

A faint, light gray map of the Asia-Pacific region is visible in the background, showing the outlines of continents and major islands.

Asia-Pacific Regional Women's Hearing on Gender-Based Violence in Conflict

**Report on the Proceedings
2012**

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Foreword

Sexual and gender-based violence during conflict is a very widespread but rarely reported phenomenon. Using traditional and unequal gender roles to assert the subservience of women, perpetrators commit these acts as part of a strategy of war, to demoralize communities and assert their superiority. During the Khmer Rouge era sex outside of marriage was forbidden, and anyone who disobeyed this rule would face the possibility of execution. It is because of this well-known fact that sexual crimes committed under the Khmer Rouge are largely overlooked or underestimated. But the sad reality is that Khmer Rouge cadre often perpetrated a wide number of crimes related to sexual violence without fear of reproach. The fact that these crimes were committed in the face of complete impunity has highlighted the importance of alternative non-judicial methods in bringing about a sense of justice. Events like the Women's Hearing present victims with an opportunity to tell their stories and help create an accurate historical record of the crimes perpetrated during conflict.

When the first Women's Hearing (2011) was convened there was serious doubt as to whether any survivors of sexual violence would be willing to speak of their experiences, but to our surprise 5 brave women came forward to tell their stories. Based on the success of last year in this respect we broadened the scope of this year's hearing to include survivors of sexual violence during conflict from other countries in the Asia-Pacific Region. Such a widening would allow for a more comparative study, which would be helpful not only for the legal stakeholders, but also for the victims who would see that they are not alone.

To end sexual and gender-based violence not only in the region but globally, we must break the silence shrouding sexual violence during conflict and the impunity that naturally follows. The victims who spoke at the Women's Hearing 2012 helped break this silence and did so despite the years of discrimination and stigmatization they have faced from their communities, families and partners. Their courage has put sexual violence during conflict on the national and international agenda and we give our thanks and respect to these inspiring people.

Sok Sam Oeun



Executive Director

Cambodian Defenders Project

INTRODUCTION

In recent years, non-judicial truth-telling forums have taken place around the world. Many times, these are in response to the inability or unwillingness of formal judicial mechanisms to deliver justice for survivors of gender-based crimes during armed conflict or under oppressive regimes. In Cambodia in December 2011, the Cambodian Defenders Project (CDP), in collaboration with national and international experts, convened the first truth-telling forum on sexual violence under Khmer Rouge rule, “The True Voices of Women on Sexual Violence during the Khmer Rouge Regime” (2011). The Hearing aimed to provide the opportunity for victims and witnesses to break decades-long silence on sexual crimes and promote public acknowledgement of this specific element of the general atrocity. It did so in response to the factual reality that the full range of sexual violations that took place under the genocidal regime will not be adjudicated by the official Tribunal.

The 2011 event had a profound impact on the testifiers, and survivors of sexual violence more broadly, in making present the role of sexual violence as part of the totality of violence inflicted on the Cambodian people during the genocidal atrocity, inciting national and international dialogue and debate. Most importantly the event demonstrated to survivors that they are not isolated or alone, but that others too are striving to bring adequate redress and remediation for these crimes.

In view of the importance to include women’s experience in truth-telling platforms following conflict not only in Cambodia but also in other Asian countries, the second Women’s Hearing convened in Cambodia extended the scope to include testimonies from the region. The 2012 Asia-Pacific Regional Women’s Hearing on Gender-Based Violence in Conflict gathered 10 women — from Cambodia, Bangladesh, Timor-Leste and Nepal, ranging in age from 23 to 80 — to publically share their experiences of sexual and gender-based violence during the conflict of their country. An estimated 250 people attended each day to bear witness to these powerful testimonies.

A final Statement to the 2012 Women’s Hearing, issued by a Panel of experts, stressed that the value of truth-telling hearings cannot be overstated. While formal tribunals, truth and reconciliation commissions and transitional governments are established to provide justice to victims and to punish perpetrators, victims of sexual violence rarely see their crimes addressed, further emphasizing the need for alternative venues for women’s stories to be told. Forums such as the 2012 Women’s Hearing enable survivors to tell the whole story of their experience of conflict-related sexual violence, how it fits within the context of other violations as part of the armed conflict, as well as of the continuing effects of sexual crimes on the lives of survivors and their children long after the armed conflict has officially ended.



The women whose testimonies are shared in this report demonstrate a brave refusal to be silent in the face of injustice. In coming forward publically, we recognize they courageously endured the re-telling of deeply traumatic and devastating events. In doing so, they demonstrated their tremendous strength as resilient survivors and as inspirational leaders. It is an honor to have recorded their voices and those of their supporters globally as part of the 2012 Asia-Pacific Regional Women's Hearing, making ever clearer the clarion calls to end sexualized and gender-based violence and to achieve gender justice for these crimes.

*Respectfully Submitted,
Theresa de Langis, PhD, Rapporteur
November 17, 2012*

PROCEEDINGS OF THE WOMEN'S HEARING



"We know the feeling and the taste of your suffering . . . The whole region and the whole world need to hear what happened and the grief that remains."

- H.E. M. Om Yentieng, Chair of the ASEAN Intergovernmental Commission on Human Rights, Cambodia

On 10 and 11 October 2012, the Cambodian Defenders Project (CDP) in partnership with Transcultural Psychosocial Organization Cambodia (TPO) and the Victim Support Section of the Extraordinary Chambers in the Courts of Cambodia (ECCC) convened the Asia-Pacific Regional Women's Hearing on Gender-Based Violence in Conflict in Phnom Penh, Cambodia.

The hearing was open to the public and was attended by representatives from the Royal Government of Cambodia, the ASEAN Secretary General, members of the ECCC, Civil Parties to the ECCC, senior officials and staff of the United Nations, dignitaries from ASEAN, international and local non-government organizations (NGO), civil society and university faculty and students.

The historic event provided women survivors and witnesses of sexualized and gender-based violence in conflict (SGBV), in the Asia-Pacific region, with a forum to break the silence around violations against women in conflict-affected scenarios and to demand justice. Testimonies were presented by survivors and witnesses of sexual violence perpetrated during four conflicts in the region: Cambodia (1975-1979), Bangladesh (1971), Nepal (1996-2006) and Timor-Leste (1974-1999). The Hearing was co-facilitated by Panhavichet Pok (Cambodia) and Kasumi Nakagawa (Japan).

A Panel of distinguished experts and advocates included Vichuta Ly (Human Rights Defender, Cambodia)¹, Vahida Nainar (Gender and Human Rights Expert, India), Dianne Otto (Law Professor, Australia), and Aurora Javate De Dios (Philippine Representative to the ASEAN Commission on the Promotion and Protection of the Rights of Women and Children, ACWC). At the close of the hearing, the Panel made recommendations to the Government of each of the four countries, to the international and national judicial bodies in place in those countries, to the international community, including the United Nations, and to civil society as well as NGOs.

During the Hearing, survivor testimonies were complemented by illustrious speakers nationally, regionally and globally. The Hearing opened with a video keynote address by Zainab Bangura, Special Representative to the UN Secretary-General on Sexual Violence in Conflict. International guest speakers made presentations on gender, international law, transitional justice and women, peace and security as legal and normative frameworks for addressing sexual violence and women's meaningful participation in peace and security processes. The Hearing also included a message of solidarity from the women organizers of the Guatemala Tribunal of Conscience, "Alliance of Women Breaking the Silence," from human rights advocate for indigenous women and survivors of SGBV in Guatemala, Monica Pinzon (Psycho-social Expert, Community Studies and Psychological Action [ECAP], Guatemala). The Hearing Panel, on behalf of all participants, extended solidarity to the women survivors in Guatemala in support of their quest for justice.

H.E. Hor Malin (Under-Secretary of State, Ministry of Women's Affairs for the Royal Government of Cambodia), provided the opening remarks for the Hearing, reiterating the commitment of national government to reduce sexual violence and eliminate domestic violence by 2015 in Cambodia, and recognizing the survivor-witnesses testifying at the Hearing from across the region. Closing remarks were provided by H.E. M. Om Yentieng (Chair of the ASEAN Intergovernmental Commission of Human Rights, Cambodia), thanking the testifiers from the four countries for sharing their painful stories. Mr. Sok Sam Oeun, Executive Director of the Cambodian Defenders Project provided final words, leading those convened in a moment of silence for a testifier at last year's Hearing who has since died, commending the testifiers for their courage and thanking the participants for bearing witness.

¹ Ms. Vichuta Ly was not able to attend the actual Hearing due to illness, but remained in communication for the development of the final Panel Statement.

A. Tribunal of CONSCIENCE: A Message of Solidarity from the Women of Guatemala.

Monica Pinzon, psychologist, professor and indigenous human rights advocate, presented a message of solidarity from the Guatemalan “Alliance of Women Breaking the Silence.” The Alliance was comprised of ECAP, National Unity - Guatemalan Women (UN-AMG) and Women Changing the World (MTM).

A symbolic Court of Conscience took place in March 2010 to focus on social injustices related to the conflict. In this and in other arenas, indigenous women have come forward after 28 years of silence, many of them in their 80s, about their experiences of violence during the 36 years of conflict in their country. Ms. Pinzon pointed out the parallels to the situation in Cambodia and other countries gathered, and that



the dramatic impact on survivors include disruption of life plans, delayed or altered mourning, PTSD, silence, hopelessness, fright, psycho-somatizations, fear, extreme poverty, no right to truth or memory, and social isolation. Women speaking out around the world seek justice to end impunity and create symbolic justice.

"I bring a message to you, women of Cambodia, Nepal, Bangladesh. The women of Guatemala are with you, because what happens to one happens to all. We know you speak the truth, and we say no more shame, no more guilt for the victim. We will put the shame and blame on those who are responsible. We encourage you to seek justice even when it seems impossible, and remember we are your allies."

B. Testimony of the Experts

1. Video Message by Keynote Speaker

Zainab Bangura, Special Representative to the Secretary-General on Sexual Violence in Conflict

“We must make sure that the world knows about the atrocities of sexual violence . . . We have seen the devastated effects of gender-based violence in Europe, Africa, Asia and the Americas. Sexual violence is a global scourge, and those of you testifying today from the Asia-Pacific represent thousands of women who continue to suffer in shame and silence.”

Distinguished guest speaker, Zainab Bangura, Special Representative to the UN Secretary-General on Sexual Violence in Conflict, participated by video message. She commended the Asia-Pacific Women’s Hearing as a means of providing a platform for women to share their stories about sexual violence in conflict. Even decades after a conflict has ended, women who come forward help to ensure sexual crimes are part of the official historical and legal record of conflict. Impunity must end and perpetrators must know that every resource of the international community will be used to apprehend and prosecute these crimes to the fullest extent of the law. Too often women are denied justice from a system that is obligated to prevent gender-based violence and protect victims. The shame and stigma placed on victims must be shifted to governments and perpetrators. We must be clear that justice has been denied for too long. Ms. Bangura thanked and acknowledged the testifiers for their bravery, their quest for justice, and their role in putting an end to impunity.

2. Expert Testimony: Conflict related Gender-Based Violence against Women and Girls

Silke Studzinsky, International Counsel for Civil Parties before the ECCC and Lawyer in Berlin, Germany



Ms. Studzinsky presented on the definition, root causes and patterns of sexual violence in conflict, pointing to the term “sexualized violence” as a way to best capture the sexual aspects of these kinds of crimes. The root causes of sexual violence have been inherently linked to armed conflict and sexualized and gender-based violence needs to be broadly defined for sustainable peace and justice. A main root cause of gender-based violence is the perpetuation of unequal gender power dynamics and the subordinate societal status of women. SGBV violates women’s fundamental human rights and constitutes a criminal act. It includes

acts condoned or perpetrated by the State; exists on a continuum of violence against women in times of peace and war and in post-conflict settings; and includes rape, harassment, forced pregnancy, forced marriage, sterilization and forced abortion, sexual mutilation, enslavement, enforced prostitution and trafficking, among other acts. Sexualized and gender based violence is a characteristic of armed conflicts globally, with perpetrators enjoying impunity for their acts.

Impacts of sexualized violence on victims include loss of livelihood and economic and educational opportunities, and it results in interrupted and destroyed lives for victims. Rape is the most widely used type of violence against women and girls during conflict, yet remains the least internationally condemned. In order to better understand and therefore eliminate conflict-related sexualized and gender based violence, it must be considered as a threat against peace and security and addressed as part of a continuum of violence against women and gender discrimination before, during, and after war as part of a sexualized expression of domination over women. Only then will we be able to eradicate gender-based violence and its adverse impacts on individual survivors, their families and entire communities.

3. Expert Testimony: Judicial and Non-judicial Approaches to Gender Justice

Susana SáCouto, PhD, Director, War Crimes Research Office and Professorial Lecturer in Residence, American University Washington College of Law

Professor SáCouto presented on advances, remaining challenges and lessons learned from the investigation and prosecution of conflict-related SGBV crimes by international, hybrid and domestic courts as well some of the lessons learned from non-judicial approaches to gender justice. Despite significant advances in the treatment of sexual and gender-based violence under international law, Professor SáCouto noted that challenges remain. Lessons learned include:

- Without an institutional policy supporting the prosecution of SGBV charges, prosecutors often fail to bring charges against SGBV perpetrators even when they are in possession of relevant evidence. Thus, establishing a coordinated and comprehensive prosecutorial strategy to prioritize SGBV crimes from the outset is critical to effective investigation and prosecution of these crimes.
- Victims are often reluctant to report SGBV crimes. Thus, investigation practices need to take into account victims' needs by establishing, where possible, integrated services that promote the timely and thorough collection of evidence within a supportive environment for victims, including provision of medical, counseling and legal services.
- Victim-witnesses may fear retaliation for themselves or their families if they identify their perpetrators in court or otherwise assist in the investigation or prosecution of SGBV crimes; thus, protection of witnesses at all stages of the proceedings is critical to successful prosecutions of SGBV crimes.
- Insensitive or inexperienced judges risk alienating witnesses and undermining testimony critical to successful prosecutions of SGBV crimes; thus, judges should receive training about the scope, nature, and impact of SGBV as well as on jurisprudence related to the elements of sexual and gender-based crimes and the application of the law to different factual situations involving SGBV.

Professor SáCouto also discussed the lessons learned regarding non-judicial mechanisms in tackling SGBV crimes, including: the need for non-judicial mechanisms to adopt a gender mandate from the outset that emphasizes the participation of women in all phases of their work, and to ensure SGBV as a designated crime to be investigated; and the importance of assisting survivors in accessing non-judicial mechanisms by, for instance, allowing the widest time frame possible for victims to apply to participate in such programs, adopting gender-sensitive procedures for taking testimony, partnering with NGOs that work with persons affected by SGBV, and offering confidentiality and other measures to protect victims' safety, physical and psychological well-being.



