Raphael Lemkin coined the term 'genocide' in 1943 following the Holocaust. He wrote the Genocide Convention, adopted by the United Nations in 1948, which urges nations to prevent genocide and punish perpetrators. The United States ratified the Convention in 1988, 40 years later. The late Senator William Proxmire of Wisconsin gave 3,211 speeches in the Senate, a speech a day for 19 years — until Congress finally passed the measure.

Genocides have happened on virtually every continent. Despite the laws to prevent it, the crime continues today.

Genocides are prosecuted through special tribunals and the International Criminal Court.

Genocide: the intent to destroy, in whole or in part, a national, ethnic, racial, or religious group.

www.worldwithoutgenocide.org
After the Holocaust, leaders vowed that the world would never again sit by while millions of innocent people were slaughtered.

But genocide and other mass atrocities continue to happen...

Native Americans Millions killed
Armenians 1915 - 1918: 1,500,000 killed
Holocaust 1933 - 1945: 11,000,000 killed
Cambodia 1975 - 1979: 2,000,000 killed
Guatemala 1960 - 1996: 200,000 killed
East Timor 1975 - 1999: 200,000 killed
Argentina 1976 - 1983: 30,000 killed
Sri Lanka 1983 - 2009: 80,000 killed
Bosnia 1992 - 1995: 200,000 killed
Rwanda 1994: 800,000 killed
Congo 1996 - today: 6,000,000 killed
Darfur 2003 - today: 400,000 killed
Rohingya 1948 - today: thousands killed
Syria 2011 - today: 470,000 killed

This list represents only some of the tragedies. Many conflicts continue unresolved today.

We must make Never Again mean Never.
A world without genocide - make it our legacy.
**TRANSITIONAL JUSTICE and Courts**

Transitional justice addresses large-scale past human rights abuses in a society. The goal is to hold perpetrators accountable for their crimes, to achieve justice for those who suffered, and to reach reconciliation.

**Transitional justice includes**
- truth commissions;
- criminal prosecutions;
- reparations programs, payments to affected groups and individuals; and
- reforms in political, legal, and civil institutions to safeguard all people.

**Purposes of trials**
- Those who are judged guilty are punished.
- Trials become a permanent history of the truth.
- Trials restore survivors’ dignity as they share their experiences publicly.
- A trial becomes a memorial to the victims.

**Types of courts**
- **International**, operating under the United Nations or set up in various locations with other international mandates.
- **Hybrid**, a joint endeavor by the United Nations and the country where the crimes were committed.
- **Domestic**, held in the country where the crimes occurred.
  - **Military**, a court-martial process to prosecute crimes.
  - **Community-based**, held at a local or regional level where the crimes were committed.
Adolf Hitler gained control of Germany’s government in 1933. He immediately implemented laws that deprived Jews of rights to work, to education, to health care, and, eventually, even the right to citizenship. Thousands fled the country but the Nazi reach expanded throughout Europe.

Map of Nazi-occupied Europe, 1943

“The world seemed to be divided into two parts – those places where the Jews could not live and those where they could not enter.”

-Chaim Weizmann
first president of Israel

They were rounded up and put into ghettos and into over 42,500 concentration and extermination camps throughout Europe.

When the war ended in 1945, more than 6,000,000 Jews had perished through starvation, torture, disease, or in gas chambers.

Jewish children wearing the yellow Star of David, marking them for discrimination

One in every four Jews who died was a child.

More than 5,000,000 others were targeted:

- Roma (gypsies),
- Jehovah’s Witnesses,
- homosexuals,
- political dissidents,
- the physically or cognitively disabled, and
- thousands more.
The four Allied nations that fought against Germany - England, the Soviet Union, France, and the United States - came together in Nuremberg, Germany for the International Military Tribunal that adjudicated more than 20 of the worst perpetrators.

The chief prosecutor was Robert Jackson, a U.S. Supreme Court justice. His words that opened that trial in 1945 live on as a dire warning to us today.

"The privilege of opening the first trial in history for crimes against the peace of the world imposes a grave responsibility. The wrongs which we seek to condemn and punish have been so calculated, so malignant, and so devastating, that civilization cannot tolerate their being ignored, because it cannot survive their being repeated."
After the International Military Tribunal, the US held 12 more trials in Nuremberg of 185 doctors, lawyers and justices, Nazi military leaders, business people who aided the Nazi effort, and others deemed most responsible for the atrocities.

One trial was of Einsatzgruppen leaders, a mobile killing squad of 3,000 men aided by local police and ordinary citizens. The Einsatzgruppen rounded up Jews from towns and villages and executed them by bullets.

