



Victims Of Terrorism And Reparation In France: *A Sui Generis System*

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Counter-Terrorism

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Abstract

This policy paper offers a comprehensive analysis of France's distinctive approach to the reparation of victims of terrorism and proposes recommendations for its improvement and potential replication in other states. In response to a series of major terrorist attacks over the past decade, France has developed a unique dual compensation regime that combines an administrative mechanism - the Guarantee Fund for Victims of Terrorism (FGTI), which provides immediate, solidarity-based financial support - and a judicial mechanism, following the establishment of the Jurisdiction for the Compensation of Victims of Terrorism (JIVAT), a specialised body created in 2019 to adjudicate civil claims independently from criminal trials. Beyond financial reparation, France has also committed to symbolic and societal forms of redress, including educational reforms, memorial initiatives with the forthcoming Museum and Memorial of Terrorism, and national recognition.

Despite these advances, the policy brief highlights ongoing challenges within the current reparation framework, such as inconsistencies in compensation, procedural burdens, and the emotional toll placed on victims navigating administrative systems - creating a risk of re-victimisation. It also underscores a significant legal gap, as foreign victims of terrorism and victims of international crimes remain largely excluded from these mechanisms.

In response, the policy brief formulates a set of policy recommendations aimed at enhancing equity, accessibility, and institutional responsiveness. These include the jurisdictional expansion and institutionalisation of the JIVAT, the adoption of consistent compensation guidelines, strengthened psychological support, and extension of the existing reparation framework to victims of international crimes. France's model, while unprecedented in scope, must evolve to meet the broader demands of justice - and may serve as a reference for states seeking to implement comprehensive and victim-centred reparation systems.

Introduction

During the past decade, France has suffered from devastating terrorist attacks, which have had profound impacts on society. The attacks also had a huge implication for State authorities, who were required to meet expectations in matters of national security, criminal prosecution of the alleged perpetrators and the acute needs for justice and reparation of the victims. The legal and institutional frameworks applicable to the repression of terrorism-related crimes have thus greatly evolved, continuously adapting to practical and legal challenges.

France is characterised by an exceptional judicial, legislative and administrative framework designed to address the severity and complexity of terrorist threats:¹ a derogatory approach which affects both the alleged perpetrators' rights as well as their victims, and in particular the reparation mechanisms.

Party to all international instruments dedicated to fighting terrorism, and under the relevant United Nations Security Council's resolutions,² France has developed a complex legislative arsenal dedicated to fighting against terrorism, including the criminalisation of a wide range of related offences alongside specialised investigating and prosecuting entities.³

In France, terrorism is defined by acting intentionally in connection with an individual or collective enterprise with the aim to gravely disrupt public order through intimidation or terror.⁴ It may be characterised as self-standing terrorism offences or take the form of ordinary criminal offences aggravated by a terrorist related nexus.⁵ The new Criminal Code of 1994 created additional categories, including membership in and support of a terrorist organisation, which is criminalised in France (*'criminal association with a terrorist enterprise'*). For example, in the recent trial of Islamic State jailers that had abducted, taken hostage and tortured humanitarians and journalists in Syria in 2013, the accused were charged, amongst others, of acts of torture committed in a criminal association with a terrorist enterprise.⁶

With regards to the judicial organisation, since the law of 9 September 1986, terrorism cases that reach the threshold of crimes are tried before a Specially Composed Assizes Court (*'Cour d'assises spécialement composée'*) centralised in Paris.⁷ Unlike "ordinary" criminal courts, this court does not have a layman jury, and the accusation is led by specialised magistrates from the National Anti-Terrorist Prosecutor's Office (*'Parquet National Antiterroriste'* or *'PNAT'*) established by the law of 23 March 2019.⁸

In relation to the reparation regime, the former United Nations Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism on her visit to France "particularly acknowledge[d] the exceptional work undertaken and refined

1 Olivier Dutheil de Lamothe, "French legislation against terrorism: constitutional issues", Constitutional Council, November 2006 ; Cour des comptes, La prise en charge financière des victimes du terrorisme [Court of Auditors, Financial support for victims of terrorism]; Communication à la commission des finances du Sénat [Communication to the Senate Finance Committee], (December 2018), p.8-9, available at: <https://www.ccomptes.fr/system/files/2019-01/20190130-Indemnisation-victimes-terrorisme.pdf>.

2 UN Security Council Resolution 2462, S/RES/2462(2019), 28 March 2019, available at: <https://documents.un.org/doc/undoc/gen/n19/090/16/pdf/n1909016.pdf>.

