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Victims of International Crimes: An Interdisciplinary Discourse

Thorsten Bonacker
Christoph Safferling *Editors*



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Editors

Thorsten Bonacker
Institut für Soziologie
Philipps-Universität Marburg
Marburg
Germany

Christoph Safferling
Institut für Kriminalwissenschaften
Philipps-Universität Marburg
Marburg
Germany

ISBN 978-90-6704-911-5 ISBN 978-90-6704-912-2 (eBook)
DOI 10.1007/978-90-6704-912-2

Library of Congress Control Number: 2013934272

© T.M.C. ASSER PRESS, The Hague, The Netherlands, and the authors 2013

Published by T.M.C. ASSER PRESS, The Hague, The Netherlands www.asserpress.nl
Produced and distributed for T.M.C. ASSER PRESS by Springer-Verlag Berlin Heidelberg

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Printed on acid-free paper

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Foreword

In the last 20 years we have seen new and successful global efforts to criminalise genocide, war crimes and crimes against humanity, and to prosecute and punish those responsible. The establishment of the *ad hoc* international criminal tribunals for the crimes committed in the former Yugoslavia and in Rwanda, and of the permanent International Criminal Court, is the most publicised outcome of these initiatives.

National courts are also beginning to exercise their universal jurisdiction over certain international crimes. The trial against a Rwandan national accused of participation in the killing of thousands of Tutsis in Rwanda that has begun this year before the Frankfurt Superior Court is just one example of these efforts.

As important as the punishment of perpetrators is, the suffering incurred by the victims should not be forgotten. The proportion of civilian casualties of war as opposed to military casualties has increased dramatically, up to 90 % by the end of the twentieth century.¹ At the end of 2010, the number of people forcibly uprooted by conflict and persecution worldwide stood at almost 34 million.² Therefore, this conference couldn't be timelier.

The welfare of crime victims is of special importance to the Ministry of Justice. Of course, I don't want to confound the special situation of victims of war crimes with crime victims in general. But it nevertheless seems that this conference's focus on victims of international crimes mirrors a growing interest in victims in national law.

Two of the upcoming panels will discuss the protection and participation of victims in criminal trials. Victim protection and victims' participation have also been special concerns of German criminal procedure law in recent years. Various changes in statutory law have been enacted to protect victims from further harm in their role as witnesses and to strengthen their rights as active participants in criminal proceedings.

But these legal protections for victims are not enough. They must be accompanied by counseling and practical assistance. In the State of Hessen, the Ministry of Justice

¹ UNICEF, *Impact of Armed Conflict on Children*, 1996, MN 24.

² Exactly 33.924.475—UNHCR, *Global Trends Report 2010*.

supports a network of crime victims support associations. They support victims while reporting the crime, giving testimony in court, pursuing claims for compensation and dealing with the psychological repercussions of the crime.

While the situation of victims of gross violations of international human rights law and victims of other crimes obviously differs, they also confront legal systems with a host of similar questions. How can the courts investigate a case effectively, with the help of the victim's testimony, while protecting the victim against further harm during the trial? How can victims become active participants in the proceedings while also recognising the right of the defendant to a fair trial?

How can the worst crimes ever be remedied? These problems are magnified and multiplied when we are trying to deal with mass violations of human rights.

Wiesbaden/Marburg
December 2012

Dr. Rudolf E. C. Kriszeleit
State Secretary
Hessian Ministry for Justice,
Integration and European Affairs

Acknowledgments

Since 1945 societies, but also the international community have developed different instruments to deal with massive past human rights abuses. Victims became significant actors in those so-called transitional justice processes. On that background we decided to conceptualise a conference that brought together international scholars from different disciplines to discuss the situation of victims of serious human rights violations and to further enhance their role in transition processes. The primary motivation for organising such a conference was to establish an interdisciplinary approach, which has been lacking in academic discourse to date.

Both organising institutions, the Center for Conflict Studies (CCS) and International Research and Documentation Centre War Crimes Trials (ICWC), conducted research on transitional justice, international criminal justice and the role of victims over the last years. The conference on “Victims of International Crimes” took place from October 6th to 8th 2011 at the University of Marburg.

