



Fonds au Profit des Victimes
The Trust Fund for Victims



A Victim-Centred ICC: Navigating Challenges to Realising Victims' Rights and Reparative Justice from 1998-2023

Side Event at the 22nd Session of the ICC Assembly of States Parties

8 December 2023 | 13:15 – 14:45 EST | Conference Room 9, UNHQ

Hosted by the Trust Fund for Victims, the International Federation for Human Rights (FIDH), International Center for MultiGenerational Legacies of Trauma (ICMGLT), REDRESS, and the Coalition for the International Criminal Court (CICC).

Sponsored by Denmark, Finland, and Austria

Join key stakeholders to revisit the foundational rights of victims which are enshrined in the Rome Statute, and to critically examine whether these rights are being fulfilled before the ICC and in the domestic jurisdictions of States Parties – to ultimately ensure that the primary beneficiaries of international criminal justice are at the forefront of policy discussions and in proceedings.

Background

The International Criminal Court (ICC) was established to address the most serious crimes of international concern, and ensure justice and accountability. Central to this historic mandate is the recognition and protection of victims' rights – namely, to information and truth, participation including legal representation, protection, and reparations – as codified in the Rome Statute.

States Parties and the ICC have strived to develop a victim-centred approach that respects the dignity, diversity and needs of victims, taking into account their gender, age, culture and background. However, the practical realisation of these rights faces ongoing challenges. Victims often encounter obstacles in exercising these rights, including limited access to information during investigations, restricted participation in specific phases of proceedings, and difficulties in obtaining reparations.

The aim of this panel discussion, to be held during the 22nd Assembly of States Parties to the Rome Statute at UN Headquarters in New York, is to critically assess whether, and to what extent, victims' rights - namely to protection, participation through effective legal representation, and reparations - as outlined in the Rome Statute, are genuinely upheld and respected within the framework of the ICC and discuss strategies to overcome the current obstacles to the implementation of victims' rights at the ICC. The panel will also highlight the responsibility of States to provide victims with full access to reparative justice within the framework of the principle of complementarity and in accordance with Article 2(3), ICCPR, and other norms of International Law.

Discussion

1. **Participation:** Victims have the right to actively engage in various stages of ICC proceedings, from investigations to trials, contributing their perspectives to the pursuit of justice. More than 15,000 victims participated in various cases between 2022-2023, allowing them to express their views and concerns, provide evidence, challenge decisions and request reparations. The side event will address the methodologies used by the Court in ensuring the participation assess, however, and assess whether ICC participation is reparative and entails ameliorative measures to minimise the re-living of trauma potentially induced by victim/survivor participation at whether ICC participation is trauma-responsive and emphasise the necessity for survivor-centeredness during all stages of proceedings.
2. **Protection:** The Court shall take any necessary measure to protect “*the safety, physical and psychological well-being, dignity and privacy of victims and witnesses*” (Art. 68, RS). However, threats and attacks against these rights-bearers often bring about re-victimization and trauma that must be prevented and mitigated by enhanced, appropriately targeted protective measures.
3. **Representation:** Victims have the right to effective representation throughout the proceedings, ensuring that their voices are heard and their interests protected. The legal aid system funded by the ASP guarantees the availability of legal representatives for victims. The side event will address the impact of the proposed extensive legal aid reforms at each phase of the judicial proceedings to determine whether these pose a risk to the right of victims to benefit from meaningful representation.
4. **Information:** Victims are entitled to timely, comprehensive, and accessible information about the proceedings, ensuring transparency and access. This right is reinforced by the benefits that two way information such as outreach bring to the Court to ensure that ‘justice be done and be seen to be done’, thus making decisions recognized and meaningful to victims. This panel will address challenges to timely and accessible information to be made available to them.
5. **Reparations:** Victims have the right to seek and obtain reparations for the harm they've endured, thereby having access to compensation, rehabilitation, restoration, and other forms of reparation. The ICC has issued reparations orders in the cases of Lubanga (DRC), Katanga (DRC), Al Mahdi (Mali), and Ntaganda (DRC), awarding collective and individual reparations to thousands of victims of war crimes and crimes against humanity. However, as highlighted by [REDRESS](#), delivering reparations for victims has also become a complicated and protracted process that gives room for important improvements to ensure enhanced impact on victims. The side event will analyse the challenge of measuring the impact of reparations, and assess the responsibilities that States Parties themselves bear under the principle of complementarity for realising the right to reparations for victims of crimes under their jurisdiction.

By revisiting and critically assessing the implementation of the rights to victims within the Rome Statute, this side event aims to provide insights into the current state of victims’ rights at the ICC. It seeks to identify successes as well as obstacles and challenges that victims face in exercising these rights; discuss the roles and responsibilities of the ICC, States Parties, and civil society in promoting and applying victims’ rights; and explore practical strategies and initiatives aimed at enhancing the fulfilment of victims’ rights before the ICC and in national jurisdictions.

Agenda

- 13:15-13:20 Welcoming remarks, Vibeke Pasternak Jørgensen, Under-Secretary for Legal Affairs, Danish Ministry of Foreign Affairs
- 13:20-13:25 Opening remarks, Mazen Darwish, FIDH Secretary General and Director of the Syrian Center for Media and Freedom of Expression (SCM)
- 13:25-14:20 Panel: David Donat Cattin, Adjunct Professor of International Law at NYU Center for Global Affairs; Advisory Council, International Center For Multi Generational Legacies of Trauma; introduction on the challenges to the realisation of victims' rights at the ICC
1. Meaningful Participation, Representation, Information
 - Calixto Ávila Rincón, PROVEA
 - Mossaad Mohamed Ali, African Centre for Justice and Peace Studies
 - Katherine Gallagher, The Center for Justice & Accountability
 2. Effective Reparations
 - Nadia Volkova, Ukrainian Legal Advisory Group (ULAG)
 - Deborah Ruiz Verduzco, ICC Trust Fund for Victims
 - Dr Yael Danieli, International Center for MultiGenerational Legacies of Trauma (ICMGLT)
- 14:20-14:35 Q & A
- 14:35-14:40 Summary and action points from the presentations and debate: Alejandra Vicente, REDRESS
- 14:40-14:45 Concluding Remarks, Ambassador Paivi Kaukoranta, Director National Security Authority, Ministry for Foreign Affairs of Finland