3 Assemblée Nationale, « Étude d'impact. Projet de loi renforçant la prévention et la répression du terrorisme », [National Assembly, Impact Study. Bill to strengthen the prevention and repression of terrorism], available at: <https://www.assemblee-nationale.fr/13/projets/pl4497-ei.asp>.

4 Code pénal, [Penal Code], Article 421-1 and following.

5 Assemblée Nationale, « Étude d'impact. Projet de loi renforçant la prévention et la répression du terrorisme », available at : <https://www.assemblee-nationale.fr/13/projets/pl4497-ei.asp>.

6 Le Monde, France tries five suspected IS jihadists for abducting four reporters in Syria, 17 February 2025.

7 Loi n°86-1020 du 9 septembre 1986 relative à la lutte contre le terrorisme, [Law n°. 86-1020 of 9 September 1986 on the fight against terrorism on State security]; Code de procédure pénale, [Code of Criminal Procedure], Article 706-17 and subsequent.

8 Loi n°2019-222 du 23 mars 2019 de programmation 2018-2022 et de réforme pour la justice, [Law n°. 2019-222 of 23 March 2019 on programming 2018-2022 and reform for the justice system].

by France in respect of victims of terrorism and the legal framework supporting legal protection of and compensation to victims. France provides a model of outstanding positive practice in respect of victims of terrorism”, and that since “the 1980s, France has maintained a comprehensive and robust victims’ compensation programme.”⁹

In practice, pursuant to Article 706-16-1 of the Code of Criminal Procedure (hereafter ‘CCP’) and Article L.217-6 of the Code of Judicial Organisation, the compensation and reparation framework for victims of terrorism in France fall under a dual regime:

- An administrative compensation regime – in the form of a State solidarity fund - distinct from any judicial proceedings, called the Guarantee Fund for Victims of Terrorism and Other Offences (*Fonds de garantie des actes de terrorisme et d’autres infractions*, hereafter ‘Compensation Fund’ or ‘FGTI’) and,
- Since 2019, a globally unique judicial body - exclusive jurisdiction for the Compensation of Victims of Acts of Terrorism (*Juridiction d’indemnisation des victimes de terrorisme*, hereafter ‘JIVAT’). The JIVAT serves both as a second-instance jurisdiction court for challenges to decisions by the FGTI and as a first-instance court¹⁰ for victims, recognised as civil parties, who have not entered into a prior agreement with the FGTI and are simultaneously participating in the criminal proceedings related to their harm.

Until 2019, in line with ordinary criminal justice, the Specially Composed Assizes Court had jurisdiction to rule on both the criminal charges as well as compensation requests from the admissible civil parties once a conviction was secured¹¹ (the judge would decide on the admissibility of the civil claim brought by the victim, and in the event of a conviction, a second hearing would be held to discuss the compensation of the civil party.)

However, as of 2019, in an apparent need to relieve congestion and simplify proceedings for the victims,¹² the Specially Composed Assizes Court competent in terrorist matters no longer has jurisdiction to rule on civil claims in relation to the harm suffered by victims of terrorism.¹³

While the reparation procedure always occurs outside of the remit of the Specially Composed Assizes Court, they can still participate as civil parties, and even if compensatory damages are not within the court’s jurisdiction the court continues to have an important role in victims’ matters, as it has sole jurisdiction to rule on the admissibility of civil parties.

Attached to the Paris Judicial Court, the JIVAT has nine specialised magistrates and operates around a hearing that takes place once every two weeks and that is exclusively dedicated to the compensation claims of victims of acts of terrorism.¹⁴

9 Visit to France : report of the Special Rapporteur on the Promotion and Protection of Human Rights and Fundamental Freedoms while Countering Terrorism, A/HRC/40/52/Add.4, para 20

10 Ministère de la Justice, « Article 64. Création du juge de l’indemnisation des victimes d’actes de terrorisme (JIVAT) », [Article 64. Creation of a judge in charge of the compensation for victims of terrorist acts], available at: https://www.justice.gouv.fr/sites/default/files/migrations/textes/art_pix/Article_64_Creation_JIVAT_190324_V2.pdf.

11 Code de procédure pénale, [Code of Criminal Procedure], Article 3 : “L’action civile peut être exercée en même temps que l’action publique et devant la même juridiction”, [“The civil action may be brought at the same time as the public action and before the same court”].