More than one million Jews were killed in this Holocaust by bullets. Eventually, gas chambers replaced the killing squads for more efficient extermination. The chief prosecutor of the Einsatzgruppen was Benjamin B. Ferencz. He was 27 years old and it was the first trial of his life.

This was the biggest murder trial in history.

**The Outcome:**

Guilty verdicts for each of the accused.
Nuremberg: Its Lesson for Today

Nuremberg’s Military Tribunal proceedings were documented in film. A full 25 hours of the trials created an official record.

*Nuremberg: Its Lessons for Today*, written and directed by Stuart Schulberg, follows the trial and the prosecution’s case, which used irrefutable Nazi-made film documentation to rebut the defendants’ case. The film was shown widely in Germany in 1948 and 1949 as part of the de-Nazification effort, but it was not shown in the US.

The political world had shifted.
The Cold War with the Soviet Union had begun. Germany, the wartime enemy, was now a friend. The film sat on a shelf for decades.

Sandra Schulberg, a filmmaker, director, and Stuart Schulberg’s daughter, found it and dedicated years to its restoration. The film was first shown in the US in 2010. Sandra travels the world with the film, speaking about the war, the Holocaust, the trial, and justice.

The trial and the film provide proof against denial and demonstrate justice, not revenge. There were hundreds of other trials after the war in the US, Europe, Asia, and Israel, and in military and domestic courts. These *ad hoc* trials were established to adjudicate crimes committed during World War II. After these courts finished their work, they were disbanded.
Genocide in Cambodia

After the Holocaust, global leaders vowed that the world would never stand by while millions of innocent people were slaughtered. But 30 years later, in the chaos of the Vietnam War, a genocide occurred in Cambodia.

The communist Khmer Rouge guerilla movement took over Cambodia in 1975, with the aim to deconstruct Cambodia back to a primitive “Year Zero,” where all citizens would participate in rural work projects and Western innovations would be destroyed.

Cambodians were forced from their homes across the country to work in slave labor camps and collectivized farms.

Those who could not make the journey were killed on the spot, as were any who might oppose the system, including educated people, professionals, monks, those with Chinese, Vietnamese, or Thai heritage, Buddhists, Christians, Muslims.

In 1979, Vietnam ousted the Khmer Rouge government.

More than 2 million Cambodian civilians perished due to mass executions, slave labor, starvation, and disease. This was nearly a third of Cambodia’s population.
The Cambodian genocide ended in 1979, yet it took 30 years to prosecute perpetrators of the atrocities. The Extraordinary Chambers in the Courts of Cambodia (ECCC) is a hybrid court established jointly by the Cambodian government and the UN.

The ECCC’s jurisdiction includes violations of Cambodian penal law, crimes against humanity, war crimes, and genocide.

The purposes of the trials are:

- Justice for the Cambodian people
- Rehabilitative victim support
- Media outreach for national education

Although more than 2 million people died, only five top members of the Khmer Rouge have been indicted.

Pol Pot and other leaders died before being prosecuted.

The ECCC has received broad public support. More than 353,000 people have observed or participated in the proceedings. Nearly 67,000 people from rural Cambodia watched video screenings.

Elizabeth Becker, journalist, covered Cambodia during the genocide. She was asked to testify for the prosecution at the ECCC. Should journalists testify, risking their lives and their journalistic neutrality? HER ANSWER WAS YES.

She spoke in court for days. She focused on the victims in the courtroom, the people for whom she testified.
Genocide in the former Yugoslavia was composed of 6 republics and 2 provinces. Borders were drawn along ethnic lines. Slovenia, Croatia, Bosnia, and Macedonia declared independence from Yugoslavia and war broke out in most of the republics, lasting from 1992 to 1995.

The Siege of Sarajevo

When Bosnia and Croatia gained independence, Serb militants opened fire on peaceful demonstrators in Sarajevo. Serb leader Slobodan Milošević blocked all roads to Sarajevo and shut down the airport. At least 400,000 Bosnian residents were trapped and cut off from food, medicine, water, and electricity for nearly four years. It was the largest massacre in Europe since World War II.

Srebrenica Massacre

A notorious massacre occurred in Srebrenica, Bosnia. In July 1995, Serb General Ratko Mladić ordered murders of 8,000 Bosnian Muslim men and boys. Those who were not killed were sent to one of an estimated 677 concentration or detention camps, where inhumane conditions, beatings, torture, and mass executions claimed the lives of 10,000 people.

Despite media coverage, the global community remained indifferent. The genocide in Bosnia claimed the lives of an estimated 200,000 people.
The International Criminal Tribunal for the former Yugoslavia (ICTY) was a UN-established court that dealt with crimes in the former Yugoslavia in the 1990s.

