Dear Chairman, Facilitators and Excellencies,

I am pleased to address this facilitation on behalf of the Victims’ Rights Working Group (VRWG) - a network of over 500 national and international civil society groups and experts created under the auspices of the Coalition for the International Criminal Court in 1997.

We would like to first take the opportunity to thank the facilitators for seeking the input of civil society at this early stage of the Hague Working Group’s discussions and for seeking to build upon the constructive exchange developed in 2012. We look forward to working together with states and the Court in the year ahead to ensure the full realisation of victims’ rights. In this respect, we remain committed to supporting your efforts and to make available to you our experience and expertise working with victims in a wide variety of contexts.

In brief, the Victims’ Rights Working Group would like to emphasize three points we would encourage states to bear in mind in their discussion of victim-related issues in the lead up to the 12th session of the Assembly of States Parties:

- First, as emphasized at the Assembly’s 11th session in November, any changes to the legal framework governing the application and participation of victims in proceedings before the Court must be preceded by a comprehensive evaluation of how the system has worked to date. In this context, we encourage States to seek input from victims, their legal representatives and nongovernmental organisations working with victims, both in The Hague and in situation countries.

- Second, we believe there is a need for more discussion and practical engagement with victims on whether a ‘predominantly collective approach’ is indeed the best approach to ensure respect for the rights of victims as enshrined in the Rome Statute, and the sustainability of the participation system. In this respect, we call on States to reaffirm their commitment to the Court’s reparative justice mandate, and to consider whether the system as implemented so far has achieved these goals. Reviews should respect the judicial independence of the Court, thereby making options, analysis and expertise available to the judiciary, whilst safeguarding the effective development of the Court’s jurisprudence on victims’ rights. The staff of the Court dealing with the practical challenges on a daily basis should also be encouraged to contribute to these discussions.

- Finally, we recognise that the agenda allocated to this facilitation is considerable. We understand that you will consider: the Court’s revised strategy in relation to victims, the guidelines on intermediaries, victim participation, reparations, as well as preparations for discussions on victims and affected communities at the 12th session of the Assembly. The VRWG thus welcomes the establishment of a clear timetable for considering these issues over the coming months as a way to enable the Court, the VRWG and other relevant bodies to offer timely and constructive input into these discussions in order to support your efforts.

Thank you for your consideration.

Montserrat Carboni
FIDH Representative at the ICC, member of the VRWG