This would not have been possible at all without many helping hands. Particular thanks are due to Wolfgang Form, Iain Fraser, Albrecht Kirschner and Daniela Ziegler who have contributed substantially to the success of the conference through their considerable dedication, expertise and creativity. Our thank goes in particular to Franziska Kowalski and Sebastian Kluckow who not only did tremendous work in organising the conference, but also were, together with Jana Groth, highly committed in assisting us to edit this volume.

Likewise, we are immensely grateful to Philip van Tongeren and Marjolijn Bastiaans at T.M.C. Asser Press for publishing this book.

Finally, we wish to thank the German Science Foundation (DFG) and the Foundation Remembrance, Responsibility and Future (EVZ) for sponsoring the conference and giving us the opportunity to bring together such a great variety of internationally renowned researchers and practitioners.

Marburg, December 2012

Thorsten Bonacker
Christoph Safferling

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Abbreviations

AC	Appeals Chamber
Afr J Int Comp Law	African Journal of International and Comparative Law
AHR	The American Historical Review
AIDS	Acquired Immunodeficiency Syndrome
AJI	Asian International Justice Initiative
AJIL	American Journal of International Law
Am J Sociol	American Journal of Sociology
ANC	African National Congress
Ann Rev Political Sci	Annual Review of Political Science
Anthropol Theory	Anthropological Theory
APDH	Asamblea Permanente los Derechos Humanos
APR	Armée Patriotique Rwandaise
APSR	American Political Science Review
AQ	Anthropological Quarterly
Arab Stud Q	Arab Studies Quarterly
ARTS	The Journal of the Sydney University Arts Association
ASR	American Sociological Review
ASRIC	Applied Social Research Institute of Cambodia
AT	Anthropology Today
AUC	Autodefensas Unidas de Colombia
Aust J Anthropol	Austrian Journal of Anthropology
AVEGA	Association des Veuves du Génocide d'Avril
BCTWLJ	Boston College Third World Law Journal
BGBI.	Bundesgesetzblatt
BGHSt	Entscheidungen des Bundesgerichtshofs in Strafsachen
BHRLR	Buffalo Human Rights Law Review
Case West Reserv J Int Law	Case Western Reserve Journal of International Law

CEH	Comisión para el Esclarecimiento Histórico
CELS	Centro de Estudios Legales y Sociales
CICC	Coalition of the ICC
CICIG	Comisión Internacional contra la Impunidad en Guatemala
CJIL	Chicago Journal of International Law
CJR	Center for Justice and Reconciliation
CLF	Criminal Law Forum
CNPT	Comisión Nacional sobre Prisión Política y Tortura
CNRR	Comisión Nacional de Reparación y Reconciliación
Colum J Gener & L	Columbia Journal of Gender and Law
Comp Polit Stud	Comparative Political Studies
CONADEP	Comisión Nacional sobre la Desaparición de Personas
CPC	Cambodian Criminal Procedure Code
CSD	Journal of Conflict, Security and Development
DDR	Disarmament, Demobilization and Reintegration
DED	Deutscher Entwicklungsdienst (German Development Organisation), now GIZ
DJILP	Denver Journal of International Law and Policy
DLJ	The Denning Law Journal
DÖW	Dokumentationsarchiv des österreichischen Widerstandes
DRC	Democratic Republic of the Congo
DUP	Democratic Unionist Party
ECCC	Extraordinary Chambers in the Courts of Cambodia
ECHR	European Convention for Human Rights
ECtHR	European Court of Human Rights
EJCCLCJ	European Journal of Crime, Criminal Law and Criminal Justice
EJIL	European Journal of International Law
Ethics Int Aff	Ethics and International Affairs
Eur Rev Latin Am Caribb Stud	European Review of Latin American and Caribbean Studies
Europe-Asia Stud	Europe-Asia Studies
FAFG	Fundación de Antropología Forense de Guatemala
FAIR	Families Acting For Innocent Relatives
FARC	Fuerzas Armadas Revolucionarias de Colombia
FARG	Fonds d'Appui aux Rescapés du Génocide
FEDEFAM	Federación Latinoamericana de Asociaciones de Familiares de Detenidos-Desaparecidos

