



**Organization for Security and Co-operation in Europe  
Secretariat**

PC.DEL/885/07  
13 September 2007

ENGLISH only

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**Conference Services**

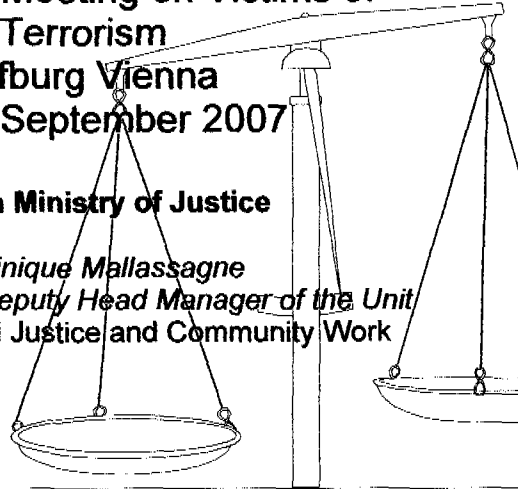
Please find attached the introductory statement by Dominique Mallassagne, Deputy Head of the Department on Assistance to Victims, Ministry of Justice, France, delivered to the session II (Victims' Assistance Programmes) of the *"High-Level Meeting on Victims of Terrorism"*, 13 - 14 September 2007.

## OSCE-ODIHR

### High-Level Meeting on Victims of Terrorism Hofburg Vienna 13-14 September 2007

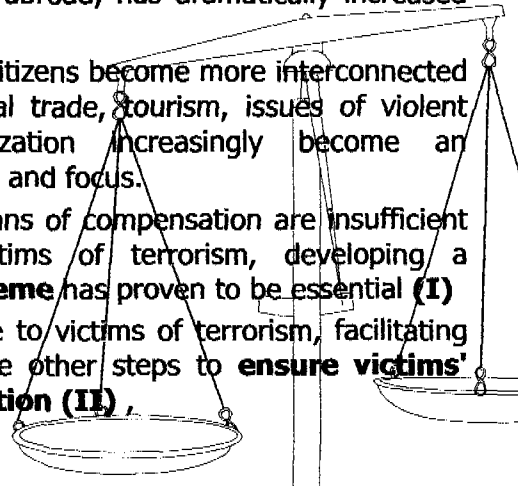
**French Ministry of Justice**

*Dominique Mallassagne*  
Senior Prosecutor Deputy Head Manager of the Unit  
Access to Law and Justice and Community Work



## Introduction

- The threat of terrorism against citizens, both in their home countries and abroad, has dramatically increased in recent years.
- Countries and their citizens become more interconnected through, international trade, tourism, issues of violent crime and victimization increasingly become an international concern and focus.
- Since traditional means of compensation are insufficient to compensate victims of terrorism, developing a **compensation scheme** has proven to be essential **(I)**
- Improving assistance to victims of terrorism, facilitating access to Justice are other steps to **ensure victims' rights and recognition (II)**,



## Objective 1 COMPENSATING

- Starting points : Victim of terrorism and/or the relatives of the deceased / or injured victim. Existing means of compensation are insufficient when it comes to terrorism, therefore a compensating scheme is essential
- Structure : Finds its origin in the act of 9<sup>th</sup> September 1986 enacted at a moment when France underwent severe terrorist attacks : The Guaranty Fund (F.G.T.I.)
- Main features : full compensation (all damages are covered) through expert valuation (not in accordance with a table or list), assessment is personal and individual.