12 Cour des comptes, La prise en charge financière des victimes du terrorisme [Court of Auditors, Financial support for victims of terrorism] ; Communication à la commission des finances du Sénat [Communication to the Senate Finance Committee], (December 2018), p. 35 ; Extrait du Rapport Annexé de la Loi n°2019-222 du 23 mars 2019 de programmation 2018-2022 et de réforme pour la justice, [Extract of the Annexed Report of Law n°. 2019-222 of 23 March 2019 on programming 2018-2022 and reform for the justice system] : “Les victimes d’actes de terrorisme, déjà dramatiquement éprouvées, se trouvent aujourd’hui confrontées à un parcours procédural complexe lorsqu’elles sollicitent la réparation des préjudices subis, ce parcours s’inscrivant souvent dans le sillage de la procédure pénale et faisant intervenir de multiples acteurs. Prenant appui sur les travaux de la mission confiée par la garde des sceaux à Chantal Bussièrre, il est proposé de simplifier ce parcours, d’accélérer leur indemnisation tout en favorisant leur égalité de traitement”, [“Victims of acts of terrorism, who have already suffered dramatically, are now faced with a complex procedural path when they seek compensation for the harm they have suffered, a path that often follows on from the criminal proceedings and involves many different players. Based on the work of the mission entrusted to Chantal Bussièrre by the Minister of Justice, it is proposed to simplify this process and speed up compensation while promoting equal treatment”].

13 Loi n°2019-222 du 23 mars 2019 de programmation 2018-2022 et de réforme pour la justice, [Law n°. 2019-222 of 23 March 2019 on programming 2018-2022 and reform for the justice system].

14 Code de l’organisation judiciaire, [Code of Judicial Organisation], Article L.217-6.

Navigating between administrative and judicial frameworks, these compensation/reparation mechanisms, which are unique to France and unique in France, have led to a *sui generis* system for the sole benefit of victims of terrorism.¹⁵

While they are to be praised for their unprecedented benefits, this policy paper makes recommendations to further improve the system and encourage other states to implement similar but improved versions.

From State Compensation ...

Prior to any judicial procedure being initiated before the courts, the FGTI is responsible for compensating all victims of terrorist attacks.¹⁶ Created in 1986, it is financed by a flat-rate levy of 5.90 euros on each insurance contract signed in France.¹⁷ The Paris Public Prosecutor informs the FGTI of the circumstances surrounding the event and the identities of deceased victims and unconscious wounded victims. The Fund then contacts loved ones to initiate support.

The Compensation Fund pays advances toward the total amount of compensation within a month of receiving supporting documentation covering urgent expenses (provided the admissibility criteria are met), followed by an offer of compensation within three months from the day on which it receives the justification for the damages.

The FGTI, as well as all legal practitioners, refer to an indicative nomenclature of damages (the so-called “Dintilhac nomenclature”),¹⁸ a non-exhaustive list which divides injury into several classifications. According to the classification and the attributed head of loss, a certain compensation sum is attributed. A key element to the nomenclature is its open-ended aspect, which suggests that new types of prejudice can be included when required and there is no official « scale » that would impose a fixed amount for a specific type of injury without any possible margin of appraisal, the assessment of the injury being always personalised, even if case law applies benchmarks.

In addition, an automatic prejudice (or head of loss) entitled ‘Special exceptional loss for victims of terrorism’ (hereafter ‘PESVT’) was created in 2014 and aims to compensate the singular loss suffered by victims of terrorism.¹⁹ At a minimum amount of 10,000 euros, it can be granted to direct victims, as well as to their next of kin, according to their relationship with the victim.²⁰

In the event of a disagreement relating to the attributed compensation of the FGTI, victims can refer the matter to the JIVAT.

¹⁵ Julie Holveck, vice prosecutor in charge of the Paris terrorism section, “La prise en charge des victimes de terrorisme : un enjeu devenu majeur”, [“Taking care of victims of terrorism: a major challenge today”], Revue LexisNexis JurisClasseur, October 2016, available at: <https://www.tendancedroit.fr/la-prise-en-charge-des-victimes-de-terrorisme-un-enjeu-devenu-majeur/>; Déclaration de Mme Hélène Conway-Mouret, ministre des Français de l'étranger, sur la lutte contre le terrorisme et sur l'aide apportée aux victimes, [Statement by Ms Hélène Conway-Mouret, Minister for French Nationals Abroad, on the fight against terrorism and the assistance provided to victims], Paris September 18, 2013, available at: <https://www.vie-publique.fr/discours/189033-helene-conway-mouret-18092013-lutte-contre-terrorisme-aide-aux-victimes>.

¹⁶ Guarantee Fund for Victims of Terrorist Acts and other Offences, “Guide to compensation for victims of terrorist acts”, July 2024, available at: https://www.fondsdegarantie.fr/wp-content/uploads/2024/07/EN-Guide-compensation_juillet24.pdf.

¹⁷ Loi n° 86-1020 du 9 septembre 1986 relative à la lutte contre le terrorisme et aux atteintes à la sûreté de l'État, [Law n°86-1020 of 9 September 1986, relating to the fight against terrorism and attacks on State security].