Fem LS	Feminist Legal Studies
FF Plus	Freedom Front Plus
FIS	Front Islamique du Salut
Fla Coast L Rev	Florida Coastal Law Review
FPR	Front Patriotique Rwandais
FRG	Frente Republicano Guatemalteco
Gen Dev	Gender & Development
GIZ	Deutsche Gesellschaft für Internationale Zusammenarbeit
GJIA	Georgetown Journal of International Affairs
Global Gov	Global Governance
Glob Soc	Global Society
GoJIL	Goettingen Journal of International Law
Hastings Law J	Hastings Law Journal
HHRJ	Harvard Human Rights Journal
HIV	Human Immunodeficiency Virus
Holocaust Genocide Stud	Holocaust and Genocide Studies
HRLR	Human Rights Law Review
HRQ	Human Rights Quarterly
HuV-I	Humanitäres Völkerrecht – Informations- schriften
ICC	International Criminal Court
ICJ	International Court of Justice
ICLR	International Criminal Law Review
ICRC	International Committee of the Red Cross
ICTR	International Criminal Tribunal for Rwanda
ICTY	International Criminal Tribunal for the Former Yugoslavia
ICWC	International Research and Documentation Centre War Crimes Trials
IDDRS	Integrated Disarmament, Demobilisation, and Reintegration Standards
IFJP	International Feminist Journal of Politics
IFP	Inkatha Freedom Party
IJCv	International Journal of Conflict and Violence
IJNL	International Journal of Non-for-Profit Law
IJTJ	The International Journal of Transitional Justice
ILJ	Cornell International Law Journal
ILSAJICL	ILSA Journal of International Comparative Law
IMT	International Military Tribunal
Int J Law Context	International Journal of Law in Context
Int Soc	International Sociology
IRA	Irish Republican Army
IRRC	International Review of the Red Cross
IRV	International Review of Victimology

ISQ	International Studies Quarterly
ITU	Interpretation and Translation Unit
J Appl Philos	Journal of Applied Philosophy
J Int Afr Inst	Journal of the International African Institute
J Intercult Stud	Journal of Intercultural Studies
J Per Soc Psychol	Journal of Personality and Social Psychology
JAMA	The Journal of the American Medical Association
JCLC	Journal of Criminal Law and Criminology
JCLP	Journal of Clinical Psychology
JHR	Journal of Human Rights
JHRP	Journal of Human Rights Practice
JICJ	Journal of International Criminal Justice
JIL	Case Western Reserve Journal of International Law
JILP	Journal of International Law and Politics
JLAS	Journal of Latin American Studies
JTS	Journal of Traumatic Stress
KLA	Kosovo Liberation Army
LJIL	Leiden Journal for International Law
LRA	Lord's Resistance Army
Mem Stud	Memory Studies
MJIL	Michigan Journal of International Law
MSLR	Michigan State Law Review
N Engl Law Rev	New England Law Review
NDJLEPP	Notre Dame Journal of Law, Ethics & Public Policies
NGO	Non-governmental Organisation
NJHR	Nordic Journal of Human Rights
NJIL	Nordic Journal of International Law
NJIHR	Northwestern Journal of International Human Rights
NJW	Neue Juristische Wochenschrift
NY Univ Law Rev	New York University Law Review
OCIJ	Office of the Co-Investigating Judges
ODHAG	Oficina de Derechos Humanos del Arzobispado de Guatemala
OHCHR	Office of the High Commissioner for Human Rights
OPCD	Office for Public Counsel for the Defence
OPCV	Office of Public Counsel for Victims
ORIL	Oregon Review of International Law
OUP	Oxford University Press
PAS	Public Affairs Section
Peace Rev	Peace Review

