

Victims' Rights Working Group



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"Justice separates the innocent from the assassin, the assassin from the crime, and the victim from suffering"

Pierre Legendre

Bulletin

DISARMAMENT, DEMOBILIZATION AND REHABILITATION PROGRAMS: A BROADER VIEW

By Sara Sharratt, Ph.D *

It is by now a very well documented fact that women constitute the majority of casualties during contemporary wars. It is also known that in a great number of conflicts girls constitute a significant number of the combatant forces. Estimates place 70 to 80 % of the Lord's Resistance Army in Uganda as child combatants, with girls making up approximately 30 % of these forces. Many of the combatants have been abducted so their willing participation is also contested. Additionally or conjointly, for girls, their path is that of, sexual violence, sexual slavery, "marriage" and unwanted pregnancies. When these girls escape or return to their communities especially if accompanied by the children of their "husbands" or pregnant, they are shunned, ostracised, unwelcome in most communities and often forced to leave for a life in which prostitution and poverty remain the logical outcome.

It has been recognised that the United Nations, governments, national and international non-governmental organisations must assume the presence of girls in fighting forces in most armed conflicts and plan policies and programmes designed to address their experiences, needs and rights.

What has not been as amply recognised is the need to develop rehabilitation and treatment programmes aimed at the wider communities so that these girls and women are welcomed as survivors of war, as heroes and as integral parts of the communities from which they left, were abducted or sold. As such, most community-based reintegration programmes are insufficiently sensitive to the needs of returning girls

and furthermore they do not, in most instances, involve the entire community of men and women in helping them reintegrate and become human again.

The now popular Disarmament, Demobilization and Rehabilitation programs (DDR) often fail to abandon their strategy of secrecy and continue to focus their efforts in helping the girls develop their self esteem, understanding of their rights, feel more empowered, find sources for employment, etc. While these are valuable approaches, they place all the responsibility on the survivors to become stronger so that the same structural arrangements continue to thrive. The focus must switch to men and women's unequal social arrangements where shame, guilt and punishments are aimed at the offenders and not at the survivors. Gender means unequal power for women and men, girls and boys. The stigma of sexual violence with the surplus and additional cultural meanings attached to it must be faced head on and eradicated. Otherwise, many survivors will hide, if they can, their trauma to avoid the social stigma and not seek the help they need. Others will receive an individual approach that will be at best insufficient.

Parents and siblings, if still alive, must be supported in welcoming their daughters back as that is one of the most important predictors of recovery from traumatisation. Simply stated, the emphasis must be in working with communities, families and the girls themselves to assure that returning girls are not segregated or marginalised. War affected communities must be included in identifying the girls which need more assistance and deal in the process with all that comes up which stops them from doing so. If structural violence is not addressed then we are only fomenting the same crimes committed in the next conflict over the different girl's bodies.

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Mrs. Simone Veil, in September 2003 you were elected as a member of the Board of Directors of the Victims Trust Fund. You have spent your life fighting for the respect of Human Rights. What does this nomination represent for such an activist?

The nomination is an honour, of course. It also represents a mark of confidence from those States that have ratified the Rome Stat-

interview

ute. I am pleased to share this distinction with four eminent persons, Her Majesty Queen Rania Al-Abdullah, Mr. Oscar Arias Sanchez and Archbishop Desmond Tutu, the last two having received Nobel peace prizes, as well as Mr. Mazowiecki, a former Polish minister, all of whom have a longstanding commitment for victims.

I firmly believe in the potential of this Fund. Promoting victims' rights is a project I have been interested in for a long time. I have had commitments in a number of victims' aid projects and I have also worked in foundations. In particular, I preside over the Foundation for remembrance of the Holocaust in France.

The establishment of the Fund is a tremendous source of hope for victims. The victims to whom I am referring have suffered the worst crimes: crimes against humanity, genocide and war crimes. The Fund is an expression of the will of the international community to recognize their suffering and to provide reparations.

This Fund also raises a tremendous challenge. I fully measure the responsibilities that fall to the first holders of this office. I am proud to make my contribution to this historical project.

The International Criminal Court is the first international tribunal to grants a specific role to victims, even where they do not take the stand as witnesses. Does this imply that international justice is going beyond its traditional role of punishing criminals, to give greater attention to the needs and requirements of victims?

