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Democratic Republic of Congo/ ICC

First victims recognised by the International Criminal Court

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[The Court's decision is available, in redacted form.](#)

The International Federation for Human Rights (FIDH) welcomes the International Criminal Court's historic decision to accept the first victims' applications to participate in proceedings.

On 17 January 2006, the Pre-Trial Chamber (I) of the International Criminal Court (ICC) issued a decision recognising the right of six victims to participate in proceedings before the ICC, including at the stage of the investigation currently being conducted in the Democratic Republic of Congo.

FIDH, which assisted the victims in their applications to the ICC, welcomes this determination of the scope of victims' rights. The decision affirms the new role of victims in international criminal justice.

"The decision of the International Criminal Court is an international legal first. The six victims have achieved a landmark victory. For the first time the violation of the fundamental rights of victims, the harm they have suffered and their rights to defend their interests have been recognised by a court, the ICC" Sidiki Kaba, President of FIDH, stated.

The Pre-Trial Chamber, which also ensures that the rights of the defence are respected and guarantees the necessary protection for the effectiveness of the investigation, concluded that "the right [of victims] to present in general terms their views and concerns regarding the investigation of a situation and to submit material to the Pre-Trial Chamber cannot have an adverse impact on the investigation" (paragraph 59). The Chamber further recognised that "the Statute [of the ICC] grants victims an independent voice and role in proceedings before the Court" (paragraph 51). The decision thus contributes to the developing recognition of the role of victims in international law. "The Chamber considers that article 68-3 of the Statute [which defines the right of victims to participation] also gives victims the right to participate in the fight against impunity" (paragraph 53).

The Chamber considers that "the personal interests of victims are affected in general at the investigation stage, since the participation of victims at this stage can serve to clarify

the facts, to punish the perpetrators of crimes and to request reparations for the harm suffered." (paragraph 63).

Furthermore, the Chamber recognises the complementary role of non-governmental organisations in facilitating victims' access to the International Criminal Court, by assisting them to transmit their applications for participation. Victims may otherwise remain far removed from the Court's seat in The Hague.

FIDH transmitted these first applications for participation to the Court in May 2005. For obvious security reasons, no factual details will be given by FIDH. [The Court's decision is available, in redacted form.](#)

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