

Guide on ICC Procedures

for

Victims and Organization

(PH Situation)



Cour
Pénale
Internationale

International
Criminal
Court



TOPIC 1

ELEMENTS OF INTERNATIONAL CRIMES

FOR THE PURPOSE OF THE ELEMENTS OF CRIMES, THE FOLLOWING TERMS ARE DEFINED:

ATTACK DIRECTED AGAINST ANY CIVILIAN POPULATION

(a) “Attack directed against any civilian population” means a course of conduct involving the multiple commission of acts referred to in Art 7, par. 1 of the Rome Statute (see below) against any civilian population, pursuant to or in furtherance of a State or organizational policy to commit such attack;

EXTERMINATION

(b) “Extermination” includes the intentional infliction of conditions of life, including the deprivation of access to food and medicine, calculated to bring about the destruction of part of a population;

ENSLAVEMENT

(c) “Enslavement” means the exercise of any or all of the powers attaching to the right of ownership over a person and includes the exercise of such power in the course of trafficking in persons, in particular women and children;

DEPORTATION OR FORCIBLE TRANSFER OF POPULATION

(d) “Deportation or forcible transfer of population” means forced displacement of the persons concerned by expulsion or other coercive acts from the area in which they are lawfully present, without grounds permitted under international law;

TORTURE

(e) “Torture” means the intentional infliction of severe pain or suffering, whether physical or mental, upon a person in the custody or under the control of the accused; except that torture shall not include pain or suffering arising only from, inherent in or incidental to, lawful sanctions;

FORCED PREGNANCY

(f) “Forced pregnancy” means the unlawful confinement of a woman forcibly made pregnant, with the intent of affecting the ethnic composition of any population or carrying out other grave violations of international law. This definition shall not in any way be interpreted as affecting national laws relating to pregnancy;

PERSECUTION

(g) “Persecution” means the intentional and severe deprivation of fundamental rights contrary to international law by reason of the identity of the group or collectivity;

ENFORCED DISAPPEARANCE OF PERSONS

(i) “Enforced disappearance of persons” means the arrest, detention or abduction of persons by, or with the authorization, support or acquiescence of, a State or a political organization, followed by a refusal to acknowledge that deprivation of freedom or to give information on the fate or whereabouts of those persons, with the intention of removing them from the protection of the law for a prolonged period of time.

GENDER

(j) “Gender” refers to the two sexes, male and female, within the context of society. It does not indicate any meaning different from the above.

ALL CRIMES AGAINST HUMANITY (ARTICLE 7 PAR. 1)

1. (a) CRIME AGAINST HUMANITY OF MURDER

2. (b) CRIME AGAINST HUMANITY OF EXTERMINATION

3. (c) CRIME AGAINST HUMANITY OF ENSLAVEMENT

4. (d) CRIME AGAINST HUMANITY OF DEPORTATION OR FORCIBLE TRANSFER OF POPULATION

5. (e) CRIME AGAINST HUMANITY OF IMPRISONMENT OR OTHER SEVERE DEPRIVATION OF PHYSICAL LIBERTY

6. (f) CRIME AGAINST HUMANITY OF TORTURE

7. (g)-1 CRIME AGAINST HUMANITY OF RAPE

8. (g)-2 CRIME AGAINST HUMANITY OF SEXUAL SLAVERY

9. (g)-3 CRIME AGAINST HUMANITY OF ENFORCED PROSTITUTION

10. (g)-4 CRIME AGAINST HUMANITY OF FORCED PREGNANCY

11. (g)-5 CRIME AGAINST HUMANITY OF ENFORCED STERILIZATION

12. (g)-6 CRIME AGAINST HUMANITY OF SEXUAL VIOLENCE

13. (h) CRIME AGAINST HUMANITY OF PERSECUTION

14. (i) CRIME AGAINST HUMANITY OF ENFORCED DISAPPEARANCE OF PERSONS

15. (j) CRIME AGAINST HUMANITY OF APARTHEID

16. (k) CRIME AGAINST HUMANITY OF OTHER INHUMANE ACTS

ARTICLE 7

CRIMES AGAINST HUMANITY: ELEMENTS

COMMON ELEMENTS:

- The conduct was committed as part of a widespread or systematic attack directed against a civilian population.
- The perpetrator knew that the conduct was part of or intended the conduct to be part of a widespread or systematic attack against a civilian population.

ARTICLE 7 (1) (A)

CRIME AGAINST HUMANITY OF MURDER

ELEMENTS:

1. The perpetrator killed one or more persons.

ARTICLE 7 (1) (B)

CRIME AGAINST HUMANITY OF EXTERMINATION

ELEMENTS:

1. The perpetrator killed one or more persons, including by inflicting conditions of life calculated to bring about the destruction of part of a population.
2. The conduct constituted, or took place as part of, a mass killing of members of a civilian population.

ARTICLE 7 (1) (E)

CRIME AGAINST HUMANITY OF IMPRISONMENT OR OTHER SEVERE DEPRIVATION OF PHYSICAL LIBERTY

ELEMENTS:

1. The perpetrator imprisoned one or more persons or otherwise severely deprived one or more persons of physical liberty.
2. The gravity of the conduct was such that it was in violation of fundamental rules of international law.
3. The perpetrator was aware of the factual circumstances that established the gravity of the conduct.

ARTICLE 7 (1) (F)

CRIME AGAINST HUMANITY OF TORTURE

ELEMENTS:

1. The perpetrator inflicted severe physical or mental pain or suffering upon one or more persons.
2. Such person or persons were in the custody or under the control of the perpetrator.
3. Such pain or suffering did not arise only from, and was not inherent in or incidental to, lawful sanctions.

ARTICLE 7 (1) (G)-1

CRIME AGAINST HUMANITY OF RAPE

ELEMENTS:

1. The perpetrator invaded the body of a person by conduct resulting in penetration, however slight, of any part of the body of the victim or of the perpetrator with a sexual organ, or of the anal or genital opening of the victim with any object or any other part of the body.
2. The invasion was committed by force, or by threat of force or coercion, such as that caused by fear of violence, duress, detention, psychological oppression or abuse of power, against such person or another person, or by taking advantage of a coercive environment, or the invasion was committed against a person incapable of giving genuine consent.

ARTICLE 7 (1) (G)-2

CRIME AGAINST HUMANITY OF SEXUAL SLAVERY

ELEMENTS:

1. The perpetrator exercised any or all of the powers attaching to the right of ownership over one or more persons, such as by purchasing, selling, lending or bartering such a person or persons, or by imposing on them a similar deprivation of liberty.
2. The perpetrator caused such person or persons to engage in one or more acts of a sexual nature.

ARTICLE 7 (1) (G)-3

CRIME AGAINST HUMANITY OF ENFORCED PROSTITUTION

ELEMENTS:

1. The perpetrator caused one or more persons to engage in one or more acts of a sexual nature by force, or by threat of force or coercion, such as that caused by fear of violence, duress, detention, psychological oppression or abuse of power, against such person or persons or another person, or by taking advantage of a coercive environment or such person's or persons' incapacity to give genuine consent.
2. The perpetrator or another person obtained or expected to obtain pecuniary or other advantage in exchange for or in connection with the acts of a sexual nature.

