

JEANNE SULZER: Thank you.

Mr. Prosecutor, I'd like first to extend my thanks on behalf of my organisation, International Federation for Human Rights, for giving us this unique opportunity to discuss and to engage in this constructive dialogue.

I'd like to point out a couple of issues with regard to victims and the role of the OTP. Two main issues: One is the issue of notification and the second is the issue of reparation and what the OTP can do with regard to reparation issues. Most of my comments I have to say are based on the recommendations of the experts meeting that Carla Ferstman was talking about earlier today and which report was issued at the end of this meeting, and you will get a copy of it.

First of all, I'd like to say that the FIDH very much welcomes the creation of a unit, a specific unit, for victims inside the OTP, and this is particularly important.

On the issue of the notification, the Statute and Rules of Procedure and Evidence oblige the Court to notify victims at different stages of the proceedings. In most cases, these obligations fall actually on the Registrar rather than the OTP; however, in some instances, you will have, Mr. Prosecutor, a direct obligation to notify the victims. For example, victims have the right to be notified by the Court about a decision of the Prosecutor not to initiate an investigation or not to prosecute or of a decision of the Court to confirm the charges. The most serious notification challenge relates to the initial state of the proceedings before the legal representatives are actually involved on the side with the victims.

A very important issue for us and for the Victims Rights Working Group is one of correspondence between the Court and the victims. We believe that when corresponding with individual victims who have already

communicated with the Court, precautions should be used to ensure that the correspondence from the Court does not lead to added security problems for the victim. For instance, the Court should use envelopes that could be, one way, without the Court logo and, where deemed necessary, should arrange for the local post agent not to draw undue attention to the victim.

Another important challenge in terms of notification is to keep victims fairly regularly informed on the likely time frame and the procedure of the Court in a language that they can understand.

My second point is with regard to reparation. As you very well know, the Statute is an extraordinary progress in that regard at the international level.

In most cases, the staff of the Office of the Prosecutor will be the first personnel of the Court to visit an area where crimes have been committed and to have contacts with the victim. As you've described in the draft policy paper, the Unit of Victims, one of its tasks might be actually to help investigators in taking testimonies with regard to maybe potentially a reparation process.

We would like to call your attention to the specific application procedures with regard to the victims for the reparation process. The Court should establish an effective mechanism for victims to apply for reparation under Rule 94 of the Rules of Procedure and Evidence. It is a pretty substantive and complex list of information that victims must apply for reparations. Since victims may find such a substantive application process pretty difficult to complete, we see as essential that the Court take all steps to ensure that the process is accessible and understandable for all victims and that the requirements are tailored to the contextual realities.

The list of required information in this Rule 94(1), in fact, may

lead to a misunderstanding as victims may not have professional assistance to complete their application, so that means they need to be very clear and well structured. The form also, we believe, would be very important to be in all UN languages and, when necessary, other languages. The form should be as clear as possible and should include comprehensive guide notes on what victims can expect from the process.

I was going to finish by saying that there is a need clearly to assist victims in this reparation process but also throughout the procedure, and this is one of the things and the activities that the FIDH will start implementing as we've had the expertise on the national level, now on the international level, for instance, by opening an office in The Hague before the ICC and making it possible to create an interface between national groups that the FIDH represents and the International Criminal Court.

Thank you.