

Mr President, excellences, distinguished delegates, ladies and gentlemen,

It is an honour for me to address the Assembly of States Parties on behalf of No Peace Without Justice during this plenary session on Reaffirming the Value of the Victims' Mandate of the Rome Statute System Beyond Kampala. We are particularly pleased with the decision of States Parties to reaffirm once again the central role of victims and affected communities by dedicating this particular segment to the analysis of the current situation of victims participation and reparation before the Court. We believe this discussion is particularly timely since as we all know the ICC is currently at the centre of an intense political debate and in some meetings the interest of victims and affected communities is overlooked to the benefit of political considerations. Therefore, we are particularly thankful for this opportunity to reflect on the mandate of the Court, which was established not only to achieve justice but to do so while ensuring meaningful participation and reparation of victims.

In my intervention I would like to raise two points: one on positive complementarity and the potential for the Court to foster participation of victims in national proceedings; and the second on the importance of outreach to victims and affected communities to ensure that their participation in the process is a positive and healing experience.

In its purest sense complementarity relates to the investigation and prosecution of crimes under international law by national systems. However, the notion of positive complementarity has a broader sense, which relates to the capacity of these systems to conduct investigation and prosecution upholding the core principles of the Rome Statute, including on victims and affected communities. The Court has a unique expertise in this area, which is relatively new, and it can and should share this knowledge with States Parties to promote victims participation at the national level, especially in transitional countries. Countries in transition, including ICC situation countries, can only achieve reconciliation if they take the necessary steps to ensure accountability and comprehensive redress for all groups of victims. However, to achieve these objectives, the countries often need to undergo substantial reform of their legal and institutional framework and the Rome Statute could serve as a model to improve national legislation on victims' participation and reparations and victims' and witnesses' protection. While these provisions of the Rome Statute are not mandatory for States Parties, they are at the centre of the Court system and contribute to redefine victims as rights holders. Therefore, we encourage the Court to enhance its efforts to share such important expertise and ICC States Parties to adopt victims related provisions in their implementing legislation to provide effective redress to victims.

This brings me to the second point of my intervention that is the crucial role of outreach to ensure meaningful participation of victims and affected communities in the process before the Court. One important conclusion reached in Kampala on victims and affected communities and reflected in the final resolution adopted on this topic, was that the Court's field presence and outreach activities need to be optimised in order to enhance the ICC's impact on its most important constituency. Also Judges, more recently, have highlighted outreach central role in enabling victims to participate in the trial and the reparations phases of Court proceedings. We welcome the efforts made by the Court in the past year to strengthen its outreach activities, including through the assessment of the implementation of its Outreach Strategic Plan and we look forward to the results of that assessment.

Outreach assists in reducing the impunity gap by directly engaging in a two-way dialogue people affected by crimes with the court mechanisms and staff that bring them justice. It remains critical to enable victims to make informed choices about their participation in ICC proceedings, including reparations, and facilitating their legal representation. It enhances the effectiveness of ICC proceedings because it promotes understanding of, and hence support for, the Court's mandate – which is not always obvious to victims or affected communities. Outreach activities should be adapted to respond to the effects of judicial developments in different areas of the situation countries, in coordination with the Office of the Prosecutor, and should as far as possible extend to encompass the whole country, irrespective of where crimes were committed.

Vulnerable groups such as women and children victims of gender based violence should be targeted with dedicated outreach activities. As we know, victims of gender based violence and particularly sexual violence continue to be victimised also when they return to their communities where they are often further marginalised as a result of the crimes they have suffered. Outreach can play an important role in this context, engaging not only victims but also their communities on the nature of the crimes, their gravity and the proceedings taking place at the Court, which contributes to redirect the stigma where it should be, the perpetrators, and to redefine victims as rights holders not only before the ICC but in their day-to-day lives.

In an impact and legacy survey on the Special Court for Sierra Leone carried out by NPWJ and its partners in Sierra Leone and Liberia during 2012 and of which I have some copies with me, the importance of outreach and the fact that it should be included in a court or tribunal's budget from the outset came to the forefront. The ICC should continue optimising its outreach activities by starting at the earliest possible opportunity, preferably whenever an interest in a particular country is indicated and information on victims' participation and reparations should be included from the early stages of an investigation as an integral part of outreach activities. Victims and populations in countries that are under preliminary examination should be engaged to ensure accurate information is disseminated, to manage expectations about the ICC, and to maximise the ICC's impact in terms of deterrence and the promotion of national proceedings. Outreach also plays a vital role in situation countries not only engaging victims but also the general population creating conditions conducive for cooperation with the Court and preventing or stemming the spread of misinformation; explaining due process rights; and creating an enabling and supportive environment.

Therefore NPWJ recommends that States Parties retain and highlight these points in the omnibus resolution and the resolution on victims and affected communities and ensure sufficient financial and political support is provided.