4. Expert Testimony: Women, Peace and Security

Anne-Marie Goetz, PhD, Chief Advisor of Governance, Peace and Security, UN Women

Dr. Goetz reminded the audience that even a single rape in war by a combatant can constitute a war crime. It is important to approach the protection of women in conflict and ensuring women's leadership in peace is a political process alongside technical legal questions. The UN Security Council has passed five resolutions on women, peace, and security (UN SR 1325 [2000], UNSCR 1820 [2008], UN SCR 1888 [2010], UN SCR 1889 [2010], UN SCR 1960 [2011]). While these security resolutions on sexual violence are significant, they cannot be effective without a parallel investment in women's empowerment.

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Sexual violence has been described by the former UN Special Rapporteur on Violence against Women, Its Causes and Consequences as the 'least condemned war crime' (1994), and experience from prosecutions for such crimes in the tribunals for the Former Yugoslavia (ICTY), Rwanda (ICTR) and Sierra Leone (SCSL) have shown that statement to remain true. In terms of both military intent and degree of harm to victims, rape has emerged as one of the defining characteristics of conflict in our time, an inexpensive yet highly effective method of conducting conflict, terrorizing communities and forcibly displacing civilians.

Yet the response has been largely indifference rather than outrage. The five Security Council resolutions reframe SGBV as a security threat that requires a political and security response, especially in that it impedes economic recovery, confidence in justice systems and establishing rule of law. Nevertheless, when SGBV is approached only as a security issue and does not address women's subordinate social status, women are included in the security agenda only as victims or as potential victims, rather than as leaders and framers of peace.

A military response alone will not bring forward the transformative changes needed to address the empowerment of women needed for VAW eradication. UN SCR 1325 explicitly calls for women's participation as decision makers in the peace and security process and UN SCR 1820 calls for women, especially victims, to lead on issues of protection and peace processes. But there has been a low degree of action on this, or in incorporating SGBV into formal peace talks. A 2009 study showed that, of 300 peace agreements, only 18 mentioned SGBV. Not one of these agreements names SGBV in relation to economic recovery.

UN Women is focusing on a number of areas to further push for accountability among Member States and the UN system on SGBV, including advocating for a gender-sensitive approach to distributing post-conflict peace dividends, from women's full and equal access to basic services to meaningful engagement in formal peace talks and in economic and market recovery efforts. All five of the Security Resolutions that make up the UN Women Peace and Security agenda must be implemented in tandem and simultaneously in order to ensure that women's empowerment is linked to protection. In the end, protection of women and girls during and after conflict cannot happen without women's empowerment and participation, which is a political process over the long term.

C. Testimonies of Survivors & Witnesses

During the Women's Hearing, a Civil Society Representative (CSR) from each country provided a brief overview of the conflict and then guided survivors through their testimonies. Each survivor provided original testimony in her native language, and she was free to end her testimony at any time. The much-abbreviated summaries here are meant to give a sense of the women's stories through their own voices and the emotional impacts these events continue to carry. To adequately prepare for sharing their stories before a large public audience, testifiers prepared written testimonies with the support of CSRs before arriving in Cambodia. These full written testimonies can be found in Annex B.

1. Cambodia

Mr. Duong Savorn, Coordinator of the Project on Gender-Based Violence during the Khmer Rouge Regime of CDP, served as civil society representative.

Cambodia suffered from civil war from 1970 until 1999, with the Khmer Rouge regime taking power between 1975 and 1979. Under the regime, 2 million people (of a total population of 7 million) died of forced labor, starvation, and execution, among other causes. Families were forced to live separately, and men and women were forced to marry. Sexual and gender-based violence has been shrouded in silence for decades, but recently CDP and others have documented cases of rape, including gang rape, mass rape and rape before execution, as well as punishment for "moral offenses" for any form of relations between men and women, consensual or coerced. Today, as the ECCC continues to adjudicate crimes committed under the Khmer Rouge, more than 700 victims of forced marriage have been admitted as civil parties.

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Cambodian testifiers: (from the right) Hong Savath, Kim Khem, Sok Samith, Chum Ly

Ms. Hong Savath (47) lived in Phnom Penh as a student before the Khmer Rouge came to power, after which her family was forcibly evacuated to a rural province. She was 14 years old at the time and joined a child work unit to dig out tree stumps, a very hard job. One day, her brother stole a cassava to feed the family, and was killed by Khmer Rouge cadre as a result. Her two elder sisters were forced to marry as part of a mass wedding ceremony of 20 couples. When one sister ran crying to her mother after the exchange of oaths, she was taken outside by a cadre and stabbed in the back with a bayonet. Ms. Hong also witnessed the death by starvation of her younger sister, but she was not permitted to bury her sister, with the exposed body slowly eroding until only the bones remained. The father stole a chicken and pig's feet to prevent the family from starving, and he and Ms. Hong's mother were arrested for this.

One day, when Ms. Hong came back from the fields, she found her parents tied up and standing at an execution site among a pile of corpses. Ms. Hong ran to embrace her mother, and she was discovered by cadre. Her father was stabbed to death, her mother was kicked and beaten and also killed, and Ms. Hong was taken into the nearby jungle, stripped naked, tied up, and repeatedly raped by three cadres, who eventually left her for dead. The next morning she awoke naked, and she stole clothes from the bodies at the execution site to make her escape. She was warned by one of the perpetrators that she would be killed if she returned to her original collective. She changed her name and went to live in another collective. Ms. Hong became pregnant from the gang rape and gave birth to a baby four months after the regime fell.

When asked about the impact of her experiences, Ms. Hong replied that she suffers from uterine bleeding even today. Marriage was stripped of its religious and customary rituals and meanings, and she is embarrassed and ashamed that she has no parents to serve as other people do, which is very important in her Buddhist religion and Khmer culture.

Ms. Kim Khem (80) experienced beatings, torture, forced labor, forced marriage and rape during the regime. She expressed her fear in coming to testify today, stating, "I thought I would be killed like under the Pol Pot regime, but today I am happy and relieved to be sharing my story." She explained how under the regime families were separated and did not know each other. She lost all six of her siblings during the conflict. Her husband also was killed, and when her mother died and she requested burial, she was told to "throw the body away." She was arrested and imprisoned, refusing to leave her 13-month-old child behind. Her hands were tied behind her back and her baby was tied around her neck, leaving scars even today.

When she arrived at the execution site, she joined a group of 11 other people to be executed. Somehow, she managed to survive, crawling out of the mass grave with her baby still tied around her neck.

When she was discovered, the cadre were shocked and brought her to the prison. She remained tied up in the prison cell for seven days, and then was untied. As she attempted to get water, a guard kicked the child. Her child ran to her, but was too weak to climb into her arms. The guard stepped on the baby's head, killing it instantly, leaving the dead body on the floor to be stepped on by many others and using the rope around the baby's neck to toss the corpse just out of reach of the mother.

Ms. Kim Khem estimates there were more than 600 people in the prison, and the young beautiful women, probably virgins, were forced to give sexual services to the cadre each night and then disappeared. She could hear their screaming and weeping, "What are you doing? Please don't!" One day as she was coming in from the field, she saw the violation of another woman accused of trying to run away. Cadre tore off the women's clothes and raped the woman with a hot stick. As Ms. Kim Khem witnessed, she thought, "It is too hard to bear. But if I cry out I will be killed myself." When asked why she is testifying today, she stated, "I speak on behalf of all the dead women, and I wish that they rest in peace."

Ms. Chum Ly (58) worked in a medical unit during the Khmer Rouge regime. She was forced to work as a nurse, although she had no formal training and could not read. She was in charge of injecting patients, and was often visited by the unit chief for this purpose. On three occasions, the unit chief tied her up and beat her, telling her she had interfered with his affair with a woman across the river. Married with children, he threatened to kill her if she told anyone about the affair.

In 1977, she was asked three times to marry a man who lived in the same village. She refused and was threatened with her life, so she married the man in a group ceremony. The couple had a child together, and she attempted to visit her parents when the baby was 4 months old. On the way to her parents' village, she was detained at a check point. She was ordered to take off her clothes; when she refused, she was stripped and repeatedly raped by multiple perpetrators until the early morning hours. The perpetrators threatened to kill her if she told anyone, and in fact she had never shared this story with anyone before preparing for the Hearing.

Ms. Sok Samith (52) experienced forced labor in a mobile women's unit during the Khmer Rouge regime. In 1976 she was 15 years old and witnessed forced sex involving a Vietnamese woman, Ouk, 27-years-old. Ouk's husband worked as a Khmer Rouge soldier and had been away for some time. Ouk tried to find information about where he was so she went to the Khmer Rouge district officer who was a fortune teller. A 50-year-old married man with children, he told Ouk she would have to have sex with him for information about her husband. This situation repeated itself many times, and she eventually became pregnant. Although she tried to hide the pregnancy for fear of being punished for "moral offenses," the pregnancy was discovered and she was sent to jail and tortured.

She was forced to work in the field with leg cuffs and delivered the baby in the prison. Ouk was released in 1977, but she was killed as part of the regime's targeting of the Vietnamese population.

Ms. Sok also witnessed the forced marriage of her sister. Her older sister was 24-years-old when her husband of 7 months died, and she was forced to marry a 60-year-old man or told that "the whole family would have trouble." As a result of marriage (who was a district supplier), the family had a good house to live in and food to eat. When the sister became pregnant, she could not bear to have the child and tried to abort by punching her abdomen and rolling down a hill. She eventually had a miscarriage.

In 1978, Ms. Sok was forced to join a mobile work unit. She had one set of old clothes, and when washing she could see the lice coming from her head and skin. Her pants were torn, exposing intimate parts of her body, and she wanted to kill herself because she was so ashamed. In this regime, Ms. Sok concluded, people could not love each other and were killed for doing so.

2. Bangladesh

Ms. Monowara Begum works as investigator at the International Crimes Tribunal in Bangladesh and presented the background on Bangladesh as CSR.

The Bangladeshi conflict stems from the 1947 partition between India and Pakistan, with ethnic Bengalis occupying "East Pakistan" until declaring independence as Bangladesh in 1971. In response, Pakistan launched "Operation Searchlight," resulting in nine months of devastating violence. Gender-based violence was used as an instrument of war to disrupt the racial integrity of Bangladeshis. An estimated 200,000 to 400,000 Bengali women and girls suffered from some form of SGBV during the conflict, ranging from abductions and being held in rape camps to forced pregnancy, abortions and sterilizations. The country has attempted a variety of transitional justice processes, including the introduction by government of the term Birangona to designate survivors of sexual violence as war heroes. In 2009, a tribunal was established to try war criminals, but its conformity with international fair trials standards is doubtful, and women who have testified before the tribunal about experiences of sexual violence have faced backlash and reprisal in their homes and communities.

Though the sexual crime happened more than 40 years ago, victims continue to suffer from debilitating social stigma, deprived of their rights, living in poverty and isolation, and cut off from communities and support networks. Many of the impacts are especially dire on children as a result of rape. While the government has established provisions for adoption, abortions, and vocational training for victims, these ended in 1975, and for many years there has been only silence, with no support.

The CSR states, “This is the long sad story of our country — many years victims were denied rights.” The current tribunal is increasing awareness on the issue, but it is important to address not only “what” should be done to support victims, but also the “how” so that women do not get stigmatized and re-traumatized. While there is a system to honor freedom fighters, including Birangona, and provide reparations in certain cases, the CSR asks, “How do we ‘repair’ victims of sexual violence?”



A short film introduced the testifiers in their home contexts as they prepared to come to Cambodia and testify, with a song of support from the daughter Saleha Begum.

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Ms. Saleha Begum (55) was 14 years old during the conflict. Ms. Begum emotionally explained that her life is full of suffering. The Pakistani army took away her family and beat her, leaving scars all over her body. Stating that the soldiers “committed all kinds of sexual orgy on us,” including sodomy, she was witness to the torture, rape and murder of many girls during the conflict. She herself “miraculously escaped the killing fields” by being taken to an army camp. For the next two months, she was raped repeatedly and brutally, in front of her sisters and other girls, which caused severe vaginal bleeding and permanent scars. She became pregnant and gave birth 4 months after liberation. As a result she was abandoned by her community and family.

At this point, Ms. Begum became emotionally overwhelmed and ended her testimony. She left the Hearing room accompanied by a psychosocial support person.

The Panel acknowledged the traumatic effects on Ms. Begum’s life due to her experiences. The CSR informed the panel that after liberation, Ms. Begum worked as a servant/housekeeper. A few years later she was married. When her husband saw the scars on her body, she told him she was a rape victim of 1971. He wanted a divorce but could not follow through because she was pregnant. She gave birth to a daughter. The in-laws abandoned her and rejected the daughter, and the daughter did not meet her paternal grandparents until she was 14 years old. Her daughter is very proud of her mother for speaking out.



Ms. Mosamma Rajia Khatun Kamla (55) was 13 years old when she was married by her parents to protect her from the Pakistani soldiers and sent to live at her in-laws. When the Pakistani army attacked the village, she and her mother-in-law escaped to the jungle, frantically running, with her hair getting caught in the trees. She learned the next day that her father had been killed, along with many other relatives. In the jungle she was separated from her mother-in-law, and a Razakar (a Bangladeshi collaborator to the Pakistani army) tricked her into going to a military camp. There, she was stripped naked and tied to a pillar. She was raped by six soldiers one after another, and then was left tied to the pole for the entire night, her vagina bleeding and permanently injured due to the brutal sexual acts. She was detained at the camp for 15 days, repeatedly raped. When her rapists were not able to perform vaginal sex because she became so swollen, they performed anal and oral sex, spreading the semen over her face. She witnessed many other rapes, torture, and executions while at the military

camp.

After 15 days, she was ordered to launder the Pakistani army uniforms, although she could barely walk because of swelling and injuries to her anus and vagina. She managed to hide in a pond in some brambles, and when the soldiers could not find her, they randomly shot into the pond. Naked, she made her way to the other side of the pond with a bamboo stick. There she found the house of an old woman, and the two hid together. The old woman gave her some bananas and clothes and told her to go to India as a refugee. On the road with others to India she witnessed many atrocities, including rape and murder. Eventually she met some Freedom Fighters on the road. They took her to a safe haven and provided her with some medical care. When one of the Freedom Fighters took her to his own house, the woman there refused to allow her in. With no food, she slept in a cow shed and survived as she could in hiding. She continues, "After liberation, I could not find work, because people could see from my scars that I was a rape victim, and no one gave me food or shelter." She survived by begging.