¹⁸ Rapport du groupe de travail chargé d'élaborer une nomenclature des préjudices corporels, July 20025

¹⁹ Which replaced the specific loss suffered by victims of terrorism dating from 1987.

²⁰ FGTI, Guide pour l'indemnisation des victimes d'actes de terrorisme, [Guide for the compensation of terrorism victims], available at: https://www.fondsdegarantie.fr/wp-content/uploads/2019/07/Guide-pour-l-indemnisation-des-victimes-dactes-de-terrorisme_juillet2019.pdf.

... To Judicial Reparation

When an alleged perpetrator is identified, and an investigation is opened, victims who have personally and directly suffered from the damage caused by the offence are admissible to become civil parties pursuant to articles 2 and 3 of the Code of Criminal Procedure, up until the Prosecutor's final statement in court.²¹

The lack of definition of the term 'victim' in French law²² – a notion that is subject to societal evolution²³ – has opened the door to ongoing jurisprudential interpretation. This has led to an increasingly expansive admissibility of victims as civil parties in both criminal and civil proceedings in France, gradually broadening the scope of victims entitled to bring a civil action before the courts.

With regards to victims of terrorism²⁴ and thanks to the proactive voices of victims, lawyers, and non-governmental organisations, the jurisprudence has greatly evolved, and the capacity to bring a claim has been extended to those who attempted to help others during the attacks,²⁵ as well as the families of the direct victims who survived.²⁶ For example, on 15th February, 2022, the French Supreme Court ('*Cour de Cassation*' hereafter 'Court of Cassation' or 'Supreme Court') adopted a broader notion of the concept of civil party, considering that, in the context of the Nice attacks, it was necessary to include "individuals who have exposed themselves to serious attacks on the person and who have suffered damage by seeking to interrupt an attack" stressing that "their intervention is inseparable from the terrorist act".²⁷

The Supreme Court also ruled on the civil party status of a person who, fearing for her life, fled the Promenade des Anglais in Nice and rushed onto the beach, injuring herself in this flight.²⁸

- In addition, French case law has created new types of prejudice applicable to terrorism victims. In March 2022, the Court of Cassation enshrined two new types of prejudice which contribute to a movement in favour of a wider recognised range of damages resulting from terrorist acts: On the one hand, the Court of Cassation confirmed the autonomy of the "anguish of imminent death",²⁹ initially not included in the Dintilhac nomenclature. It

21 Code de procédure pénale, [Code of Criminal Procedure], Article 2: "L'action civile en réparation du dommage causé par un crime, un délit ou une contravention appartient à tous ceux qui ont personnellement souffert du dommage directement causé par l'infraction.", ["The civil action for compensation for damage caused by a crime, misdemeanour or contravention belongs to all those who have personally suffered damage directly caused by the offence. [...]"]; Article 3: "L'action civile peut être exercée en même temps que l'action publique et devant la même juridiction. Elle sera recevable pour tous chefs de dommages, aussi bien matériels que corporels ou moraux, qui découleront des faits objets de la poursuite.", ["The civil action may be brought at the same time as the public action and before the same court. It will be admissible for all types of damage, whether material, bodily or moral, arising from the acts that are the subject of the proceedings."].

22 Cour des comptes, La prise en charge financière des victimes du terrorisme [Court of Auditors, Financial support for victims of terrorism]; Communication à la commission des finances du Sénat [Communication to the Senate Finance Committee], (December 2018), available at: <https://www.ccomptes.fr/system/files/2019-01/20190130-%20Indemnisation-victimes-terrorisme.pdf%20>; European Commission, Handbook on victims of terrorism. France, EU Centre of Expertise for Victims of Terrorism, 2021, available at : https://commission.europa.eu/system/files/2022-07/eucvt_handbook_for_france_2021_en.pdf.

23 Cour des comptes, La prise en charge financière des victimes du terrorisme [Court of Auditors, Financial support for victims of terrorism]; Communication à la commission des finances du Sénat [Communication to the Senate Finance Committee], (December 2018), p.20, available at : <https://www.ccomptes.fr/system/files/2019-01/20190130-%20Indemnisation-victimes-terrorisme.pdf>.

24 Cour de cassation, chambre criminelle, [Criminal Chamber, Court of cassation], February 15, 2022, n°21-80.670, n°21-80.264, n°21-80.265, and n°19-82.651.