## Objective 1 COMPENSATING

### A "compensated" victim :

- Making it easy for victims of terrorism to claim compensation = non judicial proceedings,  
(amicable settlement) in case of disagreement  
Judge will decide
- The Fund provides full compensation to direct and indirect victims not only if the relative is deceased...
  - To all victims of acts of terrorism perpetrated in France regardless of citizenship or status
  - To French citizens and their relatives (even non French) if they are victims of terrorism abroad

## Objective – 1 COMPENSATING

Likewise it is essential to make it simple for authorities :

- To finance compensation : Fund is financed through a contribution amounting to 3,30 € paid by each person insured on possessions (e.g. Home, car etc...);
- To assess claims : the Fund is informed by public prosecutor or diplomatic agents of a terrorist attack, and shall award compensation within 3 months after the victims submit evidence of their damage ;
- To reclaim payment from the offender (subrogation)

## Compensation of victims of terrorism indemnisation des victimes de terrorisme by / par F.G.T.I.

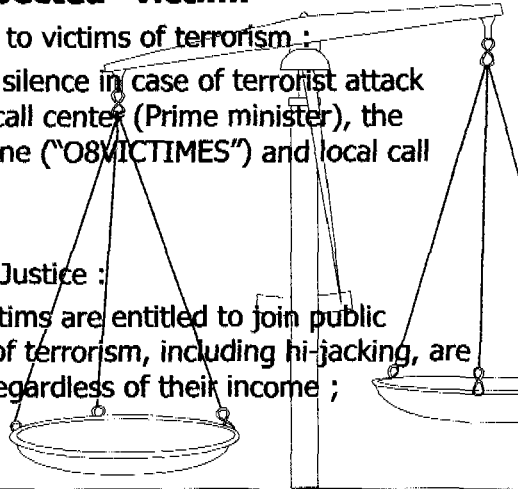
	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006
Nombre de dossiers de victimes ouverts/ Files opened/Year	37	461	307	124	60	60	68	70	135	89	133	156	135
Montant des règlements en M€ Amount paid /Year	1,6	6,3	4,4	3,7	3,1	2	1,9	1,3	3,1	2,7	2,6	2,8	2,8

**Objective 2 – ENSURING VICTIMS' RIGHTS AND RECOGNITION**

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**A "respected" victim:**

- Improving assistance to victims of terrorism :
  - avoiding institutional silence in case of terrorist attack through : a national call center (Prime minister), the national victims' helpline ("O8VICTIMES") and local call center ;
- Facilitating access to Justice :
  - Under French law, victims are entitled to join public prosecution, victims of terrorism, including hi-jacking, are entitled to legal aid regardless of their income ;

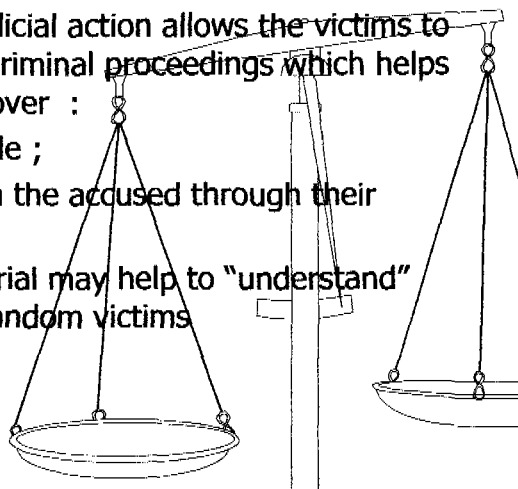


**Objective 2 – ENSURING VICTIMS' RIGHTS AND RECOGNITION**

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Associating in a judicial action allows the victims to take part in the criminal proceedings which helps the victim to recover :

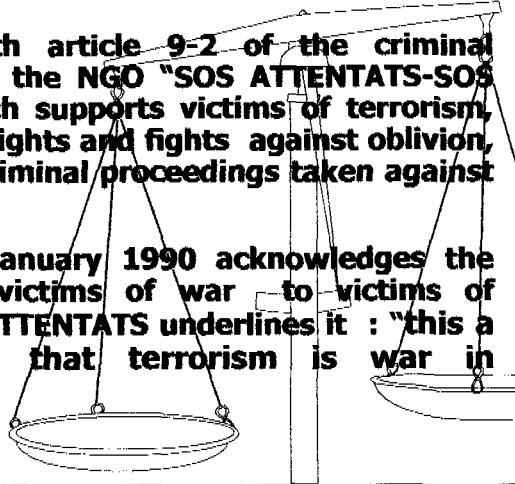
- Access to legal file ;
- Right to question the accused through their lawyers ;
- Participation to trial may help to "understand" why they were random victims



