



## Comments and Recommendations on the “Draft ICC Strategy in Relation to Victims of 18 August 2008”

November 2008

### I. Introduction

The Victims’ Rights Working Group (VRWG) welcomes the Court’s initiative to develop a court wide strategy on victims, in response to Resolution ASP/5/Res.2 adopted by the 2006 meeting of the Assembly of States Parties.<sup>1</sup> It follows a paper and logframe, issued by the VRWG in November 2007, as a means of contributing to dialogue on the victims’ strategy.<sup>2</sup>

The first “DRAFT ICC Strategy in Relations to Victims” (the Draft) was released by the Court on 18 August 2008. The Strategic Planning process is an opportunity for the Court’s organs to step back from their day-to-day operations and to project a shared, long-term vision for the court. While the Strategic Plan itself may fall a bit short on this goal, we see subsidiary strategies—like the victim strategy—as offering continued opportunities to develop and articulate a shared vision.

These comments and recommendations relate specifically to the Court’s draft, as well as some broader overarching principles. We hope that the issues raised in this paper will be considered and reflected in future revisions of the Court’s draft victims’ strategy.

While this paper compiles the VRWG’s core concerns and main recommendations in relation to the Draft, it should be noted that comments and recommendations are not exhaustive. Members of the VRWG or the Group as such might have further comments. Some of these have been shared with the Court at the consultation meeting which took place on 3 October 2008.

The Group is appreciative of the efforts of the Court to release its Draft some weeks in advance of a consultative meeting with NGOs in October. However, the Group has been disappointed at the consultation process organised by the Court in relation to the development of the Victims’ Strategy. The VRWG and its members would have welcomed the opportunity to engage in substantive dialogue on the issues at stake earlier on in the process. Similarly, although we appreciate that we sent our comments only shortly before the consultation meeting organised by the Court in early October, we would have expected more interaction and response during this meeting. We recommend that the consultation process be improved in 2009 with regard to the preparation of the final version of the strategy. Members of the Group would be happy to discuss in more detail how the process of consulting civil society could be improved.

Overall, we look forward to continuing to engage in dialogue with the Court on this very important matter.

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<sup>1</sup> The Resolution encouraged the Court to further develop its dialogue with the Bureau on its Strategic Plan and in so doing, to focus on concrete implementation of issues such as the position of victims in the Court’s proceedings.

<sup>2</sup> A Strategy on the Role of Victims before the ICC, November 2007, available at:

[www.vrwg.org/Publications/01/VRWG%20Victims%20Strategy%20Nov07.pdf](http://www.vrwg.org/Publications/01/VRWG%20Victims%20Strategy%20Nov07.pdf) and logframe at [www.vrwg.org/Publications/01/VRWG%20Victims%20Strategy%20Log%20Frame.pdf](http://www.vrwg.org/Publications/01/VRWG%20Victims%20Strategy%20Log%20Frame.pdf).

## II. Overarching Principles

Before commenting generally and specifically on the current Draft, we wish to recall briefly the overarching principles set out in our November 2007 paper:

The preamble of the Rome Statute recognises the plight of victims as a fundamental *raison d'être* of the Court, being “mindful that during this century millions of children, women and men have been victims of unimaginable atrocities”. The privileged place that these concerns are given is also reflected in the Court’s Statute and Rules in numerous provisions, recognising victims’ rights (*inter alia* the right to be informed of certain decisions, to legal standing, to legal representation, to protective measures and the ability to claim reparation). These provisions mirror the spirit and vision of the *Basic Principles and Guidelines on the Right to a Remedy and Reparation*<sup>3</sup> and the 1985 Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power.<sup>4</sup> This is acknowledged in the current draft at pages 5<sup>5</sup> and 45<sup>6</sup>.

