ANNUAL REPORT 2017/2018 OF THE ICCBA VICTIMS COMMITTEE

Chair:
Jens Dieckmann

Secretary:
Gregory Townsend

Members:
Dato' Shyamala Alagendra
Edinnah Bosibori Arati
Mayombo Kassongo
Paolina Massidda
Luc Walleyn

A. Goals and Objectives for the year (workplan as submitted to the EC)

"Following the announcement of ICCBA election results on 1 July 2017, the ICCBA Victims Committee (VC) held its 1st meeting on 17 August 2017 at the ICC. The following Work Plan for 2017/2018 was agreed upon:

1. *Contact all ICC victims' counsel who are involved in ongoing proceedings with a view to receiving information and looking at particular problems that they face in court. A respective ICCBA VC Report shall be prepared to provide a basis for further discussions with ICC institutions and look for practical solutions.*

2. *Follow up on legal aid issues relating to victims' counsel (see ICCBA Victims Committee Annual Report 2016/2017, Chapter C. 1.).*

3. *Follow up on the issue of victims' legal representation and common legal representation (see ICCBA Victims Committee Annual Report 2016/2017, Chapter C. 3.).*

4. *Follow up on the logistical support that is needed by victims' teams (see ICCBA Victims Committee Annual Report 2016/2017, Chapter C. 4.).*

5. *Create a "System of Updates" on ICC decisions and rulings which concern victims and the work of victims' counsel. The updates could be emailed to the ICCBA Executive Director to be appointed and then be included e.g. in a newsletter, as is done at the ADC-ICTY, or be made accessible on the website so that members would be notified and have easy access to new decisions and rulings.*

6. *Organize a non-public "Workshop/Seminar/Round-Table", including Presidency ASP, ICC Presidency, ICC Judges of all Divisions, ICC Registry, ICCBA Presidency and ICCBA VC, to discuss both the difficulties caused by the judges' approach to victims' legal representation since 2012 and the future of victims' representation at the ICC.*

7. *Organize training sessions on victims' representation. The VC proposes that there be 2 training sessions as follows: (1) A two day session on various aspects of victim representation. This session could include an online training session so that it will reach a wider audience of our membership. (2) Training workshop on victim representation during the annual List Counsel training/ ICCBA GA 2018 in cooperation with the ICCBA Training Committee."*

The workplan was adopted by EC.

B. Committee Meetings

The Victims Committee has held - 9 - Committee Meetings, namely on:

17.08.2017

15.09.2017

20.10.2017

29.11.2017

19.01.2018

09.03.2018

13.04.2018

23.05.2018

14.06.2018

All members participated in the meetings either in person at the ICC premises or by phone/video. Members were in regular communication with each other via email.

Dato' Shyamala Alagendra, Jens Dieckmann and Luc Walleyn were also elected as members of the ICCBA Executive Council. Jens Dieckmann was elected as ICCBA Vice President for Victims.

C. Summary of Decisions Taken and Work Done

1. Training Material

The VC already prepared 3 training videos on Victims Representation at the ICC.

The first video entitled "Introduction to Victims Participation at the ICC", presented by Jens Dieckmann. Furthermore, OPCV Principal Counsel and VC member Paolina Massidda and Dr. Phillip Ambach from VPRS produced training videos, which can be found on ICCBA website.

The VC is planning to produce additional videos on the role of a Case Manager in victim participation and Victims Counsel issues, which will also be posted on ICCBA website.

The VC also liaised with the Training Committee in order to coordinate the different trainings available.

2. ICCBA – Oxford University Project on Victims Participation

After conferring with the Executive Council, the ICCBA Victims Committee formed a partnership for a 12-month long project on victims' participation before the ICC, with the Centre of Criminology, Oxford University, led by Professor Carolyn Hoyle and current Economic and Social Research Council GCRF Postdoctoral Fellow, Dr. Rudina Jasini. The project is entitled "Advancing the Impact of Victim Participation at the International Criminal Court: Developing Avenues for Collaboration". The project foresees cooperation with the ICC independent Office of Public Counsel for Victims (OPCV) and the ICCBA in designing resources for the education and training of practitioners interested in international criminal law, with a specific focus on practitioners who may wish to represent victims in proceedings before the ICC.

On 31 May and 1 June 2018, VC organized in cooperation with Oxford University an Expert Workshop as well as a Training Workshop on Victims Participation at the ICC. Oxford University generously underwrote the costs of this training. Training material, videos and further information can be found here:

https://www.iccba-abcpi.org/victimtrainingmaterials

https://www.iccba-abcpi.org/single-post/2018/01/15/ICCBA-–-Oxford-University-Common-Project-on-Victims'-Participation-before-the-ICC

https://www.law.ox.ac.uk/news/2018-06-05-advancing-impact-victim-participation-international-criminal-court-bridging-gap

https://www.law.ox.ac.uk/news/2017-11-30-centre-has-triple-funding-success

3. Meeting with ICC Victims' Counsels and teams

On 1 December 2017, the ICCBA invited all ICC Victims' Counsels and members of their teams engaged in ongoing proceedings to an open meeting at the ICC premises. This meeting was convened at the initiative of the ICCBA Victims Committee to discuss the situation of victims' teams at the ICC and gather information on the issues faced in carrying out their mandate of representing victims in

proceedings. The meeting also aimed to gather the different teams currently engaged in ongoing proceedings and establish a relationship between them and the ICCBA Victims' Committee. Representatives of almost all victims' teams currently engaged in a case attended the meeting.