ARTICLE 7 (1) (G)-6

CRIME AGAINST HUMANITY OF SEXUAL VIOLENCE

ELEMENTS:

1. The perpetrator committed an act of a sexual nature against one or more persons or caused such person or persons to engage in an act of a sexual nature by force, or by threat of force or coercion, such as that caused by fear of violence, duress, detention, psychological oppression or abuse of power, against such person or persons or another person, or by taking advantage of a coercive environment or such person's or persons' incapacity to give genuine consent.
2. Such conduct was of a gravity comparable to the other offences in article 7, paragraph 1 (g), of the Statute.
3. The perpetrator was aware of the factual circumstances that established the gravity of the conduct.

ARTICLE 7 (1) (H)

CRIME AGAINST HUMANITY OF PERSECUTION

ELEMENTS:

1. The perpetrator severely deprived, contrary to international law, one or more persons of fundamental rights.
2. The perpetrator targeted such person or persons by reason of the identity of a group or collectivity or targeted the group or collectivity as such.
3. Such targeting was based on political, racial, national, ethnic, cultural, religious, gender as defined in article 7, paragraph 3, of the Statute, or other grounds that are universally recognized as impermissible under international law.
4. The conduct was committed in connection with any act referred to in article 7, paragraph 1, of the Statute or any crime within the jurisdiction of the Court.

ARTICLE 7 (1) (I)

CRIME AGAINST HUMANITY OF ENFORCED DISAPPEARANCE OF PERSONS

ELEMENTS:

1. The perpetrator:
 - (a) Arrested, detained, or abducted one or more persons; or
 - (b) Refused to acknowledge the arrest, detention or abduction, or to give information on the fate or whereabouts of such person or persons.
2. (a) Such arrest, detention or abduction was followed or accompanied by a refusal to acknowledge that deprivation of freedom or to give information on the fate or whereabouts of such person or persons; or (b) Such refusal was preceded or accompanied by that deprivation of freedom.
3. The perpetrator was aware that: (a) Such arrest, detention or abduction would be followed in the ordinary course of events by a refusal to acknowledge that deprivation of freedom or to give information on the fate or whereabouts of such person or persons; or (b) Such refusal was preceded or accompanied by that deprivation of freedom.

4. Such arrest, detention or abduction was carried out by, or with the authorization, support or acquiescence of, a State or a political organization.

5. Such refusal to acknowledge that deprivation of freedom or to give information on the fate or whereabouts of such person or persons was carried out by, or with the authorization or support of, such State or political organization.

6. The perpetrator intended to remove such person or persons from the protection of the law for a prolonged period of time.

ARTICLE 7(1)(K)

CRIME AGAINST HUMANITY OF OTHER INHUMANE ACTS

ELEMENTS:

1. The perpetrator inflicted great suffering, or serious injury to body or to mental or physical health, by means of an inhumane act.
2. Such act was of a character similar to any other act referred to in article 7, paragraph 1, of the Statute.
3. The perpetrator was aware of the factual circumstances that established the character of the act.

NOTES

- The common elements for each crime against humanity describe the context in which the conduct must take place.
- These elements clarify the requisite participation in and knowledge of a widespread or systematic attack against a civilian population.
- The element of knowledge (“the perpetrator knew...”) is satisfied if the perpetrator intended to further an attack against the civilian population
- **“Attack directed against a civilian population”** need not constitute a military attack. It is understood that “policy to commit such attack” requires that the State or organization actively promote or encourage such an attack against a civilian population
- A policy which has a civilian population as the object of the attack would be implemented by State or organizational action. Such a policy may, in exceptional circumstances, be implemented by a deliberate failure to take action, which is consciously aimed at encouraging such attack.
- The existence of such a policy cannot be inferred solely from the absence of governmental or organizational action.



TOPIC 2

ACCOUNTABILITY MECHANISMS FOR INTERNATIONAL CRIMES

I. INTRODUCTION

ACCOUNTABILITY

Is necessary in the pursuit of justice. Ensuring that the relevant individuals are held accountable for the crimes committed serves not only as a strong deterrent for future crimes but also provides a stepping stone to successful reconciliation and/or reparation processes and consolidation of peace .

ACCOUNTABILITY ADDRESSES THREE RIGHTS:

- The right to truth
- The right to justice, and
- The right to an effective remedy and reparation

II. INTERNATIONAL JUSTICE MECHANISM

ACCOUNTABILITY MECHANISMS FOR INTERNATIONAL CRIMES

A. THE INTERNATIONAL CRIMINAL COURT

- The **Preamble of the Rome Statute** provides that the State Parties shall affirm that the most serious crimes of concern to the international community as a whole must not go unpunished and that their effective prosecution must be ensured by taking measures at the national level and by enhancing international cooperation. It also stated that the State Parties shall be determined to put an end to impunity for the perpetrators of these crimes and thus contribute to the prevention of such crimes.
- The **International Criminal Court** is a permanent institution and shall have the power to exercise its jurisdiction over persons for the most serious crimes of international concern and shall be complementary to national criminal jurisdiction.^[1]
- CRIMES WITHIN THE JURISDICTION OF THE COURT :
 - i. The crime of genocide
 - ii. Crimes against humanity
 - iii. War crimes
 - iv. The crime of aggression

[1] ARTICLE 1, ROME STATUTE

II. INTERNATIONAL JUSTICE MECHANISM

A. THE INTERNATIONAL CRIMINAL COURT

- INDIVIDUAL CRIMINAL RESPONSIBILITY

i. In accordance with the Rome Statute, a person shall be criminally responsible and liable for punishment if that person:

1. Commits such a crime, whether as an individual, jointly with another, or through another person, regardless of whether that other person is criminally responsible;
2. Orders, solicits or induces the commission of such crime which in fact occurs or is attempted;
3. For the purposes of facilitating the commission of such crime, aids, abets or otherwise assists in its commission or its attempted commission, including providing the means for its commission;
4. In any other way contributes to the commission or attempted commission of such crime by a group of persons acting with a common purpose. Such contribution shall be intentional and shall either:
 - a. Be made with the aim of furthering the criminal activity or criminal purpose of the group, where such activity or purpose involves the commission of a crime within the jurisdiction of the Court; or
 - b. Be made in the knowledge of the intention of the group to commit the crime;

- JUDGMENT AND SENTENCE

- The ICC may impose the following penalties on a person convicted under the Rome Statute:
 - Imprisonment for a specified number of years, which may not exceed a maximum of 30 years; or
 - A term of life imprisonment when justified by the extreme gravity of the crime and the individual circumstances of the convicted person.

II. INTERNATIONAL JUSTICE MECHANISM

A. THE INTERNATIONAL CRIMINAL COURT

- Additionally, the Court may order a fine and a forfeiture of proceeds, property and assets derived directly or indirectly from the crime.
- The penalty imposed by the ICC shall not prejudice the penalties imposed on the person by their national law.