For the first time since Nuremberg, alleged perpetrators of the gravest international crimes were prosecuted. This irreversibly changed international criminal and humanitarian law, gave survivors an opportunity to voice the horrors they experienced, and ended impunity for those responsible for injustice.

**Major Achievements**

- Holding leaders accountable
- Bringing justice to victims and giving them a voice
- Establishing the facts
- Strengthening domestic law
- Developing international law
  - Prohibiting torture
  - Specifying elements of the *crime of genocide*
  - Defining enslavement, rape, and persecution as *crimes against humanity*
  - Applying the doctrine of *command responsibility*, the responsibility of superiors

**4 Types of Crimes**

- Genocide
- Crimes Against Humanity
- Violations of the Laws or Customs of War
- Grave Breaches of the Geneva Conventions

**Statistics**

- 4,650 Witnesses
- 10,800 Trial Days
- 2.5 Million Pages of Transcript
Ethnic cleansing:
The forced and violent removal of a religious or ethnic group, by another, from a region, and the occupation of that land by the perpetrator group as though that target group had never existed there.

Forcibly removed groups:
- Armenians, 1915-1923, during the Ottoman Empire
- Jews, 1933-1945, during the Holocaust
- Serbs, Muslims, and Croats, 1992-1995, during the Yugoslav wars
- Rohingya Muslims, 2017, in Myanmar (Burma)

Foča Rape Camps
A heinous campaign occurred in the town of Foča, Bosnia committed by Serb military, police, and paramilitary forces on Bosniaks (Muslims). Bosnian Serb authorities set up ‘rape camps’ where they raped hundreds of Muslim women and girls for months. Perpetrators were convicted by the ICTY, which ruled that the ethnic cleansing, killings, mass rapes, and the deliberate destruction of Muslim property constituted crimes against humanity.

This was a landmark decision. Rape was included as a crime against humanity.

Ethnic cleansing or Genocide?
Genocide requires the intent to destroy a group. Ethnic cleansing does not require that same intent. Ethnic cleansing becomes genocide when mass murder is used to rid an area of a people.
Genocide in Rwanda

Rwanda is about the size of Maryland and is located near the center of Africa.

Rwanda gained independence from Belgium in 1961. The two major groups in Rwanda are the Tutsis and the Hutus. The Belgians set up a Hutu-run government under which Tutsis were treated as second-class citizens.

The Rwandan Patriotic Front, a Tutsi-led army in exile, demanded an end to the discrimination. A Hutu militia group, armed and led by the Rwandan government, began a campaign to wipe out the Tutsis.

In only 100 DAYS between April and July 1994, 800,000 ethnic Tutsis and moderate Hutus were slaughtered in the genocide.

This equates to six deaths for 100 DAYS.

Every minute of every hour of every day for 100 DAYS.

The conflict was perpetrated by militia and civilians alike - neighbors killed neighbors, students killed teachers, and teachers killed students. The machete was the primary weapon used to hack people to death, as it required no training to use. Hutus who sympathized with their Tutsi neighbors were also killed.

A UN peacekeeping force was present on the ground throughout the genocide. France, Belgium, and the United States declined to send additional support, despite specific warnings to the UN in early 1994 describing the Hutu militia’s plan for Tutsi extermination. **UN intervention never occurred.**
The International Criminal Tribunal for Rwanda

Following the Rwandan genocide, the UN established the International Criminal Tribunal for Rwanda (ICTR) to prosecute those most responsible for the gravest crimes committed in 1994.

Proceedings were held in neighboring Arusha, Tanzania. The indicted included high-ranking military and government officials, politicians, businesspeople, and religious, militia, and media leaders.

Landmark achievements

• Verdicts against persons responsible for committing genocide.
• Recognition of rape as a means of perpetrating genocide.
• Acknowledgment of culpability by members of the media for broadcasts inciting the public to commit genocide.
• Creation of a court unit for gender issues and assistance to victims of genocide.
• Support programs for witnesses of genocide.

The ICTR delivered its last trial judgment in 2012. The Mechanism for International Criminal Tribunals assumed responsibility for residual functions, including tracking and arrest of any remaining fugitives.

The first two Chief Prosecutors of both ICTR and ICTY were women leaders in international justice.
Landmark Rwandan Cases

First Genocide Trial
Jean-Paul Akayesu was found guilty of genocide. The ICTR became the first international tribunal to enter a judgment for genocide. In the same judgment, the ICTR for the first time defined the crime of rape in international criminal law and recognized rape as a means of perpetrating genocide.

