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**The Value of Fair Procedures for Victims  
at the International Criminal Court**

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**Abstract**

A well known ‘adagium’ is that justice must not only be done, it must also be seen to be done. But what does a fair or just procedure mean for victims involved in criminal proceedings? To get to the heart of that we have to know what victims find important and what they want from the Criminal Justice System.

The International Criminal Court (ICC) claims to be groundbreaking when it comes to victims’ rights. The ICC pronounces that one of the great innovations of the ‘Statute of the ICC’ and its ‘Rules of Procedure and Evidence’ is the series of rights granted to victims. For the first time in the history of international criminal justice – according to the ICC – victims have the possibility under the Statute to present their views and observations before the court. Furthermore the ICC states that the victim-based provisions provide victims, where appropriate, with some form of reparation for their suffering. It is this balance between retributive and restorative justice, according to the ICC, that will enable the Court, not only to bring criminals to justice but also to help the victims themselves obtain justice.

That looks all very promising, but does the ICC really give what victims want from a criminal justice system or did the ICC go way off track here? In this article we investigate the meaning of a fair procedure for victims. In doing that, we have to take a look at several Social Justice theories (like Procedural Justice, Restorative Justice, etc.) and what they mean for victims. From there we can evaluate if the victim-based

provisions of the Statute of the ICC are in line with what victims really want. If the provisions of the ICC are indeed in agreement with victims' needs and wishes, we are anxious to know how victims and their legal representatives will exercise these rights, because that will lead the way to a variety of possibilities for other (new and existing) Tribunals or Criminal Justice Systems around the world.

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