- PRINCIPLE OF COMPLEMENTARITY

- The ICC is complementary to national criminal jurisdictions, meaning that States have the primary competence and authority to investigate and prosecute international crimes.
- According to the principle of complementarity, the ICC may only exercise jurisdiction when national legal systems fail to do so, when it is demonstrated that they are unwilling or unable to genuinely carry out proceedings.

- CURRENT PHILIPPINE SITUATION IN THE ICC

- **24 May 2021** - the Prosecutor of the ICC requested authorization from the Pre-Trial Chamber I (PTC I) to initiate an investigation into crimes allegedly committed in the Philippines between 1 November 2011 and 16 March 2019 in the context of the drug war.
- **15 September 2021** - PTC I authorized the investigation taking into account the victims' representations (approximately 1,530 individual victims and 1,050 families), who supported the investigation
- **18 November 2021** - PH government requested a deferral of the investigation
- **24 June 2022** - Prosecutor requested a resumption of investigation. The PTC granted the resumption of investigation on 26 Jan 2023 taking into consideration the victim representations (293 individuals and 366 families) who all supported the Prosecutor's request to resume the investigation
- **6 Feb 2023** - PH government appealed the decision to resume the investigation. The Appeals Chamber of the ICC dismissed the appeal and confirmed the resumption of investigation on 18 July 2023, taking into account the views and concerns of 350 individual victims and 165 families, who support the investigation.

II. INTERNATIONAL JUSTICE MECHANISM

A. THE INTERNATIONAL CRIMINAL COURT

- WHAT'S NEXT FOR ICC PROCEEDINGS?

- **Once evidence establishes reasonable grounds to believe a person is responsible for an atrocity crime, the ICC Prosecutor may request the PTC to issue a summons or arrest warrant.**
 - **Summons** - issued if PTC satisfied that the person will appear in the courtroom, and can contain conditions to ensure the person's appearance.
 - **Arrest warrant** - issued if PTC believes that the arrest of the person is necessary to ensure that the person appears at trial. It can also be issued if the judges think it is necessary to ensure that the person does not obstruct the investigation, or to prevent the person from continuing to commit crimes similar to those he or she is suspected of committing.
- **Confirmation or dismissal of charges**
 - After the conduct of a hearing, PTC can confirm the charges and send the case to Trial Chambers
 - PTC may dismiss the charges. ICC Prosecutor can provide additional evidence at a later time in order to convince the PTC to confirm the original charges OR start the whole process over again with different charges.
 - PT may pause the proceedings to request additional evidence or change the charges based on evidence presented.
- **Trial and Appeal**
- **Sentencing and Reparations**
 - If the Trial Chamber (TC) convicts the Accused, it may also order reparations for victims for the harm suffered.
 - Reparations can take multiple forms, including rehabilitation, compensation, and restitution.
 - The TC can order either the convicted person and/or the ICC Trust Fund for Victims to pay monetary compensation.

II. INTERNATIONAL JUSTICE MECHANISM

A. THE INTERNATIONAL CRIMINAL COURT

- SCOPE OF INVESTIGATION

- Crimes within the jurisdiction of the Court allegedly committed on the territory of the Philippines between 1 November 2011 and 16 March 2019 in the context of the so-called 'War on Drugs' campaign.

A. OTHER MECHANISMS

1. Universal jurisdiction doctrine

a) International crimes such as crimes against humanity, war crimes, genocide, and torture may be prosecuted and tried by any nation regardless of where the crime was committed and nationality of the perpetrator or victim.

b) This doctrine posits that the crimes are so heinous or egregious that the perpetrator is considered as *hostes humani generis* (enemies of all humankind).

2. Applying the Global Magnitsky Act

a) The Global Magnitsky Act allows for foreign countries to impose sanctions on perpetrators of human rights violations by enforcing travel bans and other financial sanctions.

III. THE PHILIPPINES

ACCOUNTABILITY MECHANISMS FOR INTERNATIONAL CRIMES

A. CURRENT SITUATION

- a.) The Philippines became a State Party to the Rome Statute on 1 November 2011, and submitted a written notification of its withdrawal on 17 March 2018. The withdrawal took effect after one year.
- b.) What acts are penalized: war crimes, genocide, and other crimes against humanity.

B. NATIONAL MECHANISMS

- a.) **Republic Act (RA) No. 9851** - Philippine Act on Crimes Against International Humanitarian Law, Genocide, and Other Crimes Against Humanity .
- b.) What acts are penalized: war crimes, genocide, and other crimes against humanity.
 - i. Other crimes against humanity means any of the following acts when committed as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack:

III. THE PHILIPPINES

A. THE INTERNATIONAL CRIMINAL COURT

1. Willful killing;
2. Extermination;
3. Enslavement;
4. Arbitrary deportation or forcible transfer of population;
5. Imprisonment or other severe deprivation of physical liberty in violation of fundamental rules of international law;
6. Torture;
7. Rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization, or any other form of sexual violence of comparable gravity;
8. Persecution against any identifiable group or collectivity on political, racial, national, ethnic, cultural, religious, gender, sexual orientation or other grounds that are universally recognized as impermissible under international law, in connection with any act referred to in this paragraph or any crime defined in this Act;
9. Enforced or involuntary disappearance of persons;
10. Apartheid; and
11. Other inhumane acts of a similar character intentionally causing great suffering, or serious injury to body or to mental or physical health.

C. WHAT ARE THE PENALTIES:

- i.** War crimes, genocide and other crimes against humanity - imprisonment for 14 years, 8 months, 1 day to 20 years (reclusion temporal medium to max period) AND fine from P100,000 to P500,000
- ii.** When the crime results in death, serious physical injury, or constitutes rape and considering individual circumstances of the accused - imprisonment for 30 years AND fine from P500,000 to P1,000,000
 1. In addition, the court shall order the forfeiture of proceeds, property and assets derived, directly or indirectly, from that crime and the corresponding accessory penalties under the Revised Penal Code, especially where the offender is a public officer.

III. THE PHILIPPINES

A. THE INTERNATIONAL CRIMINAL COURT

D. WHO MAY BE PENALIZED: INDIVIDUALS AND SUPERIORS

i. Individuals are liable if they:

1. Commit such a crime
2. Order, solicit or induce the commission of such a crime which in fact occurs or is attempted
3. Contribute to the commission or attempted commission of such a crime by a group of person acting with a common purpose.

ii. A superior is liable for such crimes committed by subordinates under his/her effective command and control, or effective authority and control as the case may be, as a result of his/her failure to properly exercise control over such subordinates, where:

1. That superior either knew or should have known that the subordinates were committing or about to commit such crimes;
2. That superior failed to take all necessary and reasonable measures within his/her power to prevent or repress their commission or to submit the matter to the competent authorities for investigation and prosecution.