Peripherie	Peripherie – Zeitschrift für Politik und Ökonomie der Dritten Welt
POW	Prisoner of War
PTC	Pre-trial Chamber
R2P	Responsibility to Protect
REStat	Review of Economics and Statistics
RoC	Regulations of the Court
RPE	Rules of Procedure and Evidence
RPF	Rwandan Patriotic Front
RSC	Revue de Science Criminelle et de Droit Pénal Comparé
RUC	Royal Ulster Constabulary
RUF	Revolutionary United Front
Rutgers Law Rec	The Rutgers Law Record
S Afr J Mil Stud	South African Journal of Military Studies
SADF	South African Defence Force
Saint Louis Univ Public Law Rev	Saint Louis University Public Law Review
SCSL	Special Court for Sierra Leone
SJST	Scandinavian Journal of Social Theory
SLS	Social and Legal Studies
Smith Coll Stud Soc Work	Smith College Studies in Social Work
Soc Anal	Social Analysis
Soc Forces	Journal of Social Forces
Soc Legal Studies	Social & Legal Studies
Stat Abstr Lat Am	Statistical Abstract Latin America
STL	Special Tribunal for Lebanon
TC	Trial Chamber
TFV	Trust Fund for Victims
Third World Q	Third World Quarterly
TIG	Travaux d'Intérêt Général
TJ	Transitional Justice
TJLR	Thomas Jefferson Law Review
TLCP	Transnational Law & Contemporary Problems
TRC	Truth and Reconciliation Commission
Univ La Verne L Rev	University of La Verne Law Review
UC Davis JILP	U.C. Davis Journal of International Law and Policy
UN	United Nations
UNDF	United Nations Detention Facility
UNDP	United Nations Development Programme
UNESCO	United Nations Educational, Scientific and Cultural Organization
UNTAC	United Nations Transitional Authority in Cambodia
UVF	Ulster Volunteer Force

VJTL	Vanderbilt Journal of Transnational Law
VPRS	Victims Participation and Reparations Section
VSS	Victims Support Section
VTF	Victims Trust Fund
VWS	Victims and Witnesses Section
VWU	Victims and Witnesses Unit
WILJ	Wisconsin International Law Journal
WJILDR	Willamette Journal of International Law and Dispute Resolution
WSIF	Women's Studies International Forum
YHRDLJ	Yale Human Rights and Development Law Journal
YIHL	Yearbook of International Humanitarian Law
ZIB	Zeitschrift für Internationale Beziehungen
ZIS	Zeitschrift für Internationale Strafrechts- dogmatik
ZStW	Zeitschrift für die gesamte Strafrechtswissen- schaft

Contributors

Raquel Aldana is Professor of Law and Director of the Inter-American Program at the Pacific McGeorge School of Law, email: raldana@pacific.edu

Brigitte Bailer-Galanda is Academic Director of the Documentation Center of Austrian Resistance in Vienna as well as Honorary Professor at the University of Vienna for Contemporary History, email: brigitte.bailer@doew.at

Boris Barth is Professor of Modern and Contemporary History at the University of Konstanz, email: boris.barth@uni-konstanz.de

Marcel M. Baumann is Lecturer and Senior Researcher at the Department of Political Science at the Albert-Ludwigs-Universität Freiburg, email: marcel.baumann@politik.uni-freiburg.de

Stefanie Bock is Senior Research Assistant of Professor Dr. Kai Ambos, Department for Foreign and International Criminal Law, and Assistant Professor at the Georg-August-Universität Göttingen, email: stefanie.bock@jura.uni-goettingen.de

Thorsten Bonacker is Professor of Peace and Conflict Studies at the Center for Conflict Studies at the Philipps-Universität Marburg, email: thorsten.bonacker@staff.uni-marburg.de

Susanne Buckley-Zistel is Professor of Peace and Conflict Studies at the Center for Conflict Studies at the Philipps-Universität Marburg, email: s.buckley-zistel@staff.uni-marburg.de

Mark A. Drumbl Class of 1975 Alumni Professor of Law and Director, Transnational Law Institute, Washington and Lee University, Lexington, Virginia, USA, email: drumblm@wlu.edu

Franziska C. Eckelmanns is Legal Officer in the Appeals Chamber of the International Criminal Court, email: franziska.eckelmanns@icc-cpi.int

Gerd Hankel is Guest Fellow at the Hamburg Institute for Social Research, email: Gerd.Hankel@his-online.de

