

ADDRESS TO THE PLENARY

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on behalf of the Victims Rights Working Group**

Yesterday the UN Secretary General urged us to feel, at every moment during these negotiations, that the eyes of the victims of past crimes, and of the potential victims of future crimes, are fixed upon us. It is this theme of how the ICC can do justice in the eyes of victims that I wish to take up.

The establishment of an international criminal court, able to bring to justice those responsible for the most heinous crimes, is itself an important symbol for survivors of those crimes.

But punishing criminals is not enough. There will be no justice without justice for victims. And in order to do justice for victims, the ICC must be empowered to address their rights and needs. There is increasing recognition at both international and national levels of the need to ensure that criminal justice does take account of victims' rights:

- At the international level, the UN Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power calls for a greater responsiveness of judicial processes to the needs of victims, and for victims to be treated with compassion and respect for their dignity.
- At the national level, while there are different traditions as regards the position of the victim, there is a trend towards a greater acknowledgement of victims rights in criminal proceedings, including opportunities for them to obtain compensation, restitution and other forms of reparation without having to undergo the added distress involved in initiating separate legal proceedings.

Victims have a wide range of needs which must be met if the process of healing and reconciliation is to take place. They need to have the opportunity to speak the truth about what happened to them, however painful that might be. They also need to hear the truth: to receive answers, and official acknowledgement concerning the violations. They need to be protected from further harm. They need to be involved in the judicial process. And they need compensation, restitution and rehabilitation. All these needs, now largely recognized in international law, have been translated into rights.

It should be recognized that victimisation affects not only the individual victim but families, communities and whole societies.

How can the ICC adequately and effectively address the needs and rights of victims?

First, it is essential that the Court be able to guarantee protection for victims and other witnesses in the proceedings. This means a strong and effective victims and witnesses unit with adequate powers and resources.

Second, women - who are a majority of victims and are often victims of sexual or gender violence - must have appropriate structures and personnel with gender expertise to ensure proper respect and treatment. Recognition of crimes against women is itself a crucial aspect of justice and the healing process.

Third, child victims will also require specialised treatment and mechanisms.

Fourth, it is important that victims are involved in the judicial process as more than mere bystanders. Adequate provision must be made for their effective participation in the proceedings.

Fifth, the Court must be able to ensure the right of victims and their families to reparation. Reparation is defined in the draft UN Principles and Guidelines on the right to reparation for violations of human rights and humanitarian law. It includes not only compensation but also restitution, rehabilitation, satisfaction and guarantees of non-repetition.

Finally, if the Court proves able to effectively bring to justice those responsible for the crimes within its jurisdiction, that will do most of all to make victims feel that justice has been done.

Let us hope that we will be able to fulfil the expectations of the victims whose gaze is fixed upon us. Let us not let them down.