TOPIC 3

“DO NO HARM” PRINCIPLE IN DOCUMENTING HRVS

PRINCIPLE

- The wellbeing of the people we are trying to help must be the focus of our efforts to help them.
- Documentation should be conducted in the best interest of persons providing information, intermediaries, local communities and any other person involved in the documentation process
- The security, physical and psychological well-being, and privacy of documented persons should be prioritized during the documentation process

PRACTICE

PREPARATION

- Consider threats and risks prior to conduct of documentation.
- **Threats:** Identify threat actors and their capability to cause harm to those involved in the documentation process and the activities themselves.
 - Example: police, local government officials, other members of the community.
- **Risks:** Consider, among other aspects, retaliation, intimidation, threats, punishments, pressure, bribery, attempts to secure financial gains, re-traumatisation, potential rejection by family/community, job security, financial risks and loss of livelihood.
- Determination of threats and risks should guide decision making in the logistics of documentation (i.e. finding a location to conduct interviews, number of interviewees, time of documentation, etc.)

INFORMED CONSENT

- Full explanation of nature and purpose of activity, procedure that will be followed, potential use of the information, and foreseeable consequences of sharing information such as security risks.
- Person should also give informed consent to share the information obtained with any competent national or international investigative authorities, such as the Office of the Prosecutor of the ICC.
- **Consent may be withdrawn at any time** - the consent to cooperate must be renewed on an ongoing basis.
- **Consent must be voluntary** - culture, gender, age-related dynamics, community or family pressure should be considered.
- **Consent must be explicit** - written record and clearly identifies the person providing consent and the following: information provided on the nature and purpose of the documentation exercise, on the associated security risks and on the intended use of the information; any terms as to its confidentiality; an express statement from the person that the consent provided is voluntary; and any other information relevant to the voluntary consent.

DOCUMENTATION / TAKING A PERSON’S ACCOUNT

- **Obtain biographical details**
 - Name, date of birth, nationality, marital status, languages, education level, occupation, residence, family members and contact details (e.g. phone, email, social media accounts).
- **Describe the process**
 - Explain the following:
 - the person is free to refrain from answering questions.
 - The person may answer that they do not remember or know.
 - The person may end the interview at any time.
 - Possible ways the information may be used including sharing with accountability mechanisms and potential future judicial proceedings.
- **Taking the account**
 - Start questioning with a free narrative; allow the person to freely recall the relevant events.
 - Example: “We are documenting the police operation killings that took place in Quezon City in 2016. Please tell us what you know about these events”
 - Avoid interruptions; only do so when necessary to re-orientate the person.

TYPES OF QUESTIONS HIERARCHY

1. **Open-ended questions** - produce answers which are less likely to have been influenced by biases of the person questioning.
 - *Example: “tell me what happened next”; “can you describe”*
2. **Probing or focused questions a.k.a 5-WH questions (who, what, when, where, why)** - give greater control of direction of the account and can be used to get additional information not yet provided.
 - May be used to probe or clarify; return to open-ended questions at earliest opportunity
 - Example: “you mentioned you were outside, WHERE were you exactly”; “you mentioned someone called your name, WHO was that person”; “you mentioned the police spoke to you, WHAT did they say”; “you mentioned your neighbor was shot, HOW did you know”

PRACTICE

“DO NO HARM” PRINCIPLE IN DOCUMENTING HRVS

3. Closed and forced-choice or ‘option-posing’ questions - may be asked when open and focused questions fail to provide sufficient information.

- Always return to open questions at earliest opportunity
 - *Example: “you mentioned the church, did you go in the church?”*

INAPPROPRIATE TYPES OF QUESTIONS

- **Multiple questions** - must be avoided because it creates confusion;
- **Leading questions** - should never be asked because they imply an answer which may adversely influence the person’s response by distorting their memory
 - *Example: “Was the perpetrator holding a pistol or a shotgun”; “Did you hear the commander order the attack”; “were the men wearing police uniforms”*
- **Use non-leading questions** such as “was the perpetrator holding anything”; “did you hear the commander speaking”; “what were the men wearing”

CLOSING PROCESS OF QUESTIONING

- Apply ‘**grounding techniques**’
 - *such as: focus the person’s attention on the present moment (e.g. indicate location, date and time; describe the room);*
 - *suggest to the person that they visualize a safe place or a soothing moment, while taking slow and deep breaths.*
- Read back to the person the summary of your notes on the account, so that any major errors or misunderstandings can be corrected.
- Ask if there is any information to add or clarify.
- Explain what will happen next and address any questions or concerns.
- Be as truthful as possible and manage expectations of what they can and cannot expect from you.
- Reconfirm informed consent and the voluntariness to participate in the process.
- Reinforce the importance of confidentiality and repeat protection and support measures that can be put in place, as required.

VULNERABLE PERSONS (VPS)

- Collecting information from VPs should only take place when the information is strictly required, clearly brings added value and cannot be obtained through other sources.
 - Documenting activities involving VPs should only take place when it is in their best interest and when they are capable of fully understanding the implications of and consenting to their engagement.
- **Vulnerable persons include, but not limited to:**
 - Children (below 18 years old)
 - Elderly
 - Victims of sexual and gender-based crimes, torture or other violent crimes
 - People with disabilities or showing signs of psychological trauma
 - Individuals in detention
- **Vulnerability assessment is to evaluate whether**
 - the person is capable of providing informed consent;
 - the documenting activity can take place without harming the person involved; and
 - to identify the necessary support and protective measures.

A VULNERABILITY ASSESSMENT SHOULD:

- Inquire about and evaluate the general physical and mental health of the person and other vulnerability factors (e.g. age, socio-economic context, discrimination, social exclusion).
- Consider indicators of potential exposure to trauma.
- Evaluate nature of the planned documenting activity and whether it can be demanding or invasive to the person.
- Identify measures that can minimize potential harm (e.g. presence of a support person or social worker).
- Assess capability to implement support/protection measures required to address psychological and physical needs.
- Consider all of the above and assess whether person is capable of providing informed consent and participating in documentation.
- If vulnerability assessment leads to the conclusion that planned activity will cause further harm, documentation should not take place.

PRACTICE

“DO NO HARM” PRINCIPLE IN DOCUMENTING HRVS

TRAUMA

- Understanding, recognizing and being aware of how to deal with trauma is paramount in HRV documentation.
 - It will minimize the risk of re-traumatisation and ensure efficiency in the documentation activities.
 - The following are some examples of possible signs of trauma:
 - stress, anxiety, fear, depression;
 - social isolation or exclusion;
 - emotional reactivity or flat affect;
 - disorientation, inability to pay attention;
 - extreme physical reactions, such as shaking or hyperventilation;
 - strong or uncontrolled emotional reactions;
 - nightmares, flashbacks and intrusive thoughts/memories;
 - avoidance of thoughts, memories, activities, locations, people or other circumstances associated with a traumatic event;
 - persistent hypervigilance;
 - strong physical sensations or sensitivity to stimuli (e.g. unexpected reaction to noises or smells);
 - dissociation: personal events can be described as if experienced by a third-party observer;
 - no emotions are exhibited or emotions are incongruent with facts (e.g. laughs while describing traumatic event);
 - displaying of different personality traits;

APPROPRIATE MEASURES TO SIGNS OF TRAUMA INCLUDE:

- reassuring the person;
- keeping a calm demeanor and recognising the person’s emotional response as normal;
- considering a break or postponing the activity when appropriate;
- pausing the interview to allow the person to consult with the professional expert or their support person; and
- considering shifting to a more neutral topic.