The capacity of the Court to implement its vision regarding victims will be a key marker by which victim communities and supporters of effective international justice will measure the Court’s success. It is vital that the justice process does not reinforce victims’ disempowerment and trauma; the Court strategy must aim at avoiding re-victimisation at all costs. The justice process should empower and value victims as active participants in the quest for justice. Victims must be valued in their many roles as key stakeholders, partners, witnesses, clients and beneficiaries.

The development of a victims’ strategy provides an opportunity for the Court to put in place operational structures that will be needed to implement the strategy. The strategy document should thus clearly set out the goals, the desired outcome as well as indicators to measure success.

## III. General Comments

The VRWG acknowledges the difficulties inherent in devising an appropriate and effective strategy for victims at the ICC, given the variety of viewpoints and perspectives and given the number of different organs involved. We appreciate the opportunities that continue to be provided by the Court for comment and dialogue.

Having carefully reviewed the document prepared by the Court, we have the following fundamental concerns about the current Draft:

- i) The Victims’ Strategy should be a visionary document intended to guide the Court on victims’ issues, provide clarity on emphases, goals and deliverables. In this regard, we find the Draft’s general structure inadequate as the document lacks vision and is overly descriptive.
- ii) The document does not adequately reflect the one-court principle. Although several sections and organs of the Court have worked on the Draft, the way the document is structured and phrased shows that rather than working *together* on a common vision, different organs and sections have sought to insert their respective activities in relation to each of the issues. Overall, the Draft is a description of coordination of activities among the different sections of the Court working on victim issues, rather than a visionary strategy paper on the Court’s mission with respect to victims. We would have expected the document to refer to “The Court” in general as opposed to the different organs or sections.

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<sup>3</sup> Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law, Adopted and proclaimed by General Assembly resolution 60/147 of 16 December 2005.

<sup>4</sup> Adopted by United Nations General Assembly Resolution 40/34 of 29 November 1985.

<sup>5</sup> See: “Victims’ participation is a well-defined right, not a privilege”.

<sup>6</sup> See footnote 39.

- iii) The Draft fails to address a number of issues that the VRWG continues to consider important, if not crucial, such as the strategy on legal aid for victims, common legal representation, criteria for grouping of victims in the context of victim participation, the role of intermediaries and the role of the OPCV.
- iv) In a number of areas, the document identifies what ‘needs to happen’ without setting out how the Court will undertake the work to make things happen, or the strategy that is indicated is ‘to develop a strategy’ which seems too little and too late, given that the ICC has already been operational for some time.
- v) Although we welcome the identification of challenges in relation to each of the issues, the “key strategies” sections of the document fail to adequately indicate how to address all the challenges described.
- vi) In a number of areas, the Draft demonstrates a defeatist approach regarding the role of victims within the ICC and the ability of the latter to cope with it.
- vii) There is no clear link between the Draft and the mission, goals and objectives provided for in the Strategic Plan of the Court. Although we believe that the latter Plan must be critically considered, it seems to us that to ignore it completely demonstrates a certain lack of coherence.

The following paragraphs elaborate on some of these points, which we consider to be crucial in the development of the Victims’ Strategy.

#### **a) The need for vision**

A Court-wide victim strategy should provide a vision on all aspects of the work of the Court that relate to victims (including related bodies such as the Offices for Public Counsel and the Trust Fund for Victims). The strategy should provide a clear framework but remain flexible so that it can be adapted to the different situations where the Court operates, and to new challenges that the Court will face in years to come.

The current Draft provides no clear vision on the role of victims before the ICC, and fails to marry such a vision with the three Goals in the Court’s Strategic Plan (the quality of justice, a well recognised and supported institution and a model administration).<sup>7</sup>

The Draft lacks of a clear mission and common principles that should guide the Court’s work on victims’ issues.

#### **b) The necessity of setting out plans for the future, as opposed to simply stating current practice**

The Draft approaches each section by first identifying the ‘challenges’, then strategies are at times identified to overcome the challenges. We believe this is a ‘reactive’ approach that clearly limits what the ICC will achieve and fails to capture the ‘big picture’ vision reflected in the Rome Statute’s preamble. In particular the methodology and indicators proposed in the Part III<sup>8</sup> of the document are very general and lack substance. The Draft indicates that “A methodology is still under discussion within the Working Group and will be shared with the external partners in advance of the consultations,” though to date these have not been received.

