

Event Title	:	One day Public Hearing on current war and conflicts Public Hearing on Crimes from on-going wars and conflict regions
Date & Place	:	December 11, 2000, Tokyo, Japan
Coordinator	:	Women's Caucus for Gender Justice P.O. Box 3541, New York, NY 10163, U.S.A
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Background & Purpose: In the last decade of this century, a new page of history has been turned, as comfort women from Asia have broken their 50 years of silence to demand justice and legal recognition of rape/sexual slavery as war crime and crimes against humanity. No other movement has ever brought to the attention of the international community, the magnitude of gross human rights violations perpetrated against the women, such as that of the comfort women of Asia. Because of their actions, having brought their cases to the Tokyo District Court, they have challenged state accountability to the war crimes perpetrated against the women. They have inspired numerous other women victims of current war crimes.

The Tokyo Tribunal scheduled on December 8-10, 2000 is a women's initiative in partnership and solidarity with experts and international lawyers, to set a precedent for the prosecution of war crimes against women from the perspective of women's human rights, towards a vision of a violence-free 21st century. It is a collective initiative among the victimized countries namely; the Philippines, North and South of Korea, China, Taiwan, Indonesia, the Netherlands, Malaysia, and Japan. Well-known and respected human rights defenders, lawyers, historians, academicians, researchers and the survivors themselves have been preparing for this event since 1998. As the millennium comes to an end, the Tokyo Tribunal attempts to give the women who are all in their advance age a sense of what constitutes justice.

Indeed at the time the Asian comfort women came forward, thousands of women were suffering from mass-rape and other forms of sexual violence in former Yugoslavia, Rwanda, Indonesia, Colombia and in other situations of war and armed conflict.

A one-day **public hearing** is being organized of testimonies of crimes from such on-going war and conflict situation around the world on the occasion of the Tokyo Tribunal to demonstrate that the crimes against the former 'comfort women' during WWII is not any different from the crimes perpetrated against women today in times of war and conflict situations. The **public hearing** will comprise of testimonies of victims and survivors of war and conflict situations from different regions of the globe such as Guatemala, Columbia, Mexico, Liberia, Sierra Leone, Congo, Somalia, Kosovo, East Timor, Afghanistan, Algeria. The hearing will not only present painful experiences of women who had been victimized by war but also provide a forum simultaneously to talk about the initiatives in each of these places to rise and fight back to demand justice such as the experiences of women who joined the resistance movement, who did organizing work for peace and justice. Such an account will serve as an inspiration not only for the women themselves but for humanity itself. The public hearing will usher the continuing work of women for genuine justice, peace and end to impunity.

Objectives: The Public Hearing has the following objectives:

1. to demonstrate the continuation / escalation of crimes against women in conflict situations since WWII and thereby link it to the violations suffered by the former "comfort women" (Tokyo Tribunal).
2. to compile different types of violations that women / people suffer in conflict situations and look at the ways in which women have dealt with / coped with the conflict situations and the violation they suffered
3. to highlight the economic impact of wars and conflicts on women and the importance of participation by women in peace and reconstruction process
4. to highlight the dire need for international justice and accountability mechanisms such as the International Criminal Court
5. to strengthen international pressure in seeking state and individual accountability for gender-based war crimes, crimes against humanity, and genocide; and
6. To build strong national, regional, intra-regional, and international networking, capacities and movements supporting women's issues and calling for an end of the impunity of wartime crimes and sexual violence committed against women.

Themes: The rationale for having a public hearing following a three-day Tribunal on the issue of the former 'comfort women' is to demonstrate similar crimes committed against women 50 years after WWII and to highlight the continuation/escalation of crimes against women in the face of no accountability or justice mechanism for such crimes. It seems this focus need to be kept throughout the organizing of the public hearing. The public hearing will in effect continue with the concept of violation/crimes during wars and conflicts that would have started with the Tribunal on the issue of former 'comfort women'. The only change being that the public hearing will reflect the current or on-going violation/crimes. There is a fear expressed that straying too far away from this focus will dilute the issue addressed by the Tokyo Tribunal.

