

정대협

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보낸 날짜: 2000년 9월 4일 월요일 오전 9:41
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제목: FW: tokyo questions URGENT

More from Rhonda, some of the points she raised we need to take up in a meeting in Taipei. But let me know your thoughts today please.

Hugs, Indai

>rhonda copelon <copelon@mail.law.cuny.edu>

>Date: Wed, 30 Aug 2000 23:47:02 -0400

>To: Indai Sajor <ascent@csi.com.ph>, indai lodes sajor

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>Cc: <copelon@mail.law.cuny.edu>

>Subject: tokyo questions URGENT

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>Indai:

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>I need to bring you up to date on various thoughts and concerns. also can

>you send emails of tokyo participants and in meantime pass the following

>request on to tina.

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>1. For Tina: I hope all is well. I've been out of touch as email and self

>have been taking a rest but now and up and running. we discussed in manilla

>that you would be compiling an appendix of legal sources for the judges to

>work with. i need to know how that is going and when you think you'll be

>able to send it on and whether there are gaps that my students should begin

>to fill. we have begun classes and tomorrow is our first meeting. i want

>them to spend the next couple of weeks getting familiar with background.

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>Among the things we need to look at are the Far East Tribunal judgments.

>Both to educate ourselves as to what happened there and to be able to

>identify the relationship between the accused in this proceeding and those

>tried previously in tokyo. I have a feeling that the judges will not be

>willing to adjudge people who are not high level and either already tried or

>very closely related. Do you already know that or can you point us to the

>relevant material to shortcut our time?

>

>If you are developing outlines of your ultimate presentations, it would be

>great to share them as early as possible. Please understand that the time

>here will be very tight. Can you give me a sense of your progress and what

>you know of the others? To have this judgment drafted in time for the

>judges to go through it and have a round of revisions, we will only have a

>month if we get everything on Oct. 1. I know you're feeling the squeeze too

>so lets keep abreast of each other on this. Cheers! Rhonda

>

>2. For you: My dear, I have been thinking alot about how to carry off

>this judgment and had a long talk last night--finally --with gabi who has

>been away. Also want you to know of her questions and would appreciate

>feedback right away on both items.

>

>A. She sounded very nervous about various aspects of the Tribunal last

>night but said she intended to stay committed. i got scared that people are

>beginning to criticize her and was relieved to hear today from cathy powell
 >at columbia that lou henkin--afamous liberal advocate of human rights was
 >thrilled she was doing it. i think i assuaged her concerns, but they will
 >have to be resolved and a meeting of the judges and some time if possible
 >with at least some reps of the prosecutors is needed. she has gotten no
 >communication on that altho i note you had some communication with carmen.
 >
 >i. do you have any more judges? is pierre sanay set as she wants to call
 >him tomorrow. don't want them to be surprised. URGENT REPLY NEEDED. will
 >you also give me the name of the Thai judge? need to send her contact
 >numbers.
 >
 >re other judges--the more i thnk on it, the more i think it important to
 >have a sound CEDAW rep--has sabatri been approached? we need in the judges
 >pool someone who will make them think carefully about gender as they may
 >decide to deliberate without us there. gabi cares alot but her expeirnece
 >is limited to icty and she has not written yet extensively on gender. she
 >also likes the idea of a non0lawyer member to make clear that this is not a
 >real tribunal. i think if its too much trouble to get 7, that 5 is enough.
 >i know also felice was thinking about someone who would link to the nazi
 >holocaust. its a good idea tho we haven't come up with names. do you want
 >me to check again with her. about nawel el sadawi, viv says give her a role
 >if she'll travel or ask for her greetings. but don't make her a judge whom
 >you have to take care of for days; and she's too individualistic albeit
 >brilliant.
 >
 >2. The original idea that each judge would be responsible for a part of the
 >judgment and have their own legal advisors working separately does not make
 >sense in light of the fact that we have only a month to do the first draft
 >and that we could end up with tremendous headaches, ego problems etc. if we
 >have to revise work done by people not deeply learned particularly on the
 >gender issue.
 >
 >So i proposed to Gabi and i propose to you that we centralise the drafting
 >of the jugment, finding a way for legal advisors to all work together and be
 >coordinated by us. If we can raise money to pay a coordinator, I would
 >take the responsibility , and Cathy Powell wants to share it, to draft the
 >judegment that then would be circulated to the judges. Hopefully right
 >after sep 15, we can have enough information to prepare an outline.
 >
 >If the other judges want to have their own legal advisors, we would build
 >them into a team and we would work together to make one coherent draft.
 >Ther would have to be an agreement on editing for coherence, style etc,
 >otherwise its just a paste job. we need to figure this out in a way that
 >is and feels inclusive at the same time as frankly, with the time available,
 >we need to have considerable control. Obviously depending upon whom the
 >judges pick, it could be a great asset or an obstacle and if they want to
 >leave it to us that's ok too. Maybe they'll welcome it. Maybe not but we
 >need to know where they stand.
 >
 >Gabi is agreeable to working with us on the whole and we can meet with her
 >frequently. Through email, it is also possible to have direct communcations
 >with the other judges if there are particular parts they want to undertake
 >or be consulted through the drafting process on.
 >
 >In any event, we would set a date--early Nov!!!-- for the circulation of a
 >first draft (maybe in two parts) that would give time for them to have input
 >and for revisions to be made preTokyo. Then we can undertake further
 >revisions in Tokyo. We needa drafting team in Tokyo to input everything

>into the final judgment. So having legal advisors who have worked together
>over a period of time is a good idea.

