

RESOLUTION 1/2014

REPARATION FOR VICTIMS OF ARMED CONFLICT

The 76th Conference of the International Law Association, held in Washington D.C., the United States of America, 7-11 April, 2014:

HAVING CONSIDERED the Final Report of the International Committee on Reparation for Victims of Armed Conflict and viewing the Procedural Principles for Reparation Mechanisms annexed hereto as a contribution to the progressive development of international law;

CONSIDERING the adoption of the Declaration of International Law Principles on Reparation for Victims of Armed Conflict (Substantive Issues) at the 74th Conference of the International Law Association, held at The Hague, The Netherlands, 15-20 August, 2010;

RECOGNISING the importance of establishing a reparation mechanism for victims of armed conflict in accordance with the Procedural Principles;

CONVINCED that these Principles may also facilitate reparation for victims of violence occurring in the aftermath of conflict situations;

ADOPTS the annexed Procedural Principles as an essential addition to the said Declaration, to be read in conjunction with the Commentaries incorporated in the Final Report;

THANKS the Chair, the Rapporteurs and the Members of the Committee for the valuable work done;

REQUESTS the Secretary-General of the International Law Association to forward a copy of the Final Report and of this Resolution to the Secretary-General of the United Nations, appropriate international and regional organisations, the United Nations Human Rights Council, the International Court of Justice, the International Criminal Court, the Mechanism for International Criminal Tribunals, and other international or internationalised criminal tribunals, the International Criminal Court Trust Fund for Victims, and the International Committee of the Red Cross, and circulate it widely amongst the community of international lawyers, in particular expert bodies dealing with international humanitarian law;

RECOMMENDS to the Executive Council that the Committee on the Reparation for Victims of Armed Conflict, having accomplished its mandate, be dissolved.

PROCEDURAL PRINCIPLES FOR REPARATION MECHANISMS

Principle 1

Victims have a right to access an effective mechanism to claim reparation (“reparation mechanism”).

Principle 2

Victims have a right to be heard, which should be respected in all phases of the reparation mechanism.

Principle 3

Victims have a right to equal treatment without discrimination, which shall be respected in all phases of the reparation mechanism.

Principle 4

The reparation mechanism shall have an adequate organizational structure.

Principle 5

The reparation mechanism shall be accompanied by outreach activities.

Principle 6

The reparation mechanism shall have adequate rules for collecting, registering and processing claims.

Principle 7

The reparation mechanism shall have adequate rules for decision-making, including the valuation of claims.

Principle 8

The reparation mechanism shall have adequate rules on legal recourse and exclusivity.

Principle 9

The reparation mechanism shall have adequate rules on compliance and enforcement.

Principle 10

The reparation mechanism shall have adequate funding including voluntary contributions.