



CO-CHAIRS' SUMMARY REPORT

ASEAN REGIONAL FORUM WORKSHOP ON MEDIUM- TO LONG-TERM SUPPORT FOR VICTIMS OF TERRORISM

Manila, Philippines, 7-8 February 2017

INTRODUCTION

1. As approved by the 23rd ASEAN Regional Forum (ARF) Ministerial Meeting in Vientiane, Lao PDR on 26 July 2016, the Government of the Republic of the Philippines hosted the ARF Workshop on Medium- to Long-Term Support for Victims of Terrorism in Manila, Philippines on 7-8 February 2017. The workshop was co-chaired by the Philippines and the United States and organized with assistance from the Global Center on Cooperative Security. The agenda and list of participants for the workshop are attached as **Annexes 1 and 2**, respectively.
2. The workshop built on an earlier ARF Workshop on First Response Support for Victims of Terrorism and Other Mass Casualty Events in Manila in 2015 that brought together policymakers, practitioners, and first responders across the ASEAN region from the domains of (natural) disaster preparedness and management and those responsible for managing and coordinating responses to terrorist attacks.
3. The workshop looked beyond first responders to consider medium- to long-term support to victims of terrorism in areas related to: a) medical and psychosocial support, b) financial support and compensation, and c) support through the criminal justice process. It was intended to raise awareness of and elaborate on good practices in those areas articulated in the Global Counterterrorism Forum's *Madrid Memorandum on Good Practices for Assistance to Victims of Terrorism Immediately after the Attack and in Criminal Proceedings* (Madrid Memorandum). Participants included a total of sixty-two (62) policymakers and practitioners from twenty (20) countries, and seven (7) inter- and non-governmental organizations, as well as three (3) victims of terrorism.

OPENING SESSION

4. Mr. Ariel Y. Abadilla, Undersecretary for Civilian Security and Consular Concerns with the Department of Foreign Affairs of the Republic of the Philippines, delivered the opening remarks. In his statement, Mr. Abadilla underscored the relevance of the workshop and the growing interest among governments to do more to support victims in the aftermath of attacks and not to focus attention exclusively on the perpetrators. He expressed hope that through the workshop and related initiatives a comprehensive national legal framework can be developed to holistically address all the areas of assistance to victims of terrorism. He stressed that authorities must guard against “secondary victimization” of terrorism victims, which can occur as a result of inaction or slow delivery of urgently needed assistance.

5. On behalf of the United States, Mr. John Foster of the Department of State’s Bureau of Counterterrorism and Countering Violent Extremism welcomed the participants. Mr. Foster expressed hope that the meeting would provide an opportunity to deepen participants’ understanding of the good practices contained in the GCTF’s Madrid Memorandum. He noted that the workshop builds on the subject matter of two previous events – one that the United States sponsored with Indonesia in 2013 and another conducted via the ARF that the United States sponsored with the Philippines in 2015. Mr. Foster reviewed the lessons learned from those events, which primarily identified good practices for assisting victims in the immediate aftermath of a terrorist attack and for bolstering preparedness before attacks occur. He noted that this workshop would look beyond immediate support to victims to consider longer-term issues including medical and psychological support, financial assistance, and support through the criminal justice process. Mr. Foster closed by highlighting how terrorist propaganda promotes indifference to the lives of victims and by underscoring the importance of drawing attention to how individual lives are impacted by terrorism.

6. Mr. Jason Ipe, Deputy Director of the Global Center on Cooperative Security, presented an overview of the workshop, the objectives and methodology, and briefly described the topics to be covered by the subject matter experts. The workshop was structured around a series of thematic panels on a) medical and psychological support, b) financial support and compensation, c) support through the criminal justice process, and d) the role of victims in countering violent extremism. Each panel was followed by breakout group discussions of the issues in the context of a “thru scenario.” Mr. Ipe also discussed how the initiative builds on a diversity of other efforts at the international and regional levels on this topic, including those undertaken by the UN Counter-Terrorism Center, UNESCO, and the UN Office on Drugs and Crime’s Terrorism Prevention Branch, which has been engaged in a parallel effort to support victims of terrorism across the ASEAN region.

