

AMICC

QUESTIONS AND ANSWERS ON THE VICTIMS' APPLICATIONS TO THE PRE-TRIAL CHAMBER OF THE ICC

Who submitted applications to participate?

Under the Court's statute and rules, victims are natural persons who have personally suffered harm from crimes within the jurisdiction of the Court. They are therefore allowed to participate in all proceedings if the Pre-Trial Chamber (PTC) finds their participation appropriate. The victims who have been accepted to participate are six civilians from the Democratic Republic of Congo (DRC) who have suffered crimes that relate to the ICC's investigation in the region. The International Federation for Human Rights (FIDH) assisted the victims in filing applications to participate in May 2005.

What crimes have allegedly been committed against them?

The victims who will have the opportunity to participate in proceedings have allegedly survived assaults, torture, and witnessed brutality against their families during the conflict in the DRC. In some cases, victims' homes and properties were destroyed. One victim was abducted and enslaved by militia members during which time he was whipped and forced to carry a heavy load a great distance without food or water. Some victims have declared that the violence targeted their ethnic groups.

What rights will the victims have during the proceedings?

According to the Rome Statute, victims have the right to present their views and concerns during appropriate stages of proceedings. Victims may submit written representations and comments to the Court concerning jurisdiction and admissibility issues. They can also file a written request for reparations with the Registrar, and compensation may be made as a collective award from the Victims Trust Fund when the Court deems it appropriate. Victims are also given legal representatives. At this time, the six DRC victims and their representatives have not been granted access to non-public documents.

How will the Court promote the security of the victims represented?

Besides heavily redacting the information that is made public, the Court will conduct its proceedings in a way that does not expose victims to further risks, taking appropriate measures to protect the safety, physical and psychological well being, dignity and privacy of victims. Sessions with victims may be held in closed session and recorded to ensure that they are not made targets of violence. The Court is also responsible for funding the travel and protection of victims and witnesses.

What actions has the Court taken in response to the victims' applications?

Pre-Trial Chamber I (PTC I) has decided to accept the victims' applications to be represented in the proceedings. The Prosecutor asked PTC I to grant him leave to appeal this decision. He argues that the PTC's function is not to investigate, and it should not be able to choose victims before there is sufficient evidence to facilitate the Prosecutor's

case against specific individuals. In addition, as there have not been any defendants identified at this stage, equal procedural rights cannot be provided. As there are thousands of potential victims, granting them the opportunity to be heard during the investigation would be inefficient and reduce the ability to protect them. The Prosecutor concluded that the Appeals Chamber should intervene early to ensure that later decisions are not nullified. PTC I has not yet made a decision regarding the Prosecutor's request.

What actions will the Court now take?

Pre-Trial Chamber I will decide how the victims are to participate in the proceedings in accordance with the Rome Statute. It must also make a decision as to whether or not the Office of the Prosecutor should be granted leave to appeal the decision to accept the victims' applications for representation.

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