## Objective 2 – ENSURING VICTIMS' RIGHTS AND RECOGNITION

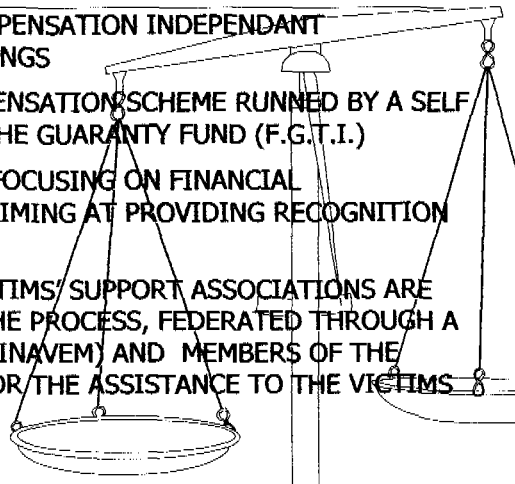
**Terrorism is a society concern that calls for a collective response :**

- In accordance with article 9-2 of the criminal proceedings Code , the NGO "SOS ATTENTATS-SOS TERRORISME" which supports victims of terrorism, advocates victims' rights and fights against oblivion, is entitled to join criminal proceedings taken against terrorists ;
- The law of 23rd January 1990 acknowledges the status of civilian victims of war to victims of terrorism. As SOS ATTENTATS underlines it : "this a clear recognition that terrorism is war in peacetime".



## CONCLUSION : MAIN CHARACTERISTICS OF THE FRENCH SCHEME

- A RIGHT TO FULL COMPENSATION INDEPENDANT OF JUDICIAL PROCEEDINGS
- A SUSTAINABLE COMPENSATION SCHEME RUNNED BY A SELF GOVERNING BODY : THE GUARANTY FUND (F.G.T.I.)
- A SCHEME NOT ONLY FOCUSING ON FINANCIAL COMPENSATION BUT AIMING AT PROVIDING RECOGNITION FOR THE VICTIMS
- A SCHEME WHERE VICTIMS' SUPPORT ASSOCIATIONS ARE FULLY INVOLVED IN THE PROCESS, FEDERATED THROUGH A NATIONAL NETWORK (INAVEM) AND MEMBERS OF THE NATIONAL COUNCIL FOR THE ASSISTANCE TO THE VICTIMS (CNAV)



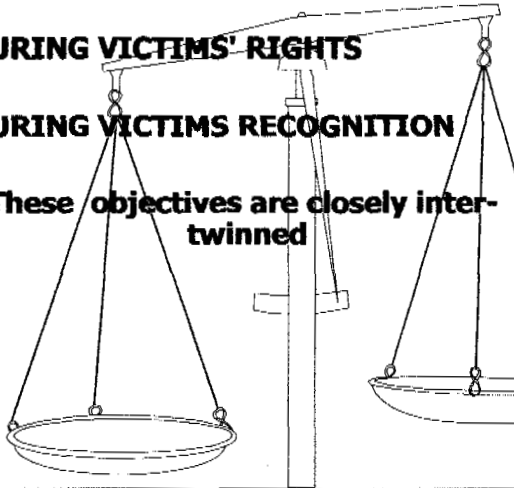
Objectives > Actions > Outcomes

**COMPENSATING**

**ENSURING VICTIMS' RIGHTS**

**ENSURING VICTIMS RECOGNITION**

These objectives are closely intertwined



**THANK YOU**  
FOR YOUR ATTENTION

[www.justice.gouv.fr](http://www.justice.gouv.fr)

[www.sos-attentats.org](http://www.sos-attentats.org)

[www.inavem.org](http://www.inavem.org)

[www.fgti.fr](http://www.fgti.fr)

08 842 846 37

(open 7/7, 9AM to 9PM)



08 842 846 37 - prix d'un appel local - 7j sur 7 - de 9h à 21h

