

SECRETARIAT OF THE ASSEMBLY OF STATES PARTIES

Twelfth session of the Assembly of States Parties

Plenary session on victims and affected communities

Concept note by the co-facilitators¹ for victims and reparations issues

1. The Assembly of States Parties, through its resolution ICC-ASP/11/Res.8, “[decided] to include a specific item on victims and affected communities on the agenda of its twelfth session”. Pursuant to this mandate, the Bureau of the Assembly of States Parties decided that there will be a separate segment to discuss the topic of victims and affected communities at the plenary session of the twelfth Assembly of the States Parties, and allocated in the ASP work programme **Friday, 22 November, from 10:00 to 13:00 hours** dedicated to this item.
2. Colombia and Tunisia, co-facilitators for victims and reparations issues, decided to build upon the outcome of the Review Conference stocktaking exercise, with the topic “[t]he impact of the Rome Statute system on victims and affected communities”². The plenary session will consist of a **panel** with the topic of **“Beyond Kampala: reaffirming the value of the victims’ mandate of the Rome Statute System”**.
3. While the Review Conference stocktaking exercise acknowledged important achievements in the impact of the ICC for victims and affected communities, they also pointed out challenges, such as a lack of sufficient and correct information, expectations on reparations, concerns associated to security risks to victims and witnesses, unclear role of intermediaries and a need to strengthen the support for the Trust Fund for Victims. Whereas progress has been achieved since the Review Conference, e.g. the adoption by the Court of a comprehensive “Revised strategy in relation to victims”, the raised awareness among States Parties on the critical role of their cooperation in this regard, increased voluntary contributions to the Trust Fund for Victims, and the adoption and implementation by some States of national reparations programmes, more could be done.
4. The panel will provide an opportunity to consider progress and measures to enhance the system and to reaffirm the commitment to the Court’s mandate towards victims. In particular, the Assembly could consider what measures States parties can take to realize the full reparative potential of the Rome Statute system. The report of the Bureau titled “Victims and affected communities and the Trust Fund for Victims, including reparations and intermediaries”³ will provide a good basis for discussion on the topic.
5. The co-facilitators have identified the following experts for the panel, which will be moderated by Mr. David Donat-Cattin (Parliamentarians for Global Action).

Ms. Fiona McKay, Chief, Victims Participation and Reparations Section, International Criminal Court

Mr. Motoo Noguchi, Chair of the Board of Directors of the Trust Fund for Victims

Mr. Fidel Luvengika Nsita, Congolese victims' legal representative in the Katanga case

Mr. Francois Roux, Head of Defence Office of the Special Tribunal for Lebanon

Ms. Mariana Goetz, Redress’s Deputy Director / Director of Programmes

¹ Ambassador Eduardo Pizarro Leongómez (Colombia) and Ambassador Mohamed Karim Ben Becher (Tunisia).

² International Criminal Court. Assembly of States Parties, *Stocktaking of international criminal justice. The impact of the Rome Statute system on victims and affected communities. Final report by the focal points (Chile and Finland)*. RC/11, para 5. Available on the International Criminal Court’s website: http://www.icc-cpi.int/iccdocs/asp_docs/RC2010/RC-11-Annex.V.a-ENG.pdf

³ ICC-ASP/12/38.

6. After a moderated debate all participants are strongly encouraged to participate actively in the **interactive plenary discussion** to provide for a universal and broad exchange on this matter. This could include responses to the panel discussion, as well as statements reflecting on experiences with national processes and guidance for the work of the Court in the future. Furthermore, States might wish to inform the Assembly about the measures they are already taking to support the positive impact of the Rome Statute system and to promote victims' rights at the domestic level; to make victims-related pledges, including for the Trust Fund for Victims; and to make recommendations on how to further enhance the Court's activities in strengthening the position of victims. For these purposes, a speakers' list would be opened prior to the Assembly session; **States and other stakeholders wishing to intervene in the discussion should inscribe themselves** on this list.⁴ Speakers are requested to limit their interventions to four minutes.

7. An informal written summary of the discussion will be prepared, including any pledges made. These can also be done in writing. In addition, a video may be recorded and uploaded on the Assembly's website (to be determined).

8. Furthermore, a draft resolution prepared by The Hague Working Group was approved by the Bureau for subsequent consideration and adoption by the Assembly. The draft resolution is contained in the annex to the report of the Bureau on victims and affected communities and the Trust Fund for Victims, including reparations and intermediaries.⁵ It contains a placeholder to reflect the outcome of the plenary debate, which will be completed after the plenary on victims and affected communities, prior to its adoption.

Background material and the profiles of the panellists are available on the website of the Assembly:
http://www.icc-cpi.int/en_menus/asp/sessions/documentation/12th-session/Pages/PanelDiscussions.aspx

⁴ Requests for inscription should be sent to the Secretariat (aspvictims@gmail.com) and copied to the co-facilitators (ambassadetunisie@ziggo.nl, e.pizarro@colombiaemb.nl, m.gonzalez@colombiaemb.nl, guettiti29@yahoo.fr).

⁵ ICC-ASP/12/38.