One day a man deceived her into going to a brothel, saying it was a place for rape victims to get help. At first the brothel owner, Shushuma, was much kinder than many others she had asked for help, giving her food and shelter, and allowing her to bathe. She was provided medical treatment for her vaginal injuries. She states, “Then I realized she was treating me so that she could use me as a prostitute. ” When she refused to have sex with her first customer, she was beaten brutally. She was trapped and stayed for three years, where she met her husband as a customer. After buying her from the brothel owner, he brought her to his house, where she discovered he already had one wife and three children. She was rejected by his family. Still, she remained and gave birth to two sons. When her sons were still young, one an infant and the other 5-years-old, her husband died. She and her children were thrown out by her in-laws. With nowhere else to turn and two sons to support, she returned to prostitution. She states, “I still remember those days, though 40 years have passed, and still I have not received justice. ” Her sons, now fully grown, have faced stigma throughout their lives because their mother was raped during the liberation. She concludes, “I came here to share my story, but it is not about me only, but about the millions, all those who were killed, tortured and raped in 1971.”

3. Timor-Leste

Ms. Maria Manuela Leong Pereira presented, as CSR, the background on Timor-Leste. She is working with the International Centre for Transitional Justice.

The Indonesian military occupied Timor-Leste for 24 years, from 1975 until 1999, with continued violence until 2002. During the occupation and independence conflict, gross violations of human rights and international law occurred, including widespread gender-based violence, with numerous accounts of women detained, tortured and raped. Most perpetrators were members of Indonesian security forces, with most victims being civilians with no clear connection to the resistance. A 2000 Human Rights Court established by Indonesia to try crimes against humanity and genocide in 1999, all 6 convictions of the 18 indicted cases were acquitted on appeal.

A Commission for Reception, Truth and Reconciliation (CAVR, 2002-2005) was established to research and document violations from 1975 to 1999. It has documented 853 counts of sexual violence, which includes 393 rapes, 229 instances of sexual slavery, and 231 other forms of sexual violence such as forced birth control, torturing pregnant women and resulting miscarriages, and forced abortions. The CARV, a non-judicial mechanism, has conducted extensive outreach for female victims and has convened women’s hearings for survivors and witnesses to share their stories. It has also included a chapter on sexual violence in its official narrative of the conflict, released in 2005.

In addition, a Special Panel for Serious Crimes (UNTAET) established by the UN in 2000 is mandated to conduct investigations only to support prosecutions of crimes up to 1999. While sexual offenses were given special attention in investigations, UNTAET has lacked a clear gender strategy, gender expertise, and collaborative links with civil society women's groups. Out of 95 indictments, only 8 included gender-based crimes. In total, only one accused was convicted for rape and another for rape as a crime against humanity. None of the accused was charged for any other types of gender-based violence, such as sexual slavery. Ms. Leong Pereira stressed that justice is more than simply punishment and includes the urgent need for reparations and government programmers for victims to support a life with dignity.



Timor-Leste Testifiers: Olga de Silva Amaral (second from the right) and Maria Fatima (far right)

Ms. Maria Fatima (57) is a victim of the 1975 conflict. At the time, she was a member of a woman's organization providing support to the resistance, and her two brothers were part of the resistance forces, one a commander. After the invasion of the Indonesian forces, she was repeatedly arrested, interrogated and often beaten. In 1976, she was brought in again to be questioned, and was raped. Two days later she was brought to a hotel by the security forces. Another woman was already there, and the two women were repeatedly tortured and raped in the same room and forced by the commander to do other sexual acts to his soldiers. She and these women were also forced to have sex with the Timorese soldiers coming out of the fighting in the forest, with the sexual violence worsening as the fighting worsened. Ms. Fatima states of her relationship with the other woman also enslaved, "We hugged each other and we cried. We didn't know what to do. We had no family, no brothers, no husbands, so we just accepted it. If we didn't we would be killed." She was eventually released and fell pregnant, but she kept her experiences to herself. In 1983 an Indonesian commander called for her, asked again if she was supporting the resistance, and accused her of lying. Despite being pregnant, she was tortured and raped.

To save herself and her 6-month child, she agreed to marry an Indonesian commander, but instead was forced into sexual slavery. From 1983 to 1987, she was taken every night and released every day. She eventually gave birth to four children, each with different fathers. Today, the devastating impacts of her experiences continue and directly impact her children. She states, "When my children asked 'who is our father?' I lied and kept my secret, saying 'your father was a fighter and has already died.'" Because she does not know the family names of the fathers, and only received birth certificates for her sons days before coming to Cambodia, after years of trying. At one point, she was placed under house arrest, accused of being a prostitute for Indonesian forces, and her land was taken from her. Her sons are unable to get work, and she survives by selling cakes to pay for their schooling.

Ms. Olga de Silva Amaral (47) was 10 years old during the 1975 war for independence and stayed with her parents in the jungle. In 1978 the family was arrested by the Indonesian forces for supporting the resistance, and they were separated. She worked as a housekeeper for an Indonesian commander until 1979, when her father found her and sent her to school. In 1980 she left the school, married and began a family. A year later, she established a village women's group to support the resistance. In 1982, a Timorese collaborator informed the Indonesian forces of the village's activities. The men were arrested and detained and the women sent to the post of a military sub-commander. Detained at a school, the women were repeatedly interrogated, tortured and raped. Some of the women were pregnant, some had babies, and some were just girls. She eventually escaped and with the help of a priest and went back to school.

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One afternoon she was arrested by 4 military forces and was sent to the military command center where she was beaten, interrogated, and raped every night and interrogated and beaten every day, including being subjected to electrical shocks. She was often beaten and raped to the point of unconsciousness. She was not alone in detention but with many of her women friends and even her brother was at the same detention center also being interrogated and beaten and eventually killed. She states of this time, "I could not escape and just accepted whatever they did to me." This went on for three months. She was then released but remained close to the military base camp, with nowhere else to go. During the day they brought her to school and at night she was forced to stay with the Indonesian soldiers. Torture during interrogations included cigarette burns, electric shocks, repeated rapes, and being forced to make an oath by drinking blood to not share the secrets of what had happened to her. She was also forced to hold the severed head of her father in law. At times she was violated so badly she could not stand.

In 1983, she was released and returned home. Her parents did not recognize her due to her many injuries. Ms. Amaral states, "My father asked, 'Why do you look like this?' I answered, 'Father, this is war.'" She recovered slowly with traditional herbal medicine and returned to school.

Her husband was detained and her in-laws did not accept her because she was considered the wife of an Indonesian fighter. When her husband was released in 1985, they discussed with a priest about what had happened to each of them, and she told her husband everything. The priest asked if the husband still accepted her still as his wife, and the husband said yes. The couple tried for 10 years to have children, and then went to the doctor, who said her reproductive organs may be damaged by the torture and rape. Eventually with the use of traditional treatments, she had four children (some with great difficulty) and she and her husband continue to support each other though they have suffered very different forms of violence during the war.

4. Nepal

Ms. Mandira Sharma, President of the Advocacy Forum-Nepal, provided a background to the conflict and country context for Nepal.

From 1996-2006, a widespread Maoist movement launched by the Communist Party of Nepal, resulted in a Nepalese conflict known as the People's War. Women constituted around 20% of combatants during the war. Both the Maoist and the Nepalese forces resorted to widespread abuse, including gender-based violence in the form of rape, forced abortion, sexual abuse, and torture, among other violations. Today, many of these victims continue to live with social stigma in silence, not sharing their experiences with even their closest family members. With 70 percent of crimes committed by state actors and the other 30 percent by Maoist insurgents, victims have particular challenges in demanding redress from the latter. Yet, all face devastating political, social and legal obstacles as a result of their experiences. A Comprehensive Peace Agreement (CPA) in 2006 ended the conflict and promised to form a high-level Truth and Reconciliation Commission (TRC), a Disappearance Commission, and a National Peace and Rehabilitation Commission. The draft implementing laws indicate rape and sexual violence will be included, and none of the accused will be eligible for amnesty if they are responsible for serious crimes including rape. Yet, the government has failed to include any compensation schemes for victims of sexual violence in its relief programs, and women with children as a result of rape are particularly stigmatized due to cultural attitudes around non-marital pregnancies. Many of the children are ineligible for citizenship cards, the equivalent of a "civil death." In contrast, not even a single perpetrator has been punished.



Shanti Hamal (42) was raped and assaulted by the Nepalese army. One day at home with her mother, she was threatened by the soldiers, and both women were beaten. Blindfolded, she was taken by gunpoint on a two-hour walk to the army barracks, where she was locked in a room. She was repeatedly and violently raped by soldiers until she bled uncontrollably from her vagina. Eventually released, she was thrown to the road side and raped again by multiple perpetrators until she lost consciousness. She felt she could not face her village after these experiences. In coming to testify today, she stated, "I thought I was the only one, but when I came here I found so many here like me. I have a small daughter. How will we survive? How will she survive? Sometimes I think if they had killed me it would have been better." Until today she is struggling to pay for medical treatment for injuries to her reproductive system, and was forced to sell her land in 2005 to pay for required surgery to remove her uterus.

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She ended her testimony overwhelmed with emotion, and she was provided support by psychological support staff.



Ms. Ful Janaki Rana (23) was raped in 2006 when she 16-years-old. In her village, there were many Maoist rebels, 40 to 50 troops at a time, taking over the villagers' houses. One day, she was at her uncle's home when Maoist soldiers dragged her to a field and raped her for 2 to 3 hours. The more she resisted, the more she was beaten. Finally able to escape, she returned to her parents and told them what had happened. The perpetrators were caught, confessed and were beaten. Promising to never do this again, the soldiers also left the Maoist party. She witnessed that rape and other forms of sexual and gender-based violence happened to many girls in her village. Today she is considered "unmarriageable" and does not have money for medical treatment. Ms. Rana ended her testimony by saying that she takes great courage from the other women who are sharing their stories at the Hearing.

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At the request of the Panel, the CSR provided more background as to both testifiers' situation today. For Ms. Hamal, the experience has impacted her whole life, especially her education and livelihood. Ms. Rana has also been deeply affected, and she has moved away from her home village to escape stigma and now is trying to organize other girls and women victims to share their stories. A number of times she has been asked to marry, but once her history is discovered, the marriage is called off. Ms. Hamal has attempted to access formal justice twice, and her case was among the first brought forward to police. The police refused to issue the complaint, arguing the 35 day statute of limitations had passed. The law was brought to the Supreme Court, and the government was ordered to repeal or amend the law as it restricts victims' access to justice, but this has not yet been implemented. Under the current reparations program, sexual crime victims are not defined as "victims" and are therefore not entitled to rehabilitation and relief services. This is the first time the two testifiers have spoken about their experiences publically, as to do so in Nepal is not possible.

VOICES FROM THE AUDIENCE

As the Panel deliberated its final Statement, audience members, experts and testifiers held an open question and answer session. Questions ranged from technical legal approaches in comparative transitional justice contexts to the need to provide a full scope of services to address the unique impacts of SGBV. Recorded here are highlights of the conversation through their voices.

“For the last three days I have been interacting with the victims and survivors. They feel ashamed and alone. The shame belongs to the perpetrators and the communities for placing stigma on the victims. We applaud the courage and bravery of the women who came to testify at this hearing. You are not alone. Let us break the silence, for there is no shame in surviving.”

“I am a survivor from S21 [the notorious Khmer Rouge prison]. I cannot describe all of my suffering, it is too huge. Today I am happy and proud of myself to have had an opportunity to hear women from different countries where sexual violence is not so different from Cambodia. Still, I cannot sleep and take medicine because of my experience. The Khmer Rouge Tribunal is going to finish soon and we feel disappointed, like floating wheat in the pond, and the government has not yet taken seriously the need for justice for sexual crimes.”

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“Based on the hearing I have some requests. We have the picture of the violence in conflict, and we understand that those are the strategies of war. Here the blame is also put on poverty. Before I thought it was only the Khmer Rouge regime, but I see that the other countries have the same problem. I would like to urge the UN to seek justice for the women.”

“The honest answer is more needs to be done to support survivors. . . . There is a very serious gap in economic recovery services for victims. There are few survival options for the victims after conflict.”

“First of all, my respect to our guests. I am a lawyer. I want to ask a question relating to Timor-Leste. During the 1975 conflict there were 403 accused of rape. The court convened only ten months, so how can we find the justice for the victims? There are many victims but only a short time for the trial.”

“The court only focuses on the senior leaders. If they don’t include the rape cases, why do we hold this Hearing? Is this to give me incentive or to give me more sadness? If there is no fruitful result, what is the point? I could not sleep last night. I was raped at 14. If this kind of case is not considered by the ECCC, then why do we hold this Hearing?”

"I want to ask when the rape perpetrators who are still living in the same village or in a different village can we file a complaint against the perpetrator or not?"

"The process of justice in many countries is a long process. Our leaders sometimes don't give support for this process. Most of our leaders want to forget the past. There is no discussion. You can imagine how the survivors are frustrated. After the fighting and the suffering, the leaders forget their suffering. Victims are living in difficult situations, even now after independence. We keep struggling and we also need solidarity from other countries around the world."



CDP Psychologist with audience member.

PANEL STATEMENT



*Panel Members: (from the right)
Diana Otto, Vahida Nainar,
Aurora de Dios.*

Based on the totality of the testimony from witness-survivors, experts and honored guests, the Panel made recommendations to the Governments of each of the four countries, to the international and national judicial bodies in place in those countries, to the international community, including the United Nations, and to civil society as well as NGOs.

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In their findings, the Hearing Panel pointed to the common patterns of sexual and gender based violence during conflict in the different countries represented. They concluded that, although the four countries experienced significantly different kinds of conflicts, the widespread use of sexual and gender-based violence was evident in all of them. They also noted that sexual and gender-based violence as described in the testimonies was committed by all actors to the conflicts, and in instances occurred as planned and organized, at times by the very state obligated to protect from and prevent such violations.

Yet none of the perpetrators appears to have been held accountable for their crimes, obstructing survivor's right to justice. Most dramatically, the negative impact on victims has continued throughout their lives, raising many pressing human rights issues in the present which states have international legal obligations to address. The Hearing Panel established that, although rape is one of the most widely used types of violence against women and girls during times of armed conflict, it remains the least condemned international crime due to a global culture of silence and stigma around sexual violence. The result places blame on victims and safeguards impunity for perpetrators. In breaking the silence at the Hearing over the last two days, the women from Cambodia, Bangladesh, Timor-Leste and Nepal show remarkable courage and a deep commitment to justice.

The full Panel Statement can be found as Annex C.

LESSONS LEARNED

Psychosocial Support

Psychosocial support was provided to the testifiers and the audience throughout the event by a seven-member, mixed-gender team of psychologists. The team was highly effective in coping with the strong emotions and reactions both from the testifiers and from the audience (many of whom were survivors of the Khmer Rouge period). Additionally, each team member was assigned a testifier to provide individual support and monitor general well-being throughout the event. This combination of a high number of staff combined with individual responsibility for each psychologist ensured a comprehensive support scheme and will be repeated for future events.