ANNEX 1:

INFORMED CONSENT TEMPLATE

Your informed consent is required to both collect and use information you can provide. By giving your informed consent, you recognise that you have been informed and that you understand the nature and the scope of the documentation activity, accept to participate in it and accept that the information you provide can be shared with the competent national and international investigative authorities. By signing this document, you are providing your informed consent.

I hereby acknowledge and confirm that:

- This is a voluntary process and I have provided information, documentation or physical items freely, without any form of coercion, threat or duress.
- I was informed that the information, documentation or physical items I have provided might be used in criminal investigations and/or prosecutions and be shared with the competent national and/or international investigative authorities, including the Office of the Prosecutor of the ICC.
- I am aware that my identity, as well as any information I have provided, might be disclosed to the parties in future proceedings.
- I understand the nature and the purpose of the documentation activity, the potential use of the information I have provided, as well as all the potential risks associated with my participation in this activity.

I hereby consent to:

- [Indicate/describe consented activity (e.g. give an account; hand over documentation or other items; being photographed and document physical injuries).
- Sharing the information, documentation or physical items that I have provided with the Office of the Prosecutor of the ICC and their use in criminal investigations and/or prosecutions.
- Sharing the information, documentation or physical items that I have provided with national authorities or other international judicial mechanisms and their use in criminal investigations and/or prosecutions.
- Any limitations: _____

Name: _____

Signed: _____

Dated: _____

TOPIC 4

ROLES OF VICTIMS AT THE INTERNATIONAL CRIMINAL COURT

WHO IS A VICTIM FOR THE ICC?

THE ICC RECOGNIZES TWO TYPES OF VICTIMS, FOR THE PURPOSES OF PARTICIPATION IN ICC PROCEEDINGS:

1. Individual persons who have suffered harm as a result of one of the ICC crimes. Individual victims should apply by completing the Application form for participation for individuals.
2. Organizations or institutions, when their property dedicated to certain purposes (religion, education, art, science or charitable and humanitarian purposes, or historic monuments or hospitals) is harmed as a result of one of the ICC crimes. Organizations and institutions should apply for participation by using a separate form, namely the Application form for participation for organizations. Only duly authorized representatives of an organization or institution may complete the application form.

VICTIMS MAY INCLUDE:

- victims of sexual violence, children, persons with disabilities, or elderly persons.
- A person who suffers harm as a result of a crime targeted at another person, such as a family member of someone who has been killed.

PARTICIPATION FORMS CAN BE REQUESTED FROM THE ICC'S VICTIMS PARTICIPATION AND REPARATIONS SECTION.

WHAT ARE THE DIFFERENCES BETWEEN PARTICIPATING AS A VICTIM AND TESTIFYING AS A WITNESS?

Victims' participation in proceedings is entirely different from a victim's possible role as a witness called to testify before the Court for the Prosecution, the defense or the victims' legal representative.

Main differences between being a participant and appearing as a witness:

VICTIM AS A PARTICIPANT:	VICTIM AS A WITNESS:
<ul style="list-style-type: none"> • Participation is voluntary and involves communicating to the Court their own views and concerns. • It is up to the victims to decide what they want to say. • Participation is possible at all stages of proceedings when considered appropriate by the Judges. • Always entitled to be represented before the ICC by a legal representative. • Participates via a legal representative, and need not appear in person 	<ul style="list-style-type: none"> • Called by the Prosecution, the defense, the victims' legal representative or the Chamber. • Serve the interests of the Court and the party that calls them. • Give evidence by testifying and answering related questions, • Called to testify at a specific time. • Does not normally have a legal representative. • Normally testify in person in the courtroom • Victims may also participate as witnesses in ICC proceedings as well as participating victims. In such cases, these individuals have a double status (as victim on the one hand and witness on the other).

HOW AND WHEN DO VICTIMS PARTICIPATE IN ICC PROCEEDINGS?

The following are a few examples when and how victims might engage the Court on behalf of victims, if permitted by the judges:

Victims may submit their views to the Court in certain instances prior to the opening of a case against one or more accused:

1. When the Prosecutor wants to open an investigation in a situation of her own initiative:
 - Give observations to the judges while the competent Chamber is still deciding whether or not to authorize the Prosecutor to proceed with an investigation;
2. When the jurisdiction of the ICC or the admissibility of a case is being challenged before the ICC:
 - Give observations to the Chamber.

Victims' interactions with the Court at these instances are facilitated through the VPRS and through counsel, if victims are already represented.

3. When there is a case before a Chamber, victims may participate through their legal representative in the following ways:
 - Present their views to the judges when the Pre-Trial Chamber is considering what charges will be admitted against the accused person in subsequent trial proceedings;
 - Attend hearings before the Chamber;
 - Make statements at the beginning and end of a stage of trial proceedings before the Chamber (opening and closing statements);
 - Ask questions to a witness or expert who is giving evidence before the Court, or the accused;
 - Make written submissions on issues where the personal interests of victims are affected;
 - Present witnesses at trial to give evidence on topics impacting on the personal interests of the victims.

WHAT ARE THE RIGHTS OF VICTIMS IN ICC PROCEEDINGS AS PARTICIPANTS?

- Victims can present their views and concerns to the Court, at stages of proceedings considered appropriate by the judges, where their personal interests are affected.
- Once a victim has been accepted by the judges as entitled to participate during a particular stage of ICC proceedings, the Court must keep him/her informed about developments in the proceedings.
- Victims have the right to have a legal representative.
- Victims have the right to ask the Court to take all possible measures to respect their safety, well-being, dignity and privacy in the course of their participation in the proceedings. (Example: victims can request the judges to order that some of the information they provide in the application form not be communicated to the Prosecution, the defense or the public.) To date it has been the practice of the Court that the identity of victims is not made public.

The ICC judges decide when and how victims will be able to exercise these rights, while making sure that the participation of victims does not interfere with the rights of the accused to a fair and impartial trial.

It is also possible for a victim to apply for reparations. If a victim wishes to apply for reparations, the victim can request the appropriate form from the VPRS.

Reparations will only be ordered by the Court at the end of a trial and only in relation to crimes for which an accused is convicted. This means that many victims will not receive reparations from the Court and that the process could take a long time.

WHAT MAY A VICTIM EXPECT FROM PARTICIPATING IN PROCEEDINGS?

By presenting their views and concerns to the judges, victims are given a voice in the proceedings that is independent of the Prosecutor. This will help the judges to obtain a clear picture of what happened to victims and how they suffered, which the judges may decide to take into account at certain stages in the proceedings.

Putting forward views and concerns will not always result in the Court following the wishes of the victims. In taking its decisions, the ICC judges will be balancing different interests and concerns, including the rights of the defense and the interests of a fair trial.

The possibility to have their legal representatives participate in trials and to be kept informed of developments in the situation or case presents an opportunity for victims to play an active part in proceedings. This can be an empowering experience for victims who would otherwise be left aside in the proceedings as passive observers, even though they are the ones who are most deeply affected by the crimes.