The current Draft describes what the ICC’s various organs and sections are presently doing or have done in the past. It also describes the applicable provisions/legal framework in each area of concern for victims. In addition, it identifies and describes the challenges. Where objectives and strategies do appear within the text they are hidden amidst masses of text, and fail to set out an action plan on how the strategies and objectives will be met.

<sup>7</sup> These goals were identified by the ICC in its Strategic Plan dated 4 August 2006.

<sup>8</sup> Part III “Measuring the impact of strategies in relation to victims”.

### c) The necessity of a rigorous approach and methodology

The terms ‘goals’, ‘objectives’ and ‘activities’ are not always used consistently,<sup>9</sup> nor does the Draft seem to follow a rigorous methodology. Greater uniformity in the terms used would help clarify what it is the strategy intends to achieve and how. These will be crucial for the adoption of appropriate management tools to track progress and to allow for clear and transparent monitoring and evaluation.

### d) The necessity to “make it happen”

In a number of instances, this Court document emphasises that the victim strategy *is not, in the hands of the Court*. The first part of the Draft (“Factors influencing strategies in relation to victims”) often refers to the role of States, and to the security situation in the respective country areas.<sup>10</sup> The Draft also seems to infer that the strategies suffer from the Court’s lacks of practice, given the short period of time since its inception.

Although pragmatism is essential when designing a strategy, the Draft should not adopt an approach that one could qualify as “defeatist”. The Victims’ Strategy should start by identifying its vision - where it would like to be (the big picture), as well as the programmatic objectives for each issue, which must correspond to the vision. The methodology should flow from the objectives. The challenges are those which flow from the difficulties for activities to meet objectives. The ‘challenges’ should not be set out in such a way so as to absolve the ICC’s responsibility for meeting objectives - they are simply the ICC’s operating environment - conditions which must be taken into account when determining appropriate actions and responses. The Court (and the Court alone) is responsible for its work, and strategies/solutions must be found to counter the obstacles (including the insecurity in certain areas), in order to ensure that the mandate of the ICC regarding the victims is fulfilled.

### e) The necessity to have a “self-sustainable” strategy

The Draft indicates<sup>11</sup>:

“The Court within its mandate can do a lot, but it is clear that the Court cannot meet these challenges alone and will only succeed if it works with other actors, non-governmental and community-based organisations, local authorities, States Parties and international organisations”.

In numerous other paragraphs the Draft refers to the role of the local organisations and the intermediaries between the Court and the victims.<sup>12</sup>

While the VRWG appreciates that the strategy of the Court must take into account the pivotal role and the tremendous work accomplished by intermediaries, it is the view of the Group that the strategy should not excessively rely on intermediaries and local or international NGOs to accomplish tasks that are within its mandate as per the Rome Statute, particularly when the Registrar has consistently failed to factor the costs and risks of intermediaries into its budget. Local NGOs in affected areas have little financial and logistical means, so their participating in the Court’s activities should not be taken for granted unless the Court is prepared to meet the financial responsibility that that entails. Furthermore, the strategy of the Court must ensure that the system is functioning at all times and is not made dependant on outside parties who may, given the nature of the political and social contexts in situation countries, not always be capable of fulfilling roles that the Court has assigned to them. Finally, the strategy of the Court should ensure respect for intermediaries, so as not to create an impression that the latter are being “used”.

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<sup>9</sup> See for example Draft of the ICC pp. 3, 4, 6, 7, 9, 15, 40 etc.

<sup>10</sup> See for example, Draft of the ICC, p. 6, Section I, 1, a), e), f). See also pp. 15-16, section 2.3.

<sup>11</sup> Draft of the ICC, p. 3.

