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Informazioni sul volume

The book aims to offer a comprehensive analysis of reparations for victims of that particular human rights violation that is the crime of genocide, which has seen a marked return in the international scene in recent years. In particular, the aspect which this book intends to demonstrate, in its openly-declared victim-oriented approach, is that, in order to be really effective, reparation programmes should necessarily directly involve victims and take into consideration their real needs and expectations in all stages of the process, from planning to implementation. While it is true that the large number of victims usually involved in a massive crime such as genocide makes it more difficult to obtain effective, adequate and prompt reparation, more recent developments in the field of reparations, both in theory and in practice, have led to a change in perception, to the point where reparations are now considered essential to achieving justice and reconciliation in a society affected by gross violations.

Given the specific subject-matter of the work, the first chapter aims to set out the scope of application by providing a general overview of the definition of genocide under international law, taking into account its origin as well as the more debated issues, with particular attention to the relationship between State and individual responsibility.

The second chapter proceeds to analyse the right to reparation in international law, from its original inter-State character to the current view, which recognises victims as the legitimate rightsholders in cases of gross or serious violations. In this regard, the work necessarily focuses on the fundamental contribution made by the case-law of human rights bodies, as well as on the

innovation brought about by the Rome Statute of the International Criminal Court which, for the first time in international criminal law, recognised a right to reparation to victims of international crimes. The chapter, then, concludes by making reference to the principal instrument that nowadays recognises the importance of a victim-oriented perspective, *i.e.* the UN Basic Principles and Guidelines on the Right to Remedy and Reparations for the Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law.

Subsequently, the third chapter deals with the relevant cases of reparations for victims of genocide, in order to draw some insights from the precedents, and to suggest different perspectives for potential future cases. In particular, the analysis focuses first on the disputes before the International Court of Justice, then examines the practice of international criminal law on the matter of victims' reparations, and, finally, includes a reference to reparations achieved through negotiations and agreements, in order to highlight the issue of the effective participation of the affected communities.

Finally, the last chapter explores the roles that arts and memory can play in reparations processes, and highlights, in particular, how the memorialisation of the tragic events to which victims have been subjected may help them to achieve appropriate closure with regard to the trauma they have suffered, while also helping to shape the collective consciousness of future generations, in order to better understand such atrocities. As a particular form of this closure could be reached through the narration of the genocidal events in order to form a collective memory, the chapter argues that cinematic narrative, in particular, could prove to be an appropriate instrument, fully fitting into those measures of satisfaction for victims of gross human rights violations which involve commemorations and dissemination of memory.

In conclusion, the book argues that the success of reparations for genocide may rest on their ability to include victims as active participants in reparations claims, taking into consideration their real needs and expectations, in order to contribute to alleviating their suffering and to allow them to regain the dignity that they have been denied.