

REDRESS

Ending Torture. Seeking Justice for Survivors

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Excellencies, Ladies and Gentlemen,

On behalf of REDRESS it is a great honour to present this Statement to the Assembly here today.

This year has seen several milestones and a marked increase in activity at the International Criminal Court. In August, the closing submissions were made in the Lubanga case - the first ever case before the ICC. The Katanga Ngudjolo case is also nearing conclusion and proceedings are open in relation to a further 22 individuals for incidents in Central African Republic, Côte D'Ivoire, Darfur, DRC, Kenya, Libya and Uganda.

These cases, and others still under consideration by the Office of the Prosecutor, reveal a pattern and scale of violence that, in the words of the Preamble of the Rome Statute, are truly, "unimaginable atrocities that deeply shock the conscience of humanity". These are not faceless acts, mere numbers or statistics in the sad recounting of conflict. Each of the hundreds of thousands of victims touched by these atrocities has suffered in her or his unique way, and most continue to suffer.

As one legal representative put it, the victims are "people with their own individual lives, families, hopes, and aspirations which all have been turned upside down by the brutal events".

One victim, whose story was recounted in the Ruto case, was a farmer, unable to outrun the mob coming towards him. He was shot down by an arrow to the leg, stoned and left for dead. He suffered spinal injuries and was sentenced to spend the rest of his life paralysed and at the care of his wife, unable to work, to pay for his own medication, let alone to provide for his wife and children.

One witness in the Bemba trial recounted how a girl told her that soldiers "had gone into their house, raped her mother, raped her sisters. Her father tried to intervene and they shot him right there [...]." As she was fleeing, the soldiers caught her and another girl and raped them both.

The ICC's ability to deliver justice for these victims, and all the others falling within its jurisdiction, is a test of determination, perseverance and creativity. Surely, it will not be

easy nor will it be obvious. It is far easier to consider the victims in the abstract - as numbers or statistics that can be quoted in speeches but never considered on a one-to-one, human basis. Hearing their stories up close, and trying to deliver justice that is meaningful and appropriate, is a supreme challenge - but one that the Court and those who created it, must not ignore.

Over a year ago, the Review Conference in Kampala confirmed that ending impunity and enabling victims' rights are two sides of the same coin. In order for the Court to deliver on this commitment, when it comes to victims, it will need adequate resources and support from States Parties.

Since the ICC started its activities, almost 10,000 victims have applied to participate in proceedings. In 2011 alone, the Court received more than 5,000 new applications for participation and over 6,000 for reparations. When many see these numbers as a reflection of the Court's credibility in the countries most affected by the crimes, some have portrayed this growing interest from victims, as a problem, a burden for the budget that needs to be "dealt with".

We understand the financial pressure States are under, but I urge you to remember who the victims are, and why it is so essential that the ICC be in a position to deliver meaningful, participatory and reparative justice to them. Victims have a right to see justice done, to access proceedings and decisions that affect them and to claim reparations.

The participation of victims in processes that affect them is a strength of the Court. It is not only appropriate; it is consistent with well-recognised international standards; it is a key feature of the Rome Statute. Any effort to amend the system of victim participation should be focused on improving the experiences of victims in that process; it is not simply a cost-saving exercise. This would include according much needed support to **intermediaries on the ground**, who are the main link to victims and affected communities.

In order to ensure that reparations are meaningful for victims, 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.

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.

On behalf of REDRESS, I encourage you to maintain the perspective of victims in all your deliberations. They are hoping for justice, they are waiting for acknowledgement of the harm done to them, they are entitled to dignity and respect. Let us ensure that they are not the silent observers of this process, but that their voices are heard.

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