Part IV
Reparations and International and Regional Courts
Bringing Justice to Victims? Responses of Regional and International Human Rights Courts and Treaty Bodies to Mass Violations

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A. Introduction

It is a depressing reality that mass violations of human rights,¹ including in particular international crimes, continue to take place with an alarming frequency, leaving in their wake a large number of individuals and communities who have suffered harm and losses. Responses aimed at providing justice and reparation to the victims of such violations have consisted predominantly of reparation programmes at the domestic level, mainly in the context of political transition, and of compensation commissions or other mass claims programmes at the international level.² These mechanisms and programmes have often succeeded in awarding compensation and/or other forms of reparation to a considerable number of victims. However, many victims of mass violations have not benefited from such

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¹ The term 'mass violations' is used throughout this chapter to encompass systematic or large-scale violations, which are characterised by the large number of victims suffering thereof. It is not a term commonly used in human rights parlance but appears best suited to designate violations that may give rise to mass claims. The term 'mass violations' partly overlaps with the related concept of 'gross violations,' which has been defined as "unlawful deprivation of the right to life, torture, or other cruel, inhuman treatment or punishment, enforced disappearance, slavery, slave trade and related practices, deprivation of the rights of persons before the law and similar serious violations of fundamental rights and freedoms and norms guaranteed under applicable international law." (See Second Consultative Meeting on 'Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Violations of Human Rights and Humanitarian Law,' 20–23 October (IMADR), quoted in M. Cherif Bassiouni, "International Recognition of Victims' Rights," in Human Rights Law Review 6:2 (2006), 203–279, at 251, Fn. 253.)