>

>So, let me know what you think of this as an approach. We need to have the
>judges consider it and decide in order really to put it into place and we
>are prepared to try to raise some money to do it. How is your fundraising
>going there??? I know that it is probably agonizing and time is so short. IF
>you think you're in the position to donate something to it which we will
>return if we raise it, let me know as it would be good to start it by
>midseptember which is two weeks away.

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>I think this may involve an ideal budget of about 30,000-35,000 and a doable
>budge (1 coordinator; some travel to ny of other legal advisors) of
>20,000-25. Budget would include:

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> coordinator 12,000 (4,000/mo. if experienced and full time)
> co-coordinator 7,000 (3500/2 months--maybe someone from the region)
> travel

> coordinators 5000 (2000ea & 1000 for 2d coord's travel to ny)
> legal interns 8-10,000 (Cathy Powell and I will be putting 5-6

>students on it--probably not all will come.

> Cathy P. and me 4000 (I know that is in your budget for some
>legal advisors and Cathy P. can probably get hers from Columbia)

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>I will discuss fundraising possibilities with Cathy P. don't know how quick
>we can raise it or how you are doing on fundraising there.

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>Vahida and I discussed the possibility of taking on Barbara Bedont as the or
>a coordinator as the job resembles legal text and we need someone who
>doesn't need to figure out how to do it given the timing. She is available
>and excited about it. At the same time, I would also like to bring in
>someone from the south for at least one-two months. Maybe one of the legal
>advisors; was also thinking of Raminy who strikes me as very knowledgeable
>and smart though I never did any writing with her and during the
>negotiations I remember only one example of her taking on a writing project
>which could be a sign or could be irrelevant. So if you know anything,
>let me know before I take further steps and you might have an idea of
>someone who is already very knowledgeable about the factual and legal
>situation from the region and who is experienced in this writing who could
>come here to work for awhile. Perhaps Barb could do it 4/5 and that would
>help fund the second person. If you think Raminy is a good idea, I should
>call Sunilla first to see if it would be a problem for her (as I think R is
>working for her) and also to get her opinion of the idea and Raminy's
>skills.

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>Please let me know what you have budgeted for travel for legal advisors. I
>assume that Cathy Powell can get Columbia money and we will try to raise
>money for the students working on it to come. Some will probably be
>essential.

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>3. re the issues Gabi is worried about:

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>1. how to characterize the judgment given the ex parte nature of the
>process. I said that everyone understands that it has to be cast with care
>to make clear the nature of the tribunal and that it doesn't have to be an
>absolute judgment of guilt so long as it says that the proof is
>compelling but in absence of deft, judgment can't be absolute. There are a
>number of formulations. like a trial in absentia that can always be

>reopened. that needs to be worked out.

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>2. who is named. she was neervous about naming people at first. i said
>that many had been named and convicted at in IMTFE. We need info on that
>and need to compare names prosecutors come with and who has already been
>convicted; what is their position; what is the proof. She had no problem
>with naming the emperor. I assume Pierre Sanay has the same problem and
>this will have to be settled. I don't know if the judges and the survivors
>would accept that if the latter insist they want people named that the
>judges could decide not to decide their cases as they are too inferior in
>the hierarchy. then the issue is on the prosecutors. just a first thought.

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>3. Should accused or at last japan be invited to submit a written or oral
>statement. I summarized our discussion; fears of disruption by the right etc
>and that there was a tentative decision not to, but that it didn't seem to
>be a wholly unanimous one or one that could not be revisited. I explained we
>took the provision making the power to invite explicit out so as not to
>prejudice the judges if the decision was not to invite, but that the charter
>gave them the power to invite whomever they wanted. My instinct is that
>this is an important issue for the pretrial conference between judges and
>prosecutors that we discussed. let the prosecutors lay out their concerns
>as i don't think the judges should consider the question without
>undertstanding the operation of the right wing etc; consider the different
>ways it can be controlled. she leans strongly in the direction of inviting
>japan and i tend, upon reflection, to agree . i doubt they will come and if
>they do, and they control them, it would be quite something. she wants us
>to study what other tribunals have done in this regard so if you all have
>some info , let us know. i think i helped her see that inviting the accused
>had many problems--some were dead; and some would send right wingers who
>could really disrupt the tribunal. she had not yet read the minutes, so
>i assume she'll have the gist of the discussion. i hope the above read the
>body correctly insofar as there is some leaway to review the decision and
>let the judges play a role.

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>Finally it is critical to insist that prosecutors come on sep 15 not only
>with their draft indictments but will all their exhibits organized into
>appendices and cross-referenced to the charges. I assume that memorandum
>may have to follow, but I am terrified about getting this job done right if
>we do not have the bulk of the material by oct. 1.

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>Finally, finally, what are you planning for the judges meeting. Gabi has to
>be in calif the weekend of the prosecutor's meeting. but i think she could
>do a conf call on sep 15.

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>I still don't know what to do about the conflict between the rwanda meeting
>and yours. and jennie whom i thought could represent both of us there will
>be on trial--maybe able to make a day but not sure. its a problem because
>we can't let that meeting down either. so if you have any brilliant ideas
>let me know.

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>hope you are well and i miss your great presence and bundling, laughing
>energy. love to you and all the children. rhonda

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