

SECRETARIAT OF THE ASSEMBLY OF STATES PARTIES

Seventeenth session of the Assembly of States Parties Plenary session on victims

Achievements and challenges regarding victims' participation and legal representation 20 years after the adoption of Rome Statute

Concept note by the co-focal points¹ for Cluster I² of the Study Group on Governance

Date: 11 December 2018

Time: 10:00-12:00 hours

On the 20th anniversary of the adoption of the Rome Statute, it is important to focus on victims and their integral role in the international criminal justice process.

Victim participation in the Rome Statute was a central innovation in international justice, allowing victims to stand before the ICC as participants in their own right.

This right of participation is not absolute. But it can provide a key bridge between victims and affected communities and ICC proceedings by helping to ensure that justice is not only done, but seen to be done by those impacted by the crimes being prosecuted by the Court. While some victims will participate in proceedings in person; many will participate through legal representatives.

The Rome Statute provides for the key role of victims, but the detail and practical implementation is left to be determined through Rules, Regulations and case law. Fundamental questions include at what stages may victims participate; which victims may participate; what does participation mean in practice; and how does legal representation work? Aside from legal issues, there are also very real, practical challenges involved in making the ICC's scheme for victims' participation work.

The plenary discussion on victim participation and legal representation will bring together stakeholders from the Court, practitioners and civil society to reflect on what has been achieved since 1998; what challenges remain or have developed; and how these challenges can be overcome.

The focal points encourage all participants to participate actively in the **interactive plenary discussion** which will follow the moderated panel discussion, in order to allow for a broad exchange of views on this important issue. Participants are encouraged to pose a question on, or briefly react to, the points made by the panellists, and/or make recommendations on how to further enhance the Court's activities in strengthening the position of victims. A speakers' list will be opened prior to the Assembly session. Speakers are requested to limit their interventions to two minutes.

An informal written summary of the discussion will be prepared.

Background material and the profiles of the panellists will be made available on the website of the Assembly: https://asp.icc-cpi.int/en_menus/asp/sessions/documentation/17th-session/Pages/ASP-17-Panel-Discussions.aspx

¹ Ms. Erica Lucero (Argentina) and Mr. Philip Dixon (United Kingdom).

² Increasing the efficiency of the criminal process.

Format (2 hours total)

- Interactive panel consisting of 6 speakers
- Followed by an interactive segment where participants can present questions or brief statements on their efforts in this area

Programme

Introductory remarks by the Moderators

Ms. Erica Lucero (Argentina) and Mr. Philip Dixon (United Kingdom)

Panel: Achievements and challenges regarding victims' participation and legal representation 20 years after the adoption of Rome Statute

Mr. Hiram Abtahi

*Head, Legal and Enforcement Unit, Presidency
Acting Chef de Cabinet, Presidency*

Mr. Fabricio Guariglia

Director, Prosecution Division, Office of the Prosecutor

Mr. Philipp Ambach

Chief, Victims Participation and Reparations Section, Registry

Ms. Paolina Massidda

Principal Counsel, Office of Public Counsel for Victims

Mr. Francisco Cox

Legal Representative of Victims in the ICC case against Dominic Ongwen.

Ms. Christine Alai

Technical Advisor to the International Commission of Jurists-Kenya Chapter, International Justice Program

Interactive segment – open floor for States Parties and other stakeholders

Concluding remarks by the Moderators