

# REDRESS

*Ending Torture. Seeking Justice for Survivors*

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New York, 6-10 December 2010

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Your Excellencies, Ladies and Gentlemen,

It is with great honour that REDRESS presents this Statement here today,

The Review conference in Kampala marked a turning point for victims of international crimes. For the first time, victims' rights and access to justice were discussed as a central component of the Rome Statute system. Kampala confirmed that ending impunity and enabling victims' rights are two sides of the same coin.

Victims have a right to see justice done, to access proceedings and decisions that affect them and to claim reparations. Where States are unable or unwilling to investigate and prosecute, they are at the same time unable or unwilling to enable victims' rights to justice. The drafters of the ICC Statute recognised this interdependence when they adopted the framework for victims' participation and reparation which we see in operation today.

Kampala marked the end of the start-up years of the Court's operations and saw the consolidation of victim participation in the first cases. 103 victims are participating in the first case, 362 in the second DRC case and over a thousand are set to participate in the third case against Jean-Pierre Bemba. The participating victims are grouped together and represented by common legal representatives, enabling effective mass representation.

The contribution of participating victims to date is a notable feature of proceedings. Given the Court's global remit, with investigators and prosecutors based in The Hague, victims provide the Court with an invaluable perspective on the context of the criminality as well as relevant socio-cultural factors. By definition victims were present at the scene of the crime, which is not always true for the accused (particularly in command responsibility cases) or of-course for the Prosecutor.

A recent example of the positive contribution of victim participation is in the Katanga & Ngudjolo case. One of the participating victims is a child whose parents were massacred during an attack on his village. His guardian, a neighbour, saved him as she knew the attackers were after members of the Hema tribe. She took him into her own home as she was from another tribe and not being targeted. She has sought to come to The Hague to testify on behalf of the child, but the Court has found her story so pertinent that she is due to testify as a witness of the Court in her own right as well as that of the child. The Prosecutor's cases in Ituri have not identified an ethnic aspect to the violence, while this is

something that the victims and affected communities have asserted all along. Recognition of the specific intent involved is important in the fight against impunity.

Victims' interests in the justice process are thus not just about claiming reparations. Their interest is to see the truth uncovered and recognised; and to ensure that accountability is a means of ensuring that such violence does not occur again in the future.

As the system for victim participation develops both in terms of its contribution to the justice process and its value to victims themselves, the Court has forecast that it may consider its first requests for reparation in 2011.

There are many challenges with the reparation process: how can a Court far away from victims' realities provide meaningful redress; how will the Court address the massive scale of the crimes? How to ensure that the reparations process empowers victims and restores their dignity, and is not simply a bureaucratic form-filling exercise forcing victims to jump through hoops with little in the way of outcome? It is important for the Court to undertake sufficient preparations and consultations, and to learn from other courts and tribunals that have undertaken reparations processes involving large numbers of victims.

In order to ensure appropriate meaning to reparations, it is important that assets belonging to accused persons are traced, seized and frozen in view of potential reparations orders in accordance with the Court's rules and cooperation requests. Tackling the financial aspects of these crimes will not only give a source for reparations, it will also help take away one of the main incentives for these crimes.

On behalf of REDRESS I bid you to consider the importance of effective mechanisms for cooperating on matters such as asset tracing. A working group or alternative mechanism that might enable sharing of best practices and coordination on the financial aspects of crime could be a small investment that may later reap significant benefits.

We also call for States to contribute to the Trust Fund for Victims. It is important that sufficient funds are available to enable the Trust Fund to support victims and their families, and for the Trust Fund to step in to implement reparations awards where there are insufficient assets from other sources.

Thank you

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