First Guilty Plea of Genocide
Former Interim Government Prime Minister Jean Kambanda pleaded guilty to genocide, the first time that an accused person admitted responsibility for genocide, conspiracy to commit genocide, and crimes against humanity. The ICTR was the first international tribunal since Nuremberg to issue a judgment against a former head of state.

"The Media Case"
The trial of Jean Bosco Barayagwiza, Ferdinand Nahimana, and Hassan Ngeze resulted in the first verdict since the Nuremberg trials that held members of the media responsible for broadcasts intended to inflame the public to commit genocide. Gregory Gordon, J.D., worked with the Office of the Prosecutor for these landmark media cases. For this work, Gordon received a commendation from Attorney General Janet Reno for “Service to the United States and International Justice.”

First Woman Convicted for Rape as a Crime Against Humanity
Pauline Nyiramasuhuko is the first woman to be indicted and arrested by an international criminal tribunal. She was the first woman to be convicted of genocide, conspiracy to commit genocide, and rape as a crime against humanity. She was sentenced to life in prison.

Politicians Held Responsible for Crimes by Their Youth Wing
Highest-ranking members of the MRND political party in Rwanda were held criminally responsible for acts of rape and sexual violence committed by the Interahamwe, their party’s youth wing. Edouard Karemera and Mathieu Ngirumpatse were sentenced to life imprisonment.
Domestic Trials

Most perpetrators of genocide, war crimes, and crimes against humanity never stand trial for their crimes.

International tribunals are designed to judge only the most serious cases of international crime.

Domestic prosecutions of international crimes are critically important:

• When trials occur where crimes are perpetrated, communities become involved as witnesses and supporters of victims and their rights.
• Domestic trials establish a culture of legal justice after massive crimes.
• The domestic legal system is strengthened by international scrutiny and support for these trials.
• Domestic prosecutions illustrate that guilt extends beyond the few who are prosecuted at an international court.

Domestic trials occur in various circumstances:

Soon after the crime is committed or even while hostilities continue;
Many years after the crime occurs because there is no statute of limitations for the offense
• Because the accused is beyond the reach of justice;
• Because the relevant evidence is unavailable; or
• Because the political will to prosecute is insufficient at the time.
**ISRAEL**

Adolf Eichmann led the Nazi Department for Jewish Affairs from 1942 to 1945, organized the 1942 Wannsee Conference where the “Final Solution” to exterminate the Jews was decided, and directed Jews’ deportations to death camps. He evaded capture after the war, first in Germany and then in Argentina, where he lived for ten years. In 1960, he was abducted in Argentina by agents of the Israeli Mossad (Secret Service), taken to Israel, and put on trial in Jerusalem.

He was convicted in 1961 of crimes against humanity and crimes against the Jewish people and was hanged.

**BELGIUM**

Alphonse Higaniro, Gertrude Mukangango, Maria Kisito Mukabutera, and Vincent Ntezimana were convicted of genocide on June 8, 2011 in Brussels, Belgium for acts occurring in Rwanda in 1994.

Higaniro received a 20-year sentence, Mukangango received a 15-year sentence, and Mukabutera and Ntezimana received 12-year sentences.

The trial was possible under the principle of **universal jurisdiction**, in force in Belgium since 1993 when a law was passed empowering Belgian courts to hear cases of suspected offenders apprehended in Belgium for international crimes occurring outside of Belgian territory. This same principle applies in many countries.
Landmark Domestic Trials

France

Klaus Barbie, Lyon Nazi SS chief, was convicted on July 4, 1987 for responsibility for the deportation of 842 people from Lyon, France, about half of them Jews and half of them members of the French Resistance.

Barbie escaped justice for nearly 40 years. In 1951, he emigrated to Bolivia and acquired Bolivian citizenship. In 1952 and 1954, Barbie was tried in France in absentia and sentenced to death for his part in more than 4,000 killings and the deportation of more than 7,000 Jews to concentration camps. In 1971 Barbie was discovered by Beate Klarsfeld, a renowned ‘Nazi-hunter.’ Barbie was returned to France to stand trial for crimes against humanity.

He was imprisoned and died in 1991.

Guatemala

General José Efraín Ríos Montt, former de facto leader of Guatemala from 1982-1983, was tried for genocide in his own country and found guilty. The conviction was subsequently overturned in a highly-politicized legal dispute.

Montt died in 2018 a free man.

The trial represented the first time a national judiciary tried a former head of state for the crime of genocide in his home country, a testament to the brave Ixil Maya witnesses who testified, Attorney General Claudia Paz y Paz, and domestic and international human rights groups.
Argentina has imprisoned many torturers from the 1976-83 military regime that engaged in brutal terror. The country’s dictator, Jorge Videla, was tried two years after the return to democracy; and since then, more than 1,000 other former officers have been sentenced.

