

gender justice

Rights and the Rome Statute

Women's Initiatives for Gender Justice



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The International Criminal Court - Victims/Witnesses, Support and Protection

The International Treaty creating the International Criminal Court (ICC) - the Rome Statute - makes it clear that victims and witnesses have the right to protection and support. The ICC is required to provide protection and security, counseling and other support to victims and witnesses appearing before the Court, and others who may be at risk on account of the testimony of witnesses. The Court must protect the safety, physical and psychological well being, dignity and privacy of victims and witnesses.

Protection

The ICC needs to conduct its work, particularly during investigations, in a manner which does not put anyone at risk. The information and evidence gathered must be kept confidential, and they must not expose anyone who may be co-operating with the ICC. If someone is at extreme risk of harm or their life is threatened as a result of co-operating with the ICC, then the Court must provide special protective measures. This may include re- location.

During Court trials, victims and witnesses can ask to have their identity protected - when giving evidence witnesses may have their face and voice distorted electronically to disguise their identity; witnesses may be given a different name during the trial; or they can

give testimony in a closed session of the Court. The Court is required to consider special measures to assist traumatized victims and witnesses give their testimony (e.g. children, the elderly, or victims of sexual violence). During a trial the Judges are required to control the manner of questioning of a witness or victim to make sure they are not harassed or intimidated, particularly those who are victims of sexual violence.

Support

The ICC has to provide support, counseling and medical care for victims and witnesses in preparation for testifying at the Court and throughout the trial. In providing assistance, the Court is required to always take into account the particular needs of children, the elderly, those with disabilities, and victims of sexual or gender violence. Medical assessments should be conducted prior to traveling to the Court (in the Netherlands) to make sure the person is well enough and strong enough to endure the travel and the Court appearance. The Court should provide childcare and other assistance during the travel and the trial, and accompany victims and witnesses to provide security and support during the travel to and from their country.

Other information cards in this series include:
The ICC; The ICC - Victims' Participation; The ICC - Trust Fund for Victims.
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