

De-objectifying animals: could they qualify as victims before the International Criminal Court?

The legal framework of the International Criminal Court does not contain any provision concerning animals. This stands in contrast with the frequency with which they appear in both trial and reparations proceedings. The silence of the legal framework is problematic insofar as the ‘animal turn movement’, which questions the classical understanding and treatment of animals as objects, has permeated into both the international and domestic legal spheres. This article wishes to initiate a discussion on the treatment of animals before the Court by examining whether they could qualify as victims under Rule 85(a) of the Rules of Procedure and Evidence. While the short answer to this question is an unequivocal ‘no’, the conclusion reached is not the purpose of the analysis. The analysis shows that animals cannot qualify as ‘victims’ because they are not human beings. Yet, they comfortably meet the other two criteria, namely, a) suffering harm which b) results from the commission of crimes within the Court’s jurisdiction. Thus, this article argues that—at least—granting animals the same treatment as human beings is no more objectionable as a matter of legal principle than granting them the status of ‘things’. This calls for a prompt discussion of the regulation of animals within the Court.



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