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Victims and perpetrators of international crimes : the problem of the "legal person" / Kirsten Campbell

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Abstract:	Protecting victims and punishing perpetrators are now seen as integral elements of the implementation and enforcement of humanitarian norms. However, how international law constructs the victims and perpetrators of international crimes as entities with rights and duties remains insufficiently examined. This paper explores the different models of victims and perpetrators as legal persons in international criminal law. It argues that the legal person takes two forms: the victim of human rights and the perpetrator of criminal responsibility. While the legal regime presents these as autonomous and singular individuals, it also constitutes them as members of groups that criminal norms seek to protect or punish. Contemporary international criminal law resolves this tension between individual and collective rights and responsibilities by reconstituting legal subjectivity through an intersubjective conception of the universal community of humans. Ultimately, this 'legal person' relies on the idea of 'humanity', the collectivity of all humans, to hide this problematic conceptual basis of the rights and duties of victims and perpetrators in ICL.
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