The provision of psychosocial support was consistently cited in evaluations as an important element of the Hearing. As such, methods and important lessons learned are provided here in detail.

1. Preparation before the Women's Hearing

One day before the Women's Hearing, a pre-meeting in Cambodia was organized with all testifiers, CSR, Panel Members, facilitators and project staff, including psychosocial support staff. The meeting familiarized testifiers with the venue and process of the hearing, and it introduced them to all of the people involved. Most importantly, a briefing was provided by the psychologist team on the possible reactions and consequences testifiers might experience as a result of participation. Testifiers were given full control of their testimonies, and they were again told they were free to share as much or as little as they felt comfortable during their public testimony, and that they could end their testimony at any time.

However, a one day pre-meeting was not fully sufficient to prepare the testifiers. For future events it is highly recommended to have a series of pre-meetings with the testifiers to have opportunity to practice their testimonies under the guidance of psychosocial support staff.

2. Psycho-social support during the Women's Hearing

The team of male and female psychologists was introduced to the audience at the beginning of the first day of the Hearing and present throughout the two days. During this introduction, audience members were informed of some of the psychological symptoms they might experience from bearing witness to the testimonies, and they were encouraged to reach out to psychologists for support as needed.

A separate room was available for group and individual support, which was very effective in providing privacy and safe space to express emotional reaction. Yet, it was noted the room was not sufficiently private and could have been improved by a more remote location from the main venue and/or a designated staff member to clear permission for all who entered the room. Having a medical emergency kit on hand helped to treat immediate physical reactions such as headaches or dizziness.

Group de-briefings for the testifiers were held several times a day throughout the event. These small group meetings proved to be very empowering for the testifiers, as they were able to support and receive support from other survivors of SGBV. Nevertheless, given the busy agenda of the Hearing, group de-briefings took place during the breaks, shortening the time for rest. It is recommended for future events to allocate specific time for group de-briefings in the daily agenda.

3. Follow-Up Support

For the Cambodian testifiers, a post-meeting the day following the Women's Hearing was organized providing opportunity for them to release their stress, share their emotions and give their feed-back. Another follow-up meeting was conducted two weeks afterwards, and follow-up calls were used to check on their development in between. Such a series of follow-up support was highly welcomed by the testifiers and at the same time was a useful monitoring tool to measure the impact of their participation. However, due to limited resources the same level of follow-up could not be provided to the international testifiers. It is highly recommended for future activities to include costs for follow-up support in the budget planning.

Event Evaluation and General Recommendations

Following the Women's Hearing, feed-back was collected from various sources, including a survey among the audience, the Advisory Committee, the organizing partners, and testifiers. Based on the results the following recommendations were made for future events.

1. Widening the scope of the Women's Hearing to a regional event (compared to 2011, when the Hearing focused exclusively on Cambodia) was generally deemed to be a positive development. Gathering survivors from neighboring countries involved in similar conflict was an opportunity both for comparative study as well as for victims from different countries to break their isolation and empathize with each other.

2. However, a major concern was the time limitation placed on testifiers due to a full agenda and the participation of four countries. Increasing the number of testifiers (from four in 2011 to eight in 2012) provided less time to each individual testifier and was viewed as a detriment to the overall quality of testimony. A decrease in the number of testifiers or participant countries was suggested, or the extension of the Hearing from two days to three days to provide additional time for each testifier.
3. In relation to the format of the Women's Hearing itself, it was generally agreed that the presentations of experts should be less of a priority than the testimonies and the country backgrounds. It is recommended to limit the number of expert speakers who can provide a framework specifically related to the testimonies to be presented. Testifiers and members of the audience, many of whom are without education, did not understand expert presentations. Therefore, shorter speeches with more direct relevance to the testimonies is preferable.
4. The Hearing Panel served in a voluntary capacity. The Panel serves a vital role under extremely challenging circumstances, processing in real time the information provided by Testifiers within a global context as informed by international human rights and criminal law. Materials were made available in advance to Panelist as a briefing packet, including a Panel Statement template. Additionally, separate preparation meetings to review the material, discuss the objectives, prepare for the interaction with testifiers, and draft an outline of issues was part of the pre-Hearing meeting. The rapporteur and a scribe were assigned to assist the facilitation of the Statement as the Hearing was underway, incorporating revisions and inputs from Panelists along the way. Expert speakers offered technical support during the drafting of the Statement. Yet, even this support and preparation was deemed insufficient. For future events, expectations on the purpose and approach to the Panel Statement and the commitment necessary on the part of Panelists could be more clearly communicated, especially in terms of the amount and types of information to be processed.
5. The reading of the Panel Statement provides validation for the Testifiers; yet, it was perceived as too detailed and technical, especially for the testifiers and Civil Parties in the audience. For future events, it is recommended to publicly give clear and strong messages in the presence of testifiers and audience, which particularly address the testifiers directly. A more detailed version can be published in writing separately.

6. The format of the testimonies consisted of a few general questions from one Panel Member to each testifier. However, it is thought that more specific questions should be prepared to help guide testifiers through their testimony. This would reduce the chance of testifiers becoming emotionally overwhelmed, as well as provide a more comprehensive picture of their experience. It is recommended to provide time for each Panel Member to practice these questions with each testifier at the pre-meeting of the Women's Hearing.
7. The audience included 130 Civil Parties to the ECCC, most of whom are victims of forced marriage during the Khmer Rouge regime. For this group, hearing the experiences of testifiers from other conflicts was an important dimension to the Women's Hearing, contributing to a greater understanding of and empathy for survivors of SGBV.
8. Testifiers shared that, while publicly sharing their stories was emotionally challenging, they feel a sense of empowerment and relief as a result of participating in the Hearing. However, testifiers indicated that more explanation on the purpose of their testimony and the results of the Hearing would be appreciated in order to align expectations.

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from Nepal

Kopila Adhikari, Sarika Mishra, Mandira Sharma

from Bangladesh

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Malaysian Ministry of Women
Nobel Women's Initiative

ORGANIZERS

Cambodian Defenders Project (CDP) As one of Cambodia's oldest civil society organizations, Cambodian Defenders Project is dedicated to providing free legal representation to the poor and vulnerable as well as promoting the rule of law, development of the judiciary and democratic governance in Cambodia. Women's human rights, especially their access to justice, have always been a central to the work of CDP. In 2006, CDP produced one of the first focused research studies on gender-based violence during the Khmer Rouge regime. In 2009 CDP founded the Project on Gender-Based Violence during the Khmer Rouge Regime (GBV Project) to raise awareness of the occurrence of gender-based violence during Khmer Rouge rule and increase access to justice and support for survivors of gender-based violence during this period. The GBV Project does this through a wide variety of advocacy, outreach, and direct assistance initiatives.

Transcultural Psychosocial Organization Cambodia (TPO) was established in Cambodia in February 1995 as a branch of the Netherlands based NGO "TPO International". After being registered in 2000 as an independent local NGO, TPO Cambodia is the leading Cambodian NGO in the field of mental health and psychosocial interventions. In a society where so many Cambodians continue to struggle with the aftermath of their country's violent history, facing the past is crucial to recovery from mass atrocity. The ECCC offers a unique opportunity for survivors of the Khmer Rouge to seek truth and justice. For the many victims of the Khmer Rouge, the new Civil Party mechanism offers enhanced opportunities for healing, in as much as it gives survivors the space to recount and receive some acknowledgment for their past abuses. TPO believes that active participation in a court can have a highly empowering impact on survivors of mass atrocities. However, the involvement of survivors in criminal proceedings also carries the risk of adversely affecting the psychological well-being of survivors. Moreover, TPO believes that trauma recovery and reconciliation are long-term processes that require more than just retributive justice and should be carried out in tandem with psychological support services and social reconstruction efforts. Thus, TPO initiated a comprehensive psychosocial program to support witnesses and civil parties, as well as to raise awareness of mental health issues amongst the general population. Working in close cooperation with the Witness and Expert Support Unit (WESU) and the Victims Support Section (VSS) of the ECCC, TPO provides a variety of psychosocial services through its Cambodian mental health experts. These range from on-site psychological support during and after the ECCC proceedings to culturally adapted individual trauma treatment and community-based self-help groups.

Victims Support Section of the Extraordinary Chamber of the Courts of Cambodia (VSS) was established to support the ECCC by assisting victims who want to participate in the proceedings.

The VSS is the central contact point between the ECCC and victims or their representatives. The VSS aims to facilitate the effective participation of Victims in the proceedings. This consists of processing complaints and applications of Victims who seek to exercise their right to participate. It also oversees that Victims have access to high quality legal representation. To that end, the VSS provides legal and administrative support to the Civil Party lawyers. The VSS serves as a meeting place where all the actors involved in the proceedings: the Victims; the Court members; the lawyers and intermediary organizations can all gather and share their views for the most efficient representation of the Victims' interests. The VSS informs Victims about their rights relating to participation and reparations, and enables them to file complaints and Civil Party applications to the ECCC if they wish to do so (for details see Practice Direction on Victim Participation). This entails the provision of assistance in obtaining legal advice or a lawyer, supporting legal representatives and facilitating the grouping and collective representation of Victims. The VSS supports the work of the Co-Prosecutors and the Co-Investigating Judges by processing complaints and Civil Party applications and preparing reports for these offices. It also maintains contact with Victims and their lawyers regarding the status of their complaints and applications, and keeps them updated regarding developments in individual cases. The VSS ensures that the role of the section and the rights of Victims are explained in outreach events throughout Cambodia. Lastly, the VSS ensures the safety and well-being of Victims who participate in the proceedings. This involves ensuring that Victims properly understand the risks sometimes inherent in such participation, as well as providing them with protective measures and other assistance, like psychosocial support.

ANNEX A: WOMEN'S HEARING PROGRAMME AGENDA

ASIA-PACIFIC REGIONAL WOMEN'S HEARING ON GENDER-BASED VIOLENCE IN CONFLICT

October 10th and 11th, 2012, Phnom Penh

TENTATIVE PROGRAM

OCTOBER 10TH 2012

7.30 am – 8 am	Registration
8 am – 8.10 am	Welcome & Ground Rules
8.10 am – 8.25 am	Opening Remarks - H.E. Hor Malin, Under-Secretary of State, Ministry of Women's Affairs -
8.25 am – 8.45 am	Video Message by Keynote Speaker - Zainab Bangura, Special Representative to the Secretary-General on Sexual Violence in Conflict -
8.45 am – 9 am	Introduction of Panel
9 am – 9.30 am	Expert Testimony: Conflict related Gender-Based Violence against Women and Girls - Silke Studzinsky, International Counsel for Civil Parties before the ECCC and Lawyer in Berlin, Germany -
9.30 am – 10 am	Coffee Break
10 am – 11.45 pm	Testimonies from Nepal
11.45 pm – 1.15 pm	Lunch Break
1.15 pm – 1.45 pm	Expert Testimony: Judicial and Non-judicial Approaches to Gender Justice - Susana SáCouto, Director, War Crimes Research Office and Professorial Lecturer in Residence, American University Washington College of Law -
1.45 pm – 3.30 pm	Testimonies from Bangladesh

3.30 pm – 4 pm	Coffee Break
4 pm – 4.15 pm	Psychological De-Briefing
4.15 pm – 4.30 pm	Closing

OCTOBER 11TH 2012

7.30 am – 8 am	Registration
8 am – 8.30 am	Welcome, Recap and Ground Rules
8.30 am – 9 am	Tribunal of Conscience – A Case Study from Guatemala - Monica Pinzon, Psychologist, ECAP -
9 am – 9.30 am	Coffee Break
9.30 am – 11.15 am	Testimonies from Timor-Leste
11.15 am – 12.45 pm	Lunch Break
12.45 pm – 2.45 pm	Testimonies from Cambodia
2.45 pm – 3.15 pm	Coffee Break
3.15 pm – 3.45 pm	Expert Testimony: Women, Peace and Security - Anne-Marie Goetz, Chief Advisor of Governance, Peace and Security, UN Women –
3.45 pm – 4.30 pm	Open Floor Discussion
4.30 pm – 5 pm	Panel Statement
5 pm – 5.15 pm	Psychological De-Briefing
5.15 pm – 5.30 pm	Closing Remarks and Ceremony - Sok Sam Oeun, Executive Director, Cambodian Defenders Project -

ANNEX B: WRITTEN TESTIMONIES OF SURVIVORS AND WITNESSES

ASIA-PACIFIC REGIONAL WOMEN'S HEARING ON GENDER-BASED VIOLENCE IN CONFLICT

October 10th and 11th, 2012, Phnom Penh

TESTIMONY BRIEFS

Bangladesh

Ms. Mosammat Rajia Khatun Kamlais 55 years old and during the conflict she experienced rape, sexual slavery, unlawful confinement and torture.

In 1971 Ms. Kamla was 14 years old. She was married three months before the war. However, due to her age she did not start living with her husband but continued to live with her parents. Due to security concerns when the war started Kamla moved to her in-laws' house. Her parent's house was attacked by the Pakistani Army and Razakars and her father was killed. Soon after her in-laws' house was also attacked and many relatives were killed. She was running away with her mother-in-law to escape from Pakistani Army and Razakrs but got lost in the middle way.

After that one man (actually a Razakar) found her and took her to a military camp deceitfully. She found many other innocent people blind folded and tortured by the Army and collaborators. Ms. Kamla was then stripped naked and tight to a pillar by 2 or 3 soldiers. She was raped on the same night by 3 Pakistani soldiers and then left attached to the pole. The whole night she was in severe pain in her lower abdomen, vagina and both thighs, her vaginal wall got injured because of brutal sexual violence. After that she was given a small piece of cloth to cover herself after having washed off the blood flowing from her vagina continuously.

During the 14 or 15 days she was detained in the camp, she witnessed hundreds of killings of innocent Bangladeshi people who were first caught, tortured and then shot by the Pakistani Army and collaborators. She also witnessed many captured girls who were naked while brought into the camp and she witnessed multiple rapes. After approximately 15 days she escaped and was fortunate to meet Bangladeshi freedom fighters on the way who took her and gave some primary medication for her injury.

However, her life was difficult and even after the independence of the country she was homeless. A man lied to her about his intentions and she was misled and he took her to a prostitute house run by a lady named Shushoma. She was forced to get involved to it for three long years. She met her husband Mr. Kodu as a customer but could convince him by telling him her story. After Shushoma's death, Mr. Kodu took her out from there and married her. Her husband died 21 years ago

Because of her young age at the time of the incident and because she experienced sexual violence she faced a lot of community stigma after the independence of the country. This stigma meant she was not accepted by society. So right after the war, she moved from her place because people got to know that she was raped.

Her life is still difficult because of the rape and forced prostitution she experienced, she still faces discrimination and stigma in her new community. Her two sons are not well accepted in society due to being the children of a woman who was raped in the liberation war and also because they are the children of a prostitute.