Until very recently, international criminal justice only gave very limited attention to victims. For example, the London Agreement of 8 August 1945 establishing the Charter of the Nuremberg military tribunal makes no mention of the victims of those crimes. Moreover, it is solely as a witness that victims may appear before the *ad hoc* International Criminal Tribunals for the former Yugoslavia and Rwanda and, thus, benefit from protective measures. Victims have no influence on the pre-trial proceedings nor the trial itself. They cannot intervene during hearings other than

within the limited framework of any testimony they are requested them to give. Furthermore, neither the International Criminal Tribunal for the former Yugoslavia, nor the International Criminal Tribunal for Rwanda has a mechanism for granting even symbolic reparations to victims. These *ad hoc* International Criminal Tribunals only deal with these most serious crimes when they constitute a threat to peace. They are designed as a warning to those who believe they can remain unpunished for their acts. Unfortunately, despite being the first and most seriously affected, the victims are thus relegated to second place.

The Rome Statute and the establishment of the International Criminal Court completely overturn this approach. The Court thus marks a real revolution in the way victims are treated, granting them rights they had never exercised before at the international level. This is undoubtedly a result of the realisation that the victims should be the main beneficiaries of the fight against impunity.

For the first time in the history of international criminal justice, victims may share their views and worries with the Court, thanks to a procedure allowing them to participate in hearings while respecting the rights of the accused and the principles of free and fair trials. Victims may also call on the services of a legal representative designated to protect their rights and present representations to the Court in their name.

The opportunity for victims to obtain reparations is another major innovation introduced by the International Criminal Court. This reparative function coexists with the other responsibilities of the Court.

Despite these precedents set by the Court, it is now essential to implement the rights guaranteed by the Rome Statute in an effective and innovative manner, so that the Court's example may be followed at the international level, but also at the domestic level, through the passage of national implementing laws. In this way, the historic example of the Court will be followed and have a real, deep-seated impact on victims.

How do you conceive of the role of the Victims Trust Fund within the mandate of the International Criminal Court?

The mandate of the Fund is closely related to the reparative function of the Court. It is for the Court to decide whether or not to grant reparations to victims. It may decide to request the Victims Trust Fund to implement its rulings. In reality, it may prove difficult for the Court to identify all the victims who should receive reparations and it may prefer to pass the matter on to the Fund once it has decided to grant collective reparations. Such collective reparations could take the form of the construction of a monument in memory of the victims, or a hospital, for example.

The Fund is a body that is independent from the Court. It has its own budget and its own personnel. However cooperation with the Court is indispensable. Victims must make their requests for reparations to the Court, which may then pass them on to the Fund should the Court decide to use its services. The Fund must also consult the Court in order to ensure the proper implementation of the latter's rulings.

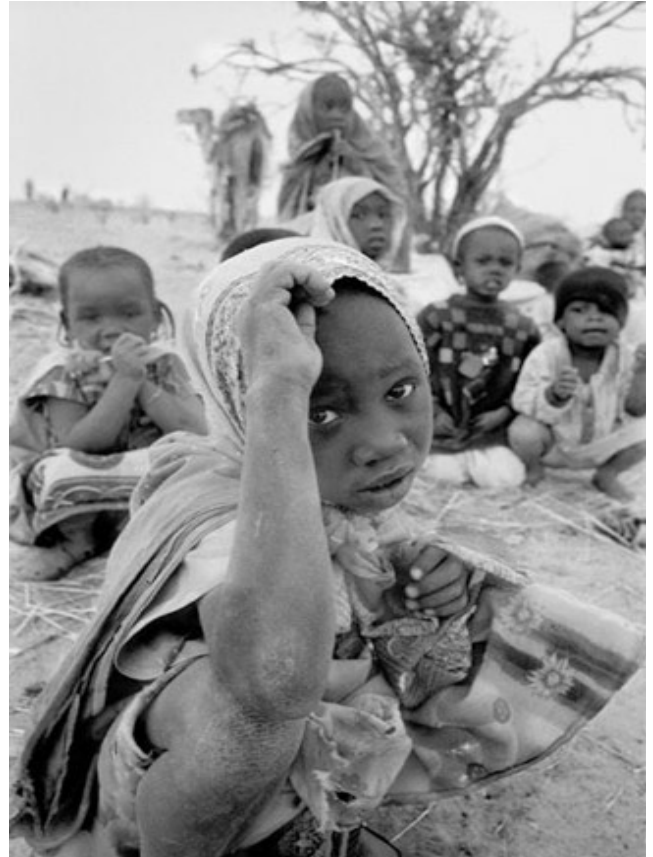
However, under RPE Rule 98(5), the Fund has a greater margin of appreciation concerning the use of voluntary contributions. While it is bound by Court rulings concerning the use of funds originating from confiscation measures, fines or reparations ordered by the Court, it can use voluntary contributions to finance those projects it considers useful for assistance to the victims coming under the jurisdiction of the Court. Such projects must, therefore, respect the general mandate of the Court, since only those victims under the jurisdiction of the Court may obtain resources from the Fund.