One of the leading prosecutors was Luis Moreno Ocampo, who became the first Chief Prosecutor of the International Criminal Court.

Rwanda

After the genocide in Rwanda, 130,000 suspected perpetrators were arrested. Trials for those accused exceeded the judiciary’s capabilities, so community courts called gacaca, meaning ‘justice in the grass,’ were implemented, focusing on justice and reconciliation. Judges who did not have prior legal training were elected by local people. These informal courts operated from 2005-2012, processing two million cases.

To date at least 10,000 people have also been tried for genocide-related crimes in conventional domestic courts. The standards have varied widely. Domestic trials of Rwandan genocide suspects continue in Canada, Europe, and the US.
Formation and Jurisdiction of the International Criminal Court

The Court is located in The Hague, Netherlands.

**Process to Create the Court**

After almost a century of advocacy by states, NGOs, scholars, and jurists, the ICC was created in 1998 by passage of the Rome Statute. Today, there are 123 signatories to the Rome Statute. **The United States is not yet a signatory.**

**Jurisdiction**

- **The crime of genocide:** intent to destroy, in whole or in part, a national, ethnic, racial, or religious group;
- **Crimes against humanity:** intent to pursue a widespread, systematic attack on civilian populations;
- **War crimes:** use of poisonous, biological, toxin, or laser weapons; destruction of cities or villages, damage of historic, artistic, scientific, or religious monuments, or plunder of property, all during armed conflict, and against either civilians or combatants; and
- **Crimes of aggression:** use of armed force by a State against the sovereignty, territorial integrity, or political independence of another State.

**Goals of a Permanent Court**

- Promote lasting peace
- Provide retributive justice (punishment)
- Promote stronger domestic legal systems
- Provide historical documentation
- Address heinous crimes by individuals
- Legitimate victims’ experiences

**Limitations of Ad Hoc Tribunals**

- Expensive
- Reactive; established after crimes have occurred
- Not a powerful deterrent to future crimes
- Run by the UN Security Council and subject to politicization
Landmarks at the ICC

Thomas Lubanga Dyilo

was the first person arrested and convicted by the ICC. He was found guilty of conscripting and enlisting child soldiers in the Democratic Republic of the Congo, 1999-2007. He was sentenced to 14 years’ imprisonment.

Ben Ferencz, the last living prosecutor from the Nuremberg trials after World War II, gave the closing statement for the prosecution at the trial.

Darfur, Sudan

The ICC investigation, which opened in June 2005, resulted in cases against Sudanese government officials, Janjaweed militia, and others on charges of genocide, war crimes, and crimes against humanity.

Sudan’s President Omar al-Bashir is the first sitting President to be wanted by the ICC and the first person charged with genocide by the ICC.

Gendered Justice

The ICC is at the forefront of gender justice. The Rome Statute builds on the 1990s ad hoc UN tribunals to criminalize sexual and gender violence as war crimes and crimes against humanity. The Gender Justice Legacy Wall at the ICC honors women and men who have advanced gender justice over the past 125 years.
Regional human rights bodies monitor, promote, and protect human rights around the world.

- African Commission on Human and Peoples’ Rights
- African Court on Human and Peoples’ Rights
- Arab Human Rights Committee
- ASEAN Intergovernmental Commission on Human Rights
- European Court of Human Rights
- European Committee of Social Rights
- Inter-American Court of Human Rights
- Inter-American Commission on Human Rights

Courts' Jurisdictions for prosecution
- Only States may be held accountable for human rights violations. These systems do not prosecute individuals or decide individuals' responsibility for human rights violations.
- Individuals who want to bring allegations of human rights violations to a regional human rights court must first try to resolve the problem at the local or national level.

Mandates of the Commissions
- The Inter-American Commission and the African Commission have rapporteurs who monitor areas of issues and concern.
- The Commissions generate complaints to the Courts.
World Without Genocide works to protect innocent people; prevent genocide by combating racism and prejudice; advocate for the prosecution of perpetrators; and remember those whose lives and cultures have been destroyed by violence.

"How wonderful it is that nobody need wait a single moment before starting to improve the world."
- Anne Frank

Programs

Conferences
University courses
Films
Summer Institute for High School and College Students
Fellowships and Internships
Speakers’ Bureau
Genocide Education Certificate
Continuing Education Credits for lawyers, educators, and other professionals
Exhibits
Plays
Student chapters
Legislative advocacy at local, state, national, and international levels

A world without genocide - make it our legacy.

www.worldwithoutgenocide.org