Ms. Saleha Begum is 55 years old, during the liberation war she experienced sexual slavery, rape, forced pregnancy, unlawful confinement and torture.

When the conflict started she was 14 years old and she lived with her parents, three sisters and 1 brother. When the Pakistani Army started attacking their village her father dug a hole and hid her and her sisters so that the Army could not see them. But Razakars informed the Army about it and one morning the Pakistani Army and Razakars came together and took all the girls and young ladies away from their houses and to a camp. Ms. Saleha, her sister and neighbor were caught by them too.

The day Ms. Saleha was brought to the Army Camp, she found many other girls who were tortured and killed later. Ms. Saleha was raped on the first night she was caught. The Pakistani Army raped her brutally every time during the two months in the camp. They tied up her hands and mouth, stripped her naked and raped her in front of her sister and other girls which caused severe vaginal tearing, bleeding and permanent scars.

She was also sodomized and was sexually abused with extreme cruelty including oral sex and anal sex. After two months, Ms. Saleha was transferred to Khulna Gollamari camp for another two months approximately. She witnessed the killing of other sexual violence victims and other captured people every evening near the river bridge. Girls who became pregnant were on the top list of killings.

Ms. Saleha also got pregnant along with other six girls and were taken to bridge to be killed. She was shot in her leg and survived. However, the other six girls were shot dead including her sister.

After she escaped she went to India for shelter but was only able to receive first aid treatment which was not sufficient for her injuries. Ms. Saleha came back to Bangladesh after the independence of the country. She met her mother who took her to a doctor to abort the baby but could not as she was already seven months pregnant. Her mother abandoned her immediately because of social pressure and stigma. Then, homeless and pregnant, Ms. Saleha got shelter with a poor family living in a slum. She gave birth to a son who died after four days as he was seriously ill and Ms. Saleha did not have money or family to help him.

After that she moved to Dhaka and worked as a maid in a footballer's house for 10/12 years. She later got married with her husband Mr. Gazi who got to know about her 1971 experience and wanted to divorce her but could not as she was pregnant by then. Now she still lives with her husband and the daughter is now 18 years old and goes to college.

Ms. Hong Savath is 45 years old and lives in Dey Eth commune, Kien Svay district, Kandal province. She is a house wife. Before the Khmer Rouge regime, she was a student and lived in Phnom Penh. During the Khmer Rouge regime she witnessed assault, murder, forced marriage and experienced forced evacuation, forced labor and rape.

In 1975 Ms. Hong and her family were forced to evacuate Phnom Penh and go to Pursat Province. In 1978 her mother was ill and her brother came and visited and bought food. Her brother was arrested and beaten by militia working for the Khmer Rouge, known as Chlobs, and accused of stealing Angkar's (the ruling regime) food.

Later her two sisters were forced to marry. Ms. Hong and her parents were invited to participate in the wedding, there were 20 couples in total. When one of her sisters took an oath she was crying and ran to her parents and hugged them. Immediately Chlobs separated her sister from her mother and took her sister about 2.5 meters away and stabbed her in the back with a knife 2 or 3 times. Then Ms. Hong and her parents walked away from the site, she was not aware of what had happened to her sister and others.

A few months after her sisters and brother had disappeared her parents became seriously ill. She often stole pigs' food and cassava (vegetable) for them. One day her father stole a chicken for food. Chlobs arrested and brought both her father and

mother to be killed. In the evening, she came back from work and could not find her parents. She found her parents tied and standing at an execution site with a pile of corpses. She approached her mother and hugged her. Then she saw perpetrators hit and stab her father with a sharp knife. Then, they came to break her away from her mother. While some of them were dragging her to the forest, they killed her mother.

After she was dragged away they took off her clothes and 3 men raped her one by one until she became unconscious. When she woke up, she walked home and one of the 3 perpetrators, named Rith told her to escape to another collective otherwise she would be killed later. She went to live in another collective. Rith occasionally came to stay with her. Later, she got pregnancy from that rape and delivery a baby 4 months after the Khmer Rouge collapsed.

Ms. Sok Samith is 52 years old, lives in Phnom Penh and she works as a housemaid for an American family' and as a volunteer for Association H.R Cambodia International. She experienced forced labor in a mobile women's unit and she witnessed a Vietnamese woman forced into having sex.

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In 1975 when the Khmer Rouge Regime began she was 15 years old and a student in Phnom Penh. Life under the Khmer Rouge regime was particularly difficult as she was considered one of the 'new people', a term used for people forcibly transferred from the cities to the rural areas. Like many others Ms. Sok experienced lack of food and forced labor.

Her older sister was 24 years old when her husband of 7 months died. She witnessed her older sister forced to marry a 60 year old man who was one of the Khmer Rouge's District Suppliers. They threatened that if her sister didn't marry him – the whole family would have a problem. Her sister married him to protect the family and during this marriage she was raped. She became pregnant but she did not want to have a baby and she aborted the baby.

Ms. Sok also witnessed forced sex on a Vietnamese woman, Ouk who was 27 years old. Her husband worked as a Khmer Rouge soldier and he fought for a few years. Ouk tried to find information about where he was so she went to the Khmer Rouge district officer who was a fortune teller. He was 50 years old and married with children. He told Ouk if she wanted to know about whether her husband lived or died she had to have sex with him. Ouk did so and had to do so many times until she was pregnant. She was afraid of committing a moral offence, which was punished by the Khmer Rouge, so she didn't tell anyone. Later Ouk was sent to jail and tortured. She was then forced to work in the field with leg cuffs and she delivered a baby in the prison.

Ms. Chum Ly is 58 years old, lives in Koh Thom district, Kandal Province. She is a widow and has a son. She has 10 brothers and sisters, but only 5 persons are still alive. She is a Civil Party of forced marriage at the Extraordinary Chambers in the Courts of Cambodia. Before the Khmer Rouge Regime Ms. Ly was a farmer and lived in KohThum district, Kandal province. She experienced being beaten, tortured, forced to marry, raped and forced to work as a nurse although she had no training.

At a district office, a man who was a unit chief of the Khmer Rouge and married with children often asked her to inject medicine for him. On 3 occasions she was tied and beaten by this man and her fingernails were pinched twice. She does not know the reason, and she was threatened not to tell the others. She was scared and never wanted to meet him, but this man always urged her to inject medicine for him.

In 1977, she was asked for 3 times to marry with a man who lived in the same village. She could not refuse and had to marry him in a group ceremony with 8 couples. After the end of the Khmer Rouge regime, they lived together for two years and had a son. Then, her husband left her to marry with another woman. After her marriage, she went back to live in a cooperative, but she was badly treated again by the same person, the unit chief. She was accused of trying to kill him when he found a piece of glass in his rice. She felt that this man also attempted to rape her as he talked strangely to her but he did not succeed.

One day at noon, she wanted to meet her parents when she just had a baby of 4 months. On the way, when she came through a prison area to her parent's home there was a check point. She was asked by two guards to go into their room and they asked her to take off her clothes. She refused, but they started to take her clothes off and raped her one by one until about 3 pm. They told her to go back and threatened her not to tell anyone. She never told this story to anyone.

Ms. Kim Khem is 80 years old, lives Prey Sandek commune, Traang district, Takeo Province. She is a widow and lives with her children and grand-children. Before the Khmer Rouge regime, she was a farmer and lived in the same district and province as today.

During the Khmer Rouge regime, she and her baby were taken to be killed with eleven other people. But eventually she and her baby were spared and taken to a prison camp. When she arrived there, they tied her up and told her the reason for this was because she often sobbed for her husband and her mother who had died before. On the 9th day of her imprisonment, one of the prisoners helped untie her. Because of the tying up for days, she has scars on her body until today.

One day her baby was very thirsty and a prisoner named Pech called a prison guard to help bring water for the baby. Shortly, a guard came up, but did not bring water with him but he stepped on Ms. Khem's baby's chest and the baby died immediately.

During her stay in the prison, she saw a guard insert a hot iron bar into a woman's vagina. She was staying close to her and the victim died immediately. The victim was about 30 years old, accused of stealing Angkar's corn. She also saw the separation of young pretty women for a group and old women for a group. She often heard them calling the young women for meetings in the afternoon to work. One day, she heard voice of woman saying "Please do not do such thing to me." But she did not what happened to the woman.

She said that the KR regime treated women the worst. Pregnant women were forced to hard until the delivery of the baby and 3 days later, she had to come back for work.

Nepal

Ms. Shanti Hamal, a married woman aged 42, is a permanent resident of Haku Village Development Committee-ward No. 3 of Jumla district, Nepal. Ms. Hamal was raped and assaulted by Royal Nepalese Army (RNA) security personnel and still suffers medical problems from the rape today.

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In 2004 after her husband re-married she was living with her 11 year old daughter and she ran a tea shop near her parent's home in the village. The Maoists frequently used to come to the village and detonate several bombs. The RNA used to come on the following day and asked about the Maoists. The Maoists used to keep the bomb on the roadside in front of Ms. Shanti's Tea Shop. Many people were killed and some were injured in the bomb explosions.

"It was the month of September/October 2004, a Lieutenant named Mr. Jiwesh Thapa, came to my Tea Shop. He asked about my husband and told me that they received the information that my husband was a Maoist. I replied them he had been living with his second wife in Jumla district. Then, he said, "Call your husband within one month". The lieutenant then came to my home for two more times and asked me to bring my husband to the army barracks. I called my husband but he did not obey me."

After an interrogation in the camp of Bhawani Box Battalion where Ms. Hamal explained she did not know anything about her husband and she did not have a good relationship with him the group of army personnel left and she sensed someone enter the room.

"The man was Lieutenant JiweshThapa, I recognized him by his voice. He said, "If your husband was not a Maoist, then why did you not call him?" Then, he started beating me up. He kicked and punched on my back, thigh and other parts indiscriminately around 10/12 times. He removed my sari with an intention to rape me. I tried to get away from there. When I was unable to get away from there I pretended of being thirsty and asked for water, he replied I should drink my own urine. I also reacted on his action while I was being rapped. I also kicked him. After I kicked him he dragged me here and there. In the same process, my head was banged on the floor and started bleeding. Then, I became tired and could not revolt."

"As I was helpless, he then removed my sari and made me lie on the ground. He raped me making me lie down on my stomach and for the second time he raped me making me lie on my back. He bit me on my cheek, nose and shoulder. I had a scratch on my nose and there were injuries on my thigh, knee, back, feet and forehead. Similarly, I had been bleeding from my vagina. I have scratches on my nose, forehead and chin till now."

"He called junior level staffs and asked them to take me outside and throw me at the roadside. I was unable to stand because of torture and anger. I was lying on the ground, 2/3 unknown army came and raped me. I had a sense until I was raped by 3 army personnel, but I lost my consciousness after that. "

"I regained my consciousness after some time and army personnel, a resident of Gorakha, came and took me outside the camp. He left me at Mr. Deepak Shahi's store that was close to the gate of the army camp. I was weeping on the road side, and was not fully conscious as well. Deepak Shahi asked me why I was weeping. I explained entire incident to him. Then, he called an ambulance from Dailekh District Hospital and sent me the hospital."

"Because of the rape, my uterus got swollen and blood was clotted. I was referred to Surkhet district hospital where I had undergone a treatment for 7 days, but when I was not recovered, I was referred hospital at India. I could not afford to go at that time."

In October 2005 Ms. Hamal had to sell her land to cover the costs of medical treatment and she required her uterus to be removed. After the operation she left as she did not have the money for follow up treatment.

"I went to District Administration Office of Dailekh after hearing the information that the government has been providing compensation to the victims who were tortured by the state. I saw a gathering in the district administration office and joined. JiweshThapa (the lieutenant) was also there. I told Mr. TilakNeupane of the office that JiweshThapa tortured me without any reason. He replied that he was a good person. The Chief District Officer (CDO) asked why he tortured me.

The lieutenant did not say anything. The administration office gave me 5000 Rupiahs as immediate monetary support.”

“I stayed in Dailekh for 3 months. But the Maoists used to come to my house and said I gave information of the Maoists to the army and used to put bomb near my house. I shifted to Surkhet and living a displaced life along with my daughter. I have to do my medical treatment twice a month, now I am very weak. I cannot keep my back straight because of the torture. I am doing some manual work for my survival.”

Ms. Ful Janaki Ranais 23 years old and lives at Dekhatabhuli Village Development Committee (VDC) ward no. 3, Kanchanpur district. Ms. Ful Janaki Ranai was raped in June, 2006, by a Maoist activist Mr. Ram Krishana Rana of Dekhatabhuli VDC ward no. 3, at around 11 pm.

“I was 16-years-old at the time of incident. I was at my neighbor Antu Rana’s house to watch television program on 17 June, 2006. The perpetrator Ram Krishna Rana told me that my friend had called me to the nearby garden. Then, I headed toward the garden to meet my friend. My small brother was also following me. It was around 10pm at that time.”

“Then, all of a sudden Ram Krishna Rana caught both my hands and pulled me away from the garden and brought me in the field which was 200 meter far from the garden and then laid me down. He, then, raped me. He threatened to kill me if I did not allow him to rape. I tried to defend but I couldn’t. My blue shirt was torn when he raped me.”

“At the meantime, my small brother started weeping seeing my condition. My father heard my brother weeping and then came up with a big stick. My father beat him with the baton when he tried to escape. However, he escaped.”

Timor-Leste

Ms. Olga da Silva Amaral is married and lives in Mauiga with her husband and four children. During the war for independence Ms. Amaral experienced rape and torture, and witnessed it occurring to other women, Ms. Amaral also witnessed multiple murders.

In 1981, Olga and her husband as well as other people in their village were helping FALINTIL, the liberation forces of Timor-Leste, in their area and the Indonesian army, formerly known as ABRI, found out which made it much more dangerous. On 11th July 1982, ABRI and Civil Defense Officers, locally called Hansip, began arresting people who had attended a

FALINTIL meeting including her husband. He was assaulted and sent to Hatu-builico for 1 week before he was exiled to Atauro where he suffered greatly for 2 years.

Not long after this, on the 20th August 1982, the ABRI started burning houses including Ms. Amaral's home, she assisted a FALINTIL member who had been in the attack and so they suspected her and arrested her and took her to Dare. During her internment she and the other women were tortured by ABRI and Hansip.

"Before I was raped I was hit on the head with a wooden chair until I bled. I was hit in the ribs with a rifle and kicked in the back with army boots until I couldn't walk. But they still continued. I was given electric shocks to my ears, hands and feet. I was jumped all over until I no longer felt my blood flow and I had no more strength left in me. Then they began raping me. When they were finished raping me they burned me with a cigarette butt on my face and hands. This rape and torture continued for a month. During this time I was used as a slave and I had to do duties such as wash their clothes and cook for them."