At the meeting on June 8, 2000, many ideas were put forward as possible themes. In trying to clarify for ourselves as to what kind of testimonies we shall be seeking within each theme, it became clear that most of the ideas broadly reflected sources or causes of war/conflict (resource-based, extremism etc), means of warfare (chemical/biological warfare etc.), impact of war/conflict (land-grabbing and other economic impact etc.) and violation/crime itself. The four themes that were eventually identified at this meeting represent the source or the root cause of conflict/violation.

We have reproduced the themes below and also tried to elaborate on these themes. In this exercise, we find that clearly the themes if reflecting the sources of conflict are not mutually exclusive. Meaning, the root cause of conflicts as a result of militarism are often resource – based, so also rise in extremism has its bases in access to resources. We had difficulties in conceptualizing themes three and four with regard to what type of testimonies can be presented under these themes in a way that would maintain the focus above.

Sifting through the different ideas that were put forward and trying to ensure that all these get reflected in some manner at the hearing, it would seem that the themes helps to broadly break down the testimonies from different regions. Under each theme, there could be four testimonies in total. Three could be first person accounts of violations/crimes that caused physical, mental or psychological harm. The fourth testimony will be by a person that will pull together all the three testimonies under the theme. This will mean, for the theme of resource-based conflict for example, an explanation of the contexts of each testimony, how they relate to the theme, discuss the newer means of waging warfare, if relevant and its impact, bring in the overarching economic impact of wars/conflict, discuss the positive actions and initiatives being taken under the theme and so on.

The themes identified are :

1. **Conflicts/ violations resulting from Extremism:** Many countries are in situations of war, conflict and unrest as a result of rise of the power and stronghold of states, groups and organizations that profess extreme ideologies based on nationalism, ethnicity, religion, race, marginalization, majoritarianism etc. The manifestation of the beliefs of some such groups take violent forms by use of force and terrorizing non-conforming populations. Terror in society is spread most effectively by violence against women and crimes against women. Conformation to beliefs are first sought from women as women are considered markers of identities of a national, ethnic group, religion, etc. and often sought by force. Examples of societies that are subjected to such situations are Algeria, Afghanistan, Rwanda, Kosovo....
2. **Conflicts / violations resulting from militarism:** Aggression, invasion, state repression, military or other kinds of occupation and foreign policy of powerful countries such as US are the source of conflicts in many countries around the world today. Military action whether by invasion, aggression or by occupation invariably disrupts society and devalues life, persons and property. The local populations are subjected to terror and are expected to accommodate the needs of the occupying/invading army. In the process, fundamental rights of peoples, particularly women are violated. (list types of violation ... from experiences of the Okinawa bases etc.) Occupied Territories of Palestine

- (resource-based??), Burma, military bases in Okinawa, Japan, Panama, Guatemala, Colombia are countries where people are victims of militarism.
3. **Resource-based conflicts/violations:** Access and dispute over resources are and have been the root cause of wars and conflicts through the history of existence of humankind. Disputes over land, borders, territories, water, natural resources have wrought nations and humankind through centuries. Besides the obvious impact on people of such a dispute, i.e. deprivation of that resource to the parties to the conflict, it also manifest into violation of basic and fundamental human rights of peoples involved in the course of waging the war or conflict over the resource. Sierra Leone, Nicaragua, Kashmir are examples of such conflicts.
 4. **Violations during post-conflict phase of reconstruction:** After so-called resolution of the conflicts by means of signing peace accords or otherwise, begins the reconstruction phase. In this phase, the key players are often parties who mediated during the conflict who may or may not have an interest in the conflict per se, and their peace-keeping troops. The reconstruction phase initiated by such forces are not participatory in terms of active participation of people who are most affected by the conflict or parties to it. There is often no accountability during this phase and it often results in marginalization of women in the process. Enforcing peace is accompanied by its own violations???? East Timor,

Guidelines for organizations/groups bringing testimonies (three testimonies that will be first person accounts):