Participants were invited to raise and discuss issues that were of interest and concern to

them, which included: communication with the counsel support section (CSS), salary, reimbursement and timesheets and work space at the ICC for victims' teams. A report was prepared for ICCBA Executive Council and adopted. The report was circulated

among the participants of the meeting and will serve as basis for future meetings and negotiations between ICCBA and other Registry and ICC organs with a view to improving

working conditions, practices and cooperation. The report is accessible in a redacted version within the ICCBA Members area.

4. VC Chair Meeting with ICC President

On 5 February 2018, VC Chair Jens Dieckmann joined a meeting between the ICC President and the ICCBA President and Vice Presidents where several issues were discussed including victims' representation before the ICC and potentially organizing a roundtable discussion later in 2018 and the improvement of office space for victims' teams. Further information is available here:

https://www.iccba-abcpi.org/single-post/2018/02/05/ICCBA-Delegation-Meets-with-ICC-President

5. VC Chair's presentation on ICC Victim's Representation at UK Embassy

On 6 February 2018, VC Chair Jens Dieckmann gave a presentation at an event organized by the British Embassy in the Netherlands on Victims' Representation at the ICC. The event was attended by more than 100 participants from the diplomatic community and NGO's in The Hague. Further information on this event is available here:

https://www.iccba-abcpi.org/single-post/2018/02/06/British-Embassy-Holds-an-Event-on-Victims-Representation-at-the-ICC

6. VC Paper on Ethical Issues

The VC adopted a 6 page paper on ethical issues "ETHICAL PROBLEMS ARISING IN THE CONTEXT OF VICTIMS' REPRESENTATION". This document was prepared, discussed and agreed by VC during several months. The intention was to collect and define current, relevant ethical issues arising from the practical work as a starting point for further discussions on how to address these issues and eventually to prepare training exercises, legal advisory material etc. The paper was submitted to the EC as well as to the Professional Standard Advisory Committee in order to initiate an inter-committee dialogue on ethical

issues arising in the context of victim's representation.

7. VC Database

Secretary of VC created a VC Dropbox Database to save (and make accessible online to all members) all minutes, agendas, correspondence, reports and ICCBA documents, etc. in order to safeguard the continuity and conformity of VC practice in the future. Present and future members of the VC can access and share all VC files from any computer with internet access.

8. ICCBA Training in Georgia

VC member Luc Walleyn took part as trainer in an ICCBA Training Workshop for victim counsel, organized and hosted in Tbilisi (Georgia) on 18 and 19th June 2018, in partnership with the Human Rights Center (HRIDC).

D. The extent to which the committee's original project plan was realized

1. In its first session, VC agreed to focus its work on topics of common interests of all victim's counsel representing victims at the ICC.
2. Based on this broad consensus from the start and in a continuing spirit of unity, collegiality and solidarity, VC developed an active and trustful cooperation among all its members over the last year, which enabled the committee to meet its workplan to a great extent. Training material was designed and offered as public resources, and together with Oxford University, VC organized a 2-day expert and training event on victims' topics at the ICC, etc. Since 3 members of VC were also members of the EC, victims counsels' issues were continuingly on the agenda of ICCBA. As members of EC, VC members worked on topics like taxation, team resources and legal aid, which are also of victims' counsels interest. The activities of the VC in 2017/2018 prove that ICCBA's concept, being an inclusive association representing the interests of all

counsel within the meaning of Art. 1 of the ICC Code of Professional Conduct for counsel, works.

3. Of course, work remains to be done. On the one hand, VC will have to work on the "System of Updates" on ICC decisions and rulings which concern victims and the work of victims' counsel. This project was supported by EC but it has to be further developed in practice. Secondly, VC will have to continue to organize a "Workshop/Seminar/Round-Table", including ASP Presidency, ICC Presidency, ICC Judges of all Divisions, ICC Registry, ICCBA Presidency and ICCBA VC, on the future of victims' representation at the ICC. This project was discussed on 5 February 2018 with former ICC President but since the ICC President as well as ICC Registrar have been newly elected in springtime 2018, this project could not be realized during this term.
4. The VC's cooperation with EC was close and trustful. VC is extremely grateful to all members of EC, especially to ICCBA President Karim A. Khan, for their continuing strong support of all VC activities.
5. The VC is also grateful for the fantastic assistance by the entire ICCBA Secretariat and especially ICCBA Executive Director Dominic Kennedy. Their pro-active and tireless support enabled the VC to realize key projects of their committee workplan.