

JONATHAN O'DONAHUE: Mr. Prosecutor, my name is Jonathan O'Donahue, and I'm the Legal Advisor at Amnesty International's International Justice Project.

Amnesty International very much welcomes the attention paid to victims issues in the draft papers. In particular, the establishment of a unit within the Office of the Prosecutor dealing with victims' issues is a progressive and positive move that illustrates that the central role of the Court is to operate respectfully towards victims, ensuring protection of their dignity and rights.

I would like to address a matter which is not expressly dealt with in the draft documents and which my organisation believes should be; that is, the role of the Office of the Prosecutor in freezing assets for possible reparations for victims.

Reparations is, of course, a relatively new function for international criminal courts, and the Rome Statute goes far beyond the statutes of other international courts in Article 75 on reparations and Article 79 on the establishment of a trust fund for victims. It provides for a broad range of reparations including restitution, compensation, and rehabilitation, and should extend to satisfaction and other guarantees of non-repetition.

With reparations set so clearly at the heart of the Statute, it is essential that the Court endeavours, to the best of its ability, to meet the needs of victims from the outset. If it fails to do so, it might damage the perception of the Court by the public, especially the victims. It is important for the Court to begin an open and transparent process of developing important principles and reparations in accordance with Article 75(1) as soon as possible, including all organs of the Court, including the Office of the Prosecutor and particularly all victims' units, and providing for consultation with civil society.

One of the biggest challenges for the Court in awarding reparations is, of course, obtaining the resources to fill it. The importance of freezing assets of indicted persons cannot be underestimated. It is essential that the Office of the Prosecutor establishes an effective structure and strategy for freezing assets. The Office of the Prosecutor should accept responsibility for this role to ensure against the prompt disposal of assets by indicted persons. The Office of the Prosecutor should apply for orders freezing assets, where possible, at the same time or as soon as possible after an indictment has been issued, as the Office of the Prosecutor will be the only office with the knowledge to make preparations for such action. The Office of the Prosecutor should appoint specialist staff who have expertise in investigating and tracing assets to ensure that assets of indicated persons can be identified and frozen as soon as possible post-indictment.

Furthermore, the Office of the Prosecutor and other organs of the Court should call on all States Parties and non-States Parties to establish effective and expeditious procedures for complying with Court orders to freeze assets. Thank you.