PANEL I

7. The first panel looked at “**International and Regional Frameworks Relating to the Rights of Victims of Terrorism**” and was intended to provide an overview of existing international and regional frameworks relating to the rights of victims of terrorism and the implementation of these instruments. Panelists included Dr. Arturo Laurent, Programme Officer with the United Nations Office on Drugs and Crime’s Terrorism Prevention Branch and Dr. Julie Benmakhlouf, a consultant with the United Nations Counter-Terrorism Center and UN Victims of Terrorism Support Portal.

8. Dr. Arturo Laurent described what he perceived as a global shift in favor of the rights of victims, where states and the international community increasingly recognize the importance of supporting better outcomes for victims. He provided an overview of the various international instruments from which the rights of victims of terrorism (and crime more broadly) derive, including the International Covenant on Civil and Political Rights, the UN’s Declaration of basic principles of victims of crime, the 19 universal counterterrorism instruments, relevant UN Security Council Resolutions, and various regional conventions and directives. He also made particular note of the GCTF Madrid Memorandum as well as the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism’s *Framework principles for securing the human rights of victims of terrorism*, which sets out the legally binding and internationally recognized human rights of victims of terrorism and elaborates on the corresponding international obligations of states to secure those rights. Dr. Laurent cited significant progress at the international level in terms of increasing consensus on key principles, e.g., the need to ensure the protection of victims and provide access to support and compensation. However, he acknowledged that implementation remains a challenge and that countries need to do more to develop frameworks and allocate resources for supporting victims in practice.

9. Dr. Julie Benmakhlouf presented on the United Nations’ various programmatic efforts to support victims of terrorism, in particular those of the UN’s Counterterrorism Implementation Task Force, its Working Group on Victims of Terrorism, and the UN’s Centre on Counter-Terrorism. Underlying all these efforts, she stated, is the UN Global Counterterrorism Strategy, which calls on member states “to consider putting in place, on a voluntary basis, national systems of assistance that would promote the needs of victims of terrorism and their families and facilitate the normalization of their lives... [and] strive to promote international solidarity in support of victims.” She discussed in particular the United Nations Victims of Terrorism Support Portal, which seeks to serve as a resource hub for

issues related to victims and their rehabilitation and to raise awareness of national and international efforts to support victims of terrorism.

PANEL II

10. The second session focused on “**Medical and Psychosocial Support to Victims of Terrorism over the Medium- to Long-Term**” and included presentations from Dr. Low Kwai Siong, Emergency and Trauma Department, Hospital Tengku Ampuan Rahimah Klang, Selangor, Ministry of Health Malaysia; Dr. Bernardino Vicente, National Center for Mental Health of the Republic of the Philippines; and Max Boon, Co-Founder of Aliansi Indonesia Damai (AIDA).

11. The speakers noted that terrorist incidents by their nature are traumatic events, for the wider population they target but most acutely for the immediate victims, survivors, and their families. In addition to the emergency medical needs in the immediate aftermath of an attack, victims and survivors of terrorist incidents may suffer medical and psychological effects for years after an incident.

12. The subject matter experts discussed support for the medical and psychosocial needs of victims of terrorism as well as good practices and mechanisms in disaster management and emergency health that can be adopted in addressing those needs. Among these are promotion of resilience, better inter-agency cooperation, partnership with local governments, and hiring of local health emergencies management staff from the national to local levels. The speakers stressed the importance of forming preexisting partnerships with relevant local authorities and nongovernmental partners so that those partnerships can be activated in case of an emergency.

13. The participants also heard the compelling firsthand testimony of a terrorism victim and the story of his long recovery from extensive injuries incurred in a terrorist bombing. He shared experiences regarding the medical and other support services which facilitated his recovery, many of which were only available to him as a foreign national and at great personal expense. He described how his recovery enabled him to fulfill his desire to connect with and engage at-risk youth vulnerable to violent radicalism. The presentation underlined the fact that providing for the basic medical and psychosocial support to victims is not only a moral imperative but essential to enabling victims to speak out against terrorism.

14. As part of a moderated discussion of the “thru scenario” the participants discussed how their respective countries define “victims,” “secondary victims,” “next of kin,” and those in the proximate “zone of danger.” Victims may be broadly categorized as direct victims (the victims themselves), indirect victims (next of kin, relatives and/or significant others), and hidden victims such as children and first

responders, who may need support in the same manner as that of the direct victims. Participants also considered implications of foreign nationals as victims and what additional requirements that imposes on support efforts.

