

Procedural Justice?
Victim Participation in International Criminal Proceedings

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Victim Participation in International Criminal Proceedings

Brianne McGonigle Leyh



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One must not forget, [...] that international criminal law does not provide all the answers. It is only one component of the highly complicated reactions to humanitarian emergencies.¹

THEODOR MERON

¹ Meron, T., Reflections on the Prosecution of War Crimes by International Tribunals, 100 *American Journal of International Law* 551, 578 (2006).

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When I first began researching and writing this book in the fall of 2006, victim participation in international criminal proceedings was a novel concept. No one really knew how the inclusion of victims would impact proceedings and very little had been written on the subject. In fact, a number of individuals openly questioned my choice to write a book on a subject that they argued could be covered in a medium-sized academic article. In the years that followed, however, the topic of victim participation became increasingly important. Significant developments were underfoot and interest in this aspect of the law grew substantially. I have been very fortunate to have been able to research this issue at such a dynamic time. Nonetheless it has also been challenging to write about such a divisive subject and one which remains in a state of unrest. Thankfully, I have been fortunate enough to have received an enormous amount of valuable support from colleagues, friends and family. I am truly grateful. Unfortunately, I am unable to name everyone who has assisted and encouraged me throughout the past five years, but there are a number of individuals who I would very much like to mention.

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LIST OF ABBREVIATIONS

Art.	Article(s)
ACHR	American Convention on Human Rights
ACmHPR	African Commission on Human and Peoples' Rights
ACtHR	African Court on Human and Peoples' Rights
AfCHPR	African Charter on Human and Peoples' Rights
ASP	Assembly of States Parties
CAVR	Commission for Reception, Truth and Reconciliation in East Timor
CHR	UN Commission on Human Rights
DRC	Democratic Republic of Congo
DSS	Defense Support Section
ECHR	European Convention on Human Rights and Fundamental Freedoms
ECOSOC	United Nations Economic and Social Council
ECtHR	European Court of Human Rights
e.g.	exempli gratia (for example)
EU	European Union
EULEX	European Union Rule of Law Mission in Kosovo
GA	General Assembly
HRC	Human Rights Committee
IACHR	Inter-American Commission on Human Rights
IACtHR	Inter-American Court of Human Rights
Ibid.	Ibidem
ICC	International Criminal Court
ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Covenant on Economic, Social and Cultural Rights
ICJ	International Court of Justice
ICTR	International Criminal Tribunal for Rwanda
ICTY	International Criminal Tribunal for the former Yugoslavia
i.e.	id est (namely)
IGO	Inter-Governmental Organization
ILC	International Law Commission
IMT	International Military Tribunal (Nuremberg)
IMTFE	International Military Tribunal for the Far East
NGO	Non-Governmental Organization

List of Abbreviations

OAS	Organization of American States
OAU	Organization for African Unity
OTP	Office of the Prosecutor
OPCD	Office of Public Counsel for Defense
OPCV	Office of Public Counsel for Victims
par.	paragraph
para.	paragraphs
p.	page
pp.	pages
RPE	Rules of Procedure and Evidence
SC	Security Council
SCSL	Special Court for Sierra Leone
SCU	Special Crimes Unit of the SPSC
SPSC	Special Panel for Serious Crimes in East Timor
TRCs	Truth and reconciliation commissions
UDHR	Universal Declaration of Human Rights
UN	United Nations
UNCHR	United Nations Commission on Human Rights
UNIIC	United Nations International Independent Investigation Commission
UNSubCHR	United Nations Sub-Commission on Human Rights
UNPO	Unrepresented Nations and Peoples Organization
UNMIK	United Nations Interim Administration Mission in Kosovo
VPRS	Victim Participation and Reparation Section
VSS	Victim Support Section
VWU	Victims and Witnesses Unit
WSV	World Society of Victimology
WWII	World War II