

Victims and witnesses protection

[Arabic](#)

The Rome Statute of the International Criminal Court contains revolutionary conditions so far as victims are concerned : for the first time in the history of international criminal justice, victims can participate in a procedure, including through an intermediary of counsels, and claim compensation; moreover, a Trust Fund in favour of victims has been created by the Statute of Rome which may collect funds resulting from fines and orders for compensation issued against condemned persons as well as voluntary contributions from Governments, international organizations, corporations or individuals. The functions of the International Criminal Court related to the participation of victims and the procedure and compensation in favour of victims have been entrusted to a specialized unit, the Victims Participation and Compensation Unit.

Equally important, at the International Criminal Court, will be the function related to the protection of victims and witnesses appearing before the Court: experience from the two International Penal Tribunals for former Yugoslavia and Rwanda has shown how crucial it is for any international criminal tribunal to arrange for the protection and assistance of victims and witnesses that appear before the Court so as to contribute to the establishment of truth about the most serious crimes existing.

To this end, and learning from the experience of the two ad hoc International Penal Tribunals, article 43 paragraph 6 of the Statute has foreseen that the Registrar shall set up a Victims and Witnesses Unit within the Registry. This Unit shall provide, in consultation with the Office of the Prosecutor, counselling and other appropriate assistance for witnesses, victims who appear before the Court and others who are at risk on account of testimony given by such witnesses, as well as plan protective measures and security arrangements for them. The Unit shall include staff with expertise in trauma, including trauma related to crimes of sexual violence.

Article 68 paragraph 4 of the Statute specifies that this Unit may advise the Prosecutor and the Court on appropriate protective measures, security arrangements, counselling and assistance as referred to in article 43, paragraph 6.

The Rules of Procedure and Evidence detail the functions of the Victims and Witnesses Unit. Thus, the Unit shall in particular ensure the protection and security of all witnesses and victims that appear before the Court through appropriate measures and establish short and long-term plans for their protection. Moreover, the Unit shall help victims who appear before the Court, as well as witnesses, to receive medical and psychological care. It shall also, in consultation with the Office of the Prosecutor, draw up a code of conduct emphasising the vital importance of security and professional secrecy for investigators of the Court, the defence and for all inter-governmental and non governmental organisations acting on behalf of the Court.

The Victims and Witnesses Unit shall also be in charge of the negotiation of agreements with States concerning the resettlement on State territory of witnesses or victims that are traumatised or threatened.

