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Restoration versus Retribution:

A Case Study of Sexual Violence Female Victims Provisions in
the International Criminal Court.



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LIST OF ABBREVIATIONS.

GA General Assembly

ICC International Criminal Court

ICTR International Criminal Tribunal for Rwanda

ICTY International Criminal Tribunal for ex-Yugoslavia

OTP Office of the Prosecutor

TF Trust Fund

TRC Truth and Reconciliation Commission

UN United Nations

VWU Victims and Witnesses Unit

ABSTRACT

The position of victims in international proceedings has importantly evolved since the beginning of international criminal justice. The ICC in particular creates a broad space for their interests. Among victims, sexual violence survivors require a specific attention because of the specificities of the crime they suffered and harm they experienced. Former experiences, soft law instruments and justice theories arguing for more victim concern, are relevant landmarks to analyse the position of victims in the International Criminal Court. Departing from those premises, the description and analysis of ICC victim's provisions, with a focus on female victims of sexual violence, will be the base to determine the purposes of those provisions. The main focus will be on the tensions arising between the two main orientations of justice: retribution or restoration. This study shows that it is a restorative inspiration which sustains those provisions. However they do not appear in contradiction with the retributive mission of the Court. If the inspiration is restorative, the outcome lacks consistence and does not fulfil all the restorative objectives. Finally, the study concludes by proposing some alternatives means in order to achieve a better treatment for victims.