15. Participants shared experiences with regard to how their countries deal with the needs of those various constituencies, the best aspects of their countries' response, e.g., existing government programs, strong civil society/victims' rights advocates, as well as improvements that could be made, such as additional resources, new legislation, and medical improvements.

16. The participants stressed the need to ensure coordination among relevant agencies providing medical and psycho-social support services and underlined the need to enact guidelines before an attack occurs so that all relevant agencies have the necessary standard operating procedures in place ahead of time.

PANEL III

17. The third panel addressed **“Financial and Non-Financial Support and Compensation for Victims of Terrorism.”** The session included presentations by subject matter experts, Melissa Snow from the Office for Victim Assistance in the US Federal Bureau of Investigations and Jérémy Bridier from the Association française des Victimes du Terrorisme, who presented on the US and French models for compensating victims of terrorism.

18. In the US, the Victims of Crime Act (1984) established the Crime Victims Fund which is funded through criminal fines, fees, penalties and assessments and managed by the Department of Justice. The federal government uses those resources to compensate victims of crime, including individuals and communities affected by terrorist incidents through programs such as the International Terrorism Victim Expense Reimbursement Program and the Antiterrorism and Emergency Assistance Program, which offers funding to help local officials and providers meet the immediate, short-term, and emerging long-range needs of victims. In addition to federal compensation programs, individual states in the US also have crime compensation schemes, partially funded by the federal government, that serve to fill important gaps in terms of compensating for medical expenses, mental health counseling, funeral and moving expenses, lost wages, and other costs incurred as a result of a terrorist incident.

19. The French compensation scheme, the Guarantee Fund for Victims of Terrorist and Other Criminal Acts, represents a unified compensation model that pays victims of designated terrorist incidents. The scheme is funded by a small fee applied to insurance premiums and receives no government financing.

Compensation is typically agreed administratively through negotiation between the fund and the victim but a small number of cases do go to court for settlement.

20. The speakers stressed the importance of proactively making victims aware of compensation resources and providing focal points who can engage with victims and connect them to those resources in a sensitive way. In this regard, they highlighted the important role that nongovernmental organizations can play in assisting victims to access available compensation. The speakers also stressed that immediate assistance and compensation done right can help alleviate challenges in the medium to long run.

21. As part of a moderated discussion of the “thru scenario” the participants explored what victim assistance resources are available through government funding or support in their respective jurisdictions and the various government and non-government agencies that provide these resources. While many of the participating countries noted that they do not have terrorism-specific victims support funds, a number shared information regarding government funding or support for victims of other incidents such as natural disasters that could potentially be replicated or leveraged to assist victims of terrorism. Participants also discussed emergency funds available at the regional and municipal levels that can be deployed to support victims of terrorist incidents. In that context, participants discussed whether there should be different financial assistance available to different victims, e.g., direct, secondary, next of kin, etc. and whether financial assistance and compensation should be equitable to all victims.

22. Finally, participants considered existing limitations and barriers to mobilizing financial compensation to support victims of terrorism. While participants acknowledged barriers in terms of lack of legislation and political will in some cases, the primary obstacle cited was limited resources. In that regard, participants reflected on the models presented: the United States where compensation is funded by fees paid by criminals and France where funds come from a fee on insurance contracts. Victims, it was suggested, are their own best advocates and a number of participants observed significant progress in those jurisdictions where victims had organized to pressure governments to provide for victims’ compensation.

PANEL IV

23. The fourth thematic panel focused on “**Supporting Victims of Terrorism through the Criminal Justice Process.**” It included presentations from Juan Pedro R. Navera, Senior Assistant, State Prosecutor of the Philippines, and Andria A. Kerney, Attorney Advisor, U.S. Department of Justice, National Security Division, Office of Justice for Victims of Overseas Terrorism.

