

REDRESS

Seeking Reparation for Torture Survivors

Statement presented at the 8th Assembly of States Parties The Hague, 18-26 November 2009

Your Excellencies, Ladies and Gentlemen,

It is with great honour that REDRESS presents this Statement here today,

René Maheu, in Preface to *Birthright of Man*, stated that:

Whenever human rights are completely trampled underfoot, silence, and immobility prevail, leaving no trace in history; for history records only the words and deeds of those who are capable, to however slight degree, of ruling their own lives, or at least trying to do so. There have been -there still are- multitudes of men, women and children, who as a result of their poverty, terror or lies, have been made to forget their inherent dignity, or to give up the efforts to secure recognition of that dignity by others. They are silent. The lot of the victim who complains and is heard is already a better one.¹

In giving effect to the commitment of 'Never Again', the international community of States, represented by you here today, established a permanent Court recognising victims' dignity; giving them a voice and a key role in the pursuit of justice.

The ICC is now at a crossroads: victims' rights to participate in proceedings and claim reparation are being exercised for the first time.

It is our duty to ensure that the vision set down in Rome is given full meaning. It is important that the ICC does not lose sight of this historic opportunity to bring justice closer to victims. It should reach into victims communities; support victims' ability to participate in proceedings and give meaning to effective reparation.

Reparation for the tragedies behind each claim in the context of genocide, war crimes or crimes against humanity can only ever be symbolic. How can one compensate for the loss of a child, for systematic sexual abuse, or for being forced to maim or rape?

However, listening to victims in ICC Situation Countries assures us that being acknowledged by a Court of law is of immense value in a slow process of repair. "The victims who have testified in Lubanga's Trial somehow represent us all," said some children REDRESS met recently. The opportunity to participate in the ICC's proceedings is a trigger for recognition of individual trauma. That recognition is a prerequisite for healing. Justice is needed to rebuild that 'shattered mosaic' described in the preamble of the Rome Statute.

On behalf of REDRESS I bid you to consider the call of victims and to make your decisions on the basis of justice and not expedience.

Thank you.

¹ René Maheu, in Preface to *Birthright of Man*, UNESCO (1968), quoted by Theo van Boven in *Victims' Rights to a Remedy and Reparation*, in Ferstman et al. (eds.), *Reparations for Victims of Genocide, War Crimes and Crimes against Humanity, Systems in Place and Systems in the Making*, (Martinus Nijhoff Publishers) p.19 (2009).