Michael Humphrey holds the Chair in Sociology in the Department of Sociology and Social Policy at the University of Sydney, email: michael.humphrey@sydney.edu.au

H.E. Hans-Peter Kaul is a Judge at the International Criminal Court. From 1996 to 2003 he has been the Head of the German delegation for the negotiations for the ICC, before being elected in February 2003 as the First German Judge to the ICC for a period of three years. He was re-elected in 2006 for another period of nine years. From March 2009 to 2012 Judge Kaul has served for three years as the Second Vice-President of the ICC. He is assigned to the Pre-Trial Division, email: Hans-Peter.Kaul@icc-cpi.int

Michael J. Kelly is Professor of Law and Associate Dean for Faculty Research and International Programs, Creighton University School of Law, email: Michael-Kelly@creighton.edu

Daniela Kravetz Trial Attorney, Office of the Prosecution, International Criminal Tribunal for the Former Yugoslavia dkravetz@yahoo.com dkravetz@yahoo.com

Rudolf E. C. Kriszeleit is State Secretary in the Hessian Ministry for Justice, Integration and European Affairs

Anika Oettler is Professor for Sociology at the Philipps-Universität Marburg, email: anika.oettler@staff.uni-marburg.de

Katharina Peschke is Legal Advisor of the Trust Fund for Victims, The Hague, The Netherlands, email: Katharina.Peschke@icc-cpi.int

Christoph Safferling is Professor for Criminal Law, Criminal Procedure, International Criminal Law, and Public International Law at the Philipps-Universität Marburg as well as Director of the International Research and Documentation Centre War Crimes Trials, email: christoph.safferling@jura.uni-marburg.de

Christoph Sperfeldt is Regional Program Coordinator at the Asian International Justice Initiative, a collaborative project between the East–West Center and UC Berkeley’s War Crimes Studies, email: Center csperfeldt@gmail.com

Chandra Lekha Sriram is Professor of Law at the School of Oriental and African Studies at the University of London, email: chandra.sriram@soas.ac.uk

Veit Strassner teaches at the Kurt Schumacher-School in Ingelheim, Germany. He holds a M.A. and a Ph.D. in Political Science and a postgraduate degree (Lic. theol.) in Theology, email: vstrassner@hotmail.com

Silke Studzinsky is a Criminal Defense Lawyer and Legal Representative for Civil Parties. Since February 2008, she has been working with the support of the Civil Peace Service of the German Development Organisation DED (now GIZ) in Cambodia to represent Civil Parties before the Extraordinary Chambers in the Courts of Cambodia, email: silke.eccc@googlemail.com

Theo C. van Boven is Professor Emeritus of International Law at Maastricht University, Faculty of Law (The Netherlands), and Former UN Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment (2001–2004), email: th.vanboven@maastrichtuniversity.nl

Natalie von Wistinghausen is a self-employed Criminal Lawyer and admitted to the list of counsel at the ICC, STL and ICTR. Currently she is defending a Rwandan citizen before the Higher Regional Court of Frankfurt am Main who is accused of participation in the Rwandan genocide, email: office@nvw-law.com

Chapter 1

Introduction

Thorsten Bonacker and Christoph Safferling

1.1 Preliminary Remarks

Over a long period of time, victims and survivors of mass atrocities have not been in the focus of processes dealing with the past. Since the mid-1980 and especially over the last fifteen years there has been a notable global shift in regard to the relevance and participation of victims in national transitional justice processes. A greater recognition of victims' rights on the international level is observable, also referred to as the "humanization of international law".¹ In 2005, the United Nations General Assembly adopted the Resolution on *Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law* that notes in its preamble "that victims should be treated with compassion and respect for their dignity, have their right to access to justice and redress mechanisms fully respected, and that the establishment, strengthening and expansion of national funds for compensation to victims should be encouraged, together with the expeditious development of appropriate rights and remedies for victims".² This is the strongest statement the United Nations (UN) ever made on victims' rights in the context of international crimes

Thorsten Bonacker is Professor of Peace and Conflict Studies at the Center for Conflict Studies at the University of Marburg. Christoph Safferling is Professor of Criminal Law, Criminal Procedure, International Criminal Law, and Public International Law at the University of Marburg as well as Director of the International Research and Documentation Center War Crimes Trials.

