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**Conference Services**

The attached information about "S.O.S Attentats - S.O.S. Terrorism", France, with regard to the "*High-Level Meeting on Victims of Terrorism*", 13 - 14 September 2007, is being distributed to all delegations.





# S.O.S. ATTENTATS

## S.O.S. TERRORISME

### S.O.S. Attentats - S.O.S. Terrorism

S.O.S. TERRORISM was created on January 24<sup>th</sup>, 1986 exclusively for victims of terrorism and their families.

It is a French non-profit making association, governed by the 1901 Act. It has no philosophical, political or religious affiliation.

#### Activities

S.O.S. TERRORISM action has resulted in the enactment of new legislation for:

- Victims' compensation
- Recognition of terrorism as a new form of warfare
- The creation of a psychological aid system

#### The acts

- **Full compensation** for victims thanks to a Guaranty Fund

*Act of September 9<sup>th</sup>, 1986*

- **Retroactivity** of the Act of September 9, 1986 back to January 1, 1985

*Act of December 30<sup>th</sup>, 1986*

- **Status of civilian war victims** for victims of terrorism

*Act of January 23<sup>rd</sup>, 1999*

- **Exemption from inheritance tax**

*Amended Finance Act of 1990 (Section 35)*

- **The right for S.O.S. TERRORISM to associate in criminal proceedings with the public prosecutor on behalf of victims**

*Act of July 6<sup>th</sup>, 1990, section 2-9 of the French Code of Criminal Procedure*

- **Statute of limitations** for terrorist offences, **increased** to:

- 30 years for felonies

- 20 years for misdemeanors

*Act of February 8<sup>th</sup>, 1995, section 706-25-1 of the Code of Criminal Procedure*

The definition of a terrorist attack:

Acts covered by Section 706-16 of the French Code of Criminal Procedure, which lists a number of offenses that are considered terrorist acts when they are "related to a personal or collective venture aimed at seriously disrupting public order by means of intimidation or terror".

## **Financing**

The Fund is financed by national solidarity contributions made by each person taking out insurance on property (home, car and private company insurance).  
The contribution is approximately 3,30 Euro on each contract.

### **S.O.S. ATTENTATS;**

- Provides information and guidance to victims in their dealings with the authorities and the courts
- organizes support groups and information meetings
- Assists victims with medical assessments
- Provides support to victims throughout the legal process, from the initial investigative hearings to the trial
- Contributes towards legal costs

S.O.S. TERRORISM has obtained full compensation for prejudices to victims of criminal infractions (act of July 6<sup>th</sup>, 1990), such as:

- Aggression, rape
- Technological ~~and natural~~ disasters
- Multiple-victim accidents

## **Representing the victims**

### **S.O.S. TERRORISM is member of:**

- The Board of Directors of the Guaranty Fund for victims of terrorist acts and other offenses
- The National Consultative Commission of Human Rights
- The global Coalition for the International Criminal Court

S.O.S. TERRORISM is the spokesperson of the victims towards:

- French public authorities
- Local collectivities: Regional and General Councils, municipalities
- European and international authorities

S.O.S. TERRORISM is an accredited non-governmental organization associated with the Department for Public Information of the United Nations, in consultative status with ECOSOC.

## **Justice and the truth**

Against death sentence, against all kinds of discrimination based on race, nationality, religion or any other particularity, S.O.S. TERRORISM aims at fighting against terrorism through the legal process.

The association is involved in many criminal proceedings linked to terrorist acts.

According to section 2-9 of the Code of Criminal Procedure, S.O.S. TERRORISM is allowed to file claims for damages in criminal proceedings concerning terrorist acts, which have been initiated by the public prosecutor or by the victims.

S.O.S. TERRORISM actively participates in:

- Criminal proceedings against infractions related to terrorist crimes (murder, attempted murder, complicity and financing of such)
- proceedings, when a judicial inquiry is opened by the prosecution department against persons suspected of being part of a terrorist group

S.O.S. TERRORISM intervenes if:

- The terrorist attack occurred on French territory, regardless of the nationality of the victims
- French citizens are victims of terrorist attacks abroad
- proceedings are opened in France concerning:
  - The financing of terrorism (section 33, act of November 15<sup>th</sup>, 2001)
  - conspiracy with a terrorist organization (section 421-2-1 of the Criminal Code).

Concerning the latter, apart from the examining magistrate and the prosecution department, S.O.S. TERRORISM is the only legal and natural party to have access to the proceedings files concerning all terrorist networks.

**All the procedures related to terrorist crimes are centralized in Paris:**

- Terrorist crime perpetrators are judge by the assizes of Paris, specifically composed of professional magistrates (and not a civil jury) on first instance and on appeal, then, if needed by the Cour de cassation (Supreme Court)
- misdemeanours are the competence of Paris Tribunal correctionnel (court sitting in criminal matters), of Paris court of appeal and the "Cour de cassation".

S.O.S. TERRORISM can also instigate proceedings before the European Court for human rights.