<sup>12</sup> See for example Draft of the ICC, pp. 10, 11, 12, 20, 21, 24, 25, 26, 27, 28, 29, 32, 36.

The VRWG believes that the Strategy offers an ideal opportunity to clarify the relationship that the Court has with intermediaries, what it expects from them and what it can offer in exchange, including with regard to protection. Therefore, the document of the Court should include strategies regarding its collaboration with NGOs/intermediaries, the selection criteria of such intermediaries, the nature of the relationship between the court and the intermediaries, and the mechanisms of oversight over and evaluation of the activities of intermediaries (on ethical issues, for example).

#### **IV. Comments section by section**

##### **a) Structure of the document**

- The VRWG believes that the structure should be reworked to avoid repetitions and to significantly shorten the document.
- The setting out of the legal framework before each section does not seem to be necessary. Should the Court feel that it is necessary to describe the legal provisions applicable to victims' issues, that could be done in the form of an annex.
- Instead, each section should set out succinctly but clearly the goals, the objectives and the activities to reach these.

##### **b) Introduction**

- The Introduction appears to be unnecessarily long.

##### **c) Part I**

- The Group has no particular comment on this part.

##### **d) Part II**

###### **i) Section 1: Strategies in relation to communication with victims**

Section 1 does not set out clearly how the Court will cope with communication issues and ensure communication with victims. It describes what the Court has been doing, rather than its future strategies to accomplish particular objectives. It is unclear how the Court intends to measure progress in achieving objectives, given the lack of clarity in the identification of the precise goals and the absence of baseline information and programme indicators.

The court has a stand-alone Strategic Plan on Outreach which grew out of a recommendation by the Committee on Budget and Finance in 2006. This as well as some of the key objectives from this strategy, are set out in Section 1 of the Draft. The VRWG recommends that more careful consideration is given to reaching out to victims (as opposed to other target groups), as well as to the specific key messages that the Court should focus upon. In addition, greater emphasis could be placed on two-way communication, and in particular on the feed-back received from victim communities, including how this is taken into consideration in the development of ongoing communications strategies.

In addition, the VRWG recommends that further consideration be given to strategies in relation to:

- Communication with specific vulnerable or marginalised groups, including female victims of sexual violence;
- Informing the “media” on victim-related issues;
- Ensure that victims are informed in a language they understand and through creative tools culturally relevant to affected communities; and
- Improve presence in the field, to conduct outreach activities, as well as to channel feed-back to headquarters on the reality of victims in the field.

###### **ii) Section 2: Strategies in relation to protection of victims**

- A strategy on protection of victims should set out the common position of the Court on
- the Court's vision and plans in terms of protection and support it should afford to victim participants and applicants, as well as intermediaries; and
  - what is required to make victim protection and support programmes a reality (for example, what role field offices and field staff should play; the required human and financial resources).
- Section 2 is vague and purely descriptive of current practices. It does not set out clearly how the Court will ensure protection, nor does it set out the Court's future strategies to accomplish particular objectives. Section 2 does not identify plans to ensure protection - including extra-procedural measures if necessary- of victims from the moment in which they submit a complete application to participate in proceedings (cf. 18 January Trial Chamber decision in the Lubanga case), and/or how victims who are witnesses will be protected (and by whom within the Court) from their first interaction with Court officials.
  - Section 2.3:
    - The Court must find strategies to protect victims even in zones where there is insecurity.
    - The Draft indicates that the Court relies heavily on logistical support of national authorities or international organisations or agencies. The VRWG believes Court should develop strategies to be able to ensure victim protection, without depending excessively on external actors.
  - Section 2.4.2: The Draft refers to the possibility for victims to specify that information in application forms is not disclosed to the Prosecution, the Defence or the general public. It should be noted that the practice has demonstrated that the victim often misunderstands this section of the forms, or does not realise what is at stake. Furthermore, it is unlikely that participating victims will be able to remain anonymous throughout the Court proceedings; certainly this would limit their participation rights before the Court should they choose to remain anonymous. The strategy therefore places sole responsibility on the individuals concerned - where they want to fully participate, they can only do so at the risk of exposure and reprisal.
  - Section 2.4.3:
    - The Draft indicates "the Court will further develop strategies for encouraging States, international organisations and other relevant actors to cooperate with the Court in matters pertaining to the protection of victims." The Draft however does not explain what these strategies are, or whether any such strategy has already been developed. The Victims' Strategy provides an opportunity for planning ahead and, where possible, development of strategies should not be further delayed.
    - The Draft also refers to the important role that States play in relation to the protection of its citizens and other individuals located within their territory. As indicated above, the VRWG believes that protection of the victim is a positive mandate of the Court.