24. The speakers highlighted the importance of and challenges around protecting victims of terrorism during the criminal justice process, in particular in their capacity as possible witnesses, because of the threat of violence and intimidation that they may face. The participants heard about the Philippines' Witness Protection Program (WPP) and the Board of Claims for Victims of Unjust Imprisonment or Detention and of Violent Crimes, which allows victims of unjust imprisonment to seek restitution from the government. The WPP protects victims of terrorism in so far as they may be witnesses in a criminal proceeding. The WPP provides for secure housing and relocation of victim witnesses, financial assistance, medical care, burial/funeral benefits, education benefits, and ensures that their employment is not terminated while serving as witnesses. Under the WPP, victim witnesses also receive a small stipend from the Department of Justice. In practice the WPP faces challenges such as delays in criminal proceedings which require sequestering witnesses for extended periods of time and ensuring the timeliness of financial assistance. In addition to the WPP, there are efforts to include, in amendments to the Human Security Act (2007), provisions for victims of terrorism to seek compensation and other benefits.

25. The speakers also discussed the rights of victims to be informed of and participate in the criminal justice process beyond their possible role as witnesses. In the US, it was noted that victims of terrorism (and crime generally) did not have any such rights until the 1960s. Since then, states and the federal government have passed statutes (and in some cases constitutional amendments) protecting the rights of victims. These rights include: right to protection from the accused, right to notice of relevant court or parole proceedings, right to attend court proceedings, right to be heard as part of relevant court or parole proceedings, right to confer with the prosecutor, right to restitution, right to proceedings free from unreasonable delay, and the right to be treated with fairness and respect.

26. The primary mechanism by which victims voices are heard in the US criminal justice system are through victim impact statements, which are delivered during sentencing, post-conviction, and/or at subsequent parole hearings. Victim impact statements provide victims an opportunity to confront the accused and share with the court the consequences of the crime. Although not factored into determining guilt or innocence, they can affect sentencing. In addition to allowing for victim impact statements as part of terrorism trials in the United States, the US government, through the Department of Justice's Office of Justice for Victims of Overseas Terrorism, also advocates for their inclusion in criminal proceedings abroad that involve US victims of terrorism.

27. As part of a moderated discussion of the "thru scenario" the participants discussed what services and support are available in their countries at different points in the criminal justice process from investigation through prosecution,

including the rights of victims to certain information, opportunities for participation in or attendance to proceeding, etc. In certain jurisdictions, it was noted, that victims are a party to legal proceedings (*partie civile*) and thus have a formal role in the process.

PANEL V

28. The final thematic panel touched on “**Empowering Victims to Speak-Out against Terrorism.**” It addressed the support required for victims to engage in countering violent extremism (CVE) efforts, should they desire to be involved. It also underlined the need for implementers of CVE programs to be sensitive to the on-going healing process of victims. The panel emphasized that CVE practitioners cannot assume that all victims of terrorism will want to be involved in CVE programs and that even those who do may change their minds down the line. In order to avoid re-traumatizing or instrumentalizing victims of terrorism, it is important to respect and acknowledge their experiences and to continuously ensure that they are supported. This support extends to any psychological, educational, and economic support they may require.

29. Discussions highlighted the role of peace-building organizations and victims groups in countering violent extremist narratives and in promoting resilience that can prevent vulnerable individuals from being recruited to violent extremist groups. Max Boon, representative for the Indonesian victims organization, AIDA, highlighted the various activities AIDA has developed, including online and media campaigns, reintegration and rehabilitation programs, outreach to at-risk communities and religious figureheads, high school programs and empowerment and advocacy for victims. In framing the message, he emphasized the need to maximize credibility through the promotion of a culture of peace, focusing on prevention of violence instead of ideological questions, incorporating former terrorist voices in the narrative and reconciliation processes, ensuring independence, and preventing stigmatization of audiences.

30. Ms. Anggie Dewirini, the Program Director of Center for Pesantren and Democracy Studies (CePDeS), presented on a project that she has helped support run by a US-based victims of terrorism NGO called Tuesday’s Children. Tuesday’s Children runs a yearly symposium called Project Common Bond that brings together victims of terrorism from all over the world to build their resilience, highlight their commonalities, and provide them the tools with which to aid their own healing processes while encouraging them to be peace-makers and change-makers back home.

31. The participants emphasized the need to empower victims of terrorism to help them re-take control of their lives, their narratives, and to ensure they have a platform to share their stories should they wish to do so.

CONCLUSION

32. The Co-Chairs expressed gratitude to the organizers, participants, and victims of terrorism represented in the workshop for their contribution to the discussion and to advancing the discourse on the topic.