What, in your opinion, are the main challenges facing the Victims Trust Fund in the months and years to come?

The major challenge, and the first to arise, is undoubtedly the establishment of an operational, effective Victims Trust Fund. The Fund has a fundamental role to play in the process of reparations to the victims of crimes coming within the jurisdiction of the Court, and it is important for it to be ready to fulfil its functions as soon as possible, as the first two cases currently under investigation. In order to do so, the Board of Directors of the Fund will soon set up a Secretariat to assist with day-to-day management and implementation of its directives.

However, many of the management and operational details have not yet been adopted. Of course, this is a priority for the Board of Directors, which already raised the problem during its first meeting last April. The Board has drafted a proposed set of Fund management criteria that will be presented to the Assembly of States Parties (ASP) to be held from 6 to 10 September at the seat of the Court in The Hague. The criteria cover the management and use of available funds and the financing of projects and activities, the role of the Fund in the determination and identification of beneficiaries of the Court's rulings on reparations, etc.

Later, the Board of Directors will launch an information campaign concerning the Fund, explaining its mandate to potential donors, its importance within the Court and its operating methods. Only well informed donors will be likely to make voluntary contributions. Then, we must elaborate a strategy for attractive, transparent fund raising. Indeed, much of the work of the Fund will depend on contributions from governments, international organizations, individuals, companies and other bodies in accordance with the Resolution of the ASP on the creation of a trust fund for victims coming within the jurisdiction of the Court, and their families (ICC-ASP/1/Res.6). The Board must, therefore, actively raise awareness and promote the work of the Fund, so



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that potential donors understand that the reparative function of the Court will only be fully ensured if the Fund has sufficient resources, and that voluntary contributions are a major part of these resources.

I would also like to take this opportunity to explain that the Fund must respond to the needs of victims, yet without creating disproportionate hopes, nor making promises that cannot be kept. Indeed, it must be stressed that the reparations ordered by the Court in favour of the victims of crimes falling within the jurisdiction of the International Criminal Court will necessarily be limited due to the extremely high number of victims likely to request reparations. The Fund must work to raise awareness of this point, so that victims realise that reparations may take a symbolic character, or the form of collective reparations. The Fund will do everything in its power to implement its mandate and exploit every opportunity to satisfy the needs of victims, to the extent possible. However, it is essential that victims be aware of the Fund's limited room to manoeuvre, if a relationship of confidence is to be established.

Interview conducted on 31 August 2004 by Clémentine Olivier, REDRESS

The competence of the International Criminal Court (ICC) to address crimes committed in a particular conflict can be triggered in three different ways. A State Party or the UN Security Council can refer the situation to the ICC or the Prosecutor may, acting upon information received from any source, seek the authorisation of the Pre-Trial Chamber to proceed with an investigation.

The Prosecutor has already received over 1000 communications

analysis

concerning alleged crimes. However, the vast majority of these concern matters that clearly fall outside the ICC’s mandate and, thus, will not lead to further action. Others are currently being analysed carefully. The two situations under investigation so far – in Uganda and the Democratic Republic of the Congo (DRC) – were referred to the ICC by the respective state itself, i.e. a self-referral by a State Party.

Regardless of the trigger mechanism, the Prosecutor must consider certain factors when determining whether an investigation should be commenced. Hence, the Prosecutor must collect sufficient information to allow the determination. In case authorisation is required, the Prosecutor must also satisfy the Pre-Trial Chamber that there is a reasonable basis to open an investigation. The assistance and cooperation by states, international and non-governmental organisations, and others during this preliminary phase is essential. It is also important that those making communications on alleged crimes to the Prosecutor provide as much information as possible.