The VRWG, recommends that further strategies be developed in respect to the following particular issues regarding protection:

- Further clarifying the eligibility of victims for existing protective measures and security arrangements and introducing flexibility to these programs to address the full range of victim and intermediary protection needs and to provide more rapid response to security incidents;
- Consideration of additional measures, including appropriate training and the development of clear security policies regarding intermediaries who work with victims.
- Establish networks and strategies for victim safety (including physical and psychosocial safety) from their initial contact with the Court, including through establishing a local focal point and agreements with relevant partners in the field;

- Strategies to ensure that victims who are not necessarily witnesses receive adequate protection;
- Strategies to ensure that Chambers staff and Defence staff (and not only Prosecution and Registry staff) have specific training in order to ensure sensitive and appropriate victims and witness handling.

### iii) Section 3: Strategies in relation to support and assistance to victims

Section 3 describes the current practices of the Court, but not what is foreseen in the long term. Issues seem to be handled in a general and vague manner instead of being evaluated concretely. Overall, the description is focused on witnesses and omits information on support and assistance to victims who will not be witnesses or will not play role similar to witnesses. Such strategies should take into account the implications of the decision of Trial Chamber I of 18 January 2008.

- Section 3.2: The Draft indicates that the Registry is developing criteria for determining which support measures may be provided to victims at which stage of their interaction with the Court. The VRWG encourages the Registry to continue to work on these criteria and to make them public in a future version or update of this Strategy.
- Section 3.4.2: This Section should positively incorporate the decision of Trial Chamber 1 to clarify what victims are entitled to assistance. This decision indeed held that a victim who filed a complete application for participation in proceedings with the Court is entitled to protection and assistance.
- Section 3.4.3: The Draft indicates that it is preparing a quality control mechanism though the quality marks are not set out. The Draft should develop and explain further what this quality control consist of, what is tested and how.
- Section 3.4.4:
  - The Draft indicates that the Registry has developed ‘support programmes’ though it is unclear how they relate to objectives or indeed what these “support programmes” are.
  - The Draft refers to the need to manage expectations. This should be moved to the section on communications.
  - The Draft sets out the finding of Trial Chamber in the Lubanga Case, which determined that the VWU is responsible for undertaking the process of witness familiarisation, in consultation with the party introducing the witness before the Court; the Draft then sets out in details what the Trial Chamber considered that this witness familiarisation process includes.<sup>13</sup> The strategy document should clearly explain *how* the VWU will fulfil its responsibilities - not only to describe what its responsibilities are. It is furthermore unclear to what extent these activities or similar activities will be applicable to victim participants, including those who are not witnesses.

### iv) Section 4: Strategies in relation to participation of victims in the proceedings

Section 4 describes the current practices of the Court, but not the precise objectives and what is foreseen in the long term to meet them. Challenges or obstacles identified are not adequately addressed and no solutions are proposed to solve them.