Victims who participate in proceedings are given the opportunity to present their views and concerns to the Court, but will not receive any form of compensation or payment for this participation.

INSTRUCTIONS ON HOW TO COMPLETE THE APPLICATION FORM FOR PARTICIPATION

WHEN FILLING IN THE APPLICATION FORM, PLEASE NOTE THE FOLLOWING:

- Every person applying to participate in ICC proceedings or requesting reparations must fill in a separate application form.
- Fill in the application form for participation and/or reparations as completely as possible. If some questions are not answered, or are not answered fully, the Court may need to come back to the applicant for further information, thus slowing down the process.
- If more space is needed, please continue on a separate sheet of paper and attach it to the application form and put the applicant's name or initials on each extra page.
- Please either type or write the answers very clearly, so that the Court can understand everything that is included in the application. If the application form is filled in by hand, please use a pen.
- The application should be signed by the victim, and also by the person acting on behalf of the victim if there is one. If a victim or a person submitting the application on behalf of a victim cannot write, they may make a personal mark in another way. If an inkpad is available, they may place their thumbprint in the box.
- Please check the Reminder box at the end of the form, as this serves as a reminder to include all necessary documents for the application to be complete.
- If the victim applies using an online application form, please note that the application form cannot be submitted unless all required information has been filled in. This includes uploading a copy of an identity document as well as a copy of a document with the victim's signature on it.

TOPIC 5: WORKSHOP

INSTRUCTIONS ON HOW TO COMPLETE THE APPLICATION FORM FOR PARTICIPATION

THIS FORM SHOULD BE COMPLETED WITH THE ASSISTANCE OF INDIVIDUALS WHO HAVE BEEN TRAINED BY THE COURT



Application form for individuals

Surname of victim _____ First *and/or* other names of victim _____

Any names by which the victim is commonly known can be given here

Date of birth or age _____ Gender _____ Victim application number ___/___/___

In case the applicant does not know their date of birth, approximate age can be given

If previously applied, please give the application number

Nationality _____ Ethnic group _____

1. What process is the victim applying for?

Please tick both boxes if you want to participate in the proceedings as well as reparations in case of a conviction

PARTICIPATION

REPARATIONS (in case of a conviction)

2. What happened to the victim? Describe the events in as much detail as possible

This includes any crime that may have been committed against family members of the victim and as a result of which the victim suffered harm. If you do not have enough space to fully describe what happened to you, you may use a separate piece of paper on which you shall append your name and signature

3. When did these event(s) occur? _____

4. Where did these event(s) occur? _____

5. Who does the victim believe is responsible for these event(s)? _____

6. What type of personal harm has the victim suffered? _____

Please provide a detailed description of the harm as well as the impact on the individual, family and community level. If a box is ticked, the corresponding harm should be detailed in the description. You may tick more than one box. If you do not have enough space to fully describe the harm, you may use a separate piece of paper on which you shall append your name and signature

TYPES OF HARM	DESCRIPTION
<input type="checkbox"/> PHYSICAL INJURIES Such as (chronic) pain, wounds, scars, amputation, loss or limited use of a limb, body organ or function. Victims may have also contracted infections or diseases as a result of the harm suffered. These may include loss of sight/hearing or sexually transmitted diseases, etc.	_____ _____ _____ _____
<input type="checkbox"/> PSYCHOLOGICAL HARM Such as anguish, anxiety, anger, sadness, fear, low self-esteem vulnerability, shame, isolation, nightmares, aggression or distance from relatives, sleeping or eating disorders, alcohol or drug addiction, complaints or concerns related to experiences of sexual violence, memory loss, lack of concentration, etc.	_____ _____ _____ _____
<input type="checkbox"/> LOSS OF OR DAMAGE TO PROPERTY Such as the loss, damage or destruction of the victims' home(s) or other property including land, business, money, animals, crops, merchandise, household goods, clothing, car, boat, motorbike, etc.	_____ _____ _____ _____
<input type="checkbox"/> OTHER HARM The victim may have experienced other types of harm such as loss of income or other support connected to livelihood, loss of financial provider, lost opportunities (business, economic, educational, familia), etc.), stigmatization, break up of family unit, inability to work, unwanted pregnancy, displacement, gender-specific harm, etc.	_____ _____ _____ _____

THIS FORM AND THE APPLICATION PROCESS ARE FREE OF CHARGE – WE DO NOT CHARGE FOR ANY STAGE OF PROCEEDINGS

TOPIC 5: WORKSHOP

INSTRUCTIONS ON HOW TO COMPLETE THE APPLICATION FORM FOR PARTICIPATION

A. ON THE FIRST PAGE OF THE FORM

This section refers to the victim, not the person acting on behalf of the victim.

Who is the victim?

- person who has suffered direct harm as a result of the crime within the jurisdiction of the ICC (direct victim).
- person who suffered harm as a result of a crime targeting another person related to them (indirect victim).

Categories of indirect victims:

- family members of direct victims.
 - “family” does not require blood ties; may include persons who act as parents.
- anyone who attempted to prevent the crime.
- individuals who suffered harm when helping or intervening on behalf of direct victims.
- other persons who suffered personal harm as a result of the crimes.
- Example: family member of EJK victim must fill in a form on their own behalf detailing crimes and their personal harm resulting from loss of family member.

Who is a person acting on behalf of a victim:

Persons who present an application for another person such as:

- victims who are unable to present their own application (children, persons with disabilities affecting ability to present application) and
- victims who prefer to ask someone else to present application on their behalf and have given their consent for someone else to do so.

Name of the victim

- A copy of proof of identity of the victim should be submitted with the form. Only attach copies of documents, not originals. If any information in the form is different from the information on the identity document provided (for example, name spelling, date of birth), please explain the reason for the difference next to the answer, or on a separate sheet clearly referencing the error/discrepancy.

Date of birth or age

- If the victim’s date of birth or age is unknown, please give an approximate date or age; if not possible, provide any information that could assist in determining/approximating age.

TOPIC 5: WORKSHOP

INSTRUCTIONS ON HOW TO COMPLETE THE APPLICATION FORM FOR PARTICIPATION

Gender

- Please state the gender the victim identifies with.

Nationality

- Enter the victim's nationality(ies). If the victim is stateless, this should be mentioned here.

Ethnic group

- If applicable, enter the victim's ethnic group or tribe.

Question no. 1: "What process is the victim applying for?"

- Victims may choose to participate in proceedings and request reparations using this form. If the victim would like to apply for both participation and reparations, the victim should tick both the "PARTICIPATION" and "REPARATIONS" boxes.
 - Additional supporting documents related specifically to verifying or supporting reparation claims (that are not immediately available at no cost to the victim at the time the victim completes the form) need not be included at this time.
 - Should the victim only wish to participate in the proceedings (providing their views and concerns about the court proceedings through a lawyer), victim should only tick the "Participation" box and leave question 7 blank. Should the victim only wish to request reparations, the victim should only tick the "Reparations" box but all four pages of the application form should still be completed.
 - Reparations can include compensation, various forms of assistance, restitution of property, and/or symbolic or moral measures such as public apologies.
- **Question no. 2: "What happened to the victim?"**
 - **Question no. 3: "When did these event(s) occur?"**
 - **Question no. 4: "Where did these event(s) occur?"**
- Please be as specific as possible about what happened to the victim and/or to the victim's family member(s). It is important to provide a clear description of the facts and details of the victim's personal impressions. It is in the interest of the victim to provide a clear and factual account of the events that happened to the victim (and/or their family member), precisely as he/she remembers them.