Firstly, the information available must provide a reasonable basis to believe that a crime which the ICC is competent to try has been or is being committed. This test also includes the jurisdictional requirements relating to the territory where the crime was allegedly committed, the nationality and age of the perpetrator, and the date of the crime.

Secondly, the Prosecutor must assess whether the case is or would be admissible with respect to division of competence between the ICC and national jurisdictions, the so-called complementarity principle. The principle is that a case is inadmissible before the ICC if a state is genuinely investigating or prosecuting it, or has done so. The Prosecutor must therefore have information regarding relevant domestic criminal proceedings and, in order to assess the question of admissibility, the circumstances set out in the Statute for determining the state’s unwillingness or in-

ability in the particular case. In addition, the case must be of sufficient gravity to justify further action by the ICC.

Thirdly, and an important aspect of prosecutorial discretion, the Prosecutor shall assess the gravity of the crime, the interests of victims, and various other considerations, such as the possible impact of initiating proceedings. Interestingly, the provision appears to suggest that “the interests of victims” (and the gravity of the crime) always speak in favour of the commencement of an investigation. These factors should be weighed against any substantial reasons to believe that an investigation would not serve “the interests of justice”. One may note that the equivalent provision with respect to the determination of whether to prosecute a case is drafted in a different way.

In reality, however, “the interests of victims” may vary, not only in different situations but also amongst different victims in the same conflict. Long-term and short-term interests may not be the same. Moreover, both the notions “the interests of victims” and “the interests of justice” are open to different interpretations. Should “the interests of victims” be assessed in objective or subjective terms? Or both? And what circumstances should be considered as elements when determining “the interests of justice”? Arguably, this test leaves the Prosecutor with a considerable discretion. The Prosecutor is developing a consultative process to refine the interpretation of these provisions. There is also scope for special review by the Pre-Trial Chamber in case the Prosecutor declines to investigate on this ground alone.

One could, for example, find that a certain investigation into crimes committed in an ongoing conflict would lead to further violence against victims and hence not be in their interests. On the other hand, the investigation could also have the opposite effect, in particular if arrest and surrender of suspects would indeed be expected. As the Prosecutor has also underlined, careful timing may be essential and the ICC, being a permanent institution, has the opportunity to wait for the right moment before launching an investigation, perhaps in order to avoid increased hostilities or disruption of sensitive peace negotiations at a certain point in time. Also the finite resources of the Prosecutor’s Office require priorities to be made. The Prosecutor has set out his priorities in a public policy paper.

With respect to “the interests of victims”, an objective rather than subjective approach should be applied, which also seems to be the practice. However, in reaching conclusions, the opinions of victims groups are also considered, for example through a dialogue with concerned community groups and others in Uganda. Somewhat simplified, it would generally be in the “interests of victims” to investigate these most serious of crimes and thereby combat impunity in support of a sustainable peace and post-war

society, but opposing views may be taken into account in the determination of “the interests of justice”. As a practical matter too, an investigation would be very difficult to conduct against the opposition of a substantive section of the society in question. To initiate an investigation in spite of such opposition, and thereby a considerable risk of failure in practice, may not be in “the interests of justice”.

In practice, the Prosecutor appears to have taken a broader assessment. In the case of the DRC, the Prosecutor reportedly had

“concluded that an investigation of grave crimes in the DRC will be in the interests of justice and of the victims”.

Victims and their interests are afforded an important role in the activities of the ICC and the process for the commencement of an investigation is no exception. Both in law and in practice, victims’ interests are being observed and the ICC will continue to refine the parameters of the determination to be made.

Interview with Senator Robert Badinter

Mr. Robert Badinter, you are a French Senator, former Minister of Justice, former President of the Constitutional Council, Professor of Law and criminal lawyer. In 1981, then French Minister of Justice, you abolished the death sentence. The Statute of the International Criminal Court anticipates a range of sentences for persons found guilty of the most serious international crimes, but does not provide for capital punishment. Is this a major step forward in the fight against the death penalty?

The International Criminal Court, which all human rights defenders had been promoting for decades, incarnates the ideal of justice for the most odious crimes, those that affect humanity as a whole and which, nevertheless, have often remained unpunished. In achieving this goal of justice, the Court, like the *ad hoc* Tribunals for the former Yugoslavia and Rwanda before it, has turned its back on the death penalty. Thus, the 120 States that participated in the drafting of the Rome Statute have excluded any recourse to the death penalty, despite the fact that some of them still allow capital punishment in their municipal law. This is clearly a particularly strong recognition of the progress made by the cause of abolition of the death penalty.