¹ Meron 2006.

² United Nations 2005.

T. Bonacker · C. Safferling (✉)
University of Marburg, Marburg, Germany
e-mail: christoph.safferling@jura.uni-marburg.de

T. Bonacker
e-mail: thorsten.bonacker@staff.uni-marburg.de

and could be viewed as part of the last stage of the “justice cascade”³ that now includes victims in international criminal law and especially in transitional justice processes.

As the resolution states the UN had developed several international instruments to provide victims’ rights, like for instance Article 8 of the *Universal Declaration of Human Rights*, Article 2 of the *International Covenant on Civil and Political Rights*, Article 6 of the *International Convention on the Elimination of All Forms of Racial Discrimination*, Article 14 of the *Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment*, Article 39 of the *Convention on the Rights of the Child*, and of course the Articles 68 and 75 of the *Rome Statute of the International Criminal Court*.

Twenty years before the UN decided on the *Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law* it adopted the *Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power* that deals with individual victims of crimes in the context of national criminal law. At the end of the 1990s, victims’ rights groups and the epistemic community of victimology began to expand the definition of victims in national law to international crimes.⁴ That finally led to the resolution in 2005. Regarding this evolution of victims’ rights one may speak of **victims’ rights as an international norm** or at least as an international standard that obviously had and still has an impact on both the role of victims in international criminal law and especially in the procedural rights of victims of international crimes and the way victims are included in transitional justice approaches in postwar or postauthoritarian societies. In this volume we discuss these impacts, but also the several steps of a more victim centred way of dealing with past atrocities especially in international criminal law.

One great advantage of criminal proceedings dealing with international crimes is that they reduce the question of collective guilt to that of individual accountability on the side of the perpetrator. Mirroring that, victims usually are perceived as individuals that were harmed by individual perpetrators. In the context of macro-criminality the situation seems to be more complex. An international crime is usually characterised by a multitude of individual victims, who often do not even see themselves as victims but would call themselves “survivors”, because they want to avoid the passive notion of the term “victim”.⁵ In some crimes, for example the crime of genocide, the perpetrator does not only aim at harming one or several individuals, his act is also directed towards an entire ethnic, racial, religious, or national group. The victim of an international crime thus carries an obvious collective aspect. Whereas the consequences of victimisation on the collective as such

³ Sikkink 2011.

⁴ Letschert 2010.

⁵ Bouris 2007.

remain widely unclear, any integration of victims in the prosecution of international crimes has to cope with the issue of quantity in order to keep the process manageable. Nonetheless, international crimes, in particular with a view to this collective aspect, carry with them the need to deal with the past of conflicting groups not individuals. Transitional justice is therefore not satisfied by simply punishing the perpetrator; rather the victims' interests and perspectives need to be addressed and structured. Whereas at the UN *ad hoc* tribunals for the former Yugoslavia and for Rwanda the issue of victims has been brought to attention rather lately in the context of outreach and the question of acceptance of the trials in the societies concerned, the International Criminal Court (ICC) foresees a new and progressive victim participation scheme.

From a victim's point of view international criminal law is from its outset more than just a general tool of prevention. It is also supposed to document the suffering of victims and include them in the hearings. The latter is particularly mentioned in the Rome Statute and was practiced in the first trial against Thomas Lubanga. 123 victims participated in the proceeding and shared their experiences and opinions with the Court. The ICC assigns the victims with an important role at all stages of the proceedings. Besides the possibility to eventually obtain compensation they are further given the option to choose their own counsel. The Rules of Procedure of the ICC provide the victims with the opportunity to make an opening and final statement and to ask for permission to intervene in the proceeding e.g. through questions during witness hearings.⁶ The participation of victims in criminal trials has been recognised as an elementary victims' right, not only by the ICC but also by other international and regional human rights bodies such as the European Court of Human Rights and the Inter-American Court of Human Rights. "In many parts of the world surviving victims already are participating in criminal trials or are promoting reforms to increase their standing to do so".⁷ Aldana-Pindell identifies an evolving universality of victims' rights in criminal trials dealing with cases of violence supported or carried out by states. The international criminal law has established the inclusion of victims in the Rome Statute which provides a *Victims and Witnesses Unit* and points out that "the Unit shall include staff with expertise in trauma, including trauma related to crimes of sexual violence".⁸ Furthermore, victims have the opportunity to participate in the proceedings. Article 68 (3) manifests this right:

Where the personal interests of the victims are affected, the Court shall permit their views and concerns to be presented and considered at stages of the proceedings determined to be appropriate by the Court and in a manner which is not prejudicial to or inconsistent with the rights of the accused and a fair and impartial trial. Such views and concerns may be

⁶ McKay 2008.

⁷ Aldana-Pindell 2004, p. 686.

⁸ Rome Statute, Article 43 (6); see ICC 2002b, p. 24.

presented by the legal representatives of the victims where the Court considers it appropriate, in accordance with the Rules of Procedure and Evidence.

Independent from the difficulties of victims' inclusion in criminal law proceedings regarding for instance the rights of the accused,⁹ it can be noted that the ICC as well as the Extraordinary Chambers in the Courts of Cambodia (ECCC) have developed several instruments to involve victims in the processing of international crimes. Besides the *Victims and Witnesses Unit* of the ICC and the *Victims Unit* of the ECCC, outreach programs have been developed which inform and advise victims, often in cooperation with NGOs. At the same time, victims' lawyers are assigned with the task to present the victims' point of view in the proceedings. As a result of this global development the victim is now not only regarded as an individual whose rights and integrity have been violated but also as someone who has special rights due to the victim status itself. In recent years and as a result of the diffusion of victims' rights as an international norm these rights have been increasingly implemented by states and in international law.¹⁰

International criminal law also plays a crucial role in the discourse on **transitional justice** and victim participation. At its broadest, transitional justice "involves anything that a society devises to deal with a legacy of conflict and/or widespread human rights violations, from changes in criminal codes to those in high school textbooks, from creation of memorials, museums and days of mourning, to police and court reform, to tackling the distributional inequities that underlie conflict".¹¹ Reconstructing the historical development of the concept of transitional justice, Teitel distinguishes three phases demonstrating the focus shift from perpetrators to victims.¹² According to Teitel, the origins of modern transitional justice can be traced back to the First World War but are usually associated with the post-war history starting at 1945, especially with the Nuremberg Trials. The transitions from dictatorships to democracies in the mid-1980s mark the beginning of the second phase starting in Latin America, particularly Chile and Argentina, followed by the revolutions in Eastern Europe. In the still ongoing third phase internationalised transitional justice processes in the aftermath of civil wars and genocides are at the centre of attention, e.g. Sierra Leone, Rwanda, and Cambodia. The Nuremberg Trials are characterised by the effort to design a normative framework for a legal criminal prosecution and a criminal procedural law guaranteeing a fair trial. In contrast, the second and third phase have produced transitional justice mechanisms more aimed at the victims' needs, but also at national reconciliation.

The Nuremberg Trials, as well as the Tokyo Tribunal tried to identify individual responsibility of international crimes, thus their focus was on the perpetrators.¹³

⁹ Safferling 2003.

¹⁰ Letschert and Groenhuijsen 2011.

¹¹ Roht-Arriaza 2006, p. 2.

¹² Teitel 2003.

¹³ Ainley 2008.

Even in their function as witnesses, victims played a minor role. This started to change during the second phase, namely the democratic transitions in Latin America, South Africa and Eastern Europe. Approaches of *restorative justice*, especially Truth and Reconciliation Commissions in Chile and Argentina and later on in South Africa, were at the centre of attention during this second phase. The main objectives of restorative justice are on the one hand reconciliation between victims and actors and on the other hand truth-seeking, mostly achieved by public victims' testimonies. The participation of victims and the dialogue between perpetrators and victims has therefore become an important instrument of transitional justice. The perpetrator-orientation during the first phase becomes a victim-orientation during the second phase.