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During this time Ms. Amaral and the women were held at a school taken over by ABRI. Every day she was interrogated about information that had been made up by an East Timorese Hansip. If she said things that did not fit this Hansip's story she would be tortured or raped. Even pregnant and nursing mothers were raped, their children would be crying but ABRI just ignored them.

Eventually, Ms. Amaral escaped and returned to school to keep away from the threats. However it did not last long. A false statement was made about her having contact with FALINTIL and she was arrested again in September 1982 and taken to Kodimin Ainaro.

"Upon arrival I had to wait until the Head of Intelligence arrived at 2 pm. He asked his men "So this is Olga? Now you wait, I go wash first." Then I was called not to the interrogation room but to his bedroom to be raped. After that the other intelligence officers interrogated me with various allegations: "Have you ever helped to provide food for FALINTIL? Is your house a FALINTIL meeting place?" But I kept on denying and so they tortured me."

Eventually, Ms. Amaral was released and returned to Dare. Not long after that, her husband was released from Ataturu and their two families gathered together to discuss all the problems Ms. Amaral had experienced while in the hands of the Indonesian military. Both her and her husband received counseling from a priest and Ms. Amaral told her husband everything because what she had experienced had been forced against her will. The priest asked her husband if he wanted to take her back as his wife and he said yes.

"We were very eager to have children, I tried for 10 years before I went to a doctor to be examined. He said I might not be able to get pregnant because all the torture and rape may have damaged my reproductive organs. I went to a traditional healer to be massaged and have traditional medicine. Finally I got pregnant, when I delivered my baby the process was excruciating. I have given birth to 4 children in all, but when I had my last one I almost died."

Ms. Maria Fatima is a widow and lives off selling cakes, recounts the following experience:

"The Indonesian soldiers always came and arrested me to take me to Flamboyan for investigation. I told them that I did not know anything, we actually knew the Armed Forces in the forests, but I did not know if they had killed people or not. So then they started to kick and beat me arbitrarily and also Comrade Mau-brani's wife. Then they started to take off both of our clothes, and when the soldiers came back from fighting in the forests, we were forced to have sexual relations with them. My daughter with the soldier was born in 1997, for whom I now receive Mother's Allowance."

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"Sometimes at Flamboyan the Timorese who took us from our homes put the two of us in the bathroom/toilet. They also had sex with us, after that, it was with the Indonesian soldiers again. The Timorese covered their faces with plastic so that we would not know them, but I knew that they were Timorese, such as Administrator Abrão, Miguel. They are already dead."

Eventually, Ms. Fatima was released.

"When I went back to the Military Police, I made a letter, complaining about Dandim, so they moved Dandim immediately. The Military continued to assert that I was FRETILIN (Revolutionary Front for an Independent East Timor) and that I provided food for FRETILIN in the forests. I told them that I was indeed FRETILIN, and so they beat me as punishment, and made me their 'wife', forced me to have sex with them, and in this way I gave birth to four children, each with a different father."

ANNEX C: PANEL STATEMENT

INTRODUCTION

The Asia-Pacific Regional Women's Hearing on Gender-Based Violence in Conflict took place at the Ecumenical Diakonia Center in Phnom Penh, Cambodia, on 10 and 11 October 2012. It was organized by the Cambodian Defenders Project (CDP) in partnership with the Transcultural Psychosocial Organization Cambodia (TPO) and Victims Support Section of the Extraordinary Chamber in the Courts of Cambodia (ECCC). The Women's Hearing was open to the public and was attended by representatives from the Royal Government of Cambodia, representatives of the ECCC, Civil Parties to the ECCC, the United Nations (UN), international and local non-government organizations (NGOs), civil society and university faculty and students.

The historic event provided women survivors and witnesses of sexualized and gender-based violence in conflict (SGBV), in the Asia-Pacific region, with a forum to break the silence around violations against women in conflict-affected scenarios and to demand justice. The Hearing Panel of distinguished experts listened to their testimonies and to several expert testimonies, and made the findings and recommendations contained in this Statement. The Panel comprised Vichuta Ly (Human Rights Defender, Cambodia), Vahida Nainar (Gender and Human Rights Expert, India), Dianne Otto (Law Professor, Australia), and Aurora Javate De Dios (Philippine Representative to the ASEAN Commission on the Promotion and Protection of the Rights of Women and Children, ACWC).

The Panel heard testimonies from women survivors and witnesses about sexual violence perpetrated during four conflicts in the region: Cambodia (1975-1979), Bangladesh (1971), Nepal (1996-2006) and Timor-Leste (1974-1999). Testimonies were complemented by a video keynote address by Zainab Bangura, Special Representative to the UN Secretary-General on Sexual Violence in Conflict. The Panel also heard testimony by international experts, including an overview of the causes and patterns of gender-based violence in armed conflict by Silke Studzinsky (International Counsel for Civil Parties before the ECCC) and a presentation on best practices and challenges in judicial and non-judicial approaches to gender justice by Professor Susanna SáCouto (Director, War Crimes Research Office, American University College of Law, Washington DC). Distinguished guest speaker, Anne Marie Goetz (Chief Advisor of Governance, Peace and Security, UN Women) stressed the importance of UN Security Council Resolutions (UN SCR) on women, peace and security, including UN SCRs 1325, 1820, 1888, 1889 and 1960, as part of the international framework to end impunity for SGBVC and to achieve the empowerment of women globally. The Hearing opened with remarks by H.E. Hor Malin (Under-Secretary of State, Ministry of Women's Affairs for the Royal Government of Cambodia) and closing remarks were provided by H.E. M. Om Yentieng (Chair of the ASEAN Intergovernmental Commission of Human Rights, Cambodia).

The Hearing also heard a message of solidarity from the women organizers of the Guatemala Tribunal of Conscience from Monica Pinzon (Psycho-social Expert, Community Studies and Psychological Action (ECAP), Guatemala). The Guatemalan “Alliance of Women Breaking the Silence” was comprised of ECAP, National Unity - Guatemalan Women (UNAMG) and Women Changing the World (MTM). Ms. Pinzon also spoke of the continuing efforts of women survivors to seek justice. The Panel, on behalf of the victims and survivors who testified from Cambodia, Bangladesh, Nepal and Timor-Leste, the Women’s Hearing organizers and participants, extended solidarity to the women survivors in Guatemala in support of their quest for justice.

FINDINGS

Before presenting the findings and recommendations, the Panel commended the immense courage of the survivors and witnesses who came forward, which involved overcoming the profound stigma that is often associated with being a survivor of sexual violence. In helping to break the long silence around these issues, the testimonies contributed to raising awareness about the prevalence of SGBVC and its continuing negative effects on victims’ life opportunities, and those of their children, in the years and decades following the end of the conflict. The testimonies also highlighted the gross injustice of the impunity of perpetrators that usually results. They emphasized that shame and blame must be shifted away from victims and focused on where they rightly belong: to the perpetrators and to governments and international bodies who carry obligations to end impunity and ensure women’s full enjoyment of all human rights, during times of conflict as well as in times of peace.

A. On contributing factors to sexualized and gender-based violence in armed conflict (SGBVC)

1. A broad understanding of SGBVC occurring before, during and after armed conflict, and also encompassing situations of political strife and unrest, is necessary to effectively combat this form of violence, which can amount to a threat against international peace and security.
2. There are common root causes and patterns of SGBVC in all countries represented in the Hearing, despite the unique nature of each country’s specific conflict. A main root cause is the historically unequal power relations between men and women, which have led to domination over and discrimination against women by men.
3. SGBVC and post-conflict results in lost economic opportunities and livelihoods for survivors, and prevents women from exercising their full human rights to political, economic, social, cultural and civic participation.
4. Although rape is one of the most widely used types of violence against women and girls during times of armed conflict, it remains the least condemned international crime. A global culture of silence and stigma around sexual violence places blame on victims and safeguards impunity for perpetrators.

5. While SGBVC perpetrated against men and sexual and gender minorities is not the focus of the Hearing, it is acknowledged that such violence exists, that it is under-reported and under-analysed, and that it results in social stigma and other life-destroying effects.

B. On patterns of violence

6. All parties to the conflict can be implicated in SGBVC, as was clear from the Nepal and Timor-Leste testimonies, and state actors have been shown to be the perpetrators of such violence, despite having international, and often also domestic, legal obligations to protect and promote the human rights of women.
7. Women from all the countries who testified at the Hearing reported suffering various forms of SGBVC. As described, these violations occurred in the context of other atrocities directed against civilians, including murder, unlawful detention, torture, including electrocution, disappearances, forced labor, forced transfer, arbitrary arrest, starvation, and execution. Survivors testified having been subject to these crimes over and above their experiences of SGBV during the conflict.
8. The women survivors from Cambodia, Bangladesh, Nepal and Timor-Leste testified that they were subjected to, or witnessed, atrocious forms of SGBVC, including but not limited to:
 - a. Rape, including child rape, gang rape, mass rape, multiple rapes, rape with a foreign object, rape of pregnant and nursing women, rape before execution and as part of torture;
 - b. Abduction and sexual slavery;
 - c. Unlawful confinement and detention, including while pregnant and during delivery of children;
 - d. Forced nudity, including being put on public display;
 - e. Gendered verbal insults, harassment and abuse;
 - f. Domestic slavery;
 - g. Forced labor during pregnancy and immediately following delivery of children;
 - h. Forced marriages, including “survival marriages”;
 - i. Forced pregnancy, including pregnancy resulting from rape, from forced marriage, and from enforced prostitution;
 - j. Sexualized torture, including oral and anal sexual penetration, sexual mutilation, irreparable reproductive injuries, and other reproductive rights violations;
 - k. Separation of families; and
 - l. Witnessing children, other family members and friends subjected to SGBVC.
9. Many victims were targeted for SGBVC simply because they were women and girls. Victims were also targeted because of their direct involvement in the conflict, including as combatants, or because they were related to or assisting men involved in the conflict, or because they were otherwise perceived to be the “enemy”.

10. Women that testified at the Hearing, particularly from Cambodia and Bangladesh, also spoke with affinity and sympathy about violence against women from national, ethnic, or religious minorities, or who were otherwise considered the 'other' by the perpetrators. The panel notes therefore that women from the minority communities are particularly vulnerable to SGBV during conflict and that solidarity among women across communities in such situations is very important.
11. In many instances it was clear that SGBVC was part of a larger pattern aimed at destroying not only the dignity of the women and girls directly involved, but also the cohesion and "honor" of the entire community.

C. On the impact on victims, families and communities

12. Survivors and witnesses of SGBVC suffer long-term trauma and social marginalization, which impacts heavily on their psychological, emotional, economic, cultural, social and physical well-being, including:
 - a. Continuing feelings of shame, guilt, fear, social and cultural isolation, helplessness and hopelessness, including suicidal thoughts and suicide attempts, and symptoms of Post-Traumatic Stress Disorder (PTSD);
 - b. Infertility and reproductive injury from sexual violence and/or unsafe abortions;
 - c. Social stigma of self and family, including children resulting from rape;
 - d. Family abandonment, divorce, loss of support networks and over-burdening of roles;
 - e. Loss of property and land tenure, homelessness, repeated displacement, extreme poverty, lack of health care and increased vulnerability to repeated sexual and gender-based abuse;
 - f. Harm to "life project": Interrupted and destroyed life opportunities, including as concerns education, livelihoods and economic participation, marriage and child rearing;
 - g. Continuing abuse by perpetrators in the post-conflict environment of impunity and weakened rule of law for victims;
 - h. Heightened vulnerability to enforced prostitution and human trafficking.
13. Despite these continuing challenges, survivors and witness of SGBVC show immense courage and resilience in their efforts to continue with their lives, to speak out against impunity, often at great personal risk, and to resist the many negative impacts of their experiences with great dignity and strength. Their survival strategies, including "survival marriages" and "survival sex", must be recognized as heroic acts of endurance against enormous odds.
14. The strength of the children of survivors, and the support that many of them provide to their mothers, must also be acknowledged and encouraged. Young people and future generations have a crucial role to play in eliminating SGBVC, ending the impunity that perpetrators generally enjoy, and shifting the stigma from victims to perpetrators and governments.

D. On accountability

15. The SGBVC, as described in the testimonies and in total, constitute international crimes and were committed by all parties to the conflict, including both state-backed militaries and non-state militias;
16. Some, perhaps most, of the SGBVC was implicitly condoned or explicitly organized as a military strategy by the very state actors who have legal obligations to prevent such violations, protect victims and ensure accountability for SGBVC;
17. Other incidents of SGBVC were condoned or organized by non-state parties to the conflict, who have an obligation to refrain from harm to civilians, including the women who testified at this Hearing;
18. Perpetrators included those who held positions of leadership, armed soldiers and militia members, local police and security personnel;
19. To the knowledge of the testifiers, none of the perpetrators have been held accountable for their crimes.

E. Applicable International Law and International Standards

20. At the time they took place, many of the acts described in the testimonies constituted, at the very least, violations of customary international law applicable during the armed conflict, which requires that civilians be treated humanely in all circumstances and without discrimination, including on the grounds of sex (common article 3 of the Geneva Conventions of 1949) including
 - a. Violence to life and person, such as rape, sexualized torture, sexual mutilation, and enforced prostitution;
 - b. Outrages upon personal dignity, such as rape, abduction and sexual slavery, unlawful detention, forced nudity, forced or survival marriages;
21. Further, depending on the applicable law at the time the SGBVC took place, many of the acts may constitute violations of international criminal law, including:
 - a. Crimes against humanity, when rape, sexualized torture, sexual enslavement, unlawful detention, enforced prostitution, forced pregnancy, enforced sterilization, or any other form of sexual violence of comparable gravity are committed as part of a widespread or systematic attack directed against the civilian population and perpetrated with knowledge of the attack;
 - b. War crimes, when SGBVC amounts to torture or inhuman treatment, the willful causing of great suffering or serious injury to body or health, unlawful transfer or unlawful confinement, and other forms of humiliating or degrading treatment.
22. Particularly in the case of Cambodia, SGBV including forced marriages, rapes and separation of families may constitute genocide, if they were committed with the intent to destroy, in whole or in part, a national, ethnical, racial or religious group.