What were the arguments for and against inclusion of the death penalty in the Statute of the ICC?

Alas, the arguments raised to justify the death penalty are only too well known. They result, not from a spirit of justice, but a spirit of revenge, completely foreign to the establishment of the International Criminal Court. On the contrary, as the States recognised through adoption of its Statute, the Court is concrete proof that, while respecting human rights and the rights of the defence, justice is meted out incontestably and without weakness. That is the source of this new court's strength.

Isn't there a danger in situations where two different regimes apply, depending on whether the accused is tried before the

International Criminal Court in The Hague, or in the country of origin?

The Court's jurisdiction is complementary to that of national courts. It is only designed to try cases that are not tried by national courts. It is true that some States still allow the death penalty, just as others still do not respect international standards of due process and the rights of the defence. In this respect, as a

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creation of the international community, the ICC will lead the way, it will be a model to follow. It must provide concrete examples from which State Parties will be able to learn lessons, in order to reform their own law. The exclusion of the death penalty is proof that abolition is now the majority principle throughout the world. It is likely that some States, abolitionists in practise, will follow suit and formally abolish capital punishment.

More generally, what may be the impact of the establishment and operations of the International Criminal Court for world justice and the rehabilitation of victims?

The Court will demonstrate that even beyond state borders, the most serious crimes cannot escape justice. The silence and oblivion that covered such crimes in the past will no longer be a cause of additional suffering for victims. Underlying the crimes falling within the Court's jurisdiction (genocide, crimes against humanity and war crimes), is a will to deprive human beings of their specificity, to dehumanise them. Through judicial action, through public condemnation of criminal acts, the Court will restore the humanity of all victims, in the name of all humanity.

Interview conducted by Clémentine Olivier of REDRESS

Interview with Father Javier Giraldo Moreno, human rights defender in Colombia

Since the end of the 1970s, Father Javier Giraldo has played a pivotal role in the defence of human rights in Colombia. Founder of *Justice and Peace* and coordinator of the sessions of the Permanent Peoples' Tribunal for the Americas on impunity, his commitment to respect for the rights of political prisoners, the families of disappeared persons, indigenous peoples, peasants, displaced persons and peace communities, all of whom are assassinated or threatened every day, has cost him two years in exile and a life under constant threat.

The man who brought the Trujillo case before the Inter-American Commission on Human Rights, currently represents the Peace Communities of *San José de Apartadó* before the Columbian courts. Within the framework of the centre for investigation and popular education (CINEP), Father Javier has compiled a precise, systematic data bank of acts of political violence in Colombia and their victims (reports are available at: www.nocheyniebla.org).

Based on your precise, systematic studies of violence in Colombia, what is your current analysis of the evolution and situation of human rights in your country?

The year 2003 was marked by 4,457 homicides, principally by paramilitaries. 1,191 persons were also held arbitrarily by the armed forces for political reasons, and at least 182 others have disappeared. These figures only reflect cases that can be proven. Indeed, it is really impossible to know the nature of the exactions committed in some regions, especially the southeast, which is under the control of military and paramilitary forces.

We are currently witnessing a sharp increase in arbitrary violations of freedom. The victims are always the same: civilians first of all, and those who aspire to a better life. For example, peace communities are mainly made up of peasants who refuse to take sides in the conflict; their members are currently tried or killed because they refuse to collaborate with the soldiers, paramilitaries or guerrillas. In order to denounce the corruption of justice in this country and systematic impunity, many now refuse to defend themselves or even be represented at trial.

The overwhelming majority of those responsible for these targeted, massive and systematic crimes are paramilitaries. Clearly this is State policy. The paramilitary tool is used to widen the grey zone between civilians and soldiers, to hide

the direct responsibility of the State. In the last few years, the paramilitary arm has not only been strengthened, but also legalized; now millions of groups of informers maintain direct, secret relations with the armed forces.

In this context of impunity, could the International Criminal Court be a solution in Colombia?