S.O.S. TERRORISM:

- Helps victims obtain access to judicial proceedings
- supports the victims and their families during the proceedings
- insists on the respect of victims and defendants rights during the criminal process
- fights against national interest too often put forward in terrorist matters

## **Medical Research**

**1 - Epidemiological study made by the INSERM (National Institute for Health and Medical Research) from 1986 to 1987**

This first study has enabled us:

- To modify compensation rules, creating a *specific damage caused to victims of terrorist attacks*
- To create, in 1995, psycho-medical urgency cells.

## **2 - Epidemiological study on the consequences on public health of the terrorist attacks perpetrated between 1995 and 1996**

This study, coordinated by an international scientific committee, was published in 2001. Moreover, accredited by the World Health Organization, the study has been put at the INSERM's disposal to help out the victims of the explosion that occurred on September 21<sup>st</sup>, 2001, in the AZF factory of Toulouse.

### **Medical guidebook**

These studies, have helped to create a guidebook for professionals; concerning the socio-medical assistance of victims of terrorist attacks, collective disasters and collective accidents.

The medical studies and the guidebook prepared by S.O.S. TERRORISM are available:

- on our website: <http://www.sos-attentats.org/>
- upon request, at the association
- these medical studies have established the existence of close links between ENT after-effects and psychological troubles calling for specific medical care

### **Our aims in the judicial field**

- **Uniformity of victims' rights**

S.O.S. TERRORISM is aiming at:

A more uniform damages compensation for all victims of terrorism thanks to a harmonization of the national laws of European states

The setting up of a European status for victims of terrorism

fair compensation for victims of terrorism to be given by the International Criminal Court

### **European judicial cooperation**

For Europe, S.O.S. TERRORISM is aiming at:

- A harmonization of prevention, repression, and the fight against the financing of terrorism
- an harmonization of criminal laws, incriminations and sanctions

- the suppression of extradition procedures that prevent justice and advantage impunity
- the automatic extradition of terrorists to the country in which the attack occurred
- the quick and effective constitution of the European warrant for arrest
- the elimination of all legal barriers by the creation of a European prosecution department able to:
  - lead transnational investigations
  - control legal proceedings
  - harmonize suits against terrorist attack perpetrators

- **International judicial cooperation**

To fight against the cumbersome procedures of international written interrogatories

S.O.S. TERRORISM is aiming at:

- Terrorist crimes, excluded from the International Criminal Court statute which was created on July 17<sup>th</sup>, 1998 by the Treaty of Rome, to fall within the competence of this court ~~before the revision conference, scheduled for year 2008~~
- the International Criminal Court which came into force on July 1<sup>st</sup>, 2002 to adopt victims compensation in full
- the universal competence procedure to be automatically applied
- the end of immunity of Head of State acknowledged to be the authors, silent partners and accessories to terrorist crimes
- international conventions concerning the fight against terrorism, to be signed and ratified by every single State
- the rapid adoption of the Draft General Convention against international terrorism, presently being discussed at the UN
- the recourse to legal proceedings rather than weapons to fight against terrorism

**The victims voice should be heard  
at international proceedings**

- **Fight against impunity**

S.O.S. TERRORISM wants no one to be able to escape justice for terrorist crimes

Every person accountable for terrorist acts, perpetrators, silent partners, accessories including leaders in office, have to be pursued, judged, and convicted:

- either by national criminal jurisdictions
- or by the International Criminal Court

- **Publication**

S.O.S. TERRORISM, in partnership with the International Superior Institute of criminal science and the Human Rights Center of Galway, thanks to the financing

granted by the European Commission (Grotius Criminal program), published a common work book concerning:

*Terrorism and international criminal responsibility*

Available upon request at the association

## **Victims access to criminal proceedings**

S.O.S. TERRORISM encourages victims access to criminal proceedings and accompanies them throughout the procedure:

- by asking all the victims of the same terrorist attack to assemble around the same pool of attorneys
- by organizing briefings during preliminary investigations and preparatory meetings to trials
- by allowing communication and exchanges of experiences between victims
- by helping victims reach justice and truth

### **How to associate in an action with the public prosecutor?**

After a terrorist attack, victims and families of deceased persons can claim for damages through the criminal proceedings taking place at the assizes

- if a preliminary investigation is opened by Paris' prosecution department (Parquet de Paris):
  - the victims do not have to lodge a complaint
  - the victims can associate in the action with the public prosecutor
- if no investigation is opened in France
  - the victims can have it opened by lodging a complaint with the prosecutor

### **Which victims have the right to associate in actions with the public prosecutor?**

**If the terrorist attack occurred on French territory:** all the victims and families of deceased persons regardless of their nationality or their administrative status in France

**If the terrorist attack occurred abroad:** only French citizens can intervene in proceedings opened in France

**Advice from S.O.S. TERRORISM:** victims, associated in actions with the public prosecutor, can elect their domicile with an attorney, and keep their own address unknown

### **Financing of the proceeding costs**

Terrorism victims benefit from jurisdictional assistance that pays attorneys' fees

### **S.O.S. TERRORISM:**

- pays for all the costs linked to the engaged proceedings
- gives the application forms for jurisdictional assistance to the victims, helps them to fill them up and centralizes the applications with the jurisdictional assistance office