- Section 4.3: The Draft indicates: “while the Court does have a legal aid budget for victims’ legal representation, it may not be sufficient to cover all legal teams representing groups of victims participating pursuant to decisions of the Chambers during pre-trial and trial proceedings before the Court”. The Draft does not, however, envisage strategies to solve this major budgetary issue. It is also surprising that such an affirmation is made in the current situation of a provisional legal aid scheme for victims, pending further Chambers’ decisions on modalities of participation. The VRWG believes that any such statement on the extent to which the Court will be able to cover legal aid costs for victims should at least be based on a comprehensive study on different legal aid options for victims’ legal representation teams.

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<sup>13</sup> Draft of the ICC p. 21.

The VRWG recommends that the following issues regarding victim participation be given further consideration:

- victims' *substantive* capacity to participate (for example, where supported by sufficient evidence, developing strategies to bring charges representative of main types of victimization, therefore best affording victims the opportunity to participate in proceedings).
- Victims' capacity to respond to procedural needs when there are translation or other access issues.
- The desirability and possibility to hold trials or hearings *in situ* to enable a more meaningful participation of victims.
- Organisation of consultations involving actors who could assist constructively in the development of policies and principles.
- Assisting participating victims who want to attend hearings, even if non *in situ* .
- Strategies to alleviate the burden on intermediaries, and to ensure their safety as far as possible.
- Strategies to ensure an effectively expeditious and sensitive handling of victims applications, as well as that a decision within a reasonable amount of time; strategies to improve transparency in this respect (clarification on the procedure to be followed by Registry in handling applications)
- Strategies to overcome evidential obstacles (similar to what has been done in other processes dealing with mass violence, such as Holocaust reparations or cases before the Inter-American Court; standards of proof, presumptions, creative sources, use of patterns and corroboration, judicial notice.)
- Strategies to use electronic tools and databases to expedite the processing of applications, in particular for reparations (development of procedures to electronically group applications according to certain criteria-through so-called "Computer Action Request", and make "mass" decisions on such groups, as has been done in mass claims processing.)

#### v) Section 5: Strategies in relation to assistance and reparations for victims

Section 5 describes the current practice of the Court, without proposing objectives and the methodology to meet the objectives.

- Section 5.4.1: The Draft lists here some concrete strategies. The VRWG believes that this approach should have been followed in other sections of the Draft . Nonetheless, it would be helpful if this section clarified how the Trust Fund intends to select beneficiaries for its assistance programme, while ensuring transparency, efficiency and emphasis on the greatest needs, as well as criteria and methodology for monitoring and evaluating projects.
- Section 5.4.3: the Draft indicates: "Despite the difficulty in predicting the numbers of applications for reparation that will be received, and therefore the staffing and resources required to process them, the Registry is developing methods for processing a large number of applications, while ensuring quality, accuracy and confidentiality." This sentence provides a good example of comments we have made in relation to Draft: It is under the title "key strategies", but the sentence sets an objective, while the strategy itself is not explained. For example here, what are these methods? Is there a strategy to ensure certain scalability in the necessary staffing?
- Section 5.4.4: This section of the Draft mainly describes the legal framework once again, and what should be done according to the Statute and the Rules. Conversely, it does not set out strategies to comply with these obligations.

The VRWG recommends that the following issues be given further consideration:

#### a) Regarding the Trust Fund

- Strategies for effective consultation with victims and victim communities on issues relating to reparation and support from the Trust Fund.
- Strategies for assessing priorities, seeking assistance of external experts, etc.
- Strategies for ensuring financial transparency in the disbursement of awards and in working with implementing partners in receipt of funds from the Court or the Trust Fund.