25 Cour de cassation, chambre criminelle, [Criminal Chamber, Court of cassation], February 15, 2022, n°21-80.670 : "En effet, il ressort des circonstances qu'elle retient que l'action dans laquelle Mme [K] [C] s'est engagée pour interrompre la commission ou empêcher le renouvellement d'atteintes intentionnelles graves aux personnes, auxquelles elle s'est ainsi elle-même exposée, est indissociable de ces infractions, de sorte que le préjudice pouvant en résulter pour elle peut être en relation directe avec ces dernières", ["In fact, it is clear from the circumstances that it finds that the action taken by Mrs [K] [C] to halt the commission or prevent the recurrence of serious intentional harm to persons, to which she has thus exposed herself, is indissociable from these offences, so that the harm that may result for her may be directly related to them"].

26 Cour de cassation, 2e chambre civile, [Civil Chamber, 2nd, Court of cassation], October 27, 2022, n°21-24.424, n°21-24.425, n°21-426.

27 Press release of the Court of Cassation, Terrorist attack: extension of the notion of civil party at the investigation stage (ruling 21-80.265), 15 February 2022, available at: <https://www.courdecassation.fr/toutes-les-actualites/2022/02/15/terrorist-attack-extension-notion-civil-party-investigation-0>.

28 Press release of the Court of Cassation, Terrorist attack: extension of the notion of civil party at the investigation stage (ruling 21-80.265), 15 February 2022, available at: <https://www.courdecassation.fr/toutes-les-actualites/2022/02/15/terrorist-attack-extension-notion-civil-party-investigation-0>.

29 Cour de cassation, chambre criminelle, [Criminal Chamber, Court of cassation], March 25, 2022, n°20-17.072.

was indeed questioned whether this damage was included within the temporary physical and moral pain prejudice,³⁰ or if it should be considered separately.³¹ It was finally decided that such damage was equivalent to a specific harm, which meant the possibility for the victim to claim additional compensation.³²

- In a second decision, the damage of waiting and worrying suffered by the victim's relatives,³³ was also approved as an independent category. It aims to compensate for the specific anguish suffered by the relatives of a direct victim who has been exposed to a danger.³⁴

Once a verdict is secured, the above-mentioned admissible civil parties retain the right to claim a judicial reparation order against the accused.³⁵ But procedurally, the President of the Specially Composed Assizes Court will refer the case to the JIVAT, which since 2019 retains sole jurisdiction on the matter.

While France makes it a priority to fully repair the harm caused to victims of terrorism,³⁶ the extent to which crimes of terrorism may impact a large spectrum of the population has been a critical issue during the Charlie Hebdo / Hyper Casher, the 13 November 2015, and the Nice trials.³⁷

To respond to the societal impacts of terrorism, France has chosen to adopt a progressive legislative framework that allows for non-financial reparation for victims of terrorism. These transitional justice measures seek to provide other forms of reparation such as satisfaction, rehabilitation, or guarantees of non-repetition.

Going Beyond Financial Reparation

In its 2018 report entitled "The financial support of victims of terrorism," the French Court of Audit (*Cour des Comptes*), in charge of ensuring that public funds are properly managed, recognised that the status of victim of terrorism necessarily combines individual reparation with symbolic and collective recognition.

Indeed, victims of terrorism are often, if not always, attacked as a symbol of a State or a society. This point is demonstrated academically, as well as in practice, as during the 2015 attack on the Bataclan concert hall, one of the assailants was heard saying: "You are bombing our brothers in Syria and Iraq [...] we are here to do the same thing to you".³⁸

In this context, a Memorial Committee, created by the Interministerial Delegation for Victim Support (*Délégation interministérielle à l'aide aux victimes* or *DIAV*) in 2018 to reflect on how to commemorate the different terrorist attacks in France, published a report in 2019 with fourteen

30 Cour de cassation, chambre civile, 2nde, [Civil Chamber, 2nd, Court of cassation], June 29, 2017, n° 16-17.228.

31 Cour de cassation, chambre criminelle [Criminal Chamber, Court of cassation], October 15, 2013, n° 12-83.055.

32 JP Karsenty & Associés, "Damage resulting from the anguish of imminent death of the direct victim and damage resulting from the "waiting and worry" of the indirect victims: an autonomy of these heads of loss consecrated by the French Court of Cassation", 29 April 2022, available at: <https://www.jparsenty.com/en/damage-resulting-from-the-anguish-of-imminent-death-of-the-direct-victim-and-damage-resulting-from-the-waiting-and-worry-of-the-indirect-victims-an-autonomy-of-these-heads-of-loss-c/>.