Absolutely. Impunity is total in today's Colombia. Although the Rome Statute has been ratified and is thus theoretically applicable, in practice it is impossible to try the authors of the most serious crimes. It is impossible to try the authors of crimes against humanity because, even when there are investigations, they always concentrate on a specific crime, seen in isolation and never in the context that makes it a crime against humanity. The investigations end in acquittals.

interview

Many magistrates who wanted to conduct investigations have been forced to leave the legal system, and are now menaced and unemployed. They have now created a collective called *asonal judicial*.

On 26 September, a Columbian newspaper reported on peace talks between the Alvaro Uribe government and the paramilitaries, the latter being assured that they would never be brought before the International Criminal Court. What do you think of that?

Can one really speak of peace talks between two friends? These talks are a joke. Of course the Government does not want the crimes committed under its responsibility to be tried, and it will do everything in its power to prevent the International Criminal Court from accepting jurisdiction. Nevertheless, the impunity must cease. The International Criminal Court has an essential role to play here.

Interview conducted by Karine Bonneau, FIDH permanent delegate to the ICC

REPRESENTING VICTIMS BEFORE THE ICC: A MAJOR CHALLENGE

By Luc Walley, *Avocats sans frontières* (Lawyers Without Borders) Belgium

For the time first in the history of international criminal justice, victims may participate in proceedings other than as prosecution witnesses. The Statute of the International Criminal Court and its Rules of Procedure and Evidence (RPE) provide that victims may make representations before the Pre-Trial, Trial and Appeals Chambers of the Court. They may also request reparations and even, in some cases, ask to question witnesses. Accordingly, the role of legal representatives of victims is, in many ways, comparable to that of defence counsel; yet important differences remain.

Victims need justice

Tomorrow, the International Criminal Court will try the crimes still being committed today in Uganda and the Democratic Republic of Congo. The priority for victims of these crimes is physical survival, the protection of their families and property, medical or even psychological assistance and a minimum of economic and social well-being. Experience shows, however, that even the most dispossessed victims also need truth, public recognition of the gravity of the crimes and reparations (albeit symbolic). In short, they need justice.

An enormous distance separates the Criminal Court from women raped by militiamen in a Congolese village, or youngsters kidnapped from school in Uganda. The principle role of legal representatives of victims is to attempt to reduce that distance. In this respect, the task is very different from that of counsel for a suspect imprisoned in The Hague, who is in direct, daily contact with representatives of the Prosecutor's Office and the Registry, and later with the judges. The victims will remain in their countries, sometimes threatened or subjected to pressure.

Who can represent victims?

RPE Rule 90 provides that legal representatives of victims must have the same qualifications as those laid down for defence counsel in Rule 22. They must, therefore, have established competence in international or criminal law and procedure, as well as the necessary relevant experience, whether as judge, prosecutor, advocate or in other similar capacity, in criminal proceedings, and speak English or French fluently. The Registry has already established a provisional list of counsel. Those who ask to be placed on the list may specify whether they wish to act as defence counsel, represent victims, or both.

Nevertheless, a team of legal representatives of victims will probably resemble a team of defence counsel less than one might imagine at first glance. For example, victims will not need at first investigators, but people close to them who speak their language and will be able to keep them informed of the proceedings, counsel them and organize dialogue within a group that may be made up of many persons. Victims do need professionally competent jurists

and experts, but will also want their spokespersons to understand, if not share their convictions and feelings. From this point of view, local lawyers and jurists active in local organizations would seem to be the most logical victims representatives. However, such counsel will be unable to appear before the Court unless the Registrar recognises their qualifications. These qualification requirements for legal representatives of victims thus create an urgent need for appropriate, targeted training in countries under investigation by the Prosecutor.

Even if the Registry does not include them in the list of counsel, local jurists will still play an indispensable liaison role, especially with respect to the public defenders who will be appointed by the Registry to represent the victims in the procedural stages, such as assistance during court sessions, or when lodging requests or submissions. A team of victims' representatives could take the form of a sort of network made up of jurists and social workers in direct contact with the victims in the field, international and local coun-

analysis

sel qualified to appear before the Court, and a public defender for liaison in The Hague.

Collective or individual defence?

Freedom of choice of legal representatives is the rule for victims too. However, war crimes and crimes against humanity are mass acts by nature, and there are often numerous victims. If too many people attempted to appear before the Court, the efficiency of proceedings would be affected. For this reason, the Rules of Procedure provide that where there are numerous victims, the Chamber may request all victims, or a specific group of victims, to choose one or more common legal representatives. If they are unable to choose, the Chamber may request the Registrar to designate a common representative. This could prove to be a delicate exercise. Indeed, the victims of a specific crime do not necessarily all have the same interests. They may be divided along political, ethnic or religious lines, and the Court and Registrar will have to take account of such differences when imposing a common representative.