TOPIC 5: WORKSHOP

INSTRUCTIONS ON HOW TO COMPLETE THE APPLICATION FORM FOR PARTICIPATION

- If different events took place at different date(s) and/or place(s), please clearly explain each relevant event and record the date when it occurred.
- If the date of the events is unknown, please give an approximate date of event (example: around Christmas time, near election day). If possible, provide name of a barangay, municipality or city where or near to the place where the incidents occurred.

Question no. 5: “Who does the victim believe is responsible for these event(s)?”

- If the applicant does not know who the person(s) allegedly responsible for these events are, it is sufficient to provide some information that would identify the group to which the individuals belong (Example: a description of the uniforms worn by alleged perpetrators or language spoken by alleged perpetrators, etc.)
- If the victim does not know who is responsible for the events, the victim can simply reply “not known”

Question no. 6: “What type of personal harm has the victim suffered?”

- Multiple boxes may be ticked, and that the examples provided under each tick box are not exhaustive. Once a box is ticked, the victim should add detail in the free text space provided next to the box(es) ticked.

TOPIC 5: WORKSHOP

INSTRUCTIONS ON HOW TO COMPLETE THE APPLICATION FORM FOR PARTICIPATION

THIS FORM AND THE APPLICATION PROCESS ARE FREE OF CHARGE - WE DO NOT CHARGE FOR ANY STAGE OF PROCEEDINGS

7. In the event of a conviction (and if resources are available), what form of reparations would you like to claim?

Please see the examples listed below for potential guidance. You may indicate multiple examples of reparations. **Reparations can only be awarded in the event of a conviction**

EXAMPLES OF REPARATIONS	DESCRIPTION
<input type="checkbox"/> FINANCIAL COMPENSATION <i>Refers to monetary compensation for damages. This may include compensation for material, physical or psychological harm.</i>	
<input type="checkbox"/> RESTITUTION <i>Refers to awards that seek to restore the victim to the place that they were in before the commission of crime(s). This may include the return to place of residence, the return/reconstruction of specific lost/destroyed property, the reinstatement of previous employment, or the restoration of right (such as education support, etc.)</i>	
<input type="checkbox"/> REHABILITATION <i>Refers to measures such as medical and psychological care for wounds, sickness, disease or any form of psychological harm. Also refers to legal and social services.</i>	
<input type="checkbox"/> OTHER FORM OF REPARATIONS <i>May include any type of award the victim considers most appropriate to address and repair the harm suffered. This may include: income generating activities, establishment of the truth, apologies, judicial and legal reforms, apologies, commemoration ceremonies, monuments, educational opportunities, guarantees of non-repetition (of crimes), peace initiatives. etc.</i>	

DOES THE VICTIM CONSENT TO PROVIDING THE PERSONAL INFORMATION CONTAINED IN THIS APPLICATION FORM TO THE COURT'S TRUST FUND FOR VICTIMS?

YES NO

Reparations may be dispersed through the Court's Trust Fund for Victims (TFV)

To be completed only if a person is acting on behalf of the victim:

- Victim is a child
- Victim is a person with a disability
- Victim is an adult and gives consent for someone to act on their behalf

Relationship to victim _____

Please provide with this application copies of proof of identity of the person acting on behalf of the victim and a copy of proof of their kinship

Consenting victim must sign below or attach a declaration - please see instructions

Details of person acting on behalf of victim:

Surname _____ First name _____ Date of birth/age _____

Signature of person acting on behalf of the victim _____ Date _____ Location _____

IN SUBMITTING THIS APPLICATION THE VICTIM ACKNOWLEDGES WITH THE SIGNATURE THAT THE INFORMATION CONTAINED HEREIN IS ACCURATE TO THE BEST OF THE VICTIM'S KNOWLEDGE AND SHOULD BE CONSIDERED FOR THE TRUTH OF ITS CONTENT

Signature of the victim/person acting on behalf of the victim _____ Date _____ Location _____

TOPIC 5: WORKSHOP

INSTRUCTIONS ON HOW TO COMPLETE THE APPLICATION FORM FOR PARTICIPATION

B. ON THE SECOND PAGE OF THE FORM

Question no. 7: “In the event of a conviction (and if resources are available), what form of reparations would you like to claim?”

PLEASE NOTE THREE IMPORTANT POINTS:

1. Reparations will only be awarded in the event of a conviction at the close of trial.
 2. Relevant judicial proceedings may last years before a final verdict is pronounced.
 3. The available resources for reparations may be limited and less than expected.
- **For compensation** - if the victim considers financial compensation as the most appropriate award for the harm suffered. It may also be ticked if property that was lost cannot be replaced and only compensation can contribute to repairing the harm.
 - **For restitution box** - if the victim has alleged property loss as a form of harm suffered and the specific property lost cannot be replaced or compensated for and is still thought to remain in the possession of the accused person. It may also be ticked if the reinstatement of previous employment or the restoration of right (such as education support, etc.) is sought.
 - **For rehabilitation box** - if the victim continues to suffer from any form of mental pain and anguish and would benefit from psychological treatment. It also refers to measures such as medical care for wounds, sickness, disease or any form of psychological harm. Finally, the rehabilitation box should be ticked if the victim has lost access to certain legal or social services as a result of the crimes committed.
 - If none of the above options corresponds with the type of award that the victim considers most appropriate, they can tick “Other form of reparations”, and specify in the space provided what type of reparations award would be most appropriate.
 - **“Does the victim consent to providing the personal information contained in this application form to the court’s trust fund for victims?”**
 - By ticking the “Yes” box, the information provided may be transmitted to the ICC’s Trust Fund for Victims. The Trust Fund for Victims is bound by duties of confidentiality.

TOPIC 5: WORKSHOP

INSTRUCTIONS ON HOW TO COMPLETE THE APPLICATION FORM FOR PARTICIPATION

- **Portion referring to be completed only if a person is acting on behalf of the victim**
 - **Victim is a child:** Every person below the age of 18 is a child; an adult related to the child has to present the application acting on their behalf.
 - A document (copy) as proof of kinship has to be attached to the application form. (Example: birth certificate, baptismal certificate, school records). It can also be a declaration from two witnesses, submitted alongside copies of their identity documents.
 - **Victim has a disability:** If the victim has a disability that affects their ability to present an application, then a guardian can present the application acting on their behalf.
 - A document (copy) as proof of guardianship has to be attached to the application form. It can also be a declaration from two witnesses, submitted alongside copies of their identity documents.
 - **Victim is an adult:** If the victim is an adult and prefers that someone else presents the application on their behalf.
 - Letter of consent signed by the victim, or by signing the victim's signature box of Page 2 is imperative. In both cases, the person acting on behalf needs to sign the 'person acting on behalf signature' field.
 - Proof of identity of the person acting on behalf of the victim must be attached to the form, in addition to the document proving kinship or guardianship.
 - Signature: If the victim is an adult who gives consent for someone to act on their behalf, both persons (the applicant and the person acting on their behalf) must sign the application form. The person acting on behalf of the victim should sign the first signature box and the victim should sign the second.

