

Victim and Witness Measures of the International Criminal Court: A Comparative Analysis

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Abstract

The protections of victims and witnesses have evolved from the inception of the ICTY and continue through to the creation of the ICC. The ICTY set the benchmark on victim and witness protection through reliance on varying national court systems as well as on international standards. The ICTY's approach has been followed by the ICTR and the SCSL, though each tribunal made important advances in victim and witness protection.

Today, ICC continues to follow the lead of the other tribunals. Although it is still unknown how well the ICC will protect victims and witnesses, if the Rules of Procedure and Evidence are any indication, the ICC will provide proper protection measures for victims and witnesses in the international tribunal arena.

After comparing the different victim and witness measures implemented by the ICC to similar measures of the other Tribunals, as well as various national court systems, it is apparent that the ICC has developed extensive victim and witness measures that mirror those established by the other tribunals. Understanding both the benefits as well as possible shortcomings of each measure, the ICC will be better equipped to implement the measures deemed necessary for the victims and witnesses whose lives have been impacted by the crimes that come before the Court.

Keywords

Victim; Witness; Protection; Measure; Provision; ICC; ICTY; ICTR; SCSL; Reparations

I. Introduction

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