Payment of counsel, legal aid and the Court's budget.

The survivors of genocide and victims of war crimes are often impoverished. This is certainly true for victims of the Congolese and Ugandan "situations" (to quote the expression used in the Court's Statute) currently being investigated by the Prosecutor. Thus, in order to obtain representation before the ICC, the victims will generally need legal aid. Yet there is only a limited possibility for legal aid from the Court itself. Rule 90 provides as follows: "A victim or group of victims who lack the necessary means to pay for a common legal representative chosen by the Court may receive assistance from the Registry, including, as appro-

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financial assistance." Under a restrictive interpretation of this rule, the Court would only pay representatives chosen for victims by the Chamber. However, at the very least, this rule should allow the remuneration of common representatives chosen by a group of victims, as long as their choice is reasonable. Otherwise victims will be obliged to renounce their freedom of choice if they wish to receive legal aid. It seems that the Registrar could share this interpretation.

The Registrar's proposal to provide for the remuneration of one team of victims' representatives per situation was finally adopted by the Assembly of States Parties for the 2005 budget. This appears to be the absolute minimum given that victims may need to make representations to the Prosecutor and the Pre-Trial Chamber from the earliest stages of proceedings, especially when questions of admis-

sibility and jurisdiction are being debated.

One alternative to legal aid being aired is a contingency fee system based on the sums obtained as reparations. Such a system is not perfect. It would only be useful in a limited number of cases, and donors may be shocked if representatives were to receive a proportion of awards made to victims from the Victims Trust Fund. Nevertheless, the draft Code of conduct, provisionally adopted by the Assembly of States Parties in September 2004, which prohibits any remuneration taking account of the results obtained, is too absolute.

In the meantime, nongovernmental organizations and foundations should perhaps step in to provide the means for victims to intervene effectively during the up-coming pre-trial proceedings.

The International Criminal Court, a new instrument in the struggle against impunity in Colombia?

By Karine Bonneau, permanent delegate of the FIDH to the ICC

The International federation of human rights leagues (FIDH), its three affiliated organizations in Colombia, the lawyers collective José Alvear Restrepo (CCA-Corporación Colectivo de Abogados "José Alvear Restrepo"), the Latin American institute for alternative legal services (ILSA-Instituto Latinoamericano de Servicios Legales Alternativos), the permanent committee for the defence of human rights (CPDH-Comité Permanente por la Defensa de Derechos Humanos), and *asonal judicial*, organized a regional seminar in Bogota (Colombia) from 27 to 29 September 2004, entitled, "The International Criminal Court, a new instrument in the struggle against impunity".

The seminar benefited from the active participation of three representatives of the International Criminal Court: Didier Preira, Head of the Victims and Counsel Division within the Registry, Paul Seils, Director of the analysis section of the Jurisdiction, Complementarity and Cooperation Division within the Office of the Prosecutor, and Gabriela Gonzalez, from the Victims Participation and Reparations Section of the Registry. Also participating in the three day seminar were the Deputy Director of the Office of the

United Nations High Commissioner for Human Rights in Colombia, academics and Columbian Senators, as well as international and national human rights organizations.

The public of between 150 and 200 students, judges, lawyers and soldiers, were made aware of the reality of the International Criminal Court today and received theoretical and practical training on Court operations, leading to consid-

eration of the role it might play in Colombia in the future, given the context of human rights violations in the country.

For more information, an article will be available later on the website of the victims rights working group (www.vrwg.org), or by contacting Karine Bonneau - kbonneau@fidh.org.



Organisations that have affiliated themselves to the VRWG include:

Amnesty International • Avocats Sans Frontières • Centre for Justice and Reconciliation • Coalition for the International Criminal Court • European Law Student Association • Fédération Internationale des Droits de l'Homme • Human Rights First • Human Rights Watch • International Centre for Transitional Justice • International Society for Traumatic Stress Studies • Justitia et Pax • Medical Foundation for the Care of Victims of Torture • Parliamentarians for Global Action • REDRESS • Women's Initiatives for Gender Justice

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