23. The acts as described also constitute many violations of international human rights treaties that apply, to some extent, during armed conflict, and are fully applicable to the continuing impacts of SGBVC once the conflict has ended. However, a complicating factor is the requirement that the relevant state must have ratified the treaty at the time the acts or their impacts took place, which limits their application largely to the ongoing impacts of SGBVC, except for the case of Nepal, which is the most recent conflict. With this in mind, the possible violations of international human rights treaty obligations include most notably:

- a. Discrimination against women in the substantive enjoyment of human rights, including the suffering of stigma and marginalization as a result of SGBVC, reproductive injury and lack of protective measures for pregnant women, forced marriages, forced pregnancy and increased vulnerability to future SGBV [in violation of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) ratified by Cambodia (1992), Bangladesh (1984), Nepal (1991) and Timor-Leste (2003)];
- b. Violation of the rights of the girl child, including child rape and sexual exploitation, child marriages, denial of education, separation from families, discrimination and stigma associated with parental status [in violation of the Convention on the Rights of the Child (CRC) ratified by Cambodia (1992), Bangladesh (1990), Nepal (1990) and Timor-Leste (2003)];
- c. Violations of civil and political rights, including unlawful confinement, arbitrary detention, sexual slavery, the right to remedy [in violation of the International Covenant on Civil and Political Rights (ICCPR) ratified by Cambodia (1992), Bangladesh (2000), Nepal (1991) and Timor-Leste (2003)];
- d. Violations of economic, social and cultural rights, including forced labor, domestic slavery, loss of property, homelessness, extreme poverty, loss of land tenure, lack of employment opportunities, lack of health and reproductive rights [in violation of the International Covenant on Economic, Social and Cultural Rights (ICESCR) ratified by Cambodia (1992), Bangladesh (1999), Nepal (1991) and Timor-Leste (2003)]; and
- e. Torture and other cruel, inhuman and degrading treatment, including rape and other severe forms of sexual violence, sexual mutilation, incommunicado detention and forced nudity [in violation of the Convention against Torture (CAT) ratified by Cambodia (1992), Bangladesh (1998), Nepal (1991) and Timor-Leste (2003)].

24. There is also an emerging body of coalescing international norms that specifically address SGBV and its impacts including:

- a. The UN Security Council Resolutions on women, peace and security, initiated in 2000 with the unanimous adoption of UN SCR 1325 (2000), followed by UN SCRs 1820 (2008), 1888 (2009), 1889 (2009) and 1960 (2011), which provide an accountability framework for ending impunity for SGBVC and ensuring women's full participation in conflict resolution, peace negotiations, peace-building, transitional justice, reparations and recovery processes;

- b. The UN Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law, as adopted by General Assembly Resolution 60/147 of 16 December 2005 (article 16);
- c. The UN Declaration of Basic Principle of Justice for Victims of Crime and Abuse of Power, as adopted by General Assembly Resolution 40/34 of 29 November 1985 (article 13);
- d. The Guidelines on Justice in Matters involving Child Victims and Witnesses of Crime, adopted by UN Economic and Social Council Resolution 2005/20 of 22 July 2005 (articles 35 and 37);
- e. The Nairobi Declaration on Women's and Girl's Right to Remedy and Reparations, adopted 21 March 2007 (article 6); and
- f. The Updated Set of Principles for the Protection and Promotion of Human Rights Through Action to Combat Impunity, submitted to the Commission on Human Rights on 8 February 2005 (principle 31).

F. On failure to implement

25. While acknowledging and encouraging those states that have made efforts to initiate opportunities to include women's meaningful participation and unique perspectives in accountability and transitional justice mechanisms, the Panel notes the serious lack of political will to ensure that post-conflict transitional justice mechanisms meaningfully include and address SGBVC, which was identified as a problem across the countries represented by the testifiers. The result is, at best, limited and ad hoc attempts to provide some redress for victims and, at worse, outright refusal to acknowledge SGBVC and treat it as constituting serious violations of international criminal law as part of conflict and under oppressive regimes.
26. Testimonies also revealed the failure of states to implement international laws, policies, commitments and standards that require the protection and promotion of women's human rights and de facto equality, during armed conflict, post-conflict transitional periods and in times of peace. The problem is not the absence of laws and policies, but the refusal or reluctance of states to implement their obligations.

RECOMMENDATIONS

Based on the findings from the testimonies presented at the Women's Hearing, the Panel issues the following recommendations, emphasizing that many involve the failure to implement existing international and domestic legal obligations.

A. To Cambodia, Bangladesh, Nepal, and Timor-Leste:

1. Ensure that survivors of SGBVC and their families are able to seek justice through independent judicial mechanisms;
2. Develop alternative non-judicial and peace-building mechanisms to provide opportunities for victims of SGBVC to have their voices heard and to open up space for public recognition and dialogue around issues of gender-based violence;
3. Support local initiatives such as the Asia-Pacific Regional Women's Hearing on Gender-Based Violence in Conflict to enable women to share their experiences and demand justice;
4. Formulate and implement reparations programs for victims of SGBVC;
5. Ensure the lasting impact of transitional justice mechanisms by implementing all judgments and recommendations, ensuring their legacy in domestic law and governance, and taking steps to fulfill women's substantive enjoyment of economic and social rights without discrimination;
6. Provide ongoing psycho-social support to victims as required;
7. Extend an invitation to the U.N. Special Rapporteur on Transitional Justice to visit and evaluate the quality of justice being dispensed to victims of SGBVC in transitional justice mechanisms; and
8. Where not already in place, formulate UN SCR 1325/1820 National Action Plans in conjunction with women's and human rights NGOs, with time-bound benchmarks, concrete indicators and adequate resources, and prioritize their implementation.

B. To Specific Countries:

Cambodia

To the Extraordinary Chambers in the Courts of Cambodia (ECCC):

9. To the Trial Chamber: expand the current scope of Case 002/01 to include the existing portion of the Closing Order related to forced marriages;
10. To the Co-Prosecutors: in respect of Cases 003 and 004, thoroughly review all evidentiary material in the possession of the Office of Co-Prosecutors concerning rape and other forms of sexual violence, as well as any and all material gathered by NGOs since the introductory submissions were filed, with a view to ascertaining whether crimes of sexual violence occurred at crime sites covered by the introductory submissions. If warranted, file a Supplementary Submission with the co-investigating judges;
11. To the Co-Investigating Judges: mainstream questions regarding SGBVC in relation to other allegations investigated for Cases 003 and 004;
12. To the Court: ensure that the experience of SGBVC victims is included in legacy planning;
13. To the Court: enable civil society and victim involvement in the planning of any future legacy and/or non-judicial measure initiatives, particularly the involvement of women and victims of SGBVC; and

14. To the Victim Support Services: in collaboration with civil society, implement non-judicial measures that address the needs of victims of SGBVC including, for example, memorialization, truth telling and sponsoring further research and documentation to fulfill the Court's responsibility to communities to ensure that victims survive with dignity and honor.

To the Cambodian National Courts:

15. Facilitate and encourage the prosecution of crimes of SGBVC in domestic courts, ensuring that victims have the opportunity to have their voices heard.

To the Cambodian Government:

16. Initiate immediate and impartial investigations and, where evidence exists, ensure the effective prosecution of SGBVC by holding individual perpetrators accountable for past and continuing violations;

17. Support civil society reconciliation initiatives at the village level;

18. Protect the various minority communities in Cambodia and respect their rights to be treated with equality and non-discrimination.

19. Support documentation to preserve the history of past experiences of victims and survivors, to break the silence, and to assist in the healing process; and

20. Establish a reparations program, in consultation with victims SGBVC that responds to their needs.

To the Cambodian Ministry of Women's Affairs:

21. Provide leadership within the Government to support the prosecution of SGBVC and provide non-judicial measures to provide support to victims.

Bangladesh

The Panel commends the Bangladesh Government for having established the International Crimes Tribunal for Bangladesh (ICTB) to prosecute the perpetrators of atrocities during the International Liberation War 1971, and for including crimes of sexual violence within its mandate. It has been an initiative long overdue that makes it possible for some of the survivors to finally access justice. The Panel also applauds the symbolic recognition the Government of Bangladesh has accorded to the rape survivor as "Birongonas" or "war heroines". Such positive recognition must however be backed by tangible material reparations and other support that will help the Birongonas heal from the past and live a life of dignity. It is here that the Government of Bangladesh is particularly lacking.

To the International Crimes Tribunal for Bangladesh (ICTB):

22. Establish mechanisms that enable the ICTB to provide protection to women survivors of SGBVC prior to, during and post-participation in the ICTB as witnesses, including a Victims Support Unit that provides all possible assistance to survivors to testify at the Tribunal.

To the Bangladesh Government:

23. In collaboration with civil society, organize other non-judicial mechanisms such as public Hearings, a truth commission or other mechanism appropriate to the context in Bangladesh to provide women survivors of SGBVC secure, respectful and safe platforms to break their silence and share their stories, bearing in mind that some women may need assurances of confidentiality and anonymity;
24. In collaboration with civil society, implement measures to identify SGBVC survivors, assure them of confidentiality, document their stories and accord them the same concrete rights, recognition and reparations as the freedom fighters. Such reparations must include monthly pensions, free medical and psychological treatment, and other socio-economic measures as required by the women survivors that would enable them to live a life of dignity;
25. In collaboration with existing civil society initiatives, make protecting the legacy of the liberation war a priority. Accordingly, the Government must include programs that educate the people, including the younger generation, about the reality of the war. The people need to be made aware of the existence of Birongonas, the suffering they endured and their sacrifices for the nation, in order to eliminate the stigma and socio-economic marginalization that Birongonas experience, and elevate them to their true status as “war heroines”; and
26. Protect the minority Hindu community in Bangladesh and respect their rights to be treated with equality and non-discrimination.

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Nepal

The Panel notes that in Nepal the civil society organizations such as the Advocacy Forum have engaged with the national legal system to the extent possible and have exhausted all possible and available remedies. There is a political impasse in Nepal at the moment where the Parliament is dissolved and there is a need to hold new elections. The existing Constitution however does not provide for the procedures in such an eventuality and therefore needs amending. Since the body with powers to amend the Constitution i.e. the Parliament is dissolved, there is no possibility of an amendment to the Constitution. The interim Government must urgently find a way to break this impasse, amend the Constitution, hold elections to elect a new Parliament and pave the way for democratic functioning of the Government.

To the Nepal Government:

27. Report to the Security Council on the indicators of implementation of the National Action Plan, including the number of cases of SGBVC that have been investigated, the number that have

been prosecuted, the number of women that have been provided reparations, and how the memory of the suffering of the people and women of Nepal is being acknowledged and preserved for future generations;

28. Establish a truth commission and/or other non-judicial mechanisms for addressing conflict-related violence, including SGBVC, without any provision for amnesties for perpetrators of serious crimes such as SGBVC;
29. Withdraw the current proposal that provides general amnesty to perpetrators that have committed conflict-related violence, and provide assurance to victims of SGBVC that it will not be passed;
30. Strengthen the National Human Rights Commission by repealing the restrictions on their mandate so that it is not confined to addressing violations within six months of their occurrence and it is empowered to also address SGBVC;
31. Amend laws in accordance with the Order of the Supreme Court of Nepal to remove the 35 days Statute of Limitation on reporting crimes of rape and sexual violence;
32. Amend the Rules of Evidence relating to sexual crimes to comply with standards of international law to admit circumstantial evidence and evidence of existence of coercive environment, in addition to medical or forensic evidence;
33. Formally acknowledge the occurrence SGBVC and end the double victimization of sexual violence survivors that results from continuing official denials;
34. Recognize as victims, the SGBVC survivors for all purposes of reparations including for providing interim relief; and
35. Ensure that cases of all conflict-related violence, including SGBVC, are not withdrawn through executive decisions and that victims and witnesses are protected and their evidence preserved.

Timor-Leste

While the transitional justice measures already implemented by the Timor-Leste Government have made important contributions to achieving post-conflict justice, they have not been enough. The Government urgently needs to adopt many further measures to end the culture of impunity, that the Government has itself promoted (by, for example, giving pardons to those who have been convicted of war crimes), and take seriously the need to address crimes of SGBV committed in all past conflicts and provide victims with economic and social justice, as well as legal justice.

To the Timor-Leste Government:

36. Immediately recognize women who suffered SGBV during the independence conflict as heroes of the war and make available to them the same benefits and privileges as enjoyed by veterans;
37. Immediately review and then adopt draft legislation, which lapsed with the last election, to establish a gender-inclusive reparations program for victims, ensuring the inclusion of survivors of SGBVC, establish the Institute of Memory which would implement most of the CAVR recommendations, and allocate sufficient budgetary resources to support their implementation;

38. Establish a Solidarity Fund, as recommended by the Secretary General in his 2006 report on justice and reconciliation for Timor-Leste that will accept contributions from UN member states and Timor-Leste state revenues towards a victim reparations program;
39. Urge the President of the Republic to accept limitations on his constitutional right of pardon that will ensure more transparent and consultative decision making;
40. Ensure that all the records of the Serious Crimes Unit and Serious Crimes Investigation Team (SCIT), including all the evidence gathered through its investigations about SGBVC, are safely preserved once the UNMIT mandate ends at the end of 2012, and ensure these records are available for future prosecutions, truth-telling and other non-judicial transitional justice processes, memorialization, and reparations programs;
41. Register outstanding serious crimes indictments with Interpol and issue indictments based on the recommendations of the SCIT;
42. Ensure that the Timor-Leste Ministry of Justice and Office of the Prosecutor General request international assistance to improve the capacity of court actors to prosecute international crimes;
43. Ensure that domestic courts are equipped to follow through, without political interference, all the cases about which evidence has been gathered by the SCIT, including those involving SGBVC, once the UNMIT mission has ended;
44. Develop interim economic and social support programs specifically for vulnerable victims of gross human rights violations, particularly victims of SGBVC;
45. Support inclusive, victim-centered national memorialization initiatives that recognize all conflict victims, regardless of their former or current political affiliation;
46. Immediately ratify the Convention Against the Protection of All Persons from Enforced Disappearances and establish the Commission for the Disappeared including providing legal certainty and justice for victims' families on clarity of their loved ones who are still missing;

To the United Nations:

47. The UN Secretary-General immediately commit to ensuring that the SCIT has sufficient time and resources to complete its investigations. The UN must also develop effective mechanisms to provide on-going monitoring and ensure that national authorities act upon case files handed to them by SCIT.

C. To Asia-Pacific Regional Bodies

48. With the leadership of the UN SCR 1325 Asia-Pacific Regional Advisory Group, facilitate the formulation and implementation of a regional UN SCR 1325/1820 Action Plan by all Asia-Pacific states that have not yet done so, with time bound benchmarks, concrete indicators and adequate resources;
49. ASEAN must ensure a focus on SGBVC in its agendas and work plans, especially in light of obligations under UN SCR 1325/1820 to address SGBVC in the region and promote gender perspectives on peace and security. In particular, ending impunity for SGBVC and ensuring effective remedies for victims must be taken up by the ASEAN Intergovernmental Commission on Human Rights (IACHR), the ASEAN Commission on the Promotion and Protection of the Rights of Women and Children (ACWC) and other relevant bodies;
50. SAARC, within its mandate, create a sub-regional mechanism to address issues of human rights and international crimes, including SGBVC.

