.

Send the draft request to Ascent and it will be sent to country prosecutors. Deadline for post-trial memos is 3 weeks.

→ Must revisit this issue of how to deal with the additional defendants.

Division of Work – Allocation of Responsibilities

Christine – state responsibility

Gaby -- CAH

Carmen – slavery, facts

Willy and Christine – a people's Tribunal

→ judges, please send via email to CUNY team, how much you would like to do as the draft progresses – vetting, etc.

Structure of Judgment

Barbara sent via email the work on different sections that was done prior to Tokyo and had not yet been distributed to the judges. It also has a table of contents.

Judges will look at the table of contents and the text itself and send comments on the structure and any sections that should be more developed. Send via email to Barbara. Rhonda suggests week deadline. Barbara will send out recent one again & bring copy for Gaby.

Also how to integrate feminist perspective, militarism & gender.

CUNY team will take out state responsibility sections and put in individual responsibility sections and then send to Christine.

Facts relating to state responsibility – CUNY team – unless there is someone else could do it. We'll talk with Kelly about it. Gaby – knows of a student at London School of Economics who wrote dissertation on "Comfort Women." Gaby will contact.

Language of judgment? Legal discussion in main text or in footnotes? More "legal" or more "popular"? All agree that it should be more legal and weighty – and could be fit for publication—jurisprudential quality. We can also write an executive summary apart from this that is more popular.

Participation of J. Baghwati

Judges – should not be part of the judgment because has not heard the evidence

Carmen – he could be present at judgment to comment on fairness of the judgment, etc.

Rhonda -- He could confirm the legal conclusions (because he is an international law expert), but he could say that he was not able to confirm the factual conclusions because he was not able to hear the evidence. He can say that he would have liked to participate but that he was ill.

Christine – but maybe this doesn't make sense because it looks like we need his legitimization of the process. }

Molly – the importance of his presence or comment is that he is from India and the Indian judge in the IMTFE dissented.

We'll let Indai and IOC decide this.