- Greater clarity on the relationship between the Court’s judicial processes and the Trust Fund for Victims.
- Possibly, strategies to encourage States to set up an “ICC national Fund”, similar to what was done in Canada

b) Regarding reparation at the end of judicial proceedings:

- Strategies relating to the development of principles relating to reparation, according to Article 75(1) of the Statute.
- Strategies regarding application process, including possibly strategies to reflect the possibility of collective reparation in the application process (i.e. Can victims apply collectively, and if yes, how?).
- Strategies for handling large numbers of victims applications, in particular through use of mass claims techniques to speed up individualised applications (including, strategies to find out “duplicates”)
- Strategies to ensure the implementation of the Registry of obligation to “assist” victims in completing their request (Regulation 88 2. of the Court). This strategy cannot solely rely on intermediaries, or the Court must ensure that the intermediaries have the capacity to assist, and are compensated for their expenses.

vi) Section 6: Strategies in relation to legal representation of victims

- The VRWG has discussed with the Court in the past the importance of affording legal representation to victims from the earliest stage possible, in particular during the application phase. The VRWG regrets that this important matter has not been adequately discussed in the Draft. Similarly, the VRWG would have expected more clarity on the role of the OPCV, its objectives and strategies.
- Section 6.3:
  - In this section about the “Challenges”, the Draft identifies the challenge of the absence of legal representation for most victims pending decision on their participation status by the Court. However, no strategy mirrors this issue in section 6.4. In particular, no consideration is given to the possibility of extending legal aid to this period (possibly retroactively).
  - This section identifies issues related to the security and protection of the victims’ legal representatives, yet no strategy mirrors this issue in section 6.4.
- Section 6.4: this section is also descriptive and lacks proposal of concrete strategies.
- Section 6.4.4: The Draft states: “The Registry is also taking steps to make the legal aid system accessible to and fair for the victims, taking into account the difficult circumstances in which most of the victims live, for instance by tailoring the process of establishing indigence so that it meets the requirements of transparency and accountability while at the same time minimising the burden on the victims.” The VRWG is disappointed at the system currently in place for determination of victims’ indigence. The Group thus encourages the Registry to consider this issue further. We regret, however, that the Court has not seized the opportunity of devising concrete strategies in this regard in the Victims’ Strategy document.
- This entire section is very vague, and describes only the legal framework and the current practice of the Court, without setting out clear strategies to cope with these issues, on the long term and the way forward.

The VRWG recommends that the following issues be given further consideration:

- Granting of legal aid to victims from the earliest phase, and in a timely manner allowing a meaningful and actual participation;
- A more flexible approach in the determination of indigence;
- Possible strategies in relation to common legal representation.

e) Part III

This part appears to be still preliminary. It does not, at this stage, provide a concrete and clear view of how strategies in relation to victims will be measured, including a use of both qualitative and quantitative indicators.

The VRWG strongly recommends that the structure and methodology applied in the development of the Victims' Strategy be improved so that clear objectives, strategies and activities are identified. We believe that this will greatly facilitate development of adequate indicators and identification of measures to evaluate the Strategy's impact.

**V. Using Logframes**

The VRWG encourages the Court to review its strategy with a view to defining a clear vision, setting out concrete short, mid- and long term objectives, and to devising appropriate activities which taking into account relevant challenges. A logframe approach is recommended, e.g.<sup>14</sup>:

Objective	Challenge	Strategy	Activity	Means already implemented	Means that should be implemented in future
“to cultivate a level of awareness and understanding of the Court appropriate to the stage of the Court’s activities in affected communities” <sup>15</sup> =Victims know about and understand mandate of the Court (including victims mandate)	logistical and security concerns	<ul style="list-style-type: none"> <li>- empower outreach staff with sufficient decision making power</li> <li>- Develop relationship with intermediaries and partners able to reach victims</li> </ul>	Ensure a participatory outreach through Court staff and through intermediaries	<ul style="list-style-type: none"> <li>- organise participatory workshops conducted by Court Staff and intermediaries</li> <li>- organise broadcast of radio programmes</li> </ul>	<ul style="list-style-type: none"> <li>- Intensify number of workshops. Improve quality.</li> <li>- train intermediaries to enable them to conduct workshops alone and assist them in the preparation of workshops</li> </ul>

<sup>14</sup> Such a table could then be refined by Situation/Country. It could be helpful to evaluate how far the Court has gone in implementing strategies and what remains to be done in each Situation/Country.

<sup>15</sup> Draft of the ICC, p. 9.