D. To the International Community

To the United Nations:

51. Strongly encourage governments in the Asia-Pacific to report to all the human rights treaty bodies on implementation efforts related to women, peace and security;
52. Utilize to the fullest possible extent relevant UN Special Procedures and other actors to work within their mandates to advocate for an end to impunity for SGBVC in the Asia-Pacific region, particularly the Special Representative of the Secretary-General on Sexual Violence in Conflict, the Special Rapporteur on Violence against Women, Its Causes and Consequences, the Special Rapporteur Against Torture and the Special Rapporteur on the Promotion of Truth, Justice, Reparation and Guarantees of Non-Recurrence;
53. Urge Asia-Pacific states, where relevant, to establish a national trust fund for victims of SGBVC in accordance with international treaty obligations and the coalescing body of norms on the right to reparation, as stipulated in Article 8 of the Universal Declaration of Human Rights; Article 9(5) of the International Covenant on Civil and Political Rights; Article 6 of International Convention on the Elimination of All Forms of Racial Discrimination; Article 14 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; Article 16 of the UN Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law; Article 13 of the Declaration of Basic Principle of Justice for Victims of Crime and Abuse of Power; Articles 35 and 37 of the Guidelines on Justice in Matters involving Child Victims and Witnesses of Crime; Article 6 of the Nairobi Declaration on Women's and Girl's Right to Remedy and Reparations; and Principle 31 of the Set of Principles for the Protection and Promotion of Human Rights Through Action to Combat Impunity (updated 2005).

To the CEDAW Committee:

54. In light of the CEDAW General Recommendation on the rights of women in situations of armed conflict (forthcoming), urge the CEDAW Committee to specifically request states parties to report on the adoption and implementation of National Actions Plans (NAPs) for SCR 1325/1820, drawing the links between NAPs and their CEDAW obligations.

To international donors:

55. Support programs for women's empowerment and fund measures to support reparations and restitution for SGBVC, including the provision of education, reproductive health services, psycho-social support services, access to training and micro-financing and other measures to ensure a life of dignity for them and their children; and

56. Condition support for judicial and non-judicial mechanisms on the adoption of measures to ensure the prosecution of SGBVC and to ensure that all post-conflict transitional justice mechanisms are gender-inclusive.

E. To Civil Society and Non-Governmental Organizations (NGOs)

57. Monitor the implementation of state gender equality obligations, which require the realization of women's substantive equality, including by submitting shadow reports to the Human Rights Treaty Committees and utilizing the individual complaints procedures (especially the CEDAW Committee and the Human Rights Committee), where the state has ratified the relevant optional protocols, in order to bring violations relating to SGBVC and its continuing impacts before the Treaty Committees;

58. Mobilize constituencies, nationally and regionally, to demand human rights protection and promotion for women and girls in conflict and post-conflict settings. Include survivors of sexual violence and engage men in mobilizing for the elimination of violence against women;

59. In light of the CEDAW General Recommendation on the rights of women in situations of armed conflict (forthcoming), submit shadow reports to the CEDAW Committee on the rights of women in situations of armed conflict and the implementation of 1325/1820 National Action Plans (NAPs) where they exist;

60. Work towards building stronger regional civil society and NGO networks, including in conjunction with International Women's Rights action Watch Asia-Pacific (IWRAP-AP), to raise awareness about SGBVC and put increased pressure on governments in the region to take their international obligations to end impunity and provide remedies to victims seriously; and

61. Initiate, promote and support other local and regional civil society initiatives to develop other non-judicial transitional justice mechanisms, like the Women's Hearing, that provide the opportunity for survivors of SGBVC to tell their stories, contribute to the elimination of the social and cultural prejudices that continue to stigmatize and marginalize survivors, and recognize and celebrate the incredible courage and resilience of survivors.

ANNEX D: BIOGRAPHIES

Panel Members

Aurora Javata de Dios. A graduate of the University of the Philippines where she undertook her undergraduate (Foreign Service) and graduate studies (Asian and Philippine Studies), Ms. de Dios is currently Professor of International Relations and Global Governance and Migration Studies at Miriam College in the Philippines, while simultaneously serving as executive director of the Women and Gender Institute (WAGI). Prof. de Dios was President of Kalayaan, a feminist organization, President of the Asia-Pacific Regional and International Boards of the Coalition Against Trafficking in Women and was the first President of the Women's Studies Association of the Philippines, among others. She is presently the Convener of CEDAW-WATCH in the Philippines. In 1994, she was appointed as one of the Commissioners of the National Commission on the Role of Filipino Women (NCRFW) and was elected as its Chairperson from 2001-2004. While serving as Commissioner and Chair of the NCRFW, she represented the Philippines at the Beijing Conference on Women, the Vienna Conference on Human Rights and the annual Commission on the Status of Women Conferences in New York. From 1994-1998, she served as Expert and Rapporteur in the UN Committee on the Elimination of All Forms of Discrimination Against Women (CEDAW), and in January 2011, she was appointed as the Philippine Representative to the ASEAN Commission on the Promotion and Protection of Women and Children. Prof. de Dios was part of the Philippine Prosecution Team in the 2000 Women's Tribunal on Japan's Military Sexual Slavery, an NGO-initiated People's Court held in Tokyo in 2000, which indicted the Emperor as a war criminal.

Vichuta Ly holds a Law Degree, Master Degree of Chemistry from Canada. She attended the British Embassy's Chevening Fellowship Programme of University College London in the UK and received a certificate on Gender, Social Justice and Citizenship which specializes on gender analysis and policy drafting. She is also a doctoral student. Ms. Ly is the founder and Director of Legal Support for Children and Women (LSCW) Organization in Cambodia. LSCW is a non-profit, non-political organization founded in 2002 whose mission is to contribute to the development of the rule of law, to promote access to justice and to protect human rights, including the rights of migrants. Ms. Ly is a part time Lecturer on Gender Studies at the University of Pannasastra, Cambodia and an affiliate with the International Development Research Center of Canada (IDRC) where she is the Team Leader of a research project on Justice and Perception of Justice for Women Defendants, and Women Victims of Crime in Cambodia. Ms. Ly has conducted many research projects relating to gender based violence in Cambodia and cross-border. In 2009, she was invited as an expert witness at the Court of Women in Bali, Indonesia.

Vahida Nainar has been working on women's rights and human rights issues for the past 18 years. She was the founder and Director of the Women's Research and Action Group, Mumbai and continues to remain involved as a member of the Board of Trustees. She is the former Executive Director of the Women's Caucus for Gender Justice, New York that worked to include a gender perspective in the International Criminal Court. She has been closely associated with Women's Initiatives for Gender Justice, The Hague; the Urgent Action Fund for Women's Human Rights, USA & Kenya and International Solidarity Network of Women Living Under Muslim Laws, London. She was an Adjunct Professor of Law at the International Women's Human Rights Clinic, CUNY School of Law, New York. She is a life member of the Indian Association of Women's Studies. She works nationally and internationally on issues of justice, human rights, gender and conflict.

Professor Dianne Otto is Director of the Institute for International Law and the Humanities (IILAH) at Melbourne Law School. Dianne is an expert on gender issues in international law and her research interests include women's inclusion in international human rights law, addressing sexual violence during peacekeeping, the application of Security Council Resolution 1325, and the work of human rights NGOs. She has been active in a number of human rights NGOs including Women's Rights Action Network Australia (WRANA), Women's Economic Equality Project (WEEP) Canada, International Women's Rights Action Watch Asia Pacific (IWRAP) Malaysia, and International Women's Tribune Centre (IWTC) New York. She helped draft a General Comment on women's equality for the Committee on Economic, Social and Cultural Rights and a General Recommendation on treaty obligations for the Committee on the Elimination of Discrimination Against Women.

Expert Guest Speakers

Zainab Hawa Bangura of Sierra Leone assumed her position as Special Representative of the Secretary-General on Sexual Violence in Conflict at the level of Under-Secretary-General on 4 September 2012. In this capacity, she serves as Chair of the interagency network, UN Action Against Sexual Violence in Conflict (UN Action). Ms. Bangura has over 20 years of policy, diplomatic and practical experience in the field of governance, conflict resolution and reconciliation in Africa. She served most recently as Minister of Health and Sanitation for the Government of Sierra Leone, and was previously Minister of Foreign Affairs and International Cooperation, only the second woman in Sierra Leone to occupy this position. She was also Chief Advisor and Spokesperson of the President on bilateral and international issues. Ms. Bangura has been instrumental in developing national programmes on affordable health, advocating for the elimination of genital mutilation, managing the country's Peace Building Commission and contributing to the multilateral and bilateral relations with the international community.

She has deep experience engaging with State and non-State actors on issues relevant to sexual violence, including engaging with rebel groups. Ms. Bangura has on-the-ground experience with peacekeeping operations from within the United Nations Mission in Liberia (UNMIL), where she managed the largest civilian component of the Mission, promoting capacity-building of government institutions and community reconciliation. She is an experienced and results-driven civil society, human and women's rights campaigner and democracy activist, fighting corruption and impunity, notably as Executive Director of the National Accountability Group, Chair and Co-founder of the Movement for Progress Party of Sierra Leone, as well as Coordinator and Co-founder of the Campaign for Good Governance. She has received numerous national and international awards, including the Africa International Award of Merit for Leadership, the Reagan-Fascell Democracy Fellowship, the Bayard Rustin Humanitarian Award, the Human Rights Award from the Lawyers Committee for Human Rights, the National Endowment for Democracy's Democracy Award, and the African American Institute's Distinguished Alumna Award.

Anne Marie Goetz, PhD, is the Chief Advisor of Governance, Peace and Security at UN Women. Prior to joining UNIFEM in 2005, she was a Professor of Political Science at the Institute of Development Studies, University of Sussex where she also held the position of Senior Fellow at the research Institute of Development Studies since 1991. She is a political scientist who has specialized in the study of gender and governance in development. Professor Goetz has researched the conditions under which marginalized social groups, including women can become more effective in advancing social change agendas once they occupy public office. Professor Goetz has also worked on gender-sensitive approaches to public sector reforms, anti-corruption initiatives, and decentralization, and has also studied means of supporting political liberalization and state-building in fragile states and post-conflict situations. Professor Goetz is the author of five books on the subjects of gender and politics in developing countries, and on accountability reforms. Professor Goetz has engaged in a wide range of advisory work related to gender, democratization, and governance, including direct advisory work for developing country governments, for multilateral economic institutions and bilateral donors, and for NGOs.

Monica Pinzon is a Guatemalan national who, thanks to her ancestors, today is a university professor of psychology and feminist studies. She is also a psychosocial expert in national justice cases involving women who have suffered sexual violence during the armed conflict in Guatemala. Monica belongs to the Mayan Council of Authority in Guatemala. She has dedicated more than 12 years of her life working as a defender of women's and indigenous peoples' human rights. She has provided psychosocial support to victim-survivors of physical, psychological and sexual torture, with the families of the disappeared in exhumations and with women victims of sexual violence in armed conflict as well those experiencing sexual violence at the hands of State security forces because of their defense of their lands.

Susana SáCouto is Director of the War Crimes Research Office (WCRO) at the Washington College of Law (WCL), which promotes the development and enforcement of international criminal and humanitarian law. She also directs WCL's Summer Law Program in The Hague, which offers JD and LLM students the opportunity for intensive study in international criminal law. In addition, Ms. SáCouto is a Professorial Lecturer in Residence at WCL, where she teaches courses on advanced topics in international criminal law, gender and human rights law and international legal responses to women affected by conflict. She has also served as a faculty member at the Summer Program of WCL's Academy on Human Rights and Humanitarian Law, where she co-taught a course on international justice for violations of human rights and humanitarian law. Prior to joining the WCRO, Ms. SáCouto directed the Legal Services Program at Women Empowered Against Violence (WEAVE), clerked for the Office of the Prosecutor at the International Criminal Tribunal for the former Yugoslavia (ICTY) and worked with the Center for Human Rights Legal Action in Guatemala. She also served as co-chair of the Women's International Law Interest Group of the American Society for International Law (2006-2009 term), and was awarded The Women's Law Center 22nd Annual Dorothy Beatty Memorial Award for significant contributions to women's rights.

Silke Studzinsky. Since February 2008, Ms. Silke Studzinsky has been working to represent Civil Parties before the Extraordinary Chambers in the Courts of Cambodia (ECCC). Until 2009, she was the Senior Legal Advisor to the Khmer Rouge Tribunal program of the Cambodian Human Rights Organization ADHOC, and until February 2012 she held the same position with another Cambodian NGO 'Legal Aid of Cambodia'. Since 1990, Ms. Studzinsky has been working as a criminal defense lawyer and as a legal representative for civil parties before criminal courts in Germany and elsewhere in Europe. One of her main working areas is fostering the rights of victims of sexual violence, sexual abuse, trafficking and racial discrimination inside and outside of the courtroom. She is specialized in international criminal law and human rights law. She joined the "Association of European Democratic Lawyers" in 2000 and acted as their Secretary General from 2005 - 2007. She organized and participated in several human rights missions, trial observations and delegations in Turkey, Spain, Greece, Israel, South Korea and Kashmir. In 2006, she was admitted as counsel at the International Criminal Court at The Hague.

Facilitators

Pok Panhavichet holds a master's degree in Agricultural and Rural Development from the International Institute of Social Studies, located in The Hague, the Netherlands. She has more than 20 years of experience working as a senior officer and Executive Director of various development actors in Cambodia including Development Partner,

UN agency and NGO. Mrs. Panha has good track record in working towards the promotion of women's rights and gender equality.

Kasumi Nakagawa, originally from Japan, has been in Cambodia working for the empowerment of women since 1997. In 2006, Ms. Nakagawa conducted one of the first studies into gender-based violence during Khmer Rouge rule, titled "Gender-Based Violence during the Khmer Rouge Regime" (2007). She is currently a lecturer of Gender Studies at the Pannasastra University in Phnom Penh.

Rapporteur

Theresa de Langis, PhD, is an international independent consultant on women's human rights in conflict, post-conflict and transition settings, with advanced expertise in international human rights norms and standards. Before coming to Cambodia, she served as Deputy Country Director for Programmes in Afghanistan with UN Women, supporting advocacy efforts on the meaningful inclusion of women in all peace, security and reconciliation processes. Since 2011, she has been based in Cambodia, focused on appropriate measures to address sexual and gender based violence as part of the general atrocities committed by the Khmer Rouge regime. She is currently preparing the design of oral history project on women's experiences under the Khmer Rouge, including rape and other forms of gender-based violence. Ms. de Langis holds a doctoral degree, with advanced training on truth-telling and transitional justice processes and on documenting human rights abuses through life stories. She has served as a member of the adjunct faculty of the Royal School of Law and Economics (Phnom Penh) and Pannasastra University (Phnom Penh). She has published on a wide scope of issues related to women, peace and security.



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