33 Cour de cassation, chambre mixte, [Mixte Chamber, Court of cassation], March 25, 2022, n°20-15.624.

34 JP Karsenty & Associés, "Damage resulting from the anguish of imminent death of the direct victim and damage resulting from the "waiting and worry" of the indirect victims: an autonomy of these heads of loss consecrated by the French Court of Cassation", 29 April 2022, available at: <https://www.jparsenty.com/en/damage-resulting-from-the-anguish-of-imminent-death-of-the-direct-victim-and-damage-resulting-from-the-waiting-and-worry-of-the-indirect-victims-an-autonomy-of-these-heads-of-loss-c/>.

35 Code de procédure pénale, [Code of Criminal Procedure], Article 2; In addition, any association duly registered for at least five years, and whose statutes explicitly aim to protect against specific crimes, could exercise the rights recognized to civil parties.

36 Council of Europe, Committee of Experts on Terrorism (CODEXTER), "Profiles on counter-terrorist Capacity. France", September 2013, available at: <https://rm.coe.int/1680641029>.

37 European Commission, Handbook on victims of terrorism. France, EU Centre of Expertise for Victims of Terrorism, 2021, https://commission.europa.eu/system/files/2022-07/eucvt_handbook_for_france_2021_en.pdf.

38 France's 'V13' Trial for the 2015 Paris Terror Attacks: Managing Victims' Expectations, Jeanne Sulzer and Clémence Witt, Just Security, September 8, 2021

recommendations, many of which have been implemented since, including:

- Authorise the filming of the main trials in matters of terrorism.
- Encourage reflections on the consequences of repeatedly showing images of these events, particularly by 24-hour news channels.
- Develop content for school curricula to encourage critical thinking on terrorism as it is portrayed in the media and on social media.
- Include the issue of terrorist attacks in future school curricula (final year of general, technical, and professional high school tracks), with a geopolitical, multi-scale (world, European, French), and multidisciplinary (history and geography at the forefront) approach.
- Create a Museum and Memorial for Societies Facing Terrorism in Paris, making sure to include a global perspective.
- Inscribe the names of all the victims of all terrorist attacks within the Museum and Memorial. The Museum should consult families, loved ones, victims' associations and victim support organisations on a regular basis to ensure their wishes are taken into account.
- Make 11 th March a Remembrance Day, in coherence with the European date, taking into account all attacks that have affected France since the 1970s.³⁹

Consequently, the Museum and Memorial of Terrorism (hereafter 'MMT'), which is due to open in 2027, is being built with the aim of honouring victims and providing them with the "understanding [of] why they have been the target of terrorist attacks». The MMT will play a central role in the State's recognition of the pain of the victims, and its mission is to "give meaning to victims' suffering by providing keys to understanding a history that is still being written". It will include spaces for testimonies, reflection, and learning to give them a place in the collective memory.⁴⁰

Regarding restitution and rehabilitation, victims of terrorist acts committed on French territory can take advantage of numerous support provisions, some of which involve the Ministry of Defence (*'Ministère des Armées'*) and its operators. Pursuant to the Code of Military Disability Pensions and War Victims, victims of terrorist acts are to be conferred the Civilian victims of war status. Since 1990,⁴¹ this status provides them with special rights,⁴² including the right to apply for a pension.⁴³ The National Office for Combatants and Victims of War (*'Office National des Combattants et des Victimes de Guerre'* or *'ONaCVG'*), which operates under the auspices of the Ministry of Defence,⁴⁴ offers victims of terrorist attacks long-term local support, such as personalised attention and emergency financial assistance, as well as assistance with preparing files for pension requests.⁴⁵

Hence, under French law, victims of terrorism under the age of 21 or the children of deceased victims of terrorism may be recognised as wards of the Nation by decision of the judicial court.⁴⁶

As a symbol of the Nation's tribute to the victims, it is also possible to be honoured with the National Medal of Recognition for Victims of Terrorism⁴⁷ awarded by decree of the President of the Republic and which "is not intended to reward merit but to recognize, through the attacks and suffering inflicted individually on the victims of terrorism, an aggression against the entire nation".⁴⁸

39 Terrorism Memorial Museum, « Terrorisme : faire face, Enjeux historiques et mémoriaux », available at: [DIAV_Rapport_Comite_Memorial.pdf](#)

40 Terrorism Memorial Museum, prefiguration mission, available at: <https://musee-memorial-terrorisme.fr/> accessed August 5, 2022.

41 Code des pensions militaires d'invalidité et des victimes de guerre, [Code of Military Disability Pensions and War Victims], Article L. 113-3.

42 Loi n°90-86 of 23 January 1990 portant diverses dispositions relatives à la sécurité sociale et à la santé, [Law n°90-86 of 23 January 1990 on various provisions relating to social security and health].

