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Kinga Tibori-Szabó · Megan Hirst
Editors

Victim Participation in International Criminal Justice

Practitioners' Guide



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Foreword

The participation of victims in criminal justice has fluctuated and changed throughout history. Although victims were once instrumental in bringing their offenders to justice, the prevailing practice in recent history has been to relegate victims' interests to the sidelines in favour of the interests of society as a whole. However, contemporary international criminal justice has been turning its focus to elevating and legitimising victim participation, and to recognising the need to better take into account the restorative dimension of the international criminal process.

As this book demonstrates, this shift in focus has resulted in the acceptance of victim participation as integral to modern international criminal justice processes. Yet no consensus exists among practitioners or academics around the precise form this participation should take at the international level. Reflecting the diversity of perspectives on the issue, the frameworks and rules currently in place at international courts and tribunals differ in important ways from one another, and no one model replicates any particular national approach. We thus find ourselves in a place where both theories and the actual practice of victim participation continue to evolve.

With their experience to date, international courts and tribunals, in addition to already achieving a measure of justice for victims, have served as laboratories for the benefit of future endeavours. This book, through its comprehensive coverage of and thoughtful commentary on that experience, is an essential contribution to the international discussion. It makes clear that victim participation is a work in progress and reminds us that critical questions for the international justice community concerning effectiveness, expeditiousness and cost remain. Part of the book's significant value will be to stimulate debate that is necessary for progress.

It will also have immediate utility in proceedings. Victim participation at the international level is multifaceted and challenging. Among the issues that arise are the right to participate, how such participation is determined, the timing and manner of participation, victims' well-being and compensation. As the first practitioners' guide for victim participation work at international courts and tribunals, and one grounded not only in theory and the existing rules but also in the now

extensive record of practice, this book will enable victims' interests to be better represented and heard through international criminal justice efforts, as well as enlighten other judicial and non-judicial actors with responsibilities pertinent to victims.

Her Honourable Judge Ivana Hrdličková
President of the Special Tribunal for Lebanon

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This book is the product of three years of research and cooperation of an ensemble of enthusiastic practitioners working in or familiar with the field of victim participation in international criminal justice.

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The editors are also grateful to Thomas Pinto Vasconcelos for his dedicated editing work.

This book would not have been finalised without the meticulous and thorough review work of Kiat Wei Ng, to whom the editors are especially grateful.

The Hague, The Netherlands
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Contributors

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Abbreviations

ADHOC	Cambodian Human Rights and Development Association
ASP	Assembly of State Parties
AU	African Union
BMZ	Federal Ministry for Economic Cooperation and Development (of Germany)
CDP	Cambodian Defenders Project
CLR	Common Legal Representative
CPLCL	Civil Party Lead Co-Lawyer
CSS	Counsel Support Section
DC-Cam	Documentation Center of Cambodia
DRC	Democratic Republic of the Congo
ECCC	Extraordinary Chambers at the Courts of Cambodia
GIZ	Deutsche Gesellschaft für Internationale Zusammenarbeit (German Corporation for International Cooperation)
ICC	International Criminal Court
ICCPP	International Criminal Court Protection Programme
ICTR	International Criminal Tribunal for Rwanda
ICTY	International Criminal Tribunal for the Former Yugoslavia
IR	Internal Rules
IRA	Individual Risk Assessment
IRCT	International Rehabilitation Council for Torture Victims
IRS	Initial Response System
KID	Khmer Institute of Democracy
LRV	Legal Representative(s) of Victims
NGO	Non-governmental Organization
OPCV	Office of Public Counsel for Victims
OTP	Office of the Prosecutor
PIDS	Public Information and Documentation Section
PIOS	Public Information and Outreach Section
PTSD	Posttraumatic Stress Disorder
RPE	Rules of Procedure and Evidence

SCSL	Special Court for Sierra Leone
STL	Special Tribunal for Lebanon
TPO	Transcultural Psychosocial Organisation
VPP	Victim Participating in the Proceedings
VPRS	Victims Participation and Reparations Section
VPU	Victims' Participation Unit
VSS	Victims Support Section
VWS	Victims and Witnesses Section
VWU	Victims and Witnesses Unit
WESU	Witness/Experts Support Unit