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INSTRUCTIONS ON HOW TO COMPLETE THE APPLICATION FORM FOR PARTICIPATION

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Personal information

8. If applicable, why does the victim want to participate in the Court proceedings? _____

9. Does the victim have reasons to be concerned about security, including that of his/her family, as a result of interaction with the Court?
 Yes No *If yes, please explain* _____

10. Victim's marital status _____
11. I) Number of children the victim has _____
II) Total number of dependents the victim has _____
12. Specify disabilities the victim has, if any _____
13. Specify language(s) spoken by the victim _____
14. Specify occupation the victim has, if any _____

15. LEGAL REPRESENTATION:

- I) Has the victim chosen a lawyer to represent him or her in the proceedings before the Court? Yes No
If yes, please provide the name and contact details of the lawyer _____

- II) Does the victim have financial resources to pay for a lawyer? Yes No
- III) Does the victim have concerns being represented by a lawyer/legal team that also represents other victims in the proceedings? Yes No *If yes, please explain* _____

- IV) Characteristics and qualities that the victim considers necessary in a lawyer representing them in the proceedings

- V) If the victim is unrepresented:
- a) Does the victim wish to be represented by a lawyer from the Office of Public Counsel for Victims at the Court?
(an independent office of lawyers within the Court, representing victims in proceedings)
 Yes No
- b) Does the victim wish to choose a lawyer from the List of Counsel before the Court?
 Yes No

TOPIC 5: WORKSHOP

INSTRUCTIONS ON HOW TO COMPLETE THE APPLICATION FORM FOR PARTICIPATION

C. ON THE THIRD PAGE OF THE FORM

- **Question no. 8: “If applicable, why does the victim want to participate in the Court proceedings?”**
 - Please explain the reason/s that motivate the victim to participate in the ICC proceedings.

- **Question no. 9: “Does the victim have reasons to be concerned about security, including that of his/her family, as a result of interaction with the Court?”**
 - The victim can express his/her concerns, not only about physical security but also about harm to the psychological well-being, reputation, privacy and/or dignity or those of the victim’s family as a result of their relation and interaction with the ICC.

- **Question no. 10: Victim’s marital status**
 - Please indicate whether the victim is single, married, widowed, or cohabitating.

- **Question no. 11: Number of children of the victim; Total number of dependents of the victim**
 - Indicate the number of people such as children, spouse(s), orphans or other family members who are dependent on the victim for financial or other support.

- **Question no. 12: Specify disabilities the victim has, if any.**
 - Indicate any form of impairment, not necessarily resulting from the alleged crimes, that may impact on the victim’s health, mobility, cognitive ability or decision-making capacity.

- **Question no. 13: Specify language(s) spoken by the victim**

- **Question no. 14: Specify occupation the victim has, if any**
 - Indicate the occupation/job, formal or informal, of the victim, at the time of filing of form, if any.

TOPIC 5: WORKSHOP

INSTRUCTIONS ON HOW TO COMPLETE THE APPLICATION FORM FOR PARTICIPATION

- **Question no. 15: On legal representation**

- **I.** A victim is free to choose a legal representative. Please indicate if the victim has already made a choice at the time of filling this form. In order to represent victims before the ICC, a lawyer must be on the ICC list of counsel.
- **II.** If the applicant can afford to pay for a lawyer who will represent them in the ICC proceedings, please confirm here.
- **III.** When there are many victims participating in the proceedings, the ICC may decide to group them and appoint one lawyer, or a team of lawyers, to represent them. Please provide an explanation if the applicant believes that all the victims or specific groups of victims cannot be represented by the same lawyer or team of lawyers.
- **IV.** The victim may list here any particular characteristics and qualities they prefer in a lawyer, or a team of lawyers.
- **V. a.** Victims can choose to be represented in ICC proceedings by lawyers from the Office of Public Counsel for Victims (“OPCV”).
- **V. b.** The ICC Registry can assist victims to choose a lawyer, notably by sharing with them the names of lawyers who are currently registered on the ICC List of Counsel and who would fit the characteristics and qualities sought by the victims.

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INSTRUCTIONS ON HOW TO COMPLETE THE APPLICATION FORM FOR PARTICIPATION

THIS FORM AND THE APPLICATION PROCESS ARE FREE OF CHARGE - WE DO NOT CHARGE FOR ANY STAGE OF PROCEEDINGS

CONTACT INFORMATION OF THE VICTIM:

Address _____

Phone number(s) or other ways to contact the victim _____

Email _____

Name of interpreter, if any _____

Contact information of the person or organization who assisted in filling in this form *(if applicable)*:

Surname _____ First name _____

Name of the organization *(if applicable)* _____

Phone number(s) and email *(if applicable)* _____

Address _____

The following documents should be attached to this application form, as applicable. Please tick the boxes of all documents included with this application:

- Copy of proof of identity of the victim
- Copy of proof of identity of the person acting on behalf of the victim
- Declaration giving consent for someone to act on behalf of the adult victim
- Copy of proof of kinship
- Copy of medical records or other documentation that prove the personal harm suffered by the victim, including names and contacts of individuals who could corroborate the victim's reparation claims *(if relevant and immediately available at no cost to the victim)*

TOPIC 5: WORKSHOP

INSTRUCTIONS ON HOW TO COMPLETE THE APPLICATION FORM FOR PARTICIPATION

D. ON THE FOURTH PAGE OF THE FORM

- **Contact information of the victim**
 - This could be the victim's own contact details, or those of a family member or other individual if the victim prefers to be contacted through someone else. Please indicate if the address given is not that of the victim.
 - If the victim expects to relocate, please provide the name and address of a trusted person who would know how to contact the victim, and who is aware of the application being submitted. Please also provide the name of the person who provided interpretation, if there was one.
- **Contact information of the person or organization who assisted in filling in this form (if applicable)**
 - This should only be filled out if the victim or person acting on behalf of the victim were assisted in completing the form.
- **On documents that should be attached to the application:**
 - In submitting the application form, applicants are requested to provide **photocopies** of certain documents. Proof of identity is required for every victim application in order to be considered complete. **Please do not send original documents.**
 - If the applicant has any other document that is not specifically requested but that the applicant thinks might be relevant for the application, such as forensic, medical, police or court records, photographs, films, etc., please attach a photocopy to the application.
 - All documentation provided (including the pictures on documents) should be readable.
 - Names and contacts of individuals who could corroborate the victim's reparations claims should be provided if available, together with the relevant contact details. Please note that this information should only be provided with the consent of the individual(s) concerned.