In the third phase, Truth and Reconciliation Commissions again play a major role in transitional justice processes after civil wars and genocides. Moreover, they are now being complemented by international criminal trials in the form of tribunals established by the UN Security Council, e.g. the International Tribunal for the former Yugoslavia (ICTY), the International Criminal Tribunal for Rwanda (ICTR), or hybrid courts such as those of Sierra Leone and Cambodia. Other important contributions were the founding and first legal prosecutions of the ICC, which can be seen as a consequence of the Nuremberg Trials and as important milestones for International Criminal Law manifesting the principle of responsibility for mass atrocities. In particular, strong criticism of the non-involvement of the victims and the local population in international criminal trials, both in the Yugoslavia and Rwanda Tribunals, has led to the focus on inclusion of victims and locals into the transitional justice processes, also to increase the legitimacy of the legal proceedings.

Hitherto criminal trials had been perceived as a mechanism of social control primarily aimed at marginalisation of the perpetrators, but from then on they aimed at a stronger and more active role of the victims. This idea was mainly manifested in the ICC Statute and practiced for the first time by the ECCC. The establishment of the ICC was also an important step for the international anchoring of the victims' right to reparations. This right, a common norm in national civil law which was applied to states only hesitantly, is now part of International Criminal Law.¹⁴ The *Basic Principles and Guidelines of the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law* further define the Right to Reparation. In sum, the historical development of transitional justice shows a clear shift from the perpetrator-orientation and the identification of their responsibility for international crimes to the victim-orientation and their increased involvement in criminal proceedings as well as different mechanisms of restorative justice.

After focussing on individual accountability and different instruments of transitional justice as well as on the dilemma of peace versus justice and the limits of

¹⁴ Tomuschat 2009.

legalistic approaches for national reconciliation, the research on transitional justice processes now also takes the victim as an individual and collective actor of transitional justice into account. So far, the victims' perception and judgement of transitional justice mechanisms,¹⁵ negative consequences of transitional justice for victims,¹⁶ collective mobilisation as well as instrumentalisation of victims,¹⁷ and the construction of a victims' agency¹⁸ are studied in more detail. Regarding the role of victims in international criminal law as a key element of transitional justice a controversial discussion on the possibilities and difficulties of victim participation in international criminal proceedings is going on.¹⁹ Another debate stresses the limits of global transitional justice for victims' needs and the frictions and dilemmas of global justice.²⁰

Taking these findings and debates on, this volume deals with the complex role victims are playing in transitional justice processes with a special focus on judicial or quasi-judicial instruments like criminal law or truth and reconciliation commissions. The overall aim thereby is to initiate and strengthen the interdisciplinary dialog on victims of international crimes. The volume brings together experts from different disciplines working on transitional justice and victims' rights. Over the last years, especially in peace and conflict studies, political science, and sociology, we can find an increasing interest in studying transitional justice processes and international criminal law in general and the role of victims in particular.

On the other hand criminal law traditionally focused more on perpetrators than on victims and treated victims in an abstract and individualised way. Criminological research has also been concentrated on the perpetrator, questioning the factors responsible for delinquency recidivism and resilience. Victimological research is a rather recent phenomenon, both in the national and international context. But like in social science research also in criminal law and criminology the victim became more and more the focus of research mirroring the development of victims' rights as an international norm. Bringing both streams of research on victims of international crimes together the volume shows first, that victims do play a more important role in transitional justice and international criminal law and that the increasing participation of victims in transitional justice and criminal proceedings seems to be due to the international evolution and distribution of victim rights. Second, the volume also discusses the multiple consequences this increasing inclusion of victims has, for instance concerning the concept of trials, the need of victims, and the reconciliation of former conflict parties.

¹⁵ Pham et al. 2009; Mallinder 2008; Bloomfield et al. 2003.

¹⁶ Madlingozi 2010.

¹⁷ Smyth 2003; Williams 2008.

¹⁸ Fassin and Rechtman 2009; Bonacker 2012; Bonacker et al. 2011.

¹⁹ Baumgartner 2008; Safferling 2010; Henham 2004; Glasius 2009.

²⁰ Hinton 2011.