



Fédération internationale des ligues des droits de l'Homme

International Federation for Human Rights

Federación internacional de los derechos humanos

الفدرالية الدولية لحقوق الانسان

In a historic decision of the International Criminal Court on 17 January 2006, concerning the first applications for participation from victims in Democratic Republic of Congo, which had been submitted by FIDH, Pre-Trial Chamber I emphasised: “The Statute [of the ICC] grants victims an independent voice and role in proceedings before the Court. It should be possible to exercise this independence, in particular, vis-à-vis the Prosecutor of the International Criminal Court so that victims can present their interests ... The Chamber considers that article 68 (3) of the Statute also gives victims the right to participate in the fight against impunity...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”¹.

Murder, mutilation, rape, destruction, pillaging... these crimes continue to be committed on a massive scale, resulting in traumatising, fear, flight, and the displacement of entire populations... What can be done? Flee, if possible, tend to one's wounds, and begin a new existence somewhere else? But the haunting fear that these crimes will forever remain unpunished can paralyse all hope. How to cure the incurable? How to dress the gaping wounds left by impunity, amongst the most difficult to close? How to find the courage to denounce the perpetrator, whether a neighbour or a warlord, whether of high rank or acting Head of State? How to make the voices of victims heard, where the most serious crimes can finally be prosecuted?

Today, the International Criminal Court, charged with the task of judging crimes of genocide, crimes against humanity and war crimes, carries the hopes of thousands of victims of the most heinous crimes. The International Criminal Court exists so that perpetrators are finally held to account; so that crimes which shock the conscience of humanity are not forgotten; so that

1. *Decision on the applications for participation in the proceedings of VPRS 1-6*, Pre Trial Chamber I, 17 January 2006, paras. 51, 53, 63.

victims are recognised and rehabilitated; to prevent recurrence of the atrocious crimes they have suffered; and to hold back the hands of criminals. The Court can also, by its very existence and the impact of its actions, reinforce local political processes to end conflicts and to bring about democratisation. It seems to us that a fundamental condition must be fulfilled if these objectives are to be attained: the appropriation by victims, their families and, beyond them, by the societies concerned, of the system of the ICC.

Human rights organisations have played a crucial role in the establishment of the International Criminal Court in 1998, and the entry into force of its Statute on 1 July 2002. They have succeeded in obtaining recognition of the specific rights of victims, for the first time in the history of international criminal justice. They have been able to conduct the first battles for the setting in motion of the Court's system, including, for FIDH, through supporting victims of crimes against humanity in the first applications for participation before the Court.

But telling one's story, making one's voice heard during proceedings, participating in trials, seeking reparations can turn out to be particularly complex.

This is why FIDH, experienced in supporting victims before national and international tribunals, decided to publish this practical guide for victims, their legal representatives and the organisations supporting them, in order to enable them to make use of the International Criminal Court, at the Court itself and in their own bruised societies.

This guide seeks to help you to use the International Criminal Court and to support victims, at last, to obtain truth, justice and reparations.



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FIDH President

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