Part III
The Internationalised Context of ‘Mass Claims’
Overcoming Evidentiary Weaknesses in Reparation Claims Programmes

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A. Introduction

1. The Right to Reparation

It is a long established principle of international law that the breach of an international obligation entails the duty of States to make reparations,¹ a duty that also applies to human rights law. Reparations for victims of gross violations of human rights or international crimes are called for in many international treaties² as well as more recently in declarative instruments, most notably the Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law adopted by the UN Commission on Human Rights in 2005³ and the Principles on Housing and Property Restitution for Refugees and Displaced Persons adopted by the Sub-Commission on the Promotion and Protection of Human Rights in 2005.⁴

² See specifically, Art. 8 of the Universal Declaration of Human Rights; Arts. 2(3), 9(5) and 14(6) of the International Covenant on Civil and Political Rights; Art. 39 of the Convention on the Rights of the Child; Art. 14 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; Arts. 5(5), 13 and 41 of the European Convention for the Protection of Human Rights and Fundamental Freedoms and Arts. 25, 68 and 63(1) of the Inter-American Convention on Human Rights as well as Art. 21(2) of the African Charter on Human and Peoples’ Rights.