43 Code des pensions militaires d'invalidité et des victimes de guerre, [Code of Military Disability Pensions and War Victims], Article L. 113-13.

44 Ministère de la Justice, « Support d'information destiné aux victimes d'attentats », [Information for victims of terrorist attack], available at : https://www.justice.gouv.fr/sites/default/files/2024-09/livret_victimes_terrorisme.pdf.

45 Ministère de la Justice, « Support d'information destiné aux victimes d'attentats », [Information for victims of terrorist attack] available at : https://www.justice.gouv.fr/sites/default/files/2024-09/livret_victimes_terrorisme.pdf.

46 Code des pensions militaires d'invalidité et des victimes de guerre, [Code of Military Disability Pensions and War Victims], Article L.411-1.

47 Décret n°2016-949 du 12 juillet 2016 portant création de la médaille nationale de reconnaissance aux victimes de terrorisme, [Decree No. 2016-949 of 12 July 2016 on the creation of the National Medal of Recognition for Victims of Terrorism].

48 Réponse du Secrétariat d'État auprès de la ministre des armées publiée le 03/10/2019 [Response from the Secretary of state f the Ministry of Defense publishd on 10/3/2019]

If France's unprecedented reparation system is unique, challenges persist in ensuring fair and adequate compensation for all affected individuals.⁴⁹

Improving Reparation Mechanisms

The analysis of the current approach towards reparations for victims of terrorism in France underscores both progress and persisting challenges. While measures such as the establishment of the FGTI and the creation of the JIVAT represent significant steps, discrepancies in compensation policies and bureaucratic hurdles continue to hinder the fulfilment of victims' rights.

In his book, the journalist Mathieu Delahousse focused on the JIVAT hearings, where the FGTI compensation schemes are challenged by victims of terrorism, unsatisfied with the initial compensation they were granted. *The Price of Our Tears* illustrates the difficult journey victims must go through to obtain the reparation they consider to be the fairest in regard to the damage they suffered. Numerous victims felt overlooked, with their loss having been allegedly fully disregarded or largely undermined by the FGTI.⁵⁰ In several cases, this led to traumatic experiences and a feeling of being reduced to a simple calculation of suffered damages determined by an indicative classification table stripped of any humanity. The journalist considered the Fund had partially failed to set up an empathetic process, preferring to use a bureaucratic approach unsuited to the tragic circumstances.⁵¹

The risk of such a treatment by the courts is a sentiment of re-victimisation, with the overall suffering being exacerbated by a lack of consideration and support from the authorities or the underestimation of the damage suffered.⁵²

This apparent inequity in compensation is not only identified between victims of French nationality, but also between French victims of terrorism and victims of other nationalities. Indeed, the FGTI's reach is limited to French victims of terrorist attacks in France or abroad, or foreign victims of terrorist attacks committed in France. Thus, all claims brought before the French courts by foreigners for terrorist crimes committed abroad will be rejected, even when the perpetrator is French.

In theory, this should not pose any difficulty since, as explained previously, a victim unsatisfied by the FGTI's decision has the option to go before the JIVAT to claim compensation. However, the JIVAT's reach is also restricted, limiting itself to claims with the same links to France, whether it be through the claimant's French nationality or the relevant terrorism acts having been committed on French soil.⁵³ Ultimately, this suggests that claims brought by foreign citizens, even when the perpetrator is French, will be rejected, while identical ones originating from French nationals will be approved.

The JIVAT was created in the wake of the deadly 2015 and 2016 terrorist attacks committed in France to compensate those under the State's responsibility - its nationals and foreigners present on its territory – *de facto* excluding foreign claims for compensation in cases of extraterritorial jurisdiction. Indeed, in application of such jurisdiction, which allows French judicial authorities to

49 Sénat, "Rapport d'information fait au nom de la commission des finances sur l'enquête de la Cour des comptes sur l'indemnisation des victimes du terrorisme", [Senate, Information report on behalf of the Finance Committee on the Court of Auditors' investigation into compensation for victims of terrorism], n°278, January 30, 2019.

50 "We are just numbers. No one is really interested in us. I feel like we're just a case.": citation from the book, Mathieu Delahousse, *The price of our tears*, Editions de l'Observatoire, 2022.

51 In France, Victims' Fund Struggles to Heal Terrorism's Traumas, *The New York Times*, 18 November 2022

52 "In fact, we are treated as water damage. The reception of the expert report was brutal. We don't have an explanation. We don't know what the numbers mean. We are a cost, like a budget. "Is this your life? Look, it's worth so much", citation from the book, Mathieu Delahousse, *The price of our tears*, Editions de l'Observatoire, 2022, p. 135

53 Code de l'organisation judiciaire, [Code of Judicial Organisation], Article L.217-6.

prosecute both French and foreign individuals accused of terrorism crimes abroad,⁵⁴ the current legal provisions exclude compensation of foreign victims of crimes committed abroad, even when their alleged perpetrators are being tried before a French court. Hence, this illustrates the fact that the compensation system is neither equal nor equitable. It is necessary for the State to extend the compensation system to these victims.