1. Testimonies fall in one of the above four themes.
2. The testifier is the survivor of the violation she/he is testifying except in the case of crime such as enforced disappearances where the person close to the one who was made to disappear can testify or in case of a child who may have another person represent/speak for her/him.
3. Testimony contains a first person account of physical, mental or psychological harm suffered as a result of the crime she/he suffered.
4. Testimonies demonstrate different types of crimes that are committed in conflict situations with particular emphasis on crimes of gender and sexual violence. The crimes could be rape, mutilation, sexual slavery, torture, cruel and inhuman treatment, enforced sterilization, enforced prostitution, forced pregnancy, enforced disappearance, imprisonment, persecution (based on grounds such as race, sex, gender, religion, ethnicity, sexual orientation), taking hostage.
5. The testifier could be a woman, man?? or a child (or someone on behalf of the child).
6. Each testifier reads his/her testimony. Time allocation 15 minutes.
7. Testifier accompanied by one local support person who she/he is comfortable with.
8. Organization / Groups bringing the testimonies makes clear the objectives of the hearing to the victim/survivor and ensures that the person concerned has understood the same.

Guidelines for contents of testimonies: The following points are details that need not necessarily be presented but ought to be compiled for each testimony. Eventually, it

may be edited out to fit a fifteen-minute presentation, to present most important part of a specific testimony and other considerations.

1. Begin with a brief personal background prior to the crime she/he suffered that shows her/his (non)-relation to the conflict, crime etc. followed with a background of the context of the conflict (if possible)
2. Brief but precise account of the crimes or violation itself, i.e. what happened to the testifier and when (dates)
3. Accurate details of the perpetrators and their affiliations and the duration of the violation, how long, how often etc.
4. End with speaking her/his mind out on feeling of outrage, hopes, dreams, and aspirations for the future.

The guidelines for the fourth testimony will emerge after having identified the three testimonies under each theme.

Responsibilities of the Coordinators and the IAC: The Coordinator and the members of IAC will have the responsibility to maintain the focus during organizing of the hearing, fund-raise for the event, ensure that the testimonies represent conflicts from different regions, that they present an overview of different types of violations women/people suffer, that there is a balance with regard to the extent of victimization demonstrated and the positive action and initiatives taken, and that all testimonies are presented without prejudice to image /reputation of any states/governments or political factions.

Possible agenda for the day:

09.30 – 10.00 a.m. Introduction of the event and the proceeding of the day, ...by invitee ?? (well-known person??),

10.00 – 11.30 Introduction of theme One.
Introduction of the three testifiers and their presentation of 15 mins each. Presentation by the Analyst (fourth testimony)

11.30 – 01.00 Introduction of theme Two
Introduction of the three testifiers and their presentation of 15 mins each. Presentation by the Analyst (fourth testimony)

01.00 – 02.00 Lunch Break

02.00 – 3.30 Introduction of theme Three
Introduction of the three testifiers and their presentation of 15 mins each. Presentation by the Analyst (fourth testimony)

03.30 – 05.00 Introduction of theme Four
Introduction of the three testifiers and their presentation of 15 mins each. Presentation by the Analyst (fourth testimony)

05.00 – 05.30 Closing Ceremony

It has been advised that hearings of the above nature are difficult, both on the testifiers and the audience. It ought to therefore have short and brief diversions. These could be plays / skits / films / slides of paintings etc. not longer than 5- 7 minutes each at the beginning or end of each theme. Normally such hearings end with a panel of judges or guests making a judgment or verdict. The public hearing will not end with a verdict. However, the judgment or verdict will be replaced by a closing ceremony that will be powerful, evoke strong response and a befitting ending to an eventful day. Thoughts on what such a closing ceremony ought to be will be welcome. (Some suggestions has been - to bring the former 'comfort women' and the testifiers at the public hearing together on stage, - have a song or chorus sung that will be international and that the audience can join in.)

Issues for consideration:

1. Discussion on the section of themes above
2. Testimonies of men as well?? or only women
3. Clearly testimonies to include not only war crimes situations but also crimes against humanity. Clarify and confirm.
4. Is there any need for emphasis of testimonies from one or other regions? Or ensure regional balance?
5. List of countries to seek out testimonies and contact information.
6. Consideration on the agenda for the event
7. Consideration on what the brief diversions ought to be
8. Thoughts and ideas on closing ceremony