While France has to be commended for setting up very effective psychological support programs during terrorism trials through its partner Paris Aide aux Victimes, such support should ideally be extended to the compensation and reparations procedures, which are lengthy, burdensome and pose a real risk of secondary victimisation.

Extending Reparation Coverage

For the past decade, the French judiciary has been heavily involved in prosecuting international crimes committed abroad, through the extra-territorial jurisdiction principle.

Similarly to acts of terrorism, international crimes such as war crimes, crimes against humanity and genocide are part of the most violent and grave crimes. Yet, victims of these crimes are excluded from the current dual regime compensation system, which primarily caters to victims of terrorism. This leads to the establishment of a hierarchy between victims of equally violent and traumatic crimes. Hence, it is crucial that the French legal system recognises the need to extend the current compensation and reparation system to victims of international crimes.

Policy Recommendations

In order to further improve adequate, victim-centred and non-discriminatory reparation of all victims of terrorism, the following recommendations should be considered.

Ensure Transparent and Consistent Reparation and Compensation Policies and Guidelines for victims of terrorism.

Efforts should be made to bridge the gap between case law, reparation and compensation frameworks and policies to provide victims with clarity and predictability regarding the existing remedies and the damages, financial and non-financial, they are entitled.

A unique point of contact for victims of terrorism to ensure their access to information.

Access to information is essential and serves as an umbrella right to access the other fundamental rights, such as reparation, and efforts should seek to better inform cross border victims and foreign victims both direct and indirect. It is recommended that a centralised, single contact point that coordinates the work of all those involved in the support and protection of victims be established. The contact point or coordination body shall ensure that victims are informed about the factual situation, their rights under the law to assistance, reparation, protection, and access to justice and how, where, and when these rights can be exercised; and about other relevant matters.⁵⁵

Guarantee a unique and equitable reparation regime between victims of terrorist attacks.

⁵⁴ Code de procédure pénale, [Code of Criminal Procedure], Article 689-1 and 689-9.

⁵⁵ UNOCT, UNODC, IPU, Model Legislative Provisions to support the needs and protect the rights of victims of terrorism, article 23.

France needs to extend the scope of jurisdiction of the JIVAT to all victims whose civil party application is admissible by the Specially Composed Assizes Court, including cross-border/foreign victims of terrorist attacks when France has jurisdiction. All foreign victims of terrorism who are admissible as civil parties in the corresponding criminal trials should be admissible before the JIVAT and entitled to compensation in an equal manner to that of the victims of French nationality.

Training should be offered to all persons in contact with victims of terrorism.

Training must be open to all personnel, including, inter alia, law enforcement officials, administrative agents, and interpreters. The training should enable the concerned actors to learn how to deal with victims in an impartial, respectful, professional and intersectional manner, taking into account their specific vulnerabilities, as well as ensure that they are trained on the risks of secondary-victimisation and gender-responsiveness. Such a training should be extended to understand the special vulnerability of cross-border/foreign victims, as they may struggle to manage a foreign system – legal, administrative, health care – with which they are not familiar

Strengthen the institutional psychological support accessible to victims of terrorism, in particular by improving the psychological counselling mechanisms able to address the holistic needs of victims in the long term. Such improvement could be made possible by the State granting further funding to social services or psychological entities dedicated to the assistance and counselling of trauma victims. The psychological support offered during the criminal trials by Paris Aide aux Victimes should be extended to other stages in the reparation process, such as before the FGTI and the JIVAT.

Extend the compensation and reparation mechanisms to victims of international crimes

To ensure fairness and equality between victims, the mechanisms for the benefit of victims of terrorism should be extended to victims of international crimes so as to ensure that there is no hierarchy between victims. Victims in cumulative charge trials, where the perpetrator is accused of both terrorism and international crimes, cannot be differentiated when it comes to reparation, whether financial, non-financial state-controlled or judicial processed.⁵⁶ The upcoming trials of certain of these perpetrators in France make this matter particularly pressing.⁵⁷

⁵⁶ ICCT, Database on Interlinkages between Terrorism and Core International Crimes, available at: <https://interlinkagesdatabase.icct.nl/>.

⁵⁷ Amnesty International, Compétence universelle, cartographie des dossiers en France, available at